

Pride Guide | Lesotho



The Australian Volunteers Program strives to provide a safe, supportive and equitable environment for LGBTIQ+ volunteers, approved accompanying dependents, partner organisations and all program staff. The Australian Volunteers Program has supported volunteers with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in all program countries and has ongoing connections with community organisations in almost every country we work in.

Diverse SOGIESC program participants must be aware of the country context before undertaking an assignment. This guide is designed to introduce some key issues related to people with diverse SOGIESC and their participation in the program.

If you are a volunteer with diverse SOGIESC, you will need to:

- Do your own research. You will be required to follow the local laws, even if you disagree with them.
- Understand what the local law says you can and can't do when in-country;
- Be aware of what the legal protections are for LGBTIQ+ people in your destinations;
- Consider whether or not you are comfortable living and working in a place where you may be discriminated against and unable to live as openly
- as you can in some parts of Australia.

Language

Terminology may differ across urban and rural contexts, and across provinces or ethnic and cultural groups. Information sourced online can be outdated or inaccurate. For current and accurate information, please confirm with an appropriate diverse SOGIESC Civil Society Organisation (CSO) or ask your in-country team.

Legal and policy context

Same-sex sexual acts were decriminalised in Lesotho in 2012, revoking the previous common law crime of sodomy. However, an exclusionary national legal framework denies the equal rights and protections of diverse SOGIESC communities. Same-sex marriage and unions are not recognised by the state.

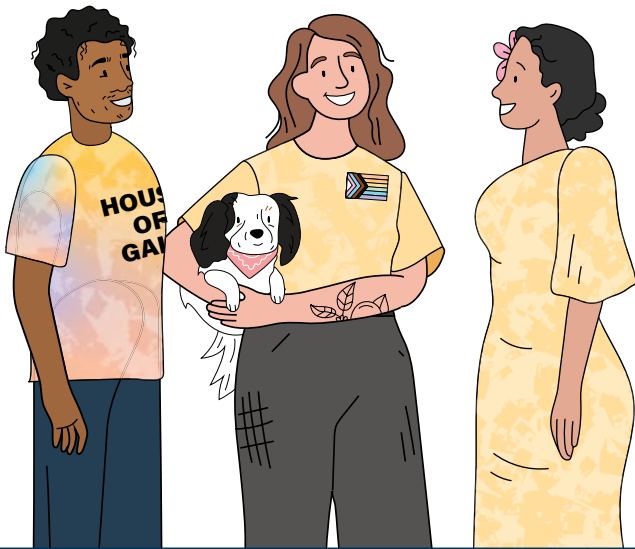
There are no provisions for transgender individuals to change their gender on their national identity card or passport, yet a person can also be charged if they use a passport that does not reflect their gender expression. The legislation on national identity cards is ambiguous about who decides what information should be updated.

Despite naming lesbian, gay, bisexual, transgender and intersex persons as key populations for HIV prevention and services, the programming in practice only focuses on men who have sex with men (MSM) and some transgender women.

Discrimination

No legal protections exist for people with diverse SOGIESC in Lesotho. There is a lack of constitutional protections and national laws against SOGIESC discrimination, laws that protect against SOGIESC discrimination in employment, and laws against incitement to hatred, hate crimes or discrimination based on one's SOGIESC. There are discriminatory laws that exclude diverse SOGIESC populations from land inheritance and "female chieftainship".¹ People with diverse SOGIESC also face discrimination in the workforce, with some losing their jobs. One lesbian interviewee explained:

¹ The Collective of Lesotho, Universal Periodic Review of Lesotho. 35th Session (Geneva: The Sexual Rights Initiative, 2020), 2.



*"I know of someone older, who lost their job as a soldier because they were female, wearing trousers and dating other women... Most of the LGBT people no longer work. This is because as soon as people take a notice of one's sexuality, they begin to tell management about it."*²

Cultural and societal attitudes

Lesotho is a patrilineal society, where females are controlled by males through practices such as boholi, a form of customary dowry. In the Universal Periodic Review in 2020, civil society reflected that the state had done little to tackle the pervasive patriarchy and heteronormative values of Lesotho.

The Collective of Lesotho, a civil society coalition, commented that such values are used to justify a culture of discrimination and stigmatisation surrounding SOGIESC communities in all their diversity.³

'Corrective' rape is perpetrated against women who have sex with women and trans men to reinforce heteronormative values. Many people with diverse SOGIESC do not report incidents of violence against them, in fear of hostile treatment from authority officials.

Many families are not accepting of their relative's diverse SOGIESC and many young people will hide their diverse SOGIESC from family members. Alongside strict patriarchal values and traditional ideas about the family unit, religious leaders play a critical role in the familial rejection and damaging views perpetuated by society.

However, within some cultural groups and geographical areas, diverse SOGIESC identities are more accepted. For example, romantic relationships between Basotho women are common and socially accepted within local spaces, even when the women are married. Lesotho's first Pride Parade took place in March 2013, organised by CSO Matrix Support Association.

Health and wellbeing

Basic healthcare services are limited in Lesotho due to a lack of expertise and resources. Lesotho has the third highest prevalence of HIV/AIDS (23.4%) in the world, and the government aims to halve new infections and AIDS-related deaths by 2023. Key populations recognised in this plan include MSM and sex workers, however the risk and needs of lesbians, women who have sex with women, transgender men, or intersex people are underrepresented. Even where the government recognises key populations, stigma remains a barrier to HIV testing and treatment. There is no mental health and psychosocial support services for MSM, transwomen or other key populations who are living with HIV/AIDS through the government's plan.

Transgender women receive discrimination in the public healthcare system and hormone replacement therapy (HRT) and gender-affirming surgeries are not available. Sexual education is incorporated into the school curriculum, however it is taught at the teacher's discretion. Bullying and harassment in schools is commonplace for diverse SOGIESC children and youth. CSOs such as People's Matrix Association provide peer-to-peer prevention and outreach work with diverse SOGIESC youth, including youth that are at risk of HIV/AIDS.

Media

Anti-LGBTIQ+ organisations and individuals use media and social media to reinforce ideas that the diverse SOGIESC community does not fit with the culture and tradition of Lesotho. Social media is also used by activists to advocate for diverse SOGIESC rights and as a means of connecting with community and sharing resources.

² Carmen Logie et al., "Conceptualizing LGBT Stigma and Associated HIV Vulnerabilities Among LGBT Persons in Lesotho," journal article, published May 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC722929/>.

³ William J. Spurlin, *Imperialism within the Margins. Queer Representation and the Politics of Culture in Southern Africa* (New York: Palgrave MacMillan, 2006), 76.