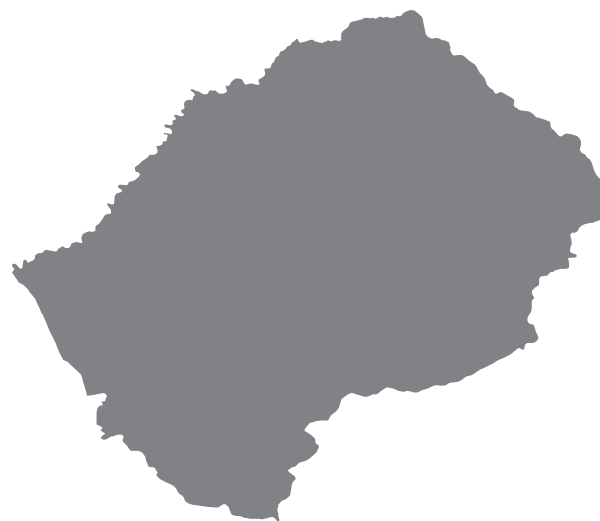


In 2021, Lesotho made moderate advancement in efforts to eliminate the worst forms of child labor. Lesotho's Multisectoral Committee on Combating Trafficking in Persons launched the National Referral Mechanisms in Trafficking in Persons. The Government of Lesotho also created standard operating procedures for responding to human trafficking violations, with the Home Affairs Ministry distributing the documents in the 10 districts of the country. In addition, the labor inspectorate significantly increased the number of inspections conducted during the reporting period. However, children in Lesotho are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in animal herding. Lesotho's compulsory education age is below the minimum age for work, leaving children in between these ages vulnerable to child labor. The government also lacks effective coordination mechanisms to address child labor, and labor inspections are not conducted in high-risk sectors, including the informal sector.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Lesotho are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks related to animal herding. (1,2) Table 1 provides key indicators on children's work and education in Lesotho. Data on some of these indicators are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	30.1 (Unavailable)
Attending School (%)	5 to 14	93.8
Combining Work and School (%)	7 to 14	32.1
Primary Completion Rate (%)		85.6

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2022. (3)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 6 (MICS 6), 2018. (4)

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† (1,2,5,6)
	Farming, including planting, applying pesticides, and harvesting (5-11)
Services	Domestic work (1,2,5,6)
	Street work, including vending, and trading (5,7)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, domestic work, and animal herding, each sometimes as a result of human trafficking (1,2)
	Use in illicit activities, including burglary and theft (7,12)

† 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.

Lesotho is a source, transit, and destination country for human trafficking. Children involved in animal herding are exposed to harsh weather conditions, sometimes leading to death. (1,2,8,12) Children, especially orphans,

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sometimes voluntarily travel to other countries, including South Africa, for domestic work, and upon arrival they are subsequently detained in prison-like conditions and sexually exploited. (1,12)

The Lesotho Population-based HIV Impact Assessment showed that in 2017, the HIV rate in adults (ages 15–59) was 25.6 percent, the second-highest HIV rate in adults worldwide. (7,13) Due to the high rate of HIV among adults, many children in Lesotho become orphans and are vulnerable to human trafficking. (1,2,10,14) Children, mostly orphans driven by poverty, migrate from rural to urban areas to engage in commercial sexual exploitation. (1,10)

In Lesotho, primary education is free; however, secondary education incurs a fee that is cost prohibitive for many families. (1,5,15,16) Many children face limited access to education due to a shortage of teachers and schools, which causes them to travel long distances. In addition, the absence of sanitation facilities in schools remains a barrier for many children to access education. (1,5,6) Children with disabilities also encounter difficulties with ill-equipped educational facilities and untrained teachers. These factors increase a child's vulnerability to the worst forms of child labor, such as human trafficking. (1,17)




UNICEF reported a 43 percent rate of birth registrations at the national level. NGOs confirmed that the low number of birth registrations results in children becoming stateless, which makes them more vulnerable to the worst forms of child labor. (18,19) According to the Ministry of Social Development, children must produce copies of birth certificates to qualify for the Orphans and Vulnerable Children program that provides school fees and uniforms for orphans and vulnerable children. Absence of birth certificates prevents vulnerable children from obtaining support from the Ministry of Social Development. (6)

During the reporting period, the prevalence of the COVID-19 pandemic hindered some children from accessing education. While the government offered on-line classes, these were inconsistent and children from poor households with limited or no Internet capabilities could not access them. (5,6) The government has introduced a new school year calendar to cover for the lost time. (6)

## II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Lesotho's legal framework to adequately protect children from the worst forms of child labor, including the compulsory education age.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 228(1) of the Children's Protection and Welfare Act; Article 124(1) of the Labor Code (15,20)
Minimum Age for Hazardous Work	Yes	18	Article 230(1) of the Children's Protection and Welfare Act; Article 125(1) of the Labor Code (15,20)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 230(3) and 231 of the Children's Protection and Welfare Act (15)
Prohibition of Forced Labor	Yes		Article 7(1) of the Labor Code; Article 9(2) of the Constitution; Article 5 of the Anti-Trafficking in Persons Act (20-22)
Prohibition of Child Trafficking	Yes		Article 5 of the Anti-Trafficking in Persons Act; Anti-Trafficking in Persons (Amendment) Act (2021)(22,23)
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 (15,24)
Prohibition of Using Children in Illicit Activities	Yes		Article 45(b) of the Children's Protection and Welfare Act (15)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 22(o) of the Children's Protection and Welfare Act (15)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 22(o) of the Children's Protection and Welfare Act (15)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 22(o) of the Children's Protection and Welfare Act (15)
Compulsory Education Age	No	13‡	Article 3 of the Education Act (16)
Free Public Education	Yes		Article 3 of the Education Act; Article 22(k) of the Children's Protection and Welfare Act (15,16)

\* Country has no conscription (15)

‡ Age calculated based on available information (16)

In 2021, the Ministry of Labor and Employment (MOLE) continued to update the Lesotho Labor Code, which has been drafted by the Parliamentary Council. The draft Labor Code maintains the minimum age of 15 for labor and strengthens provisions to address the worst forms of child labor. (1,5,25)

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. (15,16,20)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Employment (MOLE)	Enforces minimum age requirements under child labor laws, including for hazardous occupations, and assesses compliance with child labor laws as part of general labor inspections. (25) Assigns labor inspectors to operate a Child Labor Unit within the ministry and provides recommendations that support the expansion of inspections. (25)
Trafficking in Persons and Migrant Control Unit	Manages all trafficking in persons-related cases within the Lesotho Mounted Police Service. (26)
National Police, Child and Gender Protection Unit	Investigates criminal child labor violations and works in conjunction with MOLE to enforce child labor laws, including those related to hazardous and forced child labor. (26)
Public Prosecutor's Office	Prosecutes child labor law offenders. (25)
Children's Court	Enforces criminal laws related to the worst forms of child labor. (25)

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In addition to the domestic enforcement agencies, there are also cross-border enforcement mechanisms between Lesotho and the Republic of South Africa. The enforcement entities are coordinated by different ministries—Home Affairs, Local Government, or Police and Public Safety respectively. (6) There is, however, lack of coordination between these bodies, which negatively impacts implementation as some efforts are duplicated, while unclear lines of responsibility mean that other efforts are not undertaken. (6)

The Ministry of Social Development submitted drafting instructions to the Parliamentary Council for amendments of the Children's Protection and Welfare Act of 2011. (1) These recommendations support the authorization of the labor inspectorate to conduct inspections in the informal sector; however, the recommendations have not yet been implemented. (7)

### **Labor Law Enforcement**

In 2021, labor law enforcement agencies in Lesotho took actions to address child labor (Table 6). However, gaps exist within the operations of MOLE that may hinder adequate labor law enforcement, including insufficient resource allocation.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	\$796,465 (5)	N/A (6)
Number of Labor Inspectors	31 (5)	27 (27)
Mechanism to Assess Civil Penalties	No (5)	No (20)
Initial Training for New Labor Inspectors	No (5)	No (6)
Training on New Laws Related to Child Labor	No (5)	N/A (6)
Refresher Courses Provided	Yes (5)	Yes (6)
Number of Labor Inspections Conducted	437 (5)	940 (6)
Number Conducted at Worksite	437 (5)	500 (27)
Number of Child Labor Violations Found	0 (5)	1 (6)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (5)	0 (6)
Number of Child Labor Penalties Imposed that Were Collected	N/A (5)	0 (6)
Routine Inspections Conducted	Yes (5)	Yes (6)
Routine Inspections Targeted	Yes (5)	Yes (6)
Unannounced Inspections Permitted	Yes (20)	Yes (20)
Unannounced Inspections Conducted	Yes (5)	Yes (6)
Complaint Mechanism Exists	Yes (5)	Yes (6)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (5)	Yes (6)

Lesotho has a referral mechanism that is maintained through the collaboration of different ministries. If a case of child labor is found by MOLE, the Ministry's inspectors will refer the case to NGOs and the Ministry of Social Development. (5) NGOs usually provide immediate material assistance, such as food, cash, or shelter, and the Ministry of Social Development conducts site and family visits and assists eligible children to register for a child grant program. (5) MOLE also receives walk-in complaints daily, as well as whistleblower complaints. In addition, the Ministry of Social Development has a child help line that addresses general child protection issues. (6)

MOLE was allocated \$3.4 million; however, the budget allocated to the labor inspectorate was not specified, and the budget for activities was limited as a large share was used to pay for salaries. (6) Reports indicate that funding is inadequate for the labor inspectorate to carry out inspections. In addition, labor inspections are not conducted in high-risk sectors, including the informal sector. (5,6,25)

### **Criminal Law Enforcement**

In 2021, criminal law enforcement agencies in Lesotho took actions to address child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including limited funding and personnel.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2020	2021
Initial Training for New Criminal Investigators	No (5)	No (6)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (5)	N/A (6)
Refresher Courses Provided	No (5)	No (6)
Number of Investigations	0 (5)	1 (6)
Number of Violations Found	0 (5)	0 (6)
Number of Prosecutions Initiated	0 (5)	0 (6)
Number of Convictions	0 (5)	0 (6)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	No (5)	No (6)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (5)	Yes (6)

The National Police's Child and Gender Protection Unit does not have guaranteed funding; rather, it receives funding from the general operations budget of the National Police. Research found that the Child and Gender Protection Unit has limited personnel and receives insufficient or no funding to carry out child labor investigations. (6)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

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

Coordinating Body	Role & Description
Program Advisory Committee on Child Labor/ National Task Team	Led by MOLE's Child Labor Unit, the team includes representatives from government ministries, trade unions, NGOs, and international organizations. (5) Held a meeting in February 2021 to present the Inception Report on the Worst Forms of Child Labor Survey. (6)
National Orphans and Vulnerable Children Coordinating Committee	Strengthens coordination on issues related to orphans and vulnerable children at the national level. During the reporting period, the committee participated in the development of the Persons with Disability Equity Act, 2021, which has been passed into a law. (25)
Multisectoral Committee on Combating Trafficking in Persons	Spearheads anti-trafficking in persons initiatives and approves legislation and policies to prevent human trafficking. Chaired by the Commissioner of Refugees, includes government ministries, local government members, and representatives from NGOs, international organizations, and faith-based organizations. (28) During the reporting period, the Multisectoral Committee on Combating Trafficking in Persons launched the National Referral Mechanisms in Trafficking in Persons and the standard operating procedures in October. The Home Affairs Ministry distributed these operating procedures to the 10 districts of the country. (6) In addition, the committee held 9 meetings centrally and 10 meetings across the country. In partnership with the International Organization for Migration (Lesotho IOM), the committee conducted training on the introduction and dissemination of the National Referral Mechanism and the Law Enforcement Standard Operating Procedures for responding to Trafficking in Persons for 160 government and non-government participants. (29)
District Child Protection Teams	Coordinate child protection matters, including those related to child labor, at the district level. Led by the Ministry of Social Development, include representatives from the government, private sector, NGOs, and community support groups. (28) Held two public gatherings in two villages on child labor in March. (6)
Community Coordination Teams	Monitors, addresses, and refers instances of at-risk children or those involved in hazardous work. (1) In 2021, a community Council Child Protection Team was established at Mohlakeng Community Council. (6)

#### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including implementing a new national child labor action plan.

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**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Anti-Trafficking in Persons Strategic Framework and Action Plan (2021–2026)	Supports national and international obligations and commitments regarding human trafficking in line with the vision to eliminate all forms of trafficking in persons in Lesotho. Provides victim protection, guidance for the successful arrests and prosecutions of offenders, and preventive measures. (25,30) During the reporting period, the government opened a bank account for implementation of the National Anti-Trafficking in Persons Strategic Framework and Action Plan (2021–2026). The government approved \$32,679 toward the plan, but funds have not yet been disbursed. (31)
Kingdom of Lesotho: Poverty Reduction Strategy Paper–National Strategic Development Plan (2018–2023)	Identifies child protection services (from the Child and Gender Protection Unit, social welfare and health agencies, and the justice system) and their capacity to respond adequately to cases of violence, abuse, and exploitation of children, including child labor. Outlines prevention measures. (1,32) During the reporting period, the Ministry of Social Development officially relaunched the Child Helpline Lesotho initiative. The initiative provides 24-hour services, emergency assistance, and long-term resources to children who have experienced any form of violence and need care. (31)

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (1,7,25)

The government released a draft labor policy in 2018 that proposed harmonizing existing legislation with international labor standards regarding child labor. Currently, the Labor Code review process is at the final drafting stage by the Parliamentary Council Unit and is awaiting final approval by the National Advisory Committee on Labor before the draft bill can be tabled before the cabinet. (1,5,7,31)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the inadequacy of programs to fully address the scope of the problem.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Orphans and Vulnerable Children Scholarship Program†	Government program that pays for tuition, uniforms, supplies, and boarding fees for orphans and vulnerable children. (1) The program benefited over 26,000 orphan and vulnerable children during the reporting period. (6)
School Feeding Program	Provides incentives for primary school children from impoverished backgrounds to attend school and improves retention. (1) The program has provided meals to over 390,000 pupils during the reporting period. (6)
Child Grant Program	Provides social cash transfers to the impoverished and households with orphans and vulnerable children with the aim of increasing access to basic needs such as food, health, and education. The program is implemented by the Ministry of Social Development and funded by the EU with technical support from UNICEF. (1,33) The program benefited 50,000 households during the reporting period. (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. (1)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Lesotho (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish age 15 as the age up to which education is compulsory to match the minimum age for full-time work.	2010 – 2021
Enforcement	Provide adequate funding and training for labor inspectors to carry out mandated duties.	2009 – 2021
	Ensure that criminal law enforcement agencies receive an adequate amount of funding, training, and resources with which to conduct investigations.	2020 – 2021
	Ensure that labor inspections are conducted in all relevant sectors, including the informal sector.	2014 – 2021
	Establish a mechanism to assess civil penalties for child labor violations.	2009 – 2021
	Publish the funding for the labor inspectorate.	2021



**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Coordination	Improve coordination and communication among coordinating bodies to clarify mandates to address all forms of child labor.	2021
Government Policies	Ensure that there is a policy for the elimination of child labor to replace the expired National Action Plan for the Elimination of Child Labor.	2021
	Ensure that all action plans are active and being implemented according to their mandates.	2020 – 2021
Social Programs	Institute programs that address factors that promote child labor, including the high HIV rate among the adults.	2017 – 2021
	Ensure that children with disabilities have equal access to education.	2018 – 2021
	Address educational and logistical gaps resulting in reduced opportunities for secondary education, including secondary school fees and the shortage of teachers, schools, and sanitation facilities.	2018 – 2021
	Increase birth registrations of children to reduce their vulnerability to the worst forms of child labor.	2017 – 2021
	Expand existing programs to address the full scope of the child labor problem and ensure that this information is publicly available.	2015 – 2021

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