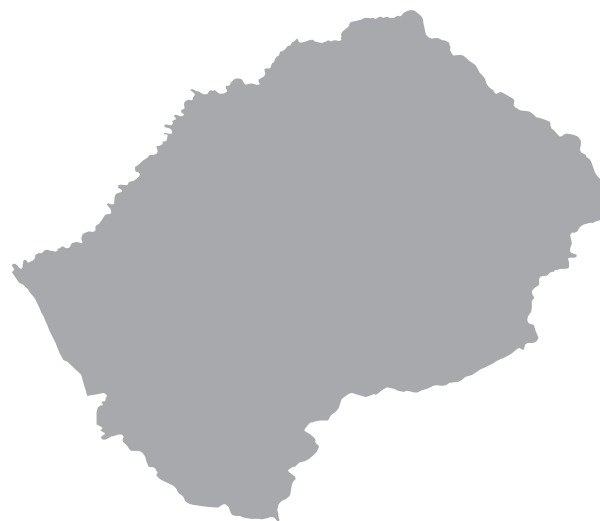


In 2016, Lesotho made a minimal advancement in efforts to eliminate the worst forms of child labor. The Multi-Sectoral Committee on Combating Trafficking in Persons developed draft victim identification and referral guidelines, drafted standard operating procedures for the guidelines, and built a shelter for victims of human trafficking. However, children in Lesotho continue to engage in the worst forms of child labor, including in herding cattle and commercial sexual exploitation, sometimes as a result of human trafficking. Lesotho's compulsory education age is below the minimum age for work, leaving children between these ages vulnerable to the worst forms of child labor. The Government also lacks resources for labor law enforcement and social programs to combat child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Lesotho engage in the worst forms of child labor, including in herding cattle and commercial sexual exploitation, sometimes as a result of human trafficking.(1-3) Table 1 provides key indicators on children's work and education in Lesotho.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	28.1 (124,632)
Attending School (%)	5 to 14	80.7
Combining Work and School (%)	7 to 14	25.3
Primary Completion Rate (%)		76.8

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000.(5)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Herding animals, including cattle [†] (1, 6, 7)
	Farming, including planting, applying pesticides, and harvesting (8, 9)
Services	Domestic work (1, 7, 10)
	Street work, including vending, and trading (11)
Categorical Worst Forms of Child Labor [‡]	Commercial sexual exploitation, sometimes as a result of human trafficking (1, 2)
	Use in illicit activities, including burglary and theft (11)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.




[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

UNDP reported in 2015 that Lesotho's HIV rate in adults (ages 15–24) is 25 percent. Many children in Lesotho become orphans due to the high rate of HIV among adults.(7, 8, 12-15) Children, mostly HIV orphans driven by poverty, migrate from rural to urban areas to engage in commercial sexual exploitation for survival.(8, 16, 17) In addition, children with disabilities are vulnerable to the worst forms of child labor as they encounter difficulties accessing education due to ill-equipped educational facilities and untrained teachers.(18, 19)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Lesotho has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Lesotho's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 124(1) of the Labour Code (1992); Article 228(1) of the Children's Protection and Welfare Act (20)
Minimum Age for Hazardous Work	Yes	18	Article 125(1) of the Labour Code; Article 230(1) of the Children's Protection and Welfare Act (20)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 230(3) and 231 of the Children's Protection and Welfare Act (20)
Prohibition of Forced Labor	Yes		Article 9(2) of the Constitution; Article 7(1) of the Labour Code; Article 5 of the Anti-Trafficking in Persons Act (21-23)
Prohibition of Child Trafficking	Yes		Article 5 of the Anti-Trafficking in Persons Act (23)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 77 of the Children's Protection and Welfare Act; Articles 10–14 of the Sexual Offenses Act (24)
Prohibition of Using Children in Illicit Activities	Yes		Article 45(b) of the Children's Protection and Welfare Act (20, 25)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		Article 22(o) of the Children's Protection and Welfare Act (20)
State Voluntary	Yes	18	Section 26 of the Lesotho Defence Force Act (26)
Non-state Compulsory	Yes	18	Article 22(o) of the Children's Protection and Welfare Act (20)
Compulsory Education Age	Yes	13 [‡]	Article 3 of the Education Act (9, 27)
Free Public Education	Yes		Article 3 of the Education Act; Article 22(k) of the Children's Protection and Welfare Act (20)

* No conscription (20, 28)

‡ Age calculated based on available information (9, 27)

Education is compulsory in Lesotho through age 13, which makes children age 14 particularly vulnerable to child labor because they are not required to be in school and have not reached the minimum age for work.(7, 22) The ILO Committee of Experts urged the Government to collaborate with the Ministry of Education and Training to equate the compulsory education age and the minimum age for work.(7, 29)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law enforcement remain.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Employment (MOLE)	Enforce child labor laws, including hazardous child labor. Assess compliance with child labor laws as part of general labor inspections.(6)
National Police, Child and Gender Protection Unit (CGPU)	Investigate child labor violations and work in conjunction with MOLE to enforce child labor laws, including those related to hazardous and forced child labor, commercial sexual exploitation, and child trafficking.(6)
Public Prosecutor's Office	Prosecute child labor law offenders.(6)
Children's Court	Enforce criminal laws related to the worst forms of child labor.(6) During the year, there were no prosecutions of child labor cases.

In 2016, the Ministry of Labor and Employment (MOLE) reviewed the Labor Code with the aim of making revisions that would authorize labor inspectors to conduct child labor investigations in the informal sector on private farms and in homes. In 2016, MOLE submitted a report to the ILO on labor, including informal work, in rural sections of the country.(7)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Lesotho took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown (7)	Unknown (30)
Number of Labor Inspectors	38 (7)	32 (30)
Number of Child Labor Dedicated Inspectors	3 (7)	2 (30)
Inspectorate Authorized to Assess Penalties	Yes (7)	Yes (30)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (7)	No (30)
Training on New Laws Related to Child Labor	Yes (7)	No (30)
Refresher Courses Provided	Yes (7)	No (30)
Number of Labor Inspections	1,813 [†] (31)	1,324 [‡] (31)
Number Conducted at Worksite	1,813 [†] (31)	1,324 [‡] (31)
Number Conducted by Desk Reviews	N/A (7)	N/A (30)
Number of Child Labor Violations Found	0 (7)	1 (30)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (7)	0 (30)
Number of Penalties Imposed That Were Collected	N/A (7)	N/A (30)
Routine Inspections Conducted	Yes (7)	Yes (30)
Routine Inspections Targeted	No (7)	No (30)
Unannounced Inspections Permitted	Yes (7)	Yes (30)
Unannounced Inspections Conducted	Yes (7)	Yes (30)
Complaint Mechanism Exists	Yes (7)	Yes (30)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (7)	Yes (30)

[†] Data are from April 1, 2015 to March 31, 2016.

[‡] Data are from April 1, 2016 to March 31, 2017.

According to the ILO standard of 1 inspector for every 15,000 workers in developing economies, Lesotho should employ approximately 61 inspectors.(32-34) Reports indicate that there is inadequate funding for the labor inspectorate to carry out investigations.(7, 30)

Lesotho

MINIMAL ADVANCEMENT

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Lesotho took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (7)	Yes (30)
Training on New Laws Related to the Worst Forms of Child Labor	No (7)	No (30)
Refresher Courses Provided	No (7)	No (30)
Number of Investigations	0 (7)	0 (30)
Number of Violations Found	0 (7)	0 (30)
Number of Prosecutions Initiated	0 (7)	1 (30)
Number of Convictions	0 (7)	0 (30)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (7)	Yes (30)

Reports indicate that the National Police Child and Gender Protection Unit receives inadequate or no funding to carry out child labor investigations.(6, 7) During the year, the Government ratified a special permit system with South Africa to allow Basothos to legally work in South Africa as a mechanism to curb human trafficking. The Government also incorporated human trafficking in the primary school curriculum (Standard 7) and held cross-border awareness campaigns with South African officials on identifying and documenting potential trafficking victims.(35)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Program Advisory Committee on Child Labor/National Task Team	Implement the National Action Plan for the Elimination of Child Labor. Led by MOLE's Child Labor Unit, the team includes representatives from government ministries, trade unions, NGOs, and international organizations.(6, 16) Met twice during the year.
Multi-Sectoral Committee on Combating Trafficking in Persons	Spearhead anti-trafficking in persons initiatives and approve legislation and policies to prevent human trafficking. Chaired by the Commissioner of Refugees and also includes government ministries; local government members; and representatives from NGOs, international organizations, and faith-based organizations.(36) The committee met during the year and developed draft victim identification and referral guidelines.(3)
District Child Protection Teams	Coordinate child protection matters, including child labor, at the district level. Led by the Ministry of Social Development, the teams include representatives from the Government, private sector, NGOs, and community support groups.(6) Research was unable to determine whether these teams met during the year.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies on Child Labor

Policy	Description
National Action Plan for the Elimination of Child Labor (APEC)	Ensures that all major interventions regarding child labor are in place while preventing duplication of efforts. Constitutes a strategic program framework based on existing and planned interventions in relevant social and economic sectors, some linked to other program initiatives.(37)

Table 9. Key Policies on Child Labor (cont)

Policy	Description
National Anti-Trafficking in Persons Strategic Framework and Action Plan	Supports the national and international obligations and commitments by strengthening approaches to protect children against the worst forms of child labor in support of the vision to “eradicate all forms of trafficking in persons in Lesotho, protect victims of trafficking in persons, arrest and successfully prosecute offenders and put in place preventative measures.”(37)
National Policy on Orphans and Vulnerable Children	Safeguards the rights of orphans and vulnerable children to an education, promotes access to apprenticeships and vocational and life skills programs for orphans and vulnerable children, and implements child labor prevention programs.(38)
Lesotho United Nations Development Assistance Framework (2013–2017)	Includes strategies to reduce poverty in Lesotho.(39) Framework promotes education for children, supports youth employment, and builds the Government’s capacity to provide social welfare services to vulnerable children.(39)
Kingdom of Lesotho: Poverty Reduction Strategy Paper—National Strategic Development Plan (2012/2013–2016/2017)	Outlines prevention measures and identifies child protection services (CGPU/police, social welfare, health, and the justice system) and their capacity to respond adequately to cases of violence, abuse, and exploitation of children, including child labor.(40)

In September 2016, the Government released a draft labor policy that proposes harmonizing existing legislation with international labor standards regarding child labor. Although government agencies disseminated information about child labor and human trafficking, research found no information that the Government took meaningful steps to implement the National Action Plan for the Elimination of Child Labor.(41) The Government has not included child labor elimination and prevention strategies in the Education Sector Strategic Plan.(42)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor†

Program	Description
ILO Decent Work Country Program (2012–2017)	ILO-funded program supported by MOLE that includes objectives on creating youth employment as a poverty-reduction strategy, establishing social protection coverage for citizens, and facilitating social dialogue among employers and workers.(8)
Orphans and Vulnerable Children (OVC) Scholarships Program†	Government program that pays for tuition, uniforms, supplies, and boarding fees for 15,002 OVCs.(6)

† Program is funded by the Government of Lesotho.

‡ The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(37)

During 2016, the Government signed an MOU with an NGO, Beautiful Dream Society, to reestablish a shelter for victims of trafficking. The shelter opened in December 2016.(3) Lesotho participated in the Regional Inter-Agency Standing Committee (RIASCO) Action Plan for Southern Africa (December 2016 through April 2017), which resulted in 15 schools (3,750 learners) receiving access to clean water and toilets through the installation of new systems or the rehabilitation of existing systems.(43) Although Lesotho has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, the following actions would advance the elimination of child labor, including its worst forms, in Lesotho (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish 15 as the age up to which education is compulsory to match the minimum age for full-time work.	2010 – 2016
Enforcement	Provide adequate funding for labor inspectors and adequate funding and training for criminal investigators to address the worst forms of child labor.	2009 – 2016
	Ensure that labor inspections are conducted in all relevant sectors allowed by law to facilitate enforcement of child labor laws.	2014 – 2016
	Increase the number of labor inspectors to meet the ILO recommendation.	2016
Government Policies	Implement the National Action Plan for the Elimination of Child Labor.	2016
	Integrate child labor elimination and prevention strategies into existing youth policies, such as the Education Sector Strategic Plan.	2012 – 2016
Social Programs	Expand existing programs to address the scope of the child labor problem.	2015 – 2016

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