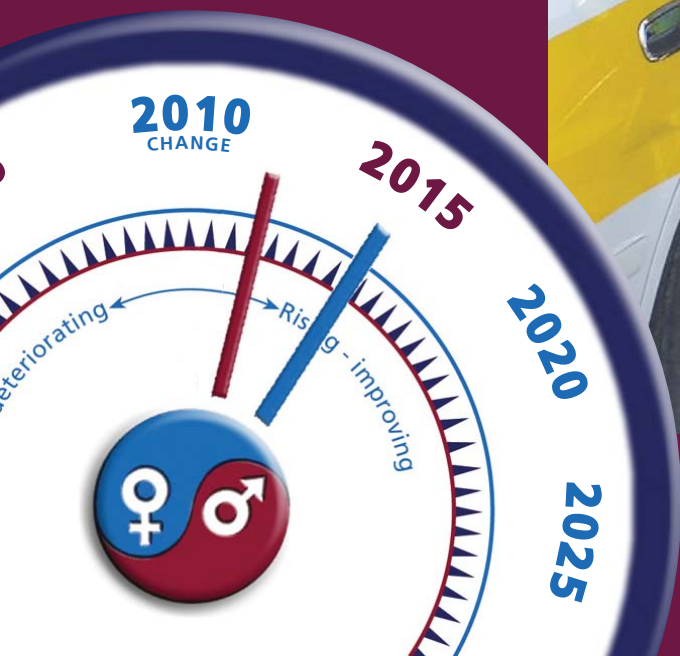


SADC GENDER PROTOCOL **2012**

BAROMETER

LESOTHO



Compiled by: Matseliso Mapetla and Tabello Ralebitso
Edited by: Loveness Jambaya Nyakujarah, Ruth Ayisi and
Lucia Makamure



"Making the Law work for Women"

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Men's groups

Sonke Gender Justice

The Southern African Gender Protocol Alliance vision is of a region in which women and men are equal in all spheres. The Alliance promotes and facilitates the creation of gender equity and equality through lobbying and advocacy towards the achievement of the 28 targets of the SADC Protocol on Gender and Development by 2015. Gender Links coordinates the work of the Alliance.

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Barometer - Lesotho

Gender Links
9 Derrick Avenue
Cyrildene, 2198
Johannesburg, South Africa
Phone: 27 (11) 622 2877
Fax: 27 (11) 622 4732
Email: alliance@genderlinks.org.za
Websites: www.genderlinks.org.za
www.sadcgenderprotocol.org

Compiled by: Matseliso Mapetla and Tabetlo Ralebitso
Edited by: Loveness Jambaya Nyakujarah, Ruth Ayisi and Lucia Makamure
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Acronyms

AIDS	Acquired Immune Deficiency Syndrome
ABC	All Basotho Congress for Democracy
ART	Anti-Retroviral Therapy
BCP	Basutoland Congress Party
BEDCO	Basotho Entrepreneur Development Corporation
BNP	Basotho National Party
CBL	Central Bank of Lesotho
CGPU	Child and Gender Police Unit
CC	Community Council
CW	Commonwealth Secretariat
CSC	Citizen Score Card
DGO	District Gender Officer
DHS	Demographic Health Statistics
EDF	European Development Fund
EISA	Electoral Institute of Southern Africa
FPTP	First Past the Post
GRR	Gender Reproductive Rights
GVB	Gender Based Violence
GENOL	Gender and Energy Network of Lesotho
GOL	Government of Lesotho
GF	Global Fund
HIV	Human Immuno-Deficiency Virus
IEC	The Independent Electoral Commission
ILFS	Integrated Labour Force Survey
IDA	International Development Association (World Bank)
KBP	Kopanang Basotho Party
KF	Kellogg Fund
KYS	Know Your Status
LSSP	Lands Survey and Physical Planning
LCMP	Legal Capacity of Married Persons
LCA	Lesotho Communication Authority
LCD	Lesotho Congress for Democracy
LCCI	Lesotho Chamber of Commerce and Industry
LECAWU	Lesotho Clothing and Allied Workers' Union
LHDS	Lesotho Demographic and Health Survey
LEA	Lesotho Electricity Authority
LEC	Lesotho Electricity Corporation
LEFA	Lesotho Football Associations
LHDA	Lesotho Highlands Development Authority
LLP	Lesotho Labour Party
LPPA	Lesotho Planned Parenthood Association
LPP	Lesotho Peoples Party
LRA	Lesotho Revenue Authority
LTDC	Lesotho Tourism and Development Corporation
LTC	Lesotho Telecommunications Corporation
LWP	Lesotho Workers 'Party
MISA	Media Institute of Southern Africa-Lesotho
NPP	National Progressive Party
NUL	National University of Lesotho
NIP	National Independent Party
NLFP	New Lesotho Freedom Party
NGOs	Non-Governmental Organisations
MFP	Marematlou Freedom Party
MMR	Maternal Mortality Ratio
MCA	Millennium Challenge Account
MCC	Millennium Challenge Compact
MOET	Ministry of Education and Training
MOHSW	Ministry of Health and Social Welfare
MYGSR	Ministry of Youth Gender Sports and Recreation
MMP	Mixed Member Proportional
LEP	Lesotho Education Party
NAC	National AIDS Commission
NUL	National University of Lesotho
PFD	Popular Front for Democracy
PMTCT	Prevention- of- Mother- to- Child- Transmission of HIV
SDUP	Sefate Democratic Union Party
SADC	Southern African Development Committee
SGDI	SADC Gender and Development Index
SRH	Sexual Reproductive Health
UNICEF	United Nations Children's' Fund
UNDP	United Nations Development Programme
UNFPA	United Nations Fund and Population Agency
UNESCO	United Nations Education and Science Cultural Organisation
UP	United Party
WASCO	Water and Sewerage Company
WEDGE	Women Economic Development and Gender Equality
WEEP	Women's Economic Empowerment Programme
WFP	World Food Organisation
WLSA	Women and Law in Southern Africa Trust (Lesotho)
WHO	World Health Organisation

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Gender Links provides the regional secretariat and coordinates the work of the Southern Africa Gender Protocol Alliance. Appreciation goes to those interviewed for the report and members of the Alliance reference group meeting held in March 2012.

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Matseliso Mapetla (left) attending the Lesotho SADC Protocol Alliance meeting in September 2010.

Photo: Gender Links

Executive summary



Former Minister of Gender, Youth, Sport and Recreation Mathabiso Lepono launching the SADC Gender Protocol Barometer 2010 report, September 2010. Photo: Colleen Lowe Morna

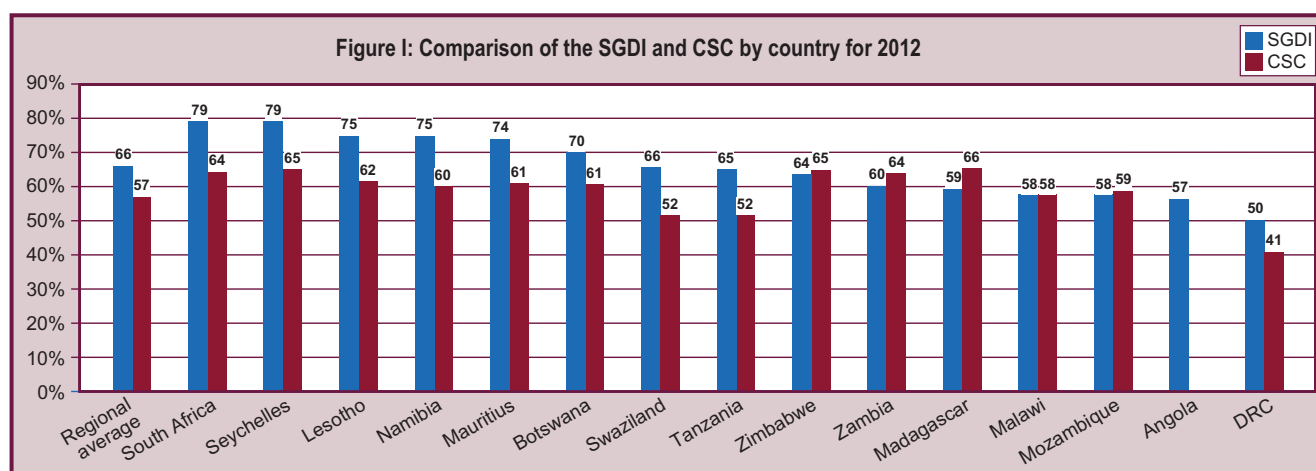
The 2012 Lesotho Gender Protocol Barometer is the fourth annual tracking report of country's performance against the 28 targets of the Southern African Development Community (SADC) Protocol on Gender and Development set for 2015. The Southern Africa Gender Protocol Alliance, represented in Lesotho by Women and Law Southern Africa Trust - Lesotho country office, has conducted this audit annually.

Lesotho has signed and ratified the SADC Gender Protocol. The 2012 barometer shows that the country has made significant progress towards meeting the 28 targets of the SADC Gender Protocol. However more still needs to be done as the clock is ticking towards the 2015 deadline which is also in line with the Millennium Development Goal number three on gender equality.

The Alliance uses two measures to rate each SADC State's performance against the 28 targets - the SADC Gender and Development Index (SGDI), introduced in the 2011 regional barometer, and the complementary Citizen Score Card (CSC), which has been in use for three years.

The SGDI is an empirical measure based on 23 indicators for the six sectors that have accurate data in the 15 countries (see Annex C for details on the SGDI gender and related indicators). These are: Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). To create the composite index, each category was given equal weight by calculating the average score across the indicators in that category. Table I at the end of the chapter provides a summary of key indicators for women in SADC. Annex A at the end of the report explains how the SGDI works in detail as well as compares this with other gender related indicators.

By contrast the CSC gauges the perceptions of citizens who have been part of reference group meetings, village workshops and other protocol-related activities, who rate the achievements of the country across all the sectors.



Source: 2012 SADC Gender Protocol Barometer.

Figure I shows that, in 2012, Lesotho achieved an overall SGDI score of 75%, a 2 percentage point increase from the 2011 score of 73%. The country ranks third out of the 15 SADC countries and places it ahead of the regional average of 66%. However citizens gave their country a lower score of 62%. Nevertheless, the score is 3 percentage points higher than last year's 59% CSC rating.

With an SGDI score of 100%, Lesotho has made exceptional progress in promoting gender equality in education. This puts the country first out of the 15 SADC countries where the scores are generally high in the region. The score based on enrolment of girls and boys at primary, secondary and tertiary education shows that the country has reached or surpassed the 5050 mark. However citizens were more critical with an overall score of 70%. This could be attributed to the qualitative nuances such as gender violence in schools and the fact that there are worrying trends of boys not attending school as they are often sent off to go and herd cattle among several challenges.

There is some progress in guaranteeing gender equality through reforms in the constitutional and legal rights frameworks. For example,

- The 2003 Sexual Offences Act has far-reaching provisions, including the criminalisation of marital rape and compulsory testing laws.
- The 2010 Land Act addresses gender equality in relation to access to and control of productive resources by women.
- The 2011 Anti-Trafficking in Persons Act prohibits all forms of human trafficking, and provides for protection and support of victims who are usually women and girls.
- The 2011 National Assembly Electoral Act provides for registration of women, youth and disabled persons (Section 13i) and requires political parties to enable full female participation in all political processes and activities.
- The 2005 Local Government Act amended in 2011 provides for a quota system for elections which has ensured a high proportion of women (close to parity in 2011 and in the previous election, 58%) are elected as councillors.

However a dual legal system that recognises customary laws as well as some traditional and cultural practices such as child marriages continue to impede women's realisation of their rights.

The country is performing well in the media and governance sectors. With an SGDI score of 65% in governance, Lesotho ranks third in the region, although the CSC score is slightly lower at 61%. The high score is a result of high proportion of women's representation

in local government at 49% missing the 5050 target stipulated in the SADC Gender Protocol by only a mere percentage point. By contrast the representation of women in parliament and cabinet is much lower at 26% and 22% respectively. The same political will displayed at local level needs to be applied to the national level.

Huge challenges remain in the area of health. Both the SGDI and CSC scores of 57% and 58% respectively indicate that progress has been made, but there are still key issues to grapple with. Lesotho has the highest maternal mortality rate in the region at 970 deaths out of every 100,000 live births. At least 38% of births are delivered by people with no midwifery training. Sanitation coverage in Lesotho is still low at 29%.

Lesotho's HIV and AIDS prevalence rate of 23% is one of the highest in the region. However, there has been notable success in preventing vertical transmission of HIV. PMTCT coverage increased from 5.9% in 2005 to 71% (2011).

Lesotho is advancing in many areas towards reaching some of the SADC Gender Protocol targets but many challenges remain. With only two and half years to go before the 2015 deadline, the country needs to accelerate implementation of all 28 targets. A multi-sector approach and allocation of financial, technical and human resources is key to realising gender equality across Basotho society.



Making IT work for gender justice. Right: Cllr Mathealira Masupha & left Mateboho Khoeli from Senekane council taking part in IT for advocacy training as part of the Centres of Excellence for gender mainstreaming in local government led by Gender Links - Lesotho, October 2012. Photo: Mary Ntolo Lekau

Country context



Lesotho, a democratic, sovereign and independent country, is totally surrounded by its neighbour, the Republic of South Africa.

Formerly known as Basutoland, the country was renamed the Kingdom of Lesotho following independence from the UK in 1966. It is one of three remaining monarchies in Africa.

The country experienced a period of instability with the army, the King and political parties competing for power.

In 1993, Lesotho ushered in a new constitution leaving the King with symbolic and unifying powers but without any executive authority. In 1998, a contentious election sparked violent protests and a military mutiny, resulting in a brief but bloody South African military intervention. Constitutional reforms have helped to restore political stability.

Lesotho at a glance

Population: 2.2 million (2010, UN estimate).

Ethnic groups: Basotho 99.7%; Europeans 1,600; Asians 3,000.

Capital: Maseru (1997 population estimated at 386, 000).

Government: Modified constitutional monarchy.

Independence: 4 October 1966. (From 1868 until independence Lesotho was placed under British protection.)

Location: Southern Africa, totally surrounded by South Africa.

Area: 30,355 sq. km. (11,718 square miles).

Terrain: High veld, plateau and mountains.

Climate: Temperate; summers hot, winters cool to cold; humidity generally low and evenings cool year round. Rainy season in summer; winters dry. Southern hemisphere seasons are reversed.

Religions: 80% Christian, including Roman Catholic (majority), Lesotho Evangelical, Anglican and other denominations.

Languages: Official -Sesotho and English. Others -Zulu, Xhosa.

Natural resources: Water, agricultural and grazing land, some diamonds and other minerals.

Agriculture products: Corn, wheat, pulses, sorghum, barley and livestock.

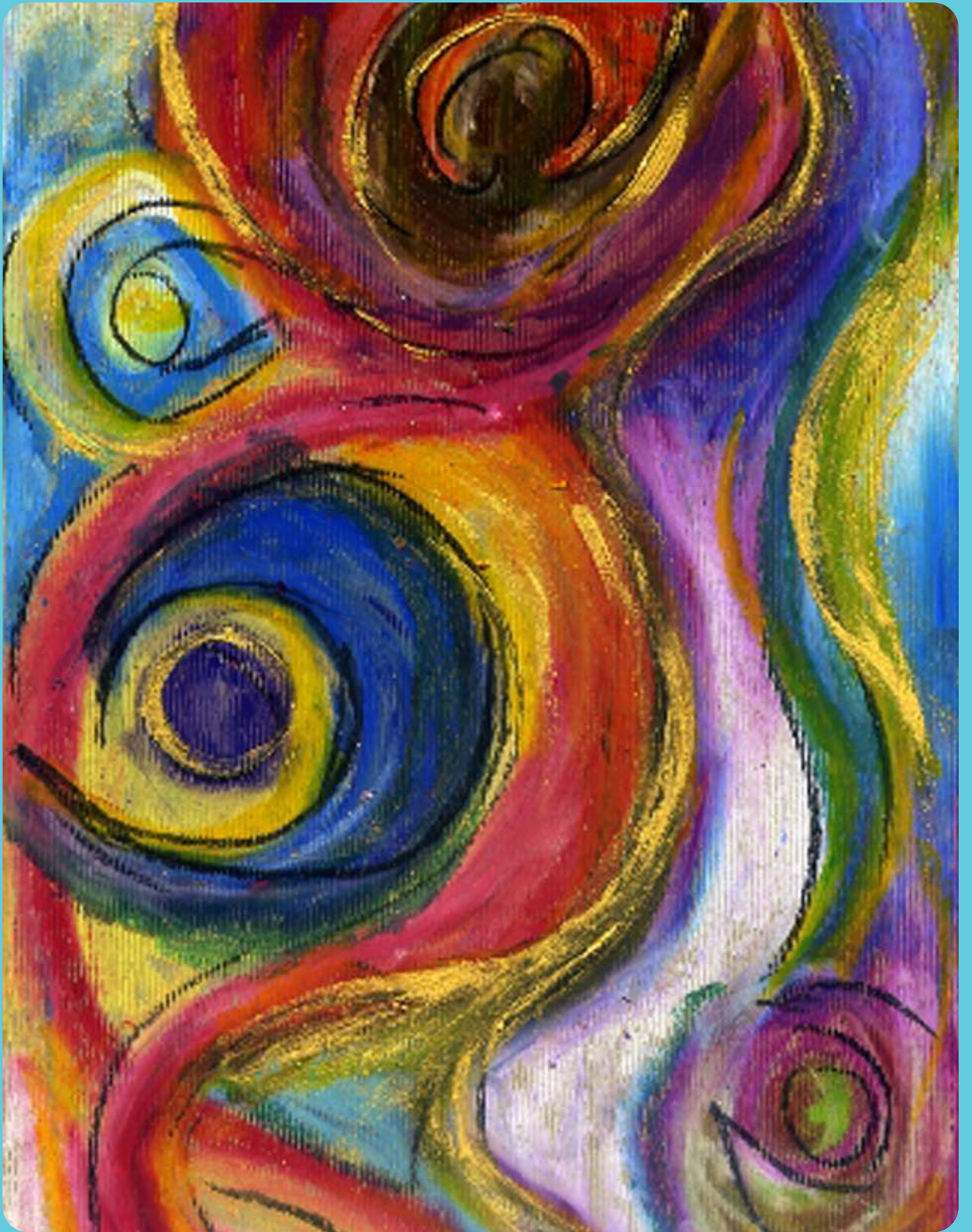
Industries: Food, beverages, textiles, handicrafts; construction; tourism.

Exports partners: USA 97.6%, Canada 1.5%, France 0.5% (2003).

Imports partners: Hong Kong 36.6%, Taiwan 36.2%, China 12%, Germany 9.9% (2003).

Currency: In 1980, Lesotho introduced its own currency - Loti (plural Maloti). It is equivalent to the South African Rand.

(Source: CIA The world fact book.
<https://www.cia.gov/library/publications/the-world-factbook/geos/lt.html>,
last accessed 26 October 12)



A question of culture

Anushka Virahsawmy



CHAPTER 1

Constitutional and legal rights

Articles 4-11



Advocate Nthabiseng Nkhahle leaves the Palace of Justice after a day's work in Maseru, Lesotho.
Photo: Ntolo Lekau

KEY POINTS

- Overall citizens scored government's performance towards meeting the targets in the SADC Gender Protocol on constitutional and legal rights set for 2015 at 63%.
- Women were more critical as they scored the country 62% compared to the 65% by men.
- Lesotho introduced affirmative action through the 2005 Local Government Election (Amendment) Act which was amended in 2011. This has resulted in women's representation in local government to 49%, just one percentage point to achieve the 50% target set in the SADC Gender Protocol.
- The 2003 Sexual Offences Act provides protection against sexual abuse.
- Children are not protected from early marriage. Under customary laws they can marry when they reach puberty. Under common law, girls can marry at 16 and boys at 18.
- Under customary law, girls do not inherit property from their parents. The Child Protection and Welfare Bill, which addresses the issue of girls' inheritance rights, has been pending for a long time.

Table 1.1: SGDI and CSC scores for constitutional and legal rights		
	SGDI	CSC
Scores	N/A	63%
Ranks	N/A	5

Table 1.1 shows that with a score of 63% citizens perceive that although there is still some way to go, Lesotho has made notable progress in the areas of constitutional and legal rights.

At 62%, women were more critical than men who scored the government 65%. Perhaps this is because of some of the traditional and cultural practices continue to impede women's enjoyment of their rights.

Background

Legal frameworks - the policies and laws governing a country - are at the heart of advancing gender equality. Lesotho has acceded to such international agreements as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), Beijing Declaration and Platform for Action (1995) and United Nations Millennium Declaration (2000) that spells out the Millennium Development Goals (MDGs). The SADC Declaration on Gender and Development and its

Addendum on the Prevention of Violence against Women and Children (1998) inspired the SADC Protocol on Gender and Development with 28 targets set for 2015. This date coincides with the MDGs.

Lesotho has signed and ratified the SADC Protocol on Gender and Development. The SADC Gender Protocol is an omnibus that enhances all these existing regional and international instruments - "the roadmap to equality."

While Lesotho is party to these regional and international instruments, which seek to give women more rights, customary laws still prevail. The application of customary laws is more prevalent in rural areas where there are fewer formal courts. In both urban and rural areas, lack of education about women's rights under the formal legal system and women's lack of empowerment to use these legal instruments to protect and uphold their rights contributes to the prevalence of customary laws.

The minority status of women perpetuated by customary laws and practices is a major gender justice issue. Lesotho, like in many SADC countries, needs to conclusively outlaw customary practices that discriminate against women.

Constitutional provisions



The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their constitutions and ensure that these are not compromised by any provisions, laws or practices.

A Constitution is the fundamental and supreme law of the land, from which all other laws and sector policies derive their legitimacy, and must comply with its basic principles. It is therefore critical that constitutions are true reflections of generally accepted principles of equality and democracy. Gender equality should thus be a fundamental value of any Constitution.

The 1993 Constitution provides for gender equality in Chapter II Section 1(o) Section 1(n), and Section 18 (2); as well as in Chapter III on State Principles, Section 26 (1) and (2), and Section 30 (a) (i & ii).



Gender Links Lesotho Programme Officer Ntolo Lekau engaged in a discussion with councillors during the COE verification of Mashaleng council.
Photo: Nomthandazo Mkanzana

Table 1.2: Analysis of gender equality clauses in the Constitution

Provides for non-discrimination generally	Provides for non-discrimination based on sex specifically	Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy	Provides for the promotion of gender equality	Has other provisions that relate to gender	Has claw back clause	Addresses contradictions between the Constitution, law and practices	Provides for affirmative action
YES	YES	YES/NO	YES	YES	YES/NO	YES/NO	YES/NO
<p>Chapter II is based on the principles of equality and non-discrimination. Section 1(o) pronounces on the right to equality before the law and equal protection of the law; and section 1(n) on freedom from discrimination which is further prohibited in 18 (1) and (3).</p> <p>Section 18 (1) "Subject to the provisions of subsections (4) and (5) no law shall make any provision that discriminate either of itself or in its effect."</p>	<p>Section 18 (3) The constitution provides for non-discrimination of all persons on the basis of sex but fails to make reference to women as a group with particular needs. It states that "...discriminatory means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race colour sex language religion political or other opinion national or social origin or regional, property, birth or other status whereby persons of one such description are subject to disabilities or restrictions to which persons of another such descriptions are not made subject or are accorded privileges or advantages which are not accorded to persons of another such descriptions."</p>	<p>Section 18(3)</p> <p>Section 18 (4) (b) Provides that subsection (1) will not be applicable to the extent that the law provides "for the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such personal), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters, which is the personal law of persons of that description; or' Subsection 4 (c) 'for the application of the customary law of Lesotho with respect to any matter in the case of persons who, under that law, are subject to that law"</p> <p>Some discrimination has been repealed by the Legal Capacity of the Married Persons Act.</p>	<p>Chapter III. Section 26 (1) "Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all its citizens regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."</p> <p>Section 26 (2) "In particular the state shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in society to enable them to participate fully in all spheres of public life'.</p> <p>Section 30 (a) (i & ii). "Lesotho shall adopt policies aimed at securing just and favourable conditions of work and in particular policies directed to achieving remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, and in particular, women being guaranteed conditions of work, including pension or retirement benefits, not inferior to those enjoyed by men, with equal pay for equal work; and a decent living for themselves and their families".</p>	<p>Section 26 (1) & (2) read with Chapter 1, Section 8 (1) "No person shall be subjected to torture or to inhuman or degrading punishment or other treatment."</p>	<p>Section 18 (4) (c) condones discrimination on the basis of culture as far as it concerns Basotho. For the application of the customary law of Lesotho with respect to any matter in the case of persons who, under that law, are subject to that; or on the contrary Section 26 (1) and (2) states that: "Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all citizens regardless of...sex, and [shall] take appropriate measures in order to promote equality of opportunity the disadvantaged groups in the society". Generally this provision affects women and girl children as they are the only people discriminated against under custom on the basis of gender.</p>	<p>Section 18(4) (c) application in practice.</p>	<p>Affirmative action was in Local Government elections of 2005 justified on the basis of provisions of Constitution In the case of Tsepe vs. Independent Electoral Commission the applicant lost on the basis of Sections 18 4(e) and 26 in the Constitution.</p>

Source: Lesotho Constitution (1993); Interviews, 2011.

Affirmative action



State parties are to implement legislative and other measures that eliminate all practices, which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.

The SADC Gender Protocol calls on governments to implement affirmative action measures, with particular reference to women, in order to eliminate all barriers preventing their participation meaningfully in all spheres of life, while creating conducive environments for such participation. Gender equality, equity and the empowerment of women is a fundamental human right and integral to sustainable and more equitable development globally. Equality between women and men, which is a matter of human rights and a condition for social justice, is also a necessary and fundamental prerequisite for equality, development and peace. Affirmative action aims to accelerate equality between men and women.

Some of the key delivery areas and strategies to ensure the acceleration of equality include promoting participation of women in governance and economic empowerment; facilitating the review and amendments of discriminatory laws and procedures; and ensuring women and men can access quality services in both rural and urban areas.

Lesotho introduced affirmative action through the Local Government Election (Amendment) Act, 2005. Section 4 provides that no less than one third of seats in the Community Councils be reserved for women. This, in effect, excludes male candidates in every third constituency.

Affirmative action received mixed views in the country. Most gender activists in government, the women's movement and development partners hail it as the most effective measure Lesotho has undertaken to promote gender equality and empower women. However, others are against affirmative action, arguing that women should not be 'pushed up' the leadership ladder, but should strive to do so themselves.

Men tend to oppose the quota system in local government elections declaring that it discriminated against men, violating their constitutional rights. Also, while the Lesotho National Council of Non-Governmental Organisations (LCN), an umbrella body of civil society organisations, expressed its support of the principle of female political empowerment through the provision

of affirmative action, they opposed the manner in which it was implemented.

Moreover, a Mosotho man, Litjotjela farmer Tsepo Molefe challenged the legislated 30% quota for women on the grounds that it infringed his constitutional rights. He instituted proceedings in the High Court. He invoked Section 22 of the Constitution, in order to declare unconstitutional the provisions of Section 26 (1A) (a) and (b) of the Local Government Election Act 1998. His contention was that the section is unconstitutional violating his rights enshrined in Section 20 (1) of the Constitution. He lost the case.



Councillor Malebohang Phaane and Mme Amelia Masupha weeding their garden at Senekane council.
Photo: Ntolo Lekau

The Court ruled in favour of the electoral law as "justifiable discrimination." Unhappy with this decision, political parties lobbied the Independent Electoral Commission (IEC) to investigate and initiate a law more favourable to all. Political parties argued that they needed to be free to field candidates in any constituency. Authorities amended the Act in 2011. Read more about the case in Chapter 2 on Governance.

Discriminatory legislation



The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women.

Lesotho has made progress in repealing discriminatory legislation as well as passing laws that promote the rights of women. Women were considered minors in many instances but this is changing. Since the establishment of the Law Reform Commission (LRC) in 1997, there has been a comprehensive review and development of the following laws in Lesotho:

- The 2003 Sexual Offences Act protects women from sexual abuse;
- The 2006 Legal Capacity of Married Persons (LCMP) Act removes the minority status of married women and has amended specific sections of laws that discriminate against women, for instance the 1953 Administration of Estates Proclamation, the 1967 Amendment of the Deeds of Registry Act and the 1974 Amendment of the Marriage Act;
- The 2008 Companies Amendment Act allows women to be directors of companies and set up their own companies;
- The 2008 Lesotho Bank Amendment Act removes the minority status of women when seeking credit and making financial transactions and/or investments;
- The 2010 Land Act addresses gender equality in relation to access to and control of productive resources by women;
- The 2011 Anti-Trafficking in Persons Act prohibits all forms of human trafficking, and provides for protection and support of victims who are usually women and girls;
- The 2011 National Assembly Electoral Act provides for registration of women, youth and disabled persons (Section 13 i) and requires political parties to enable full female participation in all political processes and activities.

These laws and amendments have allowed women to enjoy equal status and rights to men. Most notably, women can register immovable property in their own names, acquire credit from financial institutions and, for the first time, have control over their bodies.

The government commissioned the legislative reviews through responsible line ministries, for example the

Ministry of Gender, Youth, Sports and Recreation, the Ministry of Local Government, the Ministry of Trade, Industry and Cooperatives as well as Ministry of Home Affairs and Constitutional Affairs.

The government and civil society commissioned the law reform; the Millennium Challenge Account (MCA) is also pushing for the amendment of economic laws that discriminate against women. The Legal Rights Commission will review these laws along with others that relate to the customary laws of Lerotoli, intestate succession, inheritance law and administration of estates. NGOs are carrying out sensitisation, training and outreach programmes around these impending amendments to the laws.



Using the SADC Protocol to empower women to claim their rights. Photo: Colleen Lowe Morna

Lesotho has enacted the Legal Capacity of Married Persons Act of 2006, as well as the Land Act of 2010, both of which remove men's exclusive marital power and give women the same rights as men.

However, despite significant legal reforms, there are still discriminatory laws that need to be reviewed as indicated in Table 1.3. They are related to customary laws and practices, notably those regarding inheritance and succession as well as citizenship and employment rights.

Table 1.3: Remaining discriminatory legislation

Discriminatory legislation	Action being taken	Comments
Workmen's Compensation Act 1977	None	The Act does not cover all labour groupings. Domestic workers, mostly women, as well as herd-boys and herd-men are the most vulnerable because there is no legal framework to provide basic standards of protection, compensation, terminal benefits for them.
Intestate Succession No.2 of 1953	Review of Section 1 4.1.1-1200.00 4.2 civil rights and mode of life	Women and girls cannot inherit intestate. The Law Reform Commission is gradually reviewing the laws.
Law of Inheritance Act No. 26 of 1873	Review of Section 6	Strategies described in the 2003 National Gender and Development Policy in relation to economic rights: i) Review and reform inheritance law so that parents are free to choose their heirs regardless of sex and birth order of the child except that the residential and agricultural land remains with the lineage clan. The Law Reform Commission is at the initial stages of discussing review of the laws.
1935 Administration of Estates Proclamation No.19	Review of Section 3 (b) on mode of life test, Amendment underway	Same as above.
	Instruction issued by GOL Law Reform Commission to review all discriminatory laws and make recommendations	No progress so far.
Laws of Lerotholi on inheritance Chieftainship Act of 1986	There is discussion about it. For instance the Prime Minister in June 2011 called for a new law on chieftainship, and urged the LCD women's league to change the chieftainship law that discriminates against women's succession to chieftaincy (Lesotho Times June 2-8 2011:6)	According to the laws of Lerotholi, which are the basis for Basotho customary practices, women cannot be chiefs in their own right. The first son of a chief inherits chieftainship upon his father's death. The Prime Minister said: "I am hopeful that you are going to work hard to ensure that the Laws of Lerotholi, especially where the girl child is denied rights to be a chief after her father, are amended." This is despite the country's reservation on Article 2 of the CEDAW of provisions making reference to culture and traditions, particularly about the equality of males and females in the inheritance of the throne and office of chief. A test case is currently before courts of law where Senate Masupha, a first born female, is challenging her right to chieftainship and seeking to be named the principal chief of her area following her mother's death. She has challenged both her brother and uncle for discriminating against her because of her sex and has been granted the right to intervene by the courts of law. Should the case rule in her favour, it will transform the highly patriarchal institution of chieftainship. Women's organisations are behind her.
Lesotho Citizenship (Amendment) Order 1989	Awareness creation	In Lesotho, women cannot give nationality to foreign husbands and their children. In the 1990s women activists tried lobbying Parliament though a motion presented by the Hlotse Constituency MP Dr. Hoohlo to consider granting nationality to foreign husbands and their children. The case was that of a Mosotho woman engineer married to a foreign doctor. The case focused on the fact that the husband could not only find employment but as a doctor could offer Lesotho much needed professional skills. It was argued by the proponent of the motion and the woman accompanying him to Parliament, that foreign female counterparts enjoy such rights to citizenship and work by marriage. This was clearly a denial of the economic rights of the wife and her husband.

Source: Interviews 2011, Ntsoelikane Matseliso article for TRC, Work for Justice 2007/8.

Harmful traditional practices



The Protocol provides for the abolition of practices that are detrimental to the achievement of the rights of women.



Lesotho participants presenting their cultural dance at the cultural night during the third Gender Justice and Local Government Summit in April 2012.
Photo: Temba Dube

Harmful traditional practices still exist, and particularly affect girls and women. Customary laws do not stipulate a marriageable age for boys and girls; it only provides that at puberty a girl or boy can marry. Sometimes girls are abducted and forced into marriage. Efforts to eliminate this include advocacy campaigns and media debates, although they have had limited impact. There is anecdotal evidence that more parents are trying to discourage their children from early marriage and they are not even reclaiming their children. Customary laws also condemn child abductions and in such cases a family has the right to claim cattle as compensation. In the formal justice system such cases are covered under kidnapping and/or the 2003 Sexual Offences Act.

Practices that discriminate against women - the spouse's right to citizenship

The 1993 Constitution under section 40 provides for a non-Mosotho woman who is married to a local man to acquire citizenship if she so desires; yet a Mosotho woman with a foreign husband cannot confer citizenship

rights to her spouse unless the man naturalises. This is discriminatory against Basotho women. Some attempts to raise awareness on the issue from the women's quarters and NGOs have gone unheeded.

Access to justice



The Protocol provides for:

- *Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes;*
- *Equal legal status and capacity in civil and customary law*
- *The encouragement of all public and private institutions to enable women to exercise their legal capacity.*
- *Positive and practical measures to ensure equality for women in complainants in the criminal justice system.*
- *The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems.*
- *Equal representation by women on and in the courts, including traditional courts, alternative dispute resolution mechanisms and local community courts.*
- *Accessible and affordable legal services for women.*

Table 1.4: Access to justice

Access to justice provision	On a scale of 1-10 (1 very low and 10 very high)	Explanation
Equality of treatment of women in judicial and quasi-judicial proceedings	8	No discrimination based on sex in the judicial system; all are afforded equal justice. However, men are handling most cases. Women still feel intimidated to testify about some cases, especially rape, due to how they are handled in the courts. In local courts, women are perceived negatively because of customary laws.
Equal contractual rights	8	However, attitudes are changing since the 2006 LCMP Act and the 2003 Offences Act. Statutorily both men and women have equal contractual rights since the 2006 LMPC and the 2010 Land Act. However, so far, not all public and banking institutions are abiding by them.
The right to acquire and hold rights to property	8	LCMP Act grants women an opportunity to own property in her own right. It removes the minority status and empowers women married in community of property to hold rights to property, and to register land in their own names in consultation with their husbands. The 2010 Land Act reinforces these rights especially in rural areas where customs tend to prevail. Government and NGOs have conducted national sensitisation campaigns to increase both awareness and utilisation of these new laws.
Encouraging women to exercise their legal capacity	9	LCMP gives men and women equal rights before the law. This is done through increased advocacy efforts to the effect that such law exists, and the dissemination of the Act as well as attempts towards enhancement of its implementation by Government and civil society organisations including MGYSR, WLSA and FIDA, and MCA.
Ensuring equality of women complainants in the criminal justice system	8	The criminal justice system does not discriminate against women. But court proceedings are not “women-friendly”. For example, in sexual offences cases, the male environment and procedures, including court room language can intimidate women complainants. Such cases need to be heard in a more sensitive environment and women should be able to present their cases in camera.
Equal representation in the courts, including traditional courts	8	Both men and women receive equal rights to legal representation of their choice. Women are fairly represented in local, central and magistrate courts. Men predominate in the high court, court of appeal, and traditional courts.
Accessible and affordable legal services for women	7	Most women cannot afford a lawyer for a civil case. Although the majority of complainants are women in maintenance cases, they cost time and money. There is only one district magistrate court and few police stations. Rural Basotho travel long distances to access justice. Also cases take long to be finalised and there are no effective measures in place to ensure execution of judgments. In theory, Legal Aid is open for everyone but in practice, there is such a huge backlog of cases, and procedures are so drawn out, that women tend to give up on the cases. Maseru City serves the whole country, which in itself denies many women access to justice. Legal aid services are also not decentralised, even the Maseru office is serves the whole of Lesotho. Fortunately women are also able to access free legal aid service from some NGOs, such as WLSA. The improved score from last year reflects that most poor men and women know they can resort to free legal aid provided by NGOs.

Source: The Alliance Reference Group Members, 2011.

Table 1.4 shows a relatively good score of eight out of 10 for Lesotho in terms of women's access to justice. While this is based on perceptions, it indicates that the country is on the right path towards gender equality in accessing justice. This is a 1% improvement from the 2010 score, perhaps because citizen's perceptions are changing since the enactment of more gender-sensitive laws in the country.

Women and men are treated equally in the judicial system, except that men still dominate the justice profession and can sometimes be insensitive to gender issues.

The enactment of LPMC in 2006 guarantees equal contractual rights for men and women and has probably influenced citizens in scoring a high mark of eight out of 10. Although the law is yet to be fully applied at personal and institutional levels, changes are gradually taking effect.

The high score of eight out of 10 for equality in acquisition of property has, as explained in Table 1.4, probably resulted from the enactment of the Land Act 2010 that grants equal rights and access to property ownership. The Act reinforces the 2006 LPMC which repealed other laws that hindered gender equality. This is a landmark victory, particularly for women living in rural Lesotho where customs tend to prevail.

The citizens' score of nine out of 10 for equal gender representation in the courts is an increase of 2.7% from 2010. Both sexes enjoy equal access to justice in lower and central courts. But men still dominate higher and traditional courts. The traditional courts are often guided by some discriminatory customary practices and stereotypical perceptions of women.

Table 1.4 shows that the overall score of eight out of 10 on access to justice is high and a notable improvement from the 2010 score of six. The increase is probably due to new laws that provide better access to justice for women. In addition, legal services are gradually becoming more accessible to both men and women.

However, it is still the urban, educated and wealthier groups who have better access to justice. Poor and uneducated rural women and men cannot easily afford such services. They mostly resort to free legal aid services, which are available for some cases such as maintenance cases.

Traditional courts

There are no courts that deal specifically with domestic violence, child protection and sexual offences. Traditional chiefs handle such issues everyday within their administrative function of law and order maintenance. Depending on the seriousness of the cases, the chief can make a ruling. If the matter is beyond the chief's jurisdiction, the chief can refer the case to the police, most often to the newly decentralised Child and Gender Police Unit (CPGU). The unit can then refer the case to the common law/civil courts. Sexual offence issues are referred directly to the police with an accompanying letter from the chief.

In Lesotho, there are no courts specifically for family law such as divorce and maintenance. These are dealt with in the common courts.

Some non-state actors, like MCA for example, have specifically budgeted to train the Judiciary officials on gender equality and women's rights as part of their female empowerment programmes.



Traditional dance group, Matsatseng.

Photo: Malepota Mafeka

Marriage and family laws; widows and widowers; the girl and boy child



The Protocol requires that State Parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. Existing legislation on marriage shall therefore ensure:

- *No person under the age of 18 shall marry;*
- *Every marriage takes place with free and full consent of both parties;*
- *Every marriage to be registered;*
- *Reciprocal rights and duties towards the children of the family with the best interests of the children always being paramount; and*
- *An equitable share of property acquired during their relationship.*

Married women and men should have the right to choose whether to retain their nationality or acquire their spouse's nationality through legal provisions. However, there is no period within which these measures should be achieved.

State Parties must also put in place laws and other measures to ensure that parents fulfil their duties of care towards their children, and enforce maintenance orders.

The Protocol requires that Member States adopt laws, policies and programmes to ensure the development and protection of the girl child. This includes: eliminating all forms of discrimination against the girl child; ensuring that girls have the same rights as boys and are protected from harmful cultural attitudes; girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse; girl children have access to information, education, services and facilities on sexual and reproductive health and rights.

The most significant area for legal reform are the current contradictions between formal and customary law that occur across the SADC region; as marriages are governed by parallel legal systems of statutory, customary and in some cases religious law. Women suffer discrimination due to non-uniform marriage and divorce laws, polygamy, the application of customary property laws that still favour men's ownership of land, discriminatory and harmful cultural practices, violence against women and lack of equal access to education. Customary and Islamic marriages are potentially polygamous and permit some of the negative practices that have the effect of discriminating against women. Some of the practices relate to forced or arranged marriages especially for young girls, widow inheritance, the extensive marital power given to men in matters of property and women's reproductive rights.

Lesotho's key marriage and family laws include the Women and Girls Proclamation No.14 of 1949, the 1974 Marriage Act No. 10 and the customary laws of Lerotoli.

The marriage and family law provisions have their limitations. By not stipulating a marriageable age for boys and girls, children can be forced into early marriage. Customarily, girls can marry at any age as long as they and their parents agree.

Table 1.5 reveals that Lesotho still has notable gaps in its legislation regarding the girl child. They are traditionally discriminated against, particularly in the areas of early marriage, inheritance and access to information, especially on sexual and reproductive health. Though they are protected by the Sexual Offences Act of 2003, they continue to suffer abuse and are denied protection from trafficking.

However, widows are legally protected under both systems of law although in practice it may be difficult for them to take the matter to the courts and could suffer abuse as a result.

Table 1.5: Marriage and family laws; the boy and girl child

Provision	Yes/No	Explanation
Marriage		
No person under the age of 18 shall marry.	Yes	Both Basotho customary and common law allow girls to marry at 16 and boys to marry at 18 (Women and Girls Proclamation No.14 of 1949, and Marriage Act No. 10 of 1974). Accordingly, no boy under 18 years of age and no girl under the age of 16 years of age shall contract a valid marriage without written consent of the appropriate minister. But under customary laws there are no provisions stipulating marriageable age for boys and girls as long as they have reached puberty.
Every marriage takes place with the full consent of both parties.	Yes	Both statute and customary laws require consent of the parties to the marriage and prohibit forced marriages.
Every marriage, including civil, religious, traditional or customary, is registered.	No	Only civil and religious marriages are registered; customary marriages are not. However, the parties can make a written agreement to the marriage as proof of marriage.
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	Yes	This applies under both systems. The legal capacity of the Married Persons Act and customary laws give equal rights and responsibility to parent and spouses. However, where the marriage is annulled, the father's rights cease, and only duties and obligations towards the children will continue. The Deserted Wives and Children Proclamation makes provision for maintenance.
Maintenance orders are enforced.	No	The system is ineffective in this respect. Enforcing maintenance orders is difficult and slow. It is particularly problematic when defaulters work outside the jurisdiction of the courts of Lesotho, especially in South Africa. Furthermore, poor women are disadvantaged as if the maintenance amount is small, legal officials are less likely to take the case on as it is not profitable for them.
Married women and men have the right to decide whether to retain their nationality or acquire spouses' nationality.	Yes	Only men have a right to decide upon their nationality.
	No	A woman acquires the nationality of husband upon marriage and no specific provision entitles her to retain her nationality as a right.
Widows and widowers		
Widows are not subjected to inhuman, humiliating or degrading treatment.	Yes/No	The Constitution protects all citizens against inhumane treatment. Yet in practice some widows experience inhumane humiliating treatment. They are sometimes forced to comply with custom by wearing 'thapo' or mourning dress and in some cases failure to do so could carry a risk of losing their inheritance rights.
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	Yes	This is guaranteed under both common and customary laws.
A widow shall have the right to live in the matrimonial house after her husband's death.	Yes	This is guaranteed under both systems of law.
A widow shall have access to employment and other opportunities.	Yes	This is guaranteed under both systems of law. The 1992 Labour Code Order gives her right to employment.
Widows shall have the right to an equitable share in the inheritance of her husband's property.	Yes	This is guaranteed under both system of law. A widow has the right to inherit land from the husband.
Widows shall have the right to remarry any person of their choice.	Yes	Yes, but a widow must forfeit the property rights from the previous marriage if she has children.
Widows shall be protected from all forms of violence and discrimination.	Yes	This is guaranteed under both systems of law, and is enshrined in the country's Constitution of 1993.

Provision	Yes/No	Explanation
Girl and boy child		
Eliminating all forms of discrimination against the girl child.	No	There is no specific law on discrimination against girl children. Customarily, girl children do not inherit from their parents. The Child Protection and Welfare Bill which addresses the issue of girl children's inheritance rights has been pending for a long time.
Girls have the same rights as boys and are protected from harmful cultural attitudes.	No	Boys and girls have equal rights in education but not in inheritance as explained above. Societal attitudes still shape and construct the gender roles of boys and girls along cultural stereotypes.
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	Yes	The Sexual Offences Act of 2003 provides protection, however no law or policy deals with human trafficking.
	No	The Child Welfare Bill is in process.
Girl children have access to information, education, services and facilities on sexual and reproductive health and rights.	No	There is no specific legislation, but practices and policies give girls access to such education and services. For example, in some schools these issues are dealt with through adolescent policies and programmes of the Lesotho Planned Parenthood Association (LPPA) and MOHSW. Customarily, education is available to boys and girls in initiation schools common in the rural areas. Services are provided in health centres. However, access can be limited in remote rural areas.

Source: Interviews 2009 and 2011.

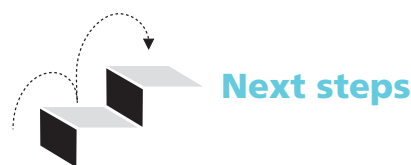
Costing

The Ministry of Gender and Youth, Sports and Recreation and Ministry of Law and Constitutional Affairs have worked with respective Ministries to do legislative amendments, reforms and development. The UNFPA, UNDP, and civil society organisations have supported the government spearheading gender-related legislative reforms and implementation of projects or programmes to raise awareness and apply pressure to ensure enforcement of the amended legislation and policies. Some non-state actors like the Millennium Challenge Account have specifically budgeted to train the judiciary and related officials on gender equality and women's human rights as part of their women empowerment programmes.

While there are no specific studies to review the constitution and legislation related to gender equality and equity, the 2003 Gender and Development Policy is under review, and is co-financed by Government of Lesotho for M60, 000,00 (approx. US\$7,000) under MCA-L gender programme and UNFPA.

A gender audit of the Draft Energy Policy (Ministry of Natural Resources, Department of Energy) is being funded by ENERGIA International for \$20,000.00 through Gender and Energy Network of Lesotho (GENOL). There

are costs involved for the dissemination of the reviews with stakeholders, but actual figures of the amount allocated were not available at the time of writing.



Next steps

There is a need for:

- Advocacy and pressure to unify systems of formal and customary laws.
- Specific measures to address harmful cultural and traditional practices.
- Legislation for the marriageable age to be set to 18 years for both sexes;
- A change in the law to allow girls to inherit property.
- More sensitisation campaigns of legal rights for women and girls so that they are aware of the existing legislation and feel empowered to use it.
- Campaigns for costing implementation of gender related laws and policies. Issues for consideration should include:

- Costs for developing the legislative amendments and constitutional reviews for all ministries involved.
- Cost of advocacy initiatives by Governments, UN Agencies, Civil Society and other role players.
- Tracking funds allocated by government towards affirmative action programmes across various sectors.
- Track government spent on establishing courts to specifically deal with issues of family violence, child protection and sexual offences (in some countries these are referred to as 'victim-friendly courts').

- Costs of capacity building of judicial officials to staff these courts.
- Amount of money spent by government and or other agencies to make citizens aware of these courts.
- Amount of money that has been spent by government and/or other agencies to build the knowledge of traditional leaders and chiefs among other target groups on gender equality and women's human rights in relation to access to justice.



Forgotten by families

Anushka Virahsawmy



CHAPTER 2

Governance

Articles 12-13



Lipolelo Ramoholi from Maseru drives a minibus advertising the 2007 National Assembly Elections.
Photo: Ntolo Lekau

KEY POINTS

- Lesotho has an SGDI score of 65% and ranks third out of the 15 SADC countries. The SGDI is based on empirical data that includes women's representation in parliament, local government and cabinet.
- The citizen score (CSC) is close at 61%, based on their perceptions of the country progress towards meeting the SADC Gender Protocol targets on governance.
- With 49% women in local government following the 2011 elections, Lesotho continues to have the highest proportion of women in any area of political decision making in SADC. However, this is down from 58% because of an amendment to the quota system following an outcry over reserved seats in the 2006 elections. A study visit to Tanzania that resulted in the adoption of a mixed system.
- Women's representation in parliament is 26%.
- Women make up 22% of those in cabinet.

Table 2.1: SGDI and CSC score for governance sector

	SGDI	CSC
Scores	65%	61%
Ranks	3	6

Table 2.1 shows that Lesotho has performed relatively well in this sector as measured by the SGDI but this is given a boost by the fact that the country has almost reached gender parity at local government level. The citizen's

score of 61% is based on their perceptions perhaps because they also critique other areas of governance beyond the political space such as the public and private sector.

Gender and political parties

The number of political parties in Lesotho has increased from three at independence in 1966 to 23. Although women are gradually entering politics, their presence in political parties is still minimal.

Women in political party structures

Women have remained almost invisible within the political leadership. Few women occupy positions, and those that do are there by virtue of their status as leaders of their party's women's leagues. There have been three women party leaders in Lesotho, namely Manapo Majara of NLFP; Limakatso Ntakatsane, the leader of KBP; and Debora Raditapole, who gave up her leadership position to a male politician in 2010, though she remains active in national politics.



Photo: Ntolo Lekau

Women continue to press into politics

Women have not shied away from contesting for party leadership. Mabatloung Lillane, lost for the second time in the BNP Executive Committee elections. But she remains determined and motivated to win the top BNP leadership position. She is quoted as saying, "Nothing can stop me now. I'm definitely contesting the BNP leadership post in March"¹. Lillane also stated:

"The illusion that a woman cannot excel as a political leader is a myth perpetuated by our culture as we are raised to feel inferior to men. I wanted to give women hope. I want women to take over the reins of governance. Men have proven they are tired. Just look at the manner in which they have been dwelling on

the improper allocation of proportional representation seats since 2007 when there have been better things they could have focused on. They should make way for women and realise that politics is like a global village: open to everybody. Seeing the BNP membership dwindling also scared me. I did not want to just sit there and watch as my beloved party gradually disintegrated."²

She acknowledges her bravery to challenge men: "I also used to herd my family's cattle and till the fields while growing up. Besides that, for a while I taught at an exclusively boys' school, Christ the King High School. I am a wife who submits herself to her husband in the home and I do respect men. But in politics we are equal."³

Source: Lesotho Times, 23 March 2011

Proportion of women in party national executive committees

The National Executive Committee (NEC) is the highest decision-making party structure.

Table 2.2: Proportion of women and men in Party NEC positions

Party/Position	Executive Committee Members		Leader/president/Chairperson		Deputy Leader		Treasurer		Secretary general		Women's Wing/Committee Rep.	
	M	F	M	F	M	F	F	M	F	M	F	M
LCD	8	3	✓		✓			✓		✓	✓	
ABC	19	1	✓		✓			✓		✓	✓	
BAC	10	2	✓		✓		✓		✓		✓	
LWP	6	3	✓		✓		✓		✓			
LPC			✓		✓		✓		✓			
NIP ⁴	4	0	✓		✓			✓		✓		
MFP	12	8	✓		✓		✓			✓	✓	
BCP	8	2	✓		✓			✓		✓	✓	

Source: Compiled by M. Mapetla from IEC Records, August, 2011.

¹ Sunday Express, June 29, 2011.

² Lesotho Times March 23, 2011

³ Ibid.

⁴ The substantive Committee of nine positions is currently incomplete due to vacancies.

Table 2.2 shows that, excluding the Women's Committee representative on the NEC, there are 32 senior positions in the eight parties surveyed. Each party has an average number of 13 members on the NEC ranging from 20 in ABC and MFP to four in NIP⁵. Overall, 75% of the committee members are men and 25% are women. There are no women in leadership or deputy leadership positions. Women are found in positions of treasurer and secretary general in the BAC, LWP, LPC and MFP. Women's higher literacy levels probably account for them holding posts that require accounting and writing.

The LWP almost has gender parity, probably because of its close association with trade unions in the textile industry, where an estimated 90% of the 45,000 employees are women and represented by women shop stewards. Notably though five of the women in the LCD committee serve as deputies to men, for example the Deputy Secretary General and one is ex officio Chairperson of the women's wing. The eight women in the MFP include the Treasurer, Press Secretary, four District Committee Chairs, and the Chairperson and Secretary of the Women's Wing. Surprisingly, women only make up 27.7% of the LCD members although the party has a policy of ensuring that women make up at least 30% of members serving in all committees. Source: IDEA Report by Mapetla, Nov. 2012

Awareness levels of party functionaries

The party functionaries' awareness of the SADC Protocol on Gender and Development is varied. While some members have only heard about it, others know the provisions and have acted on it to achieve the 50% target in some aspects of the party operations.

Quota systems in political parties

According to the findings of this research, there is generally no formal quota system within the political parties. So far only the ruling LCD has adopted in its constitution a policy that provides that at least 30% of women are elected to all LCD party committees.



Maboloka theatre group dramatizing during the COE verification at Ts'ana-Talana council. Photo: Nomthandazo Makanzana

However, according to the Local Government Electoral law amended in 2011, political parties need to embrace a new form of electoral model that retains the FPTP system which is open to everyone and includes additional PR seats especially reserved for women. These are allocated on the basis of the political parties' performance in the open system. Political parties are required to list a third of their female members to contest elections for the special seats reserved for women. Furthermore, parliament passed the National Assembly Electoral Act in August 2011 which, according to Section 47 (b), provides for PR lists and requires political parties to arrange candidates in order of preference from top to bottom but alternating female and male candidates in a "zebra" system to ensure inclusion of equal numbers of women and men as stipulated in S 47 (c). Section 49 allows electors or political parties to object if the submitted list does not comply with this requirement.

The challenge with the quota system in Lesotho, whether voluntarily arranged within a party, as in LCD, or legally forced, is that the quota systems are limited to the PR system where the targetted seats are already fewer, that is 40 in the National Assembly. This implies, therefore, that the country will find it a challenge to achieve the 50/50 gender representation target by 2015 as stipulated by the SADC Protocol.

Election candidates chosen for the party

- Party candidates can put themselves up or are nominated by others in their own locality. The process continues to Constituency level where, once chosen, they follow the IEC nomination requirements before being issued with party certificates.
- Choosing candidates for the proportional representation system, political parties draw lists of candidates using their internal mechanisms, in the absence of formal guidelines for submission to IEC.
- Gender does not seem to be a criterion in the selection of candidates in the FPTP system. In the PR lists the practice is for parties to give first preference to the party leader and members of the executive, the majority of whom are male.

Party lists

Each party has devised its own procedure. For example the LCD has worked out a points system based on gender, disability and education among others. Generally parties have given first listing preference to the party leader and members of the executive committee which include the president of the women's league. Some party officials claim that they advocate for 50/50 gender representation in election nominations, but research did not find evidence to substantiate this claim.

⁵ Nine is the minimum number for all parties including NIP. However, at the time of the analysis the party only submitted four names of NEC members to IEC.

Lesotho MMP electoral model combines First Past The Post (FPTP) and Proportional Representation (PR) electoral systems.

Improved guidance for parties on the construction of the PR list is provided by the Local Government Election Act Amendment of 2011. This provides for parties to list female candidates based on a formula determined by special seats equalling number of electoral divisions divided by three or one third for each council. The list should be submitted to the IEC by the party leader or other party officials mandated to do so.

Party women's wings/leagues

Most large parties, such as the ruling LCD and the main opposition ABC, have women's wings or leagues. Members elect leaders every three years. These women's wings are designed to allow women their own space to consider issues related to women. These structures are responsible to the party executive committee. The leader of a women's league/wing is a member of the executive committee.

Challenges for women's leagues

Most parties' constitutions state that women's leagues need to report to the party executive committees. The women's leagues often have to seek written permission to perform certain activities. Letuka et al (2004) identified the peculiar challenges experienced by these structures. Some of these findings confirmed by some interviewees for this Barometer:

- Their party roles are an extension of women's practical responsibilities to be supportive to and maintaining the family members' needs, which perpetuate gender stereotypes, instead of stimulating attention to gender issues within political parties.
- The party structure itself is a challenge since it is more exclusive than it is inclusive of women in the mainstream of party leadership.
- As separate party structures they lack commensurate power or influence on the party decisions, even those that concern them. Thus they are unable to push for inclusive party democracy.

Measurable impact women make in the party and the extent to which women's leagues are influential

According to interviews, women are changing the way political parties work. According to an ABC interviewee, the ABC Women's League has made an impact by inviting experts to present and discuss thematic issues at their conferences to learn how these affect their participation in party politics. This has positively influenced the party's approach to running such meetings. They no longer dwell only on routine

The purpose and role of the women's wings/leagues

The purpose of women's wings/leagues, it is argued, is to empower women to deal with women's issues, although members are also active in electioneering and canvassing.

One interviewee explained that the role of women's wings is to maintain the welfare of the party through fundraising, and teach members about the philosophy and governance of the party, but they must report to the NEC. This already removes women from the mainstream of power and promotes a separate development approach. The leagues do not have absolute power because they are subordinate to the executive committee to carry out strategic projects; they seek consent of the committee over use of resources that they raise.

Therefore, some gender activists argue that women's leagues are established within political parties to give the illusion that women are participating at a significant level when it is not the case.

- Women who try to instil gender sensitivity are regarded as out of line even by other women.
- Some men are aware of the limitations of women's leagues. A male MP cited by Letuka et al: "Women's leagues are used as structures in which women's issues are relegated to the margins rather than in the mainstream party issues" (2004:73).
- The relationship between the quantitative presence of women in decision-making positions in the party and their presence in legislative and local government: in any political party there is no obvious balance of the high numbers of women in political parties and their presence in political decision-making positions, including legislature and local government. This has been noted and brought to the attention of political parties as a principle of democracy that "majority rules". It is also true that there is a positive relationship between one's status in the party (as party leader and/or women's league president or constituency chairperson) and being a Member of Parliament.



Councillors during the COE verification at Ts'ana-Talana council.
Photo: Nomthandazo Mkanzana

reporting of activities and/or committee elections, but they also bring in learning and empowering activities.

Moreover, members of LCD Women's League can be influential and intervene in party matters. The media reported the recent incident where the Party Women's League and Youth League challenged the power of the executive committee. They planned to march together in solidarity to show their confidence in their party leader, Pakalitha Mosisili. In line with section 7.3 LCD constitution they requested permission from the Executive Party. The matter was tabled and discussed but permission was not granted because the action "would add oil to the already troubled [party] waters". Both leagues proceeded with the march to the State House anyway and met with their party leader who is also the chairperson of the Executive Committee, which comprised of eight men and seven women. This shows that 'marginalised' groups have empowered themselves and made their voice heard in the highest decision-making levels of the ruling party.

Gender equality in the manifestos of political parties

Generally, party manifestos in Lesotho refer to women's rights and gender equality.⁶ The selected political parties, namely MFP and LCD, expressed an obligation to respect women's rights, abolish all forms of discrimination and review laws to facilitate women in politics and national affairs. MFP and LCD appear to be most sympathetic to increasing women's participation. They comply with international instruments. The LCD party acknowledges the 2006 LCMP Act provisions which improve women's economic empowerment by ensuring access to business capital credit. The ABC party aim to enhance women's lives through rural infrastructure improvement, affordable urban transport and free health services. Interestingly, the ABC emphasis is more on fulfilling the practical needs of women rather than strategies for attaining equality.

In addition, most parties focused on job creation for poor women and to protect women's rights in employment with focus on women in the manufacturing business, since most votes lie within that sector. The parties all articulate

commitment to reduce gender inequality, respect the human rights of women, and service delivery, yet they vary focus, emphasis and measures towards realisation of these rights in their manifesto declarations. The parties accentuate practical and strategic women's needs albeit with different degrees of emphasis.

Funding of campaigns

Political parties usually fund their own campaigns from membership subscriptions, donations and/or individual contributions. Only at election time does the IEC provide M500, 000 (US\$53,371) to each party for campaigning for national elections. This amount is meant to facilitate campaigning by all party candidates regardless of sex.⁷ However, women's lack of financial resources to cover campaigns has remained a serious challenge to their participation and performance in politics.

Gender in electoral processes

The existing electoral system

Lesotho holds Parliamentary Elections (National Assembly Elections) every five years, under the Mixed Member Proportional System, which comprises 80 constituency seats and 40 proportional representation seats. This electoral model was a result of the 1998 political impasse in the country. Then, the First Past The Post (FPTP) electoral system had been used. The mixed system allows for a more inclusive representation of political parties.



Director of Gender, Matau Futho-Letsatsi, stresses a point during the Lesotho Training of Trainers held at Victoria Hotel in 2012.

Photo: Ntolo Lekau

⁶ Letuka et al, 2004.

⁷ Ibid.

⁸ National Assembly Bill 2011 Sections 48 (2 b & c), p.611

To further improve the inclusiveness of the 2001 electoral law, political parties have embraced the National Assembly Election Amendment Act of 2011. This new law maintains open competition for men and women in the FPTP system but introduces to political parties a more gender-responsive and mandatory PR procedure for submitting party lists of candidates for elections. It states in Section 2 (b) that a political party shall *“arrange the candidates in order of preference from top to bottom, with a female or male candidate immediately followed by a candidate of the opposite sex; and (c) include equal numbers of women and men”*⁹.

The Local Government Election Amendment of 2011 also stipulates that in addition to open spaces to everybody under the FPTP model, a one third quota of electoral seats be reserved especially for women and apportioned to every party that is contesting elections on a PR system.

Electoral system discourse

“The issue of gender apparently does not feature much in these political debates. It seems to be the most insignificant concept when matters really get tough. The irony of it all is that there is always +40% female representation in these meetings, and yet the issue of gender never comes up. Even the IEC Chairperson, who is always so passionate about the issue, is very numb about it”⁹.

Electoral system impact on gender parity in political decision-making

The MMP electoral model has increased women's access to the National Assembly. The researcher's analysis of parliamentary representation reveals how the manipulation of the MMP model by political parties' pacts in the 2007 national elections has had a positive effect on women.

In local government structures, the electoral system has ensured that at least a third of all the Electoral Divisions contested were reserved for women. This means that out of 1,279, at least 426 were certainly awarded to women - and others where women did contest in an open contest.

Gender-based quotas

Gender-based quotas exist as an internal arrangement within the LCD party to ensure that women make up 30% of its members elected to all party structures at all levels. Gender-based quotas, as indicated in the report, are legislated under the Local Government Electoral Act amended in 2011, and the National

Assembly Electoral Act of 2011. Both laws apply gender-based quotas only to the PR system. The former law introduces the reservation of one third PR special seats for women by political parties in addition to the FPTP system which is open to everyone. These are allocated on the basis of the political parties' performance in the open system, using the formula special seats for women equal to the number of electoral divisions divided by three for each council.

An IEC Commissioner indicated that in the recent elections, for the 950 electoral divisions, there were 317 women nominated for the special seats. The National Assembly Electoral Act enacted in August 2011 provides for PR lists and requires political parties to arrange candidates in order of preference from top to bottom but alternating female and male candidates in a “zebra” system (Section 47 (b)) and ensures inclusion of equal numbers of women and men (Section 47 (c)). Section 49 allows electors or political parties to object if the submitted list does not comply with this requirement.

Constitutional or legal provisions for appointment to the legislature

The Constitution guarantees freedom of participation of women in public life. The law allows no discrimination of women and/or men to appointed and/or elected to the legislature.

Gender breakdown in the IEC

The Independent Electoral Commission (IEC) is the body managing elections in Lesotho. It is currently chaired by a female Commissioner. The gender breakdown at the policy-making level comprises one woman (33%) and two men Commissioners (67%). The Directorate is headed by a man, and at management level, there are seven men (58%) and five women (42%). Women are making headway into management levels.

The extent of integration of gender concerns into the procedures of the IEC

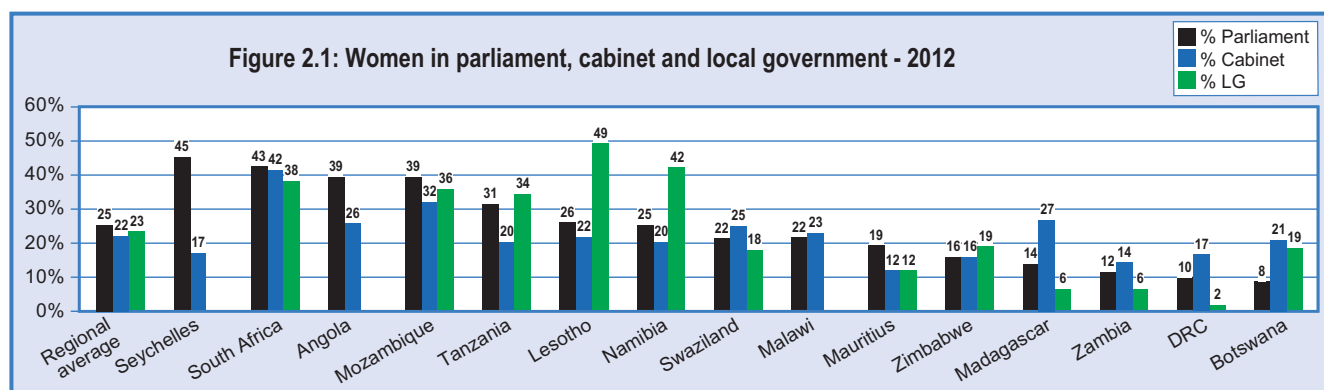
The Independent Electoral Commission (IEC) has been criticised in the past for not promoting gender sensitivity in electoral processes. However, the situation is changing. The IEC Chairperson advocates for gender equality. For example, the IEC had proposed a 50/50 representation for the 2007 elections, but political parties rejected the idea. Even women themselves still hold back; some still regard themselves as minors.

Since 2006 the IEC has an institutional gender policy and for the first time in 2005 it published gender disaggregated local government election results.¹⁰

⁹ Interview with an IEC Official.

¹⁰ IEC has also published the 2007 national elections according to gender disaggregation.

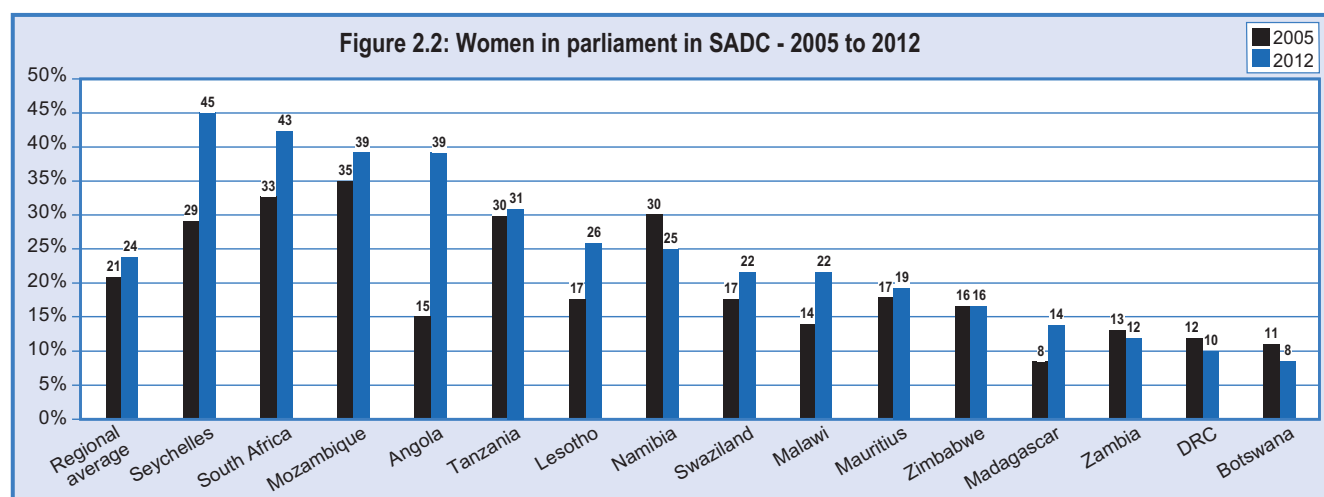
Representation



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 2.1 shows that in Lesotho women perform well in local government - it is the only area of political decision-making in SADC in which women's participation

is almost at parity with men. However, in Lesotho, women's participation in Cabinet is a low 22% and only 26% in parliament.



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Women's representation in Lesotho has gone up by 9% in the last six years at 26%. It is still below the 50% target.

Despite the PM's 50/50 target, only 30 women were elected to the 120 member - National Assembly, forming 25% of the House. However, women's participation is increasing as women made up 13.3% of parliamentarians, an improvement on the 14 or 11.7% representation of women in the 2002 National Assembly. It appears that the MMP model worked to the women's advantage.

The 2012 general elections have been hailed as democratic with a relatively good turnout out of 50% of the registered voters. The Commonwealth Observer Group reported that they were impressed by the large number of women and men who participated in these elections "not only as voters but also as party agents".

Whereas the constituency FPTP results have stayed constant with 13 women winning elections, the PR results have resulted in women surpassing the 50% threshold. This demonstrates the effectiveness of the 2011 National Assembly Elections Act which forced the "zebra" arrangement for the listing of candidates by political parties.

Table 2.3: Women and men in Parliament by political party

Political party	No of women	No of men	Total	% women	% men
LCD	11	15	26	42	58
ABC	5	25	30	17	83
DC	11	37	48	23	77
NIP	1	1	2	50	50
LWP	0	1	1	0	100
PFD	2	3	5	40	60
MFP	0	1	1	0	100
BNP	2	2	4	50	50
BDNP	0	1	1	0	100
BBDP	0	1	1	0	100
LPC	0	1	1	0	100
Total	32	88	120	27	73

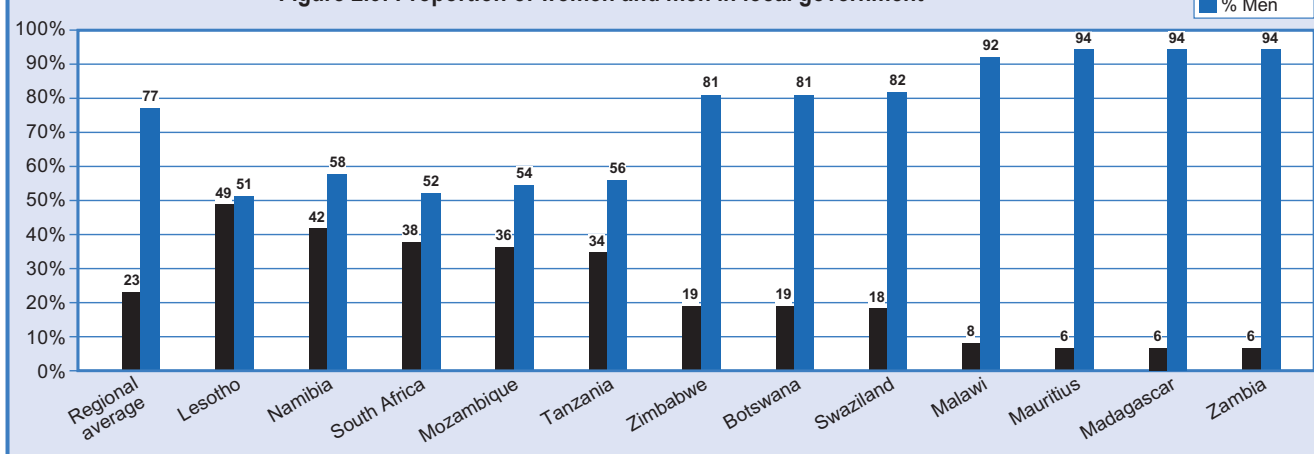
Source: Independent Electoral Commission 2012 Election Database. Compiled by M. Mapetla.

Table 2.3 shows that with regard to nominating female candidates, political parties have been disappointing. For example, taking the four big parties, the LCD nominated only 15 women, DC (a party newly formed

by the Prime Minister) had only 16 women, and BNP had 10. Of the candidates fielded by political parties, only 25% were women.

Local government

Figure 2.3: Proportion of women and men in local government



Source: 2012 SADC Gender Protocol barometer.

Lesotho quota system yields results at local government level

The proportion of women elected in Lesotho's October 2011 local government elections decreased from 58% (2005 elections) to 49%¹¹. However, the result is considered by many a more representative reflection of the aspirations of voters after amendments to the country's quota system were implemented for the vote.

Further, Lesotho remains in the lead as far as women's representation in SADC local government.

Lesotho's bold local level experiment with quotas in a FPTP electoral system offers many lessons for the region in the countdown to 2015.

¹¹ Mapetla, M. 2012. "Gender Parity in Local Government Representation". Lesotho 2012 local government elections.

In 2005, Lesotho adopted a system whereby 30% of all constituencies were reserved for women - in other words, only women could contest in these constituencies. Women and men could both compete on a winner-takes-all

basis in the remaining 70% of seats. The Electoral Act made provision for this system to rotate to different constituencies for at least three elections, at which time it would be evaluated and assessed.

Along with their guaranteed 30%, women also won 28% in the openly contested constituencies. This resulted in 58% women's representation - at the time it was the only SADC country in which women held a majority of decision-making positions at any level of government.

But this success came at a cost. Litjotjela farmer Tsepo Molefe challenged the legislated 30% quota for women on the grounds that it infringed his constitutional rights. The Court ruled in favour of the electoral law as "justifiable discrimination." Unhappy with this decision, political parties lobbied the Independent Electoral Commission (IEC) to investigate and initiate a law more favourable to all. Political parties argued that they needed to be free to field candidates in any constituency.

The IEC then embarked on a fact-finding trip to Tanzania. The group included members of political parties and the Ministry of Local Government and Chieftaincy (MLGC).

Borrowing from the Tanzania model, Lesotho amended its electoral legislation ahead of the 2011 elections. The new system did away with reserved seats. However, it introduced 30% seats reserved for women above and beyond the original constituencies. These were distributed between parties using proportional representation.

"Initially Lesotho desired to meet the SADC target of 30%. The Local Government Amendment Act of 2004 brought about the one third reserved seats for women."

In order to ensure the new system delivered gender parity, civil society organisations, including Women in Law Southern Africa and Gender Links, worked with the Ministry of Gender, Youth, Sports and Recreation on a 50/50 campaign. The campaign sought to equip women politicians with

knowledge and skills on gender, issues of governance, electoral laws and how to run political campaigns. GL's Centres of Excellence training for gender in local government includes developing and implementing a campaign. GL worked with women politicians in ten COE councils to develop their campaigns.

Mathato Mabitle from Mokhotlong, Sanqebethu Community Council, initially had no interest in politics but decided to throw her hat in the ring in 2011.

"In early 2011 I attended a SADC Gender Protocol village workshop organised by Gender Links at Mateanong Community Council. It was my first encounter with GL. The workshop was very important, as it was my first time to even know that Lesotho was part of SADC countries and more importantly had signed the SADC Gender Protocol. We were also encouraged to publicise it in our communities. This is how I became involved with the GL Women in Politics workshops held at Mateanong Council to help me prepare for local government elections as an independent candidate. Unfortunately, I did not win but I am continuing with my work of supporting HIV and AIDS groups. I have also been talking about gender issues at those support group meetings and in other public gatherings. I am inspired to continue with the work I do in the community because of my role models."

While Mabitle did not win, other 50/50 campaign participants did go on to win a seat. Table 2.4 provides a breakdown of the 2011 local government election results.

Table 2.4: Lesotho 2011 local government election results

Political party	Total number of Councillors				FPTP results by sex				Women reserved seats	
	Women	Men	All Councillors	% women	Women	Men	Total	% women	Women	%
Ruling LCD	411	280	691	60	221	280	501	44	190	64
ABC	98	84	182	54	22	84	106	21	76	26
BNP	21	13	34	62	2	13	15	13	19	6
NIP	4	2	6	50	0	2	2	0	2	1
LPC	4	3	7	57	1	3	4	3	3	1
LWP	0	2	2	0	0	2	2	0	0	0
BAC	0	1	1	0	0	1	1	0	0	0
Other parties	14	13	27	52	6	13	19	32	8	3
Independents	30	143	173	-	30	143	173	17	-	-
Elected Chiefs	45	108	153	29	-	-	-	-	-	-
Total	627	649	1276		282	541	823		298	
%	49	51		49	34	66		34	100	100

Source: Compiled from the IEC Database, 2011 and MLGC information. Compiled by Matseliso Mapetla, University of Lesotho.



Malebohang Ramaqele and Qakethe Makoete, newly elected councillors from Ramapepe, share notes at a July 2012 workshop. Photo: Ntolo Lekau

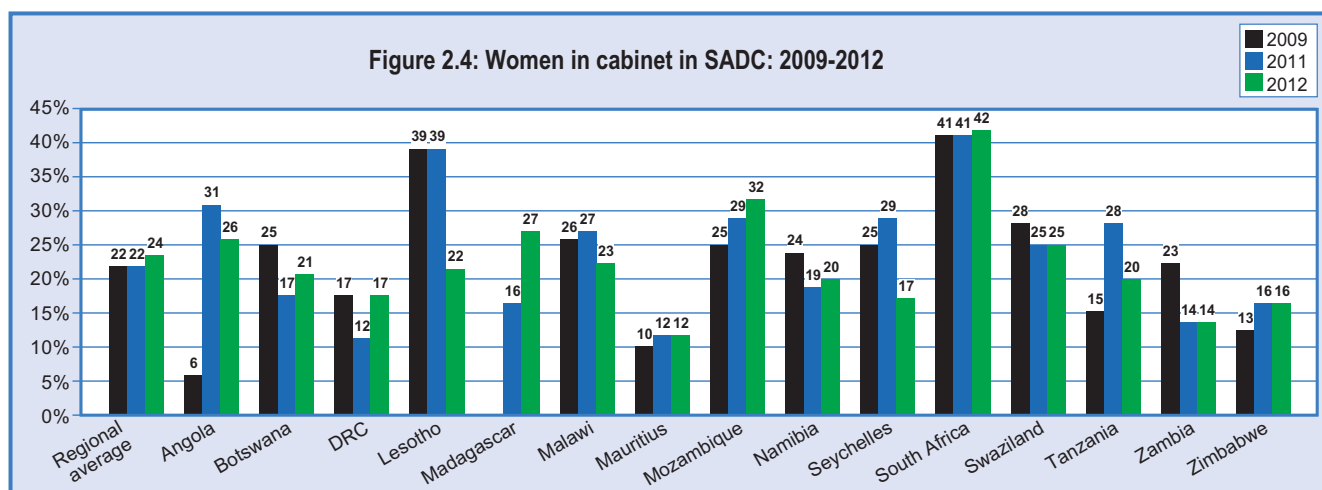
Table 2.4 shows election results obtained from IEC and MLGC databases¹². A total of 1276 Councillors won seats

in the October 2011 vote. This includes men and women elected through the FPTP seats, special reserved seats for women and elected chiefs. Of the total number of councillors, women make up 49%.

Women won 282 out of 823 FPTP seats (34%). These women successfully contested elections in the "winner take all" system. This is a significant achievement and an increase from 28% in 2005. The highest proportion of women who won seats in the openly contested elections (221 or 44.1%) come from the Lesotho Congress of Democracy (LCD) party. Three parties did not elect any women.

Thirty women, 17.3%, were independent. Of the 298 reserved seats distributed on a PR basis, the LCD won the majority of these, 190 (63.7%), with the All Basotho Convention (ABC) winning 76 (25.5%) seats. The two parties account for approximately 90% of the reserved seats.

Cabinet



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.4 shows Lesotho ranks fourth in the region. The number of women in cabinet has dropped from 39% in 2009 to 22% in 2012.

Because Ministers are appointed, the Cabinet is one area in which heads of state can make rapid progress towards achieving the 50% target.

The 2011 barometer report for Lesotho indicated that the female presence in cabinet had slightly increased,

from 32% in 2007 to 37% in 2011 and 22% in 2012. The 2011 figure suggests a 6 percentage point gain in the last four years. This also suggests that if the current pace continues, by 2015 women Cabinet Ministers will constitute 43%, thereby just missing the 50% target of the Protocol.

On a positive note, Lesotho has already reached gender parity regarding deputy ministers. This is a huge achievement considering that, prior to 2002, men held all these posts. There has been a gradual increase in

¹² At the time of writing this report final sex disaggregated results per district and council were not readily available from the IEC. This report makes use of a compilation done by Matseliso Mapetla, senior lecturer in the Department of Political and Administrative Studies at the National University of Lesotho.

women's representation in deputy leaderships with women occupying 33% of the posts in 2002, up to 60% in 2009 and levelling off at 50% by 2011. However, these are not decision-making positions. The incumbents do not sit in Cabinet, neither do they act in the place of their Ministers, though the position is a good indication of female political participation.

To a large extent, female ministers and deputy ministers, except for those at the Ministry of Law and Justice, continue to hold ministerial portfolios that are traditionally considered 'soft' ministries related to nurturing or teaching (Minister of Education), care (Minister of Health), home affairs, (Deputy Minister of Home Affairs, and Minister of Tourism), women, children

and work (Minister of Labour). In 2011, 57% of female Ministers were paired to work with female Principal Secretaries in their ministries, to the extent that the Ministry of Health has two female Principal Secretaries, one for health and the other for social welfare. In the past there have been females named as potential candidates for prime minister or deputy in the struggle for possible leadership succession in the ruling party. The situation may have changed after the 2012 elections.

Gender and voters

The researcher was unable to obtain information related to gender and voters from the IEC due to the technical problems the organisation has experienced.

Table 2.5: Women and men registered to vote in the 2011 local government election

Age	Women	Men	Total	% women
18 - 25 16-17	128	122	250	51.2
26 - 35 18-35	260 823	227 419	488 248	53.4
36 - 45 36-101	304,867	209 819	514 698	59
46 - 60 102+	560	362	922	61
61+ Unknown	1 424	1267	2 691	53
Total	567 802	438 989		56.4

Source: IEC Database on Elector Totals, 16th February 2012.



Councillors posing with their certificate during the COE stage 5 Sanqebethu Council.

Photo: Ntolo Lekau

As in the 2002 elections, women made up the majority of voters in the latest general and local elections. EISA (2004) recorded 57% women and 43% men registered as voters. This is confirmed by the Commonwealth observer team who said that women voters turned out in large numbers in all polling stations visited, despite the overall low voter turnover.¹³ This is not surprising as women are not only in the majority, but they have relatively high literacy levels compared to men.

Political parties do not explicitly target women voters in their campaigns, but most of the campaign issues, for example poverty, food security, HIV and AIDS and social protection, impact directly on women because of their role as mothers and carers. The IEC and LCN entered into a partnership to carry out voter education ahead of the last local government elections. A voter education manual was prepared. Chapter 7 of the manual made specific reference to women when discussing the electoral model. It sensitised voters, especially women who wished to contest elections about their rights in light of the 2011 Local Government (Amendment) Act.

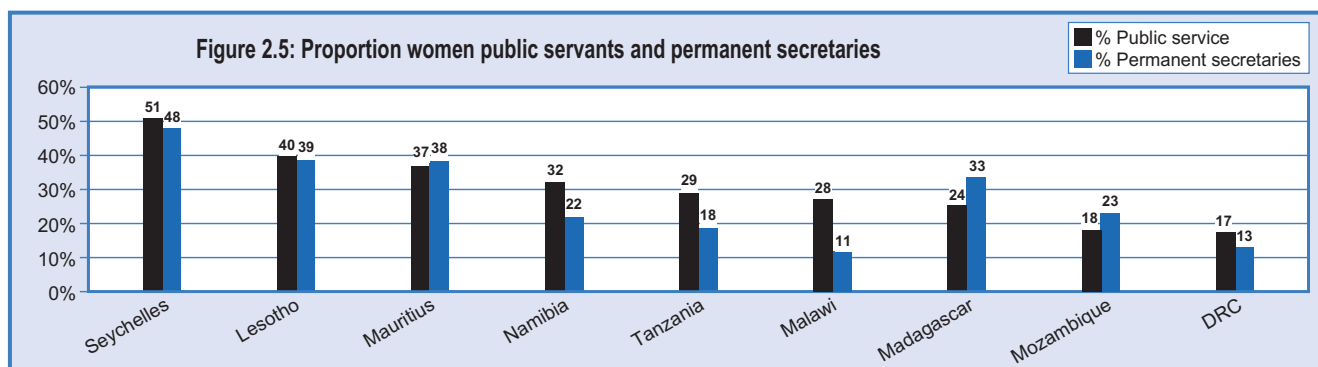
MMP and its effect on female representation

Notably, Lesotho is the only African country that has adopted the MMP electoral system and it has increased

women's representation in the National Assembly. Most notably, smaller parties created space for women in their party lists. The NIP, which fielded no woman in the 2002 elections, fielded the highest (54.2%) number proportion of women into Parliament using the "zebra" method. If the figures for the ruling Lesotho Congress for Democracy/National Independent Party alliance are combined, 28.9% of the alliance's National Assembly members were women. The opposition All Basotho Convention/Lesotho Workers Party alliance's combined rate was 18.5%.

The public service sector

The public service sector remains the largest employer after the textile manufacturing sector. Of the total 42,705 government employees, women comprise a slightly higher number of 22,105 (51.4%) while men comprise 20,600, which is 48.2% (BOS, 2009 report). One of the National Goals of the Ministry of Public Service was to increase the percentage of women in key decision positions to 30% in 2006. The goal is implicitly being maintained in the draft Strategic Plan 2010-12. However, interviews indicate that, so far, the goal has not been realised. Despite the fact that women have relatively better educational achievement levels than their male counterparts, they remain concentrated more in middle and lower ranks of the service.



Source: Gender Links 2012.

Figure 2.5 shows Lesotho ranks second in the region on women's representation in public service with 39% female permanent secretaries. Women also make up 40% of the public service.

As of May 2011 there were 23 Principal Secretaries (PS), comprising about 39% women. The number of female PSs has risen slightly by three or 6% from 33% reported in the last Barometer report. Despite the gain the figure is still far from meeting the 50% target of provisions of the SADC Gender Protocol (Articles 12-13) unless the

Prime Minister makes a deliberate decision in his power to appoint three additional women to the existing seven by 2015.

The gender disparity picture appears to remain the same at senior management level. The positions of Deputy Permanent Secretaries,¹⁴ District Administrators and Commissioners positions, where women's representation is at 29%, are also male-dominated. Interviews have revealed that women are mostly found at middle management level of directors which is

¹³ Lesotho Local Government Elections 30 April 2005, Report of the Commonwealth Expert Team. Local Government Elections in Lesotho. http://www.sarpn.org.za/documents/d0001408/p1752-Lesotho_Govt_April2005.pdf

¹⁴ These are fewer because this position is gradually being phased out.

confirmed in various reports¹⁵. However, the Ministry of Public service is predominantly female. The interviews reveal that, out of a staff of 115, there are 82 women and only 33 are men. Also, 70% of departmental directors are women. The situation of men and women in the public service at all senior levels remains unbalanced. Therefore in order to realize the 50/50 campaign work there is need to review the situation and appoint the required numbers of men and women to meet the 2015 target. For example, there is a need to appoint four women District Administrators.

There are other notable achievements in Lesotho. Increasingly, women are occupying high statutory positions, for example Speaker of Parliament, Ombudsperson, Chairperson of IEC, Commissioner of Police, Police Complaints Authority, Auditor General, Clerk of the National Assembly, Clerk of Senate, Chairperson of Public Service Commission and Vice Chancellor of the National University.

Costing

A considerable amount of financial support for the implementation of gender programmes and activities comes from external sources including development partners. The government's recurrent budget allocation largely goes on salaries and operations.

Training of parliamentarians includes gender issues. Although the researcher was unable to obtain the actual amounts allocated for gender-related training in the parliamentary budget allocation, interviews with officers of the National Assembly suggest that gender-related costs are on capacity building activities and travel of MPs to conferences and workshops. These are usually financed by development partners. For example the UN Lesotho One Budgetary Framework and UN Lesotho One Fund supports a programme on good governance and gender equality. There is a component on capacity of Parliament sub-committees, and on enhancing women's participation in legislative processes and decision-making. The lead agency in 2010, UNFPA, allocated M36,000 to conduct awareness campaign workshops for at least 100 parliamentarians on gender issues, on 50/50 gender representation and also supported external meetings for parliamentarians. For example, some parliamentarians attended the African Women Annual Conference in Kigali. UNFPA also funded

a capacity building Woman's Caucus workshop to the amount of \$4,000.



Gender Officer of Mashaleng Council Manteboheng Mabetha makes a presentation during COE Stage 5.
Photo: Ntolo Lekau

Only the salaries and allowances of the MPs come from Parliament's budget line item. All the 120 MPs, regardless of sex, earn an equal monthly salary of M27741.41 (\$2,961) and daily sitting allowance of M150 (\$16) per MP. It costs Parliament M3, 9947630.40 (\$4,264,100) in salaries per annum with a gender distribution of 89% for men and 11% for women, not because of any discriminatory acts other than their low numerical representation. The same percentage share pertains for the daily allowances. Therefore on average the daily cost of an MP is about M1,200 (\$128) a day.

Non-state actors, for example TRC and WLSA, have received funding from these donors and others to conduct gender training, womens' rights awareness, while Gender Links has worked closely with Ministries of LG and MGYSR to train councillors and assist with mainstreaming gender in local governance. Figures were not obtained on the exact cost.

¹⁵ For example see Kimane et al, 1991, Mapetla, 2003, and Lesotho 2009 Barometer Report.

Participation



The Protocol provides that State Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes.

There are efforts to strengthen women support programmes and gender mainstreaming structures at the national level and also within the decentralisation processes. One of the main challenges is to change

discriminatory attitudes and norms. There are programmes to involve men too in advancing gender equality.

Table 2.6: Enhancing participation by women in public life

Measure of participation	On a scale of 1-10 with 1 very low and 10 very high	Explanation
Leadership, gender sensitivity training or mentorship	5	Most training is carried out by NGOs who do not have the capacity to reach all women around the country. The dissemination of the LCMP is done by non-state actors, especially MCA.
Support structures for women in decision-making	6	The Constitution provides for equal participation of men and women. There is affirmative action in Local Government, and some capacity building initiatives to help empower women councillors to participate in local governance. Parliament Women's caucus is another support structure.
Establishment and strengthening of structures to enhance gender mainstreaming	7	UNFPA has prepared guidelines for mainstreaming, and some skills training has occurred. Laws and training workshops make the community aware of gender mainstreaming. Within the line Ministries are focal points whose role is to mainstream gender. At District levels the MGYSR has fielded District Gender Officers who work closely with both government departments and community councils.
Changing discriminatory attitudes and norms of structures and procedures	6	
Inclusion of men in gender related activities including community mobilisation		Men form part of the community mobilising team in their role for example as community councillors and community leaders and service providers. Although many organisations and government are trying to include men in gender related issues, it is still a challenge.

Source: Reference Group, 2011.

Interviews with some key informants indicate efforts being made beyond quotas to get women into decision-making. A draft framework on 50/50 representation of women in decision-making by 2015 has been prepared to facilitate effective participation in most sectors.

Boys and girls have equal opportunities to education, employment, and capacity building workshops. Notably, in politics women's participation has been facilitated through opportunities to contest elections or their placement in party lists under proportional representation system.

Next steps

There is a need to:

- Maintain a robust 50/50 campaign to guard the gains made in getting more women into political decision-making positions.
- Empower women to take up decision making positions: Despite the positive rhetoric towards women's increased participation in decision-making, there are still major barriers to be overcome. These are deeply rooted in custom, culture, religion and tradition. The structural barriers explain why there is little correlation between women's level of education and their political participation. Personal empower-

ment does not translate into political empowerment for women because society is not ready to accept women in these roles. Such a change can only come about through a concerted effort that begins with a strong political will and leadership, accompanied by deliberate strategies and special measures.

- Broadening the definition of decision making to other areas beyond politics.
- Research, monitoring and evaluation are key. This should be used to strengthen collaboration between civil society and women in decision-making.



Councillors posing a picture with their certificate during the COE stage 5 Senekane Council.

Photo: Ntolo Lekau



"Sarah"

Anushka Virahsawmy



CHAPTER 3

Education and training

Article 14



Building a better future through education. School boys and girls take a break at Khukhune Primary School - Lesotho, November 2012.
Photo: Ntolo Lekau

KEY POINTS

- With 100% Lesotho ranks top on the SGDI score for gender parity in education.
- The citizen's score is 70% and the country ranks fourth perhaps it takes into account other nuances not captured by the SGDI such as gender violence in schools.
- Female literacy rate of 93% is 13% higher than that of males.
- 57% of teachers are female.
- At primary school, the drop-out rate for girls is 7.2% compared to 4.5% for boys; in secondary schools the drop-out rate is 8.6% for boys compared to 5.3% for girls.
- There is no clear policy on GBV in schools.
- There is no sexual harassment policy for schools and institutions of higher learning in the country.

Table 3.1: SGDI and CSC on education

	SGDI	CSC
Scores	100%	70%
Rank	1	4

Table 3.1 shows that Lesotho score 100% in education based on empirical data and ranks first in the region. Although the citizen's score is lower than the SGDI, it is still high at 70%. This is because citizens may consider qualitative issues not captured by quantitative data such as gender violence in schools.

Enrolment and retention



The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education.

The Ministry of Education's 2005-2015 Strategic Plan guides education and training activities in Lesotho. The Ministry's sub-sectoral policies guarantee equal access to education and training for boys and girls, which include non-formal education, technical and vocational education, ICT, and teacher training.

Literacy

Table 3.2 shows a high male and female literacy rate for people over 15 years. However, the literacy rate of 80% for men is 13% lower than the female literacy rate of 93%.

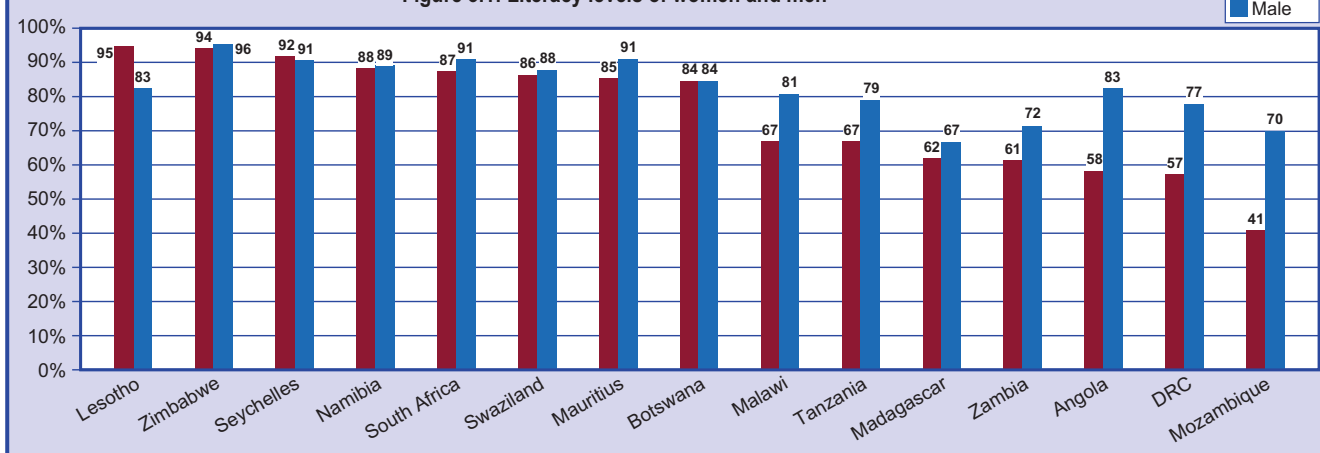
Figure 3.1 shows that in Lesotho, women have a higher literacy level than that of men and Lesotho tops the list in SADC.

Table 3.2: Access and enrolment in education sector

Type of Data	% Women/ girls	% Men/ boys
Literacy	93%	80%
Enrolment		
Primary School	51	49
Secondary School	56	44
Tertiary level:		
National University of Lesotho (2008/9)	59	41
College of Education (2006)	34.8	65.2
Vocational	51.6%	48.4%
Drop out		
Primary school	7.2	4.45
Secondary school	5.5	8.6

Source: Ministry of Education Statistics Bulletin 2006; National University of Lesotho student records May 2011¹.

Figure 3.1: Literacy levels of women and men



Source: Gender Links Regional Barometer Report, 2012.

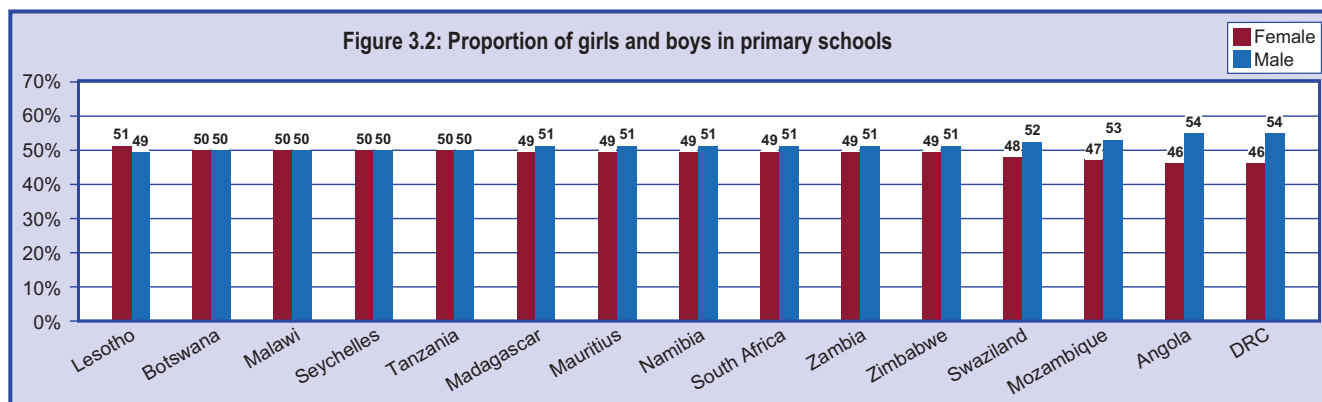
¹ Unable to obtain information from the new Limkonkwin University of Technology, despite promises by the Registrar.

Enrolment

Table 3.2 shows that in primary school girls have a marginal 2% higher literacy rate than boys, which is probably due to there being more girls than boys in the population. The introduction of free and compulsory primary education policy in 2001 has resulted in equal

access to education. The gap becomes higher at the secondary school level where girls' enrollment accounts for 56%. At tertiary level, the National University of Lesotho's students are predominantly female (53%), while males predominate (65%) the College of education.

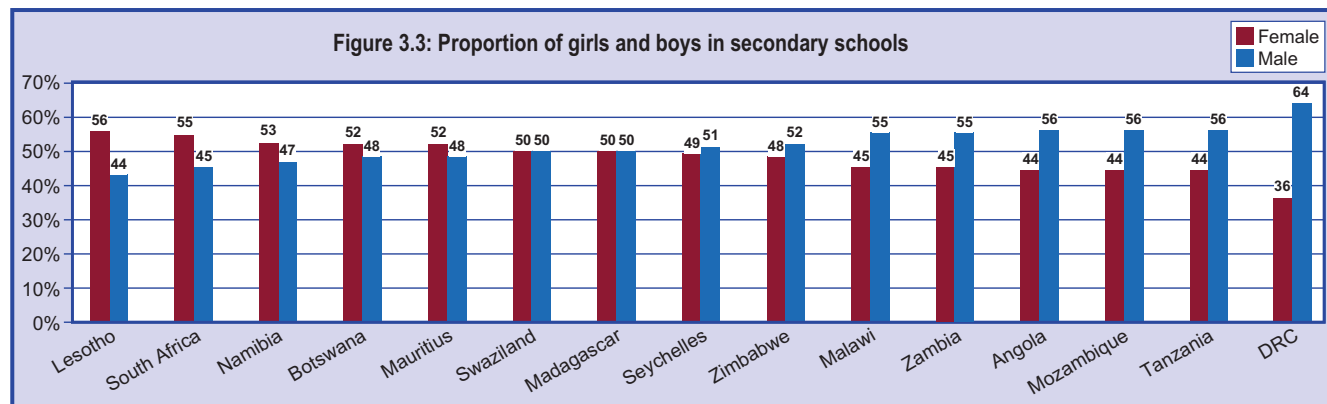
Primary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.2 shows that primary education continues to be Southern Africa's greatest success story. In Lesotho, as in most SADC countries, there are now roughly equal numbers of boys and girls at primary schools.

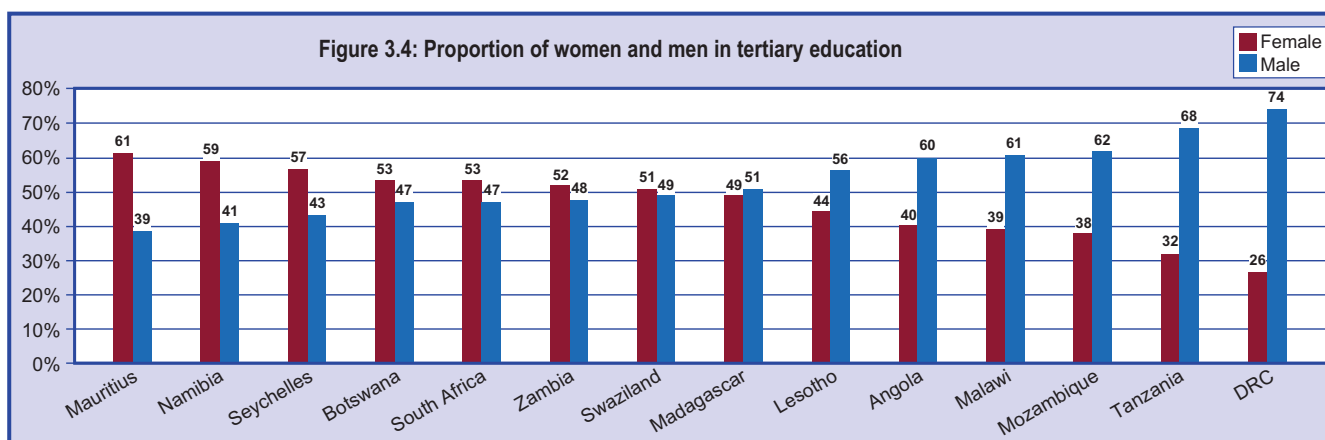
Secondary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.3 shows that Lesotho has a considerably higher proportion of girls than boys in secondary school (56% girls) as a result of boys dropping out of school to herd cattle.

Tertiary education



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.4 shows that at 44%, Lesotho does not do well when compared to its performance at primary and secondary level in terms of gender parity. The country falls in the bottom six.

Drop-out rates

A significant number of girls compared to boys drop out at the rates of 7.2% and 4.5% boys respectively in

primary school level due to high pregnancy rates, demands to care for the sick and in the case of orphaned children, to earn family income. By contrast, in secondary school on average 8.6% of boys compared to 5.3% girls drop out to earn a living. There are no policies or strategies to address the gender gaps in levels of education above primary school.

Gender balance in school administrations

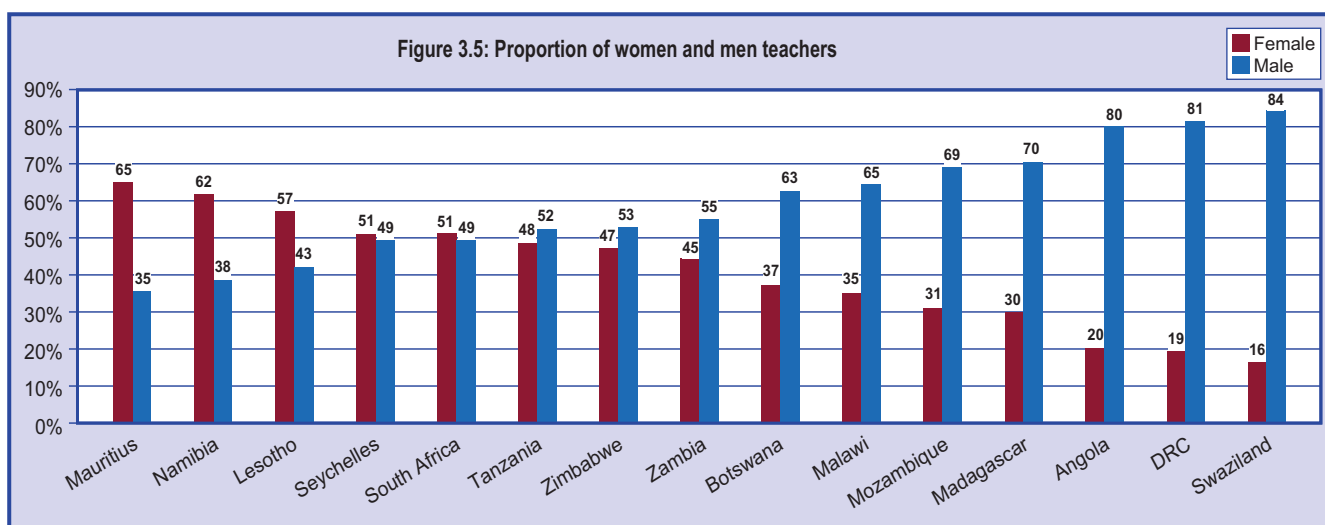


Figure 3.5 shows huge variations in the proportion of women and men teachers in the various countries; Lesotho, like Mauritius and Namibia, all have substantially more women than men in the teaching service.

Students funding mechanisms

The 2010 Education Act No. 7 enforces the right to education and makes it free and compulsory. Non-compliance is punishable by law. It is, however, not easy to enforce it because children often drop out for reasons related to poverty or sickness.

Secondary school education is neither free nor compulsory for girls and boys. Government, through the Department of Manpower, provides bursary loans for higher education/tertiary institutions which is equally accessible to boys and girls.

Affirmative action

The university has no affirmative action policy on admission; it has an equal opportunity policy based on a non-discriminatory clause stating that "all degrees, diplomas, certificates and other awards and distinctions and all programmes and courses of study in the university shall be open to men and women alike.

Teenage pregnancy

A gender audit on the education sector conducted in early 2003 shows that policy on teenage pregnancy exists. The Gender and Development Policy 2003 supports school practices that are gender-sensitive.

It supports the retention of unwed pregnant teachers and students. This policy allows for readmission of girls, who dropped out due to pregnancy. However, interviews revealed that readmitting formally pregnant students depended on the discretion of each school. The National University of Lesotho (NUL) policy is to retain pregnant students and give them counselling support. But, at advanced pregnancy stages, the students are prohibited from staying in the residence halls. The numerous church-owned schools do not tolerate pregnancy in their schools. In other cases, interviews with Ministry of Education (MOE) officials indicate that students themselves tend not to return to the same school, while others drop out to raise their babies. There is no policy on learners who are fathers.

Costing

The government's budget allocation and/or expenditure on adult literacy programmes in recent years is not available. The amounts funded by donors and the government are not disaggregated by gender. Notably, the Ministry of Education received the highest allocation of the government's 2011/2012 budget. The government introduced new salary scales and improved teacher training which will particularly benefit women since majority of the teachers are women.

There is no gender disaggregated data available to indicate the number of women and men reached by the literacy initiatives.



School girls playing a friendly match in commemoration of World Aids day.

Photo: Gender Links

Performance

No statistical information was obtained for this report. However, interviews indicated there are some differences in boys' and girls' performance. Girls pass rate is higher than that of boys in primary school. (Interviews, 2011)

Attributes impacting on performance

- For girls, are, pregnancy, stress from relationships and credit.
- For boys, are, alcoholism, absenteeism and violent behaviour.
- For student mothers at NUL, is, lack of adequate study time because they have to care of their children, supervise homework and generally perform household chores; in addition, poor learning environment including poor facilities at the university campus².

Measures taken to address these include counselling and private tutoring.

² Ntimo-Makara and Matobo, 2007.

Challenging stereotypes



The Protocol requires that by 2015 state parties adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence.

The goal of the education policy is to advance equal access to basic education to all at all levels; engender curricula at all levels of education and training; provide studies that are gender-sensitive at tertiary level;

incorporate gender analysis in education, training and skills; legislate gender-sensitive education laws; integrate health education and information in the area of sexual and reproductive health.

Table 3.3: Gender disaggregated data on school administration

Staff category	No of women	No of men	Total	% women	% men
Principals (could not be availed in the short study period)	Not available (n/a)	n/a	-	-	-
Teachers ³	2,219	1,686	3,905	57	43%
School governing bodies	n/a	n/a	-	-	-

Source: Ministry of Education, 2009.

Table 3.3 shows that there are more female teachers than male.

According to interviews with teachers, the Ministry of Education is attempting to engender educational

materials ensuring that the materials are not only prepared locally but by the teachers, majority of whom are women. However, as Box 1 suggests, there are challenges.

Box 1: Example of gender stereotypes in educational materials challenging or reinforcing gender stereotypes

The Primary Science for Lesotho Standard 6 Pupils Book published by Longman Lesotho has illustrations that present mixed messages. A couple of illustrations (p.65) on using compressed air shows two girls challenging the gender stereotypes by pumping air into flat bicycle tyre and a man putting air into a car tyre. These actions show that both male and females can fix a flat tyre.

However, in the same book there are illustrations that reinforce gender stereotypes. A demonstration of what happens when substances get heated shows a girl baking potatoes in an oven (p.74) suggesting cooking as a role of women. The perception that men are physically strong is demonstrated in a number of illustrations including a man drilling the ground, and others pushing a loaded wheelbarrow (p.83).

³ Ministry of Education Bulletin 2006.

Table 3.4: Women and men in university faculties

Faculty	No of women	No of men	Total	% women	% men
Arts and Humanities	1744	325	2069	84.3	15.7
Science	200	603	803	24.9	75.1
Social/Economic Sciences	1611	1380	2991	53.9	46.1
Law	121	104	225	53.8	46.2
Medicine ⁴	-	-	-	-	-
Agriculture	215	310	525	41	59
Education	1083	661	1744	62.1	37.9
Health	343	263	606	56.6	43.4
Total	5317	3646	8963	59	41

Source: National University of Lesotho student records May 2011⁵.

Table 3.4 indicates the gender distribution of the total 8,963 student enrolled at NUL in the 2009/2010 academic year is 5,317 (59.3%) girls and 3,646 (40.7%) boys. The gender dimension of the enrollment by faculty shows that while there were more female students enrolled in faculties of Arts and Humanities (84.3%) which is a significant increase by 14.9% from the previous year. Female students dominate in the following faculties: Education (62.1%), Health Sciences (56.6%), Law (53.8%) and Social/Economic Sciences (53.95%). More male students enrolled in Science (75.1%) and Agriculture (59%). Overall, with total increase of 5.6% of girls and a decline in the number of male students since 2008/09, the gender gap has widened by 18% in favour of girls in 2009/2010 academic year.



Children of Mabeleteng village Lesotho.

Photo: Ntolo Lekau

Reinforcement of gender stereotypes through the choice of subjects

Gender stereotypes are reinforced through students' choice of courses as indicated in Table 3.4. It shows that while girls' choice tends to be in educational, social and arts subjects, boys choose natural science subjects which

are stereotypically considered as "hard" subjects associated with boys. This is also observed at secondary/high school. However, in lower classes students do not have a subject choice. Boys and girls take the same subjects.

Challenge education policy or reinforce gender stereotypes through curricula and syllabi

Gender and development policy advocates for the review and reform of curricula to eliminate stereo-typical concepts of gender roles. It also advocates for gender-sensitive career guidance at all educational levels.

Studies on curriculum on gender and education

No studies have been undertaken on curriculum on gender and education.

Curriculum review measures

The Ministry of Education and Training (MOET) has generated educational sector data as a result of the Gender Audit in 2003 in collaboration with UNICEF. The audit identified a need for the Ministry to clarify gender policies in the areas of governance, management, legal and policy framework in education as well as curriculum and learning materials.

The national curriculum office is working with UNICEF, UNFPA and UNESCO to mainstream gender into the curriculum. The curriculum review in 2008/2009 ensured gender is included and made it compulsory learning for social personal and spiritual development and for life skills education in formal and non-formal education of primary and secondary school-aged children. Focus is on gender stereotyping as well as gender laws and policies. The course offered in Form A identifies gender and sexual and reproductive human rights, and interpersonal relationships. National Health Training Centre has reviewed and included gender sensitivity in the nursing curriculum.

⁴ There is no faculty of medicine at NUL.

⁵ Requested information from the new Limkokwin University of Technology.

Gender violence in schools

Among the objectives of the MOET Strategic Plan is to create a learning environment that is healthy, safe, responsive and free of gender-based violence (GBV). A 2010 Human Rights Report from the American Embassy noted that the media frequently published reports of violence occurring at traditional initiation schools, where young boys have been either beaten or killed due to negligence. These schools use traditional rituals to initiate teenage boys into manhood and are attended mainly by rural youth. These coming-of-age rituals were reinforced by the government launched the HIV/AIDS campaign on male circumcision as a preventive measure. While the activities of these initiation schools were kept secret, the media reported violence against students, teachers, and members of the communities.

Safety in institutions of learning



GL country manager Malepota Mafeka joins school girls from Maseru to march against GBV. Photo: Ntolo Lekau

Educational officials' view is that learning institutions in Lesotho are generally safe. Yet De Wet (2006) concluded from her research in Lesotho that sexual violence is a serious problem in Lesotho schools and that it is a manifestation of gender inequalities with girls often bearing the brunt of physical and sexual violence perpetrated by boys.

Education policy on elimination of GBV in schools

There is no clear school policy against violence. Education policy does not include provisions of eliminating GBV in schools. But the school regulations provide for treating violence as unacceptable behaviour.

Studies on GBV in the education sector

Though not many comprehensive studies have been conducted on GBV in the education sector, the issue has been studied along with other educational issues. De Wet's study reveals that sexual violence is a serious problem in Lesotho schools. Boys are usually the perpetrators and girls the victims of physical and sexual

violence. Of the pupils interviewed, about 11% said that pupils in their school had raped someone and 41% of pupils and 8% of teachers said they carry a weapon to school at least once a month.

Sanctions against perpetrators of GBV

Perpetrators of GBV are generally dealt with under the 2003 Sexual Offences Act. Teachers and principals are disciplined in line with the provisions of the Code of Conduct of Teachers (Lesotho Education Act No. 10 of 1995, Article 48[g]) which states that a teacher commits '.... a breach of discipline and is liable to disciplinary proceedings and punishment' if he/she '....conducts himself [sic] improperly in his [sic] duties as a teacher or that brings the Lesotho Teaching Service into disrepute'. (Cited in De Wet, 2006)

The National University of Lesotho has not yet evolved a comprehensive policy to deal with GBV. The practice is to treat such cases under the student/staff Disciplinary Committee, guided by the NUL Disciplinary Code and Procedures (p.3). The code provides for punishment from a written warning to dismissal, depending on the gravity of the offence or misconduct.

Polices that address teachers molesting students

The codes of conduct for teachers are difficult to enforce according to staff interviewed. For example, a female principal in a school in Quthing was unable to punish a teacher not only because the pupils were afraid to talk, but also due to lack of supporting legal measures⁶.

Action by the Ministry of Education

The MOET should reinforce the provisions of the 2003 Sexual Offences Act, and the recently enacted Child Protection law. The Ministry needs to mount an awareness campaign of the laws aimed at teachers, pupils and parents in order to make the laws effective. Also, the Ministry has to develop a sexual harassment policy for schools and institutions of higher learning in the country.

In addition, there is a need to launch a massive campaign against sexual, physical and emotional abuse in schools. The campaign should be holistic, including prevention, reporting and response to school violence. In addition community action plans should be developed. Clearer links between education policy and the national legal and regulatory framework must be established. More in-depth studies should be undertaken on GBV at all levels of the educational system in to learn about the forms it takes: how it varies from one level of education to another, its causes, the usual perpetrators and the victims. The results can be used to identify measures to be taken in future efforts.

⁶ Interview with Dr. M. Moeketsi.

Costing

The government faced a challenge this year as in some cases line ministries submitted budgets two or three times higher than usual. As a result the government developed four principles that have guided the formulation of the 2011/2012 Budget, one of which is: preservation of all those programmes that provide social welfare protection which 'includes' providing loan bursaries. (Budget Speech, 2011/2012)

In the 2011/2012 fiscal year budget the Ministry of Finance and Development Planning received the second largest share of the budget mainly for Manpower Loan Bursaries totalling M717.5 Million, an increase of M595 Million in 2011:18.

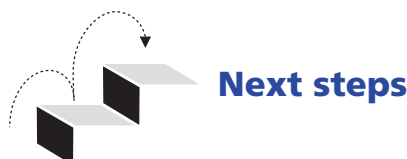
Information is not available regarding the number of females and males who benefitted from scholarships and bursaries. The Manpower Secretariat, colleges and schools, do not disaggregate such data by gender.

The Department of Manpower and Development in the Ministry of Finance and Development Planning receive the budget allocations for loans for tertiary education. The Ministry of Education, and Ministry of Health's Department of Social Welfare receive budget allocations to pay fees and some of the education costs for orphaned and vulnerable children (OVCs) as part of social protection. However, this bursary support ceases for an

OVC girl who gets married and since under traditional law the age of marriage can be as low as 14 years old, some orphaned girls have to drop out of school⁷.

As the current economic crisis takes its toll, more children are in need of bursaries. The Minister of Finance noted in his speech that because these kinds of increases cannot be sustained, other stakeholders - parents, churches, schools, and business - need to develop affordable and sustainable scholarships programmes.

At present, only a few development partners and private donors as part of their social responsibility initiatives support children to stay in school. For example, the American Embassy in Lesotho runs an Ambassadors' Girls Scholarship Programme. This was originally intended for girls only but since 2008, it has also included boys. In 2010, the programme helped 163 children stay in primary and secondary school from grades 2-10. The programme also includes a mentoring component. Letseng Diamond Mines Company offers scholarships to students at tertiary level for studies relating to the development of the country's natural resources.



Youth using information kiosk, Likila Council, Lesotho.

Photo: Ntolo Lekau

Equal access to education for both boys and girls in Lesotho is one of the country's major successes. However there are still challenges including retention of children, particularly girls in primary schools and boys in secondary schools. Although more studies need to be carried out, GBV in schools is thought to be a concern.

- Stakeholders need to offer more bursaries for OVC to stay in school;
- Awareness campaigns about GBV in schools need to run throughout the country;
- Advocacy is needed for the Ministry to develop a sexual harassment policy for schools and institutions of higher learning in the country.

⁷ Letsie M. 2011, Children and Youth as Cross cutting Issues. Background paper for MFD, Lesotho.



"Ntkozo"

Anushka Virahsawmy



CHAPTER 4

Productive resources and employment, economic empowerment

Articles 15-19



Palesa Monkhi, a construction company owner based in Maseru.

Photo: Gender Links

KEY POINTS

- Lesotho has an SGDI score of 70%, ranking the country 10th in the SADC region.
- Citizens were more critical with a citizen score (CSC) of 62% but still an acceptable score as this placed the country at number 5 out of the 15 SADC countries.
- At 33% Lesotho is performing relatively well regarding the proportion of women in economic decision making positions in the public sector.
- The 2010 Land Act grants joint ownership of land to spouses married in community of property regardless of whether the marriage is monogamous or polygamous and ensures that every woman's name appears or is implied in the registration.

Table 4.1: Productive resources and employment, economic empowerment

	SGDI	CSC
Score	70%	62%
Rank	10	5

Table 4.1 shows that the SGDI score of 70% and the CSC score of 62% indicate that there has been notable achievement in women's participation in the economy.

Women and men in economic decision-making



The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.

Table 4.2: Women and men in economic decision-making

	Name	Male	Female
Minister of finance and Economic Planning	Hon. Vacant	X	X
Deputy Minister of Finance and Economic Planning	n/a	n/a	n/a
Permanent secretary	Mr. Mosito Khethisa	✓	X
Minister of Trade, Industry & Cooperatives.	Hon. Vacant	X	X
Deputy minister of trade and industry	Vacant		X
Permanent secretary	Mr Hlompho Mpeta (acting)	✓	X
Governor of the central or reserve bank	Dr. Retšelisitsoe Matlanyane		✓
1st Deputy governor of the reserve bank	Dr Masilo Makhetha	✓	
2nd Deputy governor of the reserve bank	Ms Mathabo Makenete		✓
Any other key persons relevant to economic decision-making in your country			
1. Economic advisor Cabinet	1. Acting		✓
2. Head of Privatisation Unit	2. Male	✓	
TOTAL		6	3
PERCENTAGE		67%	33%

Source: Ministry of Trade, Industry and Cooperatives, Cabinet Office, 2012.
Central Bank of Lesotho website, www.cbl.org.ls, 2012.

Men are still dominating economic decision-making in both the public sector as indicated in Table 4.2. This suggests a gender imbalance in participation in policy formulation and implementation of economic policies. Women only make up 30% of the parliamentary economic cluster. This low representation of women in high economic decision-making positions means women's voices are largely absent in terms of influencing gender-sensitive economic planning. Despite women's low participation levels, the government has reformed a number of policies to increase women's and girls' access to economic resources.

The involvement of women in economic decision-making in the public service is low at only 33% of that of men.

However, there are three women in powerful positions, namely the Governor and the Deputy Governor of the reserve banks and the Acting Economic advisor in cabinet.

Table 4.3: Private sector and parastatal leadership

	% women	% men
Private sector	40.3	59.7
Directors of Boards	31	69
CEOs	11	82
Parastatals	39	61
Directors of boards	30	70
CEOs	44	66

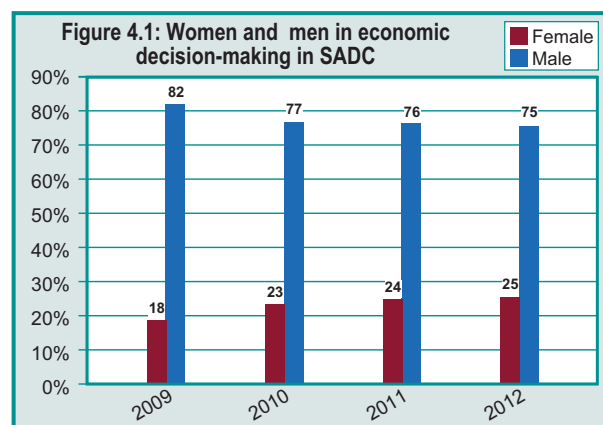
Source: Interviews, Annual reports, and Internet Search, 2011.

¹ Lesotho has no stock exchange to show at least for publicly listed companies. The sampled companies were selected from among those listed in the business directory. 18 were sampled: 3 Major Banks, 2 insurance companies, and 2 major communications network companies, 2 mining companies, 2 security companies.
² The 18 sampled include: Parastatals Companies include 4 utilities, 4 educational, 7 commercial, 3 Service.

Table 4.3 indicates that leadership in both the private sector and parastatals remains male-dominated. Of the sampled 18 companies, only 11% of the CEO positions are occupied by women and they make up 30% of those working in parastatals, but they almost hold 50% of the CEO positions. The Lesotho private sector is small, foreign and male dominated. Women constitute 40.3% of workers in the private sector. Only 31% of the leadership positions are held by women.

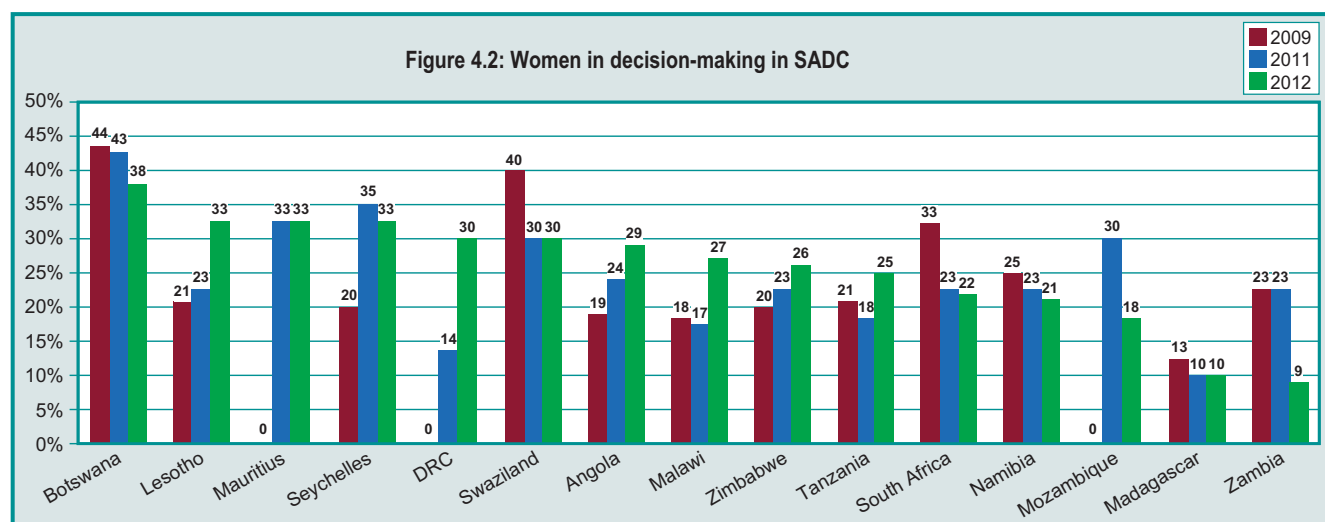
Women are usually visible in the middle management positions. They rarely occupy the positions of Chief Executive Officers (CEO). A woman holds the post of Vice Chancellor at the National University of Lesotho, the first time ever since the university was founded 65 years ago. Women are also making inroads into the boardrooms of a few companies.

So far, there are no policies in the private sector to ensure equal participation of women in policy formulation processes and implementation of economic policies. In the public sector, the Gender and Development Policy is currently under review and provides an opportunity to increase women's access to economic leadership positions.



Source: Gender Links Regional Barometer Report, 2012.

Figure 4.1 shows that since the Barometer began tracking this indicator in 2009, women's participation in economic decision-making - minister and deputy minister, permanent secretaries in finance, economic planning, trade and governors of the reserve bank - has gone up by 7 percentage points, from 18% to 25%.



Source: Gender Links Regional Barometer Report, 2012.

Figure 4.2 shows Lesotho is performing relatively well regarding the proportion of women in economic decision making positions in the public sector. However, at 33% Lesotho still falls short of gender parity.

Gender budgeting



The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation.



Women breaking gender stereotypes. Makamohelo Mzini, a female petrol attendant in Maseru Lesotho. *Photo: Gender Links*

Whereas the country has no gender responsive budgeting system at any levels, gender budgeting is mainstreamed within some programming which makes it difficult to track the cost allocations to gender activities. The picture is clearer with regard to capital budgets where activities specifically targeting women

and/or gender are clearly marked. This is well demarcated in the periodic programmes of developing partners. There are however initiatives on training or capacity building on gender budgeting for senior government officials, including line ministry gender focal points. The first such workshop was held in October 2010.

There is need to develop a more formal policy and procedure for budgeting activities across the public service as well as to continue training in gender budgeting.

Time use

The protocol provides that Lesotho should by 2015 conduct time-use studies and adopt policy measures to ease the burden of women's multiple roles. However no such studies are yet conducted in the country. The few studies on time-use that are available relate to HIV and AIDS.

There is need to carry out time studies and adopt measures to ease the burden of the multiple roles played by women.

Policies to ease the burden of women's multiple roles are limited to the National Gender and Development Policy of 2003.

Economic empowerment



The Protocol provides that state parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

Trade and entrepreneurship

Interviews reveal that Lesotho does not have a trade policy rather there is an implied and fragmented policy guided by various statutes on trade. These include the Southern Africa Custom Union trade policy; the Draft SMME's policy and a White Paper on Development and Promotion of Small Businesses in the Ministry of Trade, Industry and Cooperative Marketing (MTICM) that has been in place since 2002.

The White Paper makes reference to gender inequality, noting that although women own and run two thirds of small businesses, they are hindered by discriminatory laws.

The researcher found no evidence from interviews that there has been any review of trade, entrepreneurial and economic policies to make them gender responsive. This is on-going with the efforts of the newly established Women Economic Development and Gender Equality (WEDGE) project within the MGYSR.

Property and resources



The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

Specific measures enabling women to access credit and productive resources

Most women find it difficult to access credit especially women in rural areas as they do not own property to use as collateral. The government has tried to address this with legal reforms and establishing micro credit schemes.

The legal reforms that allow women to access productive resources include:

- The Legal Capacity of Married Persons Act 2006: This law repeals the 2008 Companies Amendment Act No.7 that denied women the right to be company directors without the consent of their husband.
- The 2010 Land Act provides for inheritance of immovable property by the widow, joint titling of immovable property of couples married in community of property and how the immovable property is to be disposed of; this requires the written consent of the spouses. The Act protects women's economic rights and gives security of tenure on immovable property.
- The Lesotho Bank Savings and Development Order recognises women's minority status limits access to credit.

These laws grant women opportunities for collateral to obtain loans or credit from commercial institutions, and empower them to own and manage their companies/enterprises.

Established micro credit schemes/programmes include:

- Youth entrepreneurship micro-credit scheme;
- Village Savings and Loan Associations (VSLAs);
- ILO supported Know About your Business (KAB);
- BEDCO Entrepreneurship Training for SMMEs;
- Women's entrepreneurship development and gender equality (WEDGE);
- Rural Financial Intermediation Programme (RUFIP), and the RUFIP & MFDP entrepreneurship training Project;
- Support for Financial Inclusion in Lesotho (SUFIL)³.

Gender Equality in the Economic Rights project of the Millennium Challenge Account (MCA) Lesotho aims to create women's and girls' "equal access to economic resources and opportunities for their meaningful participation in economic growth" through supportive laws and increased capacity and awareness to address gender equality in economic rights and improved knowledge. The envisaged project output is to have key men and women stakeholders trained in gender equality in economics" .

Despite the legal and policy framework, women are still not accessing credit. They lack knowledge about the laws; they lack capacity to produce credit proposals; and they still struggle with collateral to place against their bank loans. These obstacles are being removed through the on-going MCA-L project.

Gender and land ownership

Lesotho's land tenure system is communal, and this is entrenched in the country's Constitution. It entitles all households to access land for shelter, farming and/or business activities in the urban areas. It recognises three types of land titles: leasehold, title deeds leasehold, and a "Form C"⁵ However, land ownership has remained a challenge for Basotho. There are households without land or those that occupy land without titles. The challenge is more for rural women.

Table 4.4.: Women ownership of different land types

Type of land	% of women's ownership	% of men's ownership
Combined land ownership types/ Resettlement in Lesotho	35.1%	64.9%
Farm land (fields)	13.4%	27.5%
Leasehold	34.7	65.3
Title deed	37.1	62.9
Form C	33.7	66.3
No title	37.9	62.1

Source: 2006 Lesotho Census Analytical Report, Vol. IIIB, 2009:23.

³ MGYSR National Action Plan on Youth Employment, 2011/12-2015/16.

⁴ MCA-L Gender Equality in Economic Rights Project Activity Monitoring Plan, September 2010, p.5

⁵ The "Form C" which was obtained from a Chief regulated and documented the granting of land by the chiefs to individuals. The 1979 Land Act abolished Form Cs and provided for their conversion to leasehold.

Table 4.4 shows gender differences in the percentage distribution of land ownership among household heads. Women (usually widows as they were allowed land following the 1979 Land Act) account for 35% of land ownership in Lesotho. This inequality has left women poor and economically dependent⁶.

The 2010 Land Act 2010 addresses gender inequality, providing for a leasehold system that streamlines land management. It has allowed for the establishment of a Land Authority that deals with all land issues such as allocation, management, fees and transfers. It also ensures universal lease documentation as the basis for land "ownership" which may be transferred and used as a commodity. This improves on the gender blind customary and gender neutral 1979 Land Act and is consistent with the 2006 Legal Capacity of Married Persons Act and other gender equality reforms and principles.

The Act has gender provisions for joint titling that guarantee equal security of tenure to every Mosotho man and woman. It grants joint ownership of land to spouses married in community of property regardless of whether the marriage is monogamous or polygamous

and ensures that every woman's name appears or is implied in the registration. The Act also provides for women to be part of land allocation structures.



The 2010 Land Act has opened up opportunities for women to have access to land.
Photo: Informative newspapers

Employment



The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work, eradication of occupational segregation and maternity and paternity benefits.

Table 4.5: Women and men in employment

Employment Status	No of women	No of men	Total	% women	% men
Economically active	204 989	347 000	551 998 (38%)	27.1	49.8
Employed	190 546	322 470	513 016 (35.3%)	25.2	46.3
Unemployed	550 355	350 225	900 580 (62%)	72.9%	50.2%
Job seekers	14 443	24 530	39 073	37	62 8
Labour force participation rate %	62.9	72.3	67.0		
Unemployment rate %	23.1	20.8	22.0		

Source: BOS 2006 Census Analytical Report Vol. IIIB (2009:72).

Table 4.5 depicts the employment status of females and males. The labour force rate participation favours men slightly more (72.3 %) than it does women (62.3%). It

also reflects that that a high percentage of the population (62%) is not in employment; with more females (72.9%) than males (50.2%).

⁶ Kingdom of Lesotho 2006 Lesotho Population and Housing Characteristics. Analytical Report, Vol. IIIB Socio-Economics Characteristics. 2009.

Table 4.6: Employment distribution of women and men across key sectors

Sector	No of women	No of men	Total	% of women	% of men
Subsistence agriculture/Farming	45,667	131,883	177,550	26.9	52.3
Hotel and Restaurant Industry	26,111,235	1,239	3,850	1.5	0.5
Manufacturing and textiles	38,903	12,924	51,827	22.9	5.1
Mining and quarrying	646	12,084	12,730	.4	4.8
Services	9664	8040	17,704	5.7	3.2
Public Administration/Government	22, 105	20, 600	42 705	46.2	51.8
Parastatals	3 885	6 132	10 017	39	59
Private sector	73 611	109 257	182868	40.3	59.7
Electricity, gas, and water	296	1,716	2,012	0.2	0.7
Education	13,299	5,805	19,104	7.8	2.3
Construction	1,974	22,470	24,444	1.2	8.9
Health and social work	4,019	2,336	6,355	0.9	2.4
Private household activities.	29,257	8, 349	37,606	17.2	3.3
Real estate, renting, and business activities	2,010	1,890	3,900	1.2	0.7
Transport, storage, and communications	1,454	12,882	24,444	0.9	5.1
Wholesale, retail, trade, and repair	11,449	13,800	25,249	6.7	5.5

Sources: BOS 2006 Census Analytical Report Vol. IIIB 2009:83.

Categories in which women and men dominate



Women textiles workers taking a lunch break.

Photo: Trevor Davies

turing, service and wholesale and retail industries and social sectors like education (7.8%) as well as in private household activities. Therefore, the gender division of labour in Basotho society is reflected in employment whereby women are hired in sectors that are traditionally considered feminine, such as garment production, teaching and domestic maintenance occupations. Men tend to work in sectors associated with political, economic and physical power, and women are in social power categories.

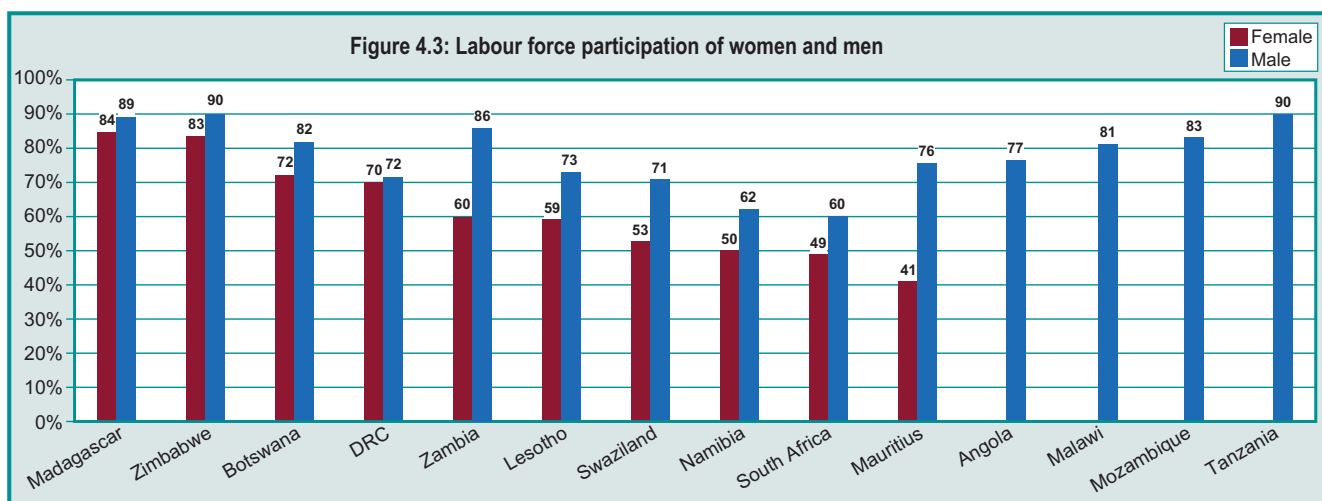
The government is taking measures to ensure that occupational segregation and all forms of employment discrimination are eliminated.

Table 4.6 shows the distribution of employment across sectoral occupations. The analysis indicates that almost half (52.3%) of men work in subsistence agricultural farming and that men are predominantly (59.7%) occupied in the private sector, construction (8.9%), transport (5.1%) and mining (4.8). There are more men in public administration and in the parastatals.

Women's occupational pattern is relatively more spread across subsistence agricultural farming (26.9%) textile manufacturing (22.9% from 9.5% in 1995), government employment (46.2%), and in household activities. Relative to men they dominate in the textile manufac-

Although the Constitution and Lesotho labour law have provisions to protect both men and women against employment discrimination, there are no policies and other strategic measures to challenge stereotypical attitudes held by institutions, or by within men and women themselves.

However, gradually women are entering into male dominated fields and vice versa. The Government is establishing entrepreneurship project opportunities for women and youth as a way to create employment and empower these groups.



Source: 2012, SADC Gender Protocol Barometer.

Figure 4.3 shows that although global levels of women's labour force participation have been steadily increasing over the years, in sub-Saharan Africa there has been little change. Lesotho ranks fourth in the region with 59% women employed compared to 73% men.

Labour force participation refers to the number of people employed within an economy, and those who are unemployed but are looking for a job. These people of "working-age" are between the ages of 16 - 64. Students, homemakers and retired people under the age of 64 are not counted as part of the labour force. In southern Africa, labour force participation for women continues to lag behind that of men.

Table 4.6: Conditions of employment

Provision	Yes/No	Provisions
Maternity leave	Yes	The Labour Code 1992 Section 133 (2) provides for mandatory maternity leave for all private sector female workers. Maternity leave for the Clothing, Textile and Leather Manufacturing sector is provided for under the 2007 Labour Code Wages (Amendment) Order. Accordingly, a worker is entitled to two weeks paid maternity leave if she has continuously been with the same employer for over a year; and six weeks paid maternity leave after completing over a year of continuous service for the same employer in the private sector. The 1969 Public Service Regulations grant 90 days paid maternity leave to permanently employed female public servants. Although women are entitled to maternity leave, it remains the discretion of the employer to pay in full or part of the salary.
Paternity leave	No	There is a proposal for a Paternity Leave Bill to grant fathers one month's leave.
Sexual harassment	Yes	The 1992 Labour Code Order Sec. 200 prohibits sexual harassment in the workplace. "Any person who offers employment or who threatens dismissal [on the basis of] sexual favours or harasses workers sexually shall commit an unfair labour practice" p. 1350.
Night work	Yes	
Same retirement age and benefits for women and men	Yes	Most employment sectors, including the public sector, are gender-neutral on these issues. See Public Service Regulations.
Gender Planning in the Public Service	Yes	The Ministry of Public Service in April, 2011 improved basic conditions of employment for public officers, paying attention to women's needs to improve their participation in the service. The 2011 Legal Notice No. 32 of Basic Conditions of Employment for Public officers, pursuant to the 2005 Public Service Act (S.14) introduces new conditions to give effect to the right to fair labour practices in the public service. ⁷ The changes relate to working hours, shift work, time off, maternity leave entitlement and nursing periods. Maternity leave has been increased to 90 days from 60 days, and nursing time from two hours per day until the baby is six months. Also, the officer is allowed five days compassionate leave in case of death of a close relative including a spouse, parent-in-law and/or own child.

Source: Labour Code 1992, Public Service Regulations 1969, Labour Code Wages (Amendment) Order 2007 and Interviews 2009.

⁷ Mokoma, 2011.

Table 4.6 indicates that some women-friendly legal provisions have been established regarding working conditions in Lesotho, notably for maternity leave. However, in the absence of paternity leave, women continue to be burdened with having to balance employment and domestic responsibilities. If the proposals for granting paternity leave go through, Lesotho will be making some progress towards challenging the tradition that women are fully responsible for childcare.

Skills development policies and programmes

Although Lesotho does not have a skills development policy, skills development is dealt with within programmes of various organisations. For example the MOET provides for this under technical and vocational education. The MGYSR has a programme for young people to develop their entrepreneurial skills, but gender disaggregated data was not available.

Financial institutions' responsiveness to financial and credit needs of women business owners and entrepreneur

Reasons why banks are reluctant to lend money to women for business ventures include:

The credit culture and infrastructure are undeveloped in Lesotho

Neither a credit bureau nor a reporting system are in place yet, which makes it difficult for banks to trace their loans. (The MCA-L project is supporting the establishment of a credit bureau).

Therefore so far, banks tend to lend only to a few firms that have good growth records. In addition there is little competition in the Lesotho banking sector, so they do not need to take risks lending money or reducing their interest rates to attract new customers.

Three commercial banks in the country monopolise the market. There are no financial institutions established especially to enable women business owners to access credit but they have equal opportunities as men to seek credit. However, the government has given some support to the tourism and hospitality sector; encouraging women and employing their business services.

In 2005, the Central bank established the Rural Finance and Enterprise Support Project (RF & ESP) which developed the predominately female Rural Savings and Credit Groups (RSCGs).

The Export Finance and Insurance Scheme supported cooperatives with an export potential in handicrafts, vaseline and garments production. However, most cooperatives did not meet the scheme's requirement of exporting 50% of their produce, and as a result they did not qualify for the set minimum loan of M50,000 or US \$ 5617 (ECA, 2007).

Costing

Priority has been given to poverty reduction and women's economic empowerment. The government's economic programmes and project initiatives target women. Budget allocations are made mainly to the Ministry of Gender, Youth, Sports and Recreation under its Women's Economic Empowerment Programme and Women Economic Development and Gender Equality (WEDGE) project. These priorities are covered through direct funding from the government and in some case supported by external funding from international cooperating partners.

There is more emphasis on supporting SMME's which are intended to create employment and to reduce poverty. According to the UN resources framework for Lesotho 2008-2011 and in line with the national priorities, the funded programmes and projects include women's entrepreneurship development, capacity building of SMMEs (which are supposedly predominately (75%) run by women) to create employment for youth and in urban and rural areas and to promote gender equality in economic rights.

Allocated and/or spent capital budget on gender-related projects in of the Ministry of Gender, Youth, Sports and Recreation (MGYSR) indicate the following in terms of costing:



Women traders at a market in Maseru.

Photo: Trevor Davies

In the Financial Year 2010/11 the MGYSR had a capital budget of M129 million, to support capital projects across its three divisions of Gender, Youth and Sport. The MGYSR capital budget in 2010/11 represented just below 5% of the total government capital expenditure in that year. The gender Section of the Ministry had a capital budget of M11 million or US \$1,214,920 in 2010, around 10% of the Ministry's total. Discounting the stadium expenses in a normal year the gender activities might count for around 15% of the total.

Capital spending on gender was budgeted for five main gender-related projects

Only about 25% of spending on gender capital projects comes directly from the government; most is from external donors. All of these, except the Millennium Challenge Account (MCA), are United Nations agencies. The comparable figure for all GOL capital spending in 2010-11 is 46%.

The SMME'S programme is funded through ILO

The main implementing partners are the Ministry of

Employment and Labour, and Ministry Trade and Industry, Cooperatives and Marketing and the Ministry of Gender, Youth, Sports and Recreation. Agencies involved include UNFPA (US\$600,000). The government, along with development partners, has allocated M17.2 million (US\$1,849m) to support programmes designed to empower women and girls and provide them with entrepreneurial skills.⁸

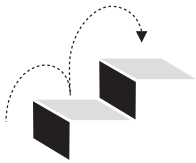
There are also projects for women's economic empowerment. There is the WEDGE in Ministry of GYSR funded by ILO; Rural Finance Investment Programme in the Ministry of Finance and Development Planning; funded by IFAD; and the Gender Equality in Economic Rights project of the MCA Lesotho intended to create women's and girls' "equal access to economic resources and opportunities for their meaningful participation in economic growth". The plan is to have key men and women stakeholders trained in gender equality in economics. (MCA-L Gender Equality in Economic Rights Project Activity Monitoring Plan, September 2010, p.5)



Lipolelo Ramoholi, a taxi business operator based in Maseru.

Photo: Informative Newspapers

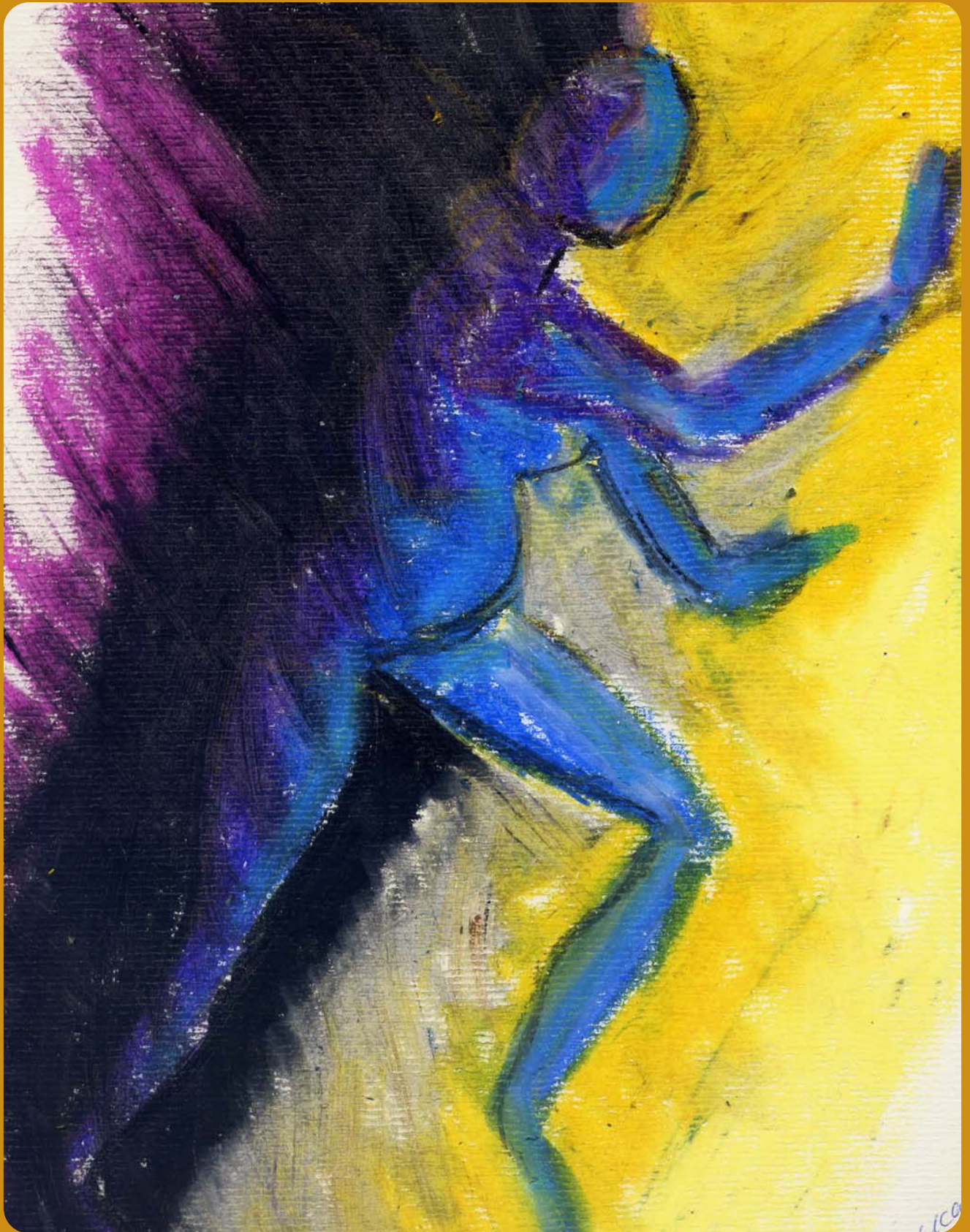
⁸ Budget speech for the 2011/2012 budget allocations by the Minister of Finance and Development Planning, 2011.



Next steps

There is a need for:

- Lobbying and advocacy for affirmative action policies to increase women in economic decision making in both public and private spheres.
- Increase women's access to mainstream economic opportunities.
- More awareness of new legislation to increase women's access to land.
- More capacity building for women's entrepreneurs.
- Advocacy on paternity leave.
- Conduct time use study in Lesotho to understand the gender division of labour.



"Zarina"

Anushka Virahsawmy



CHAPTER 5

Gender Based Violence

Articles 20-25

KEY POINTS

- Citizens scored the government 63% in terms of progress towards meeting the SADC Gender Protocol targets related to gender based violence by 2015.
- Both women and men gave the country the same score 63%.
- In March 2011, Lesotho completed costing its National Action Plan on GBV which provides a multi-sector framework for addressing gender based violence.
- Gender Based Violence networks have been established in 13 councils across three districts in Lesotho.
- The 2003 Sexual Offences Act has far reaching provisions, including the criminalisation of marital rape and compulsory testing laws.
- Lesotho now has specific legislation to prevent human trafficking: the 2011 Trafficking in Persons Act; Lesotho is part of United Nations Secretary General's UNiTE against violence against women campaign.
- In 2013, Lesotho will join five other SADC countries on a gender based violence indicators project which aims to establish comprehensive baseline data on extent, response, prevention and support on gender based violence. New dimensions include a political discourse analysis to measure political will as well as an assessment of media coverage of gender based violence.



Time to get serious about stopping women abuse. Children take part in 16 days celebration in Ha-koali, December 2012 Lesotho.
Courtesy: WLSA - Lesotho

Table 5.1: CSC scores on gender based violence

	SGDI	CSC
Scores	N/A	63%
Ranks	N/A	6

There is no SGDI score for GBV. The CSC of 63% ranks Lesotho sixth in the region. The relatively higher score could have been influenced by government endeavours to combat GBV through legislation and the costing on the National Action plan on GBV.

Background

By March 2011, the government had completed costing its National Action Plan and embarked on a pilot project in three districts. Parliament passed the Child and Welfare Act in 2010 and the Human Trafficking Act in 2011. The Domestic Violence Bill and the Property and Inheritance law are also under review.

Gender Based Violence (GBV) networks have been established in 13 councils in three districts. The GBV Networks received training in development, supported by UNFP. The training included women's empowerment, preventing and responding to GBV as well as the importance of gender equality.

The GBV network project ensured the training of the judiciary and the police focusing on the proper handling of GBV cases and treatment of survivors. Councillors play multiple roles in their communities, so they were trained.

Community leaders received orientation on measures they should take to end GBV in their communities. Monitoring and evaluation is taking place and due to the success of the pilot project, it will be scaled up to all districts.

Lesotho has also started community libraries, where information on GBV is disseminated. Police stations now have separate GBV report centres known as Child and Gender Units, where cases are handled confidentially and separately from other cases.

In addition, awareness campaigns on GBV have been directed at herd boys and men in communities. Radio programmes has been one of the most used channels to sensitise community on GBV.



Making IT work for gender justice. Country Manager Malepota Mafeka assisting Cllr Mantsieng Mothabeng & Sechaba Lithakong to open their email address during IT training so that they can participate in cyber dialogues at Mashaleng Council Lesotho, October 2012.

Photo: Ntolo Lekau



The Protocol urges Member States to endeavour to reduce current levels of gender-based violence by half by 2015.

Extent of gender-based violence

Measuring extent of gender based violence remains a huge challenge as police statistics do not cover all forms of violence and will only reflect reported cases. In 2013, Lesotho will join five other SADC countries on a gender based violence indicators project, which aims to establish comprehensive baseline data on extent, response, prevention, and support on gender based violence. New

dimensions include a political discourse analysis to measure political will as well as an assessment of media coverage of gender-based violence

Table 5.2 and 5.3 give some evidence of trends on extent of gender based violence in the capital city, Maseru; Berea and Maseru Rural Area.

Table 5.2 Police statistics for Maseru and Berea

Categories of abuse	Maseru			Berea		
	Reported cases	Pending	Prosecuted to finality	Reported cases	Pending	Prosecuted
Sexual	310	250	60	263	208	55
Physical	275	200	75	323	261	62
Emotional	85	85	0	23	18	5
Economic	205	100	105	221	105	116

Table 5.2 shows that the Police Crime Unit recorded 1,878 sexual offence cases during January-December 2008.

Table 5.3 shows that 112 cases of rape were reported, and 12% were withdrawn. Only 6% (i.e. six of 98 remaining cases) were completed and only 5% (five cases) were remanded, pending investigation. In eight months, only 11 rape cases had been handled, and the number of convictions (though unknown) are typically minimal. So far, the landmark 2003 Sexual Offences Act (SOA) has not had a huge impact.

5.3: Gender violence statistics for Maseru Rural Area September - April 2008

No of reported rape cases	112
No of rape cases withdrawn	14
No. of rape cases completed	6
% rape cases withdrawn	12%
% rape cases completed	6%
Number of convictions	Not known
% conviction rate	n/a

Source: Crime Unit, Police Headquarters, 2009.

Legal



The Protocol requires that State Parties shall, by 2015, enact and enforce legislation prohibiting all forms of GBV. Linked to this is the obligation that all laws on GBV provide for the comprehensive testing, treatment and care of survivors of sexual offences which shall include emergency contraception, ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV and preventing the onset of sexually transmitted infections.

Lesotho has a plethora of laws that address gender based violence. However the country has a Domestic Violence Bill since 2000 and this needs to become law if domestic violence is going to be dealt with decisively.

The country has a Sexual Offences Act of 2003. The law provides for compulsory testing of HIV of alleged rapists and marital rape is illegal. The country has enacted a Human Trafficking Act of 2011. Sexual harassment is dealt with under the Sexual Offences Act.

Human trafficking



By 2015 Member States are also expected to enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society. They should also put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks. The Protocol requires harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring. Member States should establish bilateral and multilateral agreements to run joint actions against human trafficking among countries of origin, transit, and destination countries. Finally they are required to ensure that capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials by all parties.

Status of human trafficking in Lesotho¹

Lesotho is a source and transit country for women and children subjected to conditions of forced labour and sex trafficking, and for men in conditions of forced labour. Within Lesotho, women and children are subjected to domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho women and children are exploited in South Africa in domestic servitude and some girls are brought into South Africa for forced marriages in remote villages. Long-distance truck drivers offer to transport women and girls looking for legitimate employment. *En route*,

the drivers rape some of these women and girls, before forcing them into prostitution in South Africa.

The government enacted comprehensive anti-trafficking legislation that prohibits and punishes all forms of trafficking and requires protection measures for victims of trafficking. It also convicted and punished at least one trafficking offender. 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.

Response and support

Table 5.4: GBV response and support

Provisions	What is in place?	What needs to be put in place?
Laws/ policies		
Legislation prohibiting all forms of GBV.	<p>Chapter II of the Constitution provides for the protection of fundamental human rights. Many of the rights are related to violence against women. For instance, protection of the right to life that is contained in section 4 (a) of the Constitution is important in matters of violence against women.</p> <p>Sections 18 and 19 also provide against discrimination of all forms and further articulate that all are entitled to protection of the law. This means that any law that does not give equal protection to men and women, or which in its effect fails to protect women would be contrary to the provisions of the Constitution.</p> <p>Also relevant to protections against GBV and stated in the Constitution are the right to liberty and security of the person, freedom from arbitrary seizure of property, freedom from discrimination, the right to equality before the law and the equal protection of the law.</p> <p>The 2003 Sexual Offences Act has far reaching provisions, including the criminalisation of marital rape and compulsory testing Laws.</p> <p>MGRY is putting forward the Domestic Violence Bill with campaign and research support from an NGO called Phela.</p> <p>The 2003 Gender and Development Policy Section 5.6 commits government to providing direction for developing effective programmes on GBV awareness and how to eliminate it.</p>	<p>Repeal Section 18 (4) (c) of the 1993 Constitution.</p> <p>Changes in attitudes and behaviour are necessary to accompany the law. Women with disabilities are especially vulnerable to GBV. They experience sexual violence but are unable to easily access the justice system.</p> <p>Enactment of the Domestic Violence bill is urgent because research indicates that child sexual abuse is rife. Apart from a violation of their right to protection, such abuse is increasing children's risk to HIV and AIDS, of early pregnancy and forcing them to drop out of school.</p>

¹ http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf

Provisions	What is in place?	What needs to be put in place?
Ensuring that all perpetrators of GBV are punished.	The 2006 Sexual Offences Act provides for a minimum of eight years imprisonment.	More awareness creation about the existence of the law to ordinary Basotho is needed, so that they are encouraged to report knowing that the perpetrators will be punished.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	This is made available as a package of testing, treatment and care. In 2005 the MOHSW developed the guidelines for the management of sexual violence.	
Access to Post-Exposure Prophylaxis for survivors of GBV.	Survivors receive emergency contraceptive pills. However, absence of legal provision for Post Exposure Prophylaxis (PEP) to reduce chances of HIV infection put survivors at risk.	Legislation that will protect survivors from risk of infection.
Prevention of sexually transmitted infections.	Services for treatment provided in health centres and family planning clinics. These are available equally to men and women.	
Social and psychological rehabilitation of perpetrators of gender based violence?	Available at Ministry of Health, CGPU, and Lesotho Save the Children.	
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	Initiatives by civil society, namely Phela, to advocate for drafting of a domestic violence Bill.	There is a need for a domestic violence act
Human trafficking		
Specific legislation to prevent human trafficking.	<p>Lesotho ratified the Protocol relating to Preventing and Combatting Trafficking in persons.</p> <p>The 2011 Trafficking in Persons Act is now in place; there is a need to raise awareness about the new Law.</p> <p>Abduction carries at least five years' imprisonment.</p>	<p>Domestication of provisions of the protocol.</p> <p>Review and adopt recommendations of studies by UNESCO (on causes of the problem), and Child HelpLine (on child trafficking in the country).</p>
Mechanisms to eradicate national, regional and international human trafficking networks.	There are no evident plans to put these in place.	Rapid assessment on Human Trafficking was carried out by WLSA in partnership with HDA.
Harmonised data collection on trafficking.	None.	There is need to collect data on survivors of trafficking who have been identified and assisted.
Capacity building, awareness raising and sensitisation campaigns on trafficking.	UNESCO Task force to work on Lesotho human trafficking legislation has been established. WLSA in 2010 undertook a red light campaign against human trafficking ahead of the soccer world cup and beyond.	
Sexual harassment		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	<p>Labour Code No.24 of 1992 Section 5(2) deals with sexual harassment at the work place.</p> <p>Though the 2003 SOA does not encompass sexual harassment.</p>	Enforcement of laws ensuring that institutions of employment formulate their own sexual harassment policies; and ensuring acceleration of court cases on sexual harassment.
Gender balance in bodies adjudicating sexual harassment cases.	Yes gender balance in our courts, magistrates, high court.	
Support services		
Cases on GBV to be heard in a gender sensitive environment.	Currently heard in open court like any other, but on camera for children within CGPU.	Victim-friendly family courts and training (sensitising) for judicial officers.

Provisions	What is in place?	What needs to be put in place?
Special counseling services.	Child Helpline established. MOHSW. <i>Lapeng</i> Centre for survivors built and administratively functioning.	
Dedicated and sensitive services provided by police units; health; social welfare.	Through a referral system police refer case to a health centre where it is treated as an emergency.	A one stop service. To secure confidentiality and help protect rights of survivors. Enable collection of information/data.
Accessible information on services available to survivors of gender based violence.	Legal services not accessible, not affordable. Legal Aid office not coping with the demand for its services. Information on health services is accessible through district resources centres, village health workers, and the media.	Need for simplified court procedures for GBV survivors. Need to decentralise legal aid office to all districts. Need more dissemination to rural areas by using community councillors and chiefs. Strengthen Community Support Groups.
Accessible, affordable and specialised legal services including legal aid to survivors of gender based violence. Specialised facilities, including support mechanisms, for survivors of GBV.	Child and Gender Protection Units (CGPU) available. They are specialised units set up within the police stations countrywide that work with health centres. However, services are hampered by inadequate staff and lack of resources. The system also lacks a mechanism to protect the survivors against the perpetrators who are released on bail. Free medical examination for survivors of sexual violence at the national hospitals and clinics.	Improve resource levels of CPGU and establish mechanisms to protect survivors from their perpetrators.
Rehabilitation and reintegration facilities for survivors of GBV.	<i>Lapeng</i> (meaning home in Sesotho) is a temporary shelter established in 2008 by MGYSR with UN donor support to provide an integrated response to survivors of GBV. When fully operational, rehabilitation facilities will include survivor support, health care, counselling services, medical assistance, legal and economic empowerment activities. CGPU also provides mediation.	Better coordination amongst all the stakeholders to support GBV survivors. Strive to make the centre fully operational soon.
Training of service providers		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials?	GOL-UNFPA Fifth Country Programme of Cooperation of 2008-2012 intends to increase capacity of government and civil society organisations to prevent GBV and manage survivors. Some training has been planned for police and the judiciary. WLSA plans to train prosecutors, judicial officers and police officers.	Implementation needs to be accelerated.
Community sensitisation programmes for survivors of gender based violence.	Women' rights groups like WLSA, as well as CGPU, and MOH, coordinate sensitisation activities. Since 2007, the District Gender Officers (DGOs) collaborate with NGOs, government departments and community councillors to carry out GBV sensitisation including GBV through <i>Lipitso</i> . Consultations and awareness training.	Establish community structures to address GBV.
Formal training programmes for service providers.	MOHSW Adolescent Programme includes training of chiefs, village health workers, and teachers. The school curriculum also includes education on sexual harassment. Workshops are held for service providers.	Training of community councillors and support groups to sensitise the on the law. Deal with cultural barriers. Institutional mechanism of addressing GBV cases.

Source: Research 2009.

Table 5.4 highlights that the Constitution protects fundamental human rights; the enactment of Sexual Offences Act (SOA) in 2003 and the GDP in 2003 also offer protection. However, there impact has so far been limited and they do not fully provide for the protection of children and domestic violence survivors. More training is needed and more services for GBV survivors, including PEP. Prevention efforts with emphasis on influencing attitude and ultimately behaviour change are key to eliminating gender based violence.

Prevention

The law does not explicitly deal with traditional practices that amount to GBV. There are public awareness campaigns, like the 16 Days of activism against GBV as well as initiatives to draft a domestic violence bill.

Political champions missing

The former minister of Gender Mathabiso Lepono has referred to GBV in both her political and official campaigns. It is anticipated that the incoming Assistant Minister of Gender, Youth Sports and Recreation will champion issues of gender based violence. The fact that he is male, position traditionally given to women brings a dynamic that can accelerate change of attitudes especially by men who are the majority of perpetrators of gender based violence. While politicians, ministers or MPs as guest speakers speak at official events especially those relating to women or 16 Days campaign, GBV has minimal space in political discussions, debates and campaigns.

Media's attitude and approach towards coverage of gender violence

According to the Gender and Media Progress Study in 2010, there is minimal coverage of gender-based violence compared to other topics in Lesotho. GBV articles make up only 14% of the topics covered. However, this is significantly higher than the regional average of 4%. Women make up 42% of GBV sources, with men predominating in this area. It would seem that men speak for women even on issues that affect them directly.

Survivors constitute 22% of all sources on GBV in Lesotho. This is marginally higher than the regional average of 19%, but the proportion of perpetrators whose voices are heard is nearly as high at 17%. Although police and judicial representatives constitute the highest proportion of all sources on GBV, the increasing proportion of survivors' voices suggests that GBV in Lesotho is beginning to be covered from the perspective of survivors, and that the training on covering the issue from a human

rights perspective offered by GL and other partners over the last seven years has made a difference. See Chapter 9 on Media, Information and Communications.

MISA - Lesotho has highlighted cases where the journalists have not hidden the identity of the survivor.

A review of the code of conduct to protect the rights of the survivors is needed. WLSA-Lesotho, in collaboration with MAWA and GEMSA, has conducted sporadic training for the media on covering GBV.

MOHSW and WHO carried out surveys on public attitudes towards gender violence: *Violence Against Women in Lesotho* (2003)²; and CARE Lesotho carried a follow up survey. WLSA and UNFPA recently carried out a Study on *Sexual Gender-based Violence* (2009). The findings indicate that while GBV continues, public perceptions and/or attitudes towards GBV are slowly changing as advocacy campaigns against GBV intensify.

The government and *Lipitso* conducted by MGYSR senior officers have organised the main national gender sensitisation and public awareness programmes. Civil society carry out sensitisation activities and has, for the last two years, led and facilitated the 16 Days of Activism against GBV during November 25 to 10 December jointly with the Ministry. Since 2008, the campaign has been extended to 365 days. The campaign has contributed to raising awareness of GBV leading to an increase in reporting.



Mr. Hlonpho Nt'sekhe took oath to serve as the Assistant Minister of Gender, Youth, Sports and Recreation.
Photo: M. Kheleli.
Source: <http://www.gov.ls/articles/2003/Newly%20Appointed%20Min-%20Oath.htm>

² Research report prepared by I. Kimane, M. Mapetla and N. Mapetla, 2003.



Members of the community raising awareness on the 16 days of activism against GBV.

Photo: Trevor Davies

Integrated approaches

Lesotho has a National Action Plan to End Gender Violence in place. The MGYSR formulated a Draft National Action Plan on GBV formulated with the support of UNFPA, Gender Links, civil society organisations and other stakeholders.

Lesotho has ratified the SADC Protocol. As a means of complying with the protocol it has enacted Trafficking in Person's legislation and the Domestic Violence Bill is being developed.

Other initiatives include:

- Immigration authorities monitoring border crossings;
- Police training;
- Raising public awareness of human trafficking through radio programmes and brochures explaining how to identify trafficking.

Budgetary allocations

The MGYSR set aside an estimated M1 million or US\$112 359 for GBV activities for the 2009 fiscal year, including

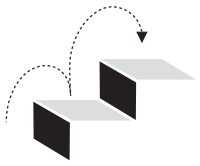
radio programmes, the operation of the Lapeng Centre, the 16 Days Campaign, as well as conducting sensitisation and training workshops on GBV at the workplace. NGOs active in GBV activities, such as WLSA, have also allocated budgets to advocacy programmes. Lesotho has not had any studies regarding budgetary allocations for addressing GBV. Budgetary allocations for gender programmes tend to be ad hoc and unsustainable. Leadership in most sectors in Lesotho is not gender sensitive.

UN Secretary General's UNiTE against violence against women

WLSA-Lesotho has been working on the UNiTE campaign by disseminating information and educational materials to the paralegals.

Formal reporting

Lesotho has a Gender Technical Committee (GTC) which meets every month to address and report on the progress on issues relating to GBV. Lesotho also has the Gender Forum which meets quarterly.



Next steps

There is a need for:

- Embarking on the GBV indicators project to provide baseline data on extent, response, support and prevention of gender based violence
- Identification of strategies to assist survivors of GBV to cope with trauma.
- Support for the establishment of databases on GBV.
- Development frameworks for implementation and monitoring laws, policies, protocols and programmes.
- Strengthening community mobilisation against GBV, and the involvement of men in combatting GBV.
- Promoting economic empowerment of survivors of GBV and women in general.
- Advocacy to encourage more political will and support from the political leadership.
- Data management and for a GBV baseline studies at national level



A different kind of family

Anushka Virahsawmy



CHAPTER 6

Health

Article 26



Lesotho gears up campaign for better health services as children are immunised at Leribe Clinic in Maseru.

Photo: Trevor Davies

KEY POINTS

- The SGDI and CSC scores are almost the same at 57% and 58% respectively.
- The SGDI measures empirical data based on contraception use, births attended by skilled personnel and maternal mortality ratio. On the other hand the CSC measures citizen's perceptions on the country's progress towards meeting that targets related to health in the SADC Gender Protocol.
- 1 out of 32 women in Lesotho will die of a pregnancy or childbirth-related causes.
- 59% of births are delivered in a health facility.
- Contraceptive use among married women 42%.

Table 6.1: CSC scores on health

	SGDI	CSC
Scores	57%	58%
Ranks	9	8

Table 6.1 shows that both the SGDI and CSC scores are relatively low on health, ranking the country ninth and eighth respectively. This is one of the few areas that the country is not doing well in terms of meeting the SADC Gender Protocol targets compared to other SADC countries.

Sexual and reproductive health



The Protocol provides for state parties to by 2015, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care; reduce the maternal mortality ratio by 75% and ensure the provision of hygiene and sanitary facilities.

The Ministry of Health has gender-responsive policies on sexual and reproductive health.

Table 6.2: Key sexual, reproductive and health indicators

Indicator	Country statistics	Indicator
Current maternal mortality rate (Lifetime Chance of Death from Maternal Causes)	970 women die out of 100,000 live births (DHS, 2004)	The life time risk of maternal death in Lesotho is 1:32, so 1 out of 32 women in Lesotho will die of a pregnancy or childbirth-related causes (MDG report, 2009).
% Births attended by Skilled Personnel	62% by a doctor and nurse, 11% by a health care worker 59% of births are delivered in a health facility. (DHS, 2009)	To be increased to 80% by 2015 (MHOSW, Roadmap 2007-2015).
% Contraceptive use among sexually active women 30-34	56% (DHS, 2009)	Younger and older women are less likely to use contraceptives. The use of contraceptives is concentrated amongst women in the mid-childbearing ages, 22-39 years of age (DHS Preliminary Results, 2009).
% Contraceptive use among married women	49% (DHS, 2009)	To be increased to 60% by 2015 MHOSW, Roadmap 2007-2015).
No of deaths annually as a result of illegal abortions	20%	Due to complications of abortion.
Country policy on abortion	Illegal except in exceptional circumstances	Penal Bill Code of 2009 suggesting relaxation of abortion laws under review by Parliament. No policy. But abortion appears under criminal law. Allowed in exceptional cases where there is need to save mother's health. Even this in not easily accessible because the doctor requires an opinion of two other doctors to confirm the necessity. There is the Abortion and Sterilisation Act 1975; Medical Dental and Supplementary Services Professions Act of 1975.
Total Coverage of sanitation facilities	49% (DHS, 2004)	
Urban coverage	82% (DHS, 2004)	43% (estimated WHO/UNICEF, 2008 update)
Rural Coverage	39% (DHS, 2004)	34% (estimated WHO/UNICEF, 2008 update)

Source: LDHS 2004, WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation Coverage Estimates Improved Sanitation; updated in July 2008. Lesotho: DHS preliminary results, 2009.

Table 6.3 shows that progress has been made in some areas related to women's sexual and reproductive health. However, contraception use among married women is very low possibly because in the past women's minority status in the family prevented them from making decisions. This meant that she had to consult her husband or even her mother-in-law over the use of contraceptives. Abortion is illegal in Lesotho and it accounts for 20% of deaths.

The major challenge is the extremely high maternal mortality which has actually increased from 762/100000 live births to 970/100000 live births (DHS, 2009).

This is despite government efforts, such as the 2006 Roadmap for accelerating the reduction of maternal deaths. Poverty, especially among women limits access to the essential maternal and newborn health services. The 2009 DHS indicated that many people do not attend antenatal care services due to lack of money and due to cultural practices. The sanitation coverage is better in urban areas and remains low in rural areas where most Basotho live.

Family planning policy

Lesotho has no family planning policy, but such issues are covered in the 2009 National Reproductive Health Policy, which is gender sensitive. It addresses sexual health, family planning, safe motherhood including post abortion care as well as HIV. It also advocates for equal access to safe, effective, affordable and acceptable methods of family planning for both men and women and calls for their involvement in promotion of sexual and reproductive health. It guarantees and targets women in gaining access to multiple methods of family planning of their choice.

Men's involvement in family planning

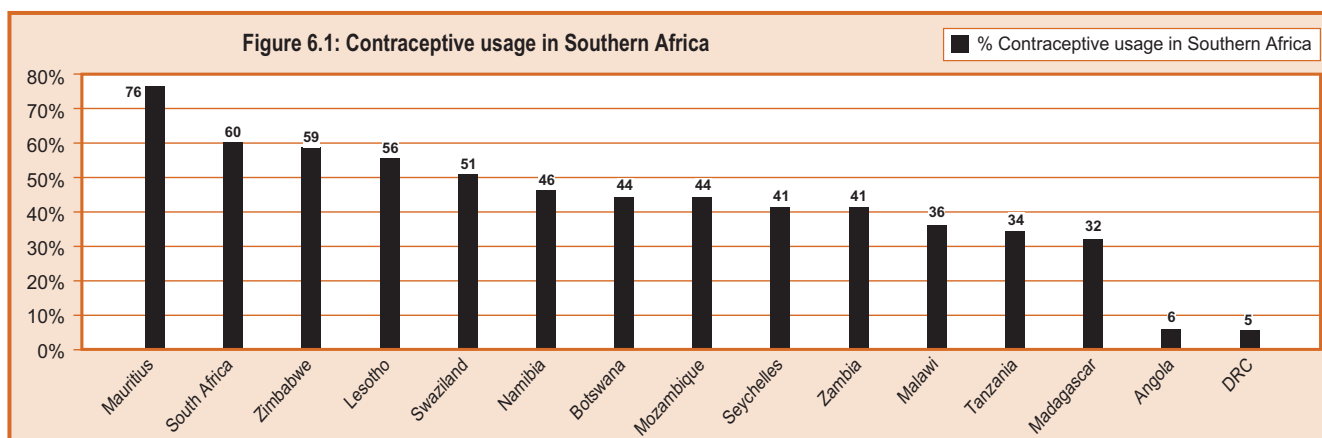
Peer education and condom promotion in family planning campaigns target men. LPPA has since 2007 set up a Male Reproductive Health Clinic - the first and only of its kind in the country, targetting men, for example in building construction sites, military camps, security and police employment areas. Their services include distribution of condoms; circumcision services, sexually transmitted infections (STIs) management, voluntary counseling and testing (VCT); and male sexual reproductive health (SRH) issues.



Matefo Chabeli showing off her healthy baby at Leribe Clinic.

Photo: Trevor Davies

Common contraceptive methods



Source: SADC Gender Protocol Barometer, 2012.

Figure 6.1 shows that Lesotho is one of the five countries in the region with contraceptive-use rates of more than 50%.

Overall contraception use is 56%, with 45.6% using modern methods (DHS preliminary results, 2009); the use of injectables increased from 15% in the 2004 Demographic Health Survey (DHS) to 19% in the 2009 survey. Similarly, the use of the pill has increased from 11% in 2004 to 13% in 2009, and use of the male condom has increased from 5% in 2004 to 9% in 2009.

The most used contraceptive method is the injectable three-month Depo-Provera (14.7%), and oral contra-

ception, particularly mini pill and combined pill (10%), and male condom (4.8%). This pill is commonly used by women of child-bearing age and by married women especially in cases where partners resist family planning. Rural women and men mostly use non-prescriptive methods and condoms because of lack of access to other methods. Female condoms are not popular as they are relatively costly at 50 cents a condom.

In 2001 there was a national campaign to introduce the female condom, and subsequent sensitisation and awareness campaigns on the female condom and other contraceptives. However the use of the female condom is low at 11,872 or 0.1%.

Box Four: Termination of pregnancy

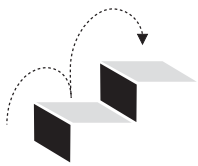
The 2009 Penal Code Bill allowed for optional termination of pregnancy in cases of rape and incest; optional termination for women in the first 24 weeks of pregnancy to prevent harm and to save the life of the pregnant female; and to prevent the birth of a child who will be physically or mentally disabled.. The bill is currently under discussion among the Law Reform Commission and stakeholders. It follows the debate led by the Extended Multi-Sectoral Reproductive Health Theme Group, LPPA and WLSA.

The debate continues. In the Lesotho Times, an article entitled *"Basotho must tackle debate on abortion"*

LPPA promotes pro-choice and encourages discussions towards establishing a solution to the problem. It challenges every Mosotho "to put both arguments pro-life and pro-choice on a scale, see which side is heavier" *Lesotho Times June 25 July 1 2009. p11.*

It is observed that people are hesitant to openly debate the issue in a country where the majority of inhabitants are rural residents of Catholic denomination.

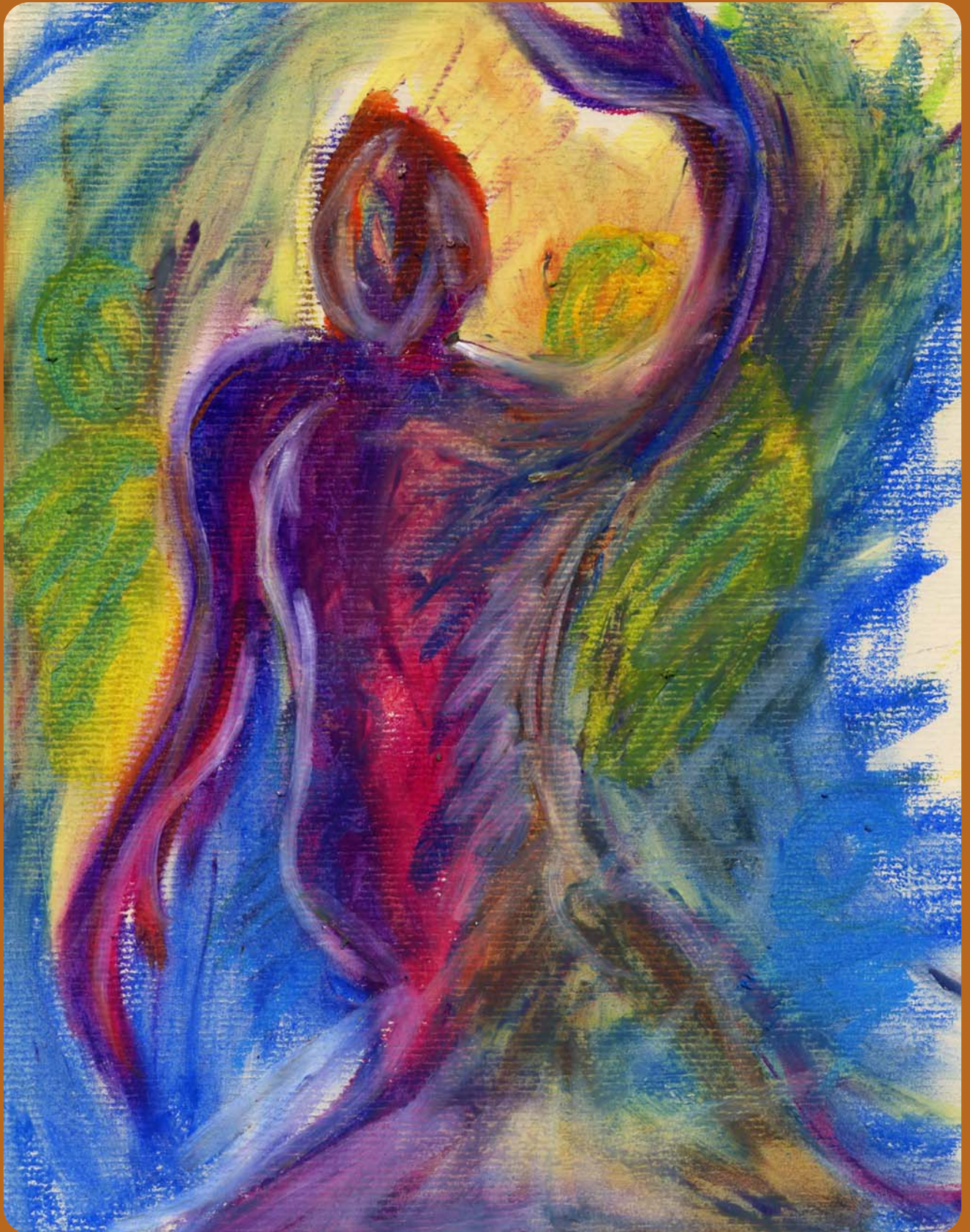
Nevertheless, there are local newspaper adverts on "safe abortion" for service providers across the border in South Africa; services which are probably being used by Basotho.



Next steps

There is a need for:

- More awareness about safe delivery to reduce the high maternal mortality rate;
- More discussion and awareness about sexual reproductive rights;
- More male involvement in family planning.
- More promotion of the female condom.



"Anita"

Anushka Virahsawmy



CHAPTER 7

HIV and AIDS

Article 27



Kick for life youth commemorate world Aids day in Maseru.

Courtesy: Trevor Davies

KEY POINTS

- The SGDI score is 66% based on empirical data and places Lesotho at number 7 in the SADC region.
- The citizen's perception score (CSC) on the country's progress towards meeting the targets is 65%, ranking Lesotho ninth in the region.
- Lesotho's HIV and AIDS prevalence is 23.2%.
- Of all the HIV positive cases, women account for over half of the proportion at 58%.
- PMTCT coverage increased from 5.9% in 2005 to 71% (2011).

Table 7.1 SGDI and CSC scores for HIV and AIDS

	SGDI	CSC
Scores	71%	66%
Ranks	4	7

Lesotho's SGDI and CSC scores are close at 66% and 65% respectively. The SGDI score is based on empirical data and measures comprehensive knowledge on HIV and AIDS; Women living with HIV as a proportion of total living with HIV and HIV positive pregnant women receiving prevention of mother to child transmission treatment.

On the other hand, the CSC is based on citizen's perceptions on the country's progress towards meeting the targets related to HIV and AIDS.

Background

Lesotho's HIV and AIDS prevalence rate appears to have stabilised, but remains high at 23.2%. Women are disproportionately infected and affected by the HIV pandemic. Of all the HIV positive cases, women accounted for 58%. Still between 25-40% of HIV-positive pregnant women pass on the virus to their babies (MOHSW, 2009).

More people living with HIV (PLWHIV) require anti-retroviral drugs (ARVs). The aim is to have 80% of those accessing ARVs by 2020, according to the HIV and AIDS five-year (2006-2011) strategic plan which is currently under review. The government has a multifaceted

approach to addressing HIV. There have been measurable successes. For example, the HIV prevalence rate decreased from about 30% in 2004 to 23% according to the NAC and UNAIDS estimates of 2009. It is said to be currently at 23% (Khobotlo report, June 2011).

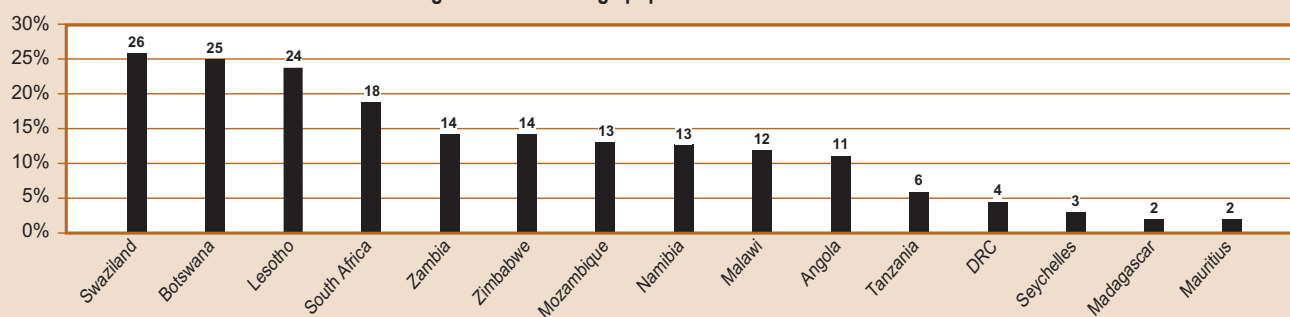
Table 7.2: Key Gender, HIV and AIDS Indicators

	% women	% men
Extent of comprehensive knowledge on HIV and AIDS (LDHS 2009)	85	79
HIV infection	23.6	
Share of HIV infection by sex	58	42
On ARV treatment	51	
HIV positive pregnant women receiving treatment on the PMTC programme	71.5 (2008)	
Condom Use (15-24 years) (LDHS 2004)	50	48

Source: MOHSW, NAC Annual Partnership Forum April 2008 - March 2009.

Table 7.2 shows some notable progress, 71.5% of HIV positive pregnant women are receiving treatment to prevent them from passing on the virus to their babies and slightly more than half (56%) of HIV positive adults in need of ARVs received them.

Women form the majority, 58% of those living with HIV and AIDS though in contrast more women have comprehensive knowledge on HIV and AIDS at 85%.

Figure 7.1: Percentage population infected with HIV

Source: 2012 SADC Gender Protocol Barometer.

Figure 7.1 shows that HIV and AIDS prevalence varies greatly in SADC countries: Lesotho is one of the four of the 15 countries that have an HIV prevalence rate of more than 15%.

Prevention



The Protocol requires that by 2015, state parties shall develop gender-sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.

Measures to prevent and treat HIV/AIDS:



Voluntary testing in Maseru on World Aids day.

Photo: Trevor Davies

Legislation, policies, and strategies:

- i) The National Multi-Sectoral HIV Prevention Strategy;
- ii) The National HIV Prevention Strategy for a Multi-Sectoral Response;
- iii) The Health Sector Policy on Comprehensive HIV Prevention;
- iv) The operational guidelines for comprehensive HIV prevention interventions within the Health Sector;
- v) The enactment and dissemination of the LCMPA 2006;
- vi) The National Action Plan on Women, Girls and HIV and AIDS 2006-2011, currently under revision and an Implementation Plan have been developed to guide interventions in response to the specific needs of women and girls in the country;
- vii) The 2003 Sexual Offences Act: the person who is charged with rape is subjected to compulsory HIV test.

Workplace prevention initiatives

Parliament amended the Labour Code to include policies and standards on HIV and AIDS management. It included guidelines for HIV and AIDS education programmes in the workplace. For example, Apparel Lesotho Alliance to Fight AIDS (ALAFa) initiative managed HIV prevention in the textile factories where the majority of workers are women. Public service has mainstreamed gender in their human resources policies and programmes. Each Ministry sets aside 2% of its budget for workplace HIV/AIDS treatment and care.

Targeting high risk groups-sex workers factory workers

Prevention programmes are national but also target migrant workers, taxi and truck drivers.

Integration of women and girls in the provisions of the National HIV and AIDS Policy

There are gender sensitive strategies in place which address the gender dimension of the HIV pandemic; for example the LCMP Act, the 2006 National Action Plan on Women, Girls and HIV and AIDS the review of the Education Act and Sexual Offences Act.

Joint GOL/Donor HIV and Youth Development Programme

The programme, which targeted 1,000 young men and women, included HIV-prevention, labour market information, vocational and entrepreneurship training.

Prevention of the Mother to Child Transmission of HIV

Prevention of Mother-To -Child Transmission (PMTCT) of HIV is one of the best practice programmes of HIV prevention in Lesotho¹. More babies born to HIV-positive mothers are reported HIV negative. The challenge remains to encourage all women to visit antenatal clinics and have births in hospitals to make this programme a success².

¹ National AIDS Commission (NAC) Director of Communications, Policies and Strategies Mr. Motlalepula Khobotlo when presenting progress of National Strategic Plan (NSP) 2006 - 2011 implementation at the annual NAC partnership forum held in Maseru on June, 16 2011.

² Ibid.

However, PMTCT increased from 5.9% in 2005 to 56% in 2008. It has now reached an impressive 71%. About 86% of ante-natal facilities provide HIV testing and ARVs for PMTCT and other programmes support HIV-positive pregnant women and HIV-positive mothers. (LDHS, 2009).

Treatment



The Protocol requires state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.

In recent years Lesotho has made significant progress in scaling up treatment scale and as consequence mortality rates have dropped.

In 2009, nearly 62,000 people were receiving treatment. According to the latest 2010 United Nations General Assembly Special Session (UNGASS) report on Lesotho, up to 51% of people in need of drugs were receiving treatment by end of 2009 while 71% of mothers in need of ARVs for prevention of mother to child transmission of HIV also received the service during the same period.

Legislation or policy measures on the access to HIV and AIDS treatment with women as a specific beneficiary group.

Interviews highlighted the use of guidelines that include

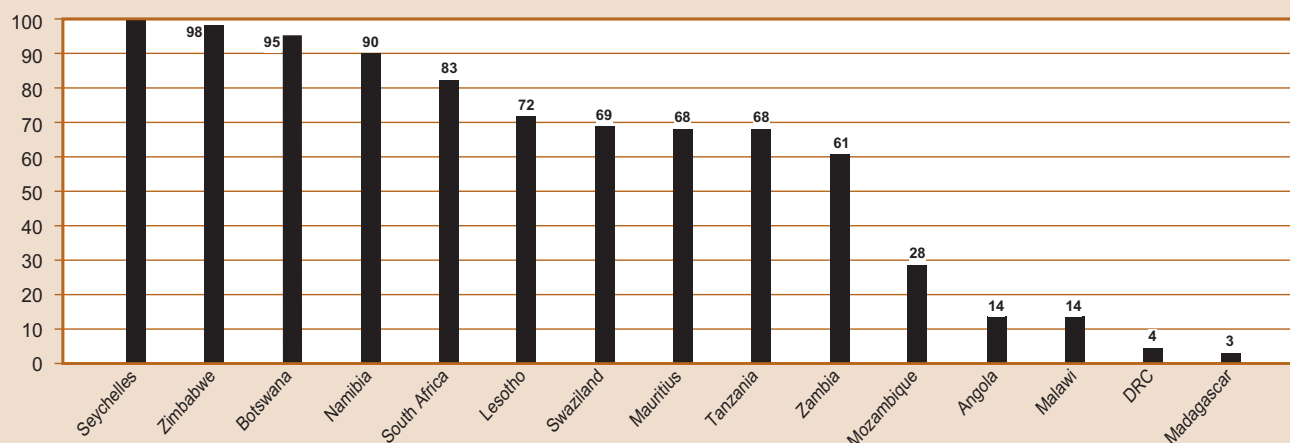
For example Elizabeth Glaser Pediatric AIDS Foundation focuses on child nutrition along with PMTCT. Mothers-to-mothers clubs provide psycho-social support to HIV-positive mothers. WHO distributes fortified food such as maize-meal, beans and cooking oil to HIV-positive pregnant women. Currently, almost 35,300 benefit from the mother-and-child health nutrition scheme. In addition, UNFPA supports the counselling and training of health workers in PMTCT.

PMTCT and the National Reproductive Health Policy. Also the interviews with National AIDS Council (NAC) officials indicate that women more than men benefit from home-based care services. Also men take much longer time to seek medical assistance.

Some of the challenges in accessing treatment and how they are being addressed:

- Severe human resource shortages in the health centres;
- The country's terrain: most implementing partners in the country are located in the lowlands so clients have to travel long distances to clinics.
- ART treatment defaulters
- Women and girls are burdened with home based care, which is limiting their ability to participate in productive activities.

Figure 7.2: Percentage of those receiving ARVs



Source: UNAIDS 2010, WHO 2011, ZHDS 2010-2011.

Figure 7.2 shows that PMTCT uptake is uneven in the region: Of the 15 SADC countries, 13 have PMTCT programmes in place (the DRC and Madagascar do not). Mother-to-child



transmission of HIV continues to account for a substantial, though decreasing, portion of new HIV infections in many African countries.

Treatment



The Protocol requires Member States to develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care givers; the majority of whom are women, to allocate resources and psychological support for care givers as well as promote the involvement of men in the care and support of people living with AIDS.

In 2010, inspired by Article 27(c) of the SADC Protocol on Gender and Development, Gender and Media Southern Africa (GEMSA) and VSO-RAISA developed the *Making Care Work Count Policy Handbook*. The objectives of the handbook include to influence the development, adoption, implementation and enforcement of policy frameworks that promote the recognition and support of care providers in the context of HIV and AIDS, and to promote public engagement on care work related issues.

The handbook proposes six principles that need to inform care work policies:

- **Remuneration:** People doing the work of government have a right to be financially rewarded.
- **Logistic and material Support:** It is imperative that care providers are provided with care kits as well as other support, such as uniforms for identification, bicycles, food packs, monthly monetary allowances, soap, free medical treatment, financial support for income generating projects, raincoats, umbrellas, agricultural inputs, stationery and transport allowances, among others, to provide quality care.
- **Training and professional recognition:** Protocols of training and accreditation should be developed through a governing body within the country to regulate and standardise the training.

- **Psychosocial support:** Care for care providers should be prioritised with psychosocial support programmes developed and provided to care providers.
- **Gender equality:** The gender dimensions of HIV should be recognised and catered for.
- **Public private partnerships:** There is a need to advocate for stronger public private partnerships in the delivery of PHC services through C&HBC programmes.

Table 7.3 outlines progress on policy and legislative initiatives to regulate care work in Lesotho based on information available to researchers at the time of writing.



Young men holding a poster at a ceremony to commemorate World Aids day.

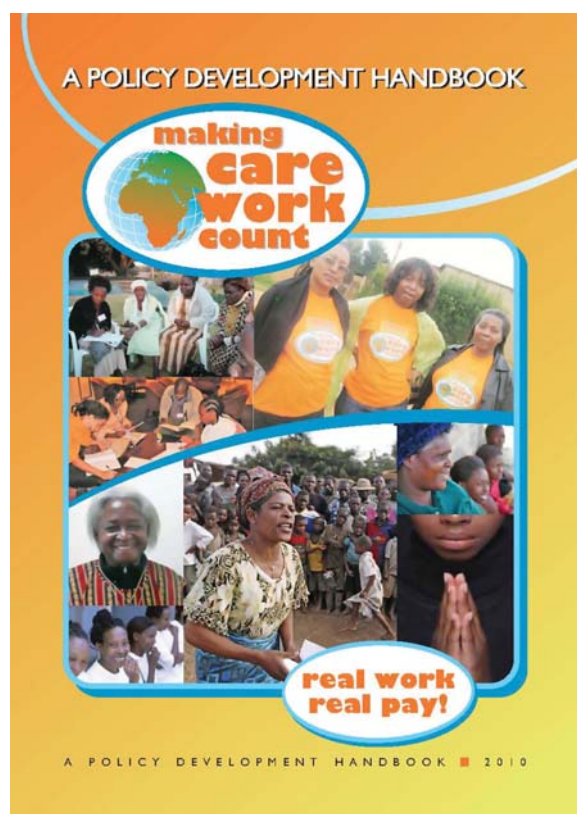
Photo: Susan Tolmay

Table 7.3: Progress in addressing care work in Lesotho

Issue	Progress
Remuneration	No stand-alone policy. Advocacy for care workers monthly stipend to be increased from 300 Maloti (approx USD\$40) to 800 (approx USD\$115).
Logistical and material support	Registered CHW's get access to resources such as health kits.
Training and professional recognition	There are government plans to train all CHW's including care givers in order to professionalise the cadre and afford it recognition but these have yet to be implemented.
Psychological support	The National Guidelines on CHBC recognise the challenge of emotional, physical strain and stress experienced by care givers; the lack of resources and care givers' inability to diagnose symptoms. The guideline calls for income generating activities which can support CHBC. No progress in securing psycho-social support for care workers. Few experts in this area in country.
Gender equality	The National Gender and Development Policy advocates for the improvement and expansion of gender-sensitive home-based health care. The Lesotho Council of NGOs (LCN) has representation on a National Working Committee involved in compiling the five year National Development Plan to guide government in addressing issues raised by different groups in society. It is envisioned that care work can be raised in this platform.

Capacity-building sessions have been held in Lesotho with CSOs as well as with national AIDS council to outline advocacy processes to support their efforts. The main components of these processes include:

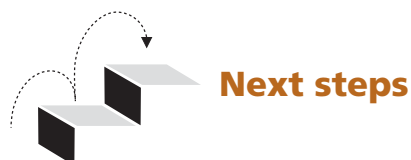
- Country mapping and stakeholder analysis,
- Building a coalition;
- Influencing policy uptake and implementation,
- Developing an advocacy and lobbying plan, and
- Monitoring and evaluation.



Costing

While the government has increased the budget allocation on health and also to HIV prevention, donors provide most of the funds. For example, UNICEF has committed about M400,000 or US\$ 44 943 to support the MGYSR Adolescent HIV/AIDS Prevention programme between 2010 and 2013 according to the GOL Capital Budget estimates of 2010/2011. Donors include the Global Fund and the American government through the Presidents 'Emergency Plan for AIDS Relief (PEPFAR) Programme. According to the UN resources framework for Lesotho 2008-2011 and in line with national priorities, there are many programmes focusing on HIV/AIDS. Within the framework of the Joint UN Programme of Support on AIDS, UNFPA has secured funding from the UNAIDS Programme Accelerated Funds to support the revision of the National Action Plan on Women and Girls and HIV/AIDS as well as the acceleration of its implementation.

UNFPA, in its goal to prevent new HIV infections, set aside over US\$200,000 for all HIV-related activities that include gender-based violence, policy development and family planning. It has also year procured 1.5 million male condoms while this year using the Global AIDS Fund, it procured a further 10 million.



- There is need to find innovative ways to address the gender issues that drive the pandemic. Although HIV awareness is high, traditional leaders need to be

engaged to help eliminate negative traditional and cultural beliefs that increase women's vulnerability to HIV and AIDS.

- IEC campaigns should effectively mainstream gender concerns to empower girls and boys on the importance of negotiating and practicing safe sexual relations.
- The Government, NGOs and churches need to increase support to the rising number of orphans.
- The government needs to broaden the focus of CHBC to address the needs and wellbeing of volunteers.
- The government needs to promote men's involvement in care work, so the burden does not fall on girls and women.



"Nicole"

Anushka Virahsawmy



CHAPTER 8

Peace building and conflict resolution

Article 28



Lesotho police officers ensure security in Mafeteng.

Photo: Trevor Davies

KEY POINTS

- Citizens score the country 57% based on their perceptions of government's progress towards meeting the targets relating to peace and security in the SADC Gender Protocol. This places the country at number six out of the 15 SADC countries.
- Lesotho has no women in peacekeeping forces.
- Laws and policies relating to the sector are gender blind.

Table 8.1 SGDI and CSC scores for peace building and conflict resolution

	SGDI	CSC
Score	N/A	57%
Rank	N/A	6

Citizens score the country 57% based on their perceptions of government's progress towards meeting the targets relating to peace and security in the SADC Gender Protocol. This places the country at number six out of the 15 SADC countries.



The Protocol calls on State Parties to ensure that, by 2015, women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015 in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.

Policy provisions for women's representation and participation

The documents reviewed for this section were the 1997 Lesotho Defence Act of 1997 and the 1998 Police Service Act. The Defence Act is silent on gender issues. The only reference made to females is in section 88(5) relating to body searches or searches on premises. The act states

that if it is a female soldier, the search shall be made by a female member". Language in the legislation uses "he" when referring to both female and male soldiers and officers and also uses language such as chairman when referring to the chairperson of the Defence council.

Table 8.2: Analysis of gender provisions in relevant security services legislation

	Defence White Paper/Act	Police Act	Correctional Services/Prison Act	Special Unit for rape survivors at police
Makes specific reference to gender equality, non-discrimination, non-sexism, or women	Lesotho Defence Force Act No.4 of 2006 makes no reference to gender equality. The language is not gender sensitive.	No	None in place	The police has a special unit, the Child and Gender Protection Unit (CGPU), which is staffed by both male and female police officers.
Specific clause on Affirmative Action	No	Equal opportunity for police recruitment mentioned in Act. Language in Act not gender sensitive.	None in place	No
Gender Mainstreamed in Act	No	No	No	No

The Police Service Act is also silent on gender issues and there are no provisions for affirmative action and gender equality. It uses neutral language such as "officers" and on occasion uses the word "chairman". The police officers interviewed had no knowledge of specific legislation for the creation of the Child and Gender Protection Unit (CGPU). However, the CGPU's terms of reference are available on the police website

[www.lmps.org.ls] and there is no specific reference to gender equality, non-discrimination or women. There is no mention about affirmative action or gender. It instead refers to the correct treatment and protection of children and their rights.

Lesotho does not have an action plan for the UN Security Resolution 1325.

Representation

Table 8.3: Representation of women in the Lesotho peace and security sector

	% male	% female
Defence	Not accessed	Not accessed
Police	74.1%	25.9%
Correctional Services	74.4%	25.6%
Parliamentary Committee(s) on Security Sector	75%	25%

Sources: Lesotho Mounted Police Service Gender Distribution document, April 2011; Department of Correctional Services, and Lesotho National Assembly.

Table 8.3 indicates that there are fewer women (25.9%) in the Police Services than there are men (74.1%). However there is a greater concentration of women police in senior positions. The senior positions include that of senior inspector, superintendent, senior superintendent, assistant commissioner, deputy commissioner and the commissioner of police. Through the other ranks, women make up 23.4% of inspectors, 15% of police sergeants and 19.6% of the lowest rank of police constable.

As with the police, there are many more male correctional services officers compared to women; 74% of correctional services officers are men.

The Defence Force is also a male-dominated institution although exact numbers are unavailable. The Parliament committee addressing the security sector is the Parliamentary Committee of Law and Public Safety, with a committee of 16 members comprising 12 men and four women. Notably, a female Member of Parliament chairs the committee.

Table 8.4: Women in top leadership positions in the security sector

	Number of males	%	Number of females	%	Total
Ministers of Defence	1	100%	-	-	1
Deputy Ministers of Defence	-	-	-	-	-
Permanent Secretaries (Defence)	-	-	1 (might change)	100%	1
Ministers of Home Affairs (police)	1	100%	-	-	1
Deputy Ministers of Home Affairs(Police)	-	-	1	100%	1
Permanent Secretaries (Police)	1	100%	-	-	1
Police Commissioner	1	100%			
Ministers of Correctional Services	-	-	1	100%	1
Deputy Ministers of Correctional Services	-	-	-	-	-
Permanent Secretaries (Correctional Services)	-	-	1	100%	1
Commissioner of Correctional Services	1	100%			

Source: Interviews 2012.

Women were only allowed to enter the police force in the 1970s. Women have moved up as they now constitute 30.8% of the senior police positions. A female Commissioner of Police, who was the first in the

woman in the region to hold such a high position in the force, has now retired and has been replaced by a male supported by two male deputy commissioners as well as three female and three male assistant commissioners.



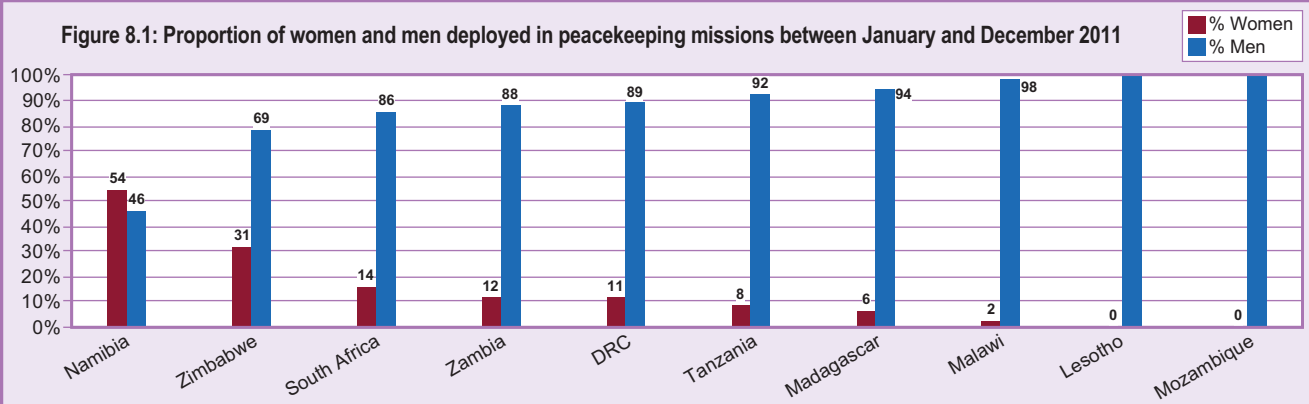
Chiefs play a significant role in ensuring peace in communities. Chief 'Mants'ebo Sefali, attending a GBV action plan workshop in Matebeng Community Council.

Photo: Ntolo Lekau

The top positions in the Defence Force are occupied by men. Although fewer women are in the Defence Force, they are represented in all ranks up to Lieutenant Colonel. Recently, the force recruited 300 new members of which 50 (17%) were women. However, since 2000 the Defence Force has made an effort towards the target of 50% women in all recruitment drives. But there is no policy of quotas.

The Defence Force has one female pilot, two females in the special operations unit, as well as one female officer in the mechanics/maintenance department, which are traditionally occupied by males. Males are now beginning to occupy non-traditional roles such as nursing and catering. The highest ranking female member of the Lesotho Defence Force occupies the rank of Lieutenant Colonel and is the Director of Medical Services, heading the military hospital. It has taken her more than two decades to make the rank which is still five ranks from the top.

Figure 8.1: Proportion of women and men deployed in peacekeeping missions between January and December 2011



Source: Calculated from UNDPKO 2011 monthly statistics.

Figure 8.1 shows that Lesotho has no women in the peace keeping forces. In the eight countries where data could be obtained, six countries (Zambia, DRC, Malawi, Namibia, South Africa and Zimbabwe) attained or exceeded the UNDPKO recommendation of at least 10% female representation when deploying peace keepers. This falls short of the SADC Gender Protocol target of at least 50% target of women in the peacekeeping forces.

Capacity building and gender training

There are no specific capacity training programmes for women within the police service. Training courses are offered to both men and women who occupy management positions. However, in 2006, two female

officers were sent for management training specifically for female police officers in the United Kingdom. The course was sponsored as part of the Lesotho Justice Sector Reform Project. Other officers, mostly male, have attended similar courses. The two female officers who attended the training have since been promoted to the position of Assistant Commissioner and Senior Inspector.

The police force promotions are based on merit; there is no affirmative action. All recruits undergo gender training, focusing specifically on gender-based violence (GBV). The police has a special unit, the Child and Gender Protection Unit (CGPU), which is staffed by both male and female police officers.



Commissioner Malejaka Evelyn Letoane.

Photo: Matseliso Mapetla

A women's network within the police force aims to bring together female police officers for activities and events, such as such as International Women's Day and African Women's Month in August, where women police officers' conduct road blocks without male officers. The network also organises charity events, in which female police officers participate. Furthermore, the women's network also facilitates the participation of female officers in women's empowerment programmes offered by other organisations.

The Lesotho Defence Force offers a training programme for all its new recruits as well as for other members seeking promotion. All members are entitled to apply for the courses and selection depends on the individual member's qualifications and suitability for the course. The promotions policy of the force is based entirely on merit and does not implement any affirmative action procedures favouring women.

Peace-keeping

Within the police force, there are 14 women who have been trained for peacekeeping, none have been sent

on mission. In 2006-7, one female police officer was sent to Darfur as part of the police's peacekeeping mission from Lesotho.

The Lesotho Defence Force has taken part in peace-keeping missions in Darfur, Sudan, with the African Union and the United Nations. The Lesotho Defence Force has a peacekeeping company which enjoys membership in the SADC peacekeeping battalion, in which there are female officers. The female officers have been trained in peace support operations, though none are yet to be sent on mission.

Election mediation

The Heads of Churches in Lesotho have led a mediation process between the ruling party and opposition parties over the allocation of parliamentary seats following the 2007 general election. A few women were represented in the negotiating parties, with three women from the opposition parties and three women from the ruling party attending the negotiations at various times.

The role of women in the technical team was central to the success of the mediation. They worked 'behind the scenes' ensuring that everything was in place for the mediation sessions to take place successfully.

Civil society

Members of civil society in Lesotho are also involved in activities to promote peace. DPE, Transformation Resource Centre, Lesotho Council of NGOs, Youth Federation and the Young Christian Students, together with the Centre for Conflict Resolution in Cape Town, South Africa, have taken part in peace dialogues in communities and schools. The dialogues are aimed at building a culture of peace within communities and schools, between Chiefs and Local Government councillors and to create liaison between government departments, local councils and members of communities.

BOX : Perspectives of women in the military

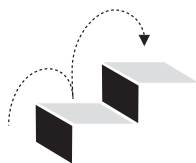
Female members of the Defence Force are found in different sections namely, units - Signals sections, the hospital kitchen and 'mabotho' or operational units took part in focal group discussion to learn about their experiences and perspectives on the sector. The discussions group discussions brought out the following salient points:

- Most of them joined because they needed to find employment and the military was an option for them.
- Women felt they are treated as equals with their male counterparts. They carry guns and they are sent on patrol missions.
- Consideration is given to women's needs such as pregnancy. Women are entitled to maternity leave and breastfeeding time. Pregnant women would not be assigned to certain duties, such as going on patrol.
- The career in the military is demanding and tends to put a strain on their family life, especially as much time is spent away from home. But they have had to come to terms with this as this is the conditions of their employment.

- They are optimistic about the prospects for advancement of women through the ranks of the military because although promotions policy is gender neutral recently women have been promoted. They are confident that one day Lesotho will have a female Commander of the Defence Force.
- No need for an affirmative action policy; they believe they are competing on an equal footing with their male colleagues.

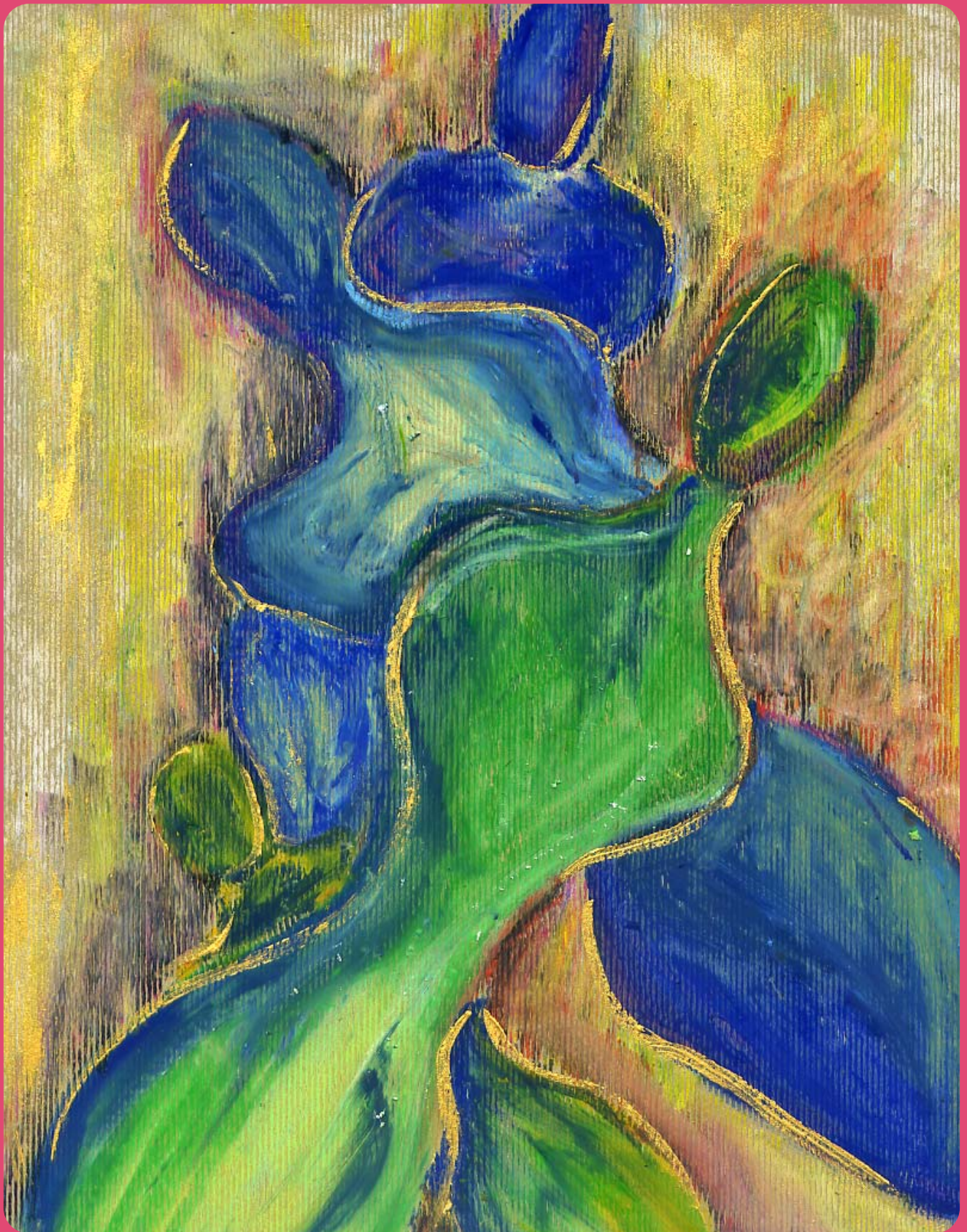
They have cordial working relations with male counterparts. It appears from observation that to become accepted, they have had to assume the dominant male culture of the military, by way of talk and mannerisms. Everyone is referred to as Sir or *Morena* (chief). In the police sector, the women police commissioner had done away with this way of talking.

- Like all staff, women's professional interaction is dependent on rank.
- No feeling of harassment or direct discrimination by men. However such issues are not discussed openly and it is difficult to determine their prevalence.



Next steps

- Review legislation related to police, defence and prison or correctional services to ensure that the Acts are gender sensitive and provide for women's special needs.
- The laws must be accompanied by special measures and incentives to attract women to join the security services sector
- Record keeping should be gender disaggregated to enable all stakeholders to monitor whether progress has been made towards equal representation and participation at all levels of the sector
- Gender budgeting and costing is an important tool for assessing commitment to mainstreaming in the sector.



"Growing up"

Anushka Virahsawmy



CHAPTER 9

Media, information and communication

Articles 29-31



Lesotho Television Crew interviewing Libakiso Matlho, coordinator of the Southern Africa Gender Protocol Alliance country focal network.
Photo: Gender Links

KEY POINTS

- Lesotho has an SGDI score of 93% based on empirical data of where the country stands regards implementation the SADC Gender Protocol targets relating to media, information and communication.
- Citizens were more critical with a CSC score of 55% based on their perceptions of the country's progress towards meeting the media targets in the SADC Gender Protocol.
- The main findings of the GMPS media monitoring conducted in 2009/2010 shows that Lesotho has the region's highest proportion of women (73%) as employees in media houses.
- News in Lesotho relies mostly on primary rather than secondary sources. Primary sources make up 90% of all sources;
- There is no institutional gender policy at the National University of Lesotho;
- Gender is not covered in curriculum policies at institutional or departmental level at the University.

Table 9.1: SGDI and CSC scores for Media, Information and communication

	SGDI	CSC
Scores	93%	55%
Ranks	1	9

Table 9.1 shows that Lesotho, with a 93% SGDI score, takes the lead in the region on the media sector. However citizens were more critical and gave a low score of 55% placing the country at number nine. The SGDI score incorporates women's participation in the media as employees, on boards and in management. It also includes the proportion of women as lecturers and students in media institutions as well as the proportion of women news sources in media content.

However the CSC captures other qualitative nuances such as sensationalism in the news and gender stereotypes perpetuated in various media.

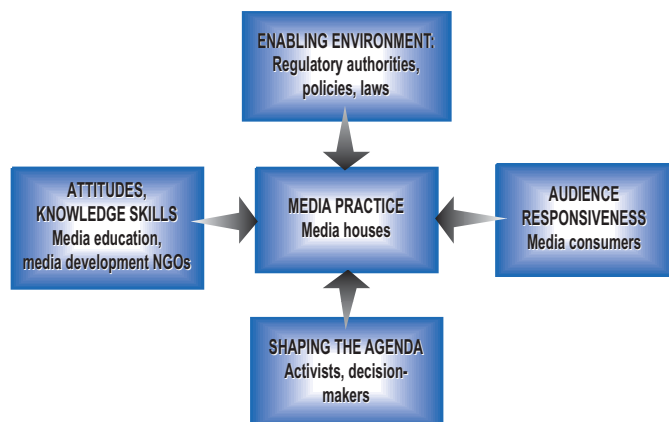
Background

Citizens' access to accurate information on a diversity of political, economic and social issues is essential for the development of an informed population within a democracy. The mainstream media with their wide reach are a major resource in societies for the dissemination of information, knowledge and ideas and messages, as well as spaces for the public to engage in discourses on current affairs.

The media has been one of the less hotly contested yet critical areas of concern in the lobbying and advocacy on the SADC Protocol on Gender and Development. Gender activists have long recognised the critical importance of the media in changing attitudes and mindsets, but have not always been strategic in engaging the media.

Figure 9.1 demonstrates the different entry points for gender and the media. This begins with gender aware policies and laws, implemented by regulatory authorities. Audiences through taking up complaints make these policies and laws a reality.

Figure 9.1: Entry points for gender in the media



Media education and media development NGOs have the capacity to influence attitudes, skills and knowledge of media practitioners, particularly at the entry level, but also through on-going courses.

Activists and decision-makers, especially women decision-makers, help to set the gender and media agenda through well co-ordinated campaigns, and a proactive approach to the media. Ultimately the ball is in the court of the media to change. This change needs to be within the media: that is in its institutional make up, as well as in media content.



Mpulukeng Tsoelipe and colleague monitoring the media at TKFM newsroom.
Photo: Sikhonzile Ndlovu

There is only one time bound media target in the Protocol: the achievement of gender parity in media decision-making by 2015. The wording of the provisions is careful not to be prescriptive or make assumptions about the extent to which government can regulate or influence the media (especially the private media). However, the provisions are significant in that:

- They cover both media content and the institutional make ups of the media.
- They touch on both policy and training.
- They touch on both the sins of omission (the absence of women's voices and need to give women equal voice) as well as the sins of commission (the perpetuation of gender stereotypes in the way in which women are covered; especially the coverage of gender violence).
- The provisions are consistent with freedom of expression. They underscore the argument that gender and media activists have been making: that the subliminal silencing of women in the media is - the world over- one of the worst violations of freedom of expression.

Key research studies that GL and partner organisations have undertaken in the region are summarised in Table 9.2:

Training

Table 9.2: Summary of key gender indicators for Lesotho Institution of Journalism

	Male	Female
Representation		
Staff	58%	42%
Students	27%	73%
Other indicators		
	Yes	No
Gender policy		✓
Sexual harassment policy	✓	✓
Gender considered in the curriculum		✓
Committee/individual responsible for gender mainstreaming		✓

Table 9.2 gives a snapshot of findings of the Gender in Media Education research study conducted by GL in partnership with the National University of Lesotho. Key findings show that:

- The institution has more female students (73%) than male (23%).
- There are more male members of staff (58%) than female (42%).
- The university doesn't have gender policy.
- There are no gender considerations in terms of curriculum development although and no specific committee or individual responsible for gender mainstreaming.

Giving equal representation women and men by 2015



The Protocol urges Member States to take measures to promote the equal representation women in the ownership of, and decision-making structures of the media in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

Key findings

At 73% Lesotho has the highest percentage of women employees in media a house which is way above the 50% target in the SADC Gender Protocol.

This is consistent with enrollment at the National Lesotho University where female students at 73% outnumber male students.

Women dominate across most levels and departments except at technical and board level. Women only make up 20% of those in the design department.

Table 9.3 Representation of women And men in media houses in Lesotho

CATEGORY	% Female	% Male
Overall % employees by sex	73	27
OCCUPATION LEVELS		
Non-permanent	n/a	n/a
Unskilled	74	26
Semi-skilled	78	22
Skilled technical	45	55
Professionally qualified	57	43
Board of directors	47	53
Senior management	50	50
Top management	56	44
CONDITIONS OF EMPLOYMENT		
Part time	0	0
Full time, fixed term contract	0	0
Freelance ¹	35	65
Full time open ended contract	23	77
DEPARTMENTS		
Human resources	100	0
Advertising /Marketing	36	64
Finance & administration	80	20
Editorial	48	52
Design	20	80
Production	0	100
Printing & distribution	0	100
Technical/IT	0	100
POLICIES		
Gender policy	25	
Sexual harassment policy	50	
Want gender policies	75	

¹ This condition of employment refers only to freelancers in the production department of the media house.

Gender in media content



The Protocol calls on Member States to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.

The Protocol urges member states to take measures to discourage the media from:

- Promoting pornography and violence against all persons, especially women and children;
- Depicting women as helpless victims of violence and abuse;
- Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and
- Reinforcing gender oppression and stereotypes.

In 2003, GL and MISA, with technical support from the Media Monitoring Project (MMP) of South Africa, conducted the *Gender and Media Baseline Study* (GMBS) study (which covered 12 Southern African countries). This study, conducted over one month, covered more than 25,000 news items. It was the world's largest regional media monitoring study ever to have been conducted.

Later, in 2006, GL, as part of the MAP partnership, conducted the HIV and AIDS and Gender Baseline study, extending this and the GMBS to the DRC, Madagascar and Seychelles the following year.

In 2009, GL undertook a sequel to the GMBS - the *Gender and Media Progress Study* (GMPS). This is a follow-up study to measure whether or not the strategies - advocacy, training and the policy roll-out process - have assisted in the transformation of some of the media's ethical shortcomings identified in the GMBS. This study was conducted in tandem with the global study (GMMP 2010), providing a further opportunity for global benchmarking.

The 2003 GMBS found that women constituted 21% of news sources in Lesotho. According to the 2005 GMMP, this had dropped significantly to 15%.

Women's voices were virtually absent in certain occupational categories, such as politics and crime prevention. Women predominate in issues about gender-based violence (GBV), and are primary sources on the topics of children and gender equality. The GMBS also found that women constitute 18% of print journalists.

In 2005, the Gender and Media Audience Study (GMAS) focused on media consumers' interaction with the news from a gender perspective. The study was the first of



A journalist from Lesotho TV interviews GL CEO Colleen Lowe Morna after the launch of the 2010 SADC Gender Barometer in Maseru.
Photo: Mukayi Makaya

its kind to focus on gender responses and preferences with regard to news, and is also the most comprehensive study to date on audience responses and preferences to news.

The study found that radio is the main source of news for 83% of women and 77% of men in Lesotho. Television was second, with 23% for women and 14% for men.

Newspapers are still battling to win female audiences in Lesotho - only 3% of women cited newspapers as their main source of news.

Women in Lesotho appear to prefer short news items, while men like in-depth news pieces. This is a trend observed across the SADC region.

Table 9.4: Summary of key findings

GENERAL MEDIA PRACTICE	GMBS LESOTHO	GMPS LESOTHO	GMPS REGIONAL	GMMP GLOBAL
Topics	%	%	%	%
Economics	N/A	7	12	17
Gender equality	N/A	1	1	N/A
Gender violence	N/A	3	1	N/A
Politics	N/A	12	19	28
Sports	N/A	9	18	N/A
Geographic scope of stories	%	%	%	%
International	N/A	20	22	26
SADC	N/A	7	8	N/A
National	N/A	52	42	N/A
Local/community	N/A	18	18	N/A
Province	N/A	2	10	N/A
Type of sources	%	%	%	%
Primary sources	N/A	90	69	N/A
Anonymity	%	%	%	%
Anonymous sources	N/A	13	18	N/A
Diversity of sources	%	%	%	%
Single source	N/A	77	67	N/A
GENDER IN THE MEDIA	GMBS LESOTHO	GMPS LESOTHO	GMPS REGIONAL	GMMP GLOBAL
Who speaks	% women	% women	% women	% women
Overall	21	32	19	24
Private media	N/A	28	19	N/A
Public media	N/A	39	20	N/A
Community	N/A	N/A	22	N/A
Who speaks on which topic	% women	% women	% women	% women
Economics	24	22	15	21
Education	N/A	32	24	N/A
Gender Equality	92	N/A	43	N/A
Gender Violence	54	45	41	N/A
Political Stories	5	23	13	18
Sports	19	7	12	N/A
Sex of sources by medium	% women	% women	% women	% women
Print	N/A	26	18	24
Radio	N/A	39	20	19
Television	N/A	46	25	26
Who is seen	% women	% women	% women	% women
Images in newspapers	N/A	28	27	N/A
Ages - sources	% women	% women	% women	% women
35 - 49 years	N/A	54	37	N/A
50 - 64 years	N/A	23	20	N/A
65 years or older	N/A	0	0	N/A
Ages - images	% women	% women	% women	% women
35 - 49 years	N/A	0	28	N/A
50 - 64 years	N/A	0	14	N/A
65 years or older	N/A	0	4	N/A
Occupation	% women	% women	% women	% women
Beauty contestant	88	20	73	N/A
Business person	17	0	15	14
Government official	N/A	37	14	17
Health worker	58	60	27	31
Homemakers	61	0	63	72
Politicians	18	43	11	17
Sex worker	91	20	62	39

Sportsperson	5	9	8	11			
Personal identity	%	%	%	%			
Women	1	4	10	N/A			
Men	0	3	5	N/A			
GENDER IN NEWSROOMS	GMBS LESOTHO	GMPS LESOTHO	GMPS REGIONAL	GMMP GLOBAL			
Who does what	% women	% women	% women	% women			
All reporters	N/A	41	29	N/A			
TV reporters	53	63	42	44			
TV presenters	59	59	58	52			
Radio reporters	N/A	57	30	37			
Print reporters	29	35	25	33			
Who reports on what	% women	% women	% women	% women			
Economics	42	23	28	40			
Gender Equality	71	N/A	32	N/A			
Gender Violence	46	60	38	N/A			
Political stories	35	28	24	33			
Sports	7	19	18	N/A			
Sources and sex of reporter		%W	%M	%W	%M		
Female sources by sex of reporter	N/A	46	27	31	15	28	22
GENDER VIOLENCE AND THE MEDIA	GMBS LESOTHO	GMPS LESOTHO	GMPS REGIONAL	GMMP GLOBAL			
GBV stories compared to total	N/A	14	4	N/A			
Advocacy and protest stories	N/A	8	11	N/A			
Who speaks on GBV	% women	% women	% women	% women			
% of women in stories on and mentioned in GBV	N/A	42	27	N/A			
Function of GBV sources	%	%	%	%			
Victim/survivor	N/A	22	19	N/A			
Alleged perpetrator/perpetrator	N/A	17	11	N/A			
Who reports on GBV	% women	% women	% women	% women			
Percentage of women reporters	N/A	67	35	N/A			
GENDER, HIV AND AIDS AND THE MEDIA	2006 STUDY LESOTHO	GMPS LESOTHO	GMPS REGIONAL	GMMP GLOBAL			
	%	%	%	%			
HIV and AIDS coverage compared to total	19	12	2	N/A			
Subtopics	%	%	%	%			
Prevention	38	15	26	N/A			
General	8	37	37	N/A			
Treatment	9	4	12	N/A			
Care, support and rights	15	43	14	N/A			
Impact	9	1	12	N/A			
Geographical scope	%	%	%	%			
International	11	14	12	N/A			
Regional	4	3	8	N/A			
National	39	63	56	N/A			
Local	41	20	15	N/A			
Function of sources	%	%	%	%			
Official and UN Agencies	43	43	19	N/A			
Civil society and NGOs	26	28	18	N/A			
Experts	15	10	17	N/A			
Traditional and religious leaders	8	0	2	N/A			
People living with HIV and AIDS	2	3	7	N/A			
Person affected	3	18	36	N/A			
Sources	% women	% women	% women	% women			
Who speaks on HIV and AIDS	44	27	20	N/A			
Reporters	% women	% women	% women	% women			
Who reports on HIV and AIDS	59	56	37	N/A			

There were mixed reactions about women's representation in the news. More women than men said that news often does not reflect women's interests. Audiences, especially women, found sexual images of women in the media "uncomfortable and insulting".

Media practice

News in Lesotho relies mostly on primary than secondary sources.

Primary sources make up 90% of all sources, although there are variations between individual media.

The proportion of single source stories in Lesotho is higher than the regional average. Single sources stories in Lesotho constitute more than three-quarters of the total, as opposed to the regional average of 67%. The lack of multiple sources is cause for concern and may account for the low proportion of female sources - if there is only one source the chances are high, in a male-dominated society, that it is a male source.

The voices of experts and spokespersons dominate news in Lesotho. Spokespersons make up just more than half of all sources. This tends to drown the voices of "ordinary people" such as eyewitnesses and popular opinion at 3% and 8% respectively. This over-reliance on spokespersons has contributed to the low proportion of women sources, who are rarely presented as experts.

Gender equality is not given top priority in Lesotho, constituting only 0.7 % of all topics covered during the monitoring period. Politics and crime were given the most coverage at 12% apiece. This was followed by sport at 9% and entertainment at 8%. Mining was not covered at all during the period.

Gender in media content

There are differences across individual media.

Lesotho TV has the highest proportion of female sources at 46%, followed by Harvest FM at 43%. Lesotho Today comes in third with 40%. Public Eye, at 12%, has the lowest proportion of women sources.

Women are marginally more likely to be seen than heard: Women constitute 28% of all images in newspapers in Lesotho (27% in the regional study), compared to 26% of news sources in the print media.

Women's voices are most likely to be heard in the 'soft' areas: These include religion (60%), health (61%), and sex and sexuality (50%). Women's voices are least heard in topics such as sport (7%), and land and agriculture (13%).



Monitored newspapers for the GMPs.

Photo: Saeanna Chingamuka

The voices of women start to decline when they reach the age of 50. The majority of female sources are in the 35 to 49 age group. Voices of older people (both men and women) are virtually non-existent in the 65 years and older age group.

Gender biases in occupational categories are not pronounced in Lesotho. While women predominate as labourers (67%) and health workers (60%), they are fairly represented in the categories of politician, officer worker and government official.

Women are fractionally more likely to be identified by a personal tag than men: 4% of women sources are identified by personal tags, such as mother, wife or daughter, as compared to 3% of men being identified as father, husband or son.

Gender in newsrooms

There are more women presenters than women reporters. Women constitute 41% of all reporters (higher than the regional average of 29%) and 59% of TV presenters. Women only constitute nearly one-third of print reporters, compared to a quarter in the region).

Women predominate as radio reporters and TV reporters: In Lesotho, women predominate as radio reporters (63%) and TV reporters (57%), compared to the regional averages of 30% and 42% respectively.

There is still gender division of labour in newsrooms in Lesotho: Although men still prevail in "hard" beats and women in "soft" beats, it is not clear-cut in Lesotho. Women reporters now cover politics

(28%) and economics (23%), while men reporters now cover gender violence (40%) and children-based issues (43%).

Having more women in top and senior management positions does not always result in more women sources. In Lesotho women constitute 52% of those in top management positions, yet they make up less than a third of media sources.



Women media owners - Informative newspaper editors.

Photo: Ntolo Lekau

Having women journalists makes a difference: The increase in women reporters is contributing to a more balanced media in Lesotho, as 46% of women reporters access women as sources, compared to 27% of male reporters.

Gender-based violence

There is minimal coverage of gender-based violence compared to other topics in Lesotho. GBV articles make up only 14% of the topics covered. However, this is significantly higher than the regional average of 4%.

Women make up 42% of GBV sources, with men also predominating in this area. It would seem that men speak for women even on issues that affect them directly.

Survivors constitute 22% of all sources on GBV in Lesotho. This is marginally higher than the regional average of 19%, but the proportion of perpetrators whose voices are heard is nearly as high at 17%. Although police and judicial representatives constitute the highest proportion of all sources on GBV, the increasing proportion of survivors' voices suggests that GBV in Lesotho is beginning to be covered from the perspective of survivors, and that the training on covering the issue from a human rights perspective offered by GL and other partners over the last seven years has

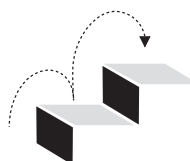
made a difference.

Gender-based violence is mostly covered by female reporters. In Lesotho GBV this proportion is 67%. **HIV and AIDS**

The proportion of HIV and AIDS coverage has dropped in Lesotho. A sharp decrease of almost a third since the 2006 HIV and AIDS, Gender and the Media Study to 12% in the GMPS is evident. However, this is significantly higher than the regional average of 2%.

The voices of people living with HIV and AIDS are absent from media coverage. HIV/AIDS survivors make up only 3% of sources (disaggregated by function), a marginal increase from 2% in the 2006 study. However, people affected by the virus, rather than living with it, are better represented at 18%, more than quadrupling from 4%.

The proportion of women as sources on HIV and AIDS has dropped. The 2006 study reported 44% of female sources in the HIV and AIDS category, compared to 27% in the GMPS. Although this is higher than the regional average of 20%, it is still cause for concern.



Next steps

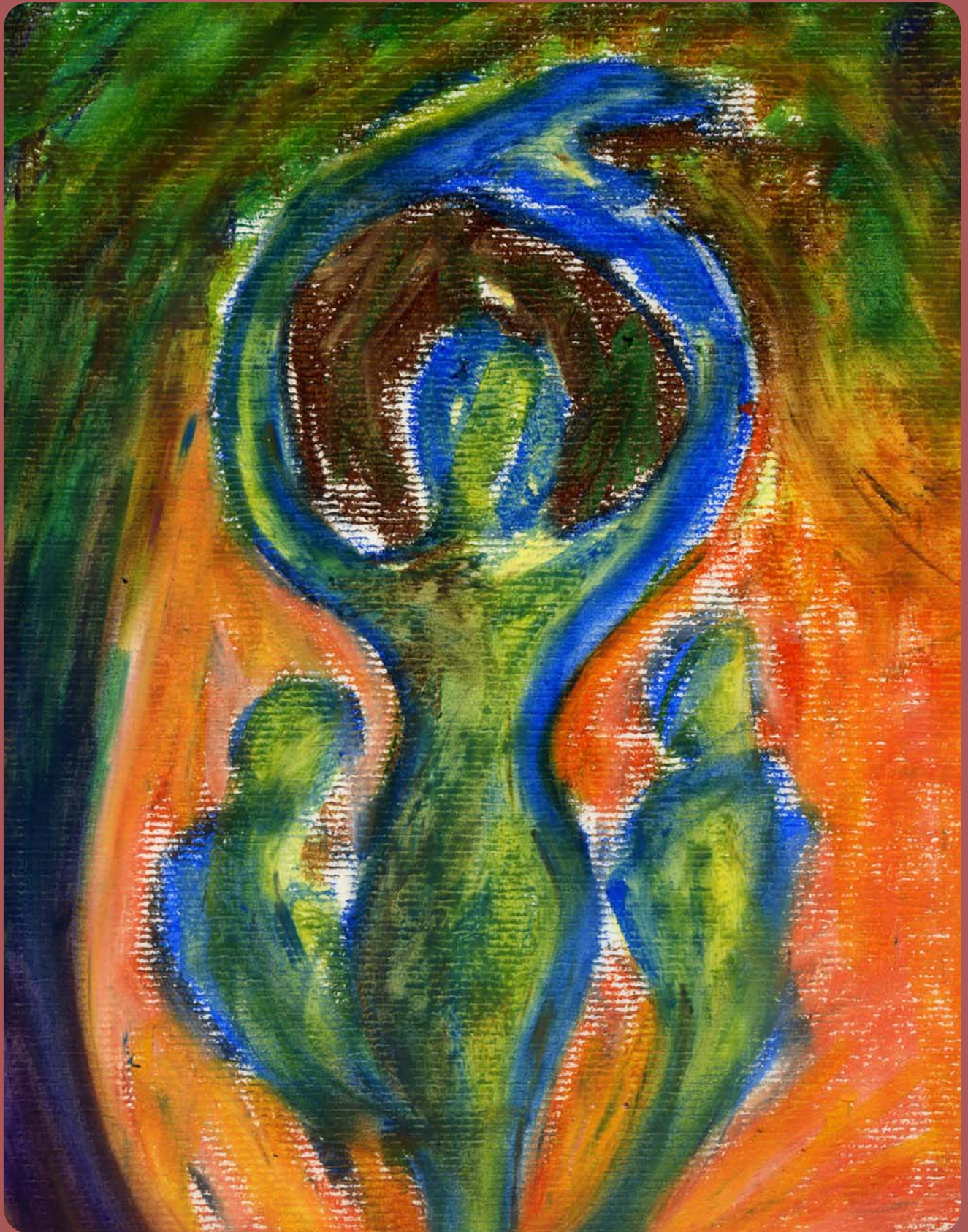
- The development of gender-responsive editorial and employment policies and guidelines is an important first step towards directing and managing change in media houses to address many of the gaps and inequalities identified in gender and media studies.
- Those media houses participating in the COE's process can serve as best practices and provide examples of how gender mainstreaming in the media improves accountability to the public; strengthens media practice and enhances the elements of good journalism; and makes good business sense as new audiences are tapped.
- Lesotho also needs strategies and resources to develop a strong gender and media advocacy and lobbying movement that is linked to media, communications and Information and Communications Technologies (ICT) law and policy reform.
- Ongoing activism within the gender equality and women's empowerment sector must broaden its focus

to include the media as one of the institutions for changing mindsets and attitudes.

- Gender and media literacy for the wider population largely remains uncharted terrain in Lesotho and the media training institutions are a critical partner. This sphere of work is critical for building a broad base of informed citizens who can engage with the media and use their voices to demand accountability, media professionalism and high ethical standards.
- Lesotho National University that participated in the audit of gender in media education are part of a wider network of tertiary institutions in Southern Africa collaborating through the GMDC to incorporate gender into media education teaching, learning and research. Incorporating gender in media education and journalism training is essential for sustainable change in newsrooms.

What the Government of Lesotho can do

- Pledge to mainstream gender in all information, communication and media laws.
- Pledge statutory regulatory authorities, and encourage self-regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Pledge to ensure that gender will be mainstreamed in all publicly funded media training institutions, and where they exist encouraging privately funded media training institutions to follow suit.



"Isabella"

Anushka Virahsawmy



CHAPTER 10

Implementation

Articles 32-36



Lebohang Matlakeng with female councillors proudly shows off Likila Council Centre of Excellence certificate.

Photo: Ntolo Lekau

KEY POINTS

- Lesotho is one of the countries that have signed and ratified the SADC Gender Protocol.
- Lesotho has a national gender policy and a gender action plan. However these need to be aligned to the SADC Gender Protocol targets.
- Women in Law Southern Africa and Research Trust (WLSA) Lesotho is the country focal point for the Southern Africa Gender Protocol Alliance. This is a loose “network of networks” that campaigned for adoption and now implementation of the SADC Gender Protocol by Member States.

Signing



Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.

Lesotho is among 13 out of the 15 SADC countries that have signed the SADC Gender Protocol. Botswana and Mauritius are the only two countries that are yet to do so.

Ratification



The Protocol states that it shall be ratified by the Signatory states in accordance with their Constitutional procedures and shall enter into force 30 days after the deposit of instruments of Ratification by two thirds of the Member States.

Lesotho ratified and deposited its instruments of ratification. To date 11 countries have ratified with two that should deposit their instruments of ratification. With only two years to go the country should intensify efforts to implement the SADC Gender Protocol.

Implementation mechanisms and processes



Article 35: Implementation, Monitoring and Evaluation State Parties shall ensure the implementation of this Protocol at the national level: State Parties shall ensure that national action plans with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented. State Parties shall collect and analyse baseline data against which progress in achieving targets will be monitored.



Local government has become a key player in implementing the 28 targets. 'Majoalane Mokone, attending Women in Politics workshop. She stood for the 2012 local government elections in Likila Council, Lesotho.
Photo: Ntolo Lekau

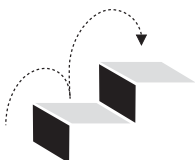
Apart from being a signatory to the SADC Gender Protocol, Lesotho has committed to comply with international and regional standards that target achievement of gender quality by 2015. This barometer indicates that the small Mountain Kingdom has made notable progress. The implementation takes place within the framework of Vision 2020; National Development Plan and the MDGs.

National gender machinery

Mechanisms and institutions established to promote the advancement of women include:

- A Ministry of Gender, Youth Sports and Recreation to coordinate gender mainstreaming efforts across all line ministries and stakeholders within the gender sector.
- Gender is integrated in national development plans.

- The country has a National Gender Policy adopted in 2003.
- This is accompanied by a gender action plan
- The policy and action plan are however not aligned to the SADC Gender Protocol targets. There is need for harmonisation to ensure delivery of the 28 targets.
- Local government has emerged as a key player in the implementation for the SADC Gender Protocol. This has been achieved through the Centres of excellence for gender mainstreaming at local government project being led by Gender Links.
- WLSA - Lesotho coordinate the work of the Alliance in Lesotho as they are the national focal network.



Next steps

Key recommendations to ensure governments achieve these targets by 2015:

- Accelerate the review of the remaining discriminatory laws, and harmonisation of the existing ones;
- Appoint more women to positions of decision making at all levels and in all sectors including political parties to meet the SADC Protocol 50/50 gender parity in 2015;
- Deepen democracy and good governance as per the national Vision 2020;
- Entrench the quota system in the National Constitution, as well as introduce the FPTP

electoral system considered as the more democratic route for both men and women. Carry out time-use studies and adopt measures to ease the burden of the multiple roles played by women;

- Support implementation of the National Action Plan through a working committee;
- Create strong institutional mechanisms to facilitate gender mainstreaming as well as gender budgeting and activity costing;
- Institutionalise the 50/50 gender system in public service appointments or even have it entrenched in the National Constitution.



Former Minister of Ministry of Gender, Youth Sports and Recreation, Mathabiso Lepano being interviewed after the launch of the 2010 regional Barometer in Maseru, September 2010.
Photo: Colleen Lowe Morna

Annex A

SADC Gender Protocol Score Card for Lesotho

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS				
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	7	The Constitution has not been amended. Article 19 of the Constitution provides for non-discrimination. The LCMP Act endeavours to implement this. Law reforms promote women's legal rights and mainstream gender into the policy and legal framework. There has also been intensive advocacy and training for implementing organisations to understand the laws and policy reforms. Laws are being formulated to empower women but men tend to feel that in the process, they are being discriminated against.		
✓ Review, amend and or repeal all discriminatory laws.	7	There are efforts currently in the process of harmonising customary laws with LCMPA 9/2006 to eliminate discriminatory provisions. The Law Reform Commission is initiating a review process of laws including, the inheritance and succession laws. The following laws were developed/repealed: 1. the 2010 <i>Land Act</i> improves on the gender neutral Land Act of 1979, and customary law. The 2010 Land Act has gender provisions for joint titling that guarantees equal security of tenure to every Mosotho man and woman, and joint ownership to monogamously and/or polygamous married persons; and representation of women in land allocation structures. 2. <i>Companies Amendment Act No.7, 2008</i> . By implication, the LCMPA has the effect of repealing the Companies Amendment Act. LCMPA gives women and men are equally able to set up, own and direct companies in their own right. 3. <i>Anti-Trafficking in Persons Act, No. 1, 2011</i> Prohibits all forms of human trafficking, provides for protection and support of survivors of trafficking, who are usually women and girls. According to police reports in 2011, 15 females have been saved by the police from being trafficked.		
✓ Abolish the minority status of women.	7	Reforms have been undertaken to this effect. The minority status of married women has been removed through the enactment of the statutory law Legal Capacity of Married Person Act 9 of 2006. However the application of customary laws and traditional practices remains a challenge especially amongst uneducated rural women. Laws under consideration: 1. <i>Domestic Violence Bill</i> is being jointly developed and discussed by the government and stakeholder organizations.		
Average	63		n/a	
ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)				
✓ Endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	7	Government is sensitising the public about the campaign and through the local governance enabled quota system of 30% for women. Although unable to reach 50% representation, women achieved 49% representation in the 2011 local elections. However, representation of women in politics, especially at the lower level, where progress had been made,		What this score consists of: • Parliament: The percentage of parliamentarians who are women. The measure includes both upper and lower houses of parliament for countries that have more than one house. Local government: The percentage of

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
		<p>declined by almost 10 % in 2011. Levels of participation in decision-making remain to be achieved in other areas. Otherwise 'I do not see this [article 12-13] accomplished in the next five years', a respondent commented.</p> <p>The private sector faces even more challenges with few women in decision-making positions. In September 2011, the National Assembly Electoral Act was enacted into law; section 47 (b) provides for political party lists to arrange the candidates in order of preference from top to bottom alternating female and male candidates in a "zebra" system, and (c) provides for equal numbers of women and men. Section 49 allows electors or political parties to object if the submitted list is not in compliance with this requirement.</p> <p>To enhance application and effectiveness of the 2001 law, political parties have since reviewed the law and agreed to replace it with the National Assembly Election Amendment Act of 2011. This new law maintains an open competition for men and women in the FPTP system but introduces to political parties a more gender responsive and mandatory PR procedure for submitting party lists of candidates for elections in Section (2) b) that a political party shall "arrange the candidates in order of preference from top to bottom, with a female or male candidate immediately followed by a candidate of the opposite sex; and c) include equal numbers of women and men¹". This system is due to start with the coming 2012 general elections.</p> <p>The affirmative action system in Local Government has since been reviewed and was embraced by all political parties to change it by passing the Local Government Election Amendment of 2011 which stipulates that in addition to open spaces to everybody under the FPTP mode, a one third quota of electoral seats be reserved specially for women and apportioned to every party that is contesting elections on a PR system.</p>		<p>localgovernment councillors/representatives who are women.</p> <ul style="list-style-type: none"> Cabinet: The percentage of members of the Cabinet who are women. The measure includes deputy ministers and ministers of state where they are members of the Cabinet. Similarly, it includes the President if s/he is a member of Cabinet.
Average	61%		65%	
ARTICLES 14: EDUCATION AND TRAINING				
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.	8	<p>Measures include: free primary compulsory education, a bursary scheme for tertiary and university education which is open to all and has made some provision for the visually impaired. Focus is on the girl child but herd boys, who are still deprived of a quality an education, need special attention too.</p>		<p>Primary school: The number of girls enrolled in primary school expressed as a percentage of total primary school enrolment.</p> <p>Secondary school: The number of girls/women enrolled in primary school expressed as a percentage of total secondary school enrolment.</p> <p>Tertiary education: The number of women enrolled in tertiary education institutions expressed as a percentage of total tertiary enrolment.</p>
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.	8	<p>The 2003 Sexual Offences Act prohibits sexual violence and harassment, and covers educational institutions.</p> <p>Gender issues not yet fully integrated in educational curriculum. MOET attempting to change curriculum material to be gender sensitive. The life skills programme has a gender component, but it is unclear</p>		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
		how it should be implemented.		
Average	70%		100%	
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT				
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	7	MGYSR in process of establishing a Women's Apex Body to coordinate women's issues in general as well as participation and influencing economic policies for women's empowerment. Currently efforts for women's empowerment are not coordinated. There is no strong women's network to ensure representation at decision making level, as well as active participation in the economy. Although a significant number of women are in decision-making positions, their economic participation and leadership are ineffective particularly at community levels where culture and education level play a significant role.		Female share of economic decision making: The number of women occupying high-level economic decision-making positions expressed as a percentage of all such positions in the country. The positions included in the measure are Minister and Deputy Minister of Finance, Minister and Deputy Minister of Trade and Industry/Commerce, Minister and Deputy Minister of Planning Commission, Central Bank, or their equivalents, permanent secretaries.
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	6	The few studies on time use that are available relate to HIV and AIDS. There is a need to carry out time studies and adopt measures to ease the burden on women They continue to perform multiple roles.		
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	7	Gender and development policy adopted, and gender law amendments made on land, companies and deeds registry legislations to ensure that women have access to economic resources and opportunities on equal footing with men. Appropriate laws have been enacted. The 2010 Land Act improves women's access and control over productive resources by granting women equal rights in marital power. Now there is joint ownership by spouses regardless of their number. This gives them direct economic benefit, improves their household status and decision making powers. There are now laws that empower women economically. - The 2006 LCMP has removed prejudices which married women were subjected to as a result of marital power. Therefore married women can now own and direct companies in their own right. The Financial Institutions Act was presented for review to facilitate mainstreaming in 2008. The 2010 Land Act grants women rights to access credit and property ownership. The Companies Act is currently under review. A study has been undertaken exploring gender dynamics/barriers for women in the economy. The 2011/12 Budget Speech has alluded to entrepreneurship training for women. While women now have the opportunity to access benefits in trade and entrepreneurship, the climate is not yet conducive to enable full access.		
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	7	Generally, trade policies and intervention are gender insensitive. They do not focus much on what entry points can be identified to boost women participation in trade. There is an initiative for a review through the MCA. There is a draft SMMEs policy paper referring to gender equality with an aim to change the situation in favour of women who own and run two thirds of these enterprises. There is on-going review of the White Paper on SMEs by WEDGE (Women Economic Development and Gender Equality) to see the extent to which it is gender		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
		sensitive.		
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including through public procurement processes.	7	Women and men have equal employment opportunities. Government procurement procedures only make provision for preferential treatment of local suppliers but no gender stipulations.		
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	7	Gender and development policy adopted; and gender discriminatory law reviews and/or amendments are ongoing. MCA's national Gender Equality in Economic Rights project focusses on women's and girls' equal access to economic resources and opportunities for meaningful participation in economic growth'. It supports legal reform, and increases capacity and awareness of the importance to address gender equality in economic rights and improved knowledge. The aim is to have key men and women stakeholders trained in gender equality in economics.		
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.	8	The Labour Code Order prohibits discrimination and provides for fair and equal remuneration in employment. Women are entitled to maternity leave but it remains the discretion of the employer to pay the full or part of the salary. Women have higher educational achievement and therefore many believe they have a greater access to employment opportunities than men.		
Average	62 %		70 %	
ARTICLES 20-25: GENDER BASED VIOLENCE				
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	8	The 2003 Sexual Offences Act is in place but enforcement remains a challenge. No domestic violence legislation yet.		
✓ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.	7	In addition to recently enacted human trafficking Act, and Sexual Offences Act, the country is in the process of formulating the domestic violence bill where both males and females would be protected. The 2003 Sexual Offences Act provides for compulsory HIV testing. Guidelines on management of survivors of sexually abuse have been developed. The government provides free medical services and treatment for survivors of sexual violence following the guidelines but there are challenges in implementation.		
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.	7	The criminal procedure and evidence act has been amended to accommodate cases of sexual offences and violence of a criminal nature. The 2003 Sexual Offences Act and the CGPU have formed a basis for sensitive treatment of survivors. However the court procedures/process is not conducive for survivors of sexual offences		
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	7	The country enacted the Human Trafficking Act in 2010. Implementation is the challenge. The outreach centre for survivors of GBV, set up in Maseru, may be used to assist survivors of trafficking.		
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	8	Labour Code Order, 1992. Section 200 prohibits sexual harassment in the workplace. "Any person who offers employment or who threatens dismissal....[on the basis of] sexual favours or harasses workers sexually shall commit an unfair labour practice" p. 1350		
✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence by half by 2015.	7	The Gender Technical Committee has adopted an integrated approach to address GBV, beginning with the assessment of institutional capacity and capability		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
		of handling GBV cases. Efforts to address are sporadic. Despite this, a centre for survivors of gender based violence has been established and the enactment of domestic violence legislation is underway.		
Average	63%		n/a	
ARTICLES 26: HEALTH				
✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.	7	The Government provides free primary health care and antenatal services, including PMTCT. The Ministry of Health has policies and programmes targeting women's health. Need to review conditions of employment of healthcare centre personnel with a focus on gender, particularly the risks faced by workers (normally women) in rural areas. An examination of healthcare capacity and capability of handling GBV cases has been done.		Women using contraception: The percentage of women aged 15 to 49 years reporting that they use a modern form of contraception.
✓ Reduce the maternal mortality ratio by 75%.	7	Roadmap has been developed and launched in 2006 for accelerating reduction of maternal deaths. MMR remains high and increasing with time given the poor state of facilities and also HIV and AIDS. The rate is 970/100000 Live births (HDS, 2009). Clause 46 of the Penal Code Act 2012 Clause b and c allows for the legal termination of a pregnancy to save the life of a pregnant woman.		Maternal mortality ratio: The number of women who die while pregnant or within 42 days of termination of pregnancy for every 100,000 live births of babies. Births attended by skilled personnel. The percentage of births in a given year in which the women is assisted by trained staff such as midwives or nurses.
✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men.	7	Mental health policy has been developed and it gives guidance for service providers.		
✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.	6	80% of community members have toilets and draw water from protected springs. (Interview with MOHSW official, June 2009). Women must participate in the decision-making processes in provision of these services as provided for by the 2007 water and sanitation policy.		
Average	58%		57%	
ARTICLES 27: HIV AND AIDS				
✓ Develop gender sensitive strategies to prevent new infections.	8	All health facilities provide health services for HIV positive patients, especially pregnant mothers. The country's strategies, though limited, have produced impressive results especially the PMTC programme. More needs to be done to make strategies more gender sensitive.		Comprehensive knowledge on HIV and AIDS: The percentage of women aged 15-24 who can correctly answer specified questions about HIV and AIDS. • Living with HIV as proportion of total: The number of women who are HIV-positive expressed as a percentage of all people who are HIV-positive. • HIV-positive pregnant women receiving PMTCT: The number of HIV-positive pregnant women receiving prevention of mother-to-child transmission treatment expressed as a percentage of all HIV-positive pregnant women.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	8	The country is working towards this with the various programmes, for example, Know Your Status (KYS) Campaign. All health facilities provide free health services for HIV positive clients. The HIV/AIDS Bill still pending. Although the government has made people aware of free treatment access to treatment is still a problem especially in the rural areas.		
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care-givers,	7	The government provides incentives on a monthly basis to community-based health care workers; and		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015		COMMENT	SGDI SCORE	WHAT IT MEASURES
the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with HIV/AIDS.		training and home-based care kits are given to members of community support groups. The challenges are psychological support for care-givers, as well as promotion of men's participation in the care and support of People Living with HIV.		
Average	65%		66%	
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION				
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	7	There is no effort yet towards implementation of the article. Peace building and conflict resolution mechanisms, mainly through churches and NGOs, are weak and ineffective. However, civil society, led by women, formed the technical team for election mediation. Despite the presence of more men than women in the security forces, there is a commitment to empower women and to place them in strategic senior positions. Police women took a significant part in advocating for social peace when they undertook activities during the 16-days campaign. This demonstrated their non-violent strategy to peace building and security. They sensitised their male colleagues and the society they serve about GBV, and how to end it. A civil society group, the Lesotho Women's Peace Network, has been set up to champion peace using anti-violent strategies but is not registered yet.		
Average	57%		n/a	
ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION				
✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.	7	The passing of laws in the parliament has encouraged women. There is an increased visibility of female reporters on TV and radio. Women also own radio stations.		Women employees as % of total: The number of women employees working in media institutions expressed as a percentage of all employees in media institutions. • Women as % of board of directors: The number of women directors of media institutions expressed as a percentage of all directors of media institutions. • Women as % of management: The number of women managers in media institutions expressed as a percentage of all managers in media institutions. • Female % of staff in institutions of media learning: The number of female staff in institutions of media learning expressed as a percentage of all staff in institutions of media learning. • Female % of students in institutions of media learning: The number of female students in institutions of media learning expressed as a percentage of all students in institutions of media learning. • Percent women news sources: The number of women referenced as sources in the media expressed as a percentage of all people referenced as sources.
Average	55%		93%	

TOTAL = 86/ 280 x 100 = 62%

¹ National Assembly Bill 2011 Sections 48 (2 b & c), p.611

Annex B

BACKGROUND NOTE ON GENDER AND RELATED INDICATORS

This background note provides information on the various existing indicators considered in developing the **SADC Gender and Development Index (SGDI)** that is introduced for the first time in this Barometer.

The **Human Development Index (HDI)** - which is **not** a gender indicator - has four components which are meant to reflect Amartya Sen's "capability" approach to poverty rather than a simple income/expenditure monetary measure of poverty. The HDI components are (a) life expectancy at birth for health, (b) adult (15+ years) literacy rate and (c) combined gross enrolment rate for primary, secondary and tertiary education for education, and (d) gross domestic product (GDP) per capita for income. The four component scores are averaged to get the HDI number. The HDI thus gives a single simple (some would say simplistic) measure of the average achievement of the country in terms of human development. A league table was published in the annual Human Development Reports of the UNDP until 2009, and is widely quoted.

The HDI - like all measures - can be criticised on many grounds. Some of the criticisms are relevant from a gender perspective.

Firstly, composite indices are appealing because there is only one number. But having a single number is not useful for policy-making purposes unless one knows WHY the single number is lower than one wants it to be. For example, South Africa's HDI has fallen in recent years. The main reason for this is a significant drop in life expectancy, which is one of the four components. The HDI indicator cannot tell you this. It is only by looking into the components that you can see it.

Secondly, there are data problems. UNDP uses international data-sets in the interests of having a uniform approach. This is probably the only feasible approach for an index covering so many countries and compiled from a single office. However it results in the use of data that are relatively old, and thus indicators that are out-of-date. It also results in individual countries contesting the indicators. The need to have indicators for as many countries as possible can also lead to the use of lowest-common-denominator variables, rather than the variables that would best reflect what the indices aim to measure. Where data are not available, sometimes heroic assumptions have to be made. In the case of the **Gender-related Development Index (GDI)** (see below), this is especially the case in relation to sex-disaggregation of GDP.

Thirdly, the indicators are all based on averages, and thus do not capture inequalities within a single indicator.

In 1995, at the time of the Beijing Conference, UNDP developed two gender-related indices - the Gender-related Development Index and the **Gender Empowerment Measure (GEM)** - to complement the HDI.

The GDI uses the same variables as the HDI, but each of the components is adjusted for unequal achievement between women and men. The GDI thus shares all the problems that the HDI has, but also has some further problems.

One problem with the GDI is that it assumes that equality on longevity would mean equal life expectancies for men and women. However, biologically women can expect to live longer than men. So when life expectancies are equal this suggests that women are disadvantaged in some way. This is not reflected in the GDI.

A confusing feature of the GDI is that the method uses only the male-female gap, without considering whether it is males or females who are "doing better". So a country where women outperform men in education will have the same penalty as a country where men outperform women by the same amount. We might think this is not a problem (in that men and boys should not be disadvantaged), but it does complicate how we interpret the GDI if the index combines some components where males are advantaged and others where females are advantaged.

Probably the biggest problem with the GDI is that it is heavily influenced by the income variable, so that wealthier countries will - all other things being equal - be reflected as having less inequality than poorer countries. Analysis has shown that for most countries the earned-income gap is responsible for more than 90% of the gender penalty. Exacerbating this problem is the fact that the income estimates are based on "imputed" rather than real data. Thus for many developing countries the earned income gap is assumed to be 75% because reliable data are not available. The 75% was chosen on the basis of 55 countries (including both developed and developing) for which data are available. Yet another exacerbating feature is that the data for the 55 countries relate only to formal non-agricultural wages. Yet in many African countries only a small proportion of the workforce - and an even smaller proportion of employed women - is employed in the formal non-agricultural sector.

The final problem to be raised here is lack of sex-disaggregated data in some cases. As a result, each year there are fewer countries that have GDI scores than have HDI scores. This means that a higher place in the inter-country ranking for the GDI than the HDI does not necessarily mean that the country is doing relatively well on gender.

The GEM focuses on political, economic and social participation rather than Sen's capabilities. The components are women's representation in parliament, women's share of positions classified as managerial and professional, women's participation in the labour force and their share of national income. Fewer countries have data on all of these elements than on the GDI elements and each year there are therefore fewer countries in the GEM index than in the GDI index.

The GEM measures income in more or less the same way as the GDI, so this component has the problems described above. The influence of the absolute level of income - and thus the bias favouring wealthier countries - is, in fact, stronger for the GEM than the GDI. The political component is problematic in that a parliamentary quota for women will automatically increase the GEM score, but will not necessarily mean that women exercise greater political power in the country.

The **Millennium Development Goals (MDGs)** are eight goals that 192 United Nations member states and at least 23 international organisations committed themselves to achieving by 2015. One or more targets have been agreed in respect of each goal, with one or more indicators for each of the targets.

Goal 3 is to promote gender equality and empower women. Target 4 is assigned as the measure of achievement in respect of Goal 3. Target 4 is expressed as eliminating gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015. There are four indicators, the first of which has three elements.

The third and fourth indicators relate to employment and decision-making respectively. These additional indicators were included by the team which proposed the standard indicators to emphasise that education is not only an end in itself, but also a means to other ends. The third and fourth targets thus reflect back on the goal, which is about "empowerment" as well as equality. The targets attempt to measure the economic and political aspects of empowerment. The four indicators are: (a) ratio of girls to boys in primary, secondary and tertiary education; (b) ratio of literate females to males of 15-24 year olds; (c) share of women in wage employment in the non-agricultural sector;

and (d) proportion of seats held by women in national parliament.

These indicators are very similar to those used in the other well-known international indices. The second education indicator differs from most other indices by focusing on 15-24 year olds. This focus captures changes in education levels better than a measure that covers all adults, as the all-adult measure will be biased downwards by past discrimination against women rather than reflecting what is happening now within education.

The MDG Gender Task Force proposed that further indicators be added to the standard set to measure (a) gender gaps in earnings in wage and self-employment; (b) the hours per day or year that women and men spend fetching water and collecting fuel; (c) the percentage of seats held by women in local government bodies; and (d) the prevalence of domestic violence. These additional indicators were not added to the standard set.

Development of the **Gender Equality Index (GEI)** was motivated, at least in part, by the standard measures' lack of attention to issues related to the body and sexuality, religious, cultural and legal issues, ethics, women's rights and care.

The index was called the GEI, rather than the **Gender Inequality Index (GII)**, so as not to focus only on gender imbalances. Instead, the index would measure the extent to which gender equality was achieved in any country.

It was recognised that as a global, comparative measure, the GEI would lose cultural and national specificity and would not capture gender equality in all its dimensions. It was thus proposed that each country also describe the historical and cultural context, and develop country-specific "satellite" indicators to complement the GEI.

The GEI covers eight dimensions, each of which has a number of indicators. The dimensions are:

- Gender identity;
- Autonomy of the body;
- Autonomy within the household;
- Political power;
- Social resources;
- Material resources;
- Employment and income;
- Time use.

The availability and adequacy of the GEI indicators have been tested only in Japan and Indonesia. These tests revealed the especial difficulty of measuring the first two dimensions quantitatively.

In the early 2000s, the United Nations Economic Commission for Africa (UNECA) developed the African **Gender Status Index (GSI)** and the **African Women's Progress Scoreboard (AWPS)**. The AWPS is based on more qualitative judgments, although these are given numeric scores. The existence of the AWPS alongside the GSI is noteworthy, as it highlights the realisation that some aspects of gender equality cannot be adequately captured by quantitative indicators. The GSI is similar to the GDI and GEM in being computed from quantitative data. A major difference is that there are far more indicators - 43 in all!

The use of 43 indicators has two major drawbacks. Firstly, it means that most countries are likely to lack data on at least one indicator, or be forced to use unreliable data from small samples. Secondly, it means that the meaning of the index - and its direct usefulness for policy-making purposes - is even more obscure than for the HDI, GDI or GEM as one has to examine all the elements in detail to work out why a country is scoring higher or lower. The developers of the GSI acknowledge that there may be too many indicators.

UNECA tested the index in twelve countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia, Uganda). The process took substantially longer than predicted. The delays in part reflected the challenges involved in collecting and checking so many indicators. Even with these delays and despite specifying five-year periods for each indicator, it was not possible to find all the indicators for each country.

The indicators are divided into three blocks, namely social power, economic power, and political power. The indicators all deal with gender issues, understood as the relations between women and men, and thus as needing to compare indicators for men and women. This means that maternal mortality and violence against women are not covered because they only concern women.

Each indicator represents a simple arithmetic comparison of the number of women to the number of men, thus reflecting the gender "gap". (A few of the indicators need a bit of manipulation to be able to get a gap.) Unlike the HDI and GDI, the GSI does not take the overall level of achievement into account. As a result, a good score on the GSI could reflect a high level of equality, but at a level of achievement that is poor for both women and men (girls and boys).

For weighting purposes, each of the three blocks - social, political and economic - has equal weight. Further, within each component of each block, each of the indicators has equal weight. In effect, this means that indicators that are in a component with relatively

few indicators "count" more than those in a component with a greater number of indicators. The developers of the GSI suggest that other weighting approaches could be considered, such as:

- Weighting more heavily the components or blocks where there are the biggest gaps.
- Weighting more heavily those that can be changed more easily in the short term so that one can more easily "see" the impact of advocacy and policy changes.
- Giving less weight to the "political power" block because it deals with a small population than the other two blocks.

The table shows all the GSI indicators, and the component and sub-component into which they fit.

In the 2010 Human Development Report the GII replaced the GDI. This measure, unlike the GDI, is not influenced by the absolute level of achievement or development. Instead, like the GSI, several of the components focus on the degree of inequality in achievement between males and females on different measures while others focus on levels of women's achievement. The consequence is that a country can score well on this measure even if absolute levels of achievement are low as long as the measures for females and males are equally low.

The three equally weighted dimensions covered by the GII are reproductive health (maternal mortality ratio, adolescent fertility rate), empowerment (share of parliamentary seats held by women and men, attainment at secondary and higher education levels) and labour market participation (labour market participation rate). The rating works in the opposite direction to that of the GDI i.e. a level of 0 indicates no inequality while 1 indicates extreme inequality.

The SGDI on the status of women in SADC countries is based on 23 indicators. The indicators are grouped under six categories, namely Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). There are, unfortunately, no indicators for the Protocol articles on Constitutional and legal rights, gender-based violence and peace building and conflict resolution. The fact that there are no indicators for some topics reflects the difficulty in finding appropriate indicators with reliable data for these. These are areas that the Southern African Gender Protocol Alliance hopes to address these gaps in future years.

Within some of the categories there are disappointing gaps. Ideally, the SGDI would have included an indicator measuring the disparity in pay between women and men doing paid work. Unfortunately, as discussed in the section on other indicator measures such as the GDI, the

available datasets of disaggregated earned income are heavily based on assumptions rather than on empirical data. In respect of the maternity leave indicator, the time given to a woman worker does not necessarily mean that she will receive pay while on leave. In some cases, no pay is guaranteed, in other cases only a proportion of the pay is guaranteed, and in some cases paid leave is only available to certain categories of employees, such as those employed by government. For next year's index, more detailed information on maternity leave as well as paternity leave will be included.

To create the composite index, two challenges needed to be addressed. The first was the differing number of indicators in the various categories and how this should be dealt with in weighting. This was necessary so that, for example, media was not given twice the importance ("weight") of governance or education because it had six indicators while governance and education each had three indicators. The second challenge was the difference in the range of "raw scores" that were possible for each indicator and how these could be standardised so that averages were not comparing apples and giraffes. If this standardisation were not done, an indicator for which the score could range from 0 to 50 would have only half the weight of another indicator for which the score could range from 0 to 100.

Weighting

Each category was given equal weight by calculating the average score across the indicators in that category. So, for example, for categories with three indicators, the score for that category was the average across the three. This approach also solved the problem of how to deal with countries for which some indicators were missing, as the average was calculated on the available indicators for each country. Nevertheless, while this generated a score for all categories across all countries except for media in Angola, the averages for countries with missing indicators should be treated with caution as they are not exactly comparable with those of countries for which all indicators were available. The number of missing indicators ranged from zero for Madagascar, Mauritius, Namibia, South Africa, Tanzania and Zambia, to nine for Angola.

Standardisation

Standardisation aimed to convert all "raw scores" into values that range from 0 (for the worst possible performance) to 100 (for the best possible performance). The indicators consist of several types in terms of what they are measuring:

- Many of the indicators measure the female percentage of people with given characteristics. All the

governance, education and media indicators have this form. For these indicators, the raw score could range from 0 to 100. However, if our aim is to ensure that women do not face discrimination, then a raw score of 50 is the target. In standardisation, all scores of more than 50 - of which several were found, for example, for tertiary education - were therefore changed to 50.

- Several of the indicators measure the percentage of women and girls with a given characteristic. Two examples of such indicators are the percentage of women using contraception and the percentage of women aged 15-24 with comprehensive knowledge on HIV and AIDS. For these indicators, the raw score could range from 0 to 100 and the score therefore did not need further standardisation.
- Several of the indicators measure the female rate for a given characteristic as a percentage of the male rate. Examples here are female labour force participation as a percentage of male labour force participation, and the female unemployment rate as a percentage of the male unemployment rate. In these cases possible scores could range from 0 to more than 100 where the female rate is more than the male rate. In the one case where the score was more than 100 (unemployment rate in Zambia), the score was changed to 100.
- Finally, two of the indicators that relate specifically to gender or women's issues have scores that fall outside the above categories. The first is the number of weeks of maternity leave to which employees are entitled. The second is the maternal mortality rate, which is expressed as the number of deaths for every 100,000 live births. For the first of these indicators, we assumed that the possible range was from 0 to 16 weeks, and calculated the actual number of weeks as a percentage of 16. For the second of these indicators, we set the possible range between 0 and 2000 out of 100,000 (see http://en.wikipedia.org/wiki/Maternal_death), and calculate a score out of 100 by dividing the raw score by 20.

A further challenge in the standardisation process was that while the majority of indicators measure a desirable characteristic, for which a high score indicates good performance, there are a few indicators that measure undesirable characteristic for which higher scores reflected poorer performance. The negative indicators are the ones relating to unemployment rate, female share of people living with HIV, and maternal mortality rate. For these indicators the rate was inverted by subtracting the standardised rate from 100.

Components of the Gender Status Index

Block	Component	Sub-component	Indicator
Social power 'Capabilities'	Education	Enrolment	Primary enrolment rate
			Secondary enrolment rate
			Tertiary enrolment rate
		Dropout	Primary dropout ratio
			Secondary dropout ratio
		Literacy	Ability to read and write
			Primary school completed
	Health	Child health	Stunting under 3
			Underweight under 3
			Mortality under 5
		Life expectancy at birth	
		New HIV infection	
		Time spent out of work	
Economic power 'Opportunities'	Income	Wages	Wages in agriculture
			Wages in civil service
			Wages in formal sector (public and/or private)
			Wages in informal sector
		Income	Income from informal enterprise
			Income from small agricultural household enterprise
			Income from remittances and inter-household transfers
	Time-use or employment	Time-use	Time spent in market economic activities (as paid employee, own-account or employer)
			Time spent in non-market economic activities or as unpaid family worker in market economic activities
			Time spent in domestic, care and volunteer non economic activities
		Employment	Or: Share of paid employment, own-account and employer in total employment
	Access to resources	Means of production	Ownership of urban plots/houses or land
			Access to family labour
			Access to credit
			Freedom to dispose of own income
		Management	Employers
			High civil servants (class A)
			Members of professional syndicates
			Administrative, scientific and technical
Political power 'Agency'	Public sector		Members of parliament
			Cabinet ministers
			Higher courts judges
			Members of local councils
	Civil society		

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Encompasses

commitments made in all regional, global and continental instruments for achieving gender equality.

Enhances

these instruments by addressing gaps and setting specific, measurable targets where these do not exist.

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gender equality by ensuring accountability by all SADC Member States, as well as providing a form for the sharing of best practices, peer support and review.



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In August 2008, Heads of State of the Southern African Development Community adopted the ground-breaking SADC Protocol on Gender and Development. This followed a concerted campaign by NGOs under the umbrella of the Southern Africa Gender Protocol Alliance.

By the 2012 Heads of State summit, 13 countries had signed and nine countries had ratified the SADC Gender Protocol: two-thirds of the signatories. South Africa and the DRC, two of the countries that have ratified the Protocol, still need to deposit their instruments of ratification with the SADC Secretariat. Barring these technicalities, the Protocol is to all intents and purposes in force. The clock is ticking to 2015, when governments need to have achieved 28 targets for the attainment of gender equality. In keeping with the Alliance slogan: "Yes we must," this 2012 Barometer provides a wealth of updated data against which progress will be measured by all those who cherish democracy in the region. The SADC Gender and Development Index (SGDI) introduced in 2011 complements the Citizen Score Card (CSC) that has been running for four years to benchmark progress. While there are several challenges, the successes to date strengthen our view that change is possible.

"2015, yes we must!"

