



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Fiftieth session**

3 – 21 October 2011

**Responses to the additional list of issues and questions with  
regard to the consideration of the combined initial, second,  
third and fourth periodic report**

**Lesotho**

## GENERAL

### 1. Process of preparation, consultation and adoption of the report

The Human Rights Unit of the Ministry of Justice together with the Department of Gender of the Ministry of Gender developed a framework for the compilation of the draft report on CEDAW. The methodology used to formulate this report was a combination of desk research and stakeholder consultations through a series of retreats by the Inter-Sectoral Committee on Human Rights. The consultative workshop on the report was held with Government Ministries and civil society organizations. Thereafter, a national workshop involving all stakeholders including civil society organizations dealing with issues affecting women in diverse themes such as media, law, economic rights was held on 15 April, 2010 to validate the draft Report. The draft report was then adopted by Cabinet as the CEDAW State Party report of Lesotho.

2. The Government has initiated a discussion on the issue of removing the reservation to Article 2 of CEDAW and its position will therefore be informed by the outcome of the discussion.

### ARTICLE 1

#### Definition of discrimination

3. The Government, through the Law Reform Commission has shown the commitment to eliminate discrimination against women. In this regard, it is currently reviewing, reforming and codifying a number of laws as they relate to Section 18 of the Constitution, particularly, the Administration of Estates Proclamation 1935 and the Laws of Lerotholi 1903.

### ARTICLE 5

#### Stereotypes, cultural practices

4. In order for a Sesotho marriage to be complete, one of the requirements is the payment of bohali to the bride's family. This is accepted as a harmless tradition.

Polygamy is one of the types of marriages under Sesotho custom. It is an acceptable type of marriage which is not considered harmful to women. However, due to social developments, the practice of polygamy is dying out on its own.

5. With regard to other existing public education programmes on women's rights, the department of Child and Gender Protection Unit (CGPU) undertakes weekly sensitization activities to equip women with knowledge and skills against the forms of abuse such as rape, assault and abduction. In undertaking these activities, CGPU informs women of the applicable laws and the mechanisms for redress. CGPU also makes use of the media to disseminate this information. For example, as part of information flow there are a police magazine and a newspaper namely the **POLCHRONICLE** and **Leseli ka Sepolesa** respectively. **POLCHRONICLE** is issued quarterly and distributed nationwide and CGPU has columns on women rights in both the magazine and the newspaper.

CGPU runs weekly radio slots on three radio stations where it informs the public about protection of the rights of women and girls. These awareness raising activities have resulted in an increase on the rate of reporting of cases of gender based violence.

The department of Gender runs a radio programme which include issues on gender based violence.

Violence against women

6. In an effort to combat violence against women, the Ministry of Gender commissioned a Base-line Study to determine the prevalence of forms of Gender Base Violence (GBV) in

Lesotho. According to the findings of the study, the prevalence of GBV is related to physical and emotional abuse being the most common types and the most prevalent in terms of variations from low to moderate. In the central and southern regions, physical abuse was found to be low while moderate in the northern region.

From 2008 Lesotho authorities have commenced compiling more systematically, information and statistics derived from police and court records. Cumulated cases of GBV from previous years up to 2010 are reflected in the Table 1 below:

**TABLE 1 – CUMULATED CASES UP TO 2010**

<i>Offence</i>	<i>Reported Cases</i>	<i>Pending</i>		<i>Convicted</i>	
		<i>Investigation</i>	<i>Pending Prosecution</i>	<i>Male</i>	<i>Female</i>
Sexual Offences	1234	231	694	300	9
Assault	132	68	31	33	0
Neglect	57	13	30	4	10
Desertion	9	0	0	9	0
<b>TOTAL</b>	<b>1432</b>	<b>312</b>	<b>755</b>	<b>346</b>	<b>19</b>

*NB: In Table 1, out of 1234 cases of sexual offences, about 33% were against children (both boys and girls) and 67% against women.*

*Regarding assault about 18% were against children and 83% against women.*

*Neglect refers only to children (boys and girls).*

7. The remedies available to the victims of GBV are mainly in the form of either compensation, damages and/or sentencing of offences perpetrators to imprisonment or fine.

The following mechanisms are in place to assist the survivors of GBV:

a) Lapeng Care Center has been established in Maseru to provide a temporary shelter for survivors of GBV. The centre provides day to day services for men and women as well as boys and girls. The Center also carries out the following services:

- Mediation between partners as well as between parents and children and families;
- Provision of Counselling to the survivors of GBV and perpetrators;
- Temporary place of safety for women and children;
- Provision of life skill programs; and
- Referral of clients to and from the centre.

b) Child and Gender Protection Unit

Child and Gender Protection Unit (CGPU) was established in 2002 as a specialized unit within the Lesotho Mounted Police Service (LMPS) under the Ministry of Home Affairs to respond to the increasing violence against women and children. The Unit provides user-friendly reporting environment that ensures confidentiality between victims and police, responds and investigates promptly all cases involving vulnerable groups including children as well as victims of gender-based violence. The Unit is operational in all police districts. CGPU raises awareness through media, public gatherings, places of worship and school visits on the rights and responsibilities of children and women and safeguards their rights.

c) Victims of Crime Support Office

A Victims of Crime Support Office was set up within the Maseru Magistrates Court in 2006. The Office provides practical and emotional support to victims. It informs victims of their rights and of their role in the criminal justice process, it provides counseling and

referrals, information regarding the mechanisms of the criminal justice process including the status of their cases. It also provides information on redress through formal and informal justice procedures and protects the victims from intimidation and further victimization.

With regard to progress on the enactment of the law on domestic violence, a draft **Issues Paper** has been prepared by the Law Reform Commission. Further research and consultations have been commissioned by the Ministry of Gender and Youth, Sports and Recreation to strengthen and inform the drafting of the legislation.

## **ARTICLE 6**

### **Trafficking**

8. According to the findings of the Rapid Assessment on Human Trafficking in Lesotho, the prevalence of trafficking in women and girls is increasing.

The remaining gap with regard to protection of people above 18 years of age from trafficking in the Children's Protection Act 1980 which has been repealed by the Children's Protection and Welfare Act 2011 is addressed by the Anti-Trafficking in Persons Act 2011 which is all inclusive in that it protects children and persons above the age of 18 years, men and women, from trafficking.

9. The Anti-Trafficking in Persons Act further protects women and girls from labour agencies which are engaged in trafficking. The Act imposes a minimum of M1, 000,000<sup>1</sup> or 25 years imprisonment for penalties on the perpetrators as well as granting compensations to the victims. The Act provides for establishment of safe houses and shelters for victims of trafficking. In addition, the Act provides for temporary or permanent sojourn for victims of trafficking whilst the cases are still pending in the courts of Law.

Since the enactment of Anti- Trafficking in Persons Act, in January 2011, 8 cases have been reported of which 7 girls and 1 woman were trafficked. One case is complete with investigations while the other cases are pending investigations. There have been no arrests made so far in this regard.

A draft National Action Plan to combat Human Trafficking (April 2011-March 2014) focusing on prevention, protection and prosecution with corresponding objectives and indicative activities is in the process of being finalized.

## **ARTICLE 7**

### **Participation in decision-making and representation at the international level**

10. Lesotho developed the Gender and Development Policy 2003. She signed the SADC Declaration on Gender and Development in 1997 and the SADC Protocol on Gender and Development in 2008 with the goal to promote equality of men and women in politics and decision making. As of 2009, the participation of women against men stands as follows: Ministers 33%; Deputy Minister 60%; Principal Secretaries 23.8%; Deputy Principal Secretaries 16.6%; Directors 48%; Local Government Councilors 52%. In the Judiciary, the position of the Registrar of the High Court is filled by a woman. There is 50% female representation of Judges and 49% female representation of Magistrates. In addition the Speaker of the National Assembly, the President of the Independent Electoral Commission, the Police Commissioner, Registrar General, Auditor General and the Registrar of the High Court, to mention but some, are all women currently.

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<sup>1</sup> About US\$137,932

To encourage women's participation in decision making, the Local Government Elections (Amendment) Act 2004 facilitated a quota system reserving 30% of Local Government positions to women.

There are no barriers for participation and representation of women at the international level. To accelerate participation of women internationally, when announcing vacant international positions, the Ministry of Foreign Affairs and International Relations attaches a recommendation to stakeholders encouraging women to apply. However, the final selection of candidates is at the discretion of recruiting international organization.

## **ARTICLE 9**

### **Nationality**

11. At the moment no measures have been put in place with regard to the issue of women not being able to pass their nationality to their spouses as is the case with their husbands.

12. The Constitution provides for equality of women and men to transmit citizenship to their children as per Section 41. When children attain 21 years of age they choose whether to take citizenship of either their mother or father.

## **ARTICLE 10**

### **Education**

13. Education Act 2010, section 4 (4) discourages the use of physical punishment in schools and promotes restorative measures to be taken in the discipline of learners. The school management regulations Part 111 section 6 (m, n), which is also in accordance with Section 8 of the Constitution, provides that a person shall not be subjected to torture or degrading punishment. It states that the school principal shall ensure that abuse, bullying, unauthorized punishment, and any form of cruel or inhuman treatment of learners is eradicated; and shall also endeavour to protect learners against any form of abuse; and shall report such to the relevant authority. Lesotho has not undertaken a study on the situation of violence and sexual harassment in schools, however, the Police in conjunction with the teachers hold life skills programmes in schools. The programmes are intended to sensitize teachers and students on issues of abuse.

Education Act 2010, section 57 (1) (iii) also states that the Minister may from time to time, after consultation with such persons or bodies which, in the Minister's opinion, are representative of the interest concerned prepare and publish codes of practice for the purpose of providing practical guidance in respect of this Act including a disciplinary code which shall be followed in instituting disciplinary action against a teacher who has committed a misconduct.

Teaching Service Regulations 2002, Part ix (discipline) section 40 (2) (g) states that a charge of misconduct against a teacher may be issued if it is alleged that a teacher conducted himself improperly in his official capacity or in any way that affected adversely the performance of his/her duties as a teacher or that brought the service into dispute.

## **ARTICLE 11**

### **Employment**

14. There is improvement in the private sector since 1992 as women workers governed by the Minimum Wages Act as amended each year are entitled to be paid maternity leave if they have worked for the same employer for a continuous period of at least one year.

15. The Ministry of Gender and Youth, Sports and Recreation (MGYSR), Women Entrepreneurship Development and Gender Equality (WEDGE), Millennium Challenge Account (MCA) Lesotho and some Non Governmental Organizations are all building

capacity and empowering women in the economic arena as well as in other issues. However, there are no specific programmes for single women. Women are taught technical skills on starting and managing a business enterprise and how to access needed financial credit.

## **ARTICLE 12**

### **Health**

16. The percentage of Government budget on health care stood at 14% in 2010/11 and at 14% in 2011/12. With the support of UNFPA, an assessment will be undertaken in 2011 to determine the specific percentage of budget allocation for women's reproductive health with the aim of effectively addressing women's health needs.

The National Reproductive Health Policy provides for, amongst others, essential sexual and reproductive health packages aimed at ensuring the safe motherhood, family planning reproductive health and GBV, male involvement and access to sexual and reproductive health services.

17. Maternal mortality rate has steadily increased. According to the DHS 2004: 762 women died per 100,000 live births in 2009, 1,155 women died per 100,000 live births. Among others, the lead causes of maternal mortality are postpartum sepsis (34%), complications of abortion (20%), ruptures uterus (14), pre-eclampsia (12), haemorrhage (9%), ectopic pregnancy (3%) and other complications (10%) such as infection, high blood pressure, obstructed labour, inaccessible health facilities and services especially in the hard to reach areas.

In Lesotho abortion is not legal. Any abortion that is performed in hospitals is performed with the purpose of saving the life of the mother. However, according to the findings of a Baseline Study on the Magnitude of Abortion among Women of Child Bearing Age in Lesotho, abortion is common and remains a major cause of maternal mortality and morbidity. Abortion cases represent 16% of all the patients admitted to female or gynaecological wards in the hospitals in Lesotho. Available data suggest that abortion rates have been increasing although there are variations in abortion rates among women of different age groups. Among those who have performed abortion, those in 10-19 age group formed 13%, in the 20-29 age group formed 51%, in the 30-40 age group declining to 26% and to 6% among women of over 40 years. Data on unsafe abortion among women is scarce and inevitably unreliable due to non-reporting of abortion cases by women.

18. National consultations on the HIV and AIDS Bill took place and the draft Bill has since been submitted to the Portfolio Committee in Parliament for further discussions. In addition to information on the measures to combat HIV and AIDS, the Government is currently revising the National HIV and AIDS Strategic Plan 2006-2011. It has also developed a series of frameworks namely: (i) National HIV Prevention Strategy For a Multi-Sectoral Response; (ii) operational guidelines for comprehensive HIV prevention interventions within the health sector which provides guidance on how to operationalise linkages and coordination of HIV prevention interventions at various levels of the health system; (iii) Health Sector policy on comprehensive HIV prevention and the National Multi-sectoral HIV Prevention Strategy, with the goal to enhance the national response.

Within the framework of the Joint UN Programme of Support on AIDS (JUPSA), UNFPA has secured and received funding from the UNAIDS Programme Acceleration Funds to support the Ministry of Gender and Youth, Sports and Recreation to undertake the revision of the National Action Plan on Women and Girls and HIV and AIDS as well as forge mechanisms for acceleration of its implementation. The review is expected to produce the following outputs: An Evaluation Report or Assessment Report on the Impact of the 3 years of Implementation of the Action Plan, a Revised National Action Plan of Women , Girls

and HIV and AIDS with new strategies, objectives and strategic frameworks for implementation and that includes agreed upon activities for implementation, a costed operational plan of the Revised National Action Plan on Women, Girls and HIV and AIDS with implementing partners as well as an Annual Work Plan of implementation.

### **ARTICLE 13**

#### **Social and economic benefits**

19. The Laws of Lerotholi provide that the heir shall be the first male born son. This is with respect to all issues of inheritance and not particularly land. However, this issue is still under consideration. For example, the Land Act 2010 gives equal title to land to both men and women.

20. The Department of Social Welfare provides public assistance to every Mosotho who is needy and eligible. The recipients' ages range from 0 to 69 years old. This public assistance is provided on a monthly basis at the rate of M100.00<sup>2</sup> to person who is considered to qualify and it does not discriminate clients on the basis of gender.

21. (a) The Gender Credit Programme was an initiative for Government to open avenues for women to equally have access to and control over credit, support women entrepreneurs and provide them with the knowledge and skills that will allow them to see enterprise and business ownership as a real choice for them. The Programme was postponed for implementation in 2011 through the establishment of the Women's Enterprise Development Fund. The overall goal of the Fund is to increase economic opportunity for women, and strengthen their ability to engage in economic activity, contribute to poverty alleviation and sustainable economic empowerment. The fund aims to support women in the establishment of businesses enterprises as part of contributing to income and employment generation.

(b) Since its inception, Moliko Micro-credit has provided credit to 1,070 people, of which, 79% are women.

### **ARTICLE 14**

#### **Rural women and disadvantaged groups of women**

22. In 1996 83% of women were in rural areas, whereas in 2006 the figure was 76%. Therefore, the female population in rural areas between 1996 and 2006 dropped by 7%.

23. There is a draft National policy on Disability and Rehabilitation. Under the Department of Social Welfare, there is a training institute for people with disability called Ithuseng Vocational Rehabilitation Centre which caters for women, girls, boys and men who are trainable. Community Based Rehabilitation is the strategy for inclusion of female and male persons with disabilities in developmental activities in mainstream programmes.

The following tables show the statistical information on women with disabilities in respect to their access to education.

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<sup>2</sup> About US\$13.80

**TABLE 7**

*Registered Primary School Enrolment of Pupils with Special Educational Needs or Disabilities by Type, Grade and Sex in 2010*

<i>Special Educational Needs</i>	STD 1		STD 2		STD 3		STD 4		STD 5		STD 6		STD 7	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Epilepsy	1	0	3	1	2	2	0	1	0	0	0	0	2	0
Hearing Impairment	169	143	188	131	206	197	267	222	195	277	249	320	134	215
Learning Difficulty	942	608	1022	596	1052	631	969	660	853	604	664	552	471	422
Mental Retardation	10	7	4	6	2	1	1	0	2	1	6	9	0	2
Physical Handicap	220	154	141	87	107	110	108	87	103	95	98	88	54	46
Visual Impairment	218	137	275	177	331	235	377	288	382	377	387	419	268	300
Other	210	111	159	87	191	95	188	71	165	90	145	94	121	72
<b>Total</b>	<b>1770</b>	<b>1160</b>	<b>1792</b>	<b>1085</b>	<b>1891</b>	<b>1271</b>	<b>1910</b>	<b>1329</b>	<b>1700</b>	<b>1444</b>	<b>1549</b>	<b>1482</b>	<b>1050</b>	<b>1057</b>

**TABLE 8**

*Enrolment of pupils with special educational needs*

Disabilities by type of disability and grade and Gender in 2010

Type of Disability	From A		Form B		Form C		Form D		Form E		Total
	M	F	M	F	M	F	M	F	M	F	
Emotional /Behavioural disorder	57	161	54	81	28	106	33	109	39	41	709
Epilepsy	9	13	1	5	1	5	0	5	0	15	54
Hearing Impairment	124	194	112	199	99	176	96	164	46	72	1282
Learning Difficulty	153	119	113	201	81	116	61	125	38	71	1078
Mental Retardation	3	3	1	2	1	32	4	0	1	0	47
Physical Handicap	66	51	38	46	58	73	51	44	24	29	480
Visual Impairment	275	495	255	478	208	352	214	428	137	219	3061

With regard to laws that exist to protect disadvantaged women from violence, Sexual Offences Act 2003 is in place. The Government has initiated the enactment of the law on domestic violence as already indicated.

The enactment of the Land Act 2010 addresses the challenge of limited interaction between banks, credit agencies and the rural communities. The Act provides for clear title to land and in effect facilitates rural women's access to services from banks and credit agencies in that, women are able to use land as collateral to meet the requirements for qualifying for credit.

In the area of employment the elderly exhibit low levels of participation. In the working population, approximately 2% of elderly women are employed for pay or profit or in providing a significant amount of labour for subsistence farming as compared to 5% of elderly men.

#### **ARTICLE 15**

##### **Equality before the law**

25. To address the challenge of disseminating the Legal Capacity of Married Persons Act 2006, the Government plans to conduct a national survey on the ongoing dissemination being done. The findings of the survey will inform the development of a dissemination strategy for awareness, understanding, and effective commitment for action on the Act.

#### **ARTICLE 16**

26. Deserted Wives and Children's Proclamation seeks to protect the interests of wives and children whose husbands and fathers have deserted them. A deserted wife is entitled to claim maintenance fee from such a spouse if the latter is not contributing to their maintenance. The Proclamation further provides for the maintenance of children born out of wedlock, in which case the mother of the child has the right to sue the father for maintenance despite the fact that she is not married to him. In this case, the maintenance is only with regard to the child and not herself.

Upon dissolution of marriage, both parties have equal rights in respect of custody of children. However, the determining factor is the best interest of the children. On that criterion, either party can be awarded custody. With respect to separation of property, if the parties were married in community of property, each party will get a half share of the joint estate or such share as may be determined by the court depending on the blame worthiness of either party.

If married out of community of property, the parties share the property acquired after marriage depending on each others' contribution. The property acquired before marriage does not become a subject of separation.

27. Optional Protocol to CEDAW was ratified on the 24th September 2004. Amendment to Article 20, paragraph 1 of the Convention was accepted on the 12th November 2001.

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