

# Lesotho

## Incidence and Nature of Child Labor

UNICEF estimated that 29.5 percent of children ages 5 to 14 years were working in 2000.<sup>2406</sup> Due to poverty and the growing number of HIV/AIDS orphans, the rate of child work is increasing.<sup>2407</sup> A January 2004 study by UNICEF, Save the Children, and the Ministry of Health and Social Welfare estimates the number of HIV/AIDS orphans to be 92,000. Children in families affected by the disease often drop out of school to become caregivers of sick parents or care for younger siblings.<sup>2408</sup> Boys as young as 4 years are employed in hazardous conditions as livestock herders in the highlands, either for their family or through an arrangement where they are hired out by their parents.<sup>2409</sup> Children also work as domestic workers, car washers, taxi fare collectors, and street vendors.<sup>2410</sup> Children are less likely to be found working in the formal sector, due to the high unemployment rate for adults.<sup>2411</sup> Commercial sexual exploitation of children is reportedly a growing problem in Lesotho.<sup>2412</sup>

Primary education is free in Lesotho, though not compulsory.<sup>2413</sup> In 2001, the gross primary enrollment rate was 124.3 percent, and the net primary enrollment rate was 84.4 percent.<sup>2414</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Lesotho.

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<sup>2406</sup> Government of Lesotho Bureau of Statistics, *2000 End Decade Multiple Indicator Cluster Survey (EMICS)*, UNICEF, Maseru, May 28, 2002; available from <http://www.childinfo.org/MICS2/newreports/lesotho/lesotho.pdf>. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

<sup>2407</sup> U.S. Embassy- Maseru, *unclassified telegram no. 490*, August 2004. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*, September 2, 2003.

<sup>2408</sup> U.S. Embassy- Maseru, email communication, May 31, 2004.

<sup>2409</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Lesotho*, Washington, D.C., February 25, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27734.htm>. See also U.S. Embassy- Maseru, *unclassified telegram no. 422*, June 21, 2000. See also Todd Bensman, *Thousands Sold into Servitude in Lesotho as 'Herder Boys'*, [previously online]; available from [http://www.pewfellowships.org/stories/lesotho.herder\\_boys.html](http://www.pewfellowships.org/stories/lesotho.herder_boys.html) [hard copy on file].

<sup>2410</sup> See U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*. See also U.S. Embassy- Maseru, *unclassified telegram no. 490*.

<sup>2411</sup> U.S. Embassy- Maseru, *unclassified telegram no. 0599*. The cost-effectiveness of hiring children rather than adults is limited because so many adults are unemployed and available to work.

<sup>2412</sup> U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5, 6d.

<sup>2413</sup> U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5.

<sup>2414</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

As of 2000, 66.9 percent of children who started primary school were likely to reach grade 5.<sup>2415</sup> A large number of children in rural areas do not attend primary education due to the relatively small number of schools, their participation in subsistence activities, and their inability to pay school-related fees such as uniforms and materials.<sup>2416</sup> Boys' attendance in primary school suffers because livestock herding requires long hours in remote locations.<sup>2417</sup>

## Child Labor Laws and Enforcement

The Labor Code of 1992 establishes the minimum age for employment at 15 years, although children between 13 and 15 may perform light work in a technical school or approved institution.<sup>2418</sup> The Labor Code prohibits employment of children in work that is harmful to their health or development.<sup>2419</sup> Proclamation No. 14 of 1949 imposes penalties for the procurement of women or girls for purposes of prostitution.<sup>2420</sup> The Sexual Offences Act of 2003 also protects children from sexual exploitation and specifically deals with commercial sexual exploitation of children such as child prostitution and pornography.<sup>2421</sup> The Children's Protection Act of 1980 and the Deserted Wives and Children Order of 1971 provides for the protection of abandoned or orphaned children who are at-risk for involvement in the worst forms of child labor.<sup>2422</sup> There are no specific laws prohibiting trafficking in persons.<sup>2423</sup>

The Ministry of Labor and Employment's Inspectorate is responsible for investigating child labor violations, and according to the U.S. Department of State, does so through quarterly inspections.<sup>2424</sup> An employer found guilty of employing underage children or young children in hazardous conditions can be imprisoned for 6 months, required to pay a fine of M600 (USD 95), or both.<sup>2425</sup>

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<sup>2415</sup> Ibid.

<sup>2416</sup> U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5.

<sup>2417</sup> Ibid. See also ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September 30, 2003, Annex II, 10.

<sup>2418</sup> U.S. Embassy- Maseru, *unclassified telegram no. 0599*. See also *The Effective Abolition of Child Labor: Lesotho*, ILO-IPEC, Geneva, 2001; available from <http://www.ilo.org/public/english/standards/relm/gbdocs/gb280/pdf/gb-3-2-abol.PDF>.

<sup>2419</sup> The Labour Code neither defines what is considered to be dangerous work nor provides a list of dangerous activities. *ILO Government Report: Lesotho*. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

<sup>2420</sup> UNICEF Eastern and Southern Africa Regional Office and African Network for the Prevention and Protection of Children against Child Sexual Abuse and Neglect, "Lesotho," in *Partnership Project on Sexual Exploitation and Children's Rights: Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region: Draft Consultancy Report* Nairobi, 2001; available from <http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html>.

<sup>2421</sup> ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 12. See also *Legal Professionals to be Sensitized on Sexual Offenses Act*, The Government of Lesotho, [website] June 7, 2003 [cited February 25, 2004]; available from <http://www.lesotho.gov.ls/articles/2003/Legal%20Profession.htm>.

<sup>2422</sup> U.S. Embassy- Maseru, email communication May 31, 2005.

<sup>2423</sup> U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 6f.

<sup>2424</sup> Ibid., 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

<sup>2425</sup> U.S. Embassy- Maseru, *unclassified telegram no. 0599*. For currency conversion, see FX Converter, in Oanda.com, [online] [cited April 13, 2004]; available from <http://www.oanda.com/convert/classic>.

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The ILO-IPEC is implementing a USDOL-funded regional child labor project in Southern Africa, which includes Lesotho. Activities in Lesotho are focused on piloting small action programs aimed at children who are working or at risk of working in exploitive labor; conducting research on the nature and incidence of exploitive child labor; and building the capacity of the government to address child labor issues.<sup>2426</sup> The American Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of Lesotho on activities there.<sup>2427</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/14/2001	✓
Ratified Convention 182	6/14/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Government is implementing a free primary education policy. The policy calls for the eventual provision of free education up to grade seven. The program covers the cost of school fees, books and one meal per day.<sup>2428</sup> Currently, free education is offered through grade 5.<sup>2429</sup> The government is operating an Education Sector Strategic Plan which incorporates the free education policy, and aims to increase access to education, reform curriculum, ensure the provision of teaching and learning materials, and invest in teacher training and professional development. The plan outlines activities in the short term (2003-2006), mid-term (2007-2010), and long-term (2015).<sup>2430</sup>

The Government is implementing a World Bank-funded Second Education Sector Development Project (Phase II) to improve quality and access to education; build capacity in early childhood, vocational, and non-formal education; and strengthen the capacity of the Ministry of Education.<sup>2431</sup> The government is collaborating with UNICEF on teacher training, educational research, construction of school infrastructure, provision of books and materials,<sup>2432</sup> as well as activities designed specifically to improve girls' education.

<sup>2426</sup> ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, 38-39.

<sup>2427</sup> The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

<sup>2428</sup> Archibald Lesao Leho, "Messages of Ministers of Education" (paper presented at the Education for all learning to live together, Geneva, September 5-8, 2001); available from <http://www.ibe.unesco.org/International/ICE/46english/46minise.htm>. See also U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5. See also U.S. Embassy- Maseru, *unclassified telegram no. 490*.

<sup>2429</sup> U.S. Embassy- Maseru, *unclassified telegram no. 490*.

<sup>2430</sup> Government of Lesotho, *Education Sector Strategic Plan: Lesotho*, as cited in UNESCO, EFA National Action Plans, [cited May 13, 2004], Section 1.3.1; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=21003&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=21003&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>2431</sup> World Bank, *Second Education Sector Development Project (Phase II)*, [online] April 9, 2004 [cited April 9, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P081269>.

<sup>2432</sup> UNICEF, *At a glance: Lesotho*, [website] 2004 [cited April 9, 2004]; available from <http://www.unicef.org/infobycountry/lesotho.html>.

These activities include developing policy for early childhood development and teen mothers' reentry into school; reexamining the education system and the school curriculum; establishing Child Friendly Environments in schools; and supporting the Girls Leadership Movement.<sup>2433</sup>

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<sup>2433</sup> UNICEF, *Girls' Education in Lesotho*, [online] 2002 [cited July 13, 2004]; available from [http://www.unicef.org/girlseducation/Lesotho\\_2003\\_\(w.corrections\).doc](http://www.unicef.org/girlseducation/Lesotho_2003_(w.corrections).doc).