

Lesotho

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children ages 5-14 estimated as working in	28.1% ²⁴⁷³
Minimum age for admission to work:	13/15 ²⁴⁷⁴
Age to which education is compulsory:	Not compulsory ²⁴⁷⁵
Free public education:	Yes ^{2476*}
Gross primary enrollment rate in 2004:	131% ²⁴⁷⁷
Net primary enrollment rate:	86% ²⁴⁷⁸
Percent of children 5-14 attending school:	80.7% ²⁴⁷⁹
As of 2003, percent of primary school entrants likely to reach grade 5:	63% ²⁴⁸⁰
Ratified Convention 138:	6/14/2001 ²⁴⁸¹
Ratified Convention 182:	6/14/2001 ²⁴⁸²
ILO-IPEC participating country:	Yes ²⁴⁸³
*Must pay for school supplies and related items.	

Incidence and Nature of Child Labor

Available information on the occupations in which children 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.²⁴⁸⁴ 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.²⁴⁸⁵

Anecdotal evidence indicates that children are trafficked within Lesotho for forced labor and sexual exploitation. Boys may be trafficked, sometimes with the permission of their families, for

²⁴⁷³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

²⁴⁷⁴ *Labour Code Order*, 24, (1992); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm>.

²⁴⁷⁵ U.S. Department of State, "Lesotho," in *Country Reports on Human Rights Practices- 2006* Washington, D.C., March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78741.htm>.

²⁴⁷⁶ Ibid.

²⁴⁷⁷ UNESCO Institute for Statistics, *Gross Enrolment Ratios. Primary. Total* accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

²⁴⁷⁸ UNESCO Institute for Statistics, *Net Enrolment Ratios. Primary. Total* accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

²⁴⁷⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

²⁴⁸⁰ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total* accessed December 18, 2006; available from <http://stats.uis.unesco.org/>.

²⁴⁸¹ ILO, *Ratifications by Country*, [database online] [cited September 25, 2006]; available from <http://www.ilo.org/ilolex/english/docs/declAFpr.htm>.

²⁴⁸² Ibid.

²⁴⁸³ ILO-IPEC, *IPEC action against child labour-highlights 2006*, Geneva, October 2006; available from http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20061019_Implementationreport_eng_Web.pdf.

²⁴⁸⁴ U.S. Department of State, "Country Reports- 2006: Lesotho," Section 6d.

²⁴⁸⁵ Ibid., Section 5

cattle herding, domestic service, or commercial sexual exploitation. Girls may be trafficked internally for domestic labor and commercial sexual exploitation.²⁴⁸⁶ According to a 2003 report from the International Organization for Migration, Lesotho children are trafficked into South Africa, Zimbabwe, and Zambia for sexual exploitation.²⁴⁸⁷

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 15 years, 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.²⁴⁸⁸ Although there is no specific listing of work that is likely to jeopardize the health, safety or morals of children,²⁴⁸⁹ the law 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 in an industrial undertaking is required to keep a register of all its employees, including those under the age of 18.²⁴⁹⁰ The law identifies the "protection of children and young persons" as a principle of state policy.²⁴⁹¹

The law identifies freedom from forced labor and slavery as a fundamental right available to all people.²⁴⁹² The law further defines forced labor and makes it illegal.²⁴⁹³ The law states that there is no compulsory military service, and the minimum age for voluntary enrollment is 18.²⁴⁹⁴ Although there are no specific laws that prohibit trafficking in persons,²⁴⁹⁵ it is illegal to procure

²⁴⁸⁶ U.S. Department of State, "Lesotho (Special Cases)," in *Trafficking in Persons Report- 2006*, Washington, D.C., June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm>.

²⁴⁸⁷ International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, Page 12; available from <http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf>.

²⁴⁸⁸ Government of Lesotho, *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, *reporting*, September 2, 2003, Para 3.

²⁴⁸⁹ CEACR, *Minimum Age Convention, 1973 (No. 138); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*, [online] [cited January 22, 2007], Article 3 (2); available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=1800&hdroff=1&lang=EN>.

²⁴⁹⁰ Government of Lesotho, *Labour Code Order*, Sections 125-128.

²⁴⁹¹ Government of Lesotho, *The Constitution of Lesotho*, (1993), Section 32; available from <http://www.parliament.ls/documents/constitution.php#NOTE>.

²⁴⁹² *Ibid.*, Chapter 2, Section 9

²⁴⁹³ Government of Lesotho, *Labour Code Order*, Sections 3 and 7.

²⁴⁹⁴ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report* [online] 2004 [cited October 19, 2006]; available from http://www.child-soldiers.org/document_get.php?id=780.

²⁴⁹⁵ U.S. Department of State, "Country Reports- 2006: Lesotho," Section 5.

or attempt to procure a woman or girl to become a prostitute within Lesotho, or to leave Lesotho so that she may be a prostitute elsewhere.²⁴⁹⁶

The law sets a penalty of up to 3 months in prison for an industrial 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). The law also dictates imprisonment of up to 6 months 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 result in up to 1 year in prison.²⁴⁹⁷ The procurement of a girl for prostitution is punishable by a maximum penalty of up to 6 years in prison.²⁴⁹⁸

The law provides broad powers for the Labor Commissioner and subordinates to perform workplace inspections.²⁴⁹⁹ 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.²⁵⁰⁰ The Committee of Experts on the Application of Conventions and Recommendations (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 law 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.”²⁵⁰¹

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

The Government of Lesotho finalized a discussion document on child labor and initiated talks to draft a national child labor action plan.²⁵⁰² The government is also working with ILO-IPEC to implement a USDOL-funded, USD 5 million regional child labor project in Southern Africa. Activities in Lesotho include research on the nature and incidence of exploitive child labor and efforts to build the capacity of the government to address child labor issues.²⁵⁰³ The American

²⁴⁹⁶ CEACR, *Worst forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*, [online] [cited January 22, 2007], Article 3(para 3); available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

²⁴⁹⁷ Government of Lesotho, *Labour Code Order*, Sections 3, 7, 124-129. See also CEACR, *Minimum Age Convention, 1973 (No. 138); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*.

²⁴⁹⁸ CEACR, *Worst forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*, Article 7 (para 1).

²⁴⁹⁹ *Ibid.*, Article 5.

²⁵⁰⁰ U.S. Embassy- Maseru, *reporting, September 2, 2003*, para 7.

²⁵⁰¹ CEACR, *Worst forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*, Articles 5 and 6.

²⁵⁰² 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 2006, Page 4.

²⁵⁰³ ILO-IPEC, *Supporting the Timebound 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, 38-39.

Institutes for Research, with the support of the Government of Lesotho, is implementing another regional, USDOL-funded project. This USD 9 million project intends to prevent 10,000 children from engaging in exploitive labor in five countries, including Lesotho, by improving quality of and access to basic education.²⁵⁰⁴

²⁵⁰⁴ *Notice of Award: Cooperative Agreement*

U.S. Department of Labor / American Institutes for Research, Washington, DC, August 16, 2004, 1-2. See also American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, project document, Washington September 8, 2005, Page 21.