

Exploring the Normalisation of Rape as Gender-based Violence in Lesotho

LESTER, Anna and PANDEY, Madhumita

Available from Sheffield Hallam University Research Archive (SHURA) at:

<https://shura.shu.ac.uk/32720/>

This document is the Accepted Version [AM]

Citation:

LESTER, Anna and PANDEY, Madhumita (2023). Exploring the Normalisation of Rape as Gender-based Violence in Lesotho. In: PANDEY, Madhumita, (ed.) International Perspectives on Combating Gender-Based Violence. Advances in Preventing and Treating Violence and Aggression (APTVA) . Cham, Springer, 67-85. [Book Section]

Copyright and re-use policy

See <http://shura.shu.ac.uk/information.html>

Chapter 5

Exploring the Normalisation of Rape as Gender-based Violence in Lesotho

Anna Lester and Madhumita Pandey

Introduction

In 1993, the United Nations defined violence against women (VAW) as:

“...any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” (Declaration on the Elimination of Discrimination against Women, 1993)

Physical and sexual violence is a worldwide issue that continues to be prevalent within many societies. Globally, it is estimated that just over one third of women are attacked by an intimate partner or raped by a non-partner (World Health Organisation, 2017). Additionally, an approximate 15 million girls have been raped, with only one percent seeking official support (United Nations Children’s Fund, 2017). However, many statistics that are formulated do not represent the accurate nature of VAW around the world due to fear of retaliation or shame (World Health Organisation & Pan American Health Organisation, 2012), especially for children (United Nations Children’s Fund, 2017), and it is likely that the true number is much higher. Nevertheless, there is a global issue with the prevalence of VAW, which creates mass human rights (HR) implications for women across the world.

Lesotho, also known as the Kingdom in the Sky, is a small country located within South Africa (Pherudi, 2022). Geographically, the lowest point in the entire country is 1,400 metres above sea level (Thetsane, 2019) and, whilst Lesotho is visually beautiful, it suffers from mass soil erosion (Verschuur et al., 2020). This is one of the reasons why their natural resources are insufficient, which has led to the country being impoverished and reliant upon South Africa for much of its economic stability (Verschuur et al., 2020). Within Lesotho, 99% of the population is Basotho (with few other ethnic groups like Xhosa, Baphuthi and Ndebele) and whilst the two spoken languages are Sesotho and isiXhosa, the two official languages are Sesotho and English (MOET, 2013). The Basotho people are known to be homogenous, although there is variation in practices by families and individuals in different parts of the country (Khau, 2022). One of the most commonly shared aspects of culture is the Basotho blanket. This blanket is known to be an *“...an important part of who they are as a nation”* (Khau, 2012, p. 97). Blankets are provided to people throughout different stages of their lives, such as getting to a certain stage in childhood or through marriage (Khau, 2012). There is great historic significance of the

blankets within Lesotho, with certain designs and patterns holding fundamental meaning and can often be symbolic in nature. Whilst the blankets are more well known, culturally very little has been written about traditions within Lesotho, as it is common practice to pass information through generations orally (Johnson, 2018; Khau, 2016). Lesotho is not a well-known country, the human rights (HR) issues that occur there are not as internationally recognised as other countries in the area, such as South Africa (Human Rights Watch, n.d.), meaning that it is still quite under researched. Basotho society is known to be patriarchal, with power and advantage often being given to men (Khau, 2022). Therefore, this chapter will discuss, among other aspects, the nature in which patriarchy within society aids in enabling rape against women and girls.

Although efforts have been made in lessening violence against women, in Lesotho there is a long-standing and prolific problem (Chipatiso et al., 2014). In a 2014 report, 86% of women experience Gender Based Violence (GBV) and 62% have suffered intimate-partner violence (IPV) within their lifetime (Chipatiso et al., 2014). Much of Lesotho society views women as powerless, who must be chained “...to the domestic sphere...” (Ramakhula, 2019, p.5) and thus inferior to men. To maintain dominance, the men have been known to use violence to regain control (Chipatiso et al., 2014). There is an indoctrinated system that believes women must acquiesce to their husbands demands, with 73% agreeing that men have the last word on familial matters (Alber et al., 2018). In comparison, in the UK women state that, in relationships, they generally “...consult one another...” and there is often no hierarchy in decision making (Twamley, 2013, p.4). Additionally, an article about women’s empowerment from 2018 states that only 30.9% of Lesotho’s national income is earned by women (Kalimo, 2018). Through unemployment, the men maintain control as women are unable to buy anything without input from the employed man of the house, which then stifles their independence and continues the controlling dynamic between men and women (Bloem et al., 2004).

In 2011, it was suggested that in Lesotho (with an approximate population of 2 million, spread over 11,200 miles) there were 88.6 reported cases of rape per 100,000 people (Robinson & Cussen, 2017). For further context, in the same year Slovenia, which is similar in population (The World Bank, n.d.), had a rate of 2.68 out of 100,000 people (United Nations Office on Drugs and Crime, n.d.). Whilst this statistic makes the nature of rape clear in Lesotho, it must be acknowledged that cultures within Lesotho and Slovenia are most likely drastically different and that these statistics are only being used to explain the difference in rape offences between two countries of similar population. Additionally, a lack of empirical data collection in Lesotho means that these statistics may not be reliable or representative of this issue, leading to less understanding and widely used preventative measures. To provide an example, other official records do not mirror this, such as criminal justice records between 2008 and 2010 which show that out of the 1432 cases of VAW in Lesotho, 1234 were sexual assault offences (Chipatiso et al., 2014). Rape statistics often fail to be dependable due to mass underreporting that occurs, largely due to the “...stigma of having been raped” (Bloem et al., 2004, p. 48). Many women feel that they cannot approach officials, due to the male orientated positions that are held (Morojele, 2009), and for fear of attack if their partner is not convicted (Chipatiso et al., 2014). However, some efforts have been made in lessening violence against women (Morojele, 2009), such as The Child and Gender Protection Unit (CGPU) (Chipatiso et al., 2014) and shelters such as “She-hive” based in Maseru (She-hive, n.d.), which provide support to victims of domestic violence and sexual abuse.

Normalisation of Rape

Artz and Smythe (2007) define rape as a man intentionally having sexual intercourse with a woman, without her consent. In the context of this chapter, the consequences of rape go beyond what is written in statutes and laws, it is about a woman's social standing, a girl's experience in school, and the lack of governmental and societal support provided to victims. The term "normalisation" refers to the complex influences that make people believe or act in a certain way (Brown, 2017). In their article about normalisation in *The New York Times*, Bear and Knobe (2017) state that people accept normalisation because "...*simply by becoming more common, [things] become more acceptable*". With this notion, normalisation will be used to primarily show how the individual and wider society accept rape as a way of life in Lesotho. To provide an example of this, the most common form of individual normalisation is the acceptance that rape is an everyday aspect of life. Khau's study (2007), discussing date and marital rape, found that a woman who had just had a baby with stitches from the birth was raped by her husband. He demanded sex and she complied, even though she knew the physical consequences would be extensive. This acceptance shows that women do not feel that they can protest. In another study conducted by Morojele (2009), the experiences of schoolgirls in rural Lesotho are impacted by patriarchal social norms that are placed upon them at such a young age, militating them. They are taught to be inferior and to acknowledge their subservience to boys leading to society, and therefore women themselves, normalising that rape is a way of life; just because they are women. Ultimately, this provides insight into how the patriarchy begins to embed into society at early stages of life. In order to begin to understand why rape is so prevalent in Lesotho, societal, cultural and legal considerations must also be made.

What are the societal, cultural and legal factors that facilitate rape in Lesotho?

Community opinion of rape victims & the patriarchal societies

Within feminist literature, the patriarchal nature of rape is commonly discussed (Brownmiller, 1975; Kelly, 1988; Millett, 2000), and some academics use qualitative data collection to explore this within Basotho society (Makoa, 1997), such as the negative beliefs of the community towards rape victims (Morojele, 2009), and the shame that women feel as a result of this (Khau, 2007). There is a continuous theme that runs throughout, discussing the damaging effects of patriarchy on the relationship between men and women (Kalimo, 2018). Within the literature regarding Lesotho, there is discussion on the gender roles that women hold within the communities. Through analysing this in the sexual violence context, there has been increased understanding of what society is like for women in Lesotho. For example, an article written by Makoa (1997) uses secondary data to discuss some historical and traditional aspects of Basotho culture to create understanding of the gender hierarchy. Although primary data collection on the effects of these traditions would have provided further understanding of the culture, Makoa (1997) discusses the use of the "Khotla"; where the men and the chief have dinner together every day, during their spare time. There has been suggestion that this can lead to segregation from and alienation of the women, as they are left at home to look after the children. It is clear, from the literature provided, that the mass gender disparity not only normalises rape, but also aids in keeping women in their place.

The perpetrator's position within society

When discussing the normalisation of rape, the perpetrator's perspective can show their attitudes towards sexual violence, and the relationships they have with women. In Lesotho, it has been suggested that boys hold a higher, more powerful position than girls. In Morojele's (2011) qualitative article, the researcher observed informal interactions within schools. Through listening to the learners within their everyday environment, they determined that Basotho boys learn to dominate the girls and the girls are required to accept it.

Schooling in Lesotho

Another detail found in the research was the violence committed against children. In Lesotho, some pupils are whipped by teachers (Morojele, 2009) and the male pupils are encouraged to harass girls when they do not act femininely and as a girl should (Morojele, 2011). Using a "...*violence and trauma questionnaire for adolescents...*", De Wet (2007, p. 673) has provided a quantitative research article revealing how 10.66% of learners were subjected to peer-on-peer rape. Time within education is influential in a child's life, and violence in schools further propagates social normalisation of VAW. Teachers should provide stable learning environments and examples to the children (They Work For You, 2022), but by abusing them and teaching boys to harass girls, these children are learning that sexual violence is normal and the importance of maintaining gender inequality (Parkes et al., 2016).

Legal Aspects

Unsurprisingly, due to the history of the country, the Lesotho Sexual Offences Act No 3 of 2003 (LSOA) holds some similarity to the Sexual Offences Act 2003 in the UK. However, the term "rape" is not used within the LSOA, sexual offences are referred to as an "*Unlawful Sexual Act*" (Sexual Offences Act No 3, 2003), which uses coercion instead of consent as a requirement that an unlawful sexual act has occurred. There is no specific wording stating that the consent given must be free and voluntary (The Human Dignity Trust, 2020), as is required from international human rights law, including key international and regional human rights treaties, and their interpretation by expert bodies (The Human Dignity Trust, 2020). Lesotho (being a member of the United Nations (UN)) signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Protocol to African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) (African Union, 2003), which means that they are required to follow the sections contained within them. Rape is a complex societal issue, so appropriate and inclusive law is needed to ensure clarity in what a sexual offence is.

Within Lesotho, there is little research conducted on police or magistrate response to rape. However, in Morojele's (2009) previously discussed research, they explain that the reason why a mother did not report her daughters' rape was due to the prevalence of men within the legal system in Lesotho. According to them, men dominate in all fields, whether that's the Village Chief or the Magistrates. Due to low social standing and their lack of positions of power, women do not feel confident in reporting rape (Morojele, 2009).

Research Framework

In order to synthesise literature for review and consequential research analysis, thematic analysis was used to examine rape as gendered violence in Lesotho. Through using Braun and Clarke's (2006) six-phase process, a coherent structure was created allowing for better

understanding of the approach to finding themes within the literature. The use of thematic analysis allowed for a “...patterned response or meaning within the data set...” (Braun & Clarke, 2006, p. 82), and through “...identifying code co-occurrence...” (Guest et al., 2012, p. 9) the correlation of information has been used to show the reasons for normalisation of rape. The process of identifying themes was shaped by Heise’s (1998) ecological design which provided further analytical opportunities byway of consideration of normalisation of rape at different social ecological stages within society (see Figure 1 below). The original design has traditionally comprised of connecting circles which state the different levels of societal involvement in a topic (Kaye, et al., 2005); from the individual person, through to the “...attitudes that permeate the culture at large” (Heise, 1998, p. 264). It is designed to be modified to the required context in which it is being used (Zengenhagen et al., 2019). In the context of this topic, this design showcased varying levels of abuse within society, from the individual person, to the larger societal actions (Heise, 1998), and how different factors affect this. To provide an example, at the individual level, there is consideration of how victims feel shame for their attack, and the indoctrination of rape victims to blame each other. Alternatively, at the community level, blame is often placed on the victim by both their families and the wider community, rather than the perpetrator (Bloem et al., 2004).

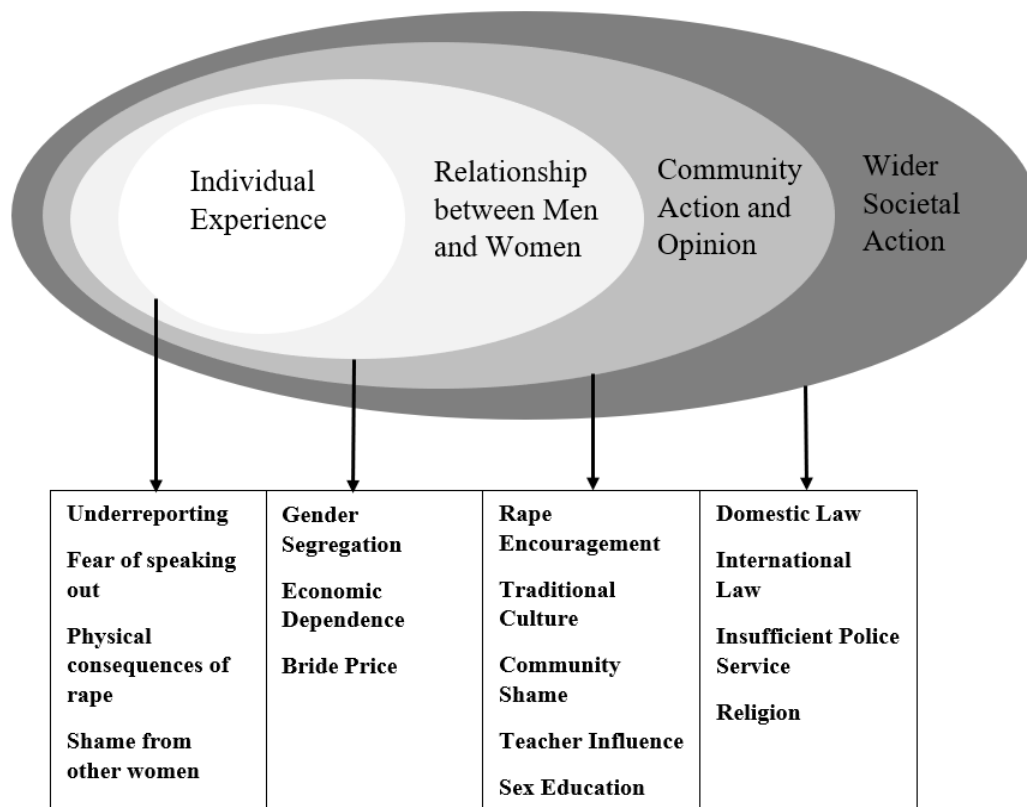


Figure 1. Factors affecting violence against women in Lesotho at different levels of social ecology, adapted from Heise's (1998) framework.

In the process of undertaking research, it is important to outline any biases that may influence findings (Smith & Noble, 2014). In this instance, there are two female authors who have taken a feminist and human rights oriented approach to exploring rape in Lesotho. There is regular application of feminist theory throughout the discussion and inclusion of international human rights law has enabled an understanding of why rape in Lesotho is a gendered issue. Research bias is often unavoidable (Smith & Noble, 2014), but through discussing it, context is provided to understand why certain themes have been discussed and how findings have been created. Lester, as a white woman, from a western country, felt the importance of recognising that she was looking at the culture within Lesotho from an outside perspective. This is often referred to as an “*etic*” approach to research, which applies to researchers who “...are more prone to isolating particular components of culture and making predictions using hypotheses about their antecedents and consequences” (Galperin et al., 2022, p. 8). As an *etic* researcher, in this instance, there are many points whereby findings have been discussed based upon certain aspects of culture within Lesotho with the aim of understanding why rape is such a prominent issue. Whilst the authors feel that this research is important, owing largely to the lack of research conducted in this area, they also recognise that it is never fully possible to understand the lives and culture of the people within Lesotho. From this, we also want to reiterate the importance of conducting research with a decolonial lens, especially when it comes to issues of the under-researched global south. Pandey, the co-author, who is of South-Asian descent, further helped with understanding of applying a decolonial perspective to this body of work. Taking a decolonised approach acknowledges the significance of highlighting perspectives that have been unobserved due to dominant western views (Galperin et al., 2022). At no point during the research process for this work was the idea to overshadow this topic with either westernised perspectives or narratives. The aim of this is to bring awareness of an issue that is mostly under researched and create some further understanding of this topic.

Discussion

The First-Hand Experience of Rape in Lesotho and South Africa

Being a woman in Lesotho and South Africa

In Lesotho, with the average age for marriage being between 15-19 years old, and many having children young (Morojele, 2011), women are committed to upholding the domestic lifestyle (Olowu, 2011). From a young age, girls practise their domestic skills through “...*servicing their brothers...*” and learning how to take care of their household (Khau, 2016, p. 101). They cook, they clean, and they look after the children (Bloem et al., 2004). Ultimately, men are commonly known to be providers (Alber et al., 2018), and women are required to continue their traditional role of being powerless within society.

Specific sayings in Lesotho enable men to be held to a higher standard than women; such as “*Monna ke tšepe e ntšo*” which translates to “...a man is a black iron...” (Morojele, 2013, p. 14). These phrases have been commonly used to polarise the men from the women and guide them from acting effeminately (Morojele, 2011). Often men are given the opportunity to commit violent acts against women, which can manifest as sexual violence, and know that many women do not have enough societal influence to speak out (Kalimo, 2018). In order to explain the relationship dynamic between a woman and her husband, a female teacher uses the analogy of the Lesotho cultural blankets to explain that:

“As a woman I see myself as a blanket. A blanket is a possession that someone can do whatever they please with. You can have as many blankets as you wish and they can never complain. If you do not take care of the blanket, it can’t say anything. If you choose to wear another one, it still remains your blanket. It cannot walk out of the house. Because you pay for it, you can do anything you want with it. You can sleep on it, walk on it, sleep under it, wipe your feet on it, or even use it as a bed for your dogs. The duty of the blanket is to keep the owner warm and happy, protecting him from the coldness of the world outside. I am a blanket for my husband. He beats me when he wants, he cares for me when he wants and sometimes he wants to be seen with me in public when he is happy.” (Khau, 2012, p. 106)

The lower position that is shown to be held by women provides the first step towards understanding normalisation of rape. Although there are global problems with gender disparity (Nguyen, 2022), the difference between men and women within the social hierarchy is shown to promote and give reason for some of the highest levels of rape in the world (Waife-Amoako, 2018; Robinson & Cussen, 2017).

Personal Shame

Unfortunately, it is not rare for Basotho women feel shame about their rape; some have also been indoctrinated into shaming each other, even when they may have been raped themselves. One of the main issues that arises in collecting data from women in Lesotho is the shame they feel when speaking about their experiences first hand. Within much of the literature many choose to “...relate stories as if they happened to other people when in actual fact those things happened to them” (Bloem et al., 2004, p. 21). Women feel that they cannot even approach medical staff about their attack for fear of being judged (Khau, 2007). In Lesotho, although 70% believe that men and women are equal, 97% of women also believe that they must obey their husbands (Alber et al., 2018), 81% feel they need to ask permission to work (Chipatiso et al., 2014) and if there was suspicion of infidelity on the wife’s behalf or they neglected their duties, then they agree that abuse is justified (Morojele, 2011). Women who are being raped are accepting that the actions of the rapist are her fault, and through failing to obey her husband (Alber et al., 2018), or deviating from her marital duties (Morojele, 2011), they believe that rape is deserved. This creates a level of indoctrination and responsibility being placed upon women, by both men and women alike.

The Relationship between Men and Women

Prominent Gender Roles

The patriarchal structure that exists in Lesotho provides roles within the matrimonial home. The husband is often known to be the decision maker, and the wife maintains the household (Alber et al., 2018). Therefore, holding economic dominance is vital to men in Lesotho.

Without it, women do not rely on them, and they lose negotiation power. Women who have an education or maintained frequent and affluent employment are more susceptible to abuse than those who have not (Morojele, 2011). Although there is no direct correlation between marital violence and employment, the men feel that they should use violence and rape to “...combat...the unchanging order of nature” (De Wet, 2007, p. 685) and that they have the power to keep women in their place (Chipatiso et al., 2014). Husbands have been known to use their higher economic standing to demand sex, and if the wife does not comply, he will not provide his salary for the household leaving the wife without food for herself or the children (Bloem et al., 2004). They will also use it to control their wife’s daily life; in 2011 90% of women in rural towns felt that they could not leave without their husbands’ permission, but in Maseru (the capital) where literacy rates are higher and women have more freedom, over 50% felt they needed to ask (Morojele, 2011) (however, this statistic is dated and could have improved since then). With marital rape not being an offence until 2010 (Morojele, 2011), women continue to believe that they must comply with their husbands demands (Alber et al., 2018). Although it is clear that violence is indoctrinated into this society from a young age (Chipatiso et al., 2014), the belief that men are entitled to sex purely because they are the husband and sole contributor is damaging to both women and society as a whole. Rather than rape being a violent criminal act, it is deemed to be a bargaining chip and normalised as a control mechanism to keep women in their place.

Community Opinion and Action

Violence in Education and the repercussions

In a report on sexual violence in Lesotho, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) stated that out of 1,234 reported sexual offences, 33% were against children (Chipatiso et al., 2014). General violence in schools is rife in Lesotho, with girls often being the victims (De Wet, 2007) and even teachers partaking in the abuse (Ngakane et al., 2012). Although there is little research on sexual violence in schools in Lesotho (Ngakane et al., 2012), physical violence is prominent. Boys (90%) experience more physical abuse than girls (84%) (Chipatiso et al., 2014), and nearly half of the school pupils suffer threatening behaviour from teachers (De Wet, 2007); with female pupils being specifically disproportionately targeted to maintain the “...gender order...” (Morojele, 2013, p. 10; Morojele, 2012). There are reports of teachers punching students in the face and beating them until they faint (De Wet, 2007), sometimes for failing to answer questions (Ngakane et al., 2012). Additionally, in Lesotho there is a traditional Initiation School, which provides young people with practical skills and cultural education (Rathebe, 2018). Whilst they are a source for information about sexual health and tradition (Khau, 2016), often male pupils who return are more likely to rape than those who did not attend (Mturi & Hennink, 2005). Nevertheless, pupils who do not attend this traditional school are not devoid of violence against girls, with 10.66% of pupils falling victim to rape by their peers (De Wet, 2007) and some being gang raped by a group of boys at their school (Ngakane et al., 2012). As a result of this, girls who had not been attacked are 59% more likely to complete school (Chipatiso et al., 2014) and one in four drop out because of pregnancy or forced marriage as a result of the sexual assault (De Wet, 2007). If girls drop out of school their future employability will be affected, which means that they will rely on their husbands for basic necessities (Morojele, 2011). Within both the schools and the wider community, a gendered social narrative is being implemented from a young age (Ngakane et al., 2012). This is then accentuated in later life, when the men use rape and violence to control women (Bloem et al., 2004). Although remedial suggestions will be discussed later, the violence that children are being subjected to at school is fundamental in normalising rape. Due to abuse at home and at school, boys are taught to be violent and

continue this throughout life, and girls are forced into a gendered category that leaves them powerless.

Community Victim Blaming and Traditional Culture

To determine how rape is normalised within society, the traditional culture regarding the relationships between men and women must be discussed. Aspects of this in Lesotho have created a distance between men and women (Alber et al., 2018), and aids husbands in maintaining power over their wives. Whilst there are positive instances of the Khotla (Stender & Rozario, 2020), which is traditionally a court or a gathering place for men, it is known to be a location whereby men solely spend their time together, leaving the women at home; causing alienation and separation between the men and their wives (Makoa, 1997). Another aspect of traditional culture regarding gender in Lesotho is the concept of the bride price (there are different names for this, such as “*Bohali*” (Murray, 1977, p. 80) or “*Lobola*”, which is common in Southern Africa (Heeren et al., 2011, p. 74)). For a woman to marry a man, the man must provide her family with a payment (Heeren et al., 2011). There can be multiple social problems caused by this, such as “*If lobola has not been paid, the husband in times of crisis will say to his wife “you are not my real wife, I did not pay lobola”* and ultimately:

“The wife does not respect the husband” and “the husband does not respect the wife”, if lobola has not been paid and “The families do not recognise the marriage”. In case of problems within the marriage, the couple will not find any support. Failure to pay lobola assumes that “the woman remains single”, “thus is not married” as a result the children of the young couple will belong to the father of the wife, and not to the husband and as a result the husband will have no influence in the upbringing of the children”. (Heeren et al., 2011, p. 77).

By having a cultural bride price, women can become the property of their husbands (Morojele, 2011), which sometimes creates a repayment system within the marriage (Bloem et al., 2004). A consequence of this is the entitlement that men can feel they have over their wife’s body; and if this is not provided this can lead to violence (Zondi, 2007). A study about Lesotho from 2004 stated that 63.4% of women believe that their husbands own them, however, in 2014 this was shown to have decreased to 42% (Chipatiso et al., 2014). Whilst maintaining tradition is important in many respects, this could be seen as an archaic system that allows some men to justify violence against women and making them commodities. It has been shown here that both the Khotla and the bride price can be detrimental in normalising rape and the ill treatment of women, as this can make women commodities that must be compensated for and cause gender segregation within social circles.

Whilst women have been indoctrinated to feel shame about their own sexual assault, victim blaming is also prominent in the wider community. In Lesotho, both the victim’s family and community frequently place blame upon them, rather than with the perpetrator (Bloem et al., 2004). Sex in Lesotho is shown to be either for the man’s pleasure or a procreative activity; intimacy and sexual attraction, and especially lesbian relationships are deemed to be disgraceful, with many lesbian women being subjected to corrective rape (Matsúmunyane & Hlalele, 2019). Although rape blame and the effects it has in Lesotho are often unreported, mothers and fathers frequently discourage girls from partaking in any form of sexual activity, but often do not provide them with information on healthy sexual relationships. An example of this is a father explaining why his daughters should not have sex:

“I always tell my girl that if she has sexual relationships before marriage, as we know boys are tempting, she will end up being like a driving school vehicle. Before one can buy a new

vehicle, he starts driving other people's vehicles—usually in a driving school. When the time comes to buy his own vehicle, he will never buy the old vehicle he used to drive”

(Mturi & Hennink, 2005, p. 136)

From this the father is showing that if his daughter has sex, then she would be undesirable and is placing the blame on her; whilst subscribing to the “*boys will be boys*” mentality (Ngakane et al., 2012, p. 44). When the families and community blame the victim, not only does this place a responsibility to act on the woman, but it also allows the men to avoid any form of social or legal consequences. Therefore, the seriousness of rape is avoided, and is deemed to be a way of life for women in Lesotho.

Wider Societal Action

Actions of the justice System

In 2003, 9% of rape convictions in Lesotho were found to be successful (Chipatiso et al., 2014), and only 11% of cases were reported (Bloem et al., 2004). Whilst this statistic is dated (and it could have improved or worsened since then), for perspective, between 2021 and 2022 the UK had a conviction rate of 70.7% (Crown Prosecution Service, 2022) for rape, leading to 661 convictions (Office for National Statistics, 2022). Although, this was from 67,125 recorded rapes ending in December 2021 (Office for National Statistics, 2022). A lack of reporting in Lesotho is unsurprising due to the negligent actions of the police officers, as they frequently ask inappropriate questions such as “*Did you enjoy the experience?*” or “*Did you cry?*” (Bloem et al., 2004 p.34) when a case is reported. The failure to provide a just system and respect for victims has led to the seriousness of this HR issue being ignored, which has continued to allow rapists to control and violate women.

Domestic Law on Rape

In Lesotho, Section 3(2) of the Sexual Offences Act No 3 of 2003 (LSOA) states “*For the purposes for this Act, a sexual act is prima facie unlawful if it takes place in any coercive circumstances*” (Sexual Offences Act No 3, 2003). In 2020, a report on sexual offences legislation within African Commonwealth countries was funded by the UK government (The Human Dignity Trust, 2020). A universal criterion was used and based upon international human rights law to determine where the gaps were within legislation (The Human Dignity Trust, 2020). For Lesotho, gaps in the LSOA, such as marital rape and sexual assault only being crimes in certain circumstances (where if violence or threat of violence is used, the person is sick, the offender has HIV, there is a judicial order of restraint, the parties are separated, or the offender has deserted his spouse (Sexual Offences Act No 3, 2003)), have been made clear, including very little discussion around consent and freedom to make that choice (The Human Dignity Trust, 2020). The shallow definitions of consent and inclusion of coercion criteria may be detrimental in making the law act to its full capacity, as shown in the legal principle of

nullum crimen, nulla poena sine lege which translates to “...no crime without law, no punishment without law” (Hossain, 2021, p.241). With the previously shown levels of successful rape convictions, the justice system is failing to sufficiently protect victims.

International Law on Rape

As shown, Lesotho has ratified CEDAW (CEDAW, 1979) and the Maputo protocol (African Union, 2003) to tackle the issue of rape in the country. With the rate of rape shown in the literature to be one of the highest in the world (Robinson & Cussen, 2017), the Lesotho government do not seem to be acting to improve women’s fundamental human rights. However, in recent years there has been a lack of literature on rape in Lesotho, therefore these efforts may have gone unnoticed (Chipatiso et al., 2014). Nevertheless, based upon a report by the CEDAW Committee in 2012 (Chipatiso et al., 2014) and the research available, recommendations were made to the Lesotho Government. These included more protection for victims, further data collection and encouragement in reporting sexual assault (Chipatiso et al., 2014). In 1992, the CEDAW committee made separate recommendations for countries who had ratified and for those who would in the coming years (Nowrojee & Manby, 1996). This included sufficient legal protection, preventative programmes directed at gender segregation and support for women who have faced violence (Nowrojee & Manby, 1996). In supporting international regulations, the Lesotho government will have to look at making extensive improvements. Although the suggestions by the CEDAW committee are over twenty years old, they are still vital to creating a safer life for many, and if implemented, could cause a shift, changing how women are treated in society and providing basic human rights. More research will be needed to provide recent and realistic statistics on the occurrence of rape and provide a platform in which women can discuss and report their attacks, creating an open dialogue about why rape so frequently occurs.

Suggestions for Future Research

Due to the vast research that has been conducted on race and HIV, and the effect that they have on the prevalence of rape, these topics have not been included in this chapter. However, these aspects of history are important and should not be ignored. On the topic of rape in Lesotho, the opportunity for further research is vast, such as learning more by way of participatory research and collecting data within local communities in order to increase understanding of societal gender segregation. Another research suggestion is to focus on the violence in schools contributing to rape. There has been limited research conducted on this issue, even though it is prominent within the lives of school children (Ngakane et al., 2012). This could provide insight into how learning violent behaviour leads to some becoming rapists. Another research suggestion is to provide police officers training on how to appropriately investigate rape cases and then conduct a primary data collection on the effectiveness of the training programme. Lastly, research could be conducted on the impact of changing the law in Lesotho to match international human rights law suggestions (The Human Dignity Trust, 2020) and what positive effects could result from it, with the aim of improving the lives of women and girls.

Research, Practical and Policy Implications

The research conducted has provided insight into why rape is normalised in Lesotho. There have been comparatives drawn on how women are treated, such as the need for women to be compliant with their husband’s abuse if they want basic necessities (Bloem et al., 2004) or implementing the bride price (Zondi, 2007) and normalising rape within the marriage (Bloem et al., 2004). Due to the prevalence of violence and rape in schools (De Wet, 2007) and the

gender segregation that is supported by the education system (Morojele, 2013), the researcher suggests that human rights education (HRE) could be introduced to pupils and teachers. Whilst these classes would be effective in teaching about gender equality, they would also be instrumental in “...*promoting respect for human rights beyond the school walls...*” (Bajaj, 2011, p. 209). Pupils who engage in HRE often identify human rights problems within their communities and look to rectify them (Bajaj, 2011). It has also been shown to aid pupils in understanding further cultural and socio-economic issues (Nadkarni & Sinha, 2016). By introducing HRE into schools in Lesotho, there is the opportunity to educate teachers about the effects of being violent and teaching gender segregation, but also potentially reducing the chances of male pupils becoming violent adults. This may also aid in stemming the issue of female shame surrounding rape.

The approach in which the police have taken in investigating rape cases has been ineffective (Bloem et al., 2004), and the treatment of victims has not only lessened the likelihood of reporting but also further traumatised individuals. In order to aid victims in approaching the police, a training programme could be implemented in Lesotho. Research-based training programmes for the police in the UK (McKee et al., 2020) and Australia (Darwinkel et al., 2013) have shown to be successful in lessening the belief of rape myths and judgement of victim credibility. This training programme may improve reporting and may increase case investigation success. The Lesotho Police should implement policies which guide officers to investigate rape cases thoroughly, and support victims. This would create direct instructions on handling rape cases, and show that the police are changing their outdated protocols.

Conclusion

This chapter has been written with HR and feminist perspectives as a wider backdrop, by highlighting how rape is a gross violation of a woman's fundamental rights. The aim has been to highlight the extent of this HR issue and gain understanding of the cultural, societal and legal factors that have contributed to the normalisation of rape in Lesotho. There has been use of secondary data and an overview of rape, with special regard to patriarchal influences. Throughout, this has been an underlying sub-topic showing why rape is normalised within this society, such as the prominent gender roles within the household (Chipatiso et al., 2014), violence and gender segregation in schools and victim blaming (Matsúmunyane & Hlalele, 2019). Through the use of secondary data, it is clear that the police in Lesotho have been unempathetic and negligent in dealing with rape victims (Bloem et al., 2004). There are identifiable shortcomings with the law on sexual violence (The Human Dignity Trust, 2020), which creates a narrowed approach to cases (Dowds, 2019). Although Lesotho has ratified CEDAW and the Maputo Protocol, the prevalence of rape is still high, despite suggestions being made by the CEDAW committee (Chipatiso et al., 2014). This chapter has also accumulated literature showcasing high levels of sexual and physical violence in schools (Ngakane et al., 2012) leading to a higher probability that female students will drop out of school and be economically reliant on men if they are sexually assaulted (Morojele, 2011). Lastly, from the data, it is evident throughout that the society in Lesotho is heavily patriarchal, with women's rights often being violated. This is accentuated by traditions such as the bride price within the marriage (Bloem et al., 2004), responsibility being placed with the rape victim (Bloem et al., 2004) and an indoctrination that it is the woman's duty to keep the men happy and alleviate their urges. The treatment of women in Lesotho is a serious human rights issue; women are being attacked from a young age, and people are being taught that women provide specific services for men and cannot be anything more. As a result, rape is normalised and used as a control mechanism to maintain female powerlessness and their position within society.

References

- African Union. (2003, 1 July). *Protocol to African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>
- Alber, B., Seidler, M., Raetzell, L., Munalula, C., Matlho, L., & Motara, S. E. (2018). *Prevention of Violence against Women and Girls: Stakeholder Network Analysis: Lesotho Country Report*. German Cooperation. https://www.giz.de/en/downloads/PfP_Lesotho_Stakeholder%20Network%20Analysis%202018.pdf
- Artz, L., & Smythe, D. (2007). Feminism vs. the State?: A Decade of Sexual Offences Law Reform in South Africa. *Agenda: Empowering women for gender equity*, 21(74), 6-18. <https://www.tandfonline.com/doi/abs/10.1080/10130950.2007.9674868>
- Bajaj, M. (2011). Teaching to Transform, Transforming to Teach: Exploring the Role of Teachers in Human Rights Education in India. *Educational Research*, 53(2), 207-221. <https://doi.org/10.1080/00131881.2011.572369>
- Bear, A., & Knobe, J. (2017, 28 January). The Normalization Trap. *The New York Times*. <https://www.nytimes.com/2017/01/28/opinion/sunday/the-normalization-trap.html>
- Bloem J., Brown L., & Kendall C. (2004). *Sexual violence against women in lesotho*. MEASURE. <https://www.measureevaluation.org/resources/publications/sr-04-31.html>
- Braun, V., & Clarke, V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3(2), 15-23. <http://dx.doi.org/10.1191/1478088706qp063oa>
- Brown, J. (2017, 20 March). The powerful way that 'normalisation' shapes our world. *BBC*. <https://www.bbc.com/future/article/20170314-how-do-we-determine-when-a-behaviour-is-normal>
- Brown, L., Thurman, T., Bloem, J., & Kendall, C. (2006). Sexual Violence in Lesotho. *Studies in Family Planning*, 37(4), 269-280. <https://doi-org.hallam.idm.oclc.org/10.1111/j.1728-4465.2006.00105.x>
- Brownmiller, S. (1975). *Against Our Will: Men, Women and Rape*. Penguin Books.
- Chipatiso, L. M., Machisa, M., Nyambo, V., & Chiramba, K. (2014) *The Gender-based violence Indicators Study: Lesotho*. Gender Links. https://genderlinks.org.za/wp-content/uploads/imported/articles/attachments/20068_final_gbv_ind_lesotho.pdf
- Crown Prosecution Service. (2022, 21 April). *CPS publishes latest statistics on all crime types showing steady increase in rape convictions*. <https://www.cps.gov.uk/cps/news/cps-publishes-latest-statistics-all-crime-types-showing-steady-increase-rape->

[convictions#:~:text=A%2010.2%25%20increase%20in%20the.rate%20from%2067.8%25%20to%2070.7%25](#)

Darwinkel, E., Powell, M., & Tidmarsh, P. (2013). Improving Police Officers' Perceptions of Sexual Offending through Intensive Training. *Criminal Justice and Behaviour*, 40(8), 895-908. <https://doi.org/10.1177/0093854813475348>

De Wet, C. (2007). School violence in Lesotho: the perceptions, experiences and observations of a group of learners. *South African Journal of Education*, 27(4), 673-689. <https://www.ajol.info/index.php/saje/article/view/25139>

Dowds, E. (2019). Towards a Contextual Definition of Rape: Consent, Coercion and Constructive Force. *Modern Law Review*, 83(1), 35-63. <https://doi.org/10.1111/1468-2230.12461>

Galperin, B. L., Punnett, B. J., Ford, D. & Lituchy, T.R. (2022) An emic-etic-emic research cycle for understanding context in under-researched countries. *International Journal of Cross Cultural Management*, 22(1), 7-35. <https://doi.org/10.1177/14705958221075534>

Guest, G., MacQueen K. M., & Namey, E. E. (2012). *Applied Thematic Analysis*. SAGE. <https://doi.org/10.4135/9781483384436>

Heeren, G. A., Jemmott, J. B., Tyler, J. C., Tshabe, S., & Ngwane, Z. (2011). Cattle for Wives and Extramarital Trysts for Husbands? Lobola, Men, and HIV/STD Risk Behavior in Southern Africa. *Journal of Human Behavior in the Social Environment*, 21(1), 73-81. <https://doi.org/10.1080/10911359.2011.534903>

Heise, L. (1998). Violence Against Women: An Integrated, Ecological Framework. *Violence against women*, 4(3), 262-290. <https://doi.org/10.1177/1077801298004003002>

Hossain, M. S. (2021). Crimes against humanity and the principle of legality. In M. Shahabuddin (Ed.), *Bangladesh and International Law* (pp. 281-301). Routledge. <https://doi.org/10.4324/9781003107958>

Human Rights Watch. (n.d.). *South Africa: Events of 2021*. Retrieved 5 March, 2023, from <https://www.hrw.org/world-report/2022/country-chapters/south-africa#:~:text=Among%20countries%20that%20collect%20gender,which%20were%20cases%20of%20rape>

Johnson, L. R. (2018). Basotho Culture and the Prayers for Rain: Where Climate Change Converges. *Southern African Journal for Folklore Studies*, 28(2), 1-19. <https://doi.org/10.25159/1016-8427/3799>

Kalimo, K. M. (2018). Women Empowerment in Lesotho: Reality and/or Myth?. *Arts and Social Sciences Journal*, 9(4), 1-5. <https://doi.org/10.4172/2151-6200.1000373>

Kaye, D. K., Mirembe, F., Ekstrom, A. M., Bantebya, G., & Johansson, A. (2005). The Social Construction and Context of Domestic Violence in Wakiso District, Uganda. *Culture, Health & Sexuality*, 7(6), 625-635. <https://doi.org/10.1080/13691050500159761>

Kelly, L. (1988). *Surviving Sexual Violence*. Polity Press.

Khau, M. (2022). Being and Becoming a Woman in Lesotho: An Autoethnography of Belonging. In E. Lambertsson Bjork, J. Eschenbach & J. M. Wagner (Eds.), *Women and fairness: Navigating an unfair world* (pp. 177-191). Waxmann. <https://www.researchgate.net/publication/359827053>

Khau, M. (2007). 'But he is my husband! How can that be rape?': Exploring silences around date and marital rape in Lesotho. *Agenda: Empowering women for gender equity*, 21(74), 58-66. <https://www.tandfonline.com/doi/abs/10.1080/10130950.2007.9674876>

Khau, M. (2012). Gender and the politics of the Basotho blanket. In R. Moletsane, C. Mitchell, A. Smith (Eds.), *Was it something I wore?: Dress, Identity, Materiality* (pp. 91-111). HSRC Press.

Khau, M. (2016). Journeying into the past: Lesotho sexuality education curriculum history. In S. Mahlomaholo, L. Jacobs & M. Nkoane (Eds.), *South African Review of Education: A journal of comparative education, history of education and educational development* (22nd ed., pp. 98-114). SACHES. https://www.researchgate.net/publication/313526964_Journeying_into_the_past_Lesotho_sexuality_education_curriculum_history

Lesotho Ministry of Education and Training (MOET). (2013). *National policy for integrated early childhood care and development, Ministry of Education and Training*. Lesotho Government. https://planipolis.iiep.unesco.org/sites/default/files/ressources/lesotho_integrated_early_childhood_care_development_policy.pdf

Makoa, F. K. (1997). Gender and Politics: A Note on Gender Inequality in Lesotho. *Journal of Social Development in Africa*, 12(1), 5-14. <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=63837548135d648237c9a31ec1f76c4d14734fc4>

Matsúmunyane, K., & Hlalele, D. (2019). Culture, Religion and Sexual Diversity in Lesotho. *Journals of Asian and African Studies*, 54(4), 498-511. <https://doi.org/10.1177/0021909618824351>

McKee, Z., Mueller-Johnson, K. & Strang, H. (2020). Impact of a Training Programme on Police Attitudes Towards Victims of Rape: a Randomised Controlled Trial. *Cambridge Journal of Evidence-Based Policing*, 4, 39-55. <https://doi.org/10.1007/s41887-020-00044-1>

Millett, K. (2000). *What is to be done?. Symposium on Unfinished Feminist Business*, 75(3), 659-668

- Morojele, P. J. (2012). Basotho teachers' constructions of gender: Implications on gender equality in the schools. *Africa Education Review*, 9(1), 105-123. <https://doi.org/10.1080/18146627.2012.683611>
- Morojele, P. (2009). Gender violence: Narratives and experiences of girls in three rural primary schools in Lesotho. *Agenda: Empowering women for gender equity*, 23(80), 80-87. www.tandfonline.com/doi/pdf/10.1080/10130950.2009.9676243?needAccess=true
- Morojele, P. (2013). Rural teachers' views: What are gender-based challenges facing Free Primary Education in Lesotho? *South African Journal of Education*, 33(3), 1-18. http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0256-01002013000300003
- Morojele, P. (2011). What does it mean to be a boy? Implications for girls' and boys' schooling experiences in Lesotho rural schools. *Gender and Education*, 23(6), 677-693. <https://doi.org/10.1080/09540253.2010.527828>
- Mturi, A. J., & Hennink, M. M. (2005). Perceptions of sex education for young people in Lesotho. *Culture, Health & Sexuality*, 7(2), 129-143. <https://doi.org/10.1080/13691050412331321285>
- Murray, C. (1977). High Bridewealth, Migrant Labour and the Position of Women in Lesotho. *Journal of African Law*, 21(1), 79-96. <https://doi.org/10.1017/S0021855300008561>
- Nadkarni, V. V., & Sinha, R. (2016). Transforming Social Work Education in India: Integrating Human Rights. *Journal of Human Rights and Social Work*, 1, 9-18. <https://doi.org/10.1007/s41134-016-0002-3>
- Ngakane, M. V., Muthukrishna, N. & Ngcobo, J. E. (2012). Experiencing Violence in Schools: Voices of Learners in the Lesotho Context. *The Anthropologist*, 14(1), 39-48. <https://doi.org/10.1080/09720073.2012.11891218>
- Nguyen, C. P. (2022). Uncertainty and gender inequality: A global investigation. *Quarterly Review of Economics and Finance*, 86, 31-47. <https://doi.org/10.1016/j.qref.2022.06.003>
- Nowrojee, B., & Manby, B. (1996). Violence against Women in South Africa: The State Response to Domestic Violence and Rape. *Netherlands Quarterly of Human Rights*, 14(1), 3-120. <https://doi.org/10.1177/092405199601400128>
- Office for National Statistics. (2022, 28 April). *Crime in England and Wales: year ending December 2021*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenlandandwales/yearendingdecember2021#domestic-abuse-and-sexual-offences>
- Olowu, D. (2011). Gender vulnerabilities, spousal abuse and the incidence of HIV in Lesotho: a case for an integrative rights-based approach. *African Journal of AIDS Research*, 10(3), 235-246. <https://doi.org/10.2989/16085906.2011.626291>
- Parkes, J., Heslop, J., Ross, F. J., Westerveld, R., & Unterhalter, E. (2016). *A rigorous review of global research evidence on policy and practice on school-related gender-based violence*. University College London. <https://www.globalpartnership.org/content/rigorous-review-global-research-evidence-policy-and-practice-school-related-gender-based>

Pherudi, M. (2022). Political instability in Lesotho: Causes and possible remedies. *Botswana Journal of African Studies*, 34, 80-92.

<https://journals.ub.bw/index.php/pula/article/view/2140>

Ramakhula, T. (2019). *In but Out in Lesotho: Women's Representation Dilemma*. Africa Portal. <https://www.africaportal.org/publications/out-lesotho-womens-representation-dilemma/>

Rathebe, P. C. (2018). The role of environmental health in the Basotho male initiation schools: neglected or restricted? *BMC Public Health*, 18(994), 1-8.

<https://doi.org/10.1186/s12889-018-5936-1>

Robinson, S., & Cussen, T. (2017). *The Criminology and Criminal Justice Companion*. Bloomsbury.

She-Hive Association. (n.d.). *About us*. Retrieved 5 March, 2023, from

<https://www.shehive.co.ls/about.php>

Smith, J., & Noble, H. (2014). Bias in Research. *Evidence Based Nursing*, 17(4), 100-101.

<https://ebn.bmj.com/content/ebnurs/17/4/100.full.pdf>

Stender, S. C., & Rozario, A. (2020). “Khotla Bophelong Bo Botle”: a gathering of men for health. *Journal of the International AIDS Society*, 23(2), 15-17.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7319106/>

The Human Dignity Trust. (2020). *Next Steps Towards Reform: Assessing good practice and gaps in Commonwealth sexual offences legislation: Africa*. United Kingdom Foreign and Commonwealth Office.

<https://www.humandignitytrust.org/wp-content/uploads/resources/2020-Next-Steps-Africa.pdf>

The World Bank. (n.d.). *Population, total - Slovenia*. Retrieved 5 March, 2023, from

<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SI>

Thetsane, R. M. (2019). Local Community Participation in Tourism Development: The Case of Katse Villages in Lesotho. *Athens Journal of Tourism*, 6(2), 123-140.

<https://doi.org/10.30958/ajt.6-2-4>

They Work For You. (2022, 2 February). *Schools: Gender Based Violence*.

<https://www.theyworkforyou.com/wrans/?id=2022-01-26.112688.h>

Twamley, K. (2013) Gender Relations among Indian Couples in the UK and India: Ideals of Equality and Realities of Inequality. *Sociological Research Online*, 17(4), 103-113.

<https://doi.org/10.5153/sro.2756>

United Nations Children's Fund. (2017, November). *A Familiar Face: Violence in the lives of children and adolescents*. <https://data.unicef.org/resources/a-familiar-face/>

United Nations Convention on the Elimination of Discrimination against Women (CEDAW). (1979, 19 December). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

United Nations Declaration on the Elimination of Discrimination against Women. (1993, 20 December). https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf

United Nations Office on Drugs and Crime. (n.d.). *Violent & Sexual Crime*. Retrieved 5 March, 2023, from <https://dataunodc.un.org/dp-crime-violent-offences>

Verschuur, J., Li, S., Wolski, P., & Otto, F. E. L. (2021). Climate change as a driver of food insecurity in the 2007 Lesotho-South Africa drought. *Scientific Reports*, *11*, Article 3852. <https://doi.org/10.1038/s41598-021-83375-x>

Waife-Amoako, F. (2018). *Africa: The World Today Series 2018-2019* (53rd ed.). Rowman & Littlefield.

World Health Organisation and Pan American Health Organisation. (2012). *Understanding and addressing violence against women*. https://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf?sequence=1

World Health Organisation. (2017, 29 November). *Violence against women*. <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

Zengenhagen, S., Ranganathan, M. & Buller, A. M. (2019). Household Decision-Making and Its Association with Intimate Partner Violence: Examining Differences in Men's and Women's Perceptions in Uganda. *SSM - Population Health*, *8*, 2. <https://doi.org/10.1016/j.ssmph.2019.100442>

Zondi, N., (2007). When marriage as an institution ceases to be a partnership: Contested issues of rape and other forms of sexual abuse as condoned by culture. *Agenda: Empowering women for gender equity*, *1*(3), 20-28. <https://www.jstor.org/stable/27739337>