



## THE STATUS OF WOMEN IN LESOTHO

Lesotho Council of Non-Governmental  
Organisations

2015



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### List of acronyms and abbreviations

ABC	All Basotho Convention
BAC	Basotho African Congress
BNP	Basotho National Party
CCS	Community Council Secretary
CEF	Campaign for Educational Forum
CESA	Centre for Empowerment and Social Analysis
DC	Democratic Congress
DCS	District Council Secretary
EDs	Electoral Divisions
EU	European Union
FDG	Focus Group Discussions
FIDA	Federation of Women Lawyers
FPTP	First-Past- The-Post
GBV	Gender-Based Violence
HIV & AIDS	Human Immuno Virus & Acquired Immuno Deficiency Syndrome
IEC	Independent Electoral Commission
LCD	Lesotho Congress for Democracy
LCN	Lesotho Council of NGOs
LNCW	Lesotho National Council of Women
LPC	Lesotho Peoples' Congress
LWP	Lesotho Workers Party
NIP	National Independent Party
NSDP	National Strategic Development Plan
MGYSR	Ministry Gender, Youth, Sports and Recreation
MoLGCPA	Ministry of Local Government, Chieftainship and Parliamentary Affairs
MDGs	Millennium Development Goals
MPs	Members of Parliament
NGOs	Non-governmental Organizations
PAVA	Patriot Vision in Action
PR	Proportional Representation
SADC	Southern African Development Community
TRC	Transformation Resource Centre
WLSA	Women and Law in Southern Africa

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## Foreword

The enactment of the Legal Capacity of Married Persons Act of 2006 was very important to the social, economic and political relations between men and women in Lesotho. The aim of the Act was to uplift the status of women in marriages, to that of equals and give them more say over acquisition and disposal of family assets. Women in Lesotho have a long history of being de facto heads of households and carrying the primary responsibility for most economic decisions in the home. However, they are also the majority of victims of property grabbing and other forms of economic crimes that threaten their ownership of property and other assets. In the political sphere, reservation of seats in some electoral divisions for women candidates only, was the first positive intervention by the government of Lesotho that favoured women's political advancement. However, while the result of the intervention was to increase the number of elected women at local government level, it has not transformed the level of participation of women in governance, even though they are in the majority in terms of political parties' membership. It has also not resulted in transformation of the status of women in rural areas even though women form a significant part of leadership in community councils.

One of the factors which contribute to such is the cultural beliefs, perceptions and attitudes of the rural society. Even though it can be argued that, the Local Government Act 1997 as Amended, has extended democratic governance to the local level, through local government, the trappings of traditional rule, which is not known for promotion of the rights of women, inclusive and democratic governance, have limited the participation of women in decision making.

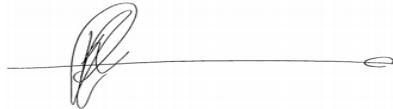
Against this background, LCN is implementing a project titled Building Capacity of Non-State Actors for Constructive Engagement in Local Government with support from European Union. The overall objective of the project is to enhance participation of Non State Actors (NSAs) in contributing to poverty reduction at community level. The Project is aimed at promoting constructive engagement in local government as a way of improving accountability and transparency. The Project seeks to increase the participation of women in local governance processes.

Activities towards meeting the set objectives involve the engagement of the services of a Consultant identified to analyze the status of women in Lesotho. The consultant will be expected to:

- Conduct comprehensive reviews of the current gender frameworks and legislation on relations between men and women in the rural areas.
- Propose potential programmes or interventions that can be implemented to bring about

- equity between men and women in rural areas;
- Propose areas where government and civil society can work together to strengthen either the provisions; the implementation; or the outcomes of interventions arising from the current policy framework; and
- Develop a set of recommendations that can be used specifically at local government level to promote meaningful political, social and economic participation of women, in-spheres of development.

In this regard, I wish to thank Leratong Women and Youth Development Centre for conducting this study. I wish also to extend my appreciation to all Project Partners under Building Capacity of Non-State Actors for Constructive Engagement in Local Government; – Transformation Resource Centre, Send A Cow Lesotho, Campaign for Education Forum, Patriotic Vision in Action, Centre for Social and Economic Analysis and Lesotho National Council of Women for their continued support to during implementation of project activities. I wish to commend this report to all stakeholders and parties interested in participating in the validation of the findings of the report. I am convinced the report provides a good understanding of women and decentralization issues in Lesotho and will be used for further programming by all parties.



Kanono Thabane  
LCN Programmes Director  
August 2015

# Executive Summary

Lesotho is a signatory to numerous international conventions that prohibit all forms of discrimination, and international covenants that prescribe equal participation of men and women in civil and political rights. The Lesotho's Constitution prohibits discrimination while at the same time allows discrimination on the basis of Customary Law. The application of the dual legal system in the country presents a conundrum for women's rights.

However, the country has enacted a number of progressive laws that are meant to address gender inequalities. The most salient ones are the Legal Capacity of Married Persons Act of 2006 that put women at par with men and the Land Act of 2010 which empowers women to register land in their names. These laws are further strengthened by the Lesotho Gender Policy of 2003. The Decentralization Policy of 2014 has also been formulated to provide a framework for deepening and widening the economic and social benefits of democracy to all citizens. The Local government structures have provided the government, development partners, NSAs and citizens a platform to promote grass-root democracy and an opportunity to identify local development needs. Despite this framework, the work of councils remains under-funded and structurally unsupported to function efficiently while women's effective participation in local government processes remains a challenge.

Despite several attempts by government to include women in decision making positions such as using affirmative action through the use of

quotas and PR system, women are still not effectively participating in governance issues especially at national level. Moreover, women still experience a number of barriers that prohibit them to fully participate in governance processes and these barriers are deeply rooted in the country's culture, tradition and social norms that negatively affect women. Men on the other hand have used the ecosystem to their advantage by continuously suppressing women in issues of leadership despite the gender frameworks in the country. Women in Lesotho especially rural women make the majority in party politics but when it comes to participation in governance they are spectators who play the role of voting others into political space.

This report is based on a consultancy study meant to analyze the status of women in Lesotho and to make recommendations on more effective strategies to address gender inequalities and more women's participation and engagement in governance issues both at local and national levels. The purpose of the assignment was to analyze the status of rural women in Lesotho with regards to factors that limit their effective participation in local governance processes despite their high representation in local councils.

The study employed both qualitative and quantitative methodology. Secondary data was the review of laws and policies while primary data used Focus Group Discussions (FDGs) with groups of women men, and in-depth interviews with key stakeholders ranging from partners, related min-

istries and donors. The study used purposive sampling in the LCN project area, whereby 8 community councils in 5 districts, were studied and 30 key stakeholders were also interviewed.

## **Key findings**

1. *What is known on existing legislation, policies and institutional arrangements that affect the status of women in Lesotho and the gaps that exist in legislation, policies and institutional arrangements that affect the status of women in rural areas:*

There are laws and policies that have a gender provision; there are also laws that are gender neutral as well as laws that are discriminatory. There is no synergy between the laws and their implementation i.e. laws and policies are there but there is no capacity building on the ground to ensure implementation. The study also identified challenges in relation to changing mind sets about women leadership and value of quotas, inadequate dissemination of information.

The dual legal system application contradicts principles of human rights in the case where discrimination is allowed on the basis of culture and tradition.

Implementation and enforcement of laws is very weak, and ignorance of the laws by rural communities is high. This ignorance limits utilization of these laws to empower communities and individual women.

2. *The status of women's participation in governance at local and national level;*

The 49 % women representation in Local government is down from 58% in the 2005 elections where the country reserved 30% electoral divisions for women. The initial reservation of electoral divisions in 2011 came as a result of some sections of society (men) who felt discriminated against in those electoral divisions they were prevented to contest elections. The current 49% women representation decline of about 9% can be partly attributed to the change in the application of the quota, while on the other hand we can assume that men began to be interested in these elections since they believed that this time around they were not being discriminated. What is evident though is that without the quota, women's representation would have been lower than 30% as the number of women who entered councils through the FPTP is lower.

3. *The impact of gender- based legislation on women in rural areas;*

The study has revealed that there are structures and framework in place and some women use some of the laws to challenge social norms such as abduction, and physical violence.

The Legal Capacity of Married persons Act 2006 and The Land Act of 2010 have empowered some women to participate equally with men in marriage issues including purchasing of land, as well as in other decisions making bodies.

Affirmative Action has led to the increase in women presence in Local Government structures. However, rural women are not prioritized within most of the national and institutional frameworks including the Decentralization policy as women are treated as a homogenous group; consequently, they are unable to benefit fully from these interventions.

Some of these laws are of less benefit to rural women because they do not know about them; thus they remain ignorant and poor as they fail to benefit from the laws.

4. *The impact of the high women's representation in local government structures on redressing gender inequalities in rural areas*

Women's high representation makes them visible and more audible, (critical mass). However, there has not been adequate capacity building for women and it is difficult to measure their impact. Moreover, no indicators and timeframes were put forward to measure their performance. Rural women in councils prioritise provision of social services for communities. The presence of women has acted as potential pool for women politicians.

5. *Factors that are barriers to effective participation of women in rural areas in local governance;*

The study has revealed the multifaceted nature of factors that are barriers to women's participation which are deeply rooted in the systems surrounding women. These barriers are deeply rooted in cultural ideologies, religion and social norms and socialization. The institutional barriers include the role of political parties' nomination of councilors which appears to be mainly influenced by their affiliation, hence female councilors see themselves representing their parties not communities and this affects their autonomy. On the other hand women councilors' educational background is very low; this makes it difficult for them to understand technical policy language used in project documents, procedures and regulations, in turn this limits their participation.

6. *Identification of opportunities that the processes of decentralization can have on women in rural areas.*

Local government structures are within the communities even in rural areas as a result decentralisation can enhance service delivery.

The other main opportunity identified is that majority of women in the rural areas are already engaged in self-reliance and community projects so decentralisation can serve as an entry point for the empowerment of women and their capacity building in areas of leadership.

There are already various non-state actors working on decentralization and gender equality processes. These actors can collaborate in empowering these women councilors.

## **Conclusions**

Despite increased women's participation in decision making, there are major barriers to overcome. These are deeply rooted in custom, culture, religion and tradition. Structural barriers explain why there is little relationship between women's high representation and their political leadership. Personal empowerment does not seem to translate into political empowerment for women because society is not ready to accept women in these leadership roles. Such change can only come about through concerted effort beginning with strong political will and leadership, accompanied by deliberate strategies.

## **Key Recommendations**

There is a dire need for concerted efforts in training women and girls on gender and development as well as governance and human rights issues, and NGOs must focus on programs that change societal norms.

Women should be equipped with life skills so that they have enough confidence to participate equally with their male counterparts. Both male and female councilors should be equipped with professional work ethics so that they respect each other.

# CHAPTER ONE

## INTRODUCTION AND BACKGROUND

### 1. Introduction - Country Background

According to the SADC Protocol on Gender and Development (2008) articles 12, 13, at least 50% of the decision making positions in public and private sectors should be held by women by 2015; and that member states must ensure that the legislative measures should enable women equal opportunities with men to participate in electoral processes through changing discriminatory attitudes. Lesotho has a Gender and Development Index score of 65% and ranks 4th of the 15 SADC countries. Lesotho is also among few countries on the African continent that are on-track on MDG Three which is meant to promote gender equality and women empowerment. However, the country is off-track on three health related MDGs (MDG4, MDG5, and MDG6 ) that have direct impact on gender equality and women's protection and empowerment.

Factors that have contributed to progress on MDG 3 include the enabling policy and legal environment. Notable among the enabling environment include, The 2003 Gender and Development Policy (Currently under review), Legal capacity of Married Persons Act 2006, and Local Government Act 1997 (as amended). At the international level Lesotho subscribes to a number of normative frameworks on gender equality and women's rights such as the SADC Gender and Development Protocol, the CEDAW and a number of other instruments. Lesotho rankings on the global gender gap index (GGI) have shown impressive growth since 2006 and the country stood at number 16 in 2013.

While there have been notable achievements on the MDG 3 for women and girls especially with regards to literacy and political representation, there are still some challenges in achieving this goal in its entirety for all women and girls within the country, especially given economic, social disparities and the prevailing patriarchal ideologies. Nevertheless, women's political empowerment that has been enabled through legislated quotas for local government elections remains to be evaluated so as to determine its impact on women's participation in the national governance, and in particular, the status of women in rural areas.. There is evidence to the fact rural women in particular, continue to experience gender inequalities which can be attributed to a number of factors resulting from social norms, culture and religion among others. Lesotho political landscape constitutes a gendered paradox with

<sup>1</sup> MDG 4 , MDG 5, MDG 6

regards to women and governance. Although women in Lesotho constitute the majority in political party membership, few get elected to strategic positions in political parties' executive committees, and they are also underrepresented in parliament. Further, the high female literacy rates have unfortunately failed to translate into economic and political leadership. Women's leadership in the private sector and NGO sector has not yet been exposed to international reviews as is the case with government, but it can be assumed that the trend is similar. More importantly, gender policy and legal interventions have different impact on different categories of women. Research on rural women has been limited to their survival strategies and there is a gap on understanding factors that influence their participation in governance processes. If NGOs wish to increase rural women's participation and transformative leadership, they need to adopt new approaches that look into barriers at different levels ( The Social Ecological Model is one such approach as it helps to identify all factors surrounding women such as laws, policies, political and social environment) so as to design appropriate interventions.

### **1.1 Background: Legal and Policy framework**

Women in Lesotho have a long history of being de facto heads of households and carrying the primary responsibility for most economic decisions in the home. However, they are also the majority of victims of property grabbing and other forms of economic crimes that threaten their ownership of property and other economic assets. It was in response to this problem that The Legal Capacity of Married Persons Act of 2006 was introduced and it has been hailed as one of the very important legal instruments meant to address the social, economic and political relations between men and women in Lesotho. The aim of the Act was to uplift the status of women in marriages, to that of equals and give them more say over acquisition and disposal of family assets. In the political sphere, 30% reservation of seats in some electoral divisions for women candidates only introduced in 2005, was the first positive intervention by the government of Lesotho that favored women's political advancement. Following the second local government elections in 2011 women's representation at Local Government is at 49% which is a decline of about 9% from 58% in 2005. Notably, the result of the intervention has been an increased number of elected women in community councils. However, this quantitative presence has not transformed their level of participation in governance processes as reflected by their low representation in decision making positions. This is despite being in the majority in terms of political parties' membership. The intervention has also not resulted in transformation of the status of women in rural areas in particular, even though women form a significant part of leadership in community councils.

A number of factors function to frustrate women's mobility on the leadership ladder; but the most resilient ones are related to cultural beliefs, perceptions and attitudes of the rural society. Even though it can be argued that, the Local Government Act 1997 (as Amended) has extended democratic governance to the local level, through local government, the trappings of traditional rule, which is not known

<sup>2</sup> As a result of the amendment to the 2004 Electoral Act, the electoral system has ensured that at least a third of all the electoral Divisions contested were reserved for women. This was later changed in 2011 to have a 30% quota of women elected into councils

for promotion of the rights of women, inclusive and democratic governance, have limited the participation of women in decision making. It is this puzzle that this study intends to unpack.

## **1.2. Background of the study**

LCN is implementing a project titled *Building Capacity of Non-State Actors for Constructive Engagement in Local Government* with support from European Union. The overall objective of the project is to enhance participation of NSAs in contributing to poverty reduction at community level. The project is aimed at promoting constructive engagement in local government as a way of improving accountability and transparency. The project further seeks to increase the participation of women in local development and governance processes. It is against this background the study has been undertaken.

### **1.2.1 Purpose of the assignment**

The main goal of the assignment is to analyze the status of rural women in Lesotho with regards to factors that limit their participation in local governance processes, and to come up with recommendations on appropriate interventions.

### **1.2.2 Specific objectives**

- I. To review the current gender policy frameworks and legislation on relations between rural men and women;
- II. To propose potential programmes/interventions that can be implemented to bring about equity between women and men in rural areas;
- III. To propose areas where government and civil society can work together to strengthen the provisions, implementation or the outcomes of interventions arising from the current policy framework;
- IV. To develop a set of recommendations that can be used specifically at local government level to promote meaningful political, social and economic participation of women in rural areas.

## **1.3 Research Methodology and Methods**

This study employed qualitative research method and to some extent, quantitative research.

### **1.3.1 Process**

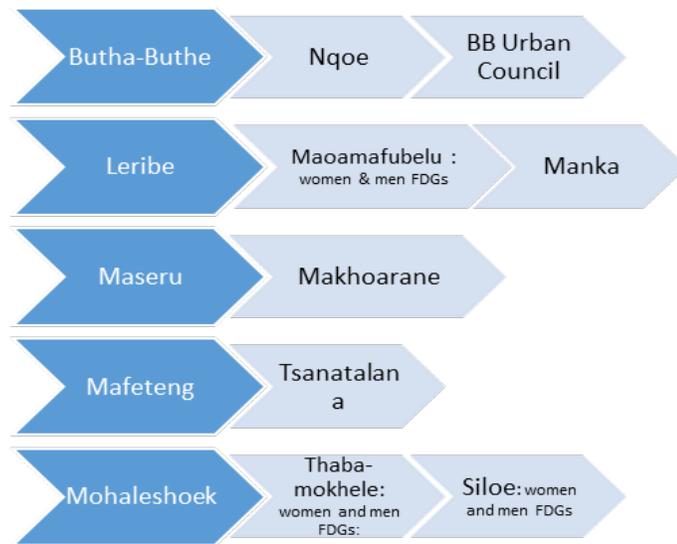
The research process entailed holding preparatory meetings with the client to discuss appropriate methodology and the sampling of the research sites. The research tools/instruments were also agreed upon by both parties following the meetings. Two research assistants were recruited and trained to carry out data collection using the designed research tools. Arrangement for FDGs were made telephonically where possible with the help of Community Council Secretaries (CCS) and field trips were also taken to the research sites to prepare and mobilize participants for the FDGs. During data collection both researchers and research assistants formed the task team and were deployed in the research sites. Furthermore, the progress report was compiled soon after the field trips (FDGs) and submitted to the client for review and comments. The last fieldtrips were taken in Maseru for in-depth interviews with

the stakeholders and soon after the interviews a draft report was compiled and shared with the client for comments.

### 1.3.2 Sampling

The study used purposive sampling whereby the researcher in collaboration with the client deliberately selected research sites based on the geographical/regional dimensions of the country. Eight (8) community councils in five (5) of the project sites were covered. In order to ensure representativeness, highlands, lowlands, foothills and rural councils were covered. In 7 sampled research site an FDG for women councilors were conducted and 2 FDGs were conducted in one research site with women councilors and a group of rural women. In total nine (9) FDGs for women were conducted. The researcher also used purposive sampling to select 21 men from 9 councils for FDGs in order to find out their perceptions and attitudes about women’s participations in governance. Other six (6) interviewees were community chiefs and women’s group leaders selected from communities in the project sites. The elements of willingness for respondents to participate in interviews were honored. For stakeholder’s interviews, the study identified 30 stakeholders based on their role in decentralization and in gender issues especially in relation to women’s participation in local governance.

**Figure 1. Research sites**



The above figure illustrates the research sites; the districts and the councils where data was collected

### 1.3.3 Research instruments

#### Secondary Data

##### *Document Analysis*

The first approach was the literature review of related documents in an effort to set the context for conceptualization of the gender equality debates within the international, regional and national spaces. The document analysis further teased out key issues that informed inquiry of primary data. Key documents including laws, policies that affect women and current decentralisation and gender frameworks were reviewed. The laws and policies were reviewed to establish how they are specifically supportive to women in rural areas. Relevant reports of different non-state actors working on decentralization were also analyzed to examine the extent to which gender equality issues have been conceptualised and addressed to benefit women in rural areas. This enabled the identification of gaps/challenges that affect effective implementation of gender equality interventions, while at the same time taking stock of good practices from such sectors so as to inform future policy, legal and advocacy interventions.

Documents used for desk review were sourced from Government Printing, MGYSR, MoLGCPA and other stakeholders as appropriate. As much as possible the Consultants made efforts to use the most recent data available. The consultants were aware of the challenges on availability of most recent data especially from government ministries but they worked together with the Client to access such information.

**Table 1. Documents Analysed**

<b>National Statutes,</b>	<b>Policies &amp; Frameworks</b>	<b><i>International instruments/ reports</i></b>
<ul style="list-style-type: none"> <li>• Local Government Electoral Act 2011 (as amended)</li> <li>• Electoral Act (2004)</li> <li>• National Assembly Electoral Act, 2011</li> <li>• Intestates Succession Act No.26 of</li> <li>• The Lesotho Constitution</li> <li>• Administration of Estate Proclamation No. 19</li> <li>• Inheritance Chieftainship of 1988</li> <li>• Law of Inheritance Act No. 19</li> <li>• Legal Capacity of Married Persons Act</li> </ul>	<ul style="list-style-type: none"> <li>• 2003 Gender policy</li> <li>• Decentralization Policy 2014</li> <li>• Lesotho National Vision 2020</li> <li>• National Strategic Plan</li> <li>• <i>Constitutions of political parties ( DC, LCD/ABC)</i></li> <li>• Results of 2011 local government elections</li> <li>• Sexual Offences Act 2003</li> <li>• MOLGCPA strategic Plan (NSDP) 2012/13</li> </ul>	<ul style="list-style-type: none"> <li>• Beijing + 20 Report</li> <li>• SADC Protocol on Gender and Development</li> <li>• Lesotho MDG report of 2013</li> <li>• Gender Barometer 2014</li> </ul> <p>Lesotho country Report (Review of women, girls and gender equality in NSPs) <i>LCN Documents</i></p> <ul style="list-style-type: none"> <li>• Project proposal/contract</li> <li>• Civil Organizations’ CEDAW Shadow Report</li> </ul>

## **Primary Data**

A Participatory approach for the review of this nature is perceived to be very important in order to facilitate a thorough understanding of factors that limit effective participation as well as those that function as incentives to women to take leadership roles. Qualitative and quantitative information generated through desk/literature review was corroborated through key informants' consultation i.e. one to one interviews, Focus Group Discussions (FGD), questionnaires and narrative stories. Interviews with representatives of institutions that were involved in gender equality issues and decentralization were conducted. Those included government departments, councils, NGOs, donors, grassroots rural women's groups and local traditional authorities. Data from these groups further clarified the extent to which the national gender policy frameworks and legislation have been implemented to address rural women's participation in local governance. The analysis in turn informed identification of key challenges and necessary interventions.

## **Key informants' interviews**

The Consultant used "purposive sampling technique" of key informants based on existing stakeholders' registers or contact directories as the sampling frame to select strategic respondents for interviews and consultations, one to one (in-depth) interviews. Individual semi-structured interviews were conducted with key 30 stakeholders. In these interviews the main purpose was to elicit information with regards to their knowledge and experiences on the impact of the legal frameworks and policies that affect women in rural areas. Information from these stakeholders also helped to identify challenges they encounter and their contribution in addressing gender inequality issues so as to inform appropriate interventions. Information from these groups further provided insights into the type of support systems and structures that are available to women to ensure their effective participation in local governance. The following table lists the key informants:

Two key stakeholders that the team failed to secure interviews are LNCW and Action Aid. Action Aid postponed the meeting more than thrice even after they were given the questionnaire they had requested. LNCW personnel at their vocational school were not available over the period of two weeks that the researchers tried to contact.

## **Focus Group interviews**

Focus Group Discussions (FDGs) were conducted with women from nine (9) community councils in 5 districts through field trips. Interview schedules were developed to guide interview discussions and arrangements for interviews were coordinated by the consultant. These tools elicited information on the extent of gender stereotypes with regards to women's leadership while at the same time assessing the impact of the increased numbers of women in local government structures.

It was very important to also bring the voice of men in this type of study. Efforts were made to include them in FDGs as well as in interviews. Men's views enabled the researcher to identify cultural, tradi-

tional beliefs and practices that impede women from effective participation in local governance. Men's perceptions and their experiences with women leaders gave a rich source to deconstruct gender relations within a rural setting. The FGDs contributed a deeper understanding of how patriarchal attitudes and expectations of rural communities influence women's participation in local governance.

### **Method of Data collection**

The primary interview method of this study was the use of interview guide designed and agreed upon by the client and the researcher. The responses elicited in the interviews were recorded through note taking and voice recorder and later transcribed. (For further details see appendix A).

### **Areas of focus**

- What is known on existing legislation, policies and institutional arrangements that affect the status of women in Lesotho and the gaps that exist in legislation, policies and institutional arrangements that affect the status of women in rural areas;
- The status of women's participation in governance at local and national level;
- The impact of gender- based legislation on women in rural areas;
- Factors that are barriers to effective participation of women in rural areas in local governance;
- The impact of the high women's representation in local government structures on redressing gender inequalities in rural areas;
- Identification of opportunities that the processes of decentralization can have on women in rural areas.

# CHAPTER TWO

## KEY FINDINGS OF THE STUDY

### 2.1 Key Findings

2.1.1 What is known on existing legislation, policies and institutional arrangements that affect the status of women in Lesotho;

Legislation/Policy gaps and challenges for implementation

#### A. The Constitution

The Constitution of Lesotho (1993) provides for gender equality through the Bill of Rights and non-discrimination in Section 18, 26 and 30. These provisions guarantee equality between women and men before the law. However, with regards to positive discrimination the Constitution is silent and does not specifically make any pronouncement on gender equality or use of affirmative action. The Constitution is also silent on sexual rights of other key populations such as LGBTIs. The Constitution further permits discrimination on the basis of customary law application which in Section 18 (4) (c).

With regards to devolution of power to local authorities, the Constitution mandates parliament to establish local authorities. Section 106 (1) highlights that “Parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves. Such authorities are mandated to perform such functions as may be conferred by an Act of Parliament”. The challenge has been to have strong political will to have full devolution of power to local authorities, and a policy framework to guide such devolution.

**B. Selected Laws Governing Gender Equality issues and Decentralization Processes**  
*Sexual Offence Act (2003)* recognizes marital rape as an offence and criminalizes all offences of unlawful sexual nature. The law does not discriminate against any gender group; provides for compulsory HIV testing of perpetrators of sexual violence and imposes heavy penalties on perpetrators who committed the offence knowing their HIV and AIDS positive status, however, the challenge is with regards to Intimate sexual violence which is still governed as private matter. Absence of Domes-

tic violence law to complement the Sexual offences Act is making intimate sexual violence difficult to address.

Another progressive law is the ***Legal Capacity of Married Persons Act (2006)*** which treats married persons equally and abolishes marital power. It removes all limitations presented by marital power and entitles both men and women to the same rights and obligations regarding their marital duties. It also mandates married couples to consult one another in all matrimonial matters-Failure to specify rural women's needs. The gap though is that the law treats women as a homogeneous group and ignores diversities among women, it also ignores single women who have not been in a marriage relationship who continue to be governed by family practices that treat them as perpetual minors.

***Companies' Amendment Act (2008)*** is another law passed to complement ***Legal Capacity law***; it allows women to be directors of companies and set up their own companies. It further grants women opportunities for collateral to obtain loans or credit from commercial institutions, and empowers them to own and manage their companies/enterprises. As progressive as the law looks, it however overlooks economic challenges faced by rural women as financial institutions require collateral that poor rural women cannot afford. At the end of it all the law benefits elite urban women and perpetuates disparities among women.

***Education Act (2010)*** provides for free and compulsory primary education for both girls and boys. It also emphasizes that girls who fall pregnant during their schooling, should be integrated back after delivery. Enforcement of this Act can be undermined by religious and cultural undertones that govern every day experiences in religious and societal institutions. Due to lack of decentralized administration and poverty/high levels of vulnerability some girls do not benefit from this progressive law. Furthermore, up to now secondary education is still accessed by few children and this has led to high teen pregnancy which exposes girls to early marriages and a loss of opportunity to be what they want in life.

***Anti-Trafficking in Persons Act (2011)*** criminalizes all forms of slavery and provides for harsh penalties for the perpetrators, and provides for protection and support of victims who are usually women and children. Inadequate dissemination of information about this law makes difficult for victims to use it for their safety. Poverty and vulnerability of women expose them to trafficking and undermine efforts by law enforcers to protect them.

***Children's Protection and Welfare Act of 2011*** addresses issues of equal custody of minor children to both parents. This gives women the right to raise their children; it also protects children's rights to be supported by both parents.

***Penal Code (2010)*** regulates all common law crimes and all assaults cases inclusive of domestic violence, the problem though is that domestic violence is still treated as private and it is usually governed by masculine tendencies that protect perpetrators of this violence. Another problem is lack of dissemination of information about what the Code entails and how it can be used to guarantee the rights of

women.

**Law of Inheritance Act 26 of 1873**, does not alter the application of Inheritance of Basotho Customary law as it permits the male child to become the principal heir who will inherit his father's property when the father dies especially in cases where family has 'not abandoned' the African way of life. The decision to refer to a family as having abandoned traditional way of life is very tricky as most Basotho live a mix of modern and traditional lives. Most widows have suffered loss of property due to lack of knowledge in the case where relatives do not support the widow.

**Chieftainship Act (1968)** stipulates that only males are entitled to inherit the office of chief, but occasionally women may occupy the office until the traditional heir is ready to take office. Occasionally women have occupied a seat in the Senate as principal chiefs acting in the place of a husband or son. This discriminatory practice on the basis of sex is protected by this Act, and it is definitely not aligned to principles of human rights and equality.

**Land Act of 2010** allows equal access to land by men and women, it attempts to harmonize the existing national laws and financial institutions' regulations on land as collateral. The challenge though is that access to land by women has not translated/ elevated women's status in terms of enjoying land as a productive and economic resource as there is continuing control of economic resources by men. Further, the Act seems to be benefiting elite urban women as rural land continues to be governed by cultural practices.

**Proclamation 2 of 1953 Intestate succession**, though an old law, still governs inheritance and succession matters. The Act considers people who have chosen to live a western live to be exempted from application of customary law. In practice however, most Basotho live a mixture of both traditional and modern European lives. The main challenge is that courts of law may use their discretion in determining whether one is governed by which law, and women are always negatively affected by this application after death of a husband as male children claim inheritance of deceased's property.

**Local Government Act 2004 (Amended)** provides the legal basis for establishment and operational functioning of local councils (district, municipal, urban and community councils) and deconcentrated administrative structures. The Act further provides for the inclusion of chiefs in councils through nomination by fellow chiefs. There is disharmony with equality laws as the chieftainship act discriminates women on the basis of tradition, hence the inclusion of this customary institution within the democratic dispensation may undermine efforts to empower women. Other minority groups need to be addressed by the act if inclusive and participatory democracy is to be attained.

**Local Government Elections Act (2011 amended)** states that 30% of the total number of seats in municipal, urban and community councils be reserved for women and be distributed proportionally among parties. This has contributed to parity in representation of men and women in councils. This is

a temporary measure and in order to sustain it there is need to change mind sets about value of quotas. There is no provision for the aftermath of the use of quotas; hence there is a possibility of regression in representation in these structures.

***National Assembly Election (Amendment) Act, (2011)*** requires that all political parties contesting Proportional Representation (PR) elections have to submit ‘zebra’ party lists to IEC; Section 47 (2) (b) states that political parties 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”. There is no quota though for the 80 constituency seats and political parties continue to field male candidates, hence high underrepresentation of women in the National Assembly.

**Vision 2020** intends to uproot discrimination as a way of life and appoint more women into areas of responsibility in both the public and private sectors without neglecting boys and men. It places decentralization and participatory governance at the center of Lesotho’s transformation to a democratic, stable and prosperous country. The Vision reiterates the government commitment to good governance, and highlights the government’s commitment to implementing decentralization and establishment of a well-established system of local governance with full ownership and participation of citizens in decision-making. It however treats women as a homogenous group. The challenge though is to empower local government authorities, and to improve chieftainship as a strategy to complement local governance at the grassroots level.

**National Strategic Development Plan 2012/13-2016/17** is a national Plan meant to achieve accelerated and sustainable economic and social transformation. Strategic actions to achieve the NSDP objectives, of which decentralization is a key pillar, are: a) to enhance systems and capacity of local authorities for planning, budgeting, monitoring and evaluation of projects and accountability of public expenditure; and b) to establish an effective and efficient Local Government system with a major component of Government’s strategy to fulfill these commitments through decentralized governance structures and resources. The Plan fails to connect women’s underrepresentation in economic activities to traditional and cultural barriers that have treated women as perpetual minors,. The high female literacy that is highlighted in the Plan has not translated into visibility of women in driving the development of the country.

**MoLGC Strategic Plan (2009-2013)** which is a five-year strategy aimed to promote a sustainable and effective local governance system in order to improve service delivery and enhance the quality of life for all Basotho suffers from a lack of gender-specific strategy for rural women, and where gender is mentioned, there are no indicators to measure the outcomes.

**Gender Policy 2003** is an instrument designed to establish and sustain support systems for encouraging equal participation of women and men, girls and boys in development. Among its objectives the policy

aims at facilitating regular gender training and awareness creation at all places of work to ensure that planning and managerial procedures, program design and implementation processes respond to the principles of gender equity and equality. With regards to participation in governance processes, the policy aims to ensure that there are no barriers that inhibit equal participation of women and men, girls and boys in electoral candidature positions. As is the case with most policies, the gender policy treats women as a homogenous group and undermines diversities among women, such as location, age or disability status.

**Water and Sanitation Policy (2007)** aims to promote equity in provision, use, management and access to potable water supply and sanitation services. It takes into account vulnerable and marginalized groups of women, girls and all those affected and to ensure integration of gender equity into environmental and other inter-sectoral issues into water resources programmes and activities; and the participation of all gender categories in the formulation and implementation of all development. Empowerment of different groups to take control of development processes is highlighted though the issue of centralized budgets and planning remain as a challenge.

**Transport Sector Policy (2007)** aims at improving travel conditions for men and women; and imparting skills to local communities and empower them to use local resources. In the spirit of promoting local governance, the policy mandates consultations with community leaders and local government structures (who are mostly women) on planning, implementation and maintenance for local or specific roads and access to development projects. The problem though is with regard to decentralizing budget for local councils and limited consultation during planning and designing of transport infrastructures.

**National Decentralization policy (2014)** is articulated as to deepen and sustain grassroots-based democratic governance and promote equitable local development by enhancing citizen participation and strengthening the local government system, while maintaining effective functional and mutually accountable linkages between central and local government's entities. Although the policy refers to promoting communities that are not gender sensitive, among its implementation strategies there is no gender specific objectives nor focus area /strategic action for women empowerment. It is clear that there are no synergies between this policy and the 2003 Gender Policy. Another weakness is that the policy seems to treat communities as having same needs and hence fail to acknowledge other dynamics.

### **C. Political Parties' Constitutions**

The constitution of the ABC, which is one the biggest political parties in the country, is very silent about gender equality except Section B.2 which mentions the aim for women to fight for women's rights, the provision does not explain how this will be achieved , and there is no mention of the use of affirmative action. On the other hand, the constitutions of DC and LCD both reserve at least 30% of members of committees at all levels be women in the spirit to promote women's representation in

decision making (Youth League, Executive, Constituency and Branches), however, this quota is limited to committees of the party, the quota is not applied in fielding candidates for FPTP at the national level, hence women representation in the National Assembly is low. To offset this imbalance the IEC introduced the zebra method for the forty PR seats which allows at least twenty women to be in the list of MPs. However, this has not brought any significant change as the percentage of women MPs has not reached the 30% threshold or critical mass.

#### **D. Conclusion**

Framework presented above portrays both gender equality and decentralization provisions meant to promote a democratic society that embraces access to equal opportunities and freedom for Basotho to determine their development destinies. While gender equality is protected in the Bill of Rights in the Constitution, the same law permits discrimination on the basis of customary law application. This inconsistency between Roman Dutch law and customary law poses a conflict in upholding women's rights. In addition, the framework portrays a glaring disharmony between national laws and regional and international instruments ratified by Lesotho. On the other hand, decentralization provision is enshrined in this important national instrument, the constitution, and is operationalized through various national legislations and policies including the national Vision2020. All these instruments place decentralization at the center of participatory democratic governance and sustainable development. Since 2005 political and administrative structures in the form of councils have been created. The main problem though is with implementation due to a number of reasons, some of which will be highlighted later in the report. However it is important to note that lack of technical capacity, decentralization of resources and clear guiding framework for service delivery to communities remain key challenges.

Another note to highlight is a clear lack of synergy between institutional structures meant to address equality and access to services. Furthermore all the laws and policies sampled seem to treat communities as homogeneous hence their development needs are treated with a standard dose without consideration of diversities within communities and the society in general. In addition, the failure to acknowledge diversities among women as a group is also a big challenge for implementation, and this is illustrated by the responses of most councilors who participated in the study. Most respondents are unanimous that rural women are not aware of these laws; hence they fail to make use of them for their own sakes as well as for other fellow women. While the main political parties articulate commitment to women empowerment in their constitutions, including the provision of 30% seats reserved for women in the case of DC and LCD, this has not translated in the nomination of women at candidature level for national assembly elections as evidenced by lower representation of women MPs. In the final analysis it is clear that good laws that don't address communities' needs can eventually become bad laws.

### **2.1.2 The Status of Women's Participation in Governance at Local and National level**

#### *A. Institutional Framework: Structure*

Ministry of Local Government and Chieftainship Affairs (MLGC) is responsible for policy guidance and administration of the Local Government Act of 2004, while the Independent Electoral Commis-

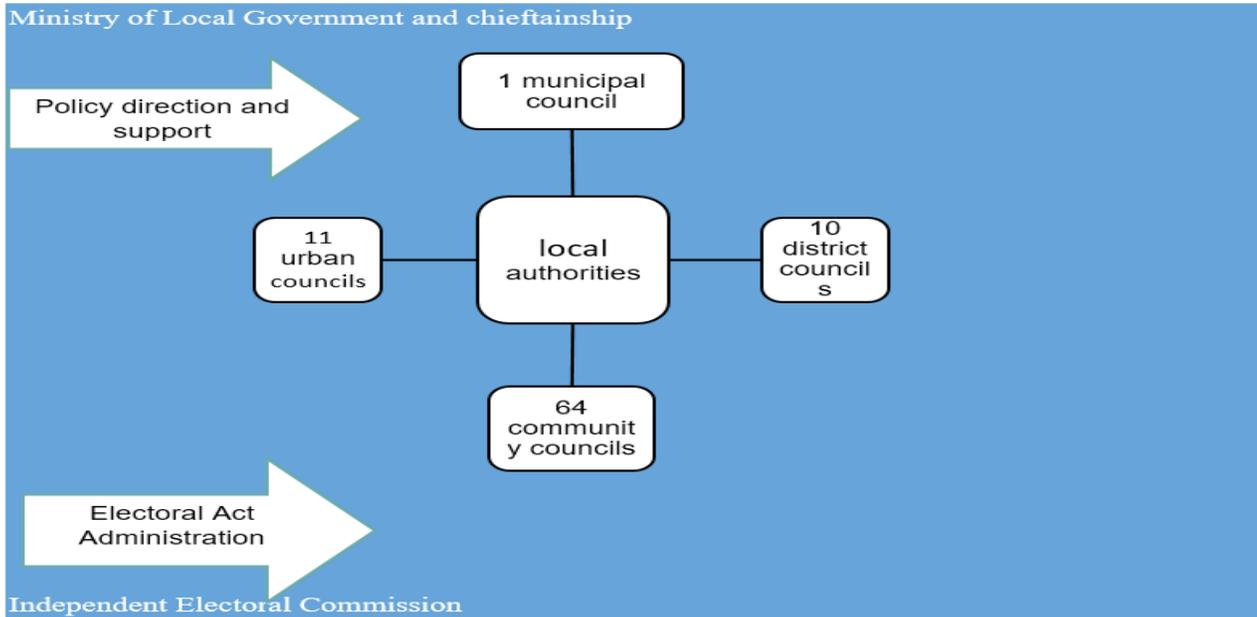
sion's role is to implement and administer LG Electoral Act. The diagram below gives a pictorial view of the structure. On the other hand, the Ministry of Gender provides policy direction on gender issues and it has gender officers in the ten districts of Lesotho to advice councils on gender related issues. There are a number of Non-State Actors and development partners working in the districts with councils, such as Gender Links and LCN.

*B. Local Government level*

There are four levels of decentralized political structures in Lesotho: 10 district councils, 1 municipal council, 11 urban councils and 64 community councils. The community councils are the lowest formal government structures in the hierarchy of Government. They are constituted by councilors elected to represent Electoral Divisions (EDs) and two chiefs representing chiefs within the area constituting the community or urban councils, as well as 2 chiefs elected /nominated by other chiefs in the local government area to represent them in the council. An ED is a cluster of 2-4 villages depending on the population. To date, there are 194 district councilors, 9 municipal councilors, 164 urban councilors and 1,256 community councilors in which women account for 49%.

The government of Lesotho enacted the Local Government Elections Act in 2004 which was amended in 2011 to provide for quota system. The intervention by this Act led to increased number of women participating in local governance, and Lesotho has been hailed for leading the SADC region with the highest women representation in local government structures.

**Figure 2. The Local Government Institutional structure**



**Table 2. Local Government 2011 Elections results**

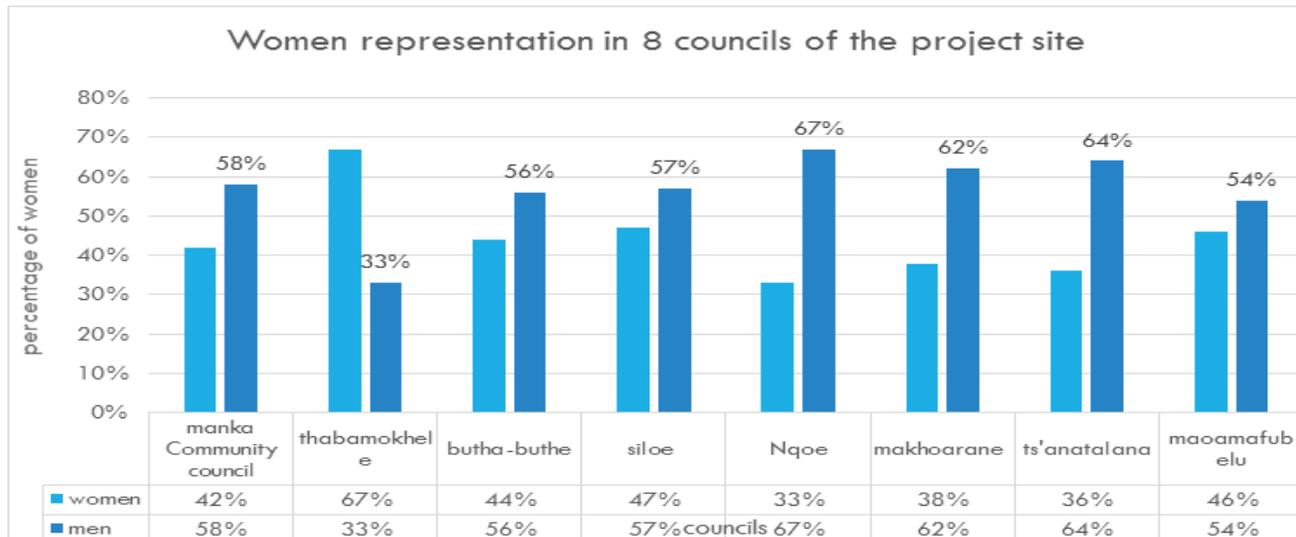
<i>Political party</i>	<i>Number of women councilors</i>	<i>FPTP results for women councilors</i>	<i>Women Reserved seats</i>	
<i>Ruling LCD</i>	411	221	190	64%
<i>ABC</i>	98	22	76	26%
<i>BNP</i>	21	2	19	6%
<i>NIP</i>	4	0	2	1%
<i>LPC</i>	4	1	3	1%
<i>LWP</i>	0	0	0	
<i>BAC</i>	0	0	0	
<i>Other parties</i>	14	6	8	3%
<i>Independents</i>	30	30	-	
<i>Elected chiefs</i>	45	-	-	
<i>Total</i>	627 = 49.1%	282 = 34.0%	298	

*Source: Gender Barometer 2012*

The above status of women's representation is a result of the electoral system and quotas adopted by Lesotho by reserving 30% constituencies for women in 2005, and was revised before 2011 elections to create a mixed electoral system, with 30% seats reserved for women on PR basis. The 49% women representation in Local government is down from 58% in the 2005 elections where the country reserved 30% electoral divisions for women. It should be noted that the revision came as a result of some sections of society (men) who felt discriminated against in those electoral divisions they were prevented to contest elections. The current 49% women representation decline of about 9% can be partly attributed to the removal of the reservation of 30% of constituencies that were reserved for women solely, while on the other hand we can assume that men began to be interested in these elections since they believed that this time around they were not being discriminated. What is evident though is that without the quota, women's representation would have been lower than 30% (See for example the National Assembly statistics). Of more importance is that the quota was meant to be employed as a temporary measure for two terms only; if this is the case, in 2016, the intervention will be abandoned, the question is whether women are ready to contest elections without this affirmative action. Nevertheless, the fact that women won 34% at FPTP in 2012 is an indication that women are gaining confidence to contest local government elections and the society's perceptions about women are changing. What remains a challenge though is that this confidence fails to translate into leadership roles as there are still few women in decision making structures of councils. The finding of this study suggests that there are still some challenges of confidence in women, by men and women themselves. How the issues will be addressed seems to be now the responsibility of political parties, and lobbying by non-state actors. It is also evident that

women’s representation in councils is no longer higher that of men as was the case in 2005, hence it is very important to talk about ‘high representation’ with caution as the table below shows that in most councils men are still dominating in numbers.

**Figure 3. Women representation in the councils**



In all the above councils, chairpersons and vice chairpersons are all male except Ts’anatalana where a woman is a vice chair. However, in every council there are three committees: land committee, social services & finance committee. The councils of Maoamafubelu, Makhoarane and Manka have one woman each as a chairperson for Social services Committee whereas Siloe has a woman chair for land committee. It is clear that allocation of responsibilities is defined by gender roles and expectations. While on average women representation in the project area is above the critical mass of 30%, it is clear that their leadership role is limited as they are underrepresented in key decision making positions in councils. The fact that they are dominating in the social services suggests that male dominated councils perpetuate women’s confinement to the welfare and domestic spaces which are culturally constructed and entrenched by different societal institutions. :

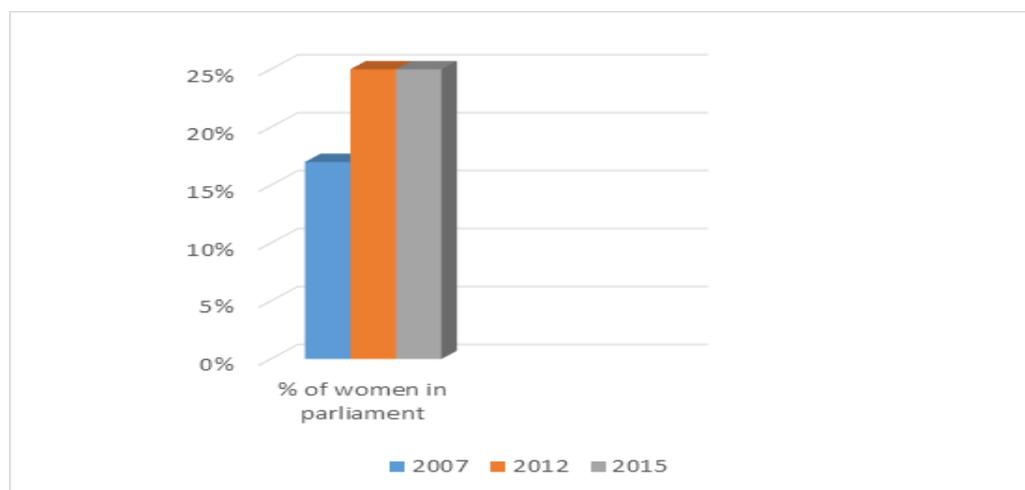
*C. Women Representation and Participation in the National Assembly*

The key indicator of women’s political empowerment is female representation in parliament. This structure is an apex of political power where government decisions are made. The presence of women

3 One- third special seats for women drawn from party lists that shall be determined in proportion to the total number of votes attained by each political party; In order for a party to qualify for special seats, it must field candidates in at least one third of the electoral divisions. Each party to arrange the candidates in order of preference, with the list closed until the next election. Likewise, women could contest in the openly contested seats.

in this space is important as an avenue of democratic governance. Elections for the national assembly is based on a mixed member proportional model; a combination of FPTP and PR models. It is only in the 40 PR seats that political parties are mandated to place an equal number of men and women on the party list.

**Figure 4. Women in National Assembly 2007-2015**



**Table 3. FPTP vs the PR Gender Outcome of 2012 Elections**

<i>Proportional Representation (PR)</i>		<i>%</i>	<i>First Past The Post (FPTP)</i>		<i>%</i>	<i>Total MPs</i>		<i>%</i>
<i>Men</i>	22	55	<i>Men</i>	65	81.2%	<i>men</i>	87	72.5
<i>Women</i>	18	45%	<i>women</i>	15	33	<i>women</i>	33	27.5
<i>Total</i>	40		<i>total</i>	80	100	<i>total</i>	120	100

*Source IEC Website*

The table above shows that a high percentage of women MPs (45%) came into parliament through the PR. This is an indication of lack of political will from political parties to place women for candidature in national elections. This is despite the articulation of commitment on gender equality in all political parties' constitutions. The disjuncture between policy articulation and practice calls for a serious introspection by all political leaders with regards to their commitment of a democratic society. What is also important to note is the failure of the political system to groom women councilors to

graduate into potential MPs after being exposed to political leadership in councils. But this also suggests that the national level is still dominated by strong patriarchal tendencies that prevent women to participate equally with men.

### **2.1.2 The Impact of Gender- based Legislation on Women in Rural Areas**

This study has revealed that the Lesotho legal framework recognizes the rights of women, even though there is discrepancy with regards to implementation. It has been observed that some women know about the laws that are meant to protect their rights, while in some cases, especially in rural areas, this is not the case. Most laws seem to generalize about women, and as such they fail to accommodate rural women's needs. It is on the basis of this discrepancy that the impact of the gender-based legislation is not uniform. There are certain groups of women who have benefitted women, while some, especially poor rural women have not benefitted. The impact can be categorized into social, economic and political as articulated by respondents below.

#### **A. Social impact:**

##### **Positive**

- There are Structures and framework in place
- With these law women seek legal solutions to their problems eg abduction, and physical violence
- There is some kind of equal decision making made in families
- The Legal Capacity of Married persons have empowered women to participate equally with men in marriage decisions. Women are now aware that they have equal rights to own land and other economic resources.

##### **Challenges**

- The laws are not accessible to rural women due to poor dissemination and as a result most women are not familiar with the contents of the law.
- Rural women are not aware of where their power starts and ends. They still feel they belong to their husbands like children and they are not allowed to make decisions even in cases where their husbands are not there. They find themselves in situations where they are abused but due to lack of knowledge they do know that there are legal steps which they can follow.
- Some men still do not understand some of these laws or some do understand but would rather not comply with them. So the cultural norms and societal norms, according to men and some few women, clash with these laws. Women still do not trust each other and would rather vote for a man against women. Be it be local or national governance.
- People are reluctant to abide by these laws and it takes time for them to actually understand the significance of complying with these laws. Furthermore; the courts of law are reluctant

to prosecute these non-law abiding citizens and time and again they take advantage of this reluctance. For example; we are still experiencing abduction of young girls even today.

- Women do not voice out their concerns on reproductive health issues including family planning and unprotected sex. .
- There is high HIV/AIDS & GBV prevalence because of lack of implementation of some of these laws and lack of GBV Act.

Yes, we are aware of the laws. We know that women have equal rights on land and job opportunities. We do not comply with some of the laws. For example I cannot make equal decisions with a woman yet I paid lobola to marry her. These Western laws are actually against our societal and cultural norms so we are not complying with some of them. More especially because women lose responsibility and focus only on rights, (*Male Councilor in Siloe*)

It is clear that the cultural ideology of power is very strong and affects effective implementation of laws that are meant to afford women equal rights. It is also important to note that awareness needs to be accompanied by capacity building if women are to benefit from gender based legislation.

#### **B. Economic impact:**

Positive

- Women always want to be part of key decision making in families and contribute in development. So these laws have enabled some of them to access credit and start own businesses
- Legal Capacity of Married Persons Act and Land Act have provided opportunity for empowerment of women to own property and make decisions in the selling of property and in the accessing of credit

#### **Challenges**

- Women remain ignorant and poor because of lack of proper implementation of the laws
- With groups of rural women and groups of uneducated women; the key challenges is that they do not know much about these laws.
- This ignorance prevents women councilors to use the laws to empower themselves and other women.
- Land as a resource is not leased in the rural area thereby limiting women to use it to access credit and other financial gains for campaigning.

### C. Political:

#### Positive

- women are beginning to stand for elections to satisfy their needs and of other women in communities
- Legal frameworks for equal political participation are up to date,
- Women are quantitatively represented in Local government as a result of intervention by quotas, and there is gender parity
- Some women are beginning to aspire to contest national elections
- Political parties support implementation of quotas

#### Challenges

- Rural women are not prioritized within most of the national and institutional frameworks as women are treated as a homogenous group in most legal and policy frameworks
- Men still hold on to cultural beliefs and regard women as inferior thereby hesitating to elect them in leadership positions.
- There is a challenge in translating policies into programs.
- Women are underrepresented in local government key decision making positions such as in chairing committees
- Women councilors are being confined to social/welfare services areas defined by gender roles
- Councilors are not independent of their political parties, the decisions they make are influenced by their party politics.
- There is a backlash connected to traditional and cultural practices, and women that got the seats through 30% quota are discriminated by both male and female councilors who were elected through the FPTP.

“Even our fellow male councilors treat us unfairly during public gatherings as they want to be the only key speakers. They even influence the Chief and the community.” *Woman Councilor from Man-ka CC*”

*I think women do not know their roles in this council. They are just here to add numbers. I do not have personal issues with them but they are inactive and I would suggest that they be given a different job because they do not have quality skills for council leadership. Male Councilor in Siloe*

#### **2.1.4 The impact of the high women's representation in local government structures on redressing gender inequalities in rural areas**

Equal representation of women and men in governance process is regarded as one of the hallmarks of democracy and social justice. The presence of women in decision making positions affords them the opportunity to have voice in matters that concern them as citizens of any country. However, this political right of women is often undermined by norms and tendencies within formal and informal social institutions. In most cases it is the informal norms and practices that are difficult to detect and address, and at times they affect the implementation of formal interventions such as laws and policies. As earlier reported, women's representation in local government structures in Lesotho is the highest in the SADC region following enactment of affirmative action. What is of importance is the extent to which such presence benefits women at the local level, and how such women actively work to redress gender inequalities, especially in a rural setting.

From the research sites studied in this work, it is clear that gender parity has been achieved as in most councils women constitute more than 40%. Measuring the impact of this high representation requires an analysis of not only the numbers but also women's self-perceptions, men's attitudes on women's leadership, socio-economic background of rural women, but also formal institutional arrangements including distribution of resources and capacity building for effective delivery services.

##### **A. Positive impact**

The presence of women in considerable numbers in local governance has resulted in women feeling confident that they can actively participate in development. Since women have been out of the political system for a long time, the 30% quota has brought them into the system where they get acquainted with public issues and leadership skills that further encourage them to aspire for participation in issues of governance. The 30% quota therefore has been essential in that it has been used as a magnet to pull more women into the system. In addition, the fact that they are in the system is an indicator of their emancipation that they can utilize the space to mobilize communities for political support. The quota is seen to have made some valuable impact as women are beginning to participate in councils and even ordinary women are also inspired to stand for elections in the FPTP mode, and are not relying only on the quota. Women are now eager to bring about changes in issues that affect other women, such as water, electricity, gender rights, Cultural norms and practices that are harmful to them.

Some women councilors have used their position to establish support groups and funeral schemes. In some councils they have started cooperatives in an effort to improve food security in their communities. They have been able to hold public gatherings to educate the community about abuses and gender based violence. However, these relentless efforts have not necessarily enabled women to challenge patriarchal values that undermine their ability to lead.

The critical mass that has been brought by the affirmative action has created a pool of role-models who are motivated to aspire for full leadership participation even in the national government. In this way it can be concluded that the quota has been useful in bringing women into the political space.

## **B. Negative impact**

The study has revealed that majority of women who got into Local government through 30% quota are discriminated by other councilors who have won elections thereby claiming to “own” electoral divisions (EDs). Women elected through the quota emphasized that their number is of less benefit as men who represent EDs prevent them from holding public gatherings in their EDs, and even to hold meetings with women. In all the research sites women have raised a concern about their involvement in planning and decision making processes as they are not sufficiently represented in district committees and they have the strong opinion that if planning is not inclusive, the decision making bodies might be planning for failure. However, women maintained even though their high representation is making them visible and more audible in local government that has brought no significant impact due to lack of resources and lack of skills or capacity to implement policies and programs. The failure of these programs is usually attributed to women’s lack of leadership by society instead of the institutional weaknesses. The societies’ expectation of women elected to councils is that they are going to bring developments to their communities. However, the reality is that financial and political power still lies with the central government. There is no budget allocated for most of the community projects that were promised during campaigning. In the long run this affects women’s confidence to go back to the communities to campaign for the reelection in next elections. Women remain dominant in survival livelihoods strategies, with less access to political power-women’s preoccupation of welfare issues or services fails to challenge the status quo. The findings also revealed that the increased number of women in community councils has helped women to make loud noise about developmental issues such as water and roads and their voice has helped them to achieve some of their goals. But these are traditionally women’s interests that do not challenge patriarchal tendencies that make them beasts of burden. Women argued that men have been in the leadership for a long time but there are no significant developments in rural communities and they now feel that they themselves are looking into those issues that have been neglected. However, men raised a concern that some women are just advancing men’s agenda as their decisions are influenced by their political leadership. They argued that some women work as catalysts to men’s effectiveness. Women’s lack of autonomy works against their political empowerment and transformational leadership. They believe that women have internalized their inferiority status and would rather be appendices of men even when they outnumber them.

- Nevertheless, few women who have tried to bring changes in their communities have been unable to display their leadership potential due to lack of resources faced by both male and female councilors. The councilors have not been given full decentralization power so it is difficult to assess their failure or success. Policy documents and the language used in policy and program documents is not user friendly for some women who can hardly write their names. This limits their full participation. It seems there is a repercussion/backlash brought by this affirmative action as participation of women in some developmental issues is deemed to clash with the lived gender roles of rural communities. The issue of governance has been understood as a domain for men, and the absence of clear TORs that consider gender implications leaves women councilors in a

frustrated position. On the other hand the low standard of education of rural women seems to also play a role in further emasculating women as it dents their self-esteem as they are unable to comprehend some key documents and policy debates.

- In a nutshell, the positive and negative impact above show that a number of factors need to be factored in for appropriate women empowerment and effective service delivery. Some of these are culture-bound while some are institutional deficiencies. What is also important is to note that rural women have specific needs different from their urban folks and as such development approaches need to

*Chairperson of MSU District Council*

*The "I" story*



*I have served two terms. The first term I was the only woman in the urban committee in the 10 districts, and in the 2nd one we are two.*

*What motivated you? I have always wanted to participate in public issues. I have always been a strong woman who works hard in issues of self-reliance/livelihoods so that's where people saw me. I am so patient and non-discriminatory and I think that's how I got the votes because people respect and admire me. I think God made me the way I am. I am assertive, I trust my judgment and I don't fear men I know we can talk squarely about issues and I am level headed.*

*What I have learnt about women is that women have fear (ba its'aba), they lack confidence, every time they vote, they vote men, they undermine their strength, they don't see the power they have and their importance. They are not assertive. They don't like voting women because of jealousy. I come from Qiloane community Council where I am just an ordinary councilor and that's where they saw how powerful I am. They voted for me to come to the district council. I was voted for mostly by men. In this committee men and women voted for me.*

*Women should trust themselves. Women are powerful and if they can remove fear they can outdo men. How do you empower other women? I assist women, even in meetings I encourage women to participate in meetings. I give them courage that they must speak out and not wait for men to make decisions for them.*

*Your view of women who got the seats through 30% quota: I work with such women even in my ED be-*

*cause I want to encourage women. I even encourage them to vote for women. I believe that women should uplift other women. Yes, men councilors do not approve of those women that came in through of 30% quota. But I apply conflict management skills to get in between where there are disputes.*

*People do not understand and men are selfish. In the past term, Councils were empowered through workshops. This term there has been no workshops.*

*Laws are not implemented, therefore communities must be educated to know that women who got the seats through 30% quota and other councils are the same.*

*Workshops are needed for men because men still feel they can perform better than women. They complain that women are lazy. Women and men are the same, we work the same.*

*Budget: until there is decentralization, where we will do our own budget, we will not only cry but wail and service delivery won't happen. Communities do not even trust us because they don't believe that we are not performing up to their expectations because we do not have budget in the council.*

*About women being puppets (serving the interest of men): not only women are puppets men are worst. Women do not take out matters that are discussed in the councils but men do. Whatever we discuss here you will hear it outside and that would be men who did that.*

*Challenges: some men still feel that it's an error that I am chair. When I become tough in meetings, especially when important matters are being discussed or when I have to reprimand the committee, men feel like I am now forgetting my place. They want me to be a woman and that is a reflection of how they expect a woman to behave. Men are useless in terms of thinking about issues that affect communities. When you are a woman chair, you look at women issues, transport, roads for morbidity of pregnant mother's (maternal health issues), and water issues because all these affect women. Just wait and see when decentralization comes, when we will be having a budget, you will see wonders.*

*What about national elections: I stood up for national elections but women made me loose. Women lobbied against me and they went to as far as establishing a new party which really affected the outcomes. I have not lost hope, I am looking for empowerment workshops so that I remain motivated.*

*What needs to be done to strengthen women like you: workshops! I am looking for a time when a woman will be a prime minister because women are the majority. I lobbied for one particular woman to be in the leadership of my political party. I am going to encourage more women to vote for that certain woman.*

*I know I am the pillar of strength to many women.*

### 2.1.5 Factors that are barriers to effective participation of women in rural areas in local governance processes

The study has revealed the multifaceted nature of factors that are barriers to women’s participation which are deeply rooted in the systems surrounding women. These barriers are deeply rooted in cultural ideologies, religion and social norms and socialization. The factors can be better presented through the Social Ecological Model (SEM). The theory postulates that in order to understand human development the entire ecological system in which growth occurs needs to be taken into account. SEM best explains the interactions between the environment and the individual and also shows the processes in the human development that can either influence behavior of the individual. The following table outlines the factors that are barrier to women’s effective participation in governance issues

**Table 5. The ecological Framework**

Individual	Low self-esteem, lack of self-confidence, deficiency in leadership skills, standard of education, socialization, exposure. Self-imposed oppression and stereotypes.
Family	Domestic chores, child rearing, lack of financial resources/ freedom to support campaigning, unwillingness of families to financially support women. Gender based violence, religious indoctrination, lack of support by spouses and in-laws. Socialization of children
Community	Culture , norms, tradition, religion, lack of visionary leaders, traditional communities fearing change/transformation Negative messages in Pitiki (women’s groups)
Institution	No support structures/systems for women leaders No innovative strategies to empower women and girls. Insufficient/ inappropriate programs, sexist liturgies Government’s reluctance to push women issues. Lack of capacity of law enforcement institutions to implementation laws especially new laws Insufficient responses and inadequate services for GBV survivors and victims Political parties’ unwillingness to support women Influence of patriarchal institutions such as churches
Society	Static Culture, tradition, leadership perceived as a man’s role. Society not supporting women leaders. Patriarchal attitudes
Policies and laws	Insufficient policies & laws and programs that empower women Challenges in implementation of laws, laws not addressing rural women’s challenges, dissemination of laws Lack of a gender specific objectives in the decentralization policy Women not prioritized in the legal and policy framework. Reservation of seats is not coupled with capacity building programs.

## **Barriers that have direct bearing on women councilors' confidence**

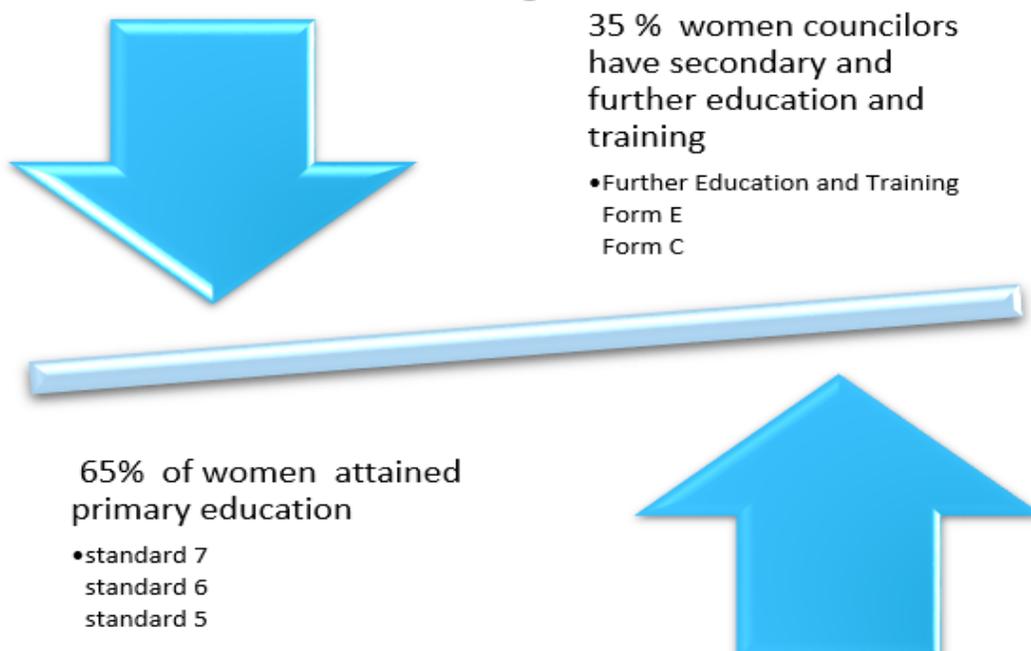
### **The role of Political Parties**

The study focused mainly on rural women participation in local governance processes with special attention to women in community councils. The study has found that a number of factors influence women councilors' participation and representation in leadership. More than 50% of women councilors have been nominated by their political parties to contest elections through the affirmative action legislated by government of Lesotho. Few stood as independent candidates; this implies that most of these women see themselves as answerable to their political parties. On the other hand MPs from these parties have been reported to impose their decisions on functions of councils; this further suggests that the MPs see themselves as senior to councilors because of their standings in their respective political parties. Another political implication is the fact that women councilors who got into councils through the affirmative action complain of discrimination done by men and women elected through the FPTP model. It became clear during interviews that these women are regarded as tokens and are not taken seriously; these negative attitudes dent women's confidence and effective productivity in the workings of councils. While NGOs offer training to councils on a number of community development issues, political parties have ignored the plight of these women. There seems to be dire need for collaboration of all non-stakeholders including political parties in empowering women and to produce positive messages about use of quotas.

### **Women councilors' educational background**

Another variable that is important in understanding women's participation in governance processes is educational background. The study has found that political parties nominate candidates solely on their political membership and as women to respond to the IEC provision of 30% women representation. The IEC minimum education requirements for nomination of candidates are basic numeracy and reading. This requirement explains the educational background of women in the research site where almost 65% of women have primary education (standard 5, 6, and 7), among all the councilors only one had Higher education qualifications, while the rest have secondary education. The relevance of education in this analysis emanates from the observation that most laws, policies, guidelines and manuals are written not only in English but they are written in a very technical language. Although most respondents claimed that they were not aware of some laws, the fact of the matter is that even if such laws were circulated they would not be easily understood by most councilors. Simplification of some laws by FIDA and WLSA has made it easy for basic understanding of important Acts, but such simplification does not exist on policies.

**Figure 5. Female councilors' educational background**



**2.1.6 Identification of opportunities that the processes of decentralisation can have on women in rural areas.**

- Local government structures are within the communities even in rural areas as a result decentralisation can enhance service delivery,
- Majority of women in the rural areas are already engaged in self-reliance projects so decentralisation can help empower women and build their capacity in areas of leadership.
- Most rural women have started women's groups and are leaders in those groups, so decentralisation can develop women further
- The constitution, local government act and policies which support the women's participation in governance can be easily implemented through decentralization. Decentralization can make laws and policies which advocate for gender equality in our society accessible to the rural people.
- There is Local Government Act which advocates for women's full participation in local governance and if rural women know about this Act, they can empower themselves.

## CHAPTER THREE

# CONCLUSIONS AND RECOMMENDATIONS

**Table 6. Conclusions and Recommendations**

CONCLUSIONS	RECOMMENDATIONS
<p><b>High poverty levels affect rural women so their main priority is livelihoods. Issues of governance and participation in development issues come second.</b></p> <p><b>Gender policy and other legislation refer to women as a homogeneous group, but fail to acknowledge that women have different vulnerabilities and therefore address them accordingly.</b></p>	<p>Empower women and girl financially, educationally and culturally. Women already have their self-reliance /community projects that could be expanded and mentored to ensure sustainability. Moreover, women’s groups that already exist can be used as a platform for women’s dialogues and discussion aiming at changing their mind set.</p> <p>Empowerment strategies should target women at all levels especially rural women &amp; girls/youth</p>
<p><b>Despite increased women’s participation in decision making, there are major barriers to overcome. These are deeply rooted in custom, culture, religion and tradition. Structural barriers explain why there is little relationship between women’s education levels and their political participation. Personal empowerment does not translate into political empowerment for women because society is not ready to accept women in these roles. Such change can only come about through concerted efforts beginning with strong political will and leadership, accompanied by deliberate strategies.</b></p>	<p>Interventions should target the root cause of the problem. Dialogue can be a best tool to unpack the gender discourse and cultural and traditional issues that impede development.</p>
<p><b>Electorates and non- state actors are not doing enough to make parliament account. The government is not doing enough to ensure greater participation of women.</b></p>	<p>Have a stand-alone committee on women that is empowered to implement and monitor women’s issues and that will empower other women. If the Government can be empowered it can see the benefit of enforcing legislation for women’s empowerment.</p>

<p>Local government is there but not effective. There is no development on the ground, capacity is still lacking in the councils.</p> <p>Culture is still a driving force. Most people are aware of the laws and policies but they do not seem to do as the law provides.</p>	<p>Government on the other hand should also acknowledge the civil society. Civil society should be empowered to work together not to compete on similar issues but to be a watchdog and advocate for service delivery and gender equality.</p> <p>Chiefs should be encouraged to work together with councilors especially on gender issues. Councilors may be good gender advocates but they come and go. To maintain consistency, the two leaders have to work together for sustainability</p>
<p>Women want to be given power, but they are not ready to accept leadership, they still do not see themselves as capable.</p>	<p>There is a dire need for concerted efforts in training women and girls and a focus on programs that change societal norms. This can be done through dialogues as changing the mind-set needs a dialogue.</p>
<p>Women and men councilors do know their role and both do not have skills however, men do try even when they do not have skills.</p>	<p>Women should be equipped with life skills so that they have enough confidence to participate equally with their male counterparts. Both councilors should be equipped with professional work ethics so that they respect each other.</p>
<p>Local government is not given its budget and the councilors claim that central government feels that if councilors deliver services they might be seen as agents of change and thereby taking over their constituencies.</p>	<p>NGOs should advocate and lobby for full decentralisation</p>
<p>Cancellation of the reserved constituencies leaving only 30% seats reservation accounts for the 9% decrease in women representation and the removal of 30% quota will bring a regression.</p>	<p>The Non-State actors have to advocate and campaign for the extension period of the quota system in order to make sure that women's representation is sustainable in Local government. If quotas are removed there is a risk of relapse in the coming elections</p>

<p><b>Regardless of the successes in women’s participation, there are still some challenges and gaps in Lesotho in relation to maintaining the representation of women in decision making to at least 50% as required by the SADC gender protocol. This includes the continued under-representation of women in decision making positions at local and national government.</b></p> <p><b>Women’s high representation has not yet translated into substantive outcome due to the patriarchal nature of the political structures and institutions. Furthermore, the removal of women from political space is a setback for the country.</b></p> <p><b>Unpaid care work in the home remains a major barrier to increasing women’s ability to compete equally with men at these levels.</b></p> <p><b>There is also a perception that women do not want to take on opportunities because of family responsibilities, fear of victimization, which are cultural and traditional mind-sets that only men should be in politics.</b></p> <p><b>Personal sacrifice is too high and the belief that politics is a dirty game and therefore unappealing to women.</b></p>	<p>Mentorship programs can provide ongoing support to women leaders so that they remain in the systems and overcome challenges.</p> <p>Programs aiming at transforming people’s mindset, norms and instilling social values of respect for humanity can help women to realize that they are people just like men and men to appreciate women as their peers.</p> <p>Men should be encouraged to participate equally with women in the domestic sphere so that the responsibility of the unpaid work is shared and women have time for public issues.</p> <p>NGOs should also establish a platform to engage with political parties in order to build their capacity before elections and this should be an ongoing process, as it is futile to engage in dialogues after the government is in place.</p> <p>LCN to work with government to popularize the AU Women’s Decade</p> <p>LCN should coordinate all gender implementing partners and monitor the messages imparted</p>
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Program	Target group	Activity	Outcome
Gender and development	Women, men & youth & communities, councilors, politicians	Training in life skills, interpersonal skills and Training in transformative masculinities Dialogues with communities about changing their norms Facilitate women and youth empowerment programs Advocate for gender mainstreaming	# of women & youth appreciating themselves and developing interest in public issues Communities embracing both males and females in leadership # of women and youth who are self-reliant # of women having bargaining power Government ministries mainstreaming gender
Good governance and human rights		Training on leadership skills, Induction for councilors Training on civic education Training on boardroom politics Human rights issues Disseminating and training rural communities about laws and policies affecting them	# of women participating in governance # of constituencies and EDs contested by females and youth # of councilors understanding their terms of reference # of women able to effectively engage in boardroom politics

## **Appendix A**

### **ANALYSIS OF RURAL WOMEN STATUS IN GOVERNANCE PROCESSES IN LESOTHO**

#### **Research Instruments**

##### **1. Interview guide for FGDs (councilors)**

Purpose: To elicit information regarding women's experiences and understanding of factors limiting their effective participation in governance processes; and also their role in the empowerment of themselves and other rural women and the impact of their work as community leaders.

- How many women are there in your council?
- At which levels are they, e.g chairperson, secretaries etc?
- Are you aware of the laws and policies that address gender issues? If you are aware how have you used them to empower yourself and others in your council?
- Do you feel your needs as rural women are addressed by those laws? Explain
- What challenges do you still have as rural women despite the existence of these laws?
- Do you feel supported or empowered by those laws to the point where you can use them to challenge some issues faced by women? Please explain.
- What motivated you to stand for local government elections?
- What challenges have you come across from the day you came out as a candidate? (Cultural, religious, &/other social norms)
- What is your opinion about women leadership in governance processes?
- Do you think women participate equally with men in decision making in councils?
- How do you support women leaders in your communities?
- What changes/impact do women as leaders bring in people's lives in your community?
- Are you aware of any gender inequalities in your community? Please explain.
- What strategies are you employing to address these inequalities?
- Have your strategies on gender equality worked, what are the indicators?
- How have the lives of women in your community changed because of your work in the local government (how do you empower other women)
- Does your high representation have impact on your work or in meetings- how does that benefit you and other women?
- Which institutions do you work with on gender issues?
- What support/ empowerment have you received to address gender issues? Are there any mentoring programs for women councilors?
- What support do you still need to effectively address rural women's gender needs?

*(Probes and prompts will be used where necessary)*

\*NB two profiles of women leaders that include their daily reproductive activities to establish patterns of gender roles will be documented.

##### **2. Interview Guide for Grassroots Women (FGDs)**

Purpose: To find information on the factors that is barriers to participation of women in local government structures

- Are you aware of the gender related laws and policies? How did you know about them?

- How have you benefitted from those laws and policies?
- How is local government contributing to your empowerment as rural women?
- Have you ever tried to stand for elections- national or local? If no -What prohibited you to contest? if yes, what do you think influenced the outcome of your being elected?
- Have you ever felt sidelined when it comes to voicing out your ideas in political meetings where men are involved, or in any other interactions where men are present?
- Do you think it is acceptable to compete with men in elections? Do you have any desire to contest local/ national elections? Do you think your husband and other family members can support you?
- What is your view of women councilors' leadership? Can you support women who want to be elected into leadership positions?
- How do you benefit from women who are leaders? - How do they touch your lives, how have your lives changed as a result of the presence of women in the councils?
- Can you say women lead differently from men? explain
- What challenges do you have as rural women in relation to active participation in national development (what is still holding you back from participating) culture, religion, & social norms
- What do you think should be done to make women more involved in local and national issues?

*(Probes and prompts will be used where necessary)*

### **3. Interview Guide for Rural Men in Councils (FGDS)**

*Purpose: To find out the attitudes of rural men about women as leaders and what perceptions are they still holding on to that can affect women to fully engage in developmental projects.*

- What do you know about women's rights and laws supporting empowerment of women in this country?
- How do these laws affect you as a man?
- Do you see women as your equals – How so?
- How far can you support women leaders? Can you vote for a woman at national or local elections? Explain
- Can you support your wife to stand for elections? why
- In the local government majority of rural women are there, what is your feeling about that?
- How have those women councilors impacted your live, do you see any change brought by those women in your communities?
- Do you think we need women in such structures?
- Do you think if councilors were all men things would be different? How so?
- What do you think prevents more women to be in leadership positions?
- What is your view of the 30% quota reserved for women in local government elections?
- Do you think this quota should be extended to national elections? Explain your view

*(Probes and prompts will be used where necessary)*

#### **4. Interview Guide for Key Stakeholders- Partners, Associates and NGOs working on women issues (in-depth interviews)**

*Purpose: To elicit information with regards to their knowledge and experiences on the impact of the gender legal and policy frameworks and policies that affect women, and to assess their contribution to the improvement of the status of women in Lesotho especially rural women:*

- From your point of view what type of impact has been brought by the laws and policies that are meant to empower women in Lesotho?
- Are there any gaps or inconsistencies in the gender laws and policies and their implementation? Explain
- What is the impact of these gaps on rural women in particular?
- What are the key challenges in implementing gender related laws and policies especially for different groups of women?
- What is your institution/ organization's contribution in addressing gender inequalities?
- How far are these laws/policies helpful in achieving your organizational goal?
- What support systems and structures are available to women to ensure their effective participation in local governance?
- What are your experiences with women leaders? Do you think they lead differently from male leaders? Explain
- What strategies are you employing to promote women's effective participation in local governance?
- What are the gendered results of your organization's contribution to the decentralization project?
- What is your view of the current situation of women participation at local and national governance?
- How do you encourage rural women to aspire to stand for national elections in your work?
- Do you think the use of quotas for women should be maintained in local elections? Explain
- What are the most critical skills rural women leaders require for effective participation in local governance?

*(Probes and prompts will be used where necessary)*

#### **5. Interviews for District Councils' Secretaries and District Administrators**

*Purpose: To elicit information with regards to their experiences with women in leadership and governance processes, and their contribution to the improvement of the status of women in Lesotho especially rural women:*

- How many women are there in your councils?
- What positions do they hold?
- In which committees are women dominating?
- What is the strength of women in councils? Please explain
- What is the nature of women participation in governance issues in your district?
- Do you think women lead differently from men? Please explain
- Which factors do you think prevent women from taking leadership roles?
- Do you think the increased number of women in councils is contributing to gender equality in governance issues? Please explain

- What is your view of the 30% quota? Do you think it should be maintained? Explain
- What leadership skills do women councilors portray?
- Which leadership skills do you think they need?
- How have women councilors been empowered to take leadership roles in your council?
- 

*(Probes and prompts will be used where necessary)*

## **6. Interview Schedule for Chiefs**

*Purpose: To establish the extent of knowledge on gender issues as well as attitudes/perspectives so as to identify stereotypes as these are key gate-keepers*

- What laws and policies do you know that promote gender equality?
- How do women in your jurisdiction use these laws?
- What is your view of women who are in political leadership?
- What is your view of the 30% quotas for women in local government elections?
- Do you think women lead differently from men? How so?
- How has the increased women's representation in local government affected governance issues in your area?

*(Probes and prompts to be used where necessary)*

## **7. Development Partners**

*The purpose here is to establish the relevance, effectiveness and impact of donor's programme intervention on women empowerment within the decentralization processes*

- What motivated your organization to fund gender equality/empowerment and decentralization projects?
- What are the results of your contribution to decentralization project? Are you happy with the outcomes of your intervention?
- Do you think Lesotho is performing according to the international standards on women's issues?
- Are the gender policies and laws up to the international standards? What remains to be achieved?
- How have your institution ensured that your intervention will be sustained after the completion of the programme?
- Why did your agency choose to fund LCN on this programme?
- Can you say your funds have been used cost-effectively so far?
- What is your view of rural women and local governance in Lesotho

## **8. Ministries and Political Parties**

Here a questionnaire shall be developed to assess organizational capacity and political will of these key ministries and political parties in ensuring that women actively participate in local governance issues. LCN as key player will also be included in this assessment. The questions for this category will be informed by the desk

research, and will therefore be developed after the first phase, which is that of document analysis.

## **Reviewed Documents**

### **Legal Documents**

Intestate Succession No.2 of 1953  
Law of Inheritance Act No. 26 of 1873  
Administration of estate Proclamation No. 19  
Inheritance Chieftainship Act 1988  
Lesotho Constitution of 1993  
Sexual Offences Act 2003  
Legal Capacity of Married Persons Act 2006  
Local government Amendment Act, 2004  
The Local government Election Act 2004  
The Local Government Amendment Act 2011  
National Assembly Electoral Act, 2011

### **National Policy Documents**

Gender and Development policy (2003)  
Local Government Act, 1997  
National Vision2020  
National Strategic Development Plan (NSDP) 2012/13-2016/17  
MoLGCPA Strategic Plan (2009-2013)  
Ministry of LGCPA, National Decentralization Policy- 2014

### **REPORTS**

Lesotho Country Report: Review of women, girls and gender equality in NSPs in Southern and eastern Africa 2011  
SADC Gender Protocol 2012 Barometer: Lesotho, Compiled by M. Mapetla and T. Ralebitso. Gender Links (2012) & 2014  
Lesotho MDG Report 2013  
Beijing + 20 Report, (2015)  
Mathlo L. Gender Dimensions of the 2012 Lesotho National Assembly elections Outcome, 2012



### About LCN

Lesotho Council of Non-Governmental Organisations (LCN) is an umbrella organisations for NGOs in Lesotho. It was established in May 1990 with an objective of providing supportive services to the NGO Community. The Council implements this through networking and leadership training and development, information dissemination, capacity building, coordination, advocacy and representation when dealing with the government and international community.

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