

**REPORT ON THE LESOTHO MEDIA WORKSHOP ON  
COVERING GENDER VIOLENCE**

LESOTHO 2-6 SEPTEMBER 2002

**DRAFT**

## **SUMMARY**

This report summarises the Lesotho workshop on Covering Gender Violence convened by Gender Links and Women and Law in Southern Africa (WLSA) from 2-6 September 2002. Media practitioners from electronic and print media participated in the training (see *Annex A*). The programme is at *Annex B*, Evaluations in *Annex C* and the stories produced for a special supplement, "Our Write", carried by the National Mirror newspaper are featured in *Annex D*.

## **BACKGROUND**

Gender violence is one of the most flagrant, yet under-reported crimes of our time. In 1998, SADC Heads of State signed an addendum to the Declaration on Gender and Development pledging to eradicate gender violence. Two years later, in December 2000, SADC member states met in Lesotho to review progress towards this objective. They found that while there is heightened awareness of gender violence in member countries, the number of reported cases has actually increased. While the media is playing an increasingly important role in exposing gender violence, it has often, through its own biases, use of inappropriate language and images, been part of the problem than of the solution.

A few months before the Lesotho conference, Inter Press Service, a global development news network, developed a manual on covering gender violence with the assistance on Gender Links, a Southern African NGO committed to the fair representation of women in the media. This manual was tested at a workshop comprising 35 journalists from the SADC region alongside the SADC conference in Lesotho. The workshop included producing a daily newsletter and final bumper supplement on the conference, widely distributed in hard copy and via the Internet. These journalists formed a network called the SADC Gender and Media (GEM) Initiative that is committed to improving coverage on gender violence in SADC media.

As a follow up to the workshop, Gender Links, with the support of the Open Society Initiative (OSISA), and working in close collaboration with SADC GEM members, is convening training workshops at country level on covering gender violence in six SADC countries. The workshops are being held in conjunction with local media training institutions, which bear a key responsibility in carrying such work forward.

All participants in the workshops are required to make the following commitments through a signed pledge at the start of the course:

- To participate for the full five days of the course.
- To collect samples of coverage of gender violence in Zambia for discussion at the workshop.
- To write or produce at least one story during the course.

- To write or produce two stories after the course. Certificates for the course will only be issued on completion of these assignments after the course.
- To become part of the SADC GEM electronic network for at least three months after the course, so as to receive ongoing support and backup from the main facilitator, and from peers in this and other courses.
- To contribute to a SADC Journal on Covering Gender Violence in June 2002.

## **OBJECTIVES**

The objectives of the workshop were to:

- Raise critical media awareness on the way in which gender-based violence is covered.
- Provide practical training on covering gender-based violence.
- Demonstrate more sensitive approaches to covering the issue through the production of a supplement, radio and TV reports.
- Generate increased reportage on the issue, through course requirements for coverage that take place after the training.

# DAY ONE

## **INTRODUCTIONS AND ICEBREAKER**

Facilitator: Keiso Matashane-Marite

Participants were invited to share introduce themselves, their organizations, their expectations of the workshop and their fears. Most of the expectations were in line with the objectives and purpose of the workshop while the fears were mostly to do with limited time.

## **OFFICIAL OPENING**

Honourable Dr. M. Khaketla, Minister of Communications

Master of Ceremonies;  
Distinguished Guests;  
Ladies and gentlemen.

It is a pleasure and great honour for me to be officiating at this important event. I wish to thank and congratulate the organizers of this workshop, Women and Law in Southern Africa and Gender Links. I have been informed that this five day training workshop is for media practitioners and communicators on how to write and report stories on gender violence, in a manner that the magnitude of the problem can be appreciated by all.

The importance of this workshop cannot be overemphasized. The government of Lesotho is committed to the SADC Gender and development Declaration, and its Addendum on the Prevention and Eradication of Violence Against Women and Children. One of the commitments under this Declaration is that of "encouraging the mass media to disseminate information and materials in respect of the Human Right of women and children."

Media is one of the most important tools that assist the government and other institutions in their initiatives to publicise, educate and challenge the problem of gender violence. As the media, you have the opportunity and are better positioned to reach out to the public, sensitise it and expose the abuses that victims suffer not just from perpetrators but also from those from whom they seek services, such as the police, health personnel and the courts. It is only when such abuses are exposed that the system can improve and victims of violence can get better treatment. You would also be helping to change current societal attitudes towards the problem of gender violence.

Ladies and gentlemen, you will note that one of the responsibilities of the Ministry of communications is to ensure that there is a pool of skilled, committed, professional, responsive and responsible local media. However, the Ministry cannot achieve this ideal single-handedly. It is with the support and commitment of all of you that this will be possible.

This workshop comes at a time when the world at large and SADC member states specifically are committed to putting in place mechanisms aimed at eliminating the widespread problem of gender violence. Ladies and gentlemen, many of you are aware that the world leaders and development activists are meeting in Johannesburg to address sustainable development. The importance of this meeting is that development is an all encompassing and broad concept. We will not attain sustainable development unless issues such as gender-based violence are brought to the fore and addressed. Eradication of gender-based violence can only be achieved by an innovative approach that recognises the important link between the state and non-state actors such as government, NGOs and the media, all of which compliment each other.

Gender-based violence affects men and women but there is empirical evidence that the majority of the victims are women and girl-children. I am appealing to the media to reflect this imbalance. It is not a coincidence that gender-based violence affects women more than it affects men. The roots of this problem are found in our traditional values, cultural attitudes, practices and laws. Men have always been regarded as superior to women and although this inequality is being addressed through legal reforms, attitudes and practices remain the same.

I note with gratitude that one of the sessions of this workshop talks about "the role of men in combating gender violence" and the panellists are men.

The reason being that without the support of men, it will be very difficult for women to single-handedly combat violence against their own.

Institutions such as the family have also contributed to the way men and women are treated in society. For instance, it is the family that shapes up the gender roles of men and women within society. This institution is at the core of the traditional structures that have since time immemorial instilled a culture of superiority in men and of inferiority in women. This can be seen in small, yet significant factors such as the unequal allocation of labour in the home, the different rules and standards that are set for boys and girls and the different behavioural expectations for boys and girls.

In December 2000, Lesotho had the honour to host the SADC Conference on the Prevention and Eradication of Violence Against Women and children. This was part of the initiatives that the Lesotho government, in collaboration with other SADC countries, have undertaken to respond to the problem of gender-based violence in the region.

At the national level, the Lesotho government continues to adopt measures that will help fight the problem. For instance, the setting up of the Law Reform Commission was one of the initiatives that were undertaken by the Lesotho Government to review the existing laws. Most of these laws are outdated and as a result fail to effectively respond to the current problem of gender violence. One of the results of the work of the commission is the existence of the Sexual Offences Bill which has just gone through its third reading in Parliament. When this Bill becomes law, as it soon will, it will help address some of the most pertinent issues which the existing laws do not address. These include, a wider definition of the offence of rape, criminalizing marital rape, imposing harsher sentences for sexual offences, particularly in cases where a victim has been exposed to HIV/AIDS infection as a result of the rape.

I wish to appeal to all of you to help the government in raising awareness in our country about gender violence, by publicising the sexual offences Bill. If you do so, you will be contributing in eradication of the problem of violence against women and children.

I therefore appeal to the organisers and participants to do everything possible to make this workshop an informative, fruitful and successful even. I once again wish to thank Women and Law and Gender Links for having set aside time to give media the opportunity to come and do some introspection and to sharpen their skills so as to improve the quality of their work.

With these few words ladies and gentlemen, I declare this workshop officially opened.

## **WHAT IS GENDER EQUALITY AND WHY IS IT IMPORTANT TO THE MEDIA?**

Facilitator: Alice Kwaramba

This session outlined the definition of gender, gender equality and gender-based violence. The facilitator made distinctions between gender and sex, gender-based violence in general, domestic violence, violence against women, sexual violence among other forms of gender violence. The session also established the link between gender-based violence and the media.

The session set the tone and conceptual framework for the rest of the workshop, touching on the major issues that the various panels were expected to expound on and how all these issues were of particular importance to the media.

### **PANEL 1: VIOLENCE AGAINST WOMEN: A HUMAN RIGHTS ISSUE**

By Puleng Letuka: Researcher, WLSA, (Lesotho)

This paper interrogates how human rights are relevant to the definition of violence against women and how they can be used to address some of the problems of violence against women. For instance the gender inequality is one of the key elements in the problem of violence against women no matter what form this violence takes. It is also a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately.

The human rights of women are inalienable, integral and indivisible part of universal human rights. For instance, the UN Charter 1945 confers upon women the right to fulfilment of their human rights in that it states as one of the purposes of the United Nations, the promotion and encouragement of "respect for human rights and fundamental freedoms for all without distinction as to race, **sex**, language or religion". This provision indicates that the principle of equality forms the core of the human rights vision of the 1945 UN Charter.

#### **Definition of Violence Against Women**

Violence against Women has been referred to and defined in various international instruments such as the United Nations Declaration on the Elimination of Violence Against Women which has in its Article one defined it as;

"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including

threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.

The Protocol to the African Charter defines it as;

“all acts perpetrated against women which cause or would cause them physical, sexual, or psychological harm, economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life, in peace time and during situations of armed conflict or war”. (Article 1)

The General recommendation 19 provides that; “gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”.

From the definitions in these international instruments, it is clear that violence against women can take many forms including physical and psychological, sexual and even includes economic harm which would be made up of acts such as denial of maintenance. Even where such acts are perpetrated in the private sphere such as the family, or perpetrated by public officers such as the police, court officials or medical personnel or private individuals such as strangers, partners or friends, they are covered by the definition.

### **Obligations of States**

The human rights provisions in the core treaties on human rights and even in our constitution all flow from the 1948 Universal Declaration of human Rights. These treaties are agreements between states but they also provide a framework of rights that individuals are entitled to claim at national level. These treaties, standards and mechanisms and institutions created to enforce human rights, form the international human rights law, which apply equally to men and women as both are human. The international system resulting from these arrangements is in place to ensure the implementation of human rights in the national states.

The obligations of states spelt out in Human Rights Treaties include the duty to;

- Promote rights contained in the treaties;
- Secure rights for all and translate them into policies and strategies;
- Prevent violation of these rights and
- Provide remedies to the victims should their rights be violated.

Gender-based violence is incompatible with the dignity and worth of the human person. It offends against the principle of equality, which is one of the central themes in all the instruments on human rights. It also offends against the principle of discrimination because women suffer it on the basis of their sex.

Despite being a blatant denial of women's human rights, unfortunately violence against women is prevalent and therefore attacks the very essence of the principles of equality among all human beings. Thus women often find themselves being abused both in the public and in the private. They suffer abuse at the hands of state officials, at the hands of employers, partners, husbands or family members. Human rights law is not silent on these abuses. It clearly points to positive responsibility on the part of the state to address these abuses. However this responsibility is sometimes not enforced because of a number of reasons including the fact that it is sometimes misunderstood or even just ignored by those who have the state mandate to take steps and those state officials who have been given the mandate to implement and protect women from these abuses do not regard the abuses as violations of human rights. However this responsibility on the part of the state is an important component of the protection that human rights are supposed to avail to women.

The human rights system places the major responsibility on states to take steps against those responsible for the violation of the rights of others. This means that the state's responsibility can begin with an act of an individual. For instance, a violent husband who rapes his wife violates her human rights irrespective of whether the act is criminalized or not. Violence against women, whatever form it takes and irrespective of who commits it, should be regarded and addressed as a human rights issue.

In the Beijing Conference and in the SADC Declaration on Gender and Development with its addendum on Violence against Women, Lesotho like other states made a commitment to prevent, investigate and punish acts which violate any of the rights recognised under international human rights law. This obligation has also been incorporated in the Declaration on the Elimination of Violence Against Women which enjoins states to "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons". The aim of this provision is to effect a change in state practice, to prompt them to act when women's human rights have been violated by acts of violence against them or to take measures to prevent such acts.

### **Lesotho's Constitution**

Lesotho in its constitution does have human rights provisions as, it is enjoined by International treaties. In its chapter II, the constitution of Lesotho provides for the protection of fundamental human rights. Many of the rights that are protected are relevant to the issue violence against women. For instance, the protection of the right to life that is contained in section 5 is important in matters of violence against women as sometimes women's lives are put at risk by the violence they suffer from beatings and other types of assaults from partners, spouses and strangers.



Women's rights to live free of inhuman treatment such as torture and other forms of punishment from spouses, partners and others are violated when they are emotionally abused, physically beaten and denied maintenance as forms of punishment. Importantly, the constitution also provides against discrimination in the law or in its effect and that all are entitled to protection of the law (Sections 18 and 19). This means that any law that does not give equal protection to men and women, or which in its effect fails to protect women would be contrary to the provisions of constitution. The constitution also protects the right to liberty and security of the person, which is an integral part of the enjoyment of a violence free life. These are just some of the rights that are relevant when we look at the problem of violence against women.

### **Relevance of the Media**

The media has an important role to play in the understanding of the concept of violence against women and the eradication of this endemic problem. The media plays an important role of being the ears and the mouthpiece of the public. It is also an important link between the right to freedom of expression and the right to information. It can help provide information and hence help to make the enjoyment of the right to information a reality. In this role of giving information, the media can and does help to expose human rights abuses including instances of violence against women. Experience has shown that the media can expose human rights abuses of all kinds whether they are done by state or by non-state parties. It is only when such abuses are exposed that those responsible can be dealt with and public conscience can be raised.

Another way in which the media could help to make human rights a reality for women is if they help in the eradication of violence against women by contributing to the raising of awareness on this issue. This can be achieved through an active partnership with those working for the betterment of women's rights by calling for the eradication of gender-based violence, such as government machinery like the ministry of gender and NGOs such as Women and Law in Southern Africa (WLSA), Selibeng and others.

The partnership and the continued awareness creation and education that gender-based violence is a violation of the fundamental human rights and therefore an important agenda in the human rights debates can help establish legitimacy of these issues. The media can also assist to provide news and information of gender-based violence. It can encourage the public to report and where reports are made it should stigmatise the perpetrator and not the survivor. It can help to de-stigmatize the survivor of this violence by not blaming those women who have the courage to report.

Violence against women should not be seen as a problem for women but rather as a national issue affecting human rights. All of us as individuals, the

media, the government, the family, NGOs have an interest to live in an environment where human rights are respected. It is therefore our responsibility to contribute to the best of our ability in the different capacities in which we live and work to make this ideal a reality.

There is need therefore to work together by all concerned; men, women, churches NGOs and others, with the media playing a pivotal role, to put violence against women at the fore of informed national debates. In this way both the public and the decision-makers will be empowered with knowledge for informed participation in these debates and decisions on how to tackle gender-based violence.

## **PANEL 2: SEXUAL OFFENCES**

### **1.) Rape in Perspective**

By Superintendent Thamae Lenka (Commissioner of Police, Officer commanding Community Services)

### **Introduction**

The 1993 World Conference on human rights in Vienna recognized "The human rights of women as an inalienable, integral and indivisible part of universal human rights and that gender-based violence was incompatible with the dignity and worth of the human person."

Violence against women is the most prevalent and blatant denial of women's human rights. Gender-based violence is rife across cultures and it attacks in its very essence the principles of equality among all human beings.

#### *Definition of Violence against women*

"Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men".

United Nations declaration on the elimination of violence against women "violence against women is any act of gender-based violence that results in or likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Article1).

The protocol to the African Charter "Violence against women shall mean all acts perpetrated against women which cause or wound cause them physical, sexual or psychological harm, economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life, in peacetime and during situations of armed conflict or of war" (Article 1).

## **Procedure after sexual assault**

Whenever a rape incident is reported the victim is supposed to follow the ensuring steps:

### *(a) Reporting the Incident first to the first person*

Here the victim will more often than not report the matter to the close relative be it parent, guardian or friend or chief and this stage is very important for the following reasons.

- (i) The first person who receives a report will be expected to support the victim in court by way of giving evidence.
- (ii) The first person who receives a report first must ensure the following;
  - That the victim does not temper with the clothes the victim was wearing
  - That the victim does not wash
  - That no medicine or water is taken before the doctor is seen
  - That the clothes are wrapped well in a newspaper as opposed to plastic as these may mess up with evidence.
  - That the victim will report the matter as soon as possible to the Police, preferably within 3 days of sexual assault, this is because evidence such as blood or semen is more likely to be found during this time.

This also helps where the victim fall pregnant that such pregnancy is terminated within a reasonable time and further that speeds reporting carries a presumption that the victim is telling the truth.

### *(b) At the Police Station*

At the Police Station the victim has to freely relate the story to the Police Officer who will reduce it in writing and open a police docket as a criminal investigation record and will be given (RCI).

The victim will be issued with a medical form in order to go and see the medical doctor and here the victim is expected to present rape material to the doctor for examination.

Although we do not have private rooms for interview of rape victims, attempts are being made that such as interviews be conducted in the private or less populated places such as office or d

A second attempt being done is that we are at the brink of training our own offices to handle cases of sexual assault on women especially women officers.

The victim will be given a record number which is a proof that a sexual assault case has been reported to the Police. Then the police will investigate further.

### **Do Police sometimes fail to investigate?**

Due to the nature and scope of the seriousness of the crime of sexual assault, we encourage our officers that complaints and reports of violence against women be promptly, impartially and effectively investigated. However the reality sometimes is different where we fail to investigate abuses reported by women, where we sometimes treat violence at home by way of out of court settlement thus absolving the matter from being criminal matter.

In other words, there are incidences where Police may refer the matter to the family of the victim and this happens in two ways.

Just this is where the victim herself has reached a negotiated settlement either through payment or general pardon and this is mostly the case where the suspect is known. Second, this may happen due to family pressure especially where the suspect is a close relations but the here as one can guess, these kind of cases are not rife and many not because they do not happen but due to the nature of silence caused by either fear of non-economic support or physical harm, however victims are being educated to break the silence through our community pro-active policing strategies and the response is positive.

We have however encouraged our offices not to advise on mediation and recommendation but rather file a complaint in the occurrence book. They have been encouraged further to be sensitive to the trauma suffered by rape victims, both during the commission of the offence and during trial in court.

### **Recommendations**

#### *Gender bias of courts*

Police hold a strong view that while we appreciate the fact that judges and magistrates are part of the society in which they live reflecting its cultural values, moral norms and its prejudices they must however rise above prejudice as a prerequisite of judicial office.

The way trials are conducted in the sense that principles of open court rules such as open-cross examination of victims are still being practiced. Such factors often further alienate and dehumanize women victims. It is recommended therefore that women judges be increased in order to hear more of these gender cases.

We should limit the exposure of past sexual history of women victims of rape to be discussed in court, thus avoid humiliating and distressing them and

avoid further allowing the defense to portray the victim as "loose". Thus no further public revelation of women's ordeal must be allowed.

*Social and cultural hurdles to redress to be reduced*

Economic dependence of women on men forces them to bear continued abuse in the sense that there is more often than not no money to sustain them either for legal costs or otherwise.

## **Conclusion**

The State should clearly and publicly condemn assaults of violence against women whether committed by law enforcement or not and it should further develop policies and disseminate materials to promote women safety in the home in society and to this end we have the Ministry of Youth and Women affairs for coming up with a policy document which addresses the concerns of women and we further congratulate the law reform commission for the drafting and presentation of sexual offences bill before parliament this days and that is seen as a major stride in the right direction.

Public education which will ensure holistic response to both prevention and treatment that addresses HIV/AIDS must be stepped up in an attempt to harness the scourge and encourage government to avail ARV treatment and termination of unwanted pregnancy. We have attached a six months rape statistics that was compounded over the past 6 months throughout the country in order to paint a relative picture of how rife is the incidence of sexual harassment and rape.

## **2) Sexual Violence**

by Ms. Mokhibo Matela-Gwintsa (Programme Officer, WLSA)

### **Introduction**

The focus of this week's training is on how the media covers issues of gender violence. A conscious effort has been made to address the broader topic of sexual violence as a form of gender based violence and this paper seeks to bring to the fore some issues of importance that emerge in addressing the problem of sexual violence. Emphasis is laid on media reporting of sexual violence mainly to put the discussion into context and to highlight the critical role that the media plays in informing public opinion and the influence that the media has on how society views certain issues and responds to them. It is often the media that brings incidents of sexual violence to the attention of the public. It is therefore important that we open dialogue on how this information is imparted. A lot of what will be discussed on sexual violence derives from research undertaken by WLSA Lesotho on sexual violence against women and girl children in Lesotho.

## **Sexual Violence**

Sexual violence encompasses violent conduct of a sexual nature, and in most cases it is directed against women and children. Sexual violence is manifested, among others through, rape and attempted rape, indecent assault, incest, defilement, abduction, sodomy and sexual harassment. The most serious form of sexual violence is rape, which is defined as unlawful sexual intercourse with a woman without her consent. Rape appears to be the highest reported form of sexual violence in Lesotho. However this picture may be skewed as research shows that in a lot of cases, victims are only too thankful to have escaped rape to subject themselves to the trauma of reporting. Service providers are also said to discourage victims from pressing charges on lesser offences than rape as the view is that they are not serious crimes and just serve to 'clog' an already overburdened criminal justice system.

## **Stereotypical Attitudes Surrounding Sexual Violence**

Research undertaken shows that the majority of victims of sexual violence are women and children and that cases of sexual violence that are actually reported constitute only a fraction of cases that actually occur. Various factors contribute to the shroud of silence that surrounds sexual violence and the apparent reluctance of victims to report. A study undertaken by WLSA Lesotho on sexual violence against women and girl children in Lesotho examined informal, semi-formal and formal structures that deal with cases of sexual violence to determine how they deal with the issue.

A common thread that runs through the different structures and in society at large is a culture of shifting of blame onto victims and trivialisation of sexual violence. It is important to bear in mind that sexual violence as a form of gender-based violence, occurs in a climate of unequal gender relations and in a patriarchal society in which societal norms and values reinforce male superiority and female submissiveness. It is also an acknowledged fact that sexual violence, particularly rape, is surrounded by myths which influence how it is perceived by society and these myths also influence service delivery as the people who deliver services are part of the same society and therefore carry the same attitudes and prejudices which assail all other members of society.

Some of these myths are that;

- women provoke men in the way they dress, for example by wearing short dresses, trousers, revealing clothes etc;
- women get raped while they are out alone at night, or if they go to drinking places like bars, shebeens etc;
- women falsely accuse men of rape;
- sexual violence is usually committed by a stranger;
- if a woman has really been raped, the first thing she will do is to report the incident to someone.

The reality of sexual violence is that all females are at risk of falling victim to sexual violence by virtue of being female. Cases reported to different fora show that women and children can become victims of sexual violence anywhere, and at any time and that how they are dressed has no bearing whatsoever on the occurrence. Many cases of sexual violence occur in schools, in the home, at workplaces and other places that are ordinarily considered as 'safe'.

It is also a reality that incidents of sexual violence are the most infrequently reported of all major crimes. Many factors contribute towards when a victim of sexual violence reports to someone, or whether she reports at all. This is largely because of the stigma that society unfortunately attaches to the victim that she was in some way to blame for what happened to her. Research also reflects the reality that victims of sexual violence often abandon their cases or refrain from reporting in order to avoid stigmatisation, societal blame that 'they must have asked for it', fear of being disbelieved and to avoid secondary victimisation at the hands of service providers. All these factors negate the notion that because a victim failed to report immediately to someone necessarily connotes that the incident of sexual violence did not occur.

The fallacy that sexual violence is committed by persons who are unknown to victims is belied by research findings which show that a lot of cases of sexual violence occur between people who are known to each other and who sometimes even have some relationship. The truth of this is borne out by cases of sexual violence some of which are reported by the media, in which fathers commit acts of sexual violence on their children. Sexual violence is also committed by other male relatives, family friends, neighbours, teachers, boyfriends/lovers and many other males who are known to victims.

The unfortunate result of these common myths is that they influence whether a service provider is going to be convinced that an act of sexual violence did occur if it occurred in circumstances which he/she feels makes it unlikely that it was a non-consensual act. It can also affect the decision of the victim whether to report the violence or not if they feel that they are unlikely to be believed or that they will be judged negatively.

### **Media Reporting**

The critical role played by the media in communicating information to the public cannot be overemphasised. This tool can either be used constructively to correctly inform and to educate or it can be used negatively to misinform or to negatively influence public opinion. The way the media in Lesotho generally reports incidents of sexual violence has served largely to perpetuate the myths that already surround the issue. The tendency is to report in a language that is calculated to amuse or to sensationalise and the result of this is to totally trivialise the issue.

It is also a common practice to put the victim under the spotlight by highlighting factors like how the victim was dressed, that she had accepted a lift or some other favour from the perpetrator or that she had been drinking alcohol etc. This kind of reporting serves to shift the focus from the wrongfulness of the act committed by the perpetrator of sexual violence and often conveys some tolerance as the message seems to be that something should have led the perpetrator to this deplorable behaviour.

Examples of this kind of reporting are many, but I was struck by the irony of an article in a local newspaper during preparations for this workshop. This article is not being singled out for any reason except that it is one which the writer happened to come across. I do not even seek to go into the merits of the content of the article. The subject matter of the article is the Sexual Offences Bill which is before Parliament. The article which is titled, '**Dark cloud hangs over Basotho married couples: New bill set to break marriage culture**', begins thus,

"HELL hath no fury like a woman scorned. The intimidating aspect of the meaning of this English saying looks set to hang like a dark cloud over Basotho married couples - especially the men...."

What is striking about this article is that it focuses on a Bill which addresses issues pertaining to sexual violence and that its tone typifies the way issues of this nature are reported. What is of concern is whether from the language used, the purpose is actually to make the public view the proposed legislation negatively. This is particularly a matter of concern as the Bill is currently a topical issue and many people perceive the media to be knowledgeable about issues they report on and rely on the media to provide them with information which they use to guide their opinions.

I must hasten to point out that the issues highlighted above do not just pertain to the media. As pointed out earlier, societal attitudes towards sexual violence prevail in all sectors and the myths illustrated above are believed by the general public of which members of the media are just a part. An appeal is made to the media to remember that victims of sexual violence suffer physical as well as psychological trauma which requires that their experiences be reported with sensitivity.

Members of the media often say that victims of sexual violence refuse to come out with their stories. Our argument is that victims will continue to do so unless they begin to see the media reporting issues of sexual violence in a more sensitive manner. What can encourage victims is to have a sense that their experiences will be reported in a way that helps other victims or potential victims and in a way that brings out the wrongfulness of acts of sexual violence and that discourages potential perpetrators.

A reason that is commonly advanced for the use of 'amusing' language is that this is polite language that is meant to protect, particularly children. The fact



of the matter is that this language serves to trivialise sexual violence. Our language is also not so restricted that there are no other words which are polite but accurate and which bring forth the seriousness of the issue under discussion.

We believe that if there is genuine commitment on the part of the media, responsible reporting can be achieved without compromising sales. One can even go further to argue that accurate, informative reporting will attract rather than lessen an audience as consumers will get to value quality reporting.

## DAY TWO

### Recap

The day began with a recap and report from the eyes and ears on the procedure of the first day. The recap highlighted the major issues discussed as well as spell out some logistical problems that had been encountered by the participants which needed to be sorted out for the smooth running of the workshop. Most of the participants concerns were to do with time management and the limited time for discussion. Most of the concerns were noted by the organizers for actioning.

### PANEL 3: HIV/AIDS AND GENDER VIOLENCE

Keiso Matashane-Marite (National Co-ordinator, WLSA-Lesotho)

#### Introduction

My paper discusses the link between two issues, HIV/AIDS and Gender Violence. It raises issues that should be taken up by media practitioners and communicators in raising awareness to the general public about HIV/AIDS as a gender issue. I will not dwell on the modes of HIV transmission but I will however draw a link between the sexual transmission aspect and why it becomes a gender issue. This topic also warrants a close look at the concepts of *gender, and sexual violence* because the link between HIV/AIDS and gender violence will be unveiled in those two concepts as well.

#### The Link

The most striking development since the global response to HIV/AIDS is the recognition of the role that gender plays in *fueling* the pandemic and influencing its impact. How then does gender and specifically gender violence fuel the spread of HIV/AIDS?

- Gender shapes the opportunities one is offered in life, the roles one may play, and the kinds of relationships one may have. These are the social norms that strongly influence the spread of HIV. These are the relationships of un-equals such as older men younger women, men with social and economic resources vis a vis women who do not have resources. It becomes a little difficult for those with lesser power and scarce resources to suggest, let alone insist on safe sex options.
- For women, risk taking and vulnerability to infection are increased by norms that make it inappropriate for women to be knowledgeable about sexuality or to suggest or insist on condom use.
- For men, risk and vulnerability are heightened by norms that make it hard for men to acknowledge gaps in their knowledge about sexuality

In most societies, gender determines how and what men and women are expected to know about sexual matters and sexual behaviour. As a result, girls and women are often poorly informed about reproduction and sex, while men are often expected to know much more.

It is important therefore for all of us in this room to have a common understanding of gender violence before getting into how it becomes a route of HIV/AIDS.

### **What is Gender Violence?**

*The 1993 UN Declaration on the Elimination of Violence Against women has become commonly accepted as the definition of gender violence. It says;*

*"any act of gender-based violence that results in or is likely to result in **physical, sexual or psychological** harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty- whether occurring in private or public life."*

You can see that the definition of gender violence is broad but for purposes of this presentation I will concentrate on the sexual harm and the implications this has on the spread of HIV/AIDS.

Acts of gender violence occur at three levels in society; at family, community and at state level.

- *In the family*, it can take the form of threats, intimidation, battery, and sexual abuse of children (incest), property grabbing, forced marriages, economic deprivation and marital rape. The list is endless. At this level, gender violence is reinforced by doctrines of privacy and sanctity of the family.

- *In the community*, gender violence can take the form of threats, intimidation, rape, sexual abuse, sexual harassment and negative portrayal of women in the media.
- *At state level*, violence can be perpetrated or condoned by the agents of the state, especially those in the justice delivery system

Gender violence at community and state level is reinforced by *tolerance*, and *inaction*. How do you as media practitioners contribute towards implicit or explicit tolerance of sexually violent behaviour?

There are many factors that contribute to the high occurrence of gender violence and include the following:

- Notions of masculinity linked to toughness and honour. These are socially prescribed and are perpetuated by socialization. For instance a boy who excels in stick fighting would most likely turn out to be a hero. The flipside to this is societal normalization of violence and encouragement of bullying.
- A sense of male entitlement and ownership of women. Patriarchal notions of drawing a lineage through men, and culturally condoned practices of abduction.
- Approval of physical chastisement of women.
- Cultural ethos that violence is a valid means of solving interpersonal disputes. Applauding and hero worshipping a girl and boy who has perfected the skill of fighting

Over the last 21 years, the world has come a long way in its understanding of HIV/AIDS. What the world perhaps did not bargain for was that the pandemic would bring much more starkly into our faces, the inequalities, economic injustices and the violations of human rights.

This quotation by Madhu Bala Nath the UNAIDS/UNIFEM Gender Adviser (2000) captures the essence of HIV/AIDS as an issue of gender.

*Gender inequality is a key variable in the incidence of HIV/AIDS. As gender disparities increase, the epidemic is affecting more and more women who bear the negative consequences of the gender imbalances. And as the epidemic is maturing, it is drawing in women who have had only one sex partner. A decade ago, women seemed to be on the periphery of the epidemic. Today, they are at the centre of the concern.'*

UNAIDS estimated that by December 1997, 30.6 million people around the world had been infected with HIV, with more than 70% of those infections occurring through unprotected sexual intercourse. The proportion of these infections which is attributable, directly or indirectly, to sexual violence is unknown. Nonetheless, given the high prevalence of HIV and an equally high numbers of sexual violence against women and children in Lesotho, one could argue that a sizeable proportion of HIV infections are through un consented sex.

Looking at the figures below, the epidemic in Sub Saharan Africa is a gender issue:

- 55% of those affected are women
- In many parts of sub-Saharan Africa teenage girls are infected at a rate five or six times greater than their male counterparts.
- It is a gender issue because the trend shows an increase in the number of women being infected.

Remarking on the three bullets Kofi Anan the UN Secretary General remarked that a terrifying pattern is emerging in Sub-Saharan Africa. Lesotho is no exception to this picture. Looking at our laws as earlier presentations have pointed out, and social position of women, it is not very surprising that women are disproportionately affected by the pandemic.

- We have high numbers of sexual violence especially rape.
- Unequal power relations between men and women in which women often do not have the power to insist on safe and responsible sex practices increases their vulnerability to HIV.
- Women have very little bargaining power to insist on safe sex without fearing reprisals, which vary from anger and accusations to violent abuse and rape.
- There is a lot of stigma and stereotyping of STI/AIDS as being transmitted by women. There is tendency to stigmatize women as 'vectors of disease' irrespective of the source of infection.

I have borrowed the definition of sexual violence from Gordon & Crehan (1999) who defined it as:

*.. the deliberate use of sex as a weapon to demonstrate power over, and to inflict pain and humiliation upon, another being. Thus, sexual violence does not have to include direct physical contact between perpetrator and victim. Threats, humiliation and intimidation may all be considered as sexually violent when they are used with the above purpose.'*

UNAIDS has pointed out that over 70% of infections is through unprotected sex. There are many reasons why people would have unprotected sex; namely,

- Informed choice. This would be situations where for instance couples choose to start a family or decide to be faithful to one another;
- Uninformed choice/submission to reproductive role as socially prescribed; and
- Un-consented sex; rape, sodomy, incest and indecent assault

The last two reasons are the subject of discussion of this paper because it is through gender inequality, and unequal power relations that many people would succumb to unprotected, life threatening intercourse which may put them at the risk of contracting HIV/AIDS. In these relations women are usually those without negotiating power. It is therefore important to contextualize why it is difficult or impossible for majority of women to negotiate or even insist on safe sex.

Gender inequality must be understood in a cultural context where reproductive roles are distinctly defined, where issues of sexual identity and sexuality for women are defined and tightly controlled. For instance, when a young is violated, issues of compensation rarely ever take into account the girls' preferences and how she would like the case to be handled. This is a context where issues of intimacy, reproduction, sex and sexuality are not openly talked about, but are relegated to a private sphere. In this way, these issues may remain invisible and escape state intervention. This privacy results in women's human rights being in danger of uncurbed violation.

Some people would argue that if there was no gender inequality, the scenario would be different. I agree. We would probably still have HIV/AIDS but not a pandemic.

HIV/AIDS is fuelled by gender inequality because it is difficult for women to say **NO** to unwanted and unprotected sex. Cultural beliefs, socialization, and values run so deep that women are silenced from making this simple life saving demand. Neither can women say **YES** to an expression of their own identities and their own sexuality.

What the inability to say **No or Yes** underscores is the fact that the gender relations are based on power. Manifestation of male power and control is on non-consensual sex. This is a pervasive reality of women and girl children's lives in Lesotho. The high rate of sexual violence mean that women are denied freedom to control their sexual behaviour and are forced to have intercourse against their will both within and outside of consensual unions.

In view of the issues raised above, Women and Law has developed a research design to undertake a three-year study on HIV/AIDS Gender and the Law. This study will therefore:

- Look at how the law(s) can be used as one of the tools to protect women;
- How the laws can be instrumental to bringing changes to values; and
- To examine socio-cultural factors which make women vulnerable to HIV/AIDS.

We will combine our research with advocacy as always to bring to the fore the gender and human rights dynamics to HIV/AIDS.

In conclusion, unless issues of social, cultural and economic inequalities are addressed, and as long as women continue to live under threat of gender violence HIV will continue to spread. For you as media practitioners and communicators, you have a big challenge to inform, educate and create awareness to the general public about the link between gender inequality (which leads to violence) and HIV/AIDS. Your challenge is to raise power imbalances in every single policy and program related to HIV/AIDS control if

we as a nation seriously and genuinely wish to tackle this global challenge. It is not simply a matter of justice and fairness. Gender inequality is fatal.

**Panel 4: Gender-based Violence: A Linguistic Perspective**

By Ms. L. Lets'ela, (Principal Gender Officer for Social Empowerment, Ministry of Gender, Youth and Sport.)

In her presentation, Ms. Lets'ela highlighted the importance of language in either promoting or challenging stereotypes and thereby perpetuating or combating gender based violence. She outlined the various forms of linguistic expression including both verbal and non-verbal, and pictures and graphics. She pointed out that some of the pictures and graphics used in communication often miss the intended message because they are inappropriate in the contexts they are used. She used one example of a poster designed to encourage men to fight HIV/AIDS, which she said could be misinterpreted to suggest that only very strong men can fight HIV/AIDS and also that women have no part in the fight.

Gender-based violence manifests itself in many different ways. Two of these are; the physical, which includes assault and rape as examples; and the linguistic, which involves insults, mockery, and all other forms of degrading words. It is the latter, this linguistic facet, that I am going to deal with - linguistic because it is based on language.

I am using language in a very broad sense. To me and for this Workshop language is spoken and written, it is sign language, it includes pictures or images of any kind as all these are intended for communication.

Perhaps some of us are not aware of the power of language. Language makes people what they are, who they are, and what they may become. For instance, before a priest pronounces a woman and man wife and husband using language, these two people are not married yet. Before a judge pronounces judgement or sentence the alleged criminal is not yet guilty.

It is through language that we project our attitudes to other people. The kind of language we use when reporting gender-based violence definitely mirrors our own attitudes towards both the survivors and perpetrators. When reporting on gender-based violence, the language we use can either trivialise

or convey the seriousness of the case. For example, I once read in one of the local newspapers a report on rape incident: *Ea i leng a fepa m oh.b ka m otjeko ona oa tšeea le thethana o re monna o bile a sheqoba lelm e ketsaha.bng ena.* It is not uncommon to hear over a radio station; *Monna o tšoeroe ka ho hohla phatla ea ts'one m aobane ka shoa.bne.*

To call an eye witness to a rape incident *ea i leng a fepa m ah.b* is unbelievable as it insinuates that the eye-witness actually enjoyed the scene. To call the act of raping *Motjeko oa tšeea le thethana* is pathetic because it depicts rape as a dance between the rapist and the victim, and so obliterates the seriousness of the crime. Rape is so serious that it does not deserve sensational language.

Some reporting on gender-based violence, especially rape, tends to blame the survivor for having dressed in short revealing dress or skirt, tight fitting pants, for walking alone at night, indulging in alcohol, or walking alone in secluded and dangerous places! The kind of diction and in some cases pictures used tell all these. While this is the case with the survivor, some media practitioners describe the perpetrator as a "maniac" or a "normal healthy male responding to some unbearable provocation".

Media through appropriate language, can make a positive contribution to changing this apparent negativity and changing the sexist stereotypes related to gender-based violence. In some cases, if a media practitioner wishes to illustrate the content of her/his story about rape as a form of gender-based violence, the illustration, more often than not, will depict a survivor as a woman dressed in a short dress or skirt, slim, and with big earrings. Now, what does this image say to us, to the consumers of the message it conveys? That women who are raped are those who are young, slim, and who dress in trendy clothes.

Women who are depicted in illustrations that show women battering are in long skirts, and have babies on their backs. What about those women who are young, slim, and in trendy clothes? Does it mean they are not battered? The way we use language to report or even discuss gender-based violence can send undesired messages. That is why there is need to balance even symbols, pictures, and illustrations of people in gender-based violence.

Insults, mockery and use of degrading words are a form of violence. How many times have we heard or read about a case of insults, mockery or use of degrading words in media? How many TV or radio talk shows discuss mockery or insults as gender-based violence? Language used properly by the media, can foster change positively more especially because we all know that language is a faithful agent of socialization. The media can therefore be used effectively to socialise and re-socialise our society. And as I stated earlier language must be understood in a very broad sense.

## **A Way Forward**

Media should:

- Identify gender biased stereotypes or myths in a given society and write stories that repeal them.
- Use images that are gender sensitive.

Use language with a clear conscience of its power as an effective agent of communication without merely sensationalizing stories and messages.

This presentation highlighted language, one of the critical issues in reporting gender issues in general and gender based violence in particular, which however is often not given much thought by journalists. She urged journalists and communicators to be sensitive to the language and pictures that they use when they report gender based violence.

## **2) The Cost of Gender-based Violence**

by Ms Deliwe Kambule (Principal Gender Officer for Economic Empowerment, Ministry of Gender, Youth and Sport)

### **Introduction**



Gender-based violence (GBV) can either be psychological, emotional or it can be physical. The former type can result from the latter. In addition it can be verbal, material deprivation and other acts that have effect on mental torture. The most severe impact of GBV is felt by women and children more than men. GBV is a result of inequity between men and women. Women attain second-class status due to GBV and this carries a financial and social cost. This cost does not impact on women only, but society as a whole pays a very expensive price to this. GBV takes place in different places, private and public alike. For instance, a family is meant to be a place where all members are supposed to get the maximum security, but it is sadly one of the places where women and children suffer the most violence including rape and even murder.

Let us now look into direct costs of GBV and abuse. Although it is difficult to assess such costs, it is worth noting that there are many costs incur due to GBV. There are direct costs such as;

Treating the health effects of GBV

- Ill health;
- Missed work;
- Law enforcement and protection;
- Marital dissolution; and
- Child support, this is to mention but a few.

There are many other costs due consequences of adapting to or escaping GBV. In poor countries like Lesotho, costs are reckoned largely in development opportunities missed. The cost estimations include policing, corrections, compensations for criminal injury, victim assistance and counselling. Due to restrictions placed on women through GBV, they acquire the state of "learned helplessness". Women suffer disproportionate depression resulting in ill-health, and death follows. GBV in families leads to separation and consequently divorce of parents. This is a process that takes a long time and in the mean time, serious impact is felt by the woman and her children. It has financial as well as emotional costs. A depressed woman is a sick woman.

### **3) Testimony from a Survivor of Domestic Violence**

by Theresa C (not her real name)

A survivor of domestic violence shared her experiences in an abusive relationship in which her late partner violated her rights. She recounted how he would flaunt his extra-marital affairs with young girls and neighbours, embarrassing her and her children. He would not provide for her and her children and she was left to fend for herself and the children. Her testimony highlighted that because of women's economic dependency on men, they have limited choice even where they are being abused.

The testimony was very crucial in giving gender-based violence, especially domestic violence a human face. It brought to reality the issues and concerns that the workshop was grappling with.

## **PANEL 6: PROPERTY GRABBING**

### **1) Property Grabbing: A New Form of Violence**

By Lindiwe Sephomolo, (President, Federation of Women Lawyers-Lesotho)

#### **Introduction**

I would like to thank all who are responsible for this event. It has been our feeling over the years that at a time when there are many inequalities between women and men, the profession that supplies us with much of our information is still lagging behind.

#### **Definition**

I am here to highlight one of the new forms of violence against women and children which is seldom reported on. Property Grabbing is a practice whereby a widow is forcibly disposed of all her family's property or a larger part thereof by relatives of the husband during sickness, funeral ceremony or immediately thereafter.<sup>1</sup>

The act of property grabbing is an act which has a strong gender dimension as it will be seen that women are always the victims. And where women are victims, property grabbing proceeds on the premise that the property was acquired by the man. It fails and denies recognition that women make a significant contribution towards the acquisition of property. Property grabbing thereby perpetuates the perceived low social and economic status of women in our society.<sup>2</sup>

#### **The Magnitude of the Problem**

Among the legal and human rights cases handled by the Federation of Women Lawyers Legal Aid Clinic, 35% are issues related to deceased

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<sup>1</sup>Africa New s:- Property Grabbing of Deceased Estates by Brian

<sup>2</sup>Per M s M hlowa from Coordination Unit for the Rehabilitation of the Environment Malawi quoted (allafrica.com )

estates. For us to understand this form of violence I will present some testimonies.

Mrs Mary Nkoba (not her real name) works at the market place at the old bus stop. In November 2000 she lost her husband George. They have seven children. Peter, young brother to the deceased was appointed as administrator of the estate by the family. He obtained M15,000 as part of the terminal benefits in the sum of M 35,000 of the deceased. The elder brother to the deceased John Nkoba, who claimed to have looked after the late George while he was young got M25,000 and only gave M50 000 to the widow.

He claimed he would take care of the widows' children which he has not done. To date Mary sued Peter for recovery of the money but after several court adjournments she was told the file had gone missing. She approached the Federation of Women Lawyers who have exerted pressure on the deceased's brothers to pay. Although they are making small payments monthly this is not as effective as it would have been if it would have been given to her in a lump sum.

Lineo Leteba a 38-year old housewife had been living with her husband Seabata for 13 years and had two children with him. In 1999 they completed building a two bed-roomed house at Ha Abia in Maseru. Seabata was a school teacher. In August 2000 he died of a heart attack at the age of 48. The relatives came through immediately upon hearing of his death. They informed her that they had planned to bury Seabata at his home village in the Leribe district. When Lineo resisted and argued that they had built a house which they called home from which the funeral and burial arrangements would be made. The relatives parked a truck outside the house and packed all the property without leaving anything for the widow or her children who remained defenceless as they shed tears and witnessed the disappearance of their property Lineo learnt after the funeral that the same relatives had shared the property amongst themselves. Lineo approached the court and has only been able to recover her property this year with some of it missing.

More recently we hear of Aids widows who are forced to flee their homes for fear of being attacked and killed by their husbands' relatives who

blame them for infecting their husbands and causing their deaths. Aids widows are cursed twice, first by becoming infected by their unfaithful husbands and then again when their in-laws turn on them and ostracise them.<sup>3</sup>

It can be seen that property grabbing includes houses, furniture, livestock and cars following death of a spouse.

### **Causes of Property Grabbing**

Property grabbing is normally done under the guise of Customary Law. One of the customary practices which cause property grabbing is *bboḽa*/dowry payment. Under this practice once the man has paid *bboḽa* he is taken to literally own the wife and children when he dies all that he owned belongs to the extended family. Even where there is ambiguity pertaining to the payment of *bboḽa* usually the extended family evicts the wife because they argue that she is not properly married into the family.

Poverty and greed also cause property grabbing. Parents and relatives of the deceased argue that their son was their investment and therefore they cannot let go of the property he has left behind. This is why at times when a relative dies it is not only a time for sadness but is also a time of joy because for some relatives it is a chance for them to enrich themselves.

Some grabbers are driven by jealousy and cruelty. The perceived status of the deceased and the amount of wealth left with widow are contributors.

However in most cases women lose the property they have acquired with their spouses because the latter do not leave a will behind either as a result of ignorance or negligence. What people do not know is that a will can be written in any language the owner (or owners as married spouses can have a joint will) is conversant with, it does not need any jargons.

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<sup>3</sup>True Love September 2002. The Aids Widows. By Sipho Ndela

## **The Law**

Lesotho like most African states has a dual legal system. There is Customary Law on the one hand and Roman Dutch Law on the other. Under Customary Law a woman is perpetual minor. Upon the death of her husband, although she may have usufructory rights on all the property that remains she has limited powers regarding the disposal of that property. She cannot dispose of that property without any prior consultation with the heir or the family, neither can she take the property with her upon re-marriage.<sup>4</sup>

The Land Amendment Order No.6 of 1992 has changed the position in as far as land is concerned. It gives a widow rights over the land which belonged to her husband. If the widow remarries in community of property the land does not form part of the new joint estate.

However the proprietary rights of men are still legitimised over those of women as the latter are specifically disqualified as curators of estates by the Administration of Estates Proclamation NO.19 of 1935.

The problem is that the law does not carry punitive sanctions to punish those who dispossess widows and children of deceased estates. In these cases the only action that can be taken is civil action against the property grabber. The civil action is cumbersome and time consuming. Furthermore not all can afford a lawyer to represent them.

As a result most deceased estates end up being administered by the Master of the High Court. This office works quite well in terms of assisting families of the deceased, however there are some problems. In the districts the Master has no offices. There have also been complaints of bureaucratic inordinate delays.

## **Recommendations**

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<sup>4</sup>Inheritance in Lesotho, Women and Law in Southern Africa Research Project 1994.

- On the 22nd August 1995 Lesotho ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) an International instrument that protects women from discrimination and unwarranted exploitation more especially violence in all its forms. The government should now work towards implementing the provisions of this instrument.
- The government should strengthen structures within its system which are involved in the delivery of justice in property grabbing cases.
- The Master of the High Court who is mandated to handle deceased estates should have offices in all the 10 districts.
- The Intestates Succession Act should be amended such that property grabbing is criminalised and property grabbers are prosecuted.
- The Courts should be empowered to restore grabbed property or its monetary value to persons who are lawfully entitled to it.
- Non Governmental Organisations should advocate for new laws that protect property rights of women and children. There is a need to sensitize the chiefs and traditional authorities about this new form of violence.
- There is also a need for civic education, most women do not know of their rights. We should provide legal training on human rights encompassing the rights of women under tradition, customary and religious systems of law.
- NGOs should ensure that widows and orphans are mainstreamed in all the programmes and policies relating to women. Widows are often excluded.
- NGOs should monitor the progress on the implementation of CEDAW and ensure that government reviews its reservation to CEDAW.

In conclusion the world of information and communication can assist in gathering and disseminating information for benefit of women. The more their voices are heard the more attention will be drawn to their plight.

Thank you.

## **2). Gender violence and property grabbing**

by Nthomeng Majara (Programme Officer, WLSA-Lesotho)

### **What is Property Grabbing?**

Property grabbing is a concept, which in very simplistic terms, means *the unlawful taking of another person's property out of their care, custody or use,*

*for purposes of enriching oneself or for using it for purposes other those meant to benefit the lawful owner* It is a little different from the crime of theft in that firstly, it happens between spouses, family members or relatives. Secondly, its wrongfulness can be disguised under the pretext that a culprit is taking the property in the interests of the lawful owner, or because he/she alleges to be the lawful owner. Property grabbing can be attributed to a number of factors such as poverty, unemployment, the high cost of living, greed or the simple fact that most Basotho are losing their family values, including assuming the responsibility of caring for additional dependants when death has occurred within the extended family.

Property grabbing is a phenomenon which is becoming more and more common in Lesotho. As already stated, it basically occurs within families. This can be between spouses and co-habitees or where death has occurred, between siblings, between widows and their in-laws or between orphans and their relatives.

### **Property grabbing as a form of gender violence**

On the one hand, property grabbing is in itself a form of gender violence in that, where it happens between spouses, it is usually a result of relations having gone bad in a marriage. In such a situation, one of the spouses, usually the husband, will take property that belongs to the joint estate without the permission of the wife. This normally entails removing the property from the home for purposes of spiting the wife, or for purposes of giving it away or selling it without sharing the proceeds with the wife and/or children. On occasion, such property could even be removed for purposes of supporting another woman and/or her children and their relatives. It is in this manner that it is seen as a form of gender violence because the man is violating his wife's economic rights. It is also regarded as a form of gender-based violence because it is not just another wrong but is committed by the one sex over the other.

### **Why are husbands the common culprits yet property grabbing is said to be gender violence?**

This is borne by a number of factors. They include the fact that property rights and the law in Lesotho are not gender balanced. Most of our domestic laws, be they common or customary, give husbands absolute powers over property. This includes acquiring and disposing of such property. For instance, under the common law, where a husband and wife are married in community of property, the wife is regarded as a minor who is subject to her husband's marital power. The husband on the other hand is given absolute powers as the sole administrator of the joint estate. This means that he does not need the wife's consent to acquire or dispose of property that belongs to the joint estate. At best, he should only consult the wife. This results in husbands having unequalled opportunity and the legal backing to do as they please with the joint property without it being regarded as a wrong.

Similarly, under the customary law, a wife is regarded as a minor who has no powers of any kind over property belonging to the joint estate. The only exception is with regard to her personal belongings such as her clothes, trinkets and smaller domestic animals. These she can deal with as she sees fit. This unequal opportunity afforded husbands over their wives is justified by the argument that "*it is in the natural order of things that husbands should be heads of households*" and that this entails their having the power and responsibility to take care of their wives and children which includes being the sole decision-makers regardless of whether as an individual, the man is a bad decision maker and the wife a better decision-maker.

These laws, coupled with attitudes, practices and Basotho values and norms, have more often than not, created problems for married women because normally, when things go wrong within a marriage, some husbands have used these factors as an excuse to abuse their legal powers to frustrate wives by taking property and using it for purposes other than those that are meant to benefit the joint estate. For example, there have been situations where a husband has sold a house in which his wife and children live without consulting the wife or providing her and the children with alternative accommodation.

In other cases, some husbands have been accused of denying their wives and children access to property such as the family car and using it to transport other women and /or their children to work or school while his own wife has to manage on her own. This has been said to happen even where the wife was responsible for acquiring and/or paying for that property, or having brought it into the marriage.

### **Property grabbing in the event of death**

In the event of death of either a husband or both parents, grabbing of property often happens to the deceased husband's widow or where both parents have predeceased their children, to orphans. In both situations, it is usually the husband's relatives who are the culprits. The main reason is that Basotho are a patrilineal society, therefore when a marriage takes place, it is the woman who leaves her maiden home to join her husband and his family. In addition, property that is acquired and children that are borne of that marriage are regarded as belonging to the husband and his family and not to the wife and her family. This therefore would make it difficult for women and/or their families to claim the property amassed during the marriage. In addition even our laws of inheritance are advantageous towards males just like any other law, which means that the wife's relatives would not have any claim, legitimate or not, over the property belonging to their daughter's household.

In the case where a widow's property is taken away from her, what normally happens is that the deceased husband's relatives will evict the widow from



her marital home. The most common ground that is given for the eviction is a claim (which is usually false) by relatives that the widow was never legally married to their son (the deceased). The eviction will mean that the wife leaves her house/home, plot(s) of land, other property such as animals, furniture, clothing and in worst situations, even her children.

For example, in one case, a widow was ordered to leave her marital home by her deceased husband's relatives. She however resisted and after many futile attempts by her in-laws, she was attacked one night by some unknown gunmen. She was wounded but survived. She later discovered that her husband's relatives had sent the gunmen to murder her because she had disobeyed their order that she has to leave after her husband's death. The main reason why they wanted her gone, was because they wanted the inheritance her husband had left her for themselves.

The second scenario is where relatives will fight over custody of orphans, especially if they are still minors. This also usually occurs where the deceased parents have left some property for the children. By taking the orphans into their custody, relatives are able to access the children's movable and immovable property, including gaining access to their bankbooks. In most cases, fighting for custody over the children is not the result of concern over the children's welfare. On the contrary, people see orphans as a means to get their hands into the orphans' inheritance.

For example, a recent case came to our attention, which involved three orphans. The children's parents had died within three months of each other. The family got together and decided that the children's paternal uncle should take them into his custody so that he would be able to look after them. The children's maternal aunt insisted that she would be responsible for the children. The eldest child was sixteen (16) years old. After many arguments, the children remained at their parents' house and the aunt went to collect their bankbooks from their uncle with the promise that she would be responsible for their welfare. However, it emerged that despite the substantial amount of money that the children had inherited, and the aunt's being in possession of the bank books and therefore able to access the money, not only were the orphans not attending school because she had not paid their school fees, but other relatives consistently found them without food and other necessities.

The third scenario involves siblings where in most cases, it is usually the eldest son (heir) who wants to evict his siblings from their parents' house, or tries to sell the household property regardless of the other siblings' needs. For instance, in one case, a husband had predeceased his wife. When the wife died, the eldest son, who was the legal heir, tried to sell the house even before his mother could be buried. This would leave his younger siblings who all but one, happened to be unmarried minor girls without a home. The heir was reportedly unemployed, irresponsible and a regular drunkard. His younger brother was already married and staying at his own place with his

wife. He went to the chief responsible and asked him to intervene, especially on his younger sisters' behalf. Fortunately for the minor children, the chief came to their assistance and also refused to authorise the paperwork for the purported sale of the house.

The above examples have been cited out of many of the cases that are becoming a common phenomenon in Lesotho.

### **The cycle of sexual violence, HIV/AIDS and property grabbing**

Constant interaction with different clients who come to seek advice on different issues made us realise that a direct link can be made between sexual violence, HIV/AIDS and property grabbing.

Our study on justice delivery and sexual violence has revealed that there is a high incidence of sexual violence in Lesotho. The study also revealed that some of the HIV/AIDS patients got infected as a result of having been raped by people who were either carrying the virus or had full-blown AIDS. For instance, in one case, a man in the district of Butha-Buthe allegedly raped fourteen young girls. He was remanded in custody and upon receiving him, the prison officers discovered that he was sick. The officers took him to a doctor, and he was diagnosed with AIDS. The implications here were that this man had probably infected all of the fourteen girls whom he had raped.

In a situation where a victim of sexual violence gets infected as a result of the violence, if she is married or otherwise sexually active, she will most likely in turn, infect her husband/partner. Some times, one spouse/partner will die within a very short time after the other. Where such partners had children, the children will become orphans as a direct result of the incident of sexual violence. There is available information that shows that Lesotho is registering an increasing number of AIDS orphans and it is not difficult to see why this is so. Given this scenario and the fact that more and more, AIDS orphans (and other orphans) are subjected to sexual violence and that some people also take their property away for their own selfish interests, we argue that there is a direct link between the three issues.

Our society is increasingly shying away from the responsibility of taking care of orphans, especially in those cases where the orphans have been left with nothing or very little to survive on. As already shown, in most situations, people will only pretend to be concerned about the orphans' welfare only because such orphans are seen as a means for relatives to access property that was left behind by the deceased parents.

In those circumstances where orphans are not left with much, there is another worrying phenomenon that is also becoming common. Reports have been made whereby some members of the community sexually violate orphans. This abuse also takes place where the orphans are vulnerable minors. It is coupled with the fact that such orphans will be very poor with

barely anything to eat. Some of the abusers abuse the orphans in return for food and/or other necessities, whilst others simply abuse them because of their vulnerable position.

It is in the process of abuse that some of these children get infected. When other abusers come along to perpetuate the abuse, if they were not already infected, they also get infected. From there they go back to their partners over and above sexually molesting other young vulnerable children/orphans and infect them in turn. This therefore turns into a vicious cycle, which makes it impossible for people to effectively fight HIV/AIDS.

### **The role of the media**

It is on the basis of these arguments that I wish to appeal to all participants that in the light of these arguments there is a pressing need to address the problem of gender violence. This is because as has been argued, not only is it a wrong in itself, but it also creates room for the occurrence of other related problems such as the emerging issue of property-grabbing.

As has already been mentioned, the media is the most important tool that can constructively bring out some of these issues to the fore so that people are made aware of them and can do something about them. This is especially important because emergent issues such as property grabbing are forms of gender-based violence that takes place within the family setting. Most forms of violence that happen in the family are regarded as private matters which are best left to be dealt with by the family members. In that way they are hardly ever addressed as important issues in the manner that they deserve. This misconception should be done away with if the problem is to be effectively addressed.

## **PANEL 7: SEXUAL OFFENCES BILL**

By Mrs. M. Pholo, Federation of Women Lawyers-Lesotho

### **Introduction**

Presently we are faced with an upside down devolution of power. We see power struggle everywhere, in families, villages, countries, churches, workplaces and even between men and women in the street. This power struggle manifests itself in numerous ways, including sexual violence in all its forms that sometimes end up in homicide. The incidences of sexual offences in general have increased drastically in the last couple of years. It is still yet to be established as to whether this is due to high rate of unemployment or is because women are now aware of their rights and are coming out to publicize the acts that are done onto them by men. According to the police records, gender based violence cases reported between 1998 and 2000 are as follows:

Source: Headquarters, Maseru - November, 2000

<b>Types of Violence</b>	<b>1998</b>	<b>1999</b>	<b>2000 (Sept.)</b>
Abduction	79	100	588
Assault - Common	524	1019	2595
Assault - GBH	359	634	1294
Attempted Murder	190	265	685
Indecent Assault	99	149	796
Murder	189	278	111
Rape	515	569	1428
<b>TOTAL</b>	<b>1953</b>	<b>3014</b>	<b>6997</b>

This is but a drop in the ocean compared to what is happening on the ground and the extent to which women suffer in the hands of men because for more cases are not reported and as such are not known.

Women have tended to suffer in silence unless there are serious and visible injuries. Rape victims have lived with that terrible secret, have suffered the fear and psychological trauma in silence desperation because this offences are treated as subjects under wrap. It is of utmost importance that as we discuss this Sexual Offences Bill in this workshop, we collectively act in a concerted effort to combat all forms of violence in this country.

### **Origins of the Sexual Offence Bill**

The Sexual Offences Bill is the product of the Lesotho Law Reform Commission which was established in 1997. The duties of the Commission are, inter alia, to review the existing laws with the purpose of amending or repealing them, to propose new laws that are compatible to the Constitution and International Covenants to which Lesotho is a signatory and to recommend their adoption to Parliament. Following this objective, the Commission came up with a number of Bills and the bill under discussion is one of them.

### **Why Sexual Offences Bill**

This is the question that many people are asking including the Parliamentarians who are presently discussing this Bill. The timing of this workshop and/or inclusion of this topic in this workshop had come at an

opportune moment when the deliberations here today, if well captured by the media could be a meaningful intervention to the Parliament's deliberations.

An act becomes an offence, if commission or omission of the same is prohibited or regulated by the law and the perpetrator has failed to follow the regulations thereof. Sexual acts, per se, are not offences. They are done day-in and day-out. What is prohibited is to have sexual acts without the consent of the other party. In some incidences the said consent of the other is not even recognized; e.g. having sexual intercourse with a child below the age of 12, or the woman who is of unsound mind is an offence (Women and Girls Protection Proclamation, 1949).

There are various forms of sexual acts that may result in being offences if there had been no prior consent by the person onto whom they were perpetrated. These include:

- direct or indirect contact with the vagina, anus, breasts, or penis of the body of another person;
- exposure or display of genital organs of one person to another person;
- insertion of any other part of the body of a person or of any part of the body of an animal or any object into the vagina or penis or anus of another person, except where such insertion of any part of the body, other than the penis or vagina of a person or the any object in the vagina or penis of another person is consistent with sound medical practices carried out for proper medical purposes;
- *cunnilingus* or any other form of genital stimulation (**Sec. 2 of Sexual Offences Bill**) and many other that cannot be narrated here.

The commission came up with this Bill as a protection measure to women, who more often than not do not have recourse from government agents in regard to sexual offences, especially if committed in the family. Because these offences are left at common law, the Police, being the state agents who are charged with maintaining law and order, normally refuse to investigate cases of domestic violence such as wife-raping, wife beating, incest, wife and child molestation, etc. They have a dismissal phrase for these cases, 'it is a family matter.' There is nothing like that in the law. The crime is the crime whether done in or outside the family.

Another reason that had prompt this Bill is that it was realized that there is no clear rational and well articulated sentencing policy by the courts in respect to sexual offences. Sentences lack consistency and differ from Judicial Officer to Judicial Officer and from Subordinate court to the High Court. The net result of this is that there is so much penal inconsistency and uncertainty and the woman is the one who suffers in the process.

### **Objects of the Bill**

This Bill is one of the shortest Bills in this country because it had to cover only basic human rights of women that common law is failing to cover thus

creating a loophole in our legal system. It has only 34 sections and we will not discuss all of them. We will try to analyze only those that appear to be a concern to most people. Redefinition of 'RAPE'

The Bill redefines 'Rape' with the purpose of giving it a broad coverage to include the acts that may be found to be falling under sexual acts, which may not have been realized at the time of enacting the bill. It also removes the gender discrimination in sexual offences. In the existing law, a woman is said to be incapable of committing rape; how many times have we heard of women seducing male children? If the types of sexual offences listed above is something to go by, I do not find the reason why a woman cannot be charged if found to have been involved in such acts whether in concert with others or alone. Elderly women are seen all over courting young boys of 18, 19 years and no action is taken against them. Time has come for us to see that all children, despite their sex, colour, race, etc. are protected against all forms of abuse and/or molestation.

### **Abolition of Marriage as Defence in Sexual Offence (Sec. 3 (3))**

Most men who sexually abuse their wives take marriage as a ticket for escaping criminal liability. Indeed Common Law provides that a man cannot rape his wife, and this is exactly what women have been challenging because marriage is not about sex only to the extent that it can be taken to be a 'once consented, always consented' type of a relationship. Sexual intercourse is so intimate that the parties to it have to always consent to it. Sexual intercourse without consent is rape, period! The question whether it is done by the husband or the stranger is immaterial.

The law as it stands now, gives men a legal right to sexually abuse their wives. A married man is entitled to have sexual intercourse with his wife whether the wife consents or not. This is a cause for concern to the victims, especially where the marriage ties are already estranged, and should not be allowed. The only meaningful protection to victims is to legislate against these acts.

### **Abolition of Cautionary Rule in rape Cases' (Sec. 18)**

The existing law requires the Court to caution itself when handling rape cases. This is done because it is assumed that women have the tendency of not telling the truth about the incidences that led to, and the actual alleged rape. Cautionary Rule doubles the standard of prove because the victim still has to prove her case beyond a reasonable doubt. If over and above that, she has to be subjected to cautionary rule, that is, in itself discrimination, as it never happens to men. Cautionary rule brings in a new principle of '**Presumption of Guilt until one is proved innocent**' in our legal system and contradicts the well-known principle of '**Presumption of innocence until proved guilty**'.

## **Special Protection to Children (Secs. 8 – 14)**

Children need special legal protection against sexual acts because of their vulnerability that is due to their developing process. Children who are sexual abused get affected physically, mentally and spiritually. Their development gets retarded thus resulting in lunaticism and/or physical disability. It has been realized that although there are some statutes that tend to protect children, **(Women and children Proclamation, 1949 and Children's Protection Act, 1978)** they do not go deep into protection against sexual offences. The purpose of these sections is to strengthen the existing protection which is found not to be adequate.

The important feature of this law is that it differentiates the acts done by adults to children from those done by children to other children. Section 8 (5) provides that, **'(This section) i.e. Sec.8) does not apply to a sexual act committed by a child to another child with consent.'** As we can see, 'consent' is key to all acts. It should also be noted that there are various age limits given under various parts of the Bill because of the nature of the offences under consideration.

## **Evidence (Secs, 16 – 27)**

It is a well-known fact that for any person to be found guilty of any offence there has to be adequate evidence that proves his/her guilt. It is also known that in any court proceedings facts should be stated as they are without any fear or reservation. However, it should not be overlooked that in our culture, there are some things that we cannot just talk free of them, and sex is one of those things. The Bill enables the courts to allow an acceptable language as long as it enables the court to understand what the victim is saying.

On the other hand the Bill directs that insufficiency of evidence should not be judged merely by absence of vaginal fluid or semen as it is commonly done. It also disallows cross-examination on the sexual reputation of the victim save in the narrow circumstances where it is meant to explain or disprove the stated facts.

The most important feature of this Bill under this part is that it recognizes the long-term physical and psychological effects of sexual violence and the fatal risk of contracting sexually transmitted diseases. It therefore, directs that the victims be given free medical tests and that the courts may instruct compulsory HIV/AIDS test to the perpetrator after being found guilty of any of the offences under this Bill in order to determine the suitable sentence. **(Sec. 30).**

## **The Role of Media**

Media is a very powerful tool for information dissemination in issues of national interest such as this bill. Both written and electronic media can be

used as platform for the public to air their opinion about the bill. As the Parliament was deliberating the bill in Parliament public would be deliberating it on newspapers, radios and televisions. The Law Reform Commission, WILSA and FIDA are always at your disposal for information sharing and/or interviews where necessary. Unless we, as human rights activists as I hope we all are, become proactive in providing people with proper information in whatever we do, they will take any thing that they come across and it will not be easy to rebut what they believe in. As indicated earlier, media is the tool that can be used to achieve this objective.

## **Conclusion**

Sexual Offences Bill is meant to protect every one, men, women and children. If a woman suffers, every one in the family suffers, so by protecting a woman the law protects every body else. People's attitude towards rape victims, the circumstances surrounding rape and the way rape victims are treated contribute towards fear by the victims to report the cases. It is the duty of all of us gathered here today, to change this attitude and to encourage victims of sexual offences to report these acts and to ensure that the course of law prevails.

## **DAY THREE**

This day was dedicated to field visits and putting into practice the skills that the journalists had gained through the training sessions. Visits had been pre-arranged to Selibeng, a centre for children in especially difficult circumstances, a centre for survivors of domestic violence, and the Insured Salvation, which is also a centre for disadvantaged children. Participants carried interviews at these various centres in preparation for writing stories for the supplement.

## **PANEL 8: THE ROLE OF MEN IN COMBATING GENDER VIOLENCE**

### **1) Principal Chief Seeiso Seeiso**

In his presentation the Chief pointed out that violence is very endemic and prevalent in Lesotho these days. He attributed this to the disintegration of the social fabric of Lesotho. This, he said had had ripple effects in the society and women and children often bear the brunt as they are the in most cases the victims of gender-based violence. He called on all Basotho men to desist from perpetrating violence and join in the fight against gender based violence.

### **2) by S.P. Sakoane, Counsel in the Law Reform Commission**



## **Introduction**

The concept of gender violence connotes that it is committed by one sex against the other. This can also include violence between people of the same sexual orientation i.e. homosexuals and lesbians. Violence can be understood as a mode of communicating a person's desires, frustrations and expectations and also as a means towards attaining certain goals. Therefore, violence can be proactive or reactive depending on the environmental stimulæ that are operative. In the context of gender, violence constitutes a gamut of social, economic and cultural conditions through which peoples behaviour is shaped and gender roles are defined. It is from these conditions that gender stereotypes are engendered and perpetuated.

## **Men and Gender Stereotypes**

The main elements, in the definition of characters of men in patriarchal society is that they should be physically strong, emotionally robust, daring and virile. Physical strength is an attribute that places men in good stead when it comes to winning the contest of the use of force. It is through physical strength that men assert their authority over women, girls, less strong men and young boys.

Some of the consequences of the acceptance of use of physical strength to achieve what one needs are that men are respected not for their intellect but for their ability to use force. Their authority is derived from the power of their muscles and not from the soundness of their ideas. Women are expected to submit to the men's desires not because of their authoritative ideas but because of their muscular strength.

This engenders the subordination of women under men through ethos of violence couched as tradition and culture whose by-products are the bringing up of boys to imitate older boys and men and for girls to imitate older girls and women. Therefore, boys who are brought up in families where their fathers are violent towards their mothers or see older men treat women as sex objects acquirable and disposable at will are likely to believe all this as "normal" male behaviour. This in turn lead to a number of myths that underlie sexual relations between men and women:

- The myth that because of their monopolisation of virility, men's need for sex is uncontrollable and provocable.
- Women should be available to service the sexual needs of men and procreation of society without let or hindrance.
- Consent to sex is given in perpetuity at the alter of marriage or when a love proposal is accepted and, therefore, sexual intercourse cannot be a subject matter of re-negotiations as long as the marriage or love relationship subjects.

All these myths are used to justify sexual coercion in and outside family settings. Husbands rape their wives in order to uphold their “manhood” and men and boys engage in multiple, unprotected sex relations in order to show their “virility”. This has fatal implications and poses extra challenges for the explosion of the HIV/AIDS pandemic.

## **Conclusion and Recommendations**

In view of the fact that men’s attitudes are shaped are through the process of socialization; are made to behave and relate towards their women folk in certain ways, the biggest challenge is to liberate them from this socialisation process. This can be done through a four-point programme of action:

- Gender Awareness in which there would be:
  - a promotion of the understanding of the ways in which gender stereotypes and expectations affect both men and women;
  - support work to enhance gender equality and equity;
  - a challenge of harmful and divisive concepts of masculinity and other gender stereotypes;
  - encouragement of discussions about the ways in which boys are brought up and men are expected to behave.
  
- Sexual Communication and Negotiations for purposes of:
  - encouraging men to talk about sex, drug use and AIDS with each other and with their partners;
  - enhancing women’s capacity to determine when, where and whether sex takes place;
  - enhancing men’s access to appropriate sources of information, counselling and support;
  - promoting greater understanding and acceptance of men who have sex with other men.
  
- Violence and Sexual Violence campaigns in which support is given to government and non-governmental actions to reduce male violence and sexual violence and to show zero-tolerance for men who rape.
  
- Support and Care by way of helping men in their role as fathers and providers of care and support both within the family and in the community.
  
- Introduction of Gender Courses in education programmes for children in both the formal and informal schooling systems.

DAY FOUR
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The day was spent writing and editing stories for the supplement. A computer centre had been identified and participants took time to write out their stories under a set deadline. The rest of the day was spent editing, laying out and designing the supplement.

## DAY FIVE

The last day was focused on giving feed back on the stories and mapping a way forward. Participants were delighted to see the designed version of the supplement and how their stories had been edited and laid out.

As a way forward, participants expressed the need to nurture the process that the workshop had initiated in reporting gender violence in Lesotho. They expressed the need for a structured body, to facilitate this process. A resolution was passed to form the Media and Arts Watch (MAWA)-Tsireletso. A number of issues were identified for possible consideration and focus by the body. These included an e-network, performing arts, a newsletter, media paralegals, a calendar of gender events, campaign materials including posters and T-shirts, among others.

A committee of five conveners was set up to facilitate the formalization and setting up of MAWA. Their immediate task was to look at the Constitution of the Mauritius Media Watch and make a presentation to the rest of the group on what could be adapted for MAWA.

### **EVALUATION**

Participants took time to fill in evaluation forms to indicate their impressions with the training workshop. Most of the evaluations were positive with most participants advising that in future the programme should not be too packed but give enough time for discussions.

### **OFFICIAL CLOSING**

By the Honourable Mrs M. Lepono, Minister of Gender, Youth and Sports

Chairperson let me pay tribute to:  
His Majesty the King Letsie III;  
Her Majesty Queen 'Masenate Mohato Bereng Seeiso;  
The Right Honourable the Prime Minister;  
Honourable Ministers;  
Hon. Members of the Senate and National Assembly;  
Gender Links resource persons;

Women and Law in Southern Africa;  
Dear Participants;  
Distinguished Ladies and Gentlemen.

I salute you all in the course of eradication and prevention of all forms of gender-based violence in Lesotho.

Please allow me to begin in the family, a place where its members should be able to co-exist in security and harmony, a place that is a threat for most women and children. For most women especially wives, it is an extremely violent place within which a perpetrator of violence is usually a husband. Women have been battered, sexually abused and psychologically harmed. It is becoming increasingly evident that physical and mental abuse of women in the household is of far greater magnitude than had been imagined. Thus it is still common, especially in Lesotho, however for marital abuse to be taken for granted and conclusions be drawn that little can be done about it. These gender insensitivities reinforce silence on gender-based violence and compromise human rights of women.

We should all be aware that the twin philosophy of the minority status of women and the family being a private place, serves to delay the discovery of the effective solution to gender-based violence. The media should therefore urge stakeholders to address these publicly inclined incidences that occur in a 'private place'.

### **Ladies and Gentlemen!**

I hope the workshop has addressed the tendency of the often-used descriptions that motivate offenders or perpetrators of gender-based violence. The media often cite reasons given by the defending counsel or the judge and rarely report the prosecuting counsel's reasons. This means that motivations are put forward with a specific intention of getting more lenient sentence and legitimizing gender-based violence. Thus many reports produce a vision of the offender as driven by uncontrollable urges brought about by frustration, an excess of alcohol or drugs and 'unreasonable or provocative' behaviour of the survivor.

### **Ladies and Gentlemen!**

The descriptions of the characters of offenders and survivors in the media often vary depending on the type of gender-based violence. For example, in the case of gang rape or where the survivor is very young or old, the perpetrator is often described in moral terms '*sekoeta*', *m otsoa*!e', *m okhotsi*'.

On the other hand parallel descriptions of abusees stress their blameness, *o na ntsa tsam aea e bosiu a batlang?*' *a ka chakeh m otho oa m onna ka nako eo?*', *o ne a buleh eng ha m otho a kokota ka nako eo?*', *o ne a ib batla eng m oketjaneng e m onna kapa m oshanyana?*'

When descriptions do not match the conventional stereotype of sexual violence, descriptions concentrate on the psychological make up of the offender – as 'emotionally inadequate, frustrated, jealous or under stress'. Blame is shifted onto the survivor, by referring to her appearance as 'stunning, pretty, attractive' or on her behaviour as 'nagging, demanding or timing'. These do not only define gender-based violence as an act of deviance or minor aberration, it also shift away responsibility from the perpetrator.

### **Ladies and Gentlemen!**

When it comes to sentencing, more often than not light sentences are usually the case in sexual assault cases, this does not only trivialize the experiences of individual survivors, but also carries the wider implications that female sexual victimization is unimportant.

It is my sincere hope that this workshop has examined firstly whether the media contribute to the increased incidences of gender-based violence, either directly by stimulating violent attitudes and behaviour or indirectly by sustaining popular myths and misconceptions?

Secondly, how can the media formulate counter response to gender-insensitive messages? What information is needed? Thirdly, what actions need to be taken to effectively address gender-based violence?

Lastly, the possibilities of the media channels being used to encourage better coverage of gender-based violence in terms of context, causes and effects.

It is my sincere hope that your discussions have been fruitful, especially on the Sexual Offences Bill and the Married Persons Equality Bill that are intended to curb incidences of gender-based violence. These coupled with the completion of the Gender and Development Policy as well as our commitment to eradication of gender-based violence will help solve most gender-based problems.

Ladies and Gentlemen it is my honour and privilege at this juncture, to declare this workshop officially closed.

KHOTSO!

PULA!!

NALA!!!

### **VOTE OF THANKS**

One of the participants, Selloane Mokuku thanked the organizers, Gender Links and WLSA–Lesotho for the opportunity they had given journalists in Lesotho to reflect and take stock of how they are contributing to development processes in the country, especially in the crucial area of gender based violence. She indicated that the workshop had certainly awakened some of the journalists to the need for them to make conscious effort to combat gender-based violence through the media.

Keiso Matashane-Marite thanked all participants for taking their time to participate at the workshop and for showing enthusiasm, interest, energy and commitment. She reiterated that this was just the beginning of a process and that there was need for all journalists present to work hard to ensure that the initiative would not die. She indicated that WLSA would be available to support the journalists in their efforts to put gender-based violence on the agenda of the Lesotho society.

Alice Kwaramba closed the meeting, thanking all the participants for their commitment. She also thanked WLSA for having done all the ground in preparation for and co-facilitating the workshop.

## ANNEX A: PARTICIPANTS

<b>Name</b>	<b>Organization</b>	<b>Telephone</b>	<b>Fax</b>	<b>Email</b>
1.Nthathi Moorosi	IEMS	266 350547		nthatimoorosi@yahoo.co.uk
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3. B. Likabo	Lesotho Radio	266 323371		
4.Thabo Mofokeng	Setsoni Newspaper	Box 714, Maseru		
5. Thandiwe Solwandle	Local Government	266 325331		tsolwandle@yahoo.com
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7. Ntlele Ntoi	Mara Newspaper	266 320404		
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10.Deliwe Kambule	Dept. of Gender	266 326465	266 310506	
11.Matau Futho Letsatsi	Dept. of Gender	266 326465	266 310506	
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22.Peter Kholhokoane	Moeletsi	266 350465	266 350010	
23.Lijelu Ramokhorro	Dept. of Gender	266 326465		
24.Joe Molefi		266 8866245		
25.Selloane Mokuku	Liatla Productions	266 58859055		smokuku@hotmail.com
26.Sekhamane Afelile	Ministry of Local Government	266 323240/864696		

## ANNEX B: PROGRAMME

### PROGRAMME

TIME	EVENT	Presenter/Facilitator
8.30-9.00	Registration	GL/W LSA
9.00-9.30	Introductions and icebreaker	W LSA
9.30-10.00	Official Opening	Honourable Dr. M. Khaketla, Ministry of Communications
10.00-11.00	What is gender equality? Why is it important to the media	GL
11.00-11.30	TEA	
11.30-12.30	Sharing of examples of coverage of gender violence in Angolan	All participants And W LSA
12.30-13.30	Coverage of gender violence in the SADC context	GL
13.30-14.30	LUNCH	
14.30-15.15	Violence Against Women: A Human Rights Issue	Mrs. Puleng Letuka (Researcher, W LSA)
15.15-15.30	TEA	
15.30-17.00	PANEL - Sexual Offences	Sup. T. Lenka Ms. M. Matela-Gwintsa
DAY TWO:	Tuesday	
8.30-9.00	Eyes and ears; recap	Participants
9.00-09.45	PANEL: HIV/AIDS and Gender Violence	Ms. K. Matashane-Marite
09.45-10.15	Group discussions based on training manual	W LSA /GL
10.15-10.30	TEA	
10.30-12.00	PANEL: Gender-based Violence: A linguistic Perspective Panel: The Cost of Domestic Violence Testimony from a survivor	Ms. L. Lets'ela  Ms. D. Kambole  Survivor
12.00-12.30	Group discussions based on training manual	W LSA /GL
12.30-14.00	LUNCH	
14.00-15.30	Panel: Property Grabbing	Ms. L. Sephomolo Ms. N. M'ajara
15.30-16.00	Group discussion based on training manual	W LSA /GL
16.00-16.15	TEA	



1615-17.00	Female Sexual Offences Bill	Mrs. M. Pholo
DAY 3	WEDNESDAY	
TIME	EVENT	PRESENTER / FACILITATOR
8.30-8.45	Eyes and ears; recap	Participants
8.45-9.15	Briefing on field exercises	
9.15-13.30	□ FIELD EXERCISES.	W LSA /GL
13.30-14.30	LUNCH	
15.00-16.30	PANEL: The role of men in combating gender violence	Mr. S. Sakoane Principal Chief S. Seeiso
16.30-16.45	TEA	
16.45-17.00	Group discussion based on manual	W LSA /GL
DAY 4	THURSDAY	
8.30-16.00	WRITING, PRODUCTION AND EDITING STORIES	W LSA /GL
DAY 5	FRIDAY	
8.30-9.00	Eyes and ears, recap	W LSA
9.00-11.00	Feedback on stories	W LSA /GL
11.00-11.30	TEA	
11.30-12.30	WAY FORWARD	W LSA /GL
12.30-13.00	CLOSURE	Honourable Mrs. M. Lepono, Minister of Gender, Youth and Sports

ANNEX C : EVALUATION

19 evaluation forms were received. Participants made the following comments.

	<u>EXCELLENT</u>	<u>GOOD</u>	<u>FAIR</u>	<u>POOR</u>	<u>VERY POOR</u>
<b>1. PROGRAMME DESIGN</b>	<b>7</b>	<b>12</b>			
<b>2. PROGRAMME CONTENT</b>	<b>12</b>	<b>5</b>	<b>1</b>		
<b>3. FACILITATION</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>1</b>	
<b>4. GROUP WORK</b>	<b>3</b>	<b>7</b>	<b>7</b>		
<b>5. DOCUMENTATION</b>	<b>6</b>	<b>10</b>	<b>3</b>		
<b>6. LEARNING OPPORTUNITY</b>	<b>12</b>	<b>7</b>			
<b>7. NETWORKING OPPORTUNITY</b>	<b>3</b>	<b>13</b>	<b>3</b>		
<b>8. ADMINISTRATIVE ARRANGEMENTS</b>	<b>7</b>	<b>9</b>	<b>3</b>		

**COMMENTS**

**1. Which session did you find most useful? Why?**

3 = The field work because it taught us how to conduct research and was practical.

2 = All sessions were useful.

4 = The role of men in combating gender violence, because as men we need to be educated on this issue

5 = Research and writing of stories because it was practical

1 = The feed back on stories.

4 = Property grabbing, it's a growing problem in our country

**2. Which session did you find least useful? Why?**

6 = None.

6 = Group work, there was very little time to read and discuss the stories in depth.

**3. Suggestions for online training.**

- Involve participants from an early stage
- It will keep people updated.
- Research on the internet

**4. Suggestions for making workshops of this nature more effective in future.**

- Extend the duration of the workshop to two weeks
- Keep time
- More time for discussion
- Extend invitations to media training institutions
- Venues should be out of town.
- Invite other communicators such as advertisers, theatre, musicians etc
- Keep organizing such workshops even abroad

## **5. Any other comments**

- Congratulations to you all, keep up the good work
- Need for a cocktail to release the stress after all the hard work
- I hope the workshop will bear fruit and benefit those intended
- More time to critique stories
- The facilitators were very good
- Very informative
- Lets build the partnership formed this week
- Highly interactive

SAM PLE SUPPLEM ENT