

PROMOTING GENDER

EQUALITY IN LESOTHO

BACKGROUND

In Lesotho, a small African country wholly surrounded by South Africa, increasing competition for land is constantly fueled by climate-change-related droughts, commercialization of land, globalization, conversion of agricultural land, and high rates of urbanization and HIV and AIDS, among other processes.ⁱ Legal pluralism —when customary and statutory/legal frameworks and practices coexist and, at times, contradict one another — marks the country's highly complex land governance environment. Despite the recent legislative and institutional progress in the country, a combination of implementation failures, limited awareness of the laws and limited capacities in the application of the law consistently challenge the tenure security of the population.

For women, patriarchy and gender discrimination add additional layers of challenges when it comes to securing land and property rights. Legally, men and women are treated equally per the 2006 Legal Capacity of Married Persons Act and 2010 Land Act, which repealed gender inequality. In practice, however, land possession and transmission dynamics generally undermine tenure security for women in Lesotho. For example, according to traditional practice and depending on the type of marriage conducted, a widow can lose her rightful share of property to her deceased husband's family, leaving her with no housing or livelihood alternative. Customary inheritance laws and practice still allow the firstborn male child to inherit the family assets, leaving out girls. Land grabbing, disinheritance and dispossession are common struggles of women in the country, challenging their well-being and the country's social and economic development.

Habitat for Humanity Lesotho has had an advocacy program on matrimonial property systems, helping Basotho families (of a specific ethnic group) to write their wills and obtain legal documents to strengthen their security of tenure, property and inheritance rights. **Under the Solid Ground campaign, Habitat Lesotho continued to work directly with Basotho families, providing training and awareness-raising activities in parallel with promoting changes in the legal framework and practices toward strengthening inheritance rights for all Basotho, particularly women and vulnerable groups.**

ADVOCACY METHODOLOGIES AND TOOLS

Habitat for Humanity Lesotho's advocacy methodology included the following elements:

- **Two studies were conducted.** The first was a desk review focused on the current gaps in land ownership policies and systems, conducted by a renowned academic professor. The second was an in-depth qualitative study focusing on gender issues related to land and property. The research methodology of the second study included interviews with key informants, focus group discussions, field visits, and the application of the Gender Evaluation Criteria, or GEC, a land tool designed by the UN-HABITAT/Global Land Tool Network to assess whether land laws and policies are responsive to the needs of both women and men, and to promote gender-responsive land governance.
- **Policy messages and recommendations, together with personal stories of people who have been affected by inheritance issues, were disseminated through different channels,** including TV, radio, phone text messaging, and a series of events organized by civil society and governments, along with blogs

and webinars, at country and international levels. These efforts helped to build public support and to push the need to review and create legislation related to gender equality in marriage and succession.

- **Training of paralegals, councilors and chiefs on a host of legislationⁱⁱ** through partnership with the Federation of Women Lawyers in Lesotho and the Office of the Master of the High Court.
- **Training and awareness-raising of communities on property, inheritance and succession rights, in addition to security of tenure.** These trainings highlighted to community members the need to write wills and to have proper documents to one's land. It was also important to clarify the differences between civil and customary marriage rites, and the requirements and rights associated with each type of marriage, as these nuances are hardly understood by most community members, and often lead to land grabbing, disinheritance and evictions.
- **Mobilization and engagement with different partners and stakeholders,** and establishment of a working group, particularly after the Regional Conference **Partnership for Action**, held in Pretoria, South Africa, in August 2017. The conference brought together representatives from government, academia and NGOs.

IMPACT, SUCCESSES AND LESSONS

Through the inheritance rights training events, 20 paralegals were trained in will writing, 40 women heads of household wrote their wills (protecting inheritance rights for future generations), and over 800 women gained leases. The distribution of informative material and face-to-face sensitization also helped to educate women about the differences between traditional and civil marriage, and on issues around polygamy and the root causes of property grabbing and disinheritance. This advocacy work is also aligned with other programmatic areas of Habitat Lesotho to ensure security of tenure when building homes. Training paralegals, councilors and chiefs increased communities' access to legal institutions, enabling those communities to access assistance and support in reporting infringements, sexual violation and marriage.

"The policy studies have become 'our solid ground for advocacy,' the legs on which we now stand to conduct our advocacy work," says Bohlokoa Mokhotho, Habitat Lesotho's advocacy and fundraising manager. The studies not only provided an important base of evidence to support the advocacy work of Habitat Lesotho, but also opened the doors for informed dialogues with governments and shed light on clear policy recommendations supporting the advocacy agenda of Habitat and its partners. The study findings and policy recommendations came at a crucial time, as Lesotho is undergoing national reforms likely to have a further policy impact.

Different ways of disseminating information and policy messages, from TV and radio appearances to **workshops that publicized the research findings**, increased Habitat Lesotho's visibility in the arenas of land policy and governance. As a result, the organization has been invited for several events and spaces. For instance, recently, Habitat Lesotho was invited by the Ministry of Local Government through the Housing Department to participate in the Habitat Steering Community to contribute to the National Policy Agenda and join the New Urban Agenda Forum, in addition to public hearings and seminars. Habitat Lesotho is now in a better position to contribute to and raise its voice in policy dialogues on land and gender issues.

The regional conference in Pretoria was an important moment for overcoming the challenge to convene local stakeholders and establish a working group and advisory committee. Representatives from government, academia and civil society gathered after the conference and were able to strategize and build a common action plan and advocacy agenda to address gender and land-related questions.

However, constant political reshuffling remains an issue in the country. "This is why we do not focus only in one channel," Bohlokoa says. "We work through partnerships and also at grassroots level and with the youth; we want to make noise, to be heard, so someone somewhere will get and resonate with what we are promoting."

At least 500,000 people have been reached through the phone messages and TV and radio appearances pushing policy change and promoting awareness of women's inheritance rights.

Building on the research findings and recommendations, and on strategic meetings with partners, Habitat Lesotho will continue to work in partnerships at the programmatic, policy and institutional levels to strengthen women's inheritance rights and improve legal, policy and institutional frameworks in Lesotho. This includes training the media and promoting the creation of a gender-sensitive Land Dispute Agency.

Further information on how Habitat for Humanity is working to promote gender equality through advocacy in other countries is available in the [Gender & Land Issue Brief](#).

i Habitat Lesotho/Gaynor Paradza. 2018. Women's Access to Land and Housing in Lesotho.

ii The Marriage Act, 1974; The Legal Capacity of Married Persons Act, 2005; the Inheritance Act; the Land Act, 2010; Children's Protection and Welfare Act, 2011; and the Sexual Offences Act, 2003.



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