A Woman’s Place in Lesotho:

Tackling the barriers to gender equality

A report by Chwarae Teg on behalf of the Welsh Government

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Abstract

The Welsh Government and Government of Lesotho have signed a memorandum of understanding which sets out a commitment to increase gender equality in Lesotho. In 2014, a link was developed between Chwarae Teg and FIDA (Federation of Women Lawyers) and potential alignment identified with opportunities to work together to help women achieve and prosper in Lesotho. This report sets out the findings of research into the position of Basotho women. It identifies the challenges for Basotho women and areas for intervention whilst celebrating the progress made to date and mapping out the vision for the future. The aim of this study is to identify opportunities for a partnership project. The study has been funded by the Welsh Government and supported by Dolen Cymru (Wales-Lesotho link).
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Contents

1. Introduction...........................................................................................................................................3
2. Methodology ........................................................................................................................................3
3. Research findings .................................................................................................................................4
   3.1 Progress to date ..............................................................................................................................4
   3.2 Challenges for gender equality .......................................................................................................5
       3.2.1 Patriarchal/traditional culture .................................................................................................5
       3.2.2 Violence against Women ..........................................................................................................6
       3.2.3 Lack of power/control ...............................................................................................................7
       3.2.4 Poverty/jobs ..............................................................................................................................9
       3.2.5 Rights ......................................................................................................................................10
       3.2.6 Health ....................................................................................................................................11
       3.2.7 Infrastructure ..........................................................................................................................11
   3.3 Solutions ........................................................................................................................................12
       3.3.1 Civic participation .....................................................................................................................12
       3.3.2 Policy and legislation ...............................................................................................................12
       3.3.3 Education & training .............................................................................................................13
       3.3.4 Work ......................................................................................................................................14
       3.3.5 Women in leadership ...............................................................................................................15
   3.4 The vision for Basotho women ........................................................................................................17

Appendix A: Partner organisations ........................................................................................................18
Appendix B: Research questions .............................................................................................................19
1. Introduction

Lesotho faces a number of challenges in achieving equality between men and women. The subordination of women is deeply ingrained in Basotho culture with the minor status for women only being removed within the last decade. Whilst legislation has increased rights for women on paper, there is still a long way to go before this makes a difference to women on the ground.

Today, Basotho women face severe disadvantage which is mostly brought about by the patriarchal culture which keeps women oppressed and makes them more vulnerable to abuse, poverty and disease. Rates of violence against women are high with around 86% of women reporting incidents of abuse. There are large numbers of women in poverty in Lesotho with female headed households more likely to be in poverty than those headed by men. Furthermore, many women are prevented from making decisions about things which affect them (such as their bodies) which makes them more susceptible to diseases such as HIV/AIDS and increases the risk of maternal mortality.

The Prime Minister’s inauguration speech delivered recently made reference to a number of priorities that would address gender inequality. The speech committed to tackling violence against women, protecting human rights, reducing maternal mortality and increasing access of women to resources to facilitate development. This was a welcome announcement and indicates a continued commitment to increasing equality between men and women in Lesotho.

2. Methodology

Semi-structured interviews were carried out with partners and beneficiaries from a number of organisations (as outlined in Appendix A) representing circa 50,000 beneficiaries. Twenty-six individuals, both male and female, were interviewed over a two week period. Participants were asked a number of questions (Appendix B) to identify the position of women in Lesotho and opportunities to empower women. The semi-structured interview allowed them to talk freely on the topic, responding to a number of open questions. Participants were either delivering or accessing development projects or services in Lesotho. The women represented were from a range of age groups from young women to grandmothers and they came from both rural and urban communities. A good geographical spread was achieved, reaching 8 out of 10 districts (Maseru, Leribe, Butha Buthe, Thaba-Tseka, Quthing, Mohotlong, Mohales Hoek and Mafeteng).

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1 Ministry or Gender, Youth and Sport, Lesotho Bureau of Statistics and Gender Links (2013) The War at Home, Gender Links, Johannesburg
2 http://www.ruralpovertyportal.org/country/home/tags/lesotho
3 http://www.fao.org/docrep/004/ab589e/ab589e03.htm
3. Research findings

3.1 Progress to date

Over the last decade, there has been clear progress made to increase gender equality in Lesotho. Legislation has played a major role with a number of laws coming into force which increase the rights of women. Firstly, the Legal Capacity of Married Persons Act (2006) repealed marital power which a husband acquires over the person and property of his wife. The Act also states that spouses married in community of property have equal capacity in respect of their estate, although this remains subject to their spouse’s consent. Inheritance laws and the Land Act 2010 continue to ensure that women are protected by law as it provides for women to own and inherit land. Gender indicators in international frameworks have been a positive development, ensuring a focus on inequality and providing a driver for change.

There has also been a rise of female leaders with women being appointed to a number of key roles. For example, the first female Chief Justice was appointed last year which is considered to be a great victory for women’s empowerment, sending a message to others that it is possible. Justice Nthomeng Majara is also single which challenges traditional Basotho culture and is seen by some as an even greater achievement. A female permanent secretary and speaker of the house have also taken up posts recently, joining a number of female Ministers and permanent secretary. Having a number of role models in the public eye helps to increase the aspirations of others and make it clear to everyone that it is time for change.

Communications have helped to empower women over the last decade. Internet and mobile communication has allowed women to have better contact with others outside of the home which has helped women in rural areas who tend to be isolated. The media has also made a difference as it has provided a platform for debate as a rising number of female presenters are making sure women’s issues are discussed. This has helped women to have the confidence to speak out as they hear the stories of others and realise they are not alone. There has also been a rise in the number of civil society organisations speaking out on behalf of women. These organisations have helped to make sure gender remains a priority and that women receive the support they need.
3.2 Challenges for gender equality

“Unfortunately, we have a society full of fear. Women are so fearful it hurts.”

Participants were asked about the challenges facing Basotho women today. A number or themes came through strongly. These are outlined in this section.

3.2.1 Patriarchal/traditional culture

Patriarchy is the dominant culture in Lesotho and views of the family are very traditional with men considered to be head of the household. These values hold especially strong in the rural communities. Whilst women may work, they are less likely to be in paid employment than men and are responsible for carrying out unpaid work in the home. The removal by law of minor status for women in 2006 improved the position of Basotho women but the traditional culture still holds strong. For example:

“A Basotho man will still introduce his family as ‘his children’ and that includes his wife”

This indicates the conflict between common and civil law which try to live side by side in Lesotho. In practice, customary law can undermine civil law, so whilst legislation attempts to increase rights for women, traditional beliefs reduce the impact of these laws. Furthermore, Section 18 of the Constitution of Lesotho provides that customary practice shall not be deemed as discriminatory. Customary law is provided for by the Laws of Lerotholi which provides for customary practices and norms in codified form. Challenges are evident in access to land with local leadership not able to recognise laws which have been put in place to protect women and instead, failing to allow women the access they are legally entitled to.

Another conflict is the juxtaposition of traditional Basotho values and beliefs alongside Christian values. The church instils in its congregation that a woman must at all times respect her husband. As a result, men hold the power and they do not see any conflict between the teachings of the church and the way they live their lives. In this context:

“Women are not empowered to take control of their own bodies, let alone contribute to decision making outside of the home”

A number of participants said that when women are empowered, it can make men feel threatened which increases violence and discrimination against women.
3.2.2 Violence against Women

Rates of gender based violence in Lesotho are very high at 46% with the Child and Gender Protection Unit reporting that around 125 cases are recorded each week. Abuse came through time and again in the interviews as a serious problem that needs to be addressed. Traditional beliefs, a lack of financial independence for women and the high prevalence of orphans make women and children especially vulnerable. A significant proportion of the working-age population has been wiped out as a result of the AIDS pandemic. In 2011 alone, the disease killed 14,000 people and infected 26,000 more. Over half of the 280,000 adults living with HIV in Lesotho are women. This disease has led to a high number of orphans and vulnerable children (approximately 180,000) who are cared for either by grand-mothers or older siblings who may still be children themselves.

Participants commented that this vulnerability means that fathers or other men with money are in a position where they can easily take advantage. The belief that HIV/AIDS can be cured by having sexual intercourse with a virgin further exacerbates the problem and the traditional society makes it difficult to let go of some practices which put women at risk. For example, in Basotho culture, men still pay a bride price known as “Lobola” which makes some men feel entitled to treat the woman as a commodity. The lobola is provided for in the Laws of Lerotholi and in terms of customary law, there can be no marriage without this as it is a prerequisite. The lobola creates a strong sense of conjugal rights and one participant spoke of the issues this can cause:

“Use of protection is not something men are comfortable with. It makes a man feel that he can’t fully enjoy conjugal rights with someone he has paid for”

“The problem starts on the wedding day. With most weddings, parents come together and tell the couple how to behave in a married setting. Women are told that above all, your purpose is to bear children for this man and grow the family. Whenever your spouse demands to you to provide conjugal rights you should agree.”

Even though the Sexual Offences Act (2006) provides that marriage or any other relationship shall not be a defence against a charge of sexual misconduct in certain circumstances such as if she is ill or when a man has or is believed to have a sexually transmittable disease. Despite this, many men still believe it is their right:

4 [http://www.avert.org/hiv-aids-lesotho.htm](http://www.avert.org/hiv-aids-lesotho.htm)
5 Ibid.
“Men still think ‘I am married. I can do what I like’”

Violence against women is not only a problem within families. Women and children face a general risk of sexual attack from men. In the rural communities, many women live in huts which have no security:

“In the highlands our grandmothers are raped often. Houses are not well built so people can get in easily”

Authorities such as the Children and Gender Protection Unit (CGPU) exist to help in domestic abuse cases. This unit is part of the police force of Lesotho and is mandated by law to initiate legal proceedings against a perpetrator in the event that a crime, particularly of a sexual nature, is committed against a woman or child. However, a number of participants felt that the CGPU had little influence. They believed that perpetrators know that there is little that can be done and use this to increase their power through psychological abuse and manipulation. Abuse is so ingrained in Basotho culture that women think there is something wrong if it is not there. One participant said:

“They think that if their husband doesn’t beat them, he doesn’t love them”

Participants also talked about the problem of young girls being forced to marry. Parents arrange the marriages and girls are not able to have a say in this decision. Girls also get pregnant at an early age, bringing more children into the household which their mothers or grandmothers will then raise. The high levels of infidelity and sexual abuse mean that women can become pregnant with a baby the father doesn’t want. In these cases:

“Often the woman is left with no option. Abortion is illegal here. Even if it was legal, it goes against Basotho values. In some situations, parents tell the son to deny that he is the father. Women don’t usually stick up for themselves so they won’t say ‘ok let’s get a paternity test”

3.2.3 Lack of power/control

The traditional culture in Lesotho prevents women from having a say in decisions that affect them. This includes decisions about their own bodies such as how many children they should have. This is such a serious problem that some women use deception to exercise control by taking contraception and not telling their husband. Power is not only exercised by the husband but also his family. In the Lobola system, the woman is taken into the man’s family and participants talked about control by the family, particularly the mother-in-law:
“There’s a funny situation in that a woman is married and in her marriage she doesn’t get to make decisions with the spouse. They are made by the mother-in-law who was subjected to all that as well. The mother-in-law uses it as a comeback ‘I couldn’t make decisions so you won’t either’”

The continuous repression of women leads to very low self-esteem amongst women and girls:

“Because of that [lack of decision making power], the girls have very low self-esteem. And then people just take advantage, especially males, older males in particular. The girls believe they can get anything as long as they sleep with the man”

Women have begun to exercise some control in a number of areas and there are now women in positions of leadership such as councillors, head teachers, business leaders etc. Whilst this is positive, participants suggested that these women still have little power to influence and take a back seat when decisions are being made. Also, success in the workplace is not being seen to make a difference in the home:

“A woman might run a business but still have no control in the bedroom”

“Basotho find it hard to separate personal and professional. Women may be empowered on paper but not in practice”

An electoral registration project found many all-women households where men have migrated for work. In these households, women are willing to vote but don’t really believe they can take part in politics. There is a general lack of self-esteem and self-confidence which inhibits women. One participant put it like this:

“It’s like Biko said about the black consciousness movement. People previously labelled inferior in relation to another group tend to struggle with self-love. They are unable to have positive views about themselves and others of their own kind”

Another participant talked about why women are passive instead of standing up for themselves:

“When I ask them ‘why do you let these things happen to you?’ they say ‘It is because we are weak’”

Many women have been to school but men are still very powerful and make the decisions. Women can be represented at a lower level, for example, it is women who drive development but they are under-represented at senior levels. Even in situations where women dominate, if there is a man there, he will lead:
“You could have a group of 20 women and 3 men appointing a committee and all the men would be appointed”

Some participants were sceptical about the increase of women in leadership, suggesting that it has happened to help Lesotho meet the gender indicators of the Millennium Development Goals. All participants talked about women in leadership, making a number of notable comments:

“Having women in leadership means Lesotho can meet gender indicators on paper”

“I don’t really want to talk about women in leadership as a success. I always feel it’s half hearted. There’s always a dark side to it”

“Basotho women are said to be pawns. They are just there to improve figures. Behind them is a man’s voice”

Some participants felt that there is a need to work with women who have been appointed to make them more effective and said that they should be reminded that they are role models and should continue to advocate for gender equality once in leadership. Local leadership was said to be very powerful with Chiefs holding a great deal of influence in the community. Structures exclude women with ‘Khotla’ (the Chief’s court) being exclusively for men.

3.2.4 Poverty/jobs

The overall poverty rate in Lesotho is 57% according to UN figures with around 40% of the population living on less than $1.25 per day. As mentioned in the introduction, a high number of Basotho women live in poverty. Unemployment is higher amongst women at 25% compared with 21% for men. Many women, especially in the rural communities, carry out unpaid domestic work while the men bring in money. A participant described the unpaid responsibilities for women in a rural setting:

“Women have to [be] looking after the home, ensuring that everybody in the home is provided for. Women cook the meals, make sure the home is clean, wash clothing etc. They also do a lot of work on the land. They work in the fields, they hoe, weed, harvest etc. They help with thrashing after harvest. They fetch wood and water. It requires energy to fetch them. All of this work is unpaid.”

Women who have managed to find paid work outside of the home often find themselves in roles which exploit them. These roles can involve demanding physical labour and long hours. One participant talked about the vulnerability of

women who cannot find paid work and then may find themselves at risk of trafficking as they are attracted by promises of work and money to live comfortably. The Anti-Trafficking of Persons Act seeks to combat this problem.

Low levels of literacy amongst women in the rural areas means an increased risk of poverty. Many women rely on domestic work to generate income. Financial difficulties also mean that women are not able to take legal action against injustice.

3.2.5 Rights

Due to the physical and psychological abuse inherent in the Basotho culture along with low levels of self-confidence, Basotho women need to be supported to understand their human rights and to speak out when these rights have been violated. Despite a number of laws which protect women’s rights, authorities often fail to provide the necessary support when women do come forward. Participants talked about the need to have stronger systems in place to help women exercise their rights and ensure the law protects them. For example, even though the Capacity of Married Persons Act (2006) removes minor status, both women and men continue to believe that women are secondary citizens:

“The way Basotho boys are raised to look at a woman is that a woman is inferior. Girls are told they have to respect their husband or brothers even if you think they are wrong”

There are also struggles over chieftainship and inheritance. Currently, the Chieftainship Act, 1967 dictates that succession to the office of Chief shall be in line with the first born male. This means that where children born into the family are all females, a male uncle will take over, sometimes taking away everything including property. The chieftainship case of Senate Masupha in the district of Berea is a typical example of this scenario. This case is currently being taken to the African Commission.

“Law allows for women to own property but it still is hard to happen, especially if it’s inheritance. Inheritance issues are critical still”

Polygamy is an issue in Lesotho with many men having more than one wife or having involvement with others outside of the relationship. This is currently legal as customary law provides that a man can have more than one wife. The law further dictates that in this instance a man must ensure that each wife has her own homestead separate from the others in order to avoid complications during the division of the estate. However, where a spouse marries in both customary as well as civil law marriage, the marriage is deemed to be protected by civil law therefore polygamy is illegal in this setting. It is not legal for a man to have two civil law wives.
There is a high incidence of abandonment and difficulties in making sure fathers take responsibility for their children and support their wives. Having multiple families also leads to complications after a husband’s death as there can be disagreement over who has rights to any estate. ‘Property grabbing’ affects many widows as the family of the deceased may try to force them out of their home. Women are disadvantaged in the division of the estate after the termination of a marriage. Lack of awareness of civil law further reinforces these issues; people don’t know their rights and so have no chance of ensuring they are enforced.

3.2.6 Health

Health was mentioned in the interviews as the HIV/AIDS rate is the second highest in the world at over 23%. More women are affected than men and women are more at risk of becoming infected as a result of polygamous relationships and patriarchal culture. Lack of financial independence also makes women more vulnerable to sexually transmitted diseases because it impacts the level of control they have on the situation. In the words of one participant:

“Women are deprived of resources, which makes them dependent on men and means that they find it difficult to stand their ground and make their partner go to a testing station”

An organisation that delivers an HIV/AIDS programme in a rural community reported that around 2/3 of the beneficiaries on their programme were women. There is also a high level of maternal mortality in the country. Poor access to services, especially reproductive health services, exacerbates the problem.

3.2.7 Infrastructure

Participants talked about poor infrastructure which makes it difficult for women to travel in Lesotho. Many find that they have to walk long distances to access services. Women struggle to access legal aid or healthcare delivered outside of the community because they lack resources to travel by public transport. This could be either money or time. Journeys made by public transport can take an extended amount of time because the driver will wait until the vehicle is full. Poor roads also make the journey longer.

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7 http://www.helplesotho.org/lesotho/hivaids-in-lesotho/
8 Ibid.
3.3 Solutions

Participants were asked how women could be supported to overcome the challenges they face. A number of key areas were identified such as raising awareness, increasing participation and supporting women to be financially independent. This section will explore solutions in more detail.

3.3.1 Civic participation

“The greatest thing that could be done… it’s up to civil society really… we inspire change and empower people to confront issues.”

Civil society has a key role to play in mobilising women and generating support for gender equality. There is a need to challenge the mindset and increase awareness in the community. Even those who are educated accept the cultural ‘norms’.

“It is all about perceptions. A gender activist will believe there is a problem but traditionalists will think there is not”

Participants believed that there is a need to develop a consciousness so that women can be empowered. Some remembered times when women’s organisations in Lesotho were active in driving change forward and felt that there is a need to inspire people to get behind this agenda once again.

“There needs to be a parallel kind of education… a civic education to strike the power balance. We need to empower women and disempower men”

3.3.2 Policy and legislation

Many participants felt that equality needs to be led from the top and that policy and legislation are crucial in supporting women to address the challenges they face. That said, whilst many celebrated the laws that have increased the rights of women, there was a strong belief that more needs to be done to increase awareness at grassroots level. It is impossible to bring someone to justice if people do not know when someone is acting outside of the law. There is a great deal of sensitisation work required with people in the community as well as with service providers. People need to be empowered to exercise their rights and authorities have a duty to ensure everyone has access to justice.
“There are laws to protect women such as the Legal Capacity of Married Persons Act (2006). However, many are not exposed to the laws. There needs to be more sensitisation.

Currently, laws exist on paper but are not enforced. It was generally felt that levels of expertise amongst those employed to support victims was not satisfactory. Those professionals who are trained to support victims of human rights abuses often move on quickly meaning that vital skills are lost. Further regulation was put forward as a necessary action to ensure laws have an impact as well as making sure support agencies are held to account. Even though many felt that legislation wasn’t achieving the necessary change yet, they still believed that there is a desperate need for a Violence against Women Bill to protect women from gender-based violence. A Domestic Violence Bill has been drafted but has not yet been passed. If this Bill is passed, it is still very limited, focussing only on violence within the home instead of tackling gender-based violence as a whole. Ultimately, it was felt that change needed to start with the national constitution as Article 2 dictates that women cannot inherit which means they cannot become Chiefs. In the words of one participant:

“It has to start with our constitution because women don’t have power to become chiefs where they could actually be responsible citizens of this country”

The 2011 report by the UN Committee on the Elimination of Discrimination against Women urges the state of Lesotho to take action to ‘fully incorporate the convention [CEDAW] into the domestic legal system in order to give central importance to the Convention’ to ensure discrimination against women is eliminated. The committee further recommends that the state reviews its constitution to repeal any sections that allow discrimination based on sex or gender.

3.3.3 Education & training

Education was considered by participants as key in improving the lives of Basotho women. It was said that most people in the community are unaware of the legal frameworks that Lesotho has ratified and what they can do to bring about change. All participants talked about the importance of raising consciousness and making communities aware of their rights and how to exercise them. More importantly, it was considered necessary to facilitate learning, encouraging people to think about culture and beliefs in addition to whether social paradigms considered “normal” are truly valid and whether they benefit society as a whole. Much work has been carried out to educate women on health, law and other issues. Continuing this rights awareness work was considered crucial because as one participant put it:

“When women know their rights, they can take steps to claim their rights”
Everyone should be part of this education process - women, men, grandparents, children – everyone has a role to play in tackling gender inequality.

“[It is important to] create awareness/sensitise mothers and grandmothers to say yes this woman also has something to say… to decide on her health etc. If a mother-in-law understands this she cannot say no”.

Participants talked positively about the leadership of the Government of Lesotho in raising awareness of women’s rights in the community. They also talked about the need to educate support agencies (e.g. judiciary, police, CGPU etc.) to increase effectiveness and ensure that when women come forward, they receive the help they need. There had been some successful meetings where stakeholders came together to discuss a case and discuss the effectiveness or support provided.

Community outreach was felt to be crucial. Many existing projects aim to develop advocates so that project participants can continue helping others after the project ends. Educating local people and encouraging them to take that message to others was considered to be the best way to reach people. In talking about an HIV/AIDS awareness project, one participant said:

“I have seen corpses walk back to life after responding to advice from others”

Commemoration of certain days like International Women’s Day helped to increase awareness of gender equality programmes. Lesotho also celebrates ‘16 days of activism’ which allows civil society, Government and the media promote conventions such as the SADC gender protocol and Millennium Development Goals.

3.3.4 Work

Participants talked about the importance of having work and being able to earn money in order to increase women’s empowerment. Financial empowerment reduces vulnerability for women as they feel less need to take risks to bring money into the home. It also makes them feel a greater entitlement to have a say in decisions taken in the home. Participants talked about community projects which have been successful in bringing women together to produce goods and generate income:

“There was a project where we were sewing. That came to a standstill”

“We need to create more jobs for women. If they prefer to stay at home and look after children then they can rear pigs and make money out of that”
A Woman’s Place in Lesotho:
Tackling the barriers to gender equality

It was also suggested that women’s work is not taken seriously which is something that needs to be addressed. Younger women thought that women should be encouraged to do any job they want to do:

“Women can also do men’s work. Yes, it has happened! I have seen women building houses”

This was supported by an employer in the construction industry working in South Africa:

“I would actually rather employ women. They are more committed and hard-working. The men just sit around. I went to an agency once and they gave me a list of men. I said ‘do you have any women?’”

Some said women should be supported to start their own enterprises. There have been a number of good examples of women coming together to produce goods for sale.

“Women must believe in themselves and start new things. We can support other women to help them achieve”

3.3.5 Women in leadership

As a result of cultural views, men are seen as superior. Things are changing though and women are increasingly being seen to contribute to decision making. A quota system for local Government has led to around 56% female representation on councils. Whilst this is positive for women, representation at a national level is significantly lower at 23% despite the fact that women account for 51% of the population as a whole and over half of the resident population as a result of the high levels of men working outside of the country.

The number of women in positions of influence today sends a positive message to other women that they can participate. There are now a number of school principals, business leaders and public figures which means that the number of female role models is increasing.

“Today we see that there are Directors in Government and NGOs who are women. The gap between men and women is being filled in.”

Participants talked about the number of women in parliament and especially of a woman who started her own political party ahead of the recent election. The media was believed to be a help, making sure that these women are featured and have the chance to make their voices heard.

Moleko, M. (2015) Gender Disaggregation, 2nd April (email)
Again, education programmes were seen to be crucial to increase understanding of why women need to be involved in decision making. Participants also stressed the importance of buy in from the top as leaders and chiefs can influence the views of the public. Support from men was also considered key so there is a need to increase awareness amongst men, particularly those in authority to show them that this is something the country needs and encourage them to support women and select them for government and committees.
3.4 The vision for Basotho women

Participants were asked to share their vision for Basotho women. This section shares their responses.

- Women being equal, having a say and being listened to.
- Men and women equal in all senses of the word.
- Women having control over their bodies and decisions that affect their bodies.
- Women able to rise up without fear.
- Women more empowered and able to respond to the challenges they are facing.
- Women able to contribute to decisions on issues that concern them.
- Women to feel equal to their male counterparts.
- To have freedom. To have a nation where women live free from domestic violence and live in harmony with their husbands and families. Peace of the nation begins at home.
- I would like to see...
- More women taking an active role in their lives, making their own decisions and getting ahead.
- For women to own who they are. Know about their opportunities and have a chance to heal.
- Women not being dependent on men and speaking out after being violated so people know that violence is a crime.
- Basotho women being leaders almost everywhere – workplace, villages, becoming Chiefs.
- A Lesotho in which women are confident enough to claim their rights and hold others to account.
- A female as the Prime-minister! That would be a big success.
Appendix A: Partner organisations

The following organisations took part in interviews and provided access to beneficiaries to support this research:

- FIDA
- ActionAid
- Malealea Development Trust
- SHEHIVE
- Help Lesotho
- LCN
- Gender Links
- Kick for Life
- Dolen Cymru
Appendix B: Research questions

1) What are the challenges facing Basotho women today?

2) What do you think can be done to help them overcome those challenges?

3) What things have helped to increase gender equality? (projects that have worked well?)

4) What has been the greatest victory for women in Lesotho?

5) What is your vision for Basotho women?

[Organisations only]

What are your priority areas?

What types of projects do you run?

What are the success factors?