

## Children's Rights in Lesotho

Stakeholder Report - Submission by World Vision Lesotho  
and World Vision International

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### Summary

Children's rights are protected under law in Lesotho. The Child Protection and Welfare Bill 2009 currently under discussion makes specific reference to the protection of children. Children in need of care are also protected by the Child Protection Act 1980 which covers a wide range of situations detrimental to the interests or welfare of the child. The law stipulates that decisions be made in the best interests of the child, however the policy is not adhered to in practice.<sup>1</sup>

The Government of Lesotho has ratified a number of international instruments which protect the rights of children, including the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, International Labour Organisation (ILO) Convention 138 on the minimum age for employment and ILO Convention 182 on the worst forms of child labour.

58% of Lesotho's population live below the poverty line. Poverty is a major factor in most Basotho children's lives and the greatest threat to the full realisation of their rights.

### Education

A comprehensive program for free primary education was introduced in 2000. Enrolments increased from 72% in the 1990s<sup>2</sup> to 85% in 2007<sup>3</sup>. Lesotho also has one of the highest levels of adult literacy on the African continent. Though the full seven years of primary education are free, education is not compulsory. A new Educational Bill has been presented to parliament which proposes to make education both free and

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<sup>1</sup> NGO Coalition for the Rights of the Child, Save the Children UK, Complementary Report on the Implementation of the UN Convention on the Rights of the Child in Lesotho (2000), available [here](#), and also as [.pdf Document](#), and also as [Word Document](#).

<sup>2</sup> ILO Scoping Study on Child Labour in Lesotho, August 2003.

<sup>3</sup> UNICEF, available at [www.unicef.org/infobycountry/lesotho\\_statistics.html](http://www.unicef.org/infobycountry/lesotho_statistics.html)

compulsory. Traditionally more girls attend primary school than boys as boys work as herd-boys from a very young age, some as young as seven. The Africa Peer Review Mechanism 2009 affirms that herd boys do receive non-formal education but the program might not be reaching all parts of the country and benefiting all herd boys. While the disparity between girls and boys has begun to equalise, girls are still more likely to attend school than boys, with 74% of boys and 86% of girls between the ages of 5 and 16 attending school in the rural areas. Dropout rates tend to be high, with only 33% of pupils completing primary school.<sup>4</sup> Poverty is cited as a factor in non-attendance at school, with families unable to afford the fees for uniforms, books and school materials and where children are needed to help support their families.

## Health

HIV/AIDS is considered the single most important threat to development in Lesotho. Lesotho has the third highest rate of HIV infection in the world. Just under one quarter of the adult population and 12,000 children under the age of 14 are living with HIV. 110,000 children have been orphaned by the AIDS epidemic.<sup>5</sup> The impact of the AIDS epidemic on children is significant. HIV mainly affects individuals in their economically productive and family-rearing years. Studies indicate that HIV/AIDS is the leading factor in the drastic reduction of household income for much of the population. The loss of the breadwinner through illness or death leads to an increased workload for children who must now supplement the household income in addition to a decrease in income as children are unable to engage in hard labour. Lesotho has now adopted its own programme of action to scale up the response against HIV&AIDS. However, despite high-level support the response has been slow and capacity is lacking in in-line ministries to implement the programme of action.

Declining harvests, periodic droughts, erratic rainfall and severe storms in late 2007 combined with an increase in the cost of seeds and fertilisers have led to a situation of significant food insecurity for Lesotho. Almost one quarter of the population will require humanitarian assistance before the next harvest in April 2010, an increase of 100,000 people from 2009.<sup>6</sup> According to results of the national nutrition survey conducted in December 2007, 42% of children below the age of 5 suffer from stunting (chronic malnutrition), which indicates a lack of nutritious food for a long period of time.<sup>7</sup>

Access to basic health services remains difficult for many poor and rural people due to the location and costs involved. Maternal and child mortality rates are high.

## Child labour

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<sup>4</sup> ILO Scoping Study on Child Labour in Lesotho, August 2003, p16.

<sup>5</sup> UNAIDS and World Health Organisation, at [Epidemiological Fact Sheet on HIV and AIDS, 2008](#)

<sup>6</sup> <http://www.wfp.org/countries/lesotho>

<sup>7</sup> <http://www.wfp.org/countries/lesotho>

Although the law prohibits the employment of children under the age of 15, and places restrictions on the employment of children under 18, child labour remains a serious concern. Child labour laws do not cover the informal and agricultural sectors. UNICEF estimates that 23 % of children between 5 and 14 work in the informal sector – in small family businesses, domestic households and doing farm work, particularly herding. Children spend a significant amount of time doing chores such as collecting fuel and water for their families, often trying to combine this with school attendance. Poverty and the HIV/AIDS epidemic mean that the rate of child work is increasing.

Boys tend to work as shepherds and girls in domestic work. Shepherd boys have traditionally lived on the edge of society, living in high-risk circumstances. The herding of animals involves long hours, night work (looking for lost stock, guarding against thieves) and an unhealthy environment with poor accommodation, no clean water and frequent exposure to harsh elements. Children are also vulnerable to attack by armed stock thieves, fights over ownership of animals between rival villagers and missed opportunities for education. The conditions of work for shepherd boys are considered to be a feature of local culture and a pre-requisite to manhood.

### Trafficking and Commercial Sexual Exploitation

According to the International Organisation for Migration, 10% of children from Lesotho are trafficked to South Africa for sexual exploitation<sup>8</sup> There is fear that with the 2010 World Cup, this might escalate.

### Birth registration

UNICEF estimates that only 26% of births are registered.<sup>9</sup> Though the Government of Lesotho has taken steps towards universal birth registration there are still significant barriers, particularly in remote areas, and in general awareness of the importance of birth registration.

### Discrimination

Girl children experience gender discrimination with regard to the inheritance of family property, especially land, as it is can only be inherited through the male lineage.

### Recommendations

The State Party reports to the Convention on the Rights of the Child and its two Optional Protocols are several years overdue from the Government of Lesotho. All three reports should be submitted as a matter of urgency.

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<sup>8</sup> Human Trafficking in Africa, 2009

<sup>9</sup> [www.unicef.org/infobycountry/lesotho\\_statistics.html](http://www.unicef.org/infobycountry/lesotho_statistics.html)

The Government must take measures to redress the in-balance between boys' and girls' enrolment and attendance at primary school. The Government must work to increase shepherd boys' access to education and reverse this traditional practice of child labour.

The Government must encourage the completion of primary school through the provision of school materials and uniforms so that these items do not act as barriers for the poor to attend school.

The Government must, in conjunction with development partners, create a continuum of care from pregnancy to childbirth through childhood and adolescence in the provision of basic health services to all sectors of the population, including those living in remote areas. Child survival, health and nutrition must feature prominently in national and district level health policies.

The Government must take steps towards long-term solutions to the food security situation in Lesotho by adopting a livelihoods approach and encouraging community participation.

All children should be guaranteed the right to be registered as soon as possible after birth, through a simplified procedure, which is both free and available without discrimination.

The Government must implement the recommendation to revise all laws and make changes necessary, including through public campaigns, to assure equal treatment of all children without discrimination on the grounds of colour, sex, ethnic or social origin or disability.