

VIOLENCE AGAINST WOMEN AND CHILDREN IN NAMIBIA: PERSPECTIVES AND SYSTEMATIC MEASURES TO SUPPORT PERPETRATORS

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I. INTRODUCTION

With Angola as its northern neighbour, Zambia and Zimbabwe bordering it to the north-east, and Botswana and South Africa positioned to its east and south, respectively, Namibia is an immense country of more than 824,418 square kilometres located along the south-western coast of Africa. According to the Namibia Statistics Agency (2019), the country has a population of approximately 2.1 million of which there is almost an equal distribution of females and males, 51.5% and 48.4%, respectively.

The country is relatively young, only having gained its independence in 1990 following colonization by Germany from 1884 to 1915 and then by South Africa from 1915 to early 1990. Germany is known to, for example, have issued an extermination order against the Hereros of Namibia in 1904, resulting in about 75 percent of that population group being wiped out and half of another group, the Namas facing a similar genocide (Erichsen, 2019).

The South African regime was also a ruthless occupant characterized by a brutal form of institutionalized oppression and racist rule termed apartheid. During apartheid black Namibians were denied any political rights and social and economic freedoms were also restricted (South African History Online, 2015).

Some of the remnants of post-conflict societies include a culture of violence, including violence against women and children. Reports indicate that conflict and post-conflict communities in sub-Saharan Africa experience great numbers of gender-based violence (Kinyanda et al., 2016), and Namibia is no exception.

The gang rape of a 13 year-old girl, the murder of two women by a man they were allegedly involved in a romantic relationship with and the hacking to death of a young woman by her partner are just some of the themes of stories swamping Namibian media on a daily basis. There is a general perception that violence against women and children in Namibia has reached enormous proportions as a day hardly passes without news pertaining to the phenomenon.

Over one weekend alone in April 2019 one of the country's daily newspapers reported ten cases of violence against women and children that the Windhoek City Police had to attend to, and noted that the reporting of up to twenty such cases on most weekends is not uncommon for the country's capital city, Windhoek (Ndalidikokule, 2019). A report of 611 cases of domestic violence recorded by the country's policing service providers (Namibian Police Force & Windhoek City Police) over a three-month period alone sheds more light on the extent of the problem (Ikela, 2018).

According to UNICEF Namibia (2015), a third of Namibian women that have ever gotten married have experienced physical, sexual and/or emotional violence from their spouse, with half of the perpetrators of violence against women typically being someone they were in a relationship with at the time of the offence.

On the 3rd of July 2019, the Namibian Correctional Service recorded 635 cases of sexual violence, representing the second highest type of offence committed by offenders under its custody on the specific date, the first highest being murder with 720 cases (Namibian Correctional Service, 2019). However, it is not unusual for cases of sexual violence to top the list of offence types committed by offenders in Namibia as was observed to be the case in October 2017.

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Then again, violence against women and children is a global phenomenon with findings ranging between 16.3% in East Asia and 65.6% in Central Sub-Saharan Africa for violence against women committed by an intimate partner. Concerning non-partner sexual violence, data indicates that the prevalence ranges between 3.3% and 21.0%, with South Asia having the lowest prevalence and Central Sub-Saharan Africa again having the highest prevalence (World Health Organization, 2013).

With there generally being consistency between what constitutes violence against women and children, both regionally and internationally, Namibia's National Gender Policy 2010-2020 follows international trends by replacing the term "violence against women and children" with the term "gender-based violence" (Legal Assistance Centre, 2012). As adopted from the SADC Protocol on Gender and Development, gender-based violence is defined according to the Ministry of Gender Equality and Child Welfare (2010) as:

all acts perpetrated against women, men, girls and boys on the basis of their sex, which causes or could cause them physical, sexual, psychological, emotional or 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 or other forms of conflict, or in situations of natural disasters, that cause displacement of people.

For the above-given reason, this paper will continue to refer to "violence against women and children" as "gender-based violence".

II. GENDER-BASED VIOLENCE IN NAMIBIA: A SYNOPSIS

According to the country's law enforcement agencies, most victims refuse to lay charges against their abusive intimate partners for fear of losing their relationships should their partners get incarcerated (Ikela, 2018). A study conducted with survivors of gender-based violence in Namibia in 2016 confirmed this based on the accounts of the survivors. Among others, some of the sentiments shared were that concerns over the welfares of children as well as economic dependency fuelled such fears. Thus, financial dependence appears to sustain gender-based violence in the country.

He knew...I'll never take action, I'll stay in this situation whenever and until when um he decide, and it never stops, because I used to think uh he's this man, if he goes to jail what is it going to help, what about my children all these things. . . . I was expecting my second child when we met...he paid for my rent and it was just comfortable for me being in this situation...but one day...he was drunk and I believed he also smoked illegal um, (Is it dagga?) Ya, so ...he came and he was swearing a lot,...and he slapped me...in front of my sister and I was crying and you know, not because of the slap but I was so shocked.

The above is consistent with research findings, which indicate that there appears to be a relationship between gender-based violence and poverty or unemployment. Particularly, it was observed that a link exists between spousal employment status and the risk of physical violence against the female partner (Alonso-Borregoy and Carrascoz, 2016; Krishnan et al., 2010).

A link was also found between gender-based violence and substance abuse. The findings of research indicate that gender-based violence is five times more prevalent in relationships where one or both of the partners abuses alcohol. Furthermore, it has been concluded that both alcohol abuse among men and gender-based violence reflect an underlying need for power and control related to gender-based distortions and insecurities (Miles, Herstad, Shand & Muzenda, 2014).

In respect to the above findings, Namibia's socio-economic climate is of particular concern: In terms of educational attainment, which takes into account full-time attendance at any regular educational institution, public or private, for systematic instruction, about half (49%) of the population surveyed in 2011 had completed primary education, with only 6% of that population having had completed tertiary education. No major differences existed between males and females in this respect (Namibia Statistics Agency, 2019).

Although unemployment rates were found to be higher for females compared to males in 2011 (Namibia Statistics Agency, 2019), with females having an employment rate of 43% compared to 30% for males, a report on the country's unemployment rates conducted in 2016 revealed that the unemployment rate for females had dropped to 38%, while that of males remained stable at 30% (Legal Assistance Centre, 2017).

As more women gain employment and attain economic independence, men are compelled to withdraw from their traditional roles as breadwinner and provider, which causes tension in terms of gender roles and expectations. The shift in gender roles for women and the rise of women's standing in society directly exacerbates gender-based violence in the African region, especially when men are left lagging behind (Miles et al., 2014).

Furthermore, alcohol abuse is a major problem in the country with a survey documenting that 80% of 14- and 15-year-old school-going children consume alcohol at a high rate (Nampa, 2014). In relation to gender-based violence, a relationship between the excessive use of alcohol and issues of masculinity was also found (Miles et al., 2014).

It is possible to get one's head around the high prevalence of gender-based violence in Namibia given the possibility of men having been left feeling emasculated by the country's colonial history, coupled with the prevailing socio-economic status of the country. A great concern, however, is that a major contributor to gender-based violence in the country could be sociocultural factors that perpetuate certain beliefs about women and the expected gender norms relating to them, which can be used to justify violence against women as opposed to holding the perpetrators fully liable for their actions.

In 2013 the Inspector-General of the Namibian Police made headlines when he pronounced the wearing of miniskirts illegal. This followed the arrests of 40 girls after they were spotted wearing hot-pants and what particularly caused uproar in the Namibian society was the differential treatment of males who did not receive any threats of arrest despite often wearing sagging trousers, often revealing their underwear.

III. NAMIBIA'S EFFORTS TO COMBAT DOMESTIC VIOLENCE

While matters such as the preceding case present some challenges in terms of addressing gender-based violence in the country, Namibia has made some notable progress in terms of attempting to address some of the issues relating to gender-based violence. Legislatively, over the past number of years Namibia has adopted and revised a number of statutes, both relating to gender-based violence and to wider gender-related issues, which unarguably have bearing on the practice of gender-based violence.

Internationally, the country is party to the following instruments:

- i. The *UN Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), which prohibits sex discrimination, including gender-based violence;
- ii. The *UN Convention on the Rights of the Child*, which requires countries to protect children from all forms of violence, maltreatment or exploitation, including sexual abuse;
- iii. The *UN Declaration on the Elimination of Violence against Women*, which affirms that violence against women constitutes a violation of their rights and fundamental freedoms;
- iv. The *Beijing Declaration and Platform for Action*, which calls on governments to enact or reinforce legislation to punish and redress violence against women and girls in homes, the workplace, the community and society;
- v. The *UN Resolution on the Elimination of Domestic Violence against Women*, which calls on states to, among others, strengthen and implement legislation that prohibits domestic violence and to focus on the healing of victims and the rehabilitation of perpetrators;
- vi. The Protocol to the *African Charter on Human and Peoples' Rights on the Rights of Women in*

Africa, which calls for measures to address violence against women taking place both in private or in public. It also addresses the punishment of perpetrators, the identification of causes of violence against women and the provision of services for survivors;

- vii. The *SADC Protocol on Gender and Development*, which requires Member States to enact and enforce legislation prohibiting all forms of gender-based violence, to ensure that perpetrators are brought to justice, and to implement educational policies and programmes addressing gender-based violence, is another piece of legislation the country has adopted.

Nationally, a number of national laws and policies that are relevant to the fight against gender-based violence were also implemented, but the country's constitution is perceived as the frontrunner in terms of laying the foundation to address factors relating to gender-based violence. The Constitution of the Republic of Namibia states under Article 8(1) that "the dignity of all persons shall be inviolable" and under Article 8(2) (b) that "no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment."

Article 10 stipulates that "all persons shall be equal before the law" and that "no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status". Under Article 23(3) it is stated that: "In the enactment of legislation and the application of any policies and practices contemplated by [the Constitution], it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination, and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation".

Additionally, Article 95(a), puts forth that "the State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following: enactment of legislation to ensure equality of opportunity for women, to enable them to participate fully in all spheres of Namibian society".

All the above provisions pave the way to address gender-based violence with legislative backing. To translate these principles into concrete policies and actions, a number of measures have been put in place, but, of particular notetaking, is the development of the National Gender Policy, which primarily aims to achieve gender equality and the empowerment of both males and females in the country (Ministry of Gender Equality & Child Welfare, 2010).

Among others, the policy framework targets to provide:

- i. mechanisms and guidelines for all sectors and other stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women's empowerment;
- ii. an enabling environment for the empowerment of women to ensure their participation in socio-economic and decision-making processes in all sectors and at all levels;
- iii. mechanisms and structures for institutional frameworks that can coordinate and guide implementation of gender equality programmes among partners and in the society, and to monitor and evaluate gender programming; and
- iv. guidelines for the implementation, monitoring and evaluation of regional and international instruments.

In direct relation to gender-based violence, the policy promotes the principle of zero tolerance for gender-based violence and clearly defines its objective in relation to that as reducing the prevalence of gender-based violence and increasing protection for women and girls. To that effect, it is apparent that the country has made significant strides in terms of formal measures aimed to protect women against gender-based violence.

Such efforts are solidified by services such as the existence of 15 Women and Child Protection Units of the police located around the country that serve the purpose of providing counselling to victims of gender-based violence and referring them to other services; the free provision of psychosocial support to victims of

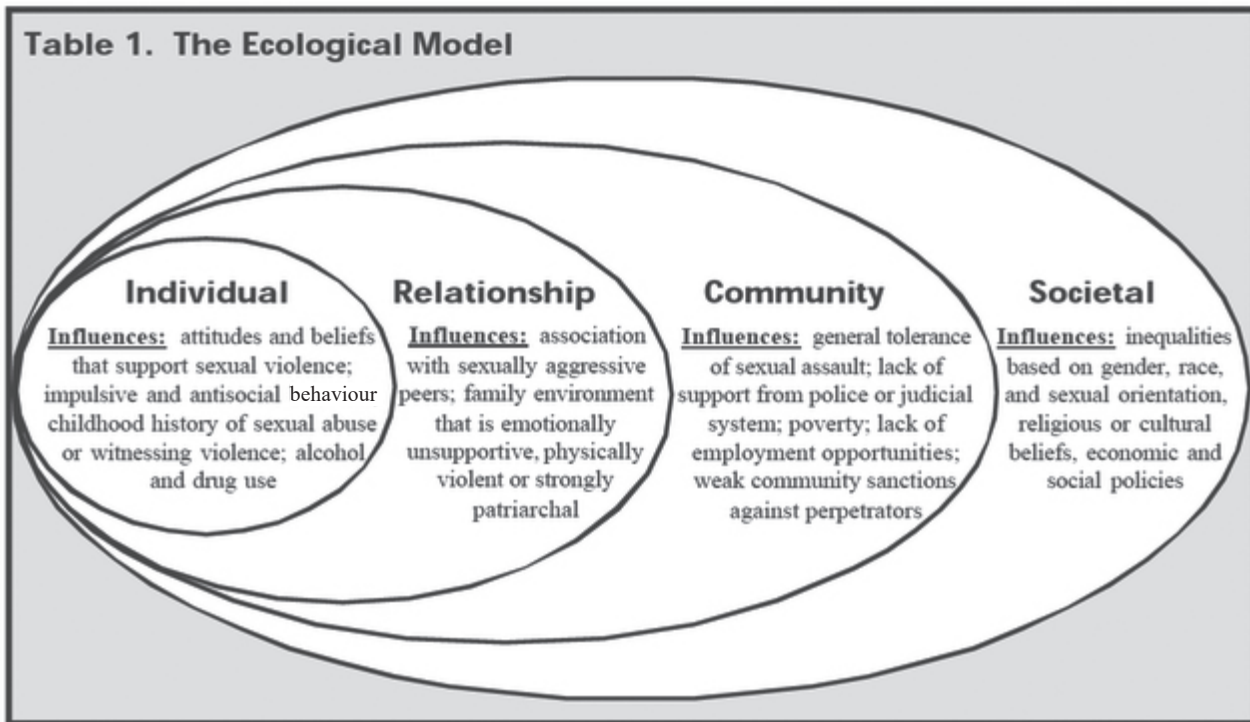
gender-based violence by certain government ministries; the possibility for low-income victims of domestic violence to apply for legal aid; the existence of safe houses that shelter women and children from domestic violence; and the existence of various non-governmental organizations that provide a range of services to victims of domestic violence and sexual abuse.

However, in relation to perpetrators of gender-based violence, there are virtually no prevention or treatment programmes targeting them or that are inclusive of their needs as well. The only effort concerning them seems to be concentrated on their adequate and fair prosecution. From a preventative perspective it could, of course, be argued that by promoting equality for all, as is centrally the theme at the national level, could reduce the risks of some individuals turning into perpetrators of gender-based violence.

Yet, the ecological model of violence clearly identifies that various interacting factors influence the development of gender-based violence and stresses the need for strategies and efforts that target the phenomenon at the individual, relationship, community as well as societal level. In fact the model stresses that the biggest contributors to people committing gender-based violence are individual characteristics and the least being those occurring at the societal level (World Health Organization/London School of Hygiene and Tropical Medicine, 2010).

In terms of the ecological model, it identifies four levels of risk factors associated with individuals engaging in gender-based violence. The four levels along with risk factors for gender-based violence associated with each level are represented by the diagram¹ below:

Figure 1: Ecological Perspective of Gender-based Violence Risk Factors



As brought to attention by the World Health Organization/London School of Hygiene and Tropical Medicine (2010), the greatest risk factors at the individual level are low education, exposure to sexual abuse, having an anti-social personality, substance abuse and endorsement of violence. As such, while Namibia is progressive in terms of measures at the societal level, the only agency that seems concerned about targeting individual-level factors relating to gender-based violence seems to be the Namibian Correctional Service, which targets these risk factors in the case of perpetrators sentenced to incarceration.

¹ Source: <http://wiki.preventconnect.org/Socio-ecological-Model/>

More clearly needs to be done to comprehensively address perpetrators and those at risk of engaging in gender-based violence, and these are the identified shortcomings:

- i. There are no services to assist individuals at risk of engaging in gender-based violence, particularly those desiring assistance with personal challenges that could serve as precursors to the act;
- ii. There are no mechanisms for early detection of red flags. Early detection of problematic behaviour and mind-sets would aid in the timeous provision of interventions;
- iii. Although there is a strong link between alcohol abuse and gender-based violence, and the country has a high level of the practice, the country only has one state-owned substance abuse rehabilitation centre, which only caters to individuals between the ages of 18 and 39. Furthermore, the centre can only accommodate 80 persons at a time.

IV. CONCLUSION

Because gender-based violence is rooted in gender inequalities, the efforts of the Namibian Government to address the issue by attending to social structures and gender norms that seem to perpetuate it cannot be disregarded. However, it goes without saying that the country still needs major improvements across all levels of society for its efforts to truly be impactful.

A starting point would be the recognition of those in leadership and influential positions of the strength of their behaviour in encouraging gender-based violence. Also, more effort needs to be pumped into addressing some of the social ills contributing to gender-based violence, such as the abuse of alcohol and the deep-seated underlying factors contributing to it.

Furthermore, instead of just focusing on the provision of services for victims of gender-based violence after they have already been exposed to such violence, effort should also be concentrated on both preventative as well as response-related activities that target the perpetrator's individual risk factors.

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