



# **The Government of Lesotho**

## **Beijing Platform for Action +20 Report**

**JULY 2014**

**Ministry of Gender, Youth, Sport and Recreation**

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## **ACRONOMY**

|       |   |
|-------|---|
| ALC   | Anglican Church of Lesotho                      |
| AME   | African Methodist Episcopal                     |
| ANC   | Ante-Natal Clinic                               |
| AIDS  | Acquired Immunodeficiency syndrome              |
| AU    | African Union                                   |
| ARVs  | Antiretrovirals                                 |
| CAP   | Curriculum Assessment Policy                    |
| CGPU  | Child and Gender Protection Unit                |
| CHAL  | Christian Health Organization of Lesotho        |
| DTEP  | Distance Teaching Education Primary             |
| ESSP  | Education Sector Strategic Plan                 |
| FIDA  | Federation of Women Lawyers                     |
| GAD   | Gender and Development                          |
| GBV   | Gender-based Violence                           |
| GEMSA | Gender and Media in Southern Africa             |
| HIV   | Human immunodeficiency Virus/                   |
| IDM   | Institute of Development Management             |
| IFAD  | International Fund for Agricultural Development |
| ILO   | International Labour Organization               |
| IUCD  | Intrauterine Contraceptive Device               |
| JC    | Junior Certificate                              |
| LBOS  | Lesotho Bureau of Statistics                    |
| LDHS  | Lesotho Demographic Health Survey               |

|       |   |
|-------|---|
| LEC   | Lesotho Evangelical Church                          |
| LFDS  | Lesotho Flying Doctor Service                       |
| LPPA  | Lesotho Planned Parental Association                |
| MAF   | Mission Aviation Fellowship                         |
| NAHDP | National Adolescent Health Draft policy             |
| MAF   | Mission Aviation Fellowship                         |
| MCA   | Millennium Challenge Account                        |
| MDGs  | Millennium Development Goals                        |
| MEGYA | Ministry of Environment, Gender and Youth Affairs   |
| MGYSR | Ministry of Gender and Youth, Sports and Recreation |
| MOSD  | Ministry of Social Development                      |
| MOU   | Memorandum of Understanding                         |
| NCDC  | National Curriculum Development Centre              |
| NGO's | Non- Governmental Organizations                     |
| NNP   | Neonatal Nurse Practitioner                         |
| NRHP  | National Reproductive Health Policy                 |
| NSDP  | National Strategic Development Plan                 |
| NUL   | National University of Lesotho                      |
| PDP   | Population Development Plan                         |
| PEP   | Post Exposure Prophylaxis                           |
| PMTCT | Prevention of mother to Child Transmission          |
| RCM   | Roman Catholic Church                               |
| RRA   | Risk Reduction and Avoidance                        |
| REP   | Rural Electrification Project                       |
| RUFIP | Rural Financial Intermediation Programme            |

|        |   |
|--------|---|
| RWS    | Rural Water Supply  |
| RSA    | Republic of South Africa                                      |
| SADC   | Southern African Development Community                        |
| SAPS   | South African Police Service                                  |
| STEM   | Science, Technology, Engineering and Mathematics              |
| STI    | Sexually Transmitted Infection                                |
| TVET   | Technical Vocational Education and Training                   |
| UNAIDS | United Nations Program on HIV/AIDS                            |
| UNDPKO | United Nations Development Programme Peace-keeping Operations |
| UNFPA  | United Nations Population Fund                                |
| UNGASS | United Nations General Assembly Special Session               |
| UNICEF | United Nations International Children's Emergency Fund        |
| UNSCR  | United Nations Security Council Resolution                    |
| VLSA   | Village Loans and Savings Account                             |
| WED    | Women's Entrepreneurship Development                          |
| WEDGE  | Women Entrepreneurship Development and Gender Equality        |
| WHO    | World Health Organization                                     |
| WID    | Women in Development  |

## **INTRODUCTION**

The report is Lesotho's review and appraisal of the implementation of the Beijing Declaration and Platform of Action adopted at the World Conference on Women (Beijing, 1995) and the outcomes of the twenty-third special session of the General Assembly (2000).

Based on the UN Women guideline for the preparation of national reviews, the report is presented in four sections. Section 1 is an overview and analysis of achievements and challenges since 1995. Section 2 covers progress in the implementation of the 12 critical areas since 2009. Section 3 is on data and statistics and the last Section 4 shows emerging key priorities for action over the next three to five years and recommendations to strengthen gender equality and empowerment of women and post-2015 development agenda.

## **SECTION ONE**

### **A. ACHIEVEMENTS**

1. The Department of Gender within the Ministry of environment, Gender and Youth Affairs (MEGYA) was established in 1998 as a national machinery to coordinate and mainstream gender issues in all national policies and implementation programmes, with the view to achieving gender equality. In 2002, the Government shuffled ministries a result of which the Ministry of Gender and Youth, Sports and Recreation (MGYSR), amongst others, was established. Further, it is the Ministry's function or mandate to drive and direct the Country's initiatives to promote gender equality, empower and protect the rights of women. Several initiatives have been put in place as a result of the establishment of this coordinating Ministry. They include:

- The promotion of women's economic empowerment;
- Advocating for reform of existing laws that are discriminatory against women; and
- The promulgation of new legislation and policies aimed at the protection and promotion of women's rights.

2. The first Gender and Development Policy was put in place in 2003. The Policy sought to redress the challenges of gender inequities and inequalities, poverty, increased spread of HIV and AIDS, retrenchment and unemployment by adopting a rights-based approach to development. The policy outlined measures for gender equity and equality and provided a framework of linking gender issues with human development. It facilitated integration of gender issues into development. It set out measures to integrate health education and information into

the school curricular. The Policy is currently under review to address the SADC Gender and Development Protocol's 28 articles as well as emerging issues.

3. The Marital power was abolished by the enactment of the Legal Capacity of Married Persons Act in 2006 which equalized status of spouses. This in effect has equalized power of spouses married in community of property, and insists on mutual consent in decisions that bind the joint estate. Furthermore, before 2006, the status of women married in community of property was that of perpetual minors. They could not enter into contracts except those limited to procurement of household necessities. They had no right or say in the guardianship of their children and had no domicile of their choice, (for instance a woman could be sued for malicious desertion of her husband if she failed to accept the husband's choice of place of residence. They had no capacity to own or register property in their own names and no legal right to sue or be sued unassisted by their husbands). The Act has amended specific sections of laws that discriminated against women:

- The Administration of Estates Proclamation 1935; women married in community of property could not be administrators of deceased's estate
- The Deeds Registry Act 1967; women married in community of property could not hold title to land or be appointed as curators
- The Marriage Act 1974; treated women as perpetual minors
- Lesotho Bank Savings and Development Act No 8 of 1971: did not allow women to open their own bank accounts without requiring the consent of the husband
- Companies Act(1967): did not allow women married in community of property to be directors of companies without the consent of the husband

4. Married women in Lesotho can now access and control land as a productive resource through enactment of Land Act in 2010. The Act aims at ensuring that land allocation is made on the basis of merit and need. Furthermore, the Act ensures that application is based on specificity and gives women space by specifically making provision for joint title deed for couples married in community of property. This is one of positive measures which Lesotho has taken in ensuring that issues of gender equality are advanced and that women are afforded same rights as those afforded men.

5. Lesotho attained 58% women representation in the 2005 local Government elections through the quota system that was put in place to reserve 1/3 of the total number of community councils

for women candidates only<sup>1</sup>. In 2011, Lesotho introduced near-parity model which provided for additional seats for women in the local government elections resulting in women's attainment of 49% representation in community councils. There was also an intensive advocacy on equal representation and participation of women and men in politics and decision making by Government and Non-Governmental Organizations.

The above strides are achievements because they create an enabling environment for the promotion of gender equality, protection of women's political and economic rights and the empowerment of women through:

- Changed approach from Women In Development to Gender And Development
- The Gender and Development Policy provides strategic direction to engender national policies, plans, budgets and projects
- Legal reforms have provided enabling environment for women to enjoy their human rights

#### **Contributions to success**

- Government commitment i.e Ratification of international instruments
- Advocacy by civil society and women's groups e.g WLSA, FIDA, Lesotho National Council for Women
- Collaboration of government and civil society
- Participation of civil society in international forums
- Electoral reforms since 2001
- Commitment and direction from the SADC Gender Unit through SADC Gender and Development Protocols, capacity building and periodic reporting

#### **B.CHALLENGES**

- Non Constitutionalization of gender equality e.g. Unavailability of human rights and gender equality commission (Limited understanding of human rights' issues and of capacity to promote and protect women's rights in informal structures such as the family, where women often seek justice).
- Slow domestication of international instruments

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<sup>1</sup> Local Government Elections (Amendment) Act 2004



- Despite developments in the legal reforms, knowledge and enforcement of laws has not yet translated and or elevated women's status in terms of enjoying land as a productive and economic resource e.g. access to land by women and access to credit.
- Cultural barriers slow down endeavours on women's empowerment i.e customary laws and practices are parallel to the promotion of gender equality. Conceptualization of gender compounded by weak women's movement
- Inadequate resources: despite the efforts done by the government and Development Partners
- Unavailability of data

**The above challenges are major because:**

- Lack of data hinders effective M&E
- Commitment by the Government becomes very low when there is no conceptualization
- Access to land and credit hinders economic empowerment
- Slow domestication of international instruments means legislation is not meeting international human rights standards and results in ineffective national laws

**STRATEGIES**

- Lobbying for establishment of Human Rights and Gender Equality Commission by the Ministry of Gender and Youth, Sport and Recreation
- Awareness creation targeting specific stakeholders
- Lobbying for introduction of gender responsive budgeting
- Working with Development partners to support programmes
- Departmental structure is requesting for establishment of research, monitoring and evaluation positions. SADC Protocol Alliance. Research being done by other stakeholders
- Male involvement in the promotion of gender equity and equality

### **C .SET BACKS**

- Sudden change of quota system(it was setting aside 30% community councils for women candidates due to the fact that Political parties were dissatisfied by the quota system

### **MITIGATION FACTORS**

- Intensified advocacy campaign for women's participation
- Intensified advocacy for political parties engagement in the promotion of women's participation in local government elections

### **D. Constitutional, Legislative and Legal Developments**

- Sexual Offences Act 2003
- Legal Capacity of Married Persons Act 2006
- Land Act 2010
- Financial Institutions Amendment Act 2008
- Companies Act 2011
- Anti-trafficking in Persons Act 2011
- Children's Protection and Welfare Act 2011

### **E. Laws or regulations having adverse effects**

The Constitution prohibits discrimination but on the basis of customary law discrimination is allowed and this has an adverse impact on women as they are discriminated against on the basis of culture section 18 (4) (c).

Chieftainship Act 1968

Inheritance Act 1873

Marriage Act 1974

Labour Code Wages (Amendment) Act 2012

### **E. Budget Allocation**

#### **PERCENTAGE OF GENDER BUDGET IN THE MINISTRY**

| <b>YEAR<br/>9/10</b> | <b>YEAR<br/>10/11</b> | <b>YEAR<br/>11/12</b> | <b>YEAR<br/>12/13</b> | <b>YEAR<br/>13/14</b> | <b>YEAR<br/>14/15</b> |
|----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 5.14%                | 3.41%                 | 4.78%                 | 3.59%                 | 5.9%                  | 4.78%                 |

**Table 1: provided by MGYSR**

The Government of Lesotho through the Ministry of Gender introduced gender responsive budgeting training in 2010 by for Economic Planners from Government Departments to improve efficiency by ensuring expenditure benefits those who need it most, track implementation and improve transparency and accountability. Implementation for the outcome of the training needs to be followed up.

F.

Existing mechanisms facilitating dialogue between Government and Civil Society include formal and ad hoc Task Teams, monthly meetings of the Gender Technical Committee (GTC) made up of Gender Focal Points (GFP) from line Ministries and representatives of NGOs and consultative forums with civil society.

G.

The in-country cooperation on which knowledge and experiences are shared involves holding of fora, undertaking research and entering into agreements with Line Ministries and Civil Society Organizations on areas of cooperation as reflected in the Gender and Development Policy and national plans.

The bi-lateral cooperation is in the form of Country Programmes with Development Partners which offer financial and technical support. Lesotho has established an inter country relationships with the Republic of South Africa as in the Cross border campaigns with South African Police Service (SAPS) on activism against GBV and human trafficking

At regional level, Lesotho participates in the SADC Gender Minister's Meetings and at continental level she participates in the AU Gender Ministers' Meetings to support sharing of knowledge and experiences in the monitoring and implementation of the Beijing Declaration for

Platform for Action and the outcomes of the twenty-third Special sessions of the General Assembly.

### **Results achieved and lessons learnt and value of cooperation**

- Improved coordination; increased appreciation of gender and development issues
- Strengthening working relationships
- Increased knowledge and appreciation of international instruments that Lesotho is a state party to
- Enhanced resource sharing and strengthened capacity building, and strengthened national machinery for the advancement of women.
- Recognition of need to engender policies and programmes
- Improved information Putting in place regulatory measures Valuable as it will affect the cross border regulation
- Strengthened measures to address GBV and trafficking in persons
  
- Enhanced political development

### **H. MDGs' Facilitation of Implementation of BPfA**

- Gender related MDGs increased awareness and appreciation
- Gender was mainstreamed through all MDGs, with gender disaggregated data for all goals
- Building on BPfA the MDGs have fast-tracked its implementation through e.g. enactment of laws that promote and protect women's rights.
- Has increased monitoring through regular reporting, as well as reflecting gaps on targeting as research has indicated.

## **SECTION TWO**

### **WOMEN AND POVERTY**

At least 56% of Basotho is reported to be living below the poverty line, and the vulnerability assessment report (2014) reported that over 200, 000 would be food insecure in 2014. The largest proportion of those affected are women and children. Unemployment and income vulnerability have been identified, as key development challenges confronting especially women, thus exacerbating poverty. According to the Bureau of Statistics (2008), unemployment for women aged 15+ stands at 51 % and 49% for men<sup>2</sup>. More women are seen to be participating in the manufacturing sector; which is attributed to the textiles and clothing sector.

Lesotho has adopted Vision 2020, National Strategic Development Plan 2012/13-2016/17 and the MDGs, as guiding policy framework to reducing poverty and achieving sustainable and inclusive economic growth and development. The Government of Lesotho is also progressively adopting economic reforms aimed at promoting women economic independence, especially among women and other vulnerable groups.

More than 70% of Basotho are living in the rural areas; in order to promote rural development and alleviate poverty, the Government of Lesotho in partnership with NGOs and development partners, has instituted development projects targeted mainly at women. The rural financial intermediation project (RUFIP) is expected to mobilize and capacitate women for better access to finance and financial resources.

The agricultural sector is the mainstay of Lesotho's economy with over 80% of the population living on agriculture, while it contributes about 8% to the GDP. Although the sector has a higher male participation, women are active participants and productivity agents. New programs and reforms are introduced in the agriculture and finance sectors to promote women economic participation, access markets and economic resources and capacity building.

The legal and cultural status of women in Lesotho has also dominated the poverty feminization discourse. The Inheritance Act 1873 seeks to ensure equal access to assets and property of estates in families. Consistent to this, the Land Act, 2010, was enacted to facilitate revision of the land tenure system, and also promote women property rights. It aims at ensuring that land allocation is made on the basis of merit and need. Further, the Act ensures that application is based on specificity and gives women space by specifically emphasizing on their inclusion on certain clauses. This is one of positive measures which Lesotho has taken in ensuring that issues of gender equality are advanced and that women are afforded same rights as those afforded men. Lastly, a relationship between poverty and gender based violence has been drawn, thus exacerbating in order to enforce gender equity and equality.

### **Companies Act 2011**

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<sup>2</sup> BOS Labour Force survey 2008, Statistical year book 2010

The National Strategic Development Plan (NSDP) is aimed at directing the nation to reduce poverty and achieve sustainable development, the main goals of the NSDP are amongst others to: (i) Pursue high, shared and employment creating economic growth; (ii) Develop key infrastructure; (iii) Enhance the skills base, technology adoption and foundation for innovation. In addition, it has undertaken women empowerment programmes and projects such as Women's Entrepreneurship Development and Gender Equality, the Gender Equality in Economic Rights where women are trained in rural areas on their economic rights with the support of Millennium Challenge Account. Currently, Textile Manufacturing Industry employs over 95% of women who have migrated from rural areas to urban areas to seek employment<sup>3</sup>.

The Nutrition Department in the Ministry of Agriculture supports women's groups in rural areas. The department provides training to women's groups to create income generating projects. They further provide training to pregnant mothers on nutrition for themselves and for children aged 0-5 years to combat malnutrition. Trainings and mentoring on home management activities, household food production, food preservation, nutrition for HIV patients are offered in rural areas to groups which consist predominantly of women. Lesotho Food Security Policy 2005 was put in place to improve the adequacy and access to food at household level. Policy founded on principles including mainstreaming HIV/AIDS and gender concerns; also relies on the principle of supporting vulnerable groups including rural women.

The Government has another rural based programme covering all rural districts which offers training in entrepreneurship for youth including young women. An example of such programmes is Women Entrepreneurship Development and Gender Equality (WEDGE), support offered by International Labour Organisation, (ILO), whose objectives include creating employment and contributing to gender equality in the economic empowerment of women. In addition to this, Automated Grinding mills have been provided by Government for rural women to ease their burden of household chores.

Self help groups and cooperatives are established and are sustained amongst rural women where there are limited facilities to access finance and other services. Village Loans and Savings Associations have been formed to close the gap in the absence of interaction with more formal structures. The limited interaction between banks and credit agencies and rural communities remains a challenge.

Several interventions benefit rural women, namely the Rural Water Supply and Rural Electrification Projects and the Gender and Energy Project. The project on Gender and Energy

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<sup>3</sup> Ministry of Labour and Employment , 2009.

supports rural women. The project is expected to lead to income generation and ease the problem of fuel shortage in the targeted districts. Moreso, capacity building and knowledge have been imparted to communities at the grassroots level on how to make ‘dung cakes’ for fuel purposes.

## **WOMEN, EDUCATION AND TRAINING**

Lesotho boasts one of the highest literacy rates standing at 95.6% for women and 83.3% for men<sup>4</sup>; The Government introduced Free Primary Education (FPE) in 2000, which greatly improved access to primary education. In 2010, the Government passed the Education Act of 2010, making primary education not only free, but also compulsory.

### **Primary education**

About 81 percent of the registered primary schools are said to be owned by the churches whereas government and community had shares of 11 percent and 4 percent respectively. The church owned agencies comprised of; LEC, RCM, ACL and AME. Majority of the church owned registered primary schools belonged to both Lesotho Evangelical Church (LEC) and Roman Catholic Mission (RCM) constituting 32 percent and 26 percent respectively.

### **New Entrants in Registered Primary Schools**

According to the Education Report (2012) Enrolment of new entrants in registered primary schools has been slightly varying from 2009 to 2012. New entrants were 54,197 in 2009, 53,911 in 2010, 55,182 in 2011 and 54,676 in 2012 highlighting a reduction of 0.9 percent of new entrants from the year 2011. The percentages of new entrants by gender were similar to the previous years since 2009, whereby boys constituted 52 percent and girls 48 percent. Enrolment of new entrants was at the peak precisely at the age of six (the official admission age) for both boys and girls and drastically declined at ages beyond eight.

According to Table 2 the number of orphans and pupils with special needs or disabilities has been unstable during the period under review. The number of orphans enrolled at primary level was 99,082 in 2004 and has been fluctuating until it reached a high number of 122,178 in 2012; evidently, free primary education has facilitated a high number of orphans to access education at this level. The number of disabled pupils was 22,292 in 2004 and since then it has been erratic, showing an overall downward trend recording an enrolment level of 19,682 in 2012.

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<sup>4</sup> <http://www.indexmundi.com>-2010 estimates

| <b>Table 2 Enrolment in Registered Primary Schools by District, Location and Sex, 2012</b> |                 |              |                  |              |                 |              |                           |             |               |
|--|-----------------|--------------|------------------|--------------|-----------------|--------------|---------------------------|-------------|---------------|
| <b>District</b>  | <b>Lowlands</b> |              | <b>Foothills</b> |              | <b>Mountain</b> |              | <b>Senqu River Valley</b> |             | <b>Total</b>  |
|  | <b>M</b>        | <b>F</b>     | <b>M</b>         | <b>F</b>     | <b>M</b>        | <b>F</b>     | <b>M</b>                  | <b>F</b>    |               |
| Butha-Buthe  | 5093            | 4734         | 4088             | 3854         | 2391            | 2235         | 0                         | 0           | <b>22395</b>  |
| Leribe   | 19216           | 17552        | 7554             | 6986         | 3926            | 3907         | 0                         | 0           | <b>59141</b>  |
| Berea  | 15185           | 13921        | 9099             | 8136         | 241             | 288          | 0                         | 0           | <b>46870</b>  |
| Maseru   | 32597           | 30676        | 6823             | 6729         | 3766            | 3909         | 0                         | 0           | <b>84500</b>  |
| Mafeteng   | 13626           | 12004        | 6697             | 6504         | 0               | 0            | 0                         | 0           | <b>38831</b>  |
| Mohale's Hoek  | 8190            | 7536         | 3229             | 3191         | 4469            | 5013         | 1444                      | 1337        | <b>34409</b>  |
| Quthing  | 0               | 0            | 0                | 0            | 6702            | 6899         | 5157                      | 4674        | <b>23432</b>  |
| Qacha's Nek  | 0               | 0            | 0                | 0            | 7194            | 6938         | 952                       | 955         | <b>16039</b>  |
| Mokhotlong   | 0               | 0            | 0                | 0            | 11097           | 12161        | 0                         | 0           | <b>23258</b>  |
| Thaba-Tseka  | 0               | 0            | 0                | 0            | 14497           | 14999        | 1616                      | 1703        | <b>32815</b>  |
| <b>Total</b>   | <b>93907</b>    | <b>86423</b> | <b>37490</b>     | <b>35400</b> | <b>54283</b>    | <b>56349</b> | <b>9169</b>               | <b>8669</b> | <b>381690</b> |

**Source: Education Report (2012)**

Gender comparison in enrolment indicates that in 2010, enrolment of girls exceeded that of the boys in only three districts namely; Quthing, Mokhotlong and Thaba-Tseka while in 2011 girls' enrolment surpassed that of boys in only two districts of Mokhotlong and Thaba-Tseka. Enrolment comparison by ecological zones in 2012 demonstrates that there were more boys enrolled in the Lowlands, Foothills, and Senqu River Valley while more girls than boys are enrolled only in the Mountains.

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enrolled in the Lowlands, Foothills, and Senqu River Valley while more girls than boys are enrolled only in the Mountains.

During the period 2001 to 2012, transition rates have been fluctuating with lowest transition rate of 61.6 noticed in 2003 while the highest transition rate of 75.5 was recorded in 2010. The transition rate had improved between 2009 and 2010 while a minor collapse of 1.5 percent was observed in 2011. Table 3 below portrays that there were more males than females who proceeded from standard 7 to Form A from 2001 to 2007. The trend reversed direction from 2008 to 2011 whereby more females than males progressed from standard 7 to Form A. Both sexes were balanced and shared transition rate amounting to 74.8 each in 2012.

| <b>Table 3 Transition Rates from Standard 7 to Form A, 2001-2012</b> |              |                |              |                         |                |              |
|--|--------------|----------------|--------------|-------------------------|----------------|--------------|
| <b>Transits from Standard 7 to Form A</b>                            |              |                |              | <b>Transition Rates</b> |                |              |
| <i>Year</i>  | <i>Males</i> | <i>Females</i> | <i>Total</i> | <i>Males</i>            | <i>Females</i> | <i>Total</i> |
| <b>2001</b>  | 9799         | 13035          | 22834        | 67                      | 66.7           | 66.8         |
| <b>2002</b>  | 10354        | 13698          | 24046        | 65.3                    | 62.2           | 63.5         |
| <b>2003</b>  | 10121        | 13138          | 23259        | 63.6                    | 62.1           | 61.6         |
| <b>2004</b>  | 10892        | 14367          | 24809        | 67.5                    | 64.7           | 66.5         |
| <b>2005</b>  | 11586        | 14999          | 26585        | 69.6                    | 68.3           | 68.9         |
| <b>2006</b>  | 10924        | 14205          | 25129        | 70.3                    | 69.1           | 69.6         |
| <b>2007</b>  | 12995        | 17980          | 30975        | 68.3                    | 66.4           | 67.2         |
| <b>2008</b>  | 12527        | 17525          | 30052        | 68                      | 70             | 69.2         |
| <b>2009</b>  | 13198        | 18105          | 31303        | 71.7                    | 74.1           | 73.1         |
| <b>2010</b>  | 13725        | 18630          | 32355        | 75.3                    | 75.6           | 75.5         |
| <b>2011</b>  | 13811        | 18514          | 32325        | 72.5                    | 75.2           | 74           |
| <b>2012</b>  | 14158        | 17812          | 31970        | 74.8                    | 74.8           | 74.8         |

Source: Education Report (2012)

## Secondary education

Secondary education is intermediate level between elementary level and college or University. It begins with grade 8 (Form A) to grade 12 (Form E). Form A starts around age 13 or 14 progressing to Form E ending in at or around 17 or 18 years. This level of education generally comprises of junior/lower and senior/upper secondary education. Junior secondary level covers Form A to Form C, and the Junior Certificate(JC) is awarded on successful completion of Form C. Senior secondary level consists of Form D and Form E, and Cambridge Overseas School Certificate (COSC) is awarded on successful completion of Form E. Usually provided at this level is general, technical or vocational and college preparatory curricula.

In 2011 orphans amounted to 42 percent of the total enrolment in registered secondary schools, and this percentage exceeded that of 2010 by 2.2 percent. In 2012 the percentage of orphans amounted to 41.2 percent (52615) of the total enrolment (127852). Qacha's Nek had the highest percentage of orphans whereby half of the enrolled students were orphans. However, Butha Buthe had the lowest proportion with one thirds of the enrolled students being orphans. The number of female orphans exceeded the number of male orphans in all grades. Male orphans constituted 43 percent while females formed 57 percent.

The total enrolment for 2012 was 127,852 in registered secondary schools. This enrolment decreased by 0.2 percent from 128,172 in 2011. It was the first drop in more than a decade. The historic trend at this level has shown that enrolment for girls has always been higher than that of boys. For instance, 57 percent of girls enrolled as opposed to 43 percent of their boys' counterparts in 2012. According to enrolment in registered secondary schools by age, form and gender, girls exceeded boys in early ages of 12 to 16, However the dominance between boys and girls interchanged at later ages beyond 16. 73 percent of students were in lower secondary while 26 percent attended upper secondary school. Enrolment in lower secondary was above 14000 at ages 14 to 17 only while below 8000 at all ages in upper secondary. There were 606 (0.5 percent) students above 24 years who were still at secondary level of which more than three quarters (77.5 percent) of them attended upper secondary schools.

### **Transition Rates from Form C to Form D**

Table 4 shows the transition rates from form C to form D. Transition rates reveals that more males advanced from form C to form D than females since 2002 to 2007. It implies that more male students proceeded to higher secondary than female students after completing junior secondary. Thereafter, female surpassed male transition rates from 2008 to 2009. In 2010, males again transited more than females. Transition rate decreased by 2.6 percent from 2010 to 2011 and further declined by 3.2 to 71.4 in 2012. In 2012, male's transition rate also dropped more than females. In addition, the 2012 transition rate of males was below 70 for the first time in four years while females have been above 70 percent since 2008.

| <b>Table 4 Transition Rates from Form C to Form D, 2002 – 2012</b> |              |                |              |
|--|--------------|----------------|--------------|
| <b>Year</b>  | <b>Males</b> | <b>Females</b> | <b>Total</b> |
| 2002   | 74.3         | 75.2           | 74.8         |
| 2003   | 79           | 77             | 77.9         |
| 2004   | 78.3         | 76.4           | 77.2         |
| 2005   | 75.2         | 73.7           | 74.4         |
| 2006   | 75.2         | 73.7           | 74.4         |
| 2007   | 68.7         | 67             | 67.7         |
| 2008   | 71.8         | 75.7           | 74           |
| 2009   | 71.7         | 78.2           | 75.3         |
| 2010   | 78.6         | 76.2           | 77.2         |
| 2011   | 73.6         | 75.3           | 74.6         |
| 2012   | 69.7         | 72.7           | 71.4         |

**Source: Education Report (2012)**

### **Technical and Vocational Education Training (TVET)**

The enrolment in TVET was in the same range for the years 2010 and 2011: at 1746 and 1701 respectively. However in 2012, enrolment almost doubled, rising sharply to 3296. Out of the total 3296 students enrolled, there was a slight gender imbalance, where more than half (56%) of the learners were females while males accounted for (44%) of the total student population. At district level, it was observed that a roll of 1586, which was less than half (48%) of the students were from Maseru, followed by Leribe with 715 (22%) and Mophale's Hoek with 520 (15%) students.

### **National University of Lesotho**

The National University of Lesotho total enrolment has been ascending over the years 1997/98 to 2009/10 for both part-time and full time students. For instance for a period of ten years the number of part-time student and fulltime students more than doubled. Further, enrolment of undergraduates rose from 10,071 in 2008/09 to 11,137 in 2009/10, while in 2010/2011 total enrolment was 12339. Of the 12339 students enrolled at NUL in 2010/2011, 60 percent were females. Females were dominant more especially at the Institute of Extramural Studies (IEMS)

and the faculties of Education, Institute of Education, Humanities and Social Sciences. Male dominance was only evident in the faculties of Agriculture and Science. Gender balance was somewhat observed in the faculties of Health Sciences, and Law, as portrayed in Table 5 Very few students (3 percent) enrolled for post-graduate programmes at NUL. However the gender imbalance was minimal at this stage with females still exceeding the males.

**Table 5 Summary of NUL Student Enrolment by Level of Study, Faculty and Gender - 2010/11**

| ID | Faculty                | Under Graduate |             | Post -Graduate |            | Total        |
|----|------------------------|----------------|-------------|----------------|------------|--------------|
|    |                        | M              | F           | M              | F          |              |
| 1  | Agriculture            | 319            | 216         | 3              | 2          | 540          |
| 2  | Education              | 745            | 1187        | 29             | 14         | 1975         |
| 3  | Health Sciences        | 270            | 321         | 34             | 49         | 674          |
| 4  | Humanities             | 268            | 741         | 26             | 16         | 1051         |
| 5  | Law                    | 131            | 134         | 28             | 33         | 326          |
| 6  | Science                | 723            | 273         | 30             | 7          | 1033         |
| 7  | Social Sciences        | 1184           | 1514        | 29             | 63         | 2790         |
| 8  | IEMS                   | 879            | 2109        | 10             | 31         | 3029         |
| 9  | Institute of Education | 194            | 727         |                |            | 921          |
| 10 | <b>Grand Total</b>     | <b>4713</b>    | <b>7222</b> | <b>189</b>     | <b>215</b> | <b>12339</b> |

*Source: Education Report 2012*

## **WOMEN AND HEALTH**

Section 27 of the Constitution provides for Lesotho to adopt policies aimed at ensuring the highest attainable standard of physical and mental health for its citizens, including policies designed among others to:

- Provide for the reduction of stillbirth rate and of infant mortality and for the healthy development of the child;
- Provide for the prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- Create conditions which would assure to all, medical service and medical attention in the event of sickness; and Improve public health

In an effort to address the health needs of women and to protect their sexual and reproductive health and rights, Lesotho adheres and has adopted the following:

- The International Conference on Population Development Plan of Action;
- The Millennium Development Goals; and
- The Roadmap for Accelerating Reduction of Maternal and Newborn Morbidity and Mortality in Lesotho (2007-2015).

Lesotho has put in place reproductive health programmes focusing on safe motherhood, family planning services, prevention of mother to child transmission of HIV and AIDS and adolescent health. Key policies adopted in this regard include among others the National Health Policy, the National HIV and AIDS Policy and Revised Strategic National Plan 2012/2013-2015/2016. The National Reproductive Health Policy 2008 and the National Action Plan on Women, Girls and HIV and AIDS 2012-2017. It is partnering with UNFPA, UNICEF, WHO, Institute of Development Management and NGOs such as LPPA, Christian Health Association of Lesotho (CHAL) to scale up programmes offering training and counseling on PMTCT and HIV and AIDS, and to administer Post Exposure Prophylaxis (PEP) to survivors of rape.

Lesotho, through the Ministry of Health, has put in place reproductive health programmes, which encapsulate safe motherhood programme, family planning services, prevention of mother to child transmission of HIV and AIDS and adolescent health. National Reproductive Health Policy 2009 addresses issues of fertility, sexual health, family planning, safe motherhood and HIV/AIDS. Advocates for gender equality in accessing safe, effective, affordable family planning methods and men's involvement in the promotion of sexual health

### **The Safe Motherhood Programme**

The programme focuses on the wellbeing of the mother. It aims at reducing the number of deaths and illnesses associated with pregnancy and childbirth. Through the programme, women of reproductive age i.e. 15 to 49 years are taught and encouraged to take good care of their bodies by attending regular medical examination to identify curable illnesses such as breast and cervical

cancer at an early stage. They are also educated on activities that increase the risks of illness to their bodies as well as those that can extend the individual's life expectancy. Mothers are generally encouraged to breastfeed in the first six months of motherhood. Reports show that 92% of infants were breastfed at some point in their lifetime<sup>5</sup>.

### **Family Planning Programme**

The programme is specifically intended to improve the health and welfare of women by enabling them to time their pregnancies by using medically approved commodities. Different commodities that are offered at Lesotho family planning services include condoms for men and women, injectables, pills, female and male sterilisation, and intrauterine contraceptive device (IUCD). Some of these services are available in the community/village level, that is, condoms for both males and females, and oral contraceptives. Lesotho Demographic Health Survey (2009) shows that 98% of all women aged between 15-49 considered for the survey knew about at least one contraceptive method and of these women, Use of contraceptives methods was 47% for married women in 2009 while for unmarried women it is 58%.

### **Prevention of mother-to-child transmission of HIV and AIDS**

According to UNAIDS, the dominant mode of transmission of HIV in the Country is through sexual intercourse, which can lead to unplanned pregnancies<sup>6</sup>. As a result the prevention of mother-to-child transmission programme was introduced in Lesotho in 2003. If the results of the tested mother are positive, further examination is undertaken to determine whether the pregnant mother needs prophylaxes or antiretroviral treatment (ARVs). The percentage of HIV infected women who received ARVs to reduce the risk of mother to child transmission has increased from 5.9% in 2005 to 7.1% in 2009. Counselling and testing of pregnant women form part of antenatal care. According to Government of Lesotho implementation of the recommendations of UNGASS Report 2010, the trend of antenatal care HIV testing and counselling stood as shown in the table below:

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<sup>5</sup> *LHDS 2009*

<sup>6</sup> Kimaryo, Okpaku, Githuku and Feeney (Eds), 2004, 'Turning a Crisis into an Opportunity: Strategies for Scaling up the National Response to the HIV/AIDS Pandemic Lesotho'.

**Table 6: Trend on ANC HIV TESTING/ Number of Pregnant Women Counseled and Tested for HIV in 2005-2009**

| <b>YEAR</b> | <b>New ANC Clients</b> | <b>Pre-test Counseled</b> | <b>HIV TESTED</b> | <b>Post Test Counseled</b> |
|-------------|------------------------|---------------------------|-------------------|----------------------------|
| <b>2005</b> | 9,700                  | 10,684                    | 5,459             | 4,913                      |
| <b>2006</b> | 11,952                 | 13,047                    | 9,277             | 7,168                      |
| <b>2007</b> | 24,651                 | 26,293                    | 23,965            | 23,196                     |
| <b>2008</b> | 33,609                 | 38,779                    | 37,159            | 37,159                     |
| <b>2009</b> | 32,881                 | 29,300                    | 27,389            | 25,322                     |

**Source:** GoL/UNGASS Report 2010

In Government clinics and hospitals, pregnant women receive antenatal check-ups for free. Thereafter, infants are entitled to an immunization course without charge. These services are offered and available to all in the ten (10) districts regardless of their marital status. Lesotho Demographic Health Survey (LDHS 2009) shows that 92% of pregnant women received antenatal care from a health professional (a doctor or a nurse, midwife, or nursing assistant). The remaining 8% did not receive any antenatal care; a shift has been noted since 2004.

Antenatal care appreciation is closely associated with the pregnant woman's educational level. Women with higher education level are likely to use antenatal care facilities than those with no education. Likewise, pregnant women in the rural areas are less likely to make antenatal care visits than pregnant women in the urban areas<sup>7</sup>. To ensure that women receive adequate nutrition during pregnancy and lactation, the Government has ensured that hospitals and clinics provide advisory services on healthy eating to pregnant women and nursing mothers. In public hospitals and clinics, vitamins and food supplements are given to pregnant women as their increased intake is needed during pregnancy and breastfeeding periods.

#### **a) Health Programmes**

An example of such initiatives includes family planning services that extend throughout the Country, covering rural areas through a number of clinics. Statistics show that there is

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<sup>7</sup> LDHS 2009.

widespread knowledge about the use of contraceptives and family health services; 99.6% in urban areas and 98% in rural areas<sup>8</sup>. Efforts have been made to make health services as widely accessible as possible through the establishment of a three tiered referral system that stems from community level through Health Posts operated by community health workers which include birth attendants, community-based condom distributors and other volunteer workers. NGOs, conduct outreach and education activities on family planning making services more accessible to women residing in rural areas. A recent project established structures with individuals based in villages to act as distribution points for contraceptives, making them more accessible to women residing in those communities.

As one of the health service areas in the Country, the Lesotho Flying Doctor Service provides emergency medical service to the remote mountainous areas of the Country. It has also initiated rural health care programmes and brings in essential supplies to areas in distress. Mission Aviation Fellowship (MAF) provides air transportation to the flying doctor service. In addition, MAF provides flights to rural health clinics operated by Partners in Health. Development partners supporting the Ministry of Health to improve its HIV and AIDS services in the most remote and isolated areas of the Country through refurbishing clinics, improving drug procurement and management systems, recruiting and providing training to health workers and in ensuring that HIV treatment is increasingly available for children.

### **Adolescent Health Programme**

Adolescent Health Programme aims at educating young girls about reproductive health issues so they avoid fatalities like falling pregnant at a young age and contracting illnesses. The programme includes counseling services on sexual and reproductive matters. Through school health education and life saving skills programme, pupils are taught how to maintain healthy bodies. National Adolescent Health Draft Policy aims to reduce maternal mortality among adolescents by increasing knowledge of reproductive biology, contraception, safe sex, and prevention of STI and HIV/AIDS and reduction of unwanted pregnancies. It also advocates for revised laws and policies for optimal use of adolescent health services.

HIV prevalence among young women aged 15-24 is 14% and is 3.5% times higher than among men of the same age group which stands at 4%. The National Action Plan on Women, Girls and HIV and AIDS (2012-2017) aims at reducing vulnerability and mitigating the impact of HIV and AIDS on women and girls in the following six (6) thematic areas:

- Prevention of HIV and AIDS among women and girls;

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<sup>8</sup> LDHS, 2009.



- Girls education;
- Gender based violence;
- Property and inheritance rights;
- Putting value to women's care work; and
- Women and girls' access to HIV and AIDS care and treatment.

### **Reproductive Health Programme**

The maternal mortality rates are still a worrying factor, taking the following pattern: 419 deaths in 2001, 762 in 2004<sup>9</sup> and 1,155 deaths in 2009<sup>10</sup>. To mitigate this issue the Government has adopted the Roadmap for Accelerating Reduction of Maternal and Newborn Morbidity and Mortality in Lesotho (2007-2015). The programme is supported by UNICEF, UNFPA and WHO. The Government has also developed a five year Prevention of Mother to Child Transmission (PMTCT) and Paediatric HIV Treatment Scale-Up Plan 2007-2011 which includes the four (4) pronged approaches outlined below:

- Primary prevention of HIV infections among women of child-bearing age;
- Prevention of unintended pregnancies among HIV infected women;
- Prevention of HIV transmission from infected mothers to their children; and
- Provision of continuous care, treatment and support for infected mothers, their partners and children.

NGOs, such as the Institute of Development Management and Lesotho Planned Parenthood Association, have formulated programmes offering training and counseling on PMTCT and HIV and AIDS. Mobile clinics have been provided in hard to reach areas to ensure women have access to health care services. The Ministry of Health has developed guidelines on how to administer Post Exposure Prophylaxis (PEP) for occupational health and survivors of sexual violence. A subsidized registration fee of M20.00<sup>11</sup> is required for the tests to be made so that PEP may be administered and this is available in most health care centers.

- Prevention of uterus cancer through vaccination
- Clinical male circumcision intended to reduce STIs

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<sup>9</sup> LDHS, 2004.

<sup>10</sup> Lesotho MDG's report 2013

<sup>11</sup> \$2.56.

- Mother baby pack provided by Ministry of health for pregnant women

## **VIOLENCE AGAINST WOMEN**

Violence against women and girls in Lesotho is on the increase with sexual violence dominating and this limits their voice to negotiate safe sex hence the high prevalence of HIV amongst women<sup>12</sup>. For example, attitudes towards wife beating vary by background characteristics<sup>13</sup>. This was demonstrated in the LDHS report which shows that 15% of men feel that denying sex to the husband is a justification for wife beating<sup>14</sup>. Lack of institutional programmes targeting behaviour change and patriarchal mind-sets contribute to high incidences of GBV cases and high infection rate of HIV and AIDS among Basotho women. The extent of sexual violence between 2004 and 2011 is illustrated in the Table 7 below.

**Table 7**

| <b>Gender Discrimination and Sexual Violence</b>                                    |                        |                        |
|---|------------------------|------------------------|
| <b>Indicator</b>  | <b>2004</b>            | <b>2009</b>            |
| Husband is justified in beating wife if she refuses sex                             | 19.6% (M)<br>20.1% (F) | 15.4% (M)<br>12.6% (F) |
| Wife is justified in refusing sex if she knows husband has an STI                   | 71.6 (M)<br>81.9% (F)  | 52.5% (M)<br>52.4% (F) |
| Wife is justified in refusing sex if she knows the husband has sex with other women | 62.5% (M)<br>79.7% (F) | 63.8% (M)<br>73.5% (F) |
| Husband has the right to use Force to have sex if wife refuses                      | 12.4% (M)              | 16.5% (M)              |
| Husband has the right to deny financial support if wife refuses sex                 | 17.5% (M)              | 26.3% (M)              |

**Source: Lesotho MDG Report, 2013**

Other studies on prevalence of GBV reflect underreporting in the police statistics, as many survivors prefer non-legal redress for fear of re-victimisation and violence by the partners or perpetrators. This therefore means that there are many cases of unlawful sexual acts which have a possibility of new HIV infections which go unreported<sup>15</sup>. However, despite the above, there is limited data and research on GBV which leads to responsible agencies not being aware of the impact of GBV and its link to HIV and AIDS.

<sup>12</sup> UNFPA, 2010. Rapid Assessment on Sexual and Gender Based Violence and Food Insecurity in Lesotho

<sup>13</sup> LHDS, 2009

<sup>14</sup> Ibid

<sup>15</sup> Ibid

To address sexual violence against women, Lesotho has enacted the Sexual Offences Act 2003. The Act recognizes marital rape as an offence under the prescribed circumstances. The minimum penalty for sexual offences is eight years imprisonment and the maximum is the death sentence where the perpetrator at the time of the commission of the offence had knowledge or reasonable suspicion of being infected with the human immunodeficiency virus (HIV). According to LMPS Annual Crime Report, sexual offences reported from 2009 to 2014 range from 1500 to 1,650 per year. Out of the reported cases about one-third of the total, get taken to court. This suggests that there is low conviction rate.

To afford services to victims of gender based violence, Lesotho has established the Child and Gender Protection Unit within the Lesotho Mounted Police Service and a One Stop Centre by MGYSR. CGPU deals mainly with protection of children, women and men who have suffered GBV by investigating cases and ensuring prosecution of cases, as well as sensitizing the communities on issues of GBV. The Centre provides temporary place of safety to women and children survivors of SGBV where they receive psychosocial support, mediation, economic empowerment, referral, health and legal services to ensure an integrated response and support services to survivors. The MGYSR with the financial support of UNFPA and GENDER-LINKS and in partnership civil society organizations and other stakeholders have formulated a National Action Plan on Gender Based Violence 2008. The plan focuses on the following key areas: legislation and policy services, socio-economic, cultural and political rights, public education and awareness, integrated approaches and budgetary allocations.

The Legal Capacity of Married Persons Act No. 27 of 2006 is intended to reduce women's vulnerability to poverty as a result of economic dependence to men, and which may lead to violence against women particularly in a country where HIV and AIDS is so prevalent<sup>16</sup>. Though this law is in place, in practice knowledge of economic rights among men and women still remain a challenge in Lesotho, therefore, most married women continue not to enjoy their economic rights as envisaged under the law. Another barrier is that despite the conducive legal in this regard, in some instances, the cultural practices still dominate the mind-sets of both men and women. For example, in the LHDS Report it was shown that "... in the case where a woman refuses sexual intercourse, 63% of men indicate they have a right to get angry and reprimand her, while 26% believe it is appropriate to refuse her financial support and 16% agree that it is justifiable to use Force"<sup>17</sup>.

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<sup>16</sup> UNAIDS Report, 2012

<sup>17</sup> LHDS, 2009

Further, the Penal Code which was enacted in 2010 regulates all assaults cases inclusive of domestic violence. This law does not however provide comprehensive protection for violence that occurs within the domestic sphere as it provides protection from the general perspective. The Government of Lesotho also enacted the Anti-Trafficking in Persons Act No. 1 of 2011 that prohibits and punishes all forms of trafficking and requires protection measures for victims of trafficking. However, cases on trafficking seem to increase at approximately 50% per year since 2010 to date. The government's anti-trafficking efforts, however, continue to lack inter-ministerial coordination, as well as a mechanism to ensure formal identification and protection of victims.

In order to remedy these problems government is currently working on developing Regulations for implementing Anti- Trafficking in Persons Act 2011. The government of Lesotho is also working towards establishment of the National Data Hub on Human Trafficking to assist in giving out proper statistics which will show the magnitude of Human Trafficking in the country and inform interventions needed.

## **WOMEN IN ARMED CONFLICT**

In Lesotho the gender and peace and security have not been supported by legal provisions. Documented evidence indicates that the relevant laws namely the Lesotho Defence Act of 1998 and Police Service Act of 1998 are gender blind, though there is reference to equal opportunity of employment in the police Act.

The national policy on gender and development based on Beijing and regional standards, related strategies and plans require these institutions to ensure gender considerations and human rights practices. Also in the absence of an action plan for the UN Security Resolution 1325 these are not fully mainstreamed in their policies since. However, there have been positive efforts reported that in the Defence Force for example there has been sensitivity to women's needs and provided human security by ensuring that women are not assigned to patrol duties and had in accordance with the Labour Code requirements all along been entitled to maternity leave, but beginning 2014 celibacy is encouraged for all new officers for 5 years after recruitment.

Women have over the years made inroads into the traditionally male- privileged peace and security sector though still challenged by slow pace and the low place accorded women in the sector given the masculine tradition of these institutions globally. Lesotho has achieved some progress on recruitment and engagement of more women in the national security Forces up to senior ranks as an impact of UNSCR 1325 provisions and other related instruments that commit

Lesotho to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace-building processes<sup>18</sup>. The progress varies between the different security institutions or categories.

Indications are that the country is gradually increasing the number of women in the employment of security Forces. Their overall representation in leadership constituted 12.5 percent and 20 percent in the Parliament Cluster Committee on Security, Defence and National Service in 2013<sup>19</sup>, although across the various core security institutions: Defence, Police and Correctional Services women representation does not currently exceed 25 percent. While there are no available and reliable figures for the number of women in the Defence Force, according to the BOS distribution of the total working population in Lesotho by sex indicates that women have the lowest share of 0.1 percent against 0.5 for men in the category of Armed Forces<sup>20</sup> with 9.9 percent recorded in 2013<sup>21</sup> which is almost the UNDPKO target of 10 percent. The highest ranking woman in Lesotho's defense Force is a lieutenant colonel; there are no women generals yet. Women in the correctional services constituted 26% in 2011, placing it second place in the SADC region while in the police Force there is visibility of women decision-making position sat 17 percent in 2010 to 31 percent in 2011 and 21 percent in 2013 slightly surpassing UNDPKO target of 20 percent.

Significant has been the leadership of the first woman Police Commissioner in Lesotho and the SADC region from 2005 to 2014 which is the most tangible measure in compliance with provisions of the international instruments to bring women's "voice and face" into the mainstream. She was the pioneering chair of SARPCCO in 2006. The woman's role in the military and police conflict were symbolic of her effective leadership in armed conflict, and deploying staff in peacekeeping operations including a woman police inspector sent on a peacekeeping mission operation in Darfur in 2007. This showed continued commitment has been made by the Government of Lesotho in deploying and involving women to support the African Union efforts in peace building missions in the continent, particularly in Sudan.

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<sup>18</sup> Article 10 of the Protocol to the African Charter on Human and People's rights of women in Africa (2003); Article 2 of the Solemn Declaration on Gender Equality in Africa (2004); and Article 28 of the SADC Protocol on Gender and Development

<sup>19</sup> Genderlinks Lesotho Barometer 2012 and 2013. The figure includes top public servants working in the relevant Ministries.

<sup>20</sup> Statistical Report No.39:2013 Basotho Women and Men 2010-2012, BOS. 2013.

<sup>21</sup> SADC Barometer, 2013

Women have benefited from capacity building and gender training, though there is no women-specific training. There are regular trainings for both sexes non-conflict resolution for the army and the police to employ communication strategy to resolve conflict, and gender-based violence. There are manuals and guidelines on handling of small arms for standing operational procedures. Fourteen police women have been trained for peacekeeping though they have not yet been sent on mission.

The armed/security Forces sector remains shrouded in secrecy. Information is scanty and data is not gender disaggregated neither is it readily accessible if at all, making it difficult to assess women's progress nor monitor compliance of the sector. There is no National Action Plan towards implementation of UNSCR 1325 (as urged by UN Secretary General's call to member states in 2004) and no monitoring mechanisms. Consequently women's lack of balanced representation as they rarely occupy decision-making positions renders them unable to represent women and ensure their involvement in or protection from armed conflict. Also, they do not take part or mediate in conflict situations or negotiations including armed conflict. Only Lesotho Defence Force men are deployed in all peacekeeping operations. No woman in the Defence Force has ever participated in armed conflict. Thus in 2012 no woman was deployed to DRC along Basotho male peacekeepers. This is evidence indicating that within the reporting period there has not been any female representation since one police women was sent to Darfur in 2006-7. Women are not represented in high level peace organs and peace talks. Again in Lesotho women still miss out in most formal peace negotiations nationally and regionally. There is no evidence that any have taken part since the three women participated in the mediation processes of the political conflict post 2007 general elections. The complete void of female participation of women in peacekeeping missions is not in compliance with UNDPKO (United Nations Department of Peacekeeping Operations) standards.

A research carried out in SADC countries has indicated that [women] Police officers are challenged by among others existence of systematic barriers to their participation and integration into peace operations<sup>22</sup>; Lesotho is no exception. Also women do not participate in peacekeeping missions, rather they are home-based as to perform support duties as a large contingent of female soldiers are in medical services as nurses, while a few work in the special operations unit and one in maintenance and another a pilot. But women can carry these duties in conflict zones. There is no gender sensitive budgeting and no measures introduced to mitigate the consequences of global economic and financial crisis/they did not incorporate a gender perspective and/or include women as a target group even in the annual budgets in the reporting period.

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<sup>22</sup>Pan African Capacity building Program, 2009. Cited in SADC Gender Protocol 2011 Barometer.

The MYGSR continues with sensitization programmes for the security sector personnel Lesotho is yet to adopt and implement the SADC frameworks on security and conflict resolution. As state party to SADC Lesotho was party to a decision to by SADC Council of Ministers to develop a regional programme on mainstreaming gender in conflict resolution, post –conflict reconstruction and rehabilitation processes and projects in accordance with UN Resolution 1325<sup>23</sup>. This has been accompanied by development of a framework for Mainstreaming Gender into SADC Organ and a Strategy to Combat Violence in Conflict and Post –Conflict Zones. The lack of access to gender disaggregated data in the Defence Force due to issues of security poses a challenge of tracking women’s participation in security and peace processes. There is no correlation between the quantitative representation of women in armed Forces and the security of women in Lesotho. Gender based violence is on the increase as well as gun use against women.

### **WOMEN AND THE ECONOMY**

Sections 34 of the Constitution of Lesotho provides for enjoyment of economic and social rights and requires that “Lesotho adopts policies which encourage its citizens to acquire property including land, houses, tools and equipment and take such other economic measures as it considers affordable”. The Legal Capacity of Married Persons Act 2006 addresses social and economic benefits of persons married in community of property. Section 7 provides that spouses married in community of property acquire the consent of the other to obtain a loan, mortgage or any financial credit thus repealing the minority status of women married in community of property (Marriage Act 1974). Companies’ Amendment Act, (2008) repealed the Companies Act to allow women to be directors of companies and set up their own companies. It further grants women opportunities for collateral to obtain loans or credit from commercial institutions, and empower them to own and manage their companies/enterprises.

The Land Act 2010 was also promulgated. It aims at ensuring that land allocation is made on the basis of merit and need. Further, the Act ensures that application is based on specificity and gives women space by specifically emphasizing on their inclusion on certain clauses. This is one of positive measures which Lesotho has taken in ensuring that issues of gender equality are advanced and that women are afforded same rights as those afforded men. Lesotho Bank Saving and Development Amendment Act 2008 also allows women to open their own bank accounts without requiring the consent of the husband.

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<sup>23</sup>SADC Gender Protocol 2012 Barometer, 2012.

Lesotho ensures proper code of practice through the use of five (5) primary legal instruments and these are:

- Labour Code Order 1992;
- Labour Code Wages (Amendment) Act 2012;
- Teaching Service Regulations 2002;
- Public Service Act 2005; and
- Public Service Regulations 2008

### **Labour Code Order 1992**

Equal opportunities for all and equal remuneration for equal work are provided for under Section 5 (3) of the Labour Code, as discussed under Article 2. Section 133 (2) of the Labour Code 1992 provides for mandatory maternity leave for all employers in the private sector.

### **Labour Code Wages (Amendment) Act 2012**

Labour Code Wages (Amendment) Act 2012 provides for paid maternity leave for workers in the Clothing, Textile and Leather Manufacturing Sectors and provides that an employee who has completed more than one (1) year of continuous service with the same employer in the Textile, Clothing and Leather Manufacturing Industry shall be entitled to receive two (2) weeks paid maternity leave and an employee who has completed more than one (1) year of continuous service with the same employer other than in the Textile, Clothing, and Leather Manufacturing shall be entitled to receive six (6) weeks paid maternity leave. Over and above the maternity leave period, the new mother can be given a nursing hour for the next three (3) to nine (9) months until the baby is six (6) months old or one (1) year old.

### **Teaching Service Regulations 2002**

Teachers are guided by the Teaching Service Regulations, which provide, amongst others, that female teachers be granted ninety (90) calendar days paid maternity leave.



## **Public Service Act 2005**

Public Service Act 2005 Section 8 (1) provides that “entry and advancement within the public service shall be determined solely on the basis of merit namely ability, qualification, knowledge, skill and aptitude after fair and open competition which assures that all citizens of Lesotho receive equal opportunity”.

## **Public Service Regulations 2008**

Public Service Regulations 2008 consider the rights of women in that regulation 556 (1) provides that a female officer may be granted paid maternity leave for a period not exceeding ninety (90) calendar days.

Both the Interim Poverty Reduction Strategy and Vision 20/20 point to two significant gendered shifts which are drivers of change in Lesotho:

- The high levels of retrenchments in the Republic of South Africa (RSA) mining industry;
- The employment of women in the textile industry.

For a long period, a significant number of Basotho men were employed in the mining industry in RSA, but this situation has changed in recent years. For example, in 2003, approximately 61, 500 Basotho men were employed in the RSA mining industry, while it is estimated that in 2007 there were only 50, 000 Basotho men in Republic of South Africa (RSA) mines<sup>24</sup>. At the same time, more Basotho women are moving from rural areas to find employment in the urban based textile factories where they earn low wages. More women migrate to RSA for Domestic work

## **Employment Creation**

According to the CEDAW Report 2010 the high level of unemployment estimated at 32% has been cited as a major contributing factor to poverty in Lesotho. Unemployment makes it easy and possible for traffickers, for example, to lure vulnerable people, particularly women, into the promises of lucrative jobs outside Lesotho. The Government of Lesotho is committed to creating employment as another means of eradicating poverty in Lesotho. The Interim Development Framework on Poverty Reduction has proposed the following specific objectives to create a climate conducive to maximise job creation:

- To attract domestic investment and foreign direct investment;

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<sup>24</sup> Central Bank of Lesotho, 2008.

- To support local businesses;
- To increase support to small, medium and micro enterprises;
- To make optimal use of natural resources; and
- To improve and decentralize key services.

Lesotho has developed a Migration and Development Policy which is currently in a draft form awaiting Cabinet Approval to deal with, amongst others, vulnerabilities women migrants face and difficulties facing women who remain behind when their husbands migrate and ultimately come back with health problems and many others. Coupled with the Migration and Development Draft Policy, the government has also developed a draft Framework for Negotiating Bilateral Migrant Labour Agreements beyond South Africa.

Section 132 (1) of the Labour Code imposes restriction on employment of women in underground work in the mines except with the written approval of the Labour Commissioner in accordance with the Underground Work (Women) Convention, 1935 (No. 45) of the International Labour Organization. Contrary to the private sector, it is a common practice in the public sector that breastfeeding women are given the nursing hours upon their return from maternity leave. Government employees at graduate level, whether male or female, married or unmarried, have access to housing loan guarantee scheme and car loan schemes and access to Government houses at lower rental fees.

### **WOMEN IN POWER AND DECISION-MAKING**

Basotho are a patriarchal society whose powers and real rights devolve along the male line. Historically and culturally women have always been regarded as minors Women never participated in decision making processes except in relation to matters concerning household issues because of the patriarchal nature and unequal power relations between men and women within the society.<sup>25</sup>

Within a context of democracy and the country's vision 2020 Lesotho acknowledges and strives to achieve inclusive and participatory society and prioritizes women's representation and participation in power and decision-making levels in politics and other areas. To this end Lesotho has entrenched gender representation and participation in the national *Constitution of 1993* (s.18, s 20 and s.26 (2)) giving equal rights to women and men to participate in public life

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<sup>25</sup> Women's Rights Project of Legal Resource Center, *Won's Rights in African Customary Law*, 2001,pp4

including politics. Section 18 (4) provides for freedom from discrimination on the basis of, among others sex and age. Section 20 guarantees equal rights and obligations to all citizens regardless of sex to participate in public life. Subsection 20 (1) grants both sexes equal rights and obligations to participate in government by: Taking part in the conduct of public affairs, directly or through freely chosen representatives. Voting or standing for election at periodic elections under a system of universal and equal suffrage and secret ballot; and having access, on general terms of equality, to the public service.

Lesotho's progress in the area of women's power and decision-making in the last five years is indicative of both gains and losses towards attaining the 50 percent target in 2015. Affirmative action strategy has been key to the increase of women's political participation where this has been achieved. While the country has made great strides in the area of women representation especially in the local government and NGO sector compared to other areas the country still falls short of achieving the target set in various regional instruments in the Parliament, Cabinet, the judiciary, public service, economic leadership, security Forces, the environment and in the private sector.

The progressive delivery on these obligations through enactment of laws and adoption of policies that address issues of equality and non-discrimination and enable participation by women in political and public life has been the best way forward to ensure at least 50 per cent of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures as provided for. The Government of Lesotho acting on the relevant provisions of the Constitution and in compliance to the Beijing document provisions has adopted electoral and quota systems to ensure gender inclusiveness and to boost women's representation in both national and local government elected offices.

The *National Assembly Electoral Act of 2011* and The Local Government Amendment elections Act of 2011. The National law provides for additional 30 percent seats for women provides for Zebra System to promote *women in the Legislatures*. Section 47 (2) (b) requires that all political parties contesting Proportional Representation (PR) elections submit 'zebra' party lists to IEC. The impact is the narrowed gender gap resulting in a relatively high number (23% in 2012) of women contesting elections. The emerging trend is that in 2012 elections the PR ushered in 45 percent (18 women against 22 men) women as opposed to 16.3 % (13 women v. 67 men) by FPTP<sup>26</sup> showing the effectiveness of the MMP electoral system. Table 8 shows the proportion of women in key political decision-making positions in Parliament, the cabinet and local government community councils show the trend of representation in last five years in Parliament has not achieved reached even the low of 30 percent. Performance is mixed across these

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<sup>26</sup>Legal Notice No. 69-Elections Results Notice, 2012

institutions. Women's average representation in Parliament between 2009 and 2014 is 25 percent. The overall representation in Parliament and similarly in the National Assembly has been stable and slightly increasing by about two points in five years from 24 percent and 22 percent to 26 percent and 27.5 percent in 2009 to 2014 respectively, and never exceeds 30 percent. The first woman Speaker of Parliament is an MP in her own right having won the highest number of votes over all the 80 constituencies.

The under-representation of women in the National Assembly correlates with their status across political party decision-making levels where women do not exceed 25 percent mark across all political parties' executive committees and for a long time now while men continue to dominate these positions and general party leadership<sup>27</sup>. Almost all do not have affirmative action policies or strategies to ensure compliance to international commitments in this regard.

In **Senate**, made up of 22 Principal Chiefs and 11 other members nominated by His Majesty the King, women's representation was highest 36 percent in 2009 and been declining to 27.2 currently. Notably given the nature of Senates' membership in Lesotho women's representation is a function of women's role as regents at any given time.

**Local Government:** Lesotho's remarkable best practice of 50/50 gender parity in the political representation of women is in local government, which has experienced crucial quota system initiatives of institutionalizing and deepening of decentralized democracy and women's participation and decision making leadership at the local/grassroots level through the enactment of the Local Government Elections Amendment Act of 2011. It provides for one third Additional Reserved seats for women in every council in the local government elections held that year. This intervention has succeeded to earn women 49 percent representation in local government structures as councilors<sup>28</sup>. Lesotho surpassed the 50 percent target in Local Government between 2005 and 2011 when it slipped back to 42 percent (short of safeguarding gender maintenance mechanisms in cases of vacancies), but has since picked to 49 percent. The numbers of women in political decision-making are declining by about 9% between two election periods (58% to 49%) and with District Secretaries comprising majority 60 percent, women's representation in local government remains a best practice as it is almost close to the 50/50 threshold. This success is challenged by the fact that women are underrepresented in powerful positions of the community and district councils' chairpersons. While the MMP electoral model introduced the quota system at national and local levels have had a positive impact on increasing women's representation in the National Assembly over the reporting years progress has been slow and women remain seriously underrepresented in the seat of power –the legislature and the Cabinet.

In Parliament progress has been very slow showing an average increase only by 2.5 percent in a period of five years, and has remained below 30 percent. Thus Lesotho failed to achieve the 30 percent mark for women in Parliament. The challenge is that women remain seriously underrepresented thus their position has not improved to the desired target of 50 percent representation by 2015. Again, women's representation in political spheres has not yet translated

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<sup>27</sup> Lesotho SADC Gender Protocol 2013 Report, Genderlinks

<sup>28</sup> Ministry of Local Government and Chieftainship Affairs, 2008.

into substantive outcome due to the patriarchal nature of the political structures and institutions. However, despite women's show of good performance in this area the challenge remains for women's upward mobility as only a few reach top decision making positions and are under-represented Chairpersons in the District Councils and Urban Councils respectively comprising twenty percent and zero in 2014 respectively. This intervention has been positive at local level to a certain extent in that although number of women representation increased beyond 50%, men still constitute majority of decision making and leadership positions.

Lesotho has missed a good opportunity to achieve the 50/50 gender parity in the Cabinet in 2015 when women's representation fell back by half of 22 percent after the National election in 2012. This under representation of women in Cabinet brings to questions the degree of political will to realize the Beijing and other international commitments to gender-equality by 2015.

Lack of data and that which is gender disaggregated regarding women's participation in certain areas of decision-making especially in the private sector is critical towards helping assess the status quo, progress and gaps. However, despite women's show of good performance in this area the challenge remains for women's upward mobility as only a few reach top decision making positions and are under-represented Chairpersons in the District Councils and Urban Councils respectively comprising twenty percent and zero in 2014 respectively. This intervention has been positive at local level to a certain extent in that although number of women representation increased beyond 50%, men still constitute majority of decision making and leadership positions. Lesotho has missed a good opportunity to achieve the 50/50 gender parity in the Cabinet in 2015 when women's representation fell back by half of 22 percent after the National election in 2012. This under representation of women in Cabinet brings to questions the degree of political will to realize the Beijing and other international commitments to gender-equality by 2015. Lack of data and that which is gender disaggregated regarding women's participation in certain areas of decision-making especially in the private sector is critical towards helping assess the status quo, progress and gap.

**Table 8: Women in Power and Political Decision Making 2009-2014**

| Institution<br>Position | Parliament |      | National<br>Assembly<br>(Lower house) |      | Senate<br>(Upper house) |      | Cabinet<br>(Ministers) |      | Assistant<br>Ministers |      | Local<br>Governm<br>(Commu<br>Councils) |   |
|-------------------------|------------|------|---------------------------------------|------|-------------------------|------|------------------------|------|------------------------|------|---|---|
|                         | No.        | %    | No.                                   | %    | No.                     | %    | No.                    | %    | No.                    | %    | No.                                     | % |
| Women                   |            |      |                                       |      |                         |      |                        |      |                        |      |   |   |
| Year                    |            |      |                                       |      |                         |      |                        |      |                        |      |   |   |
| 2009 <sup>29</sup>      | 38         | 24.8 | 26                                    | 22.0 | 12                      | 36.0 | 6                      | 31.6 | 2                      | 40.0 | 1290                                    | 5 |
| 2010                    | 37         | 24.2 | 30                                    | 25.0 | 71                      | 21.2 | 7                      | 37.0 | 2                      | 50.0 | 1290                                    | 5 |
| 2011                    | 35         | 23.0 | 29                                    | 24.2 | 6                       | 18.2 | 8                      | 42.0 | 2                      | 50.0 | 748                                     | 4 |
| 2012 <sup>32</sup>      | 41         | 26.8 | 31                                    | 25.8 | 10                      | 30.3 | 5                      | 21.7 | 3                      | 43.0 | 627                                     | 4 |
| 2013                    | 39         | 25.4 | 31                                    | 26.0 | 9                       | 27.2 | 5                      | 21.7 | 3                      | 50.0 | 627                                     | 4 |
| 2014                    | 40         | 26.1 | 32                                    | 27.5 | 9                       | 27.2 | 5                      | 21.7 | 3                      | 50.0 | 627 <sup>33</sup>                       | 4 |

Sources: APRM Country assessment report No. 12, 2010, Ministry of Local Government and Chieftainship Affairs, June 2011 & June 2014; GOL Legal Notice No. 69-Elections Results Notice 2012, [www.gov.ls](http://www.gov.ls); Lesotho SADC Gender Barometer Reports (2009-2013), Gender Links

While Lesotho has made great strides in the area of women representation especially in the local government as compared to other SADC countries, the country still falls short of achieving the 50% women in decision- making target set in various regional instruments in Cabinet, the National Assembly, judiciary, and police, on governing boards and in business (especially proprietors of big businesses). Unpaid care work in the home remains a major barrier to increasing women's ability to compete equally with men at these levels.

<sup>29</sup>APRM Country assessment report No. 12, 2010

<sup>30</sup> Ministry of Local Government and Chieftainship Affairs, 2008

<sup>31</sup> Ministry of Local Government and Chieftainship Affairs, June 2011 prior to LG elections in October after which women got 49% representation

<sup>32</sup> GOL Legal Notice No. 69-Elections Results Notice 2012, BOS Statistical Report No. 39:2013 Baosotho Women and Men 2010-2012; [www.gov.ls](http://www.gov.ls)

<sup>33</sup> Ministry of Local Government, June 2014. This original figure since 2011 elections may have changed given the number of existing vacancies due to death

All political parties have a women's wing, which form the backbone of most the party support. While none of the political parties' manifestos refer to special measures to increase women's representation in decision making structures some are beginning to make explicit reference to "putting women ahead" and put forward a gender agenda. Only one party has set a target to reserve one-third of positions for women. The absence of special measures to increase women's representation in decision-making positions at party levels may risk the country reversing the gains already made in this area.

The progress of women's representation in cabinet is slow and low. The average representation of women in Cabinet for the past five year (2009-2014) period is 30.5 percent. The highest achieved was 42 percent in 2011 at 42 percent and has since 2012 to present decreased by half to 22 percent suggesting the country will need appointment of 28 percent more women to cabinet for 50/50. This is one area where globally political will

Evidence in Table 9 shows women have continued to participate in cabinet - the power house of the government- at 39 percent in 2009 about only 10 points away from reaching the gender parity in 2015. The current 22 percent of 2014 far from the 50/50 target which challenges democracy, ends of justice the gains Lesotho has made overtime. Principal Secretaries have maintained a very similar trend as the Ministers and currently represent 20 from 39 percent in 2009. Implementation at the level of *Assistant Ministers* has as far as possible retained gender parity with 50% women and 50% men or close to it.

The public service is the second highest employer after the manufacturing sector and both are predominantly female and yet the overall representation of women in decision-making in this sector is 22.5 percent against 77.5 percent men<sup>34</sup>. Majority of women reach the director level. Looking at 2014 statistics women are among Principal Secretaries at 20% from 31.6 % in 2007; Deputy Principal Secretary (16.6); District Administrators (11%) and as Auditor General. All other statutory positions are occupied by men. This therefore means 50/50 target is a distant dream in this sector. On the other hand there is no denying that government is slowly moving towards parity; the Assistant Minister's level has maintained a 50% gender representation since the 2002 and 2007 elections though to date.

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<sup>34</sup>Ministry of Public Service, June 2014 and Ministry of Local Government, June 2014



**Table 9: Women in power and decision making in the Executive 2009-2014**

| Institution<br>Position  | Cabinet Ministers          |     |                          | Assistant Ministers |     |           | Principal Secretaries |     |                   | Ambassadors <sup>35</sup> |          |                          |
|--------------------------|----------------------------|-----|--------------------------|---------------------|-----|-----------|-----------------------|-----|-------------------|---------------------------|----------|--------------------------|
|                          | Number<br>& Gender<br>Year | Men | Women                    | %<br>Women          | Men | Women     | %<br>Women            | Men | Women             | %<br>Women                | Men      | Women                    |
| <b>2009</b>              | 12                         | 6   | <b>38.8</b>              | <b>3</b>            | 2   | <b>40</b> | 14                    | 9   | 39. <sup>36</sup> | <b>8</b>                  | <b>6</b> |                          |
| <b>2010<sup>37</sup></b> | 12                         | 7   | <b>36.8</b>              | 2                   | 2   | <b>50</b> | 14                    | 9   | 39                | <b>11</b>                 | <b>4</b> | <b>26.7<sup>38</sup></b> |
| <b>2011</b>              | 12                         | 7   | <b>36.8</b>              | <b>2</b>            | 2   | <b>50</b> | 14                    | 9   | 39                | <b>11</b>                 | <b>4</b> |                          |
| <b>2012</b>              | 18                         | 5   | <b>21.7<sup>39</sup></b> | <b>4</b>            | 3   | 43        | 18                    | 9   | 39                | <b>9</b>                  | <b>6</b> | <b>40</b>                |
| <b>2013</b>              | 18                         | 5   | <b>21.7</b>              | <b>3</b>            | 3   | 50        | 18                    | 6   | 26. <sup>40</sup> | <b>9</b>                  | <b>5</b> |                          |
| <b>2014</b>              | 18                         | 5   | <b>21.7</b>              | <b>4</b>            | 4   | 50        | 20                    | 5   | 20. <sup>41</sup> | <b>7</b>                  | <b>9</b> | <b>43.8</b>              |

<sup>35</sup> Estimates as ambassadors' length of tenure differed particularly after change of government in 2012

<sup>36</sup> Mapetla Matseliso, Lesotho SADC Gender Barometer Report, Gender Links, 2009.

<sup>37</sup> Cabinet Chart of Ministers 2010

<sup>38</sup> Statistical Report No. 39:2013- Basotho Women and their Men

<sup>39</sup> [www.gov.ls](http://www.gov.ls).

<sup>40</sup> SADC Gender Protocol 2013 Barometer Lesotho (Compiled by Mapetla M, edited by Chingumuka S. & Lowe Morna C.)

<sup>41</sup> Ministry of Public Service, June 2014

There is also evidence of an upward trend in the appointment of women into the Foreign Service as *Ambassador or High Commissioner*, which is traditionally a male occupation. Lesotho has increased the representation of women to 44 percent in 2014 from the lowest of 26 percent in 2010. Lesotho is thus profiling itself well internationally as committed women.

***Women in the Judiciary*** majority (67%) of women are represented in judicial structures, particularly in the lower courts, namely the Local and Central Courts. Female judges of the High Court are at 50%. Women also dominate as magistrates (56%) including chief magistrates; they are judicial commissioners (25%). This changes the face of the judiciary, particularly at this level, which has been traditionally male-dominated. However some reports have noted that despite women's ascendance to positions of decision-making within the judiciary women's access to justice through judicial services remains limited concluding therefore that the women's attainment to leadership has not had a desired effect.<sup>42</sup>

***Women in the Private Sector:*** The Lesotho private sector is predominantly foreign and male dominated. Women are visible in the middle management positions, but slowly "breaking the glass, ceiling" as Chief Executive Officers and company boardroom occupants in financial, mining, hospitality, construction and transport services.

## **INSTITUTIONAL MECHANISM FOR THE ADVANCEMENT OF WOMEN**

The Ministry of Gender, Youth, Sports and Recreation (MGYSR), was established as a gender machinery to promote and coordinate gender equality and protect the rights of women.

### **Gender and Development Policy 2003**

The Gender and Development Policy 2003 and an accompanying action plan called for non-discrimination towards women, men, girls and boys. The policy set the gender machinery and the same policy covered all the critical areas of concern in the Beijing Platform for Action and its Declaration. The policy served as a guiding tool to the Government of Lesotho in its effort to achieve gender equality and protect the interests of disadvantaged groups such as women. It was also used as a guide in gender mainstreaming process for all Government Ministries, to address gender concerns in a wide spectrum of developmental issues. The Gender and Development Policy is currently under review to cover the next ten years (2014-24) taking into account developments since 2003 and it takes a rights-based approach.

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<sup>42</sup> WLSA 2000

Key institutional arrangements include: (1) the Gender Management Forum made up of Principal Secretaries from all line Ministries at the level of policy and decision making; The role of the GMF is to engender policies and programmes, review and evaluate policy implementation progress in relation to their sectors. (2) The Gender Technical Committee (GTC) made up of Gender Focal Points (GFP) from line Ministries and representatives of NGOs. The mandate of the GTC is to advice on the implementation of the policy. (3) An Expanded Theme Group on Gender, Sexual and Reproductive Health established to effectively implement the policy. (4) The Gender Equality Commission was proposed but is yet to be established as the Human Rights and Gender Equality Commission. (5) Gender Caucus Group was also proposed for sensitization of policy makers and traditional leadership on current and emerging gender issues. The GCG has not been set up. (6) The Women Parliamentary Caucus made up of women from all political parties in Parliament acts as a gender advisory structure in all parliamentary matters.

## **HUMAN RIGHTS OF WOMEN**

Lesotho is accountable and assumes national, regional and international obligations to provide for and protect human rights of its citizens either directly or through a delegated process or both. Constitution which is the supreme law of the land provides for the protection and promotion of women's rights. However, major human rights violations still exist in certain areas, with widespread violence and societal discrimination of affected populations on the basis of their HIV and AIDS status.<sup>43</sup>

Lesotho as a State Party to International and Regional instruments has put in place laws, policies and programmes that seek to redress human rights issues, promote and guarantee the rights of women, disseminate information on human rights and create awareness on national, regional and international mechanisms.

Legislative frameworks in place include The Legal Capacity of Married Persons Act No. 60 of (LCMPA) 2006. Current research indicates that since the enactment of LCMPA, most married women have been emancipated from matrimonial oppressions, for example those that used to expose them to high risk of poverty – thus subjecting them to economic dependence of their husbands which often led to women not being able to negotiate safe sex, in some instances even exposing them to acts of sex work<sup>44</sup>.

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<sup>43</sup> Bureau of Democracy, Human Rights and Labour, Lesotho Country Report on Human Rights Practices, 2006

<sup>44</sup>UNFPA Report, 2010. Rapid Assessment on Sexual and Gender Based Violence in the extent of food insecurity (SGBV)

The Ombudsman is also an institution which is a watchdog over human rights abuses in Lesotho. The main function of the Ombudsman's office is to receive and investigate complaints from aggrieved persons against government agencies and statutory corporations and/or officials and employees of such organizations and recommend remedial action where it finds a complaint justified. Such complaints may include those that concern human rights violations. To afford women access to legal representation the Legal Aid Unit has been established to provide legal services to indigent persons, the majority of whom are women. Eighty per cent (80%) of cases handled by Legal Aid are maintenance cases by women.

The Victims of Crime Office has also been established. It provides practical and emotional support to victims. It informs victims of their rights and their role in the criminal justice process, including the status of their cases. It provides counseling and referrals. It also provides information on redress through formal and informal justice procedures. It protects the victim from intimidation and further victimization. Most cases of maintenance involving women have been handled by the office. A Bill establishing the office formally has been drafted in 2012. Currently the office is using Deserted Wives and Children Proclamation 1953 to deal with cases of maintenance.

For women in custody, they are segregated according to sex to avoid abuse between two sexes abiding with standard minimum rules for treatment of prisoners. Women are treated fairly as they are not given intensive duties at the prison, also women prisoners are under supervision of female officers. Pregnant women in custody are given special care and treatment and upon labour they are moved to hospitals outside the prison, maternity of three months is given to nursing mothers in line with Prison Proclamation 1957. Health services are provided for inmates. Officials afford justice to people who are in custody but who have not been tried by following up on their cases with the courts. There are also on-going trainings on self-awareness and HIV and AIDS for people in custody.

The LPPA, through the assistance of GTZ-Germany, introduced an advocacy project on women's rights. The project was aimed at educating women about their basic human rights and policies with special emphasis on laws related to sexual and reproductive health issues. The project has since become a programme in LPPA activities targeting the populations of Semonkong, Qacha's Nek, Quthing, Thaba-Tseka and Mokhotlong. Federation for Women Lawyers and Women and Law in Southern Africa are also vocal on advocating for women's rights, they have outreach programmes and also represent women in courts of Law.

As an effective way of curbing incidences of property grabbing which in Lesotho disproportionately mostly affects children and women married under customary law, the country has established the National Identity and Civil Registry Department<sup>45</sup> to deal with, amongst others, registration of customary marriages. The Children Protection and Welfare Act 2011 was also enacted to outlaw marriages of children below 18 years for both girls and boys and also to afford girls who are 18 years old and below equal inheritance rights to the property of their parents. The Sixth Amendment to the Constitution Act 2011 makes provision for the setting up of a Human Rights Commission which will also deal with gender issues from a human rights perspective.

### **WOMEN AND THE MEDIA**

The media have to ensure equal and fair representation of the entire population, yet studies on the representation of men and women in the media in Lesotho have found that women's views and voices are under-represented in the media. Research has shown that women do not have equal access and representation to media, when compared to men. They are mostly under-represented as news sources. As reporters, Lesotho has been found to have many female reporters and editors, in comparison with other countries. Studies have also found that gender issues are not efficiently reported in the media in Lesotho. Many efforts by different organizations have been made to enhance the representation of women in media and gender sensitive reporting by media in Lesotho. Some of the activities undertaken are as follows;

- The Institute of Extra Mural Studies (IEMS) Mass Communication programme has incorporated gender in the curriculum, addressing issues on, representation of women in media, sensitization on gender stereotypes etc.
- In partnership with Gender Links, IEMS, through the Mass Communication programme, holds regular workshops for students on mainstreaming gender in the reportage of news, media literacy etc
- An educational programme called Edu-Reloaded has been introduced on Lesotho Television with the aim of empowering women and girls about issues of gender equality and avoiding all gender based abuses.
- A workshop on gender-sensitive reporting was held for the media houses in Lesotho in November 2011.
- In Dec 2012, as part of the Sixteen Days of Activism Against Gender Based Violence, journalists received training on covering gender based violence and HIV and AIDS as part of the Media Centres of Excellence in gender mainstreaming project. The workshop

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aimed to broaden the journalists' understanding on issues relating to GBV and HIV and AIDs

Increase participation and access of women for expression and decision making in and through the media and the new technologies of communication. Through partnership established with Gender Links, a Gender and Media Baseline study was conducted in 2002. The study revealed that out of the 12 Southern African countries examined, women's views and voices are grossly under-represented in the media. However, using the measure of women sources, Lesotho scored second best with 21% women news sources, 4% higher than the regional average of 17%. The sequel Gender and Media Audience Study (GMAS) found that 15% of women in Lesotho (compared to an average of 12% in the overall regional study) cited news that ask for feedback like letters to the editors and talk shows as amongst their favourite genre. With the support of GEMSA-Lesotho, a diversity journal for use in reportage and ethics of gender aware stories was developed. In 2011 the Ministry of Gender, Youth, Sport and Recreation with the support of UNDP, conducted a study on the Assessment of Media Gender Sensitivity, the outcome showed that women are depicted as objects of advertisement but in a negative way more often than not. It also transpired that women who are in the media are not trusted with burning issues relating to development in the country.

The Information, Science and Technology Policy, 2005/06, section 3.8.4 recognizes the importance of women and girls empowerment in the development process and aims to use ICTs to increase their participation in development. It commits to the gender perspective in content and application of ICTs to meet the needs of women, men and youth by addressing socio-economic issues, information, training and literacy programmes.

## **WOMEN AND THE ENVIRONMENT**

Involve women actively in environmental decision making at all levels. Integrate gender concerns and perspectives in policies and programmes for sustainable. Strengthen or establish mechanisms at national, regional and international levels to assess impact of developmental and environmental policies on women. To show its commitment to preserving a healthy environment and to create awareness of the environment, the Government has developed a National Environmental Policy. The goal of the policy is to protect and enhance the natural and cultural environment in order to achieve sustainable livelihoods and development for Lesotho.

## **THE GIRL-CHILD**

The Government of Lesotho realizes the rights and protection of a girl child. This is evident by the enactment of Children's Protection and Welfare Act No. 7 (CPWA) of 2011 which replaced the outdated Children's Protection Act of 1980. The 2011 Act comes in the wake of a marked increase in reported cases of child abuse, recognizes emerging child protection and welfare challenges brought by Lesotho's HIV/ and AIDS epidemic- the third highest HIV prevalence in the world at 23%, Lesotho has also initiated projects to address the needs of the girl child. For example, in 2002 she established the Child and Gender Protection Unit within the Police Service which received special training on gender issues as well as handling abused children. In 2003, Lesotho enacted the Sexual Offences Act which protects underage girls from Forced marriages and sexual abuse.

Lesotho also established the Office of the Master of the High Court to deal with issues of inheritance of orphaned children. With the support of UNICEF and UNFPA, she has reviewed workbooks for the Lesotho Distance Teaching Centre to make them gender- and HIV-responsive and has implemented life skills and child rights programmes. The Child Helpline is a significant outreach intervention which provides a platform and a mechanism for children to voice their concerns especially those relating to gender based violence. It also links displaced children to other services such as child welfare for protection and assistance. Through the establishment of this service, children can now be able to communicate with other service providers such as CGPU, and civil society organizations dealing with children. The Ministry through support of UNFPA developed a programme on empowerment of young women who have dropped out of school. The programme seeks to train young women on Risk Reduction and Avoidance (RRA) and Business Skills.

## **B. CHALLENGES, GAPS AND OBSTACLES**

- Constitution of Lesotho allows discrimination on the basis of customary law application
- Non- Availability of human rights commission to address all complaints related to violation of rights
- Lack of a vibrant and strong judicial activism to reinforce human rights and constitutional guarantees especially with right to promotion and protection of women's rights
- Reservation on CEDAW in relationship to chieftainship and succession issues
- While at primary level school participation of boys and girls is at par, at secondary level participation of boys is still lower than that of girls.
- More efforts are needed to improve the quality of teaching in the schools. There is a need to reduce the number of unqualified teachers in the schools.

- Children with disabilities have limited access to education. The major handicap is lack of resource, both human and financial. There are few teachers who have been trained to handle children with disabilities mains a challenge. Moreover, there are few schools who are admitting children with disabilities due mainly to lack of teaching materials for such children.
- Education’s sector response to the impact of HIV and AIDS is inadequate since life skills education is yet to be fully implemented. Endorsement of Lesotho Education Sector HIV and AIDS Policy 2012 is expected to go a long way in making positive impact. .
- Repetition is consistently higher among boys, due to traditional practices of herd-boys and initiation schools.
- Despite strong education and literacy levels, women are still constrained in their access to credit, land, and productive resources.
- The Children’s Protection and Welfare Act 2011 protects children who are below 18 while some of the children who are above 18 are still dependent on parents therefore still need protection especially in relation to maintenance and property rights,
- The National Environmental Policy does not bring human aspect into the environment. It does not include the needs of men and women
- There is no Media Policy in Lesotho and media reporting is gender insensitive
- There is no legislation against Domestic violence and incidences of domestic violence are treated like common crimes therefore light sentences imposed; there are also no workplace policies against employee harassment
- High level of dropouts for girls at secondary level due to the following contributing factors: pregnancy, care giving roles, etc
- Increased Maternal mortality rate due to amongst others unwanted pregnancies leading to child dumping, illegal abortion and deaths, persistent and increasing shortage of health professionals and inaccessible and inadequate health service centers.
- The right to health is not a fundamental right
- Amongst malnutrition indicators, stunting has been a major challenge in Lesotho. The prevalence of stunting was recorded at 39.2% in 2009.
- Deeply entrenched patriarchal values and claw back provisions in the Constitution (Sections18, (4) (b) and (c)) hinder women development.
- Children with disabilities have limited access to education. The major handicap is lack of, both human and financial resources and infrastructure. Therefore few schools admit children with disabilities.
- Gender blind education and training teaching methods and instructional materials;gender biased subject choice in schools due to patriarchal stereotypes.
- Repetition of grades in schools is consistently higher among boys, as a result of absenteeism due to traditional practices of herding and attending initiation schools.
- Sexual violence remains a serious problem in schools<sup>46</sup>.

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<sup>46</sup> De Wet (2006) study on Violence in Schools



- Women’s representation and participation in politics and decision-making positions in public institutions remains lower than that of men and does not match their numerical demographic and educational dominance.
- There’s inadequate institutional capacity to provide “women’s leadership development” beyond the set frameworks in the public and private organizations.
- Absence of vibrant national women’s movement and strategic party women’s leagues to empower women to be leaders is a challenge.
- The civil society organizations are few and have limited mandates and resources to cover on all issues of women’s political rights and governance as would be expected
- There is lack of affirmative action strategies within political parties and in public and private organization to ensure gender parity in leadership positions.
- The culture in media houses is that authorities in government and the private sector who are mostly men are credible enough and should be featured in the media other than ordinary women– this culture permeates even to young female journalists who join the profession
- GBV is on the increase among women and girls with sexual violence dominating<sup>47</sup>, there is increasing reports of young boys also being victims of sexual violence<sup>48</sup>.

## **MEASURES TO MITIGATE GLOBAL ECONOMIC AND FINANCIAL CRISIS**

The performance of the primary sector declined because of a spell of drought that resulted in a 40.0 per cent fall in grain production for the harvesting period 2006/2007. The fall resulted in food shortage in the country and necessitated intervention and mitigating factors to be introduced by Government. In the planting season 2007/2008, the Government implemented two famine relief programs, namely food subsidy equivalent to M10.0 million in selected food items used by poorer households and an input subsidy with 385 tonnes of seed disbursed to farmers

During the year 2007, the Government of Lesotho signed a five year grant worth US\$362 million with the United States Government under the Millennium Challenge Corporation. The grant assisted Lesotho to unlock its economic growth potential in order to reduce poverty. The grant focused on three areas which are strategic for Lesotho’s long-term economic growth profile: Water, Health and private sector development. Water, normally termed Lesotho’s white gold, is a crucial input in the country’s industrial sector, which is mainly dominated by the production of textiles and garments. These ‘wet industries’ were facing an expansion constraint due, mainly to the shortage of water supply. The industries provide employment opportunities to a sizable

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<sup>47</sup> SADC Gender and Development Protocol Barometer, 2013

<sup>48</sup> Gender Links, Gender Based Violence Report, 2013

number of Basotho, being the largest formal domestic sector employer. In addition, water sector component will give access to clean water to both rural and urban households, in turn improving livelihoods in the country. The water sector project included the following activities; construction of Metolong dam bulk water conveyance system, urban and rural water network activity, rural water supply and sanitation activity and wetlands restoration and conservation activity.

The Government of Lesotho also signed an agreement of a concessional loan with the International Fund for Agricultural Development (IFAD) intended to promote and improve rural financial intermediation over a period of seven years commencing 2008.

### **SECTION THREE**

The responsible entity for collecting data is housed under the Ministry of Development Planning through Bureau of Statistics (BOS) and national indicators monitoring gender equality in Lesotho have been developed. The BOS has followed set standards by UN Statistical Commission. This financial year the Ministry of Gender has budgeted for carrying out training for officials of BOS to mainstream gender. MGYSR undertakes to follow up the UN Statistical Commission on minimum set of gender indicators in an endeavor to assist LBOS to improve gender related data collection and compilation at the national level

### **SECTION FOUR**

#### **EMERGING ISSUES**

##### **A) Priorities for 3-5 years**

###### *i) Gender Mainstreaming in different Line Ministries and NGOs*

The Gender Mainstreaming Programme analyses the current situation both at policy and programme levels, formulates action plans, improves performance, and institutionalizes gender – sensitive planning, programming and monitoring processes. The underlying assumption is that if organizations are better able to take gender issues into account at all levels of their operation, there will highly likely be increased gender equality and empowerment of the marginalized groups. Mainstreaming gender into development policies, programmes and plans will be done through the following priority areas: Gender, Poverty and the Economy; Gender, Education and Training; Gender, Power, Politics and Decision-Making; Gender and Health; Gender – Based Violence, HIV /AIDS and Human Rights; Gender and the Media; Gender, Climate Change and the Environment; Gender, Peace and Security; Implementation mechanisms and reporting, processes and institutional arrangements.

## *ii) Gender Responsive Budgeting*

Since the ultimate aim of GRB work is to have budgets that are gender-responsive – that address the needs and interests of women and men, girls and boys, and that focus on the needs of the poorest the country intends to use it as one of the priorities to accelerate implementation of the Beijing Declaration and Platform for Action. Budgets are political tools. A range of players are involved in the process of drawing them up, and each of the players will promote their own agenda. One of the aims of many GRB initiatives is to promote greater participation in the budget process, especially of ordinary people living in the country as well as of (women) parliamentarians. The country will derive benefits for government and for women’s groups from gender responsive budgets:

## *iii) Male involvement*

The Ministry of Gender encourages men to participate fully in actions towards gender equality and urges the establishment of the principle of shared power and responsibility between women and men at home, in the community, in the workplace and in the wider national and international communities. While some face discriminatory barriers and practices, can and do make contributions to gender equality in their many capacities, including as individuals, members of families, social groups and communities, and in all spheres of society.

The negative impacts of gender inequality are borne by society as a whole and emphasizes, therefore, that men and boys, through taking responsibility themselves and working jointly in partnership with women and girls, are essential to achieving the goals of gender equality, development and peace. The Ministry of Gender recognizes the capacity of men and boys in bringing about change in attitudes, relationships and access to resources and decision-making which are critical for the promotion of gender equality and the full enjoyment of all human rights by women.

## **B) Post 2015**

Our country’s priorities and recommendations to strengthen gender equality and the empowerment of women in the current discussions on Sustainable Development Goals and the post – 2015 development agenda are as follows:

There should be a stand-alone goal on the promotion of gender equality, women’s rights and women’s empowerment to drive change and to promote and monitor transformation in the structural determinants of gender based inequalities. Gender based inequalities in access to resources, knowledge and health including sexual and reproductive health and rights as well as in opportunities to participate in public and private decision-making. Gender inequalities hold back

progress on MDGs – on reducing poverty and hunger, reducing child mortality, improving maternal and child health, combating HIV and AIDS as well as promoting environmental sustainability.

The stand alone goal on the promotion of gender equality, women's rights and women's empowerment should have gender equality focused targets namely prevention of discrimination and violence; capabilities development and access to resources as well as promotion of women's representation and participation in all levels of decision-making positions. Violence against women and girls (a pervasive human rights abuse) is a manifestation of gender discrimination that seriously inhibits abilities to enjoy rights and freedoms on the basis of equality with men and boys. This goal should also focus on building capabilities of women and girls to be and to live a life of their choice. This target focuses on women and girls' knowledge, good health, sexual and reproductive health including rights as well as access to resources and opportunities. The goal focuses on promoting women's representation and participation in decision-making positions especially on their voice and leadership.

## **Recommendations**

It is recommended that gender should be mainstreamed throughout all Sustainable Development Goals. The stand alone goal targets should be monitored through:

- a) Responding to and preventing violence against women and girls;
- b) Changing perceptions attitudes and behaviour that justify violence against women and girls;
- c) Ensuring support services and justice for women and girls;
- d) Eradicating women's poverty;
- e) Building women's access to and control over productive resources;
- f) Reducing women's time burden;
- g) Promoting education and skills for women and girls;
- h) Improving women's and girl's health;
- i) Reducing maternal mortality and ensuring sexual and reproductive health and rights;
- j) Ensuring women's sustainable access to water and sanitation;
- k) Promoting equal decision-making in households; participation in public institutions; and women's leadership in the private sector

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