



Lesotho – Researched and compiled by the Refugee Documentation Centre of Ireland on 21 June 2012

Reports on gender-related violence and inability or unwillingness of police and State authorities to provide effective protection in Lesotho.

A report from the *UN Committee on the Elimination of Discrimination Against Women* (CEDAW), in a section titled “Violence against women” (paragraph 22), states:

“The Committee expresses concern at the high prevalence of violence against women in the State party, in particular domestic and sexual violence, which remains, in many cases, underreported, as well as at the absence of an expressed political will to place high priority on the elimination of violence against women. While welcoming the enactment in 2003 of the Sexual Offences Act which recognizes marital rape as an offence, the Committee is deeply concerned at the absence of specific legislation to eliminate violence against women, including domestic violence, and at the use of mediation in cases of violence, which can lead to revictimization of women who have suffered from violence. While noting the establishment of the roving legal aid clinics and the launch of the pilot project at Lapeng Care Centre, the Committee is concerned that this is the only centre in the country providing services to victims of violence, and that it provides only ‘day service’ and is not exclusively for women victims of domestic violence.” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (8 November 2011) *Concluding observations of the Committee on the Elimination of Discrimination against Women – Lesotho*, p.5)

See also another *CEDAW* report which, in a section titled “Presentation of the Report”, states:

“Gender-based violence was increasing and remained one of the main challenges facing women in Lesotho. Measures had been taken to train police officials, the judiciary and religious leaders, which resulted in increased awareness and reporting of cases of gender-based violence. The new Penal Code Bill enhanced the definition of assault to include violence between spouses and established that rape could exist in certain circumstances among married persons.” (UN Committee on the Elimination of Discrimination against Women (11 October 2011) *Committee on Elimination of Discrimination Against Women Considers Report of Lesotho*)

The 2012 *US Department of State* country report on Lesotho, in a section titled “Women”, states:

“Rape and Domestic Violence: The law criminalizes rape, including spousal rape, domestic violence; and sexual harassment. Rape convictions carry a minimum sentence of 10 years’ imprisonment, with no option of a fine. When cases are reported, police and judiciary generally enforced the law promptly and effectively; however, sexual assault and rape reportedly were

commonplace, and most incidents were not reported. From January to December 2010, a total of 832 cases of sexual offenses against women were reported, and 311 prosecuted. Domestic violence against women was widespread. The Child and Gender Protection Unit (CGPU) stated that in 2010 there were 103 reported cases of assault against women. This number greatly understated the extent of the problem, as domestic violence was usually not reported." (US Department of State (24 May 2012) *2011 Human Rights Reports: Lesotho*)

This report also states:

"While domestic violence and spousal abuse are criminal offenses defined as assault, few cases were brought to trial. The law does not mandate specific penalties, and judges have a wide degree of discretion in sentencing. An offender can be officially warned and released, given a suspended sentence, fined, or imprisoned, depending on the severity of the assault. Violence against women and children was increasingly considered socially unacceptable, due in part to government advocacy and awareness programs by the CGPU and other ministries. These efforts were bolstered by local and regional organizations and several other NGOs, and broadcast and print media campaigns. Activities included teaching youth and parents how to report such offenses and how to access victim services. Other campaigns and radio programs educating women about their rights took place throughout the year." (ibid)

A *Social Institutions & Gender Index* document, in a paragraph headed "Restricted Physical Integrity", states:

"Attitudes that condone and excuse violence against women are common in Lesotho. The African Development Bank cites a survey conducted by Tulane University which found that 44 percent of women agreed that it is a woman's own fault if she is raped and 39 percent of women agreed that it is a wife's obligation to have sex with her husband even if she doesn't like it. Further, a 2004 Demographic Health Survey found that 20 percent of women believe that a husband is justified in beating his wife if she refuses sex with him, 36 percent believe a husband is justified in beating his wife if she neglects the children and 37 percent if she argues with him. It is also reported that violence against women and children is increasingly considered socially unacceptable due to the government's advocacy and awareness programs and the work of non-governmental organisations." (Social Institutions & Gender Index (2012) *Gender Equality in Lesotho*)

A *Lesotho Times* article states:

"There have been numerous reports of domestic violence that have been reported in the local media over the past few months. The magnitude of the domestic violence has been quite shocking. For instance, last month, a woman was battered to death by her husband in Thaba-Tseka. According to the police, the woman was beaten to death following a domestic dispute. The husband was arrested and is still in police custody. The stick that he used to assault his wife was confiscated and would be used in court as an exhibit, according to the police. Numerous other cases of domestic violence go unreported, according to researchers. Prominent lawyer and member of the Law Reform Commission, Moroosi Tau-Thabane, told a stakeholders meeting

on domestic violence in Maseru last week that domestic violence was rife in Lesotho. 'Domestic violence is a serious problem in Lesotho which needs the government's intervention by a specific and elaborate law [on domestic violence],' she wrote in the 29-page report on domestic violence. The current laws are not comprehensive enough in terms of the procedure and the remedies they suggest, she argues. 'There is therefore need for promulgation of a law that will be comprehensive, simple to use even by lay complainants, at a properly trained forum that will provide speedy remedies,' Tau-Thabane wrote. Tau-Thabane says domestic violence manifests itself in four categories — physical aggression, sexual abuse, emotional and economic. She says in her report that 'the Common Law recognises that acts of physical violence especially for assaults and or murder are criminal offences'. But the law has serious limitations as most domestic violence cases 'are regarded as private matters to be dealt with by the family'. 'The other problem is that the complainants who are in most cases women are usually reluctant to have their husbands taken to prison. They fear the attitude of the family, as such women may be ostracised for having taken their husbands to jail or she might consider the economic loss that she might suffer if the husband is confined,' she says. At least 125 cases of domestic violence are reported in the country every week the majority of them in Maseru, she says." (Lesotho Times (1 July 2010) *'We need specific law to curb domestic violence'*)

A *Public Eye Daily* article states:

"According to Inspector Mokotjomela, the consequences of suffering in silence are 'unimaginable', citing a depressing sequence that has devastated families over the years. 'This kind of violence gives birth to HIV and AIDS, ultimately leading to death, and children without one or both parents. These broken families become more vulnerable to other forms of crime such as human trafficking,' said Inspector Mokotjomela. Faced with such a complex scenario, Mokotjomela said her office—in collaboration with other stakeholders—had since declared war against gender-based violence, described as brutality in the home, where female members of the family are usually the victim. 'It is a collective battle including other stakeholders also fighting so hard to provide more education expected to gradually transform all households into violent-free homes. The continued education is encouraging more openness on violent situations experienced in some troubled homes,' Mokotjomela said. But this is not the case when it comes to men, some of whom are also in domestic-violence chains, but prefer to suffer in silence, noted Mokotjomela. She highlighted last year alone, her Unit received more than 100 complaints by women who claimed to have been assaulted by their spouses. Not a single man made such a report, she added. 'A total 832 women reported being sexually-assaulted countrywide, and no similar report came from men. Nine women also reported their spouses had abandoned them and their families—an equally serious crime that could land those convicted in jail'. According to Mokotjomela, although the police would never tolerate any form of gender-based violence—which is mostly mistaken only to mean violence against women—there was need for studies aimed at exposing underlying factors that have turned many households into a living hell." (Public Eye Daily (28 November 2011) *Every home's worst nightmare*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to

the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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