

Lesotho

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

The Government of Lesotho has established a national child labor support group including representatives from the Ministries of Labor, Education, Social Welfare, and Youth Affairs, members of NGOs, and trade union officials. The group is developing an action plan to address child labor in the country.¹⁴⁵⁹ The Ministry of Labor and Employment recently applied to become a member of ILO-IPEC.¹⁴⁶⁰

The government and UNICEF have several educational initiatives benefiting employed youth and children who have dropped out of school, including the Non-Formal Education Project, which provides literacy courses for herdboys and unemployed miners; the Early Childhood Education Project; and the Primary Education Project, which introduced measures in 2000 to provide free primary school education throughout Lesotho. In addition, UNICEF and the Ministry of Education are studying the practice of livestock herding among young boys in order to develop a strategy to address their basic education needs.¹⁴⁶¹ Save the Children Fund (UK) is also working with the Ministry of Education to support the goal of free primary school education,¹⁴⁶² and the World Bank has an on-going Education Sector Development loan project through the Ministry of Education to increase access to schools and provide non-formal education assistance.¹⁴⁶³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 21 percent of children between the ages of 10 and 14 in Lesotho were working.¹⁴⁶⁴ According to a 1997 national labor force survey, boys are far more likely to work than girls, and the majority of child labor takes place in rural areas.¹⁴⁶⁵ Young boys are frequently employed in hazardous conditions as livestock herders, either for their family or through an arrangement whereby parents hire out boys to earn money or increase the family herd

¹⁴⁵⁹ U.S. Embassy–Johannesburg, unclassified telegram no. 1406, November 2001 [hereinafter unclassified telegram 1406].

¹⁴⁶⁰ U.S. Embassy–Maseru, unclassified telegram no. 422, June 2000 [hereinafter unclassified telegram 422].

¹⁴⁶¹ *Ibid.*

¹⁴⁶² *Ibid.*

¹⁴⁶³ The World Bank Group, *Projects and Operations: Education Sector Development Project (02)*, at <http://www.worldbank.org/sprojects/> on 11/15/01.

¹⁴⁶⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁴⁶⁵ The government survey found that 19,000 children between ages 10 and 14 were working. Boys account for 16,000 of those economically active children, compared with slightly over 2,700 girls. In addition, the survey found that over 82 percent of working children between ages 10 and 14 were employed in rural areas. See Ministry of Labour and Employment, Bureau of Statistics, *Labour Force Survey 1997* (Maseru: Employment Policy Formulation and Labour Market Analysis, LES/004/94, 1998), 32-34.

stock.¹⁴⁶⁶ According to the National University of Lesotho and UNICEF, approximately 11.4 percent of boys between 6 and 15 years, one-third of whom are under 10 years of age, work as full-time herdboys.¹⁴⁶⁷ Many young girls reportedly move to urban areas to work as domestic servants or in the commercial sex industry,¹⁴⁶⁸ and urban street children wash cars, sell newspapers, carry luggage, or perform other informal tasks.¹⁴⁶⁹ It is reported that children work from home in the footwear sector by stitching leather.¹⁴⁷⁰ In addition, children orphaned because of the HIV/AIDS epidemic may be hired out to work by their guardians, or become susceptible to other forms of exploitation.¹⁴⁷¹

Education is not compulsory or free in Lesotho.¹⁴⁷² In 1996, the gross primary enrollment rate was 107.7 percent, while the net primary enrollment rate was 69.9 percent, with higher rates for girls than boys.¹⁴⁷³ Many young boys involved in herding forgo even the most basic levels of primary education.¹⁴⁷⁴

¹⁴⁶⁶ Boys often work at cattle posts, where they may be at risk of hunger, extreme weather, and armed cattle rustlers. There are no formal schools at cattle posts. See *Country Reports on Human Rights Practices for 2000—Lesotho* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=843>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1994, Addendum, Lesotho*, CRC/C/11/Add. 20 (Geneva, July 20, 1998) [hereinafter *Initial Reports of States Parties*], para. 234. See also unclassified telegram 1406.

¹⁴⁶⁷ Unclassified telegram 1406. See also *Initial Reports of States Parties* at para. 235.

¹⁴⁶⁸ Esther Sakoane, Lesotho Association of Non-Formal Education, interview by USDOL official, August 1, 2000, and UNICEF-Lesotho official interview by USDOL official, July 31, 2000.

¹⁴⁶⁹ *Initial Reports of States Parties* at para. 231.

¹⁴⁷⁰ Makatleho Nyabela, Marake Makhetha, and Elliot Ramochela, Lesotho Federation of Democratic Unions, interview by USDOL official, August 1, 2000.

¹⁴⁷¹ According to a 2000 report by UNAIDS, there were nearly 30,000 HIV/AIDS orphans living in Lesotho at the end of 1999. See *Complementary Report on the Implementation of the UN Convention on the Rights of the Child in Lesotho* (NGO Coalition for the Rights of the Child/Save the Children U.K., June 2000) [hereinafter *Complementary Report on the Implementation*], 18, 25. See also unclassified telegram 1406 and UNAIDS/WHO, *Epidemiological Facts Sheets on HIV/AIDS and Sexually Transmitted Infections: Lesotho*, 2000, at http://www.unaids.org/hivaidsinfo/statistics/fact_sheets/pdfs/Lesotho_en.pdf on 2/8/02.

¹⁴⁷² In 2000, a draft plan was submitted to the Ministry of Law, Constitutional and Parliamentary Affairs, to develop a law that would prosecute parents who failed to send their children to school. See *Country Reports 2000* at Section 3. See also unclassified telegram 422 and unclassified telegram 1406.

¹⁴⁷³ In 1996, the gross primary enrollment rate for boys was 101.8 percent, and 113.7 percent for girls, while the net primary enrollment rate for boys was 64.3 percent but 75.6 percent for girls. See *World Development Indicators 2001*.

¹⁴⁷⁴ *Complementary Report on the Implementation* at 11. See also *World Development Indicators 2001*.

Child Labor Laws and Enforcement

The Labor Code of 1992 establishes 15 years as the minimum age for employment for industrial work or private undertakings involving family members, although children between the ages of 13 and 15 may perform light work if it is done in a technical school or institution approved by the Department of Education.¹⁴⁷⁵ The Labor Code establishes 18 years as the minimum age for hazardous work,¹⁴⁷⁶ and the Constitution provides a general prohibition against the employment of children or young persons in work that is harmful to their health or development.¹⁴⁷⁷ The Labor Code prohibits children under 18 years of age from mine or quarry work and children under 16 years of age from engaging in industrial or commercial work during night hours. The Labor Code also states that no person under 16 years of age may work for over four consecutive hours without a one hour break, or for more than eight hours in one day.¹⁴⁷⁸ The Labor Code, the 1987 Employment Act, and the Constitution prohibit forced labor.¹⁴⁷⁹ There are no laws that specifically outlaw child prostitution or trafficking, although Proclamation 14 of 1949 prohibits procuring women or girls for carnal acts, and abduction of children is illegal.¹⁴⁸⁰

The Ministry of Labor and Employment is responsible for enforcing labor laws through inspections of industrial and commercial enterprises. Monitoring of hazardous or dangerous working conditions is reportedly lax, however, and the Ministry is understaffed, with only 15 inspectors responsible for monitoring adherence to the full range of labor laws throughout the country.¹⁴⁸¹ In addition, the employment restrictions in the Labor Code do not apply to the agricultural sector, including the employment of children for herding.¹⁴⁸² Lesotho ratified ILO Convention 138 and ILO Convention 182 on June 14, 2001.¹⁴⁸³

¹⁴⁷⁵ Article 3 of the Labor Code defines a “child” as a person under age 15. *See* Lesotho Labour Code Order No. 24 of 1992 [hereinafter Labour Code], Article 124, as cited on Natlex database at <http://www.natlex.ilo.org/txt/E92LSO01.htm> on 11/14/01.

¹⁴⁷⁶ Article 3 of the Labour Code defines a “young person” as a person between ages 15 and 18. *See* Lesotho Labour Code Order at Articles 125, 127

¹⁴⁷⁷ Constitution of Lesotho [hereinafter Constitution of Lesotho], Article 32 (Maseru: Government Printer), 44.

¹⁴⁷⁸ The Labor Commissioner may authorize night work for apprenticeship or training purposes and also for children who are age 16. *See* Labour Code at Articles 125, 126.

¹⁴⁷⁹ Labour Code at Article 7. *See also Country Reports 2000* at Section 6c and Constitution of Lesotho at Article 9, p. 21.

¹⁴⁸⁰ *Initial Reports of States* at paras. 238, 240. *See also Country Reports 2000* at Section 6f.

¹⁴⁸¹ L. Mandoro, Labor Commissioner, interview by USDOL official, August 1, 2000.

¹⁴⁸² Unclassified telegram 422.

¹⁴⁸³ ILOLEX database: Lesotho at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/15/01.

NOTE: Hard copies of all Web citations are on file.