

Lesotho Council of NGOs

POLICY BRIEF

Policy Brief No 2015/01

November 2015

Key Messages

- The dual legal system application contradicts principle of human rights in the case where discrimination is allowed on the basis of culture and tradition.
- What is evident is that without the quota, women's representation would have been lower than 30% as the number of women who entered councils through FPTP is lower.
- Even though there is high representation of women on local government leadership, gender mainstreaming, female empowerment is minimal in our communities
- Without the quota system of women representation there is a need to capacitate women on local government

Lesotho Council of Non-Governmental Organisation is an umbrella organizations 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 the international community.

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The status of women in Lesotho with respect to participation in local governance processes.

Background

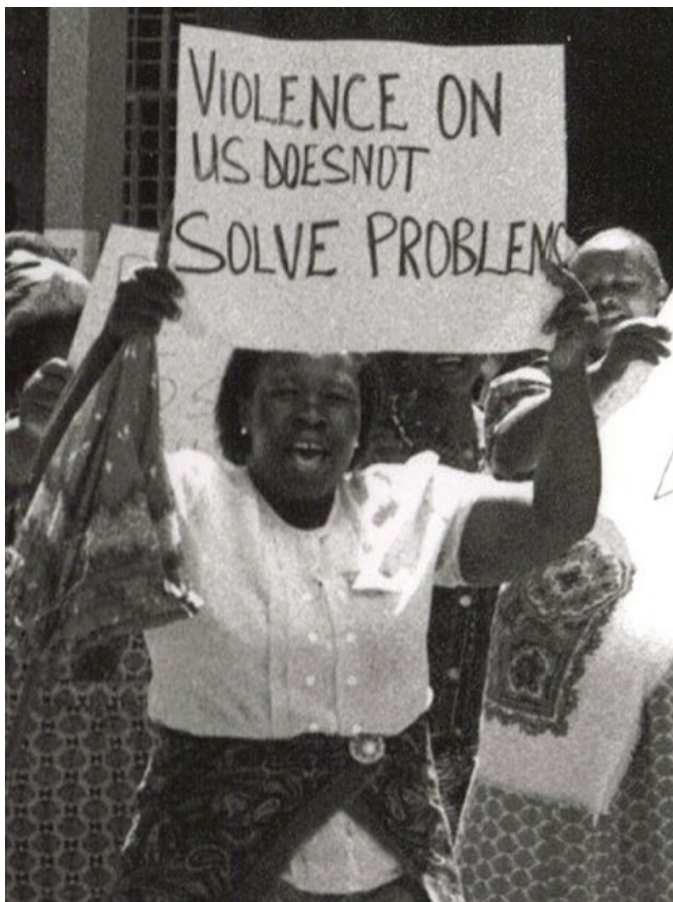
Lesotho is a signatory to numerous international conventions that prohibit all forms of discrimination, and international covenants that prescribe equal participation of men and women in civil and political rights. The Lesotho's Constitution prohibits discrimination while at the same time allows discrimination 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 silent 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 Decentralisation 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.

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opment 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.



It is against this backdrop that Lesotho Council of NGOs engaged Leratong Youth and Women Development Centre to analyse the status of women in Lesotho and to make recommendations on more effective strategies to address gender ine-

qualities and enhance women's participation and engagement in governance issues both at local and national levels. The purpose of the assignment was to analyse 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. This was done through a programme named: Building Capacity of Non-State Actors for Constructive Engagement in Local Government. Section 2 of the brief will discuss the methods employed while section 3 will provide a summary of the findings from the study. Section 4 will conclude the study and provide recommendations based on the evidence gathered.

Methods

The study employed both qualitative and quantitative methodology. Secondary data was done through reviewing 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 ministries and donors.

When conducting the study, a participatory approach adopted 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.

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. 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.

Summary of Findings

What is known on existing legislation, poli-



Women are not allowed to succeed their father with regards to chieftainship matters under the customary law of the Basotho people

cies 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 utilisation of these laws to empower communities and individual women.

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.

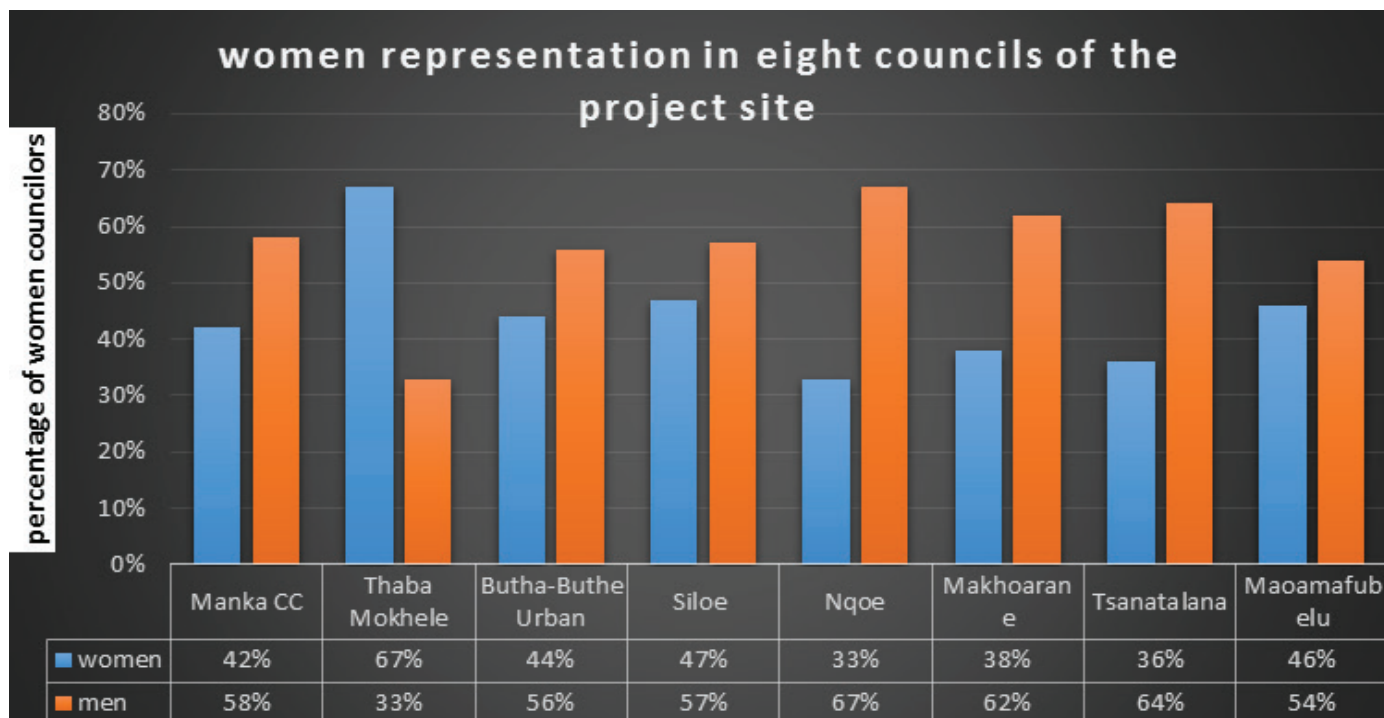
The impact of the high women's representation in local government structures on redressing gender inequalities in rural areas

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.

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 socialisation. The institutional barriers include the role of political parties' nomina-



tion of councillors which appears to be mainly influenced by their affiliation, hence female councillors see themselves representing their parties not communities and this affects their autonomy.

On the other hand women councillors' 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.

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. 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 councillors.

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.

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 councillors should be equipped with professional work ethics so that they respect each other.

Acknowledgement

This policy brief presents a summary of findings from a study on the status of women commissioned by LCN with the support of the European Union Delegation to the Kingdom of Lesotho through a project named ***"Building Capacity of Local Non-State Actors for Constructive Engagement in Local Government"***.

