

# Lesotho

## Incidence and Nature of Child Labor

An estimated 28.1 percent of children ages 5 to 14 years were counted as working in Lesotho in 2000. Approximately 31.3 percent of all boys 5 to 14 were working compared to 25 percent of girls in the same age group.<sup>2774</sup> Available information on the occupations in which they work is anecdotal, but suggests that jobs performed by children tend to be gender specific. Boys as young as 4 are employed as livestock herders in the highlands, either for their family or through an arrangement where they are hired out by their parents. Boys also work as load bearers, car washers, and taxi fare collectors. Girls are employed as domestic servants. Some teenage children, primarily girls, are involved in prostitution. UNICEF and the Government of Lesotho (GOL) believe that the number of individuals under the age of 18 who are involved in prostitution is small, but increasing.<sup>2775</sup> Child labor is one of many problems associated with poverty. A severe HIV/AIDS epidemic in Lesotho has left many children orphaned and vulnerable, and has led to an increase in poverty among children. The number of children who have been orphaned by HIV/AIDS is placed conservatively at 18,000.<sup>2776</sup> In 1995, the most recent year for which data are available, 36.4 percent of the population in Lesotho were living on less than USD 1 a day.<sup>2777</sup>

The Constitution of Lesotho, which went into force in 1993, states that Lesotho “shall endeavour to make education available to all.”<sup>2778</sup> In 2005, the first 6 of 7 years of primary education were free.<sup>2779</sup> Education is compulsory for children between the ages of 6 and 13.<sup>2780</sup> In 2002, the gross primary enrollment rate was 126 percent and the net primary enrollment rate was 86 percent. 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.<sup>2781</sup> In 2000, 80.7 percent of children ages 5 to 14 years were attending school.<sup>2782</sup> As of 2002, 78 percent of children who started primary school were likely to reach grade 5.<sup>2783</sup> Many children in rural areas do not receive full primary education due to their participation in subsistence activities, their inability to pay school-related fees such as for uniforms and materials, and the relatively

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<sup>2774</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the “Data Sources and Definitions” section of this report.

<sup>2775</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Lesotho*, Washington, DC, February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41610.htm>.

<sup>2776</sup> U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

<sup>2777</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

<sup>2778</sup> *The Constitution of Lesotho*, (April 2, 1993), Chapter 2, Section 28; available from <http://www.lesotho.gov.ls/constitute/gconstitute.htm#4.%20Fundamental%20human%20rights%20and%20freedoms>.

<sup>2779</sup> Lesotho Ministry of Education and Training, *National Report on the Development of Education: Kingdom of Lesotho*, International Conference on Education, Geneva, September 2004, 13; available from [http://www.ibe.unesco.org/International/ICE47/English/Natreps/Nrep\\_main.htm](http://www.ibe.unesco.org/International/ICE47/English/Natreps/Nrep_main.htm).

<sup>2780</sup> Government of Lesotho, *Universal Primary Education*; available from <http://www.lesotho.gov.ls/lscitech.htm>.

<sup>2781</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the “Data Sources and Definitions” section of this report.

<sup>2782</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2783</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

small number of schools.<sup>2784</sup> Many boys' attendance in primary school is low because their participation in livestock herding involves long hours in remote locations.<sup>2785</sup>

## Child Labor Laws and Enforcement

The Constitution of Lesotho identifies the "protection of children and young persons" as a principle of state policy.<sup>2786</sup> The Labor Code of 1992 establishes the minimum age for employment at 15, although children between 13 and 15 may perform light work in a home-based environment, technical school, or other institution approved by the government. Also exempt from the minimum age is work performed by a child of any age in a private undertaking of their own family, so long as there are no more than 5 other employees, and each is a member of the child's family.<sup>2787</sup> Although there is no specific listing of work that is likely to jeopardize the health, safety or morals of children,<sup>2788</sup> the Labor Code in general prohibits employment of children in work that is harmful to their health or development. It sets restrictions on night work by children, and also restricts work by children in mines and quarries. Persons under the age of 16 may not work for more than 4 consecutive hours without a break of at least one hour, and may not work more than 8 hours in any one day. Each employer is required to keep a register of all its employees, including those under the age of 18.<sup>2789</sup>

Unconditional worst forms of child labor are not separately prohibited but some instances of the WFCL can be prosecuted under a variety of laws. The Constitution of Lesotho identifies freedom from forced labor and slavery as a fundamental right available to all people.<sup>2790</sup> The Labor Code further defines forced labor and makes it illegal.<sup>2791</sup> By the Defense Act of 1996, there is no compulsory military service, and the minimum age for voluntary enrollment is 18. Proclamation No. 14 of 1949 makes it illegal to procure or attempt to procure a woman or a girl to become a prostitute within Lesotho, or to leave Lesotho so that she may be a prostitute elsewhere. Proclamation No. 9 of 1912 addresses "Obscene Publications," and makes it illegal to import, manufacture, sell, distribute, or otherwise make public any indecent or obscene publication. Proclamation 35 of 1922 covers "Opium and Habit Forming Drugs," and makes illegal the manufacture, sale, procurement, barter, gifting, administration, import or export of opium or other habit-forming drugs.<sup>2792</sup> There are no laws prohibiting trafficking in persons.<sup>2793</sup>

Penalties for the violation of the above-mentioned laws may include fines, prison time, or both. The Labor Code dictates a fine of 300 Maloti (approximately USD 45), imprisonment of up to 3 months, or both, for any employer who employs an underage child; or, for an employer who fails to keep a register of all employees who are children and young persons (under age 18). An identical set of penalties may be

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<sup>2784</sup> U.S. Department of State, *Country Reports- 2004: Lesotho*, Section 5.

<sup>2785</sup> *Ibid.*, Section 6d. 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 15, 2003, 10.

<sup>2786</sup> *The Constitution of Lesotho*, Chapter 3, Section 32.

<sup>2787</sup> *Labour Code Order*, 24, (1992), Sections 3, 124; available from

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm>. See also U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

<sup>2788</sup> CEACR, *Worst Forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001); Direct request, CEACR 2004/75<sup>th</sup> Session*; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

<sup>2789</sup> *Labour Code Order*, Sections 125-128.

<sup>2790</sup> *The Constitution of Lesotho*, Chapter 2, Section 9. Conscripted labor by convicts, prisoners, members of the military, under certain emergency circumstances, and for "reasonable and normal" community service is not defined as forced labor.

<sup>2791</sup> *Labour Code Order*, Sections 3 and 7.

<sup>2792</sup> CEACR, *Worst Forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001); Direct request, CEACR 2004/75<sup>th</sup> Session*. The CEACR has noted that Proclamation No. 14 does not cover boys.

<sup>2793</sup> U.S. Department of State, *Country Reports- 2004: Lesotho*, Section 5. See also *The Constitution of Lesotho*.

levied on parents or guardians who permit their child to be employed in violation of the Labor Code. The Labor Code also dictates a fine of 600 Maloti (approximately USD 90), imprisonment of up to 6 months, or both, for persons who employ a child or young person in violation of restrictions related to dangerous work, required rest periods, parental rights to refuse work for their children, and children's rights to return each night to the home of their parents or guardians. The use of forced labor—adult or child—may bring a penalty of 2000 Maloti (approximately USD 300) or up to 1 year in prison.<sup>2794</sup> Prison time is governed by the following maximum penalties: up to 6 years for procuring a girl or woman for prostitution; up to 2 years for the production and distribution of obscene materials; and, up to 3 years for the production, trade, or trafficking of opium and habit-forming drugs.<sup>2795</sup>

The Labor Code indicates that a Labor Commissioner should be appointed to administer the code, and provides broad powers for the Commissioner and subordinates to perform workplace inspections.<sup>2796</sup> The Ministry of Employment and Labor has 24 trained inspectors who are responsible for uncovering all violations of the Labor Code, not only those related to child labor. Each quarter a random sample of employers is inspected. In checking for child labor violations, inspectors are trained to identify by sight workers they believe to be children, verify their documentation and work activities against the employer's register of children and young people, and assess the permissibility of activities of individuals confirmed to be children against the Labor Code. Employers identified by inspection as problematic are revisited.<sup>2797</sup> The CEACR has noted that little information is forthcoming from the GOL on the effectiveness of its enforcement efforts, and that general concerns have been raised by others to suggest that the provisions of the Labor Code related to children may not be adequately enforced. Little information exists on the enforcement of laws related to the unconditional worst forms of child labor. The CEACR has asked the Government "to provide information on the practical application of the penalties laid down in the relevant provisions."<sup>2798</sup>

In 2002, the Government of Lesotho, in cooperation with UNICEF, created the Gender and Child Protection Unit (GCPU) which serves as the nation's lead child protection law enforcement agency. The GCPU became fully functional in 2004. While it is typically involved with domestic and child abuse issues, the GCPU also has the mandate to confront child labor issues.<sup>2799</sup>

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

Lesotho's Ministry of Employment and Labor (MOEL) has prepared a draft child labor action plan that is currently under government review.<sup>2800</sup> It is scheduled for finalization in 2006.<sup>2801</sup>

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<sup>2794</sup> *Labour Code Order*, Sections 3, 7, 124-129. U.S. currency equivalents approximated based on CEACR, *Worst Forms of Child Labour Convention*, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75<sup>th</sup> Session.

<sup>2795</sup> CEACR, *Worst Forms of Child Labour Convention*, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75<sup>th</sup> Session.

<sup>2796</sup> Ibid.

<sup>2797</sup> U.S. Embassy - Maseru, *reporting*, September 5, 2005. See also U.S. Embassy - Maseru official, email communication with USDOL official, December 5-7, 2005.

<sup>2798</sup> CEACR, *Worst Forms of Child Labour Convention*, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75<sup>th</sup> Session.

<sup>2799</sup> U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

<sup>2800</sup> American Institutes for Research (AIR), *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education, Technical Progress Report to USDOL International Child Labor Program*, March, 2005, 2.

<sup>2801</sup> American Institutes for Research official, email communication to USDOL official, December 14, 2005.

Child labor in herding has been the focus of much recent attention.<sup>2802</sup> In 2005, with funding assistance from USDOL, ILO-IPEC worked with Lesotho’s Ministry of Employment and Labor (MOEL) to complete a case study of the situation of herd boys<sup>2803</sup> The Ministry of Gender Youth Sports and Recreation is formulating an action plan to reach 8,000 herd boys in 10 districts.<sup>2804</sup> Herd boys are major beneficiaries of literacy courses and non-formal education efforts coordinated by the Ministry of Education.<sup>2805</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                                   |           |   |

USDOL-funded projects are also concerned with other forms of child labor in Lesotho. The ILO-IPEC/MOEL project is a multi-year project carrying out a number of activities related to child labor. In 2005, the MOEL finalized a report based on a nationally representative statistical survey of households. It also finalized case studies of commercial sexual exploitation of children, child domestics, and street children.<sup>2806</sup> The American Institutes for Research (AIR) was awarded a USD 9 million grant by USDOL in August 2004 to implement a multi-year regional Child Labor Education Initiative project in Southern Africa, and is working with stakeholders in Lesotho on activities there. In 2005, an AIR-supported consortium of NGOs completed a baseline study on alternative education delivery systems to increase working children’s access to education.<sup>2807</sup>

The Government of Lesotho has also partnered with UNICEF and other organizations to address child labor-related issues. Press reports indicate that in March 2005, the government released two studies, one on child domestic workers and the other dealing with youth sexuality issues, including prostitution. The studies were commissioned jointly by Lesotho’s Ministry of Health and Social Welfare, the Ministry of Gender and Youth, Sports and Recreation, and UNICEF.<sup>2808</sup> In 2005, the Government of Lesotho completed a Poverty Reduction Strategy Paper (PRSP) that is meant primarily to guide poverty-reduction programs sponsored by the World Bank and the International Monetary Fund, but may also provide guidance to other efforts. The PRSP contains a brief section on the relationship between adult unemployment and child labor.<sup>2809</sup> More generally, a joint assessment by staff of the World Bank and the International Monetary Fund identified the attention paid to children as a major strength of the PRSP.<sup>2810</sup>

<sup>2802</sup> American Institutes for Research (AIR), *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education, Technical Progress Report to USDOL International Child Labor Program*, September, 2005, 35.

<sup>2803</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, Technical Progress Report*, September 2005, 7.

<sup>2804</sup> American Institutes for Research (AIR), *AIR Technical Progress Report, September 2005*, 45.

<sup>2805</sup> U.S. Embassy - Maseru, *reporting*. Non-formal education is education that takes place out of the context of the normal schooling system, e.g., away from formal schools or outside of normal schooling hours.

<sup>2806</sup> ILO-IPEC, *September 2005 Progress Report*, 7.

<sup>2807</sup> American Institutes for Research (AIR), *AIR Technical Progress Report, September 2005*, 7.

<sup>2808</sup> IRINnews.org, *Lesotho: Govt Tackles Child Labour and Exploitation*, April 1, 2005 [cited June 6, 2005]; available from <http://www.irinnews.org>. See also [Sundaytimes.co.za](http://www.sundaytimes.co.za), *Suffering of Lesotho’s Children Revealed*, April 4, 2005 [cited June 6, 2005]; available from <http://www.suntimes.co.za/zones/sundaytimesNEW/basket6st112619163.aspx>. The reports are entitled “Hear Us” and “Speaking Out.” See also U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

<sup>2809</sup> Kingdom of Lesotho, *Poverty Reduction Strategy 2004/2005-2006/2007*, 2005, 107; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016\\_20050818101923/Rendered/PDF/32541a.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016_20050818101923/Rendered/PDF/32541a.pdf). For a description of the general purpose of a PRSP, see International Labor Office, *The Impact of the ILO’s Engagement with the Poverty Reduction Strategy Papers (PRSPs) Process*, GB.294/ESP/5, Geneva, November 2005, 2; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb294/pdf/esp-5.pdf>.

<sup>2810</sup> International Development Association and International Monetary Fund, *Poverty Reduction Strategy Paper, Joint Staff Advisory Note*, July 18, 2005, 1; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016\\_20050818101923/Rendered/PDF/32541a.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016_20050818101923/Rendered/PDF/32541a.pdf).

In 2005, the government extended implementation of a free primary education policy to cover an additional year of schooling.<sup>2811</sup> The government is operating an Education Sector Strategic Plan. It incorporates the free education policy and aims to increase access to education at all levels, reform curriculum, ensure the provision of teaching and learning materials, and invest in teacher training and professional development.<sup>2812</sup> The Ministry of Education has also introduced a textbook loan program which dramatically reduces a portion of educational costs traditionally passed on to students. Two other programs have helped vulnerable children defray the costs of secondary education: His Majesty's Scholarship Program for Vulnerable Children, and the U.S. Embassy's Ambassador's Girls Scholarship Program.<sup>2813</sup>

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<sup>2811</sup> It now covers 6 of 7 years. See Lesotho Ministry of Education and Training, *National Report on the Development of Education: Kingdom of Lesotho*, 13.

<sup>2812</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>2813</sup> U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.