

# canaries in the coal mines

An analysis of spaces for LGBTI activism in Lesotho

**COUNTRY REPORT**



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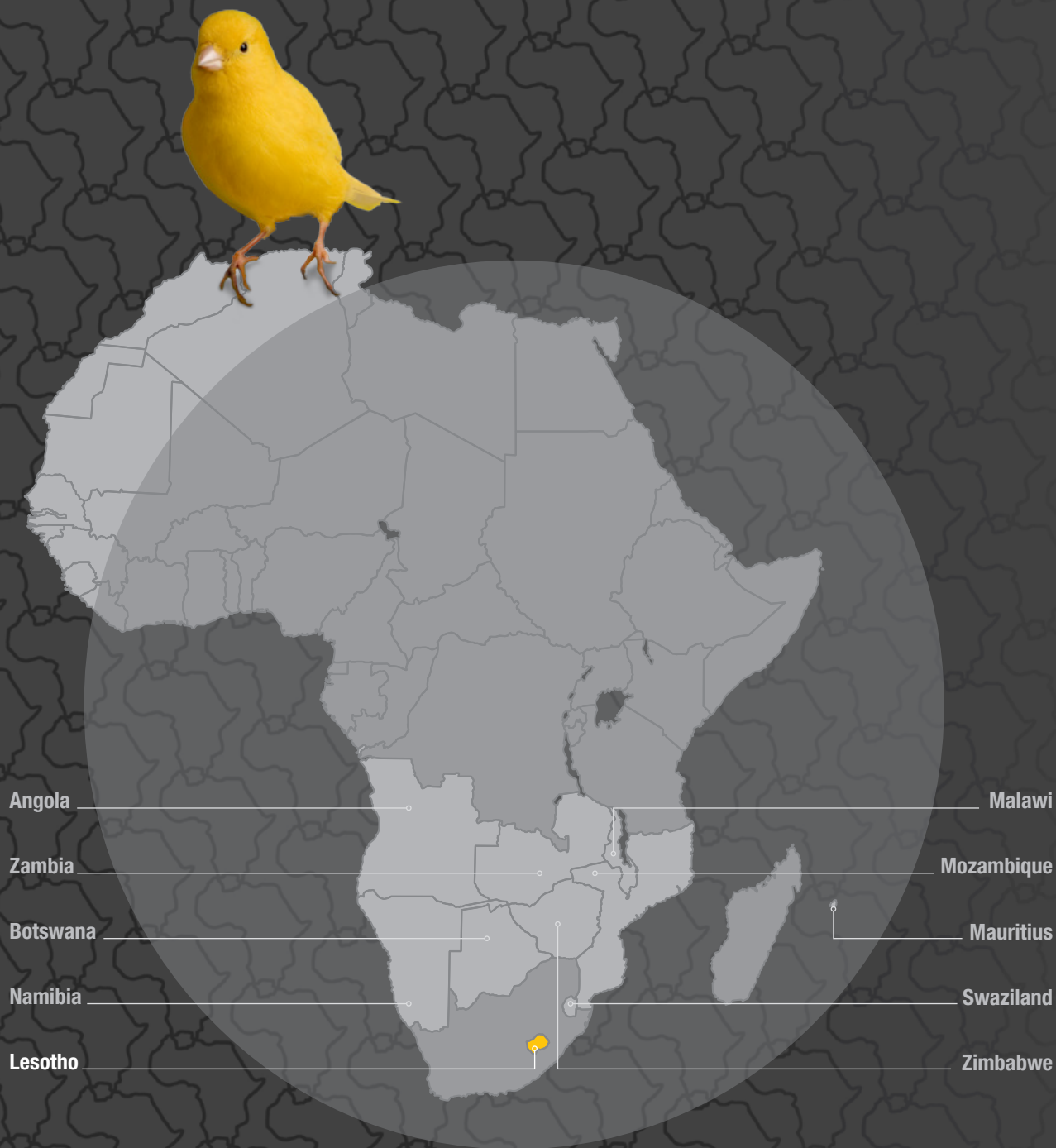


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# summary



The quest to realizing LGBTI human rights in Lesotho has been marked by a mix of unique local successes, and challenges that are common to other countries in the region, painting a somewhat fragmented picture. Through engaging with rural communities, using media to spark conversations and change mindsets, to public health entry points linked to HIV/AIDS ‘key population’ funding, and supportive religious groups, the agenda for the full realization of LGBTI human rights has increased in profile across spaces in Lesotho.

Quiet, backdoor support from within government, and active, but not necessarily vocalized acceptance in traditional spaces have led to increased social inclusion for LGBTI people, especially in rural areas. Policy change and formal political support that protects the human rights of LGBTI people have yet to be attained.

Despite limited structural capacity, The People’s Matrix Association (commonly known as Matrix), the only LGBTI organization that exists in Lesotho, has increased the visibility and credibility of LGBTI organizing on the ground while promoting the human rights of LGBTI people.

While stigma, discrimination, and harassment are a pressing reality, there is a resiliency among activists, and impressive inroads have been made towards shifting negative attitudes in rural areas. Strategic engagement with police services has meant that in some cases, police have reportedly protected the human rights of LGBTI people.



## ABOUT THE AUTHORS

This country report was written for the Other Foundation by Glenda Muzenda & Wendy Kessman informed by engagement with individuals and organizations in Lesotho. Glenda’s rich experience as a gender, development, and HIV/AIDS research consultant is particular to sexual minorities and vulnerable populations. She has been a strong supporter of the Other Foundation since its inception. Wendy believes that nothing speaks truth to power as effectively as the concrete proof of injustices. She has committed her life’s work to social justice causes as an activist and vocal advocate within the NGO sector. Wendy is based at Rock of Hope in Swaziland. The production of the report was supported by George Murumba and benefited from editorial contributions given by Mark Gevisser. The final text of the report was edited by Sarita Ranchod and Sonja Boezak from Under the Rainbow.



# country context

canaries in the coal mines – an analysis of spaces for LGBTI activism in Lesotho



The Kingdom of Lesotho, a small, mountainous country, is entirely surrounded by South Africa. It is a constitutional monarchy having gained independence from Britain in 1966.

Women make up 54.9% of the country's population, estimated at 1.8 million. Nearly 40% of the population is between age 15 and 35, and 76% of the general population live in rural areas,<sup>1</sup> with 56.6% of the population living below the national poverty line.

Patriarchal and heteronormative cultural structures exacerbate poverty and the spread of HIV. It is common for men to migrate to South Africa for work, with some having intimate partners and families in both South Africa and Lesotho. UNAIDS estimates more than 23% of the population are HIV positive. The practice of multiple concurrent partners (MCPs) is commonplace, and this, combined with low use of condoms, intergenerational sex and the high levels of poverty, a notably large portion of the population is vulnerable. Research done by United Nations Office on Drugs and Crimes (UNODC) has also revealed high levels of sexual violence<sup>2</sup> in the country, fuelling the spread of HIV.

**Strategic engagement with police services has meant that in some cases, police have reportedly protected the human rights of LGBTI people.**



<sup>1</sup> Lesotho Census Report, 2006

<sup>2</sup> UNODC. (June 2010), Total sexual violence at the national level, number of police-recorded offences.

# legislative and policy environment

canaries in the coal mines – an analysis of spaces for LGBTI activism in Lesotho



## 2.1 Transnational Influence

Being surrounded by South Africa, its influence on Lesotho — socially, culturally, politically and economically — is significant, also because of extensive exposure to South African media. The fact that South Africa's Constitution

protects the human rights of LGBTI citizens and that LGBTI individuals can enter same-sex unions in South Africa, has increased awareness of LGBTI human rights in Lesotho.

## 2.2 Religion

**“Churches are opening up to us and we are excited that they are seeking inclusive spiritual growth for the LGBTI community.”**

*Key contributor*

Religion is deeply entrenched in Basotho society. With an estimated 90% of the population being Christian. The Roman Catholic, the Lesotho Evangelical and the Anglican churches are the three most popular religious organizations in Lesotho.

The Pentecostal and Dutch Reformed Churches are largely negative towards LGBTI human rights. Personal and societal religious beliefs are powerful in guiding attitudes, making it important to build positive relationships with the religious community. Homosexuality remains a contentious issue, and Pentecostal churches have been known to openly discriminate against LGBTI people.

Other churches, like the Roman Catholic Church, have been supportive, taking initiative to educate congregants and offer services on sexuality and spirituality. Matrix has used this opportunity to inform and shape attitudes.

Through partnerships with Inclusive and Affirming Ministries (IAM), an LGBTI-friendly church organization, Matrix has been facilitating productive dialogues with religious leaders. Church pastors have been influential in raising awareness of SOGI and in making referrals to Matrix.

**The fact that South Africa's Constitution protects the human rights of LGBTI citizens has increased awareness of LGBTI human rights in Lesotho.**

2





**Unlike some other former British colonies and protectorates, female same-sex acts have never been criminalized.**

### 2.3 Legislative and Policy Environment

Lesotho's Constitution (1993) does not make specific reference to the protection of the human rights of LGBTI people. Section 8 of the Constitution provides for freedom from inhuman treatment and states that “no person shall be subjected to torture, inhuman or degrading treatment”.

Section 11 of the Constitution provides for the right to respect for private and family life, and Section 18 – Freedom from Discrimination – states: “no law shall make any provision that is discriminatory either of itself or in its effect”. Subsection (6) of Section 18 notes that “no person shall be treated in a discriminatory manner by any person acting by virtue of any written law, or in the performance of the functions of any public office, or any public authority.”

Section 19 of the Constitution provides for “the right to equality before the law, and the equal protection of the law.” The general assumption is that all citizens enjoy all the rights and freedoms protected by the Constitution.

#### Criminal Procedure and Evidence Act

The prohibition on male anal sex is covered under Section 187 (5) of the Criminal Procedure and Evidence Act. Sodomy has been listed as an offence in respect of which arrests may be made without a warrant.<sup>3</sup> Unlike some other former British colonies and protectorates, female same-sex acts have never been criminalized.

#### Criminalization and Application of Sodomy Law

While sexual activity between men is criminalized, it is not known to have ever been enforced regarding consensual sex. It has, however, been used in cases of rape. Between April 2010 and February 2012, twelve sodomy cases were reported to police. None of these involved consensual sex.<sup>4</sup>

<sup>3</sup> Criminal Procedure and Evidence Act of 1981, Schedule 1, Part II  
<sup>4</sup> Lesotho Mounted Police Crime Statistics 2010 -2012



### Penal Code, 2010

The Penal Code criminalizes ‘public indecency’ and is thought by some to include sodomy. The Sexual Offences

Act (SOA) and Penal Code have not been harmonized, enabling ambiguous interpretations of the law.

### 2.4 Tradition and Custom: Marriage Laws

“There are loopholes, so you can challenge the laws.”

*Key contributor*

Customary law and common law govern the institution of marriage in Lesotho. Section 3 of the Marriage Act of 1974 defines marriage as “a union of one man with one woman, to the exclusion, while it lasts, of all others,” making legal marriage the exclusive domain of heterosexuals. Nonetheless, Subsection (4) (c) of Section 18 of the Constitution differentiates between common law and customary law, based on the parameters of customary traditions as interpreted by traditional culture.

A key contributor, referring to the recent engagement of a transman and his partner, noted that sexual and gender minorities are creating and finding spaces where traditional marriage is an option for LGBTI people, through openly engaging with their families, and working to promote social inclusion and acceptance of LGBTI human rights.

**Traditional marriage is an option for LGBTI people, through openly engaging with their families, and working to promote social inclusion and acceptance of LGBTI human rights.**



With limited employment options, transwomen often engage in sex-work to survive.

## 2.5 Sex-Work, Poverty and Health

Workplace discrimination negatively impacts the ability of many LGBTI people to find employment. This is particularly difficult for transgender and other gender non-conforming LGBTI people. With limited employment options, transwomen often engage in sex-work to survive.<sup>5</sup>

Because police are known to use the possession of condoms as evidence in criminal charges against sex-workers, condom use is low and the vulnerability to HIV infection of already highly vulnerable people is compounded.<sup>6</sup>

The criminalization of sex-work enables blackmail and violence, including rape, that may be perpetrated against sex-workers by clients, pimps or law enforcement officers. Crimes against sex-workers are unlikely to be reported

as victims fear secondary victimization by law enforcers.

This undermines efforts to ensure that key populations have access to the services and treatment they need. Informants noted that key populations have little space to influence HIV/AIDS policies and plans that affect them.

Most literature on sexual minorities in Lesotho focuses on the public health of ‘key populations’, especially men who have sex with men (MSM) and transgender women.<sup>7</sup> HIV-focused foreign aid has enabled space for sexual and gender minorities to engage with key stakeholders in government and civil society, in the process beginning to create a platform to address LGBTI human rights and social inclusion as a whole.

<sup>5</sup> [http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t\\_b\\_6177810.html](http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t_b_6177810.html)[http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t\\_b\\_6177810.html](http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t_b_6177810.html)

<sup>6</sup> [http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t\\_b\\_6177810.html](http://www.huffingtonpost.com/randal-mason/a-movement-that-matters-t_b_6177810.html)



## 2.6 Identity Documents

There is no official or legal way for transgender individuals to change gender markers on their identity documents. This

creates significant difficulty when trans people are required to present identity documents to state officials.

## 2.7 Freedom of Assembly

“I was worried that we wouldn’t get a permit from the police to hold the march, but it took less than ten minutes. Everybody was curious but supportive.”<sup>9</sup>

LGBTI individuals and activists have carved out some space to exercise their right to peaceful assembly as articulated in Section 15 of the Constitution. This is evident in commemorating the annual International Day Against Homophobia and Transphobia on 17 May. Matrix organized events and public marches on this day with about 300 people publicly participating; an important opportunity to

increase public visibility of LGBTI people, and to secure formal, police support to host the event publicly.

“My passport says my gender is female and when I am travelling, some immigration officers get curious when they look at me and argue about my gender. I was searched to verify my gender.”<sup>8</sup>

*Sheriff Mothopeng*  
Transgender activist

<sup>7</sup> HIVOS (December 2014) *Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Human Rights in Southern Africa: A Contemporary Literature Review*

<sup>8</sup> *When one is neither male nor female*, *Lestimes*, 14 Nov 2013

<sup>9</sup> <http://www.osisa.org/lgbti/blog/small-march-big-step-lgbti-lesotho>



# public discourse

# 3



“The elders resist talking or accepting homosexuality even if it is something they have known for years.”

*Focus group participant*

Major obstacles to social inclusion for LGBTI people emanate from the nexus of homophobia, patriarchy and negative political and religious attitudes. The rights-based discourse, perceived as a Western import, has found limited traction. Sexuality rights remain straitjacketed by a morality that cuts across all fronts, including tradition, culture and politics.

Informants asserted that same-sex relations were not unfamiliar in Lesotho but that the language and terminology used is confusing the issue. Because sex and/or sexuality are inherently taboo subjects, Mosotho culture interprets LGBTI advocacy as crossing the private/public line, violating cultural moral frameworks.

The historical existence of same-sex relationships in Lesotho is largely undocumented. Basotho women, for example, sometimes take younger, usually teenaged, female sexual partners into “mummy-baby” relationships. Documented as early as the 1950s, these relationships were often deemed harmless ‘mentorships’ that served as initiation into womanhood, often keeping women company while their husbands are away working in mines in South Africa.<sup>10</sup> Migrant mine workers lived in single-sex hostels. In this context, men would also engage in same-sex sexual relationships. Many of these relationships continue to exist regardless of whether men were already heterosexually married, or planned to get married, suggesting a fluidity of sexuality, even if covert.

**Major obstacles to social inclusion for LGBTI people emanate from the nexus of homophobia, patriarchy and negative political and religious attitudes.**

<sup>10</sup> Mummy-baby <https://www.voicemagazine.org/articles/articledisplay.php?ART=6951>



**“We know people listen to radio and this is working well as an outreach because we know people in rural areas are often left without entertainment. We use films during their free time for education. That is why the screenings are free.”**

*Key contributor*

### 3.1 Media, Media houses and SOGI issues

“We were shocked to have a local pastor who had attended a film screening previously come to our offices to report an incident of a young woman who was about to be kicked out of home by her parents.”

*Key contributor*

Radio has proven a powerful tool for increasing awareness of LGBTI human rights. Programmes on LGBTI issues have been aired through interviews and phone-ins. With the efforts of Matrix (the only officially registered LGBTI organization in Lesotho), topics have included debates about SOGI issues and discussions of same-sex traditional weddings. Between 2015 and 2016 LGBTI-specific issues were aired more frequently, with some listeners calling in to challenge incorrect terminology or assumptions, referring people to Matrix. While there has been some positive coverage, radio programmes engage through a heteronormative lens, driven by patriarchal norms.

An online and print media publication, the Lesotho Times featured an obituary of Simon Nkoli, a prominent South African gay man, known for his anti-apartheid, gay human rights and HIV/AIDS activism. The obituary emphasised tolerance,

asserting that homosexuals are also God's children.<sup>11</sup>

Sesotho Media is an NGO that works with Matrix to raise awareness of LGBTI human rights through film screenings in rural areas. A series of films on poverty, human rights, gender-based violence, HIV/AIDS and LGBTI human rights have been screened.<sup>12</sup> To date, 100 films have been screened in rural villages, reaching at least 4 000 people, with themed screenings over a one-year period.

Organizers noted that after a few screenings, participants comfortably engaged with the information, relating the issues raised in the films to their own LGBTI family members and friends. Film has served to positively engage families, particularly parents, by providing them with SOGI information, opening space for dialogue and promoting inclusion and acceptance within family units and local communities.

<sup>11</sup> <http://lestimes.com/gays-are-also-gods-children/>

<sup>12</sup> Films are researched and produced by STEPS, a South African media company, documenting films for social change. <http://www.steps.co.za>



Sesotho Media, who have an ongoing relationship with Matrix, referred the pastor to them for assistance.

LGBTI activists know who their media allies are and have documented support from the Lesotho News Agency (LNA)

with LNA covering their events and promoting activities. Experience to date has informed which media agencies are supportive, and which are not.

### 3.2 Government, Political Parties and SOGI Issues

“They often give us tips on how to approach issues, so that we get at least an ear for our concerns.”

*Key contributor*

Political parties have not made any statements in support of LGBTI human rights. Government ministries and

departments have not participated in Matrix events, although there are pockets of silent support.



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# the LGBTI movement:

Organizations Advancing the Human Rights of LGBTI People



The People's Matrix Association (Matrix), formerly Matrix Support Group, is the only known LGBTI organization in Lesotho. Established as a discussion group comprising ten gay friends, members organized around their collective experiences of stigma and discrimination, and created a support network. This informal group grew to become the People's Matrix Association.<sup>13</sup> Initial psychosocial support, outreach activities, and discussion groups have become the strengths of the organization.

Since 2008 Matrix has strengthened its visibility and reach, continuing to spark conversations and change mindsets. While Matrix has come a long way, it struggles with organizational independence, reaching urban spaces, and turning quiet, backdoor support into vocal and concrete political backing.

Unlike many LGBTI organizations in Southern Africa, Matrix did not hide its objectives to secure official registration. The registration of the organization therefore marked, to a certain extent, 'official' recognition that sexual and gender minorities exist in Lesotho.

Matrix's work includes advocating and lobbying for LGBTI human rights and implementing programming in partnership with other organizations with complementary objectives, such as human rights or public health-focused organizations.

**The registration of the organization marked, to a certain extent, 'official' recognition that sexual and gender minorities exist in Lesotho.**

<sup>13</sup> (<http://www.osisa.org/lgbti/blog/small-march-big-step-lgbti-lesotho>)





**“The bottom line is prevention interventions should be for every Mosotho and access to medicines and therapy should be sustainable and available to everyone.”<sup>14</sup>**

*Prime Minister Mathaba Kimetso*

#### 4.1 Public Health Entry Points

A key entry point for advocating for sexual and gender minorities to access health services under the key populations umbrella in the country’s reduction of HIV prevalence strategies, which include a focus on MSM, has been the Ministry of Health.

Data collected in 2010 on HIV risks, human rights and MSM<sup>15</sup> offered evidence of the need for targeted HIV/AIDS interventions. In 2015 the National AIDS Commission (NAC) officially included MSM in its official HIV/AIDS response programme, Fast Track.

Prime Minister Kimetso has stated that government is committed to leaving no one behind, and that there should be zero discrimination to accessing HIV/AIDS services.

Discussing Fast Track, UNAIDS Country Director, Alti Zwandor, said: “This is not the time to pretend we do not have sex-workers, MSM, and young people who are not accessing services,”<sup>16</sup> – one of the most inclusive assertions to date on sexual minorities in government HIV policies and practices.

#### 4.2 Power Dynamics, Empowerment and Capacity

**“Money comes in and then they say they need qualified people, so they start kicking you out, and you are jobless. Once the project is over, you have to come back and volunteer again.”**

*Key contributor*

Matrix has operated under a host organization since 2009, paying a significant percentage of grant funding to the host organization for administrative costs. The host organization is also responsible for selecting Matrix personnel. This power dynamic, according to

Matrix staff, hinders the growth and independence of the organization.

Matrix leadership has expressed the need to build internal capacity among LGBTI people as a long-term investment in Matrix.

<sup>14</sup> Hunger compromising fight against HIV: Minister, *Lestimes* 30 April 2016

<sup>15</sup> Baral, S., Adams, D., Lebona, J., Kalbe, B., Letsie, P., Tshehlo, Beyrer, C. (2011). A cross-sectional assessment of population demographics, HIV risks and human rights contexts among men who have sex with men in Lesotho. *Journal of the International AIDS Society*, 14(1), 36.

<sup>16</sup> Union seeks to stem HIV prevalence, *Lestimes*, 16 July 2016



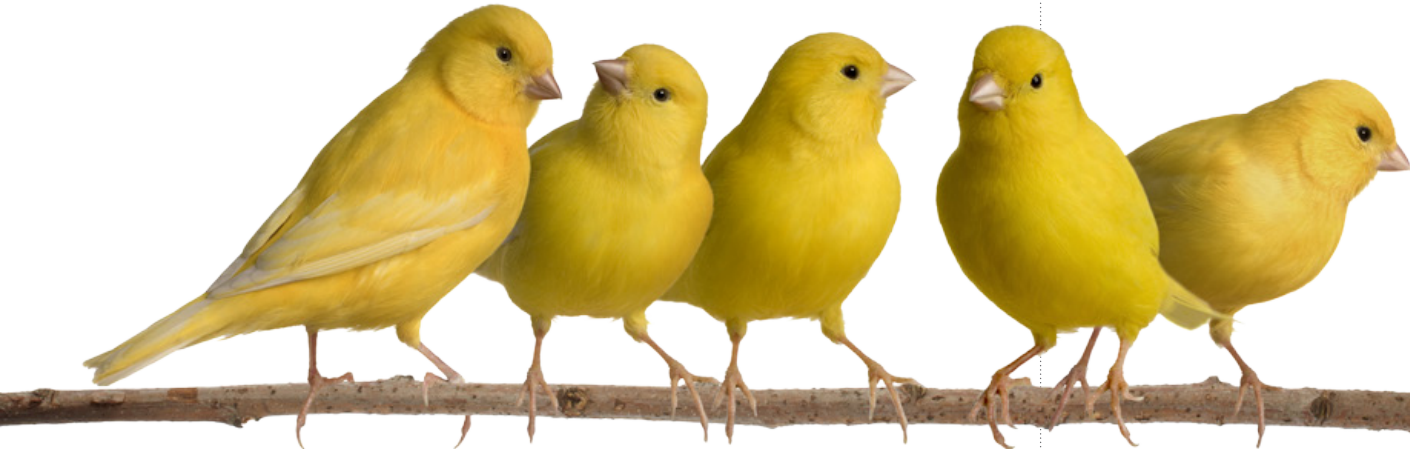
**“Stop saying people don’t have the capacity to host the funds without helping them build the capacity.”**

*Tampose Mothopeng  
Director of Matrix*

A key participant also noted the need for active support for the wellbeing of Matrix staff and volunteers due to traumatic stigma and discrimination experienced during their work. As in other contexts, the absence of legal protection for LGBTI people increases the vulnerability of Matrix team members.

Matrix has a strong base of committed members who, during funding shortages,

have worked without salaries. The fact of being hosted by another organization has caused concerns about the growth and development of Matrix as an organization. Internal skills and capacities need to be strengthened to manage programmes and finances, monitor and evaluate work, and document activities for lessons learned from programming.





# strategies

used by LGBTI groups and allies

# 5



Matrix has used a range of strategies to mobilize communities, CBOs, NGOs and government. Silent, but active relationships with leaders and individuals in government ministries, as well as among religious and traditional leaders, have been useful to Matrix in sourcing advice on how best to engage with the state and how to access Parliament.

Matrix has shown resilience through two distinct funding droughts, first during 2012-2013, and again in 2014-2015. The organization survived by linking with existing community based organizations (CBOs) to work on the ground to continue to implement programmes and further their reach, despite resource constraints.

One particularly effective partnership has involved extensive collaboration with Phelisanang Bophelong, an HIV and TB advocacy CBO.

## 5.1 Government Engagement

“They hope that by ignoring us we will just die out from disease and their problems will be solved.”

*Key contributor*

There has been limited meaningful engagement on LGBTI human rights issues with government outside of the key populations and MSM discourse on public health issues. On the human rights of LGBTI people, government response has been one of indifference.

The gendered public health focus on key populations does not consider all LGBTI people, and does not sufficiently engage with the health needs of women.

Matrix has lobbied the Ministry of Justice to repeal colonial-era sodomy laws. The

response, said a key informant, surfaced a fear that without the sodomy law men would rape each other. This stigmatizing of male same-sex sexual relations, and conflating rape with sodomy, ignores the reality of consensual same-sex practices.

While LGBTI activists continue to meet with government ministers to advocate for LGBTI human rights, it is common that in private, politicians support LGBTI human rights, but in public they reportedly ignore efforts to realize the human rights of LGBTI people.

**While LGBTI activists continue to meet with government ministers to advocate for LGBTI human rights, it is common that in private, politicians support LGBTI human rights, but in public they reportedly ignore efforts to realize the human rights of LGBTI people.**





**“For us to have our faces on billboards was a way of saying: we are not hiding anymore, we are here as members of the LGBTI community, and we don’t care what people are saying.”**

*Tampose Mothopeng*<sup>17</sup>

## 5.2 Visibility and Awareness Raising

Matrix has started the conversation on LGBTI human rights, and has kept it going with extensive media engagement, open public events, and in 2016, a billboard campaign, articulating a message of inclusion, acceptance, and support. Extensive efforts to gain visibility have paid off, with Matrix holding not only name recognition, but credibility, in larger society.

Matrix has collaborated with several organizations regionally and globally on research focusing on HIV and MSM. Little other LGBTI-specific research has been done in Lesotho and there are no known local archives of LGBTI history. There is

limited engagement with Lesbian and Bisexual women and transgender men. What little research exists is most often conducted by researchers from the global North.

Matrix has used a range of advocacy mechanisms to increase LGBTI visibility and support in some communities. Changes in how police and neighbours respond to LGBTI people in communities where Matrix has worked, are indicative of the effectiveness of sensitization efforts regarding LGBTI human rights. Matrix is currently engaging with religious leaders through training and dialogues on SOGI.

## 5.3 Mass Media

Different forms of media have played a critical role in shaping engagement on LGBTI human rights in the public sphere. Radio programming on *Ultimate FM* has been instrumental in widening Matrix’s reach, popularizing SOGI in public engagement. This has included

familiarizing public audiences with SOGI issues through quizzes on LGBTI terminology. Matrix staff monitor media, especially radio programmes, to engage and intervene when LGBTI human rights issues are raised in the public domain.

## 5.5 Rural vs Urban Dimensions

Matrix’s experience in Lesotho is unique in achieving success in spaces that are often the most challenging environments: rural areas. In urban areas, where historically social justice movements have flourished, Matrix has encountered challenges.

A key contributor said of urban areas: “There are young people who will literally want to spit in your face with disgust when you express your identity to them in a bar or club.”

## 5.6 Traditional Leaders and Community Engagement

Matrix has worked in eight districts, engaging closely with chiefs and local councils to determine views on LGBTI human rights issues. The reception has largely been positive, with requests for more information, and leaders actively reaching out to the organization with requests to work hand in hand with communities for inclusive engagement.

Community members articulated that they do not understand why sexual and gender minorities are the way they are, but there is an openness and willingness to be inclusive in a manner not found in urban spaces.

## 5.7 Film Screenings

Matrix’s use of film as advocacy and education tool has been welcomed by rural communities, with requests for more films containing LGBTI content.

**“In the rural areas I have not heard of a person saying I don’t want to hear that. In urban areas you hear people saying I don’t want to hear it. We are tired of you.”<sup>18</sup>**

*Tampose Mothopeng*



<sup>17</sup> <http://holaafrica.org/2016/05/21/billboard-campaign-encourages-lgbti-visibility-in-lesotho/>

<sup>18</sup> Interview with Tampose Mothopeng





## 5.8 Counselling Services

Population Services International (PSI), an organization working on programmes for MSM has been working with Matrix to expand counselling services for sexual minorities. LGBTI people experience high

levels of depression and other health challenges because of being isolated and rejected by families and communities who also stigmatize and discriminate against them.

## 5.9 Police Protection

“I have been impressed with the response from the stations. I had a call from one transman who said his brothers are kicking him out of home because of his gender identity, I told him to go to the police station, he said they called my brothers in and talked to them, it was solved. They solved everything.”

*Key contributor*

Despite difficulties with the police, they have played a supportive role in some districts. Matrix has undertaken some sensitization work with police officers from different districts, noting the experiences of LGBTI people being harassed and violated by police.

Through open conversations and relationship-building, emphasizing the role

of community police as protectors of all, especially the most marginalized, alliances have been built between sexual and gender minorities and law enforcement with the potential to go beyond conflict and victimization, and to serve and protect the human rights of all citizens, LGBTI people included.

# the needs and experiences

of LGBTI people: social in/exclusion

# 6



**There is a lack of data on transgender people in Lesotho, somewhat limiting programmes aimed to serve transgender people’s needs. There is no legal mechanism in place to officially alter one’s gender identity in official documents.**

Social inclusion is understood to be respectful of the human rights of all citizens. Matrix members and activists highlighted the concerns below where social inclusion interventions are most urgent.

### 6.1 Transgender Access to Services and Official Identity Registration

There is a lack of data on transgender people in Lesotho, somewhat limiting programmes aimed to serve transgender people’s needs. There is no legal mechanism in place to officially alter one’s gender identity in official documents. The inability to obtain official documentation affects trans people’s access to health services and creates potentially unsafe

situations by ‘outing’ individuals in spaces where it is unsafe to do so. Similarly, this affects transgender people who wish to travel out of the country as their passports do not reflect their gender identity, enabling discrimination and increasing their vulnerability.

### 6.2 Schools and Education

Matrix receives several complaints of bullying of gender non-conforming individuals at schools. Homosexual youth are often heckled and harassed. A Matrix employee who has worked as a school

counsellor explained: “The reality is that our teachers don’t know how to deal with these issues; that’s a major stumbling block.” The school curriculum does not engage with SOGI issues.



### 6.3 Employment and SOGI

There is a significant need for inclusive and non-discriminatory policies that protect LGBTI individuals within the workplace. Vulnerability to employment

discrimination makes finding work difficult for visibly gender non-conforming LGBTI people. Transgender people are known to turn to sex-work for economic survival.

### 6.4 Safety, Security and Tolerance of LGBTI People

LGBTI people occupy more spaces, and have become more visible in Maseru, where MSM and sex-workers have been attacked in public spaces.

Matrix’s standing in rural communities where they work has reportedly reduced discrimination in those communities.

### 6.5 Acceptance

**“They don’t speak to us like animals or throw stones at us at night because we are part of them now.”**

*Key contributor*

Due to consistent community engagement and increased visibility, there is a sense that people are becoming more accommodating of LGBTI people in public spaces. While it is not widely and openly spoken about, various levels of tolerance in communities have been evidenced and exercised by police,

communities and religious institutions.

While direct engagement with communities at local level has contributed to a more conducive and open environment, there is still a great need to address prejudices facing sexual and gender minorities in Lesotho.



**Most LGBTI contributors said they did not go to church for fear of rejection and “being preached straight”.**

## 6.6 Harassment

As in other southern African countries, LGBTI people have difficulty finding public spaces that are safe and welcoming. Homophobia and transphobia has led to violence and other hate crimes against sexual and gender minorities in urban spaces.<sup>19</sup>

While the violence and hate crimes against LGBTI individuals in Lesotho is not as commonplace or as aggressive as in neighbouring South Africa, contributors said: “Name-calling happens all the time. People often shout out: ‘What are you? Are you a man or a woman?’ I’m so used to it that I just brush it off and walk away.”<sup>20</sup>

## 6.7 Culture, Faith and Language

The Roman Catholic Church has been more open to discuss SOGI issues in community dialogue than other faith communities. According to Matrix, growing tolerance is apparent as a result of having access to several platforms to create space for community dialogue and education activities.

Most LGBTI contributors said they did not go to church for fear of rejection and “being preached straight”.<sup>21</sup> At the same time, faith-based organizations have offered support to Matrix to engage in dialogue using scripture in support of LGBTI human rights without judgement.

<sup>19</sup> COC, In the Picture

<sup>20</sup> <http://voicesofafrica.co.za/basotho-march-lgbt-rights/>

<sup>21</sup> Refers to some form of exorcism that is done to LGBTI until they claim their lives back to God as heterosexual born-again

# key potential non-LGBTI allies/ strategic entry points

# 7





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**Continuing with community education, using film as tool could be expanded to all rural areas, in partnership with local CBOs.**

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Matrix's efforts have resulted in some support and successes that can be used as strategic entry points to deepen work and increase reach through relationship-building with non-LGBTI allies, and through initial work done that has created strategic entry points for further partnership opportunities.

Police with whom Matrix has engaged, have reportedly followed up on cases impacting sexual and gender minorities. Working with police could be expanded nationally.

Religious leaders within the Lesotho Inter-Religious AIDS Consortium (LIRAC) and the Catholic and Methodist churches have indicated supportive attitudes. Engaging further with church communities and leaders in dialogue, towards inclusion, can be deepened and widened.

The inclusion of MSM in key populations in the Ministry of Health's Fast Track HIV/AIDS strategic plan opens up space for further engagement on the public health needs of LGBTI people beyond the MSM focus. The fact of having a relationship with one government department could be used strategically to access other government ministries and departments.

The support and fair reporting from media houses and media organizations such as *LNA* and *Sesotho Media* illustrate that there is space within the media for relationships to be strengthened and expanded. Capacitating local media to report fairly on LGBTI human rights issues could be explored.

Having previously accessed technical support via the Lesotho Council of Non-Governmental Organizations (LCN), engagement with other LCN members could present potential allies for creating a civil society coalition in support of LGBTI human rights.<sup>22</sup>

Lobby and advocacy work that goes beyond the community level is required to build influential allies across spaces, sectors and spheres of influence. Human rights lawyers would be excellent allies in advocating for law reform.

<sup>22</sup> *Clash over gays, Lestimes, 10 February 2010*

# ways forward

# 8



**There is a clear need for improved data collection and increased research to understand LGBTI needs more fully.**

**Lesotho's work towards securing the full human rights of LGBTI citizens is ongoing, requiring further support from partners to create broad coalitions for change.**

There is a need to expand the focus of efforts towards programmes and services for women and transgender people to uphold and advance the human rights of all LGBTI people.

There is a clear need for improved data collection and increased research to understand LGBTI needs more fully. This would provide a means to measure change and the effectiveness of Matrix's work to date. Improved monitoring and evaluation capacity would enable refining of strategies and programmes for maximum effectiveness.

Law reform, including Constitutional protection, is an urgent issue requiring the active support of human rights legal experts and human rights organizations to support and advance Matrix's efforts.

**8.1 For LGBTI, Human Rights Organizations and Activists**

- > Establish learning relationships with human rights and women's rights organizations that have had success in urban spaces to advance LGBTI human rights in urban spaces.
- > Expand the use of film as tool for community education and engagement.
- > Strengthen internal capacities to document successes and challenges.
- > Assess what has already been achieved in specific rural communities for improved effectiveness and lessons learned to expand and increase rural reach.
- > Continue engagement with families, government, traditional/cultural and religious leaders.

- > Alternative strategies for engaging government should be explored to ensure progressive realization of LGBTI human rights.
- > Expand and strengthen outreach, information and services directed to women and transgender individuals.
- > Move beyond the focus on MSM to include the full spectrum of

LGBTI people, especially women and transgender people in all programmes.

- > Expand sensitization work with police to reach all villages and districts.
- > Develop relationships with human rights and legal organization to build support for law reform.

**8.2 For Funders and Partners**

- > Support Matrix to gain autonomy by investing in internal capacities for the organization to attain full independence. This will require support for strategic planning, targeted capacity building and financial management with organizational autonomy as goal.
- > While HIV/AIDS prevention and treatment funding has enabled work with MSM as key population, more deliberate and specific funding is required to reach and include Lesbian and Bisexual women as well as and transgender communities in programme, lobbying and advocacy and service provision to address gender inequality.
- > Provide Matrix with financial support to expand its efforts and widen its reach.
- > Support local efforts to undertake further research in support of realizing the human rights of LGBTI people.

**8.3 For Allies and Potential Allies**

- > Matrix would benefit from support from legal human rights organizations to lobby government for law reform. Lessons learned from other countries in the region could be considered for informing strategies.
- > Advocate for an inclusive policy on LGBTI human rights covering workplaces, health facilities, schools, universities and government institutions (such as police services) to protect and serve sexual minorities.

**More deliberate and specific funding is required to reach and include lesbian and bisexual women as well as the transgender community in programme, lobbying and advocacy and service provision to address gender inequality.**





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