

Ending violence against women and girls in Eastern and Southern Africa

Lesotho



Country context: According to the 2023-2024 Demographic and Health Survey (DHS), in Lesotho, 41% of women aged 15–49 have experienced physical violence since age 15, and 15% have ever experienced sexual violence.

Regional frameworks ratified/acceded/signed

- **African Charter on Human and Peoples' Rights** - 10 February 1992
- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 27 September 1999
- **The Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 26 October 2004
- **Southern African Development Community (SADC) Protocol on Gender and Development**
-Signed on 17 August 2008, and Ratified on 23 July 2010

National legal and policy framework

Constitution of Lesotho, 1993

It is the legal foundation for the protection and promotion of fundamental rights and freedoms.

Key provisions

- Article 5 guarantees the right to life.
- Article 4 promotes equality and prohibits discrimination on any basis, including sex.
- Article 8 prohibits torture or inhuman or degrading punishment or other treatment.
- Article 26 guarantees access to justice for violations of human rights and freedoms.

Sexual Offences Act, 2003

The Act addresses sexual violence and provides appropriate sentences for sexual offences.

Key provisions

- Under Section 23, Court proceedings relating to sexual offences shall be held in camera to protect the identity of the complainant.
- Section 29 obligates the prosecutor to consult the complainant during proceedings of offences of a sexual nature.

- Section 32 stipulates that the penalty for rape, including marital rape, is a minimum of 10 years' imprisonment; the penalty for child sexual abuse is a minimum of 15 years' imprisonment; the penalty for intentional transmission of HIV /AIDS is the death penalty; and the penalty for child molestation and "child prostitution" is a minimum of 10 years' imprisonment.

Penal Code, 2010

The Code criminalises physical violence, sexual violence and forced marriage.

Key provisions

- Defines a child as a person under the age of 18 years.
- According to Section 46, it is an offence to abduct a person of unsound mind or a child for the purpose of sexual intercourse.
- According to Section 49, it is a crime to have sexual intercourse with a child.
- Section 50 states that it is a crime (sexual molestation) to conduct sexual acts with a child under 12 years old.
- Section 52 provides for the crime of unlawful sexual acts, which are sexual acts committed through the use of force, verbal and physical threats, or where the person is unlawfully detained and is punishable by a fine and or imprisonment up to 3 years.

2. Laws and policies on ending violence against women and girls in Lesotho

Anti-Trafficking in Persons Act, 2011

The Act provides for the prohibition, prevention, prosecution and punishment of perpetrators of the offence of trafficking in persons.

Key provisions

- Section 23 obligates a police officer to make an initial assessment report and initiate an investigation within 24 hours after a complainant makes a report.
- Under Section 26, a police officer is obliged to assist the survivor in obtaining medical treatment where necessary.
- Section 42 enables foreigners who are survivors of trafficking to access public health care services on the same basis as citizens of Lesotho.
- Section 5 stipulates that the penalty for trafficking is a minimum of 25 years' imprisonment, and life imprisonment if the survivor is a child.
- Section 28 prohibits the summary deportation of a survivor.

Counter Domestic Violence Act, 2022

The Act aims to prevent domestic violence and protect the rights of survivors.

Key provisions

- Section 3 defines domestic violence to include physical, sexual, emotional, verbal, economic or psychological abuse, stalking and technological abuse.
- Section 10 obligates police to swiftly respond to reports made for domestic violence, investigate and guide the survivor on criminal proceedings.
- Section 13 obligates prosecutors to ensure effective and expeditious delivery of justice.
- Section 21 establishes the Restorative Justice Council to hear cases of domestic violence.
- Section 14 obligates healthcare providers to provide free medical care to survivors of domestic violence.
- Under Section 7, protection orders can be granted to survivors of domestic violence to protect them from the perpetrators.

Policy framework

Gender and Development Policy (2018 – 2030)

- The policy promotes gender equality and obliges the Government of Lesotho to promote an environment of zero tolerance to all forms of GBV in public and private spheres, including integrating services such as quality health services for GBV survivors and perpetrators.

National Strategic Framework and Action Plan to Combat Trafficking in Persons (2021-2026)

- Aims to combat, prevent, protect and care for victims, and ensure prosecution and punishment of responsible perpetrators.

Support services and mechanisms

- **One-stop centres such as the Lapeng Care Centre for Abused Women and Children:** provide a temporary place of safety for women and children who are survivors of GBV and psychosocial support, health and legal services, and ensure an integrated response to survivors.
- **The Child and Gender Protection Unit (CGPU) within the Lesotho mounted police service:** provides a safe space for reporting, investigating, and ensuring the prosecution of GBV cases.
- **The Nokaneng app:** creates awareness, advocates for gender equality among users and educates users on the dangers of GBV towards women and girls and how they can help protect themselves from GBV.
- **A Child helpline in police stations:** provides a platform and mechanism for children to express their concerns, linking them to other services, such as child welfare, for protection and assistance.
- **Legal aid programs by civil society organisations:** assist survivors in accessing justice.
- **The Anti-GBV coordination forum:** provides advice on national legislation, policies and guidelines on GBV.

3. Laws and policies on ending violence against women and girls in Lesotho

Legal gaps and implementation challenges

- Gender inequality and deeply rooted patriarchal beliefs promote violence against women and girls.
- Harmful cultural and traditional practices usually persist despite legislative protections.
- The pluralistic legal system comprising Customary Law, Roman Dutch Law (Common/Civil Law) and Statutory Law results in inconsistency and conflict in upholding women's rights.



Scan to learn more about laws and protections on **ending violence against women and girls in Lesotho**.