

INTERNATIONAL HUMAN RIGHTS LAW  
AND  
VIOLENCE AGAINST WOMEN

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Dianne Hubbard, Legal Assistance Centre, 2001

### THE EMERGENCE OF WOMEN'S RIGHTS AS HUMAN RIGHTS

Women's rights initially received very little emphasis at the United Nations. One of the early bodies established in the young UN was the Commission on the Status of Women, which was set up in 1948. But the first draft of the Universal Declaration of Human Rights exhibited a fair degree of gender insensitivity by starting off its first article with the statement "All men are brothers." Thanks to the efforts of the Commission on the Status of Women (and Eleanor Roosevelt) the draft was changed -- first to apply to "all people" and finally to "all human beings". The Universal Declaration of Human Rights, like its progeny, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Political Rights Civil and Political Rights (both adopted in 1966), explicitly forbade discrimination on the basis of sex, but there was little attention to the specific needs and concerns of women. It was 13 more years before the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) articulated women's rights as human rights in detail, in 1979.

This initial neglect of women's rights is not surprising. When the UN Charter was adopted, only 35 of the initial 51 member states gave women political rights equal to those possessed by men, and men were the dominant political actors throughout the world. Women's rights became prominent on the international agenda only with the rise of national women's movements in many countries during the 1970s. This led to the declaration of 1975 as International Women's Year, which was such a success in throwing an international spotlight on women's issues that it was followed by a UN Decade for Women which covered the next 10 years. This stimulated the convening of a series of world conferences on women – the first at Mexico City in 1975, followed by the second at Copenhagen in 1980 and the third in Nairobi in 1985, where the Nairobi Forward-Looking Strategies for Women were adopted by government delegations from 157 countries.

Against this background, the 1993 World Conference on Human Rights in Vienna was a turning point. Although this was a conference on human rights in general, significant attention was devoted to women's rights as human rights. The Vienna Declaration stated:

*The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in the political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.*

The next milestone was the Fourth World Conference for Women in Beijing, where Namibia played a prominent role with our Minister of Women Affairs and Child Welfare being chosen to act as the Rapporteur General for the entire conference. The Beijing Platform for Action which was adopted at that conference was further elaborated at "Beijing +5" which took place in 2000.

Meanwhile, efforts were underway to ratify CEDAW, which has been described as an international bill of rights for women. It came into force in 1981 and had 166 signatories by the year 2000. Namibia is one of the few nations in the world which has ratified CEDAW with no reservations. Namibia also stands out as the first country to ratify the Optional Protocol to CEDAW which gives individuals and groups the right to complain directly to the UN about violations of the Convention, as well as giving investigative powers to the

committee which monitors CEDAW in instances of grave or systematic abuse of women's human rights.

These international developments gave rise to a corresponding emphasis on women's rights at the regional level. In 1997, the OAU drafted an Additional Protocol on Women's Rights under the African Charter for Human and People's Rights. This draft has been adopted by the African Commission of the OAU, but must still be ratified by all of the member states before it will become binding. In 1998, the OAU also appointed a Special Rapporteur on the rights of women to give special attention to women's rights in Africa. SADC has followed suit, with the adoption of a Declaration of Gender and Development in 1997, supplemented in 1998 by an Addendum on the Prevention and Eradication of Violence against Women and Children. The SADC documents are not legally binding, however. SADC has also established a Gender Unit to facilitate the mainstreaming of gender into regional and national policies.

### **INTERNATIONAL COMMITMENTS ON VIOLENCE AGAINST WOMEN**

The overall framework which has just been sketched can now be examined in more detail to identify developments in the area of violence against women. Much of this information is based on a helpful summary of UN developments prepared by the UN Division for the Advancement of Women.

Initially the development of policy within the United Nations with regard to violence against women was concentrated on violence against women in the family. The World Plan of Action adopted by the first World Conference on Women in Mexico in 1975 did not refer explicitly to violence, but drew attention to the need for the family to ensure dignity, equality and security of each of its members. The 1980 Conference in Copenhagen, adopted a resolution on "battered women and violence in the family" and referred to violence in the home in its final report. It was only at the 1985 Nairobi World Conference (and at the parallel non-governmental forum which accompanied it) that violence against women truly emerged as a serious international concern.

#### **Nairobi Forward-Looking Strategies (1985)**

The pervasiveness of violence against women was recognised in the Nairobi Forward-Looking Strategies:

*Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. National machinery should be established in order to deal with the question of violence against women within the family and society. Preventative policies should be elaborated, and institutionalized forms of assistance to women victims provided.*

The Nairobi Conference cited violence as a major obstacle to the achievement of development, equality and peace, which were the three overarching objectives of the UN Decade for Women. It also identified a number of areas of special concern, including "abused women", "women victims of trafficking and involuntary prostitution" and "women in detention and subject to penal law". Governments were urged to intensify efforts to establish or strengthen forms of assistance to victims of violence through the provision of shelter, support, legal and other services and to increase public awareness of violence against women as a societal problem

### **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1981)**

Astonishingly, despite these developments, CEDAW makes no explicit reference to violence against women. In 1989, the Committee which monitors CEDAW published General Recommendation 12 which made it clear that gender-based violence falls within the meaning of discrimination against women and directed signatories to include information in their periodic CEDAW reports.

In 1992, General Recommendation 19 gave detailed consideration to the problem of violence against women. This document announced more emphatically 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”. It defined gender-based violence as “*violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.*” General Recommendation 19 also examined the specific linkages between violence and a range of other rights, such as the right to health and the right to equality in the workplace. It warned that “states may be ...responsible for private acts if they fail with due diligence to prevent violations of rights or to investigate and punish acts of violence” and to provide for compensation. It noted that “family violence is one of the most insidious forms of violence against women,” and concluded by putting forward a set of recommendations for combating all forms of gender-based violence.

Violence against women in the family drew further comment in General Recommendation 21, issued in 1994, on equality in marriage and family relations. Here the Committee stressed that “the provisions of General Recommendation 19... concerning violence against women have great significance for women’s abilities to enjoy rights and freedoms on an equal basis with men,” and urged signatories to ensure that women will be free of such violence in both public and family life.

The interpretation of CEDAW as covering violence against women means that individual complaints about violence against women in Namibia could be brought to the attention of the United Nations under the Optional Protocol to CEDAW if all available domestic remedies have been exhausted without success.

*These General Recommendations are attached.*

### **UN General Assembly Resolution 40/36 (29 November 1985)**

In the wake of the Nairobi Conference, the UN General Assembly passed its first resolution on violence against women in 1985, focusing solely on domestic violence. This resolution urged member states to take a range of steps to make their criminal and civil justice systems more effective in their responses to domestic violence.

*This resolution is attached.*

### **Expert Group Meeting on Violence in the Family (1986)**

The implementation of this resolution led to a 1986 Expert Group Meeting on Violence in the Family, with special emphasis on its effects on women. This Meeting adopted further concrete recommendations with regard to legal reform, police, prosecutor and health sector training, and social and resource support for victims. It also noted that domestic violence was a global phenomenon which was significantly underreported.

### **Publication on Violence against Women in the Family (1989)**

This publication described the manifold contexts and manifestations of violence against women, and showed that violence may be tolerated and, indeed, condoned, by the community or the State. It also examined the range of societal factors which can contribute to violence against women.

From these early beginnings, there was a growing understanding of the link between gender and violence at the international level. The United Nations began to acknowledge that violence in the family was not the only form of violence against women, and to recognise the connections between violence against women and the broader inequalities between women and men. These developments eventually led to the categorization of violence against women as a matter of human rights.

### **UN General Assembly Declaration on Domestic Violence 45/114 (1990)**

International concern about domestic violence was re-iterated in a 1990 Resolution of the UN General Assembly, in preparation for the International Year of the Family (proclaimed for 1994). The thrust of this statement was to urge nations to develop multi-disciplinary strategies to combat domestic violence, including assistance to both victims and offenders. This Declaration also urged government to work together with NGOs and asked the Secretary-General of the UN to convene a working group of experts to prepare a manual on domestic violence.

*This resolution is attached.*

### **Vienna World Conference on Human Rights (1993)**

This forum was key to the recognition of gender-based violence as a central human rights issue. In the Vienna Declaration and Programme of Action, the adoption of a UN Declaration on the Elimination of Violence against Women was made a priority, and it was decided that a Special Rapporteur on Violence against Women should be appointed by the UN. The following provision was contained in the chapter of the Programme of action on the equal status and human rights of women:

*38. In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violation of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular, murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.*

### **UN General Assembly Declaration on the Elimination of Violence against Women 48/104 (1993)**

This Declaration defines violence against women 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." It also elaborated on what is encompassed in this definition:

*Article 2: Violence against women shall be understood to encompass, but not be limited to, the following:*

*(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*(c) Physical, sexual and psychological violence perpetuated or condoned by the State, wherever it occurs.*

The Declaration outlines the steps States and the United Nations should take to address gender-based violence against women, and says that States should not invoke any custom, tradition, or religious consideration to avoid their obligations in this regard.

*This declaration is attached.*

#### **“Strategies for Confronting Domestic Violence: A Resource Manual” (1993)**

This resource manual on strategies for confronting domestic violence was prepared under the supervision of the United Nations Centre for Crime Prevention and Criminal Justice, in response to the directive contained in the 1990 UN General Assembly Resolution on domestic violence. It contains suggestions about law reform, improving the operation of the criminal justice system, multi-disciplinary approaches, victim support services and treatment programmes for perpetrators, training of relevant personnel, preventative strategies and information-gathering.

#### **Special Rapporteur on Violence against Women, its Causes and Consequences (1994)**

In 1994, the Commission on Human Rights created the first gender-specific human rights mechanism and appointed Ms. Radhika Coomaraswamy of Sri Lanka as the first Special Rapporteur on violence against women. Her mandate is to seek and receive information on violence against women and to recommend measures to eliminate violence. In her reports she has covered a wide range of violence-related topics, including sexual slavery in wartime, rape in the community, domestic violence, trafficking and forced prostitution of women, and women’s reproductive rights. She has also embarked on missions to Member States of the United Nations to investigate gender-based violence and to propose strategies for addressing it.

As of 1999, this Special Rapporteur had published 6 thematic reports:

- (a) a preliminary survey of all forms of violence against women (1994)
- (b) violence in the family (1996)
- (c) violence in the community (1997)
- (d) violence by the state and during armed conflict (1998)
- (e) an assessment of state responses to domestic violence (1999)
- (f) policies and practices that impact women’s reproductive rights and contribute to, cause or constitute violence against women (1999).

She has also published reports on the following field visits:

- Japan (wartime sexual slavery) (1996)
- Brazil (domestic violence) (1997)
- Poland (trafficking) (1997)
- South Africa (rape in the community) (1997)
- Rwanda (violence against women during armed conflict) (1998)
- USA (violence against women in prisons) (1999)
- Indonesia and East Timor (violence against women perpetrated or condoned by the state) (1999)
- Pakistan and Afghanistan (1999).

Among the other publications of the Special Rapporteur is a framework for model legislation on domestic violence (1996).

#### **Fourth World Conference on Women in Beijing (1995)**

The Beijing Platform for Action names violence against women as “an obstacle to the achievement of the objectives of equality, development and peace”. It identifies violence against women as one of 12 critical areas of concern which require urgent action to achieve the goal of gender equality. The Platform adopts the definition of violence against women contained in the UN Declaration, but also highlights forms of violence against women not explicitly mentioned there, such as violations of the rights of women in situations of armed conflict, particularly murder, systematic rape, sexual slavery and forced pregnancy, forced sterilization and forced abortion, coercive or forced use of contraceptives, female infanticide and pre-natal sex-selection.

Three strategic objectives are established by the Platform for the elimination of violence against women: (1) integrated measures to prevent and eliminate violence against women; (2) the study of the causes and consequences of violence against women, as well as the effectiveness of preventive measures; (3) the elimination of trafficking in women, and the provision of assistance of victims of violence due to prostitution.

The Platform for Action highlights a number of specific actions to be taken by governments, including the enactment and implementation of effective legislation, the allocation of resources, the training of law enforcement agents and the formulation of plans of action to eliminate violence against women.

*The relevant portions of the Beijing Platform for Action are attached.*

#### **War crimes and the International Criminal Court**

Particular progress has been made with regard to gender-based violence against women in armed conflict. Rape as a war crime has only recently been given attention, despite the fact that it is a crime that has historically been committed against women during times of war. According to “Ambassador-at-Large for War Crimes Issues” David J Scheffer, “In many conflicts, some soldiers, perpetrators, and world leaders viewed rape as a fringe benefit of war, an unspoken perk. While some observers have dismissed incidents of rape, with the reason that men, or as so often seen, boys, simply get out of hand or out of control after a rough day on the battlefield, recent history has shown that organized, systematic patterns of rape are a component of deliberate ethnic cleansing. The world community, on occasion, ignored the truth that these acts are not simply acts of recklessness, but acts of torture.”

This state of affairs has now changed. Sexual violence was the subject of several indictments issued by the International Criminal Tribunals for the Former Yugoslavia and Rwanda. In September 1998, the latter Tribunal issued a conviction on crimes against humanity and

genocide, including through acts of sexual violence, and thus adopted the first definition of rape in international law.

Women will soon have recourse to an international body with a broader mandate to examine these issues. The International Criminal Court will be a permanent judicial institution mandated to prosecute persons who have committed genocide, war crimes and other crimes against humanity. The Statute of the International Criminal Court adopted in Rome in June 1998 recognizes gender-based crimes and makes provision for the application of gender-sensitive justice both through the selection of judges and the establishment of a Victims and Witnesses Unit which must be staffed by individuals with expertise in trauma, including trauma related to crimes of sexual violence.

Article 7 of the Rome Statute deals with crimes against humanity. Included in this group of crimes are “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity.” Article 8 of the Rome Statute deals with war crimes. The list is very comprehensive and includes a variety of different war crimes against humanity. Article 8(2)(e)(vi) is of particular importance to women as it concerns the “committing of rape, sexual slavery, enforced prostitution, forced pregnancy...enforced sterilisation, and any other form of sexual violence....”

The International Criminal Court will come into existence once 60 states have ratified the Rome Statute, with 29 states having ratified it as of February 2001. It is a point of pride that 13 out of 14 SADC states have already signed or ratified the Rome Statute (with Swaziland being the sole hold-out at present). The issue of war crimes against women is of particular relevance to Namibia due to the unrest occurring on our Northern borders. Namibia signed the Rome Statute on 27 October 1998.

### **Beijing +5 (2000)**

The wide-ranging impact of violence against women was re-acknowledged in the “Beijing +5’ document, which is formally entitled “Further action and initiatives to implement the Beijing Declaration and the Platform for Action” (UN General Assembly Resolution S-23/3, 2000).

*Violence against women and girls is a major obstacle to the achievement of the objectives of gender equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. Gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism are incompatible with the dignity and worth of the human person and must be combated and eliminated.*

Amongst the achievements in implementation recognized by governments at the Beijing +5 assessment was the fact that many forms of violence against women and girls, whether occurring in public or private life, have become the subject of national legislation, policies and programmes. Governments recommended more specific or focussed actions than those of the Platform and also addressed areas which had emerged or become more prominent since the Beijing Conference, including marital rape, crimes of honour and crimes of passion, racially motivated violence and strategies to address the growing incidence of trafficking in women. An international zero tolerance campaign on violence against women, as well as support for public campaigns to enhance public awareness of the unacceptability and social costs of such violence were also advocated.



## **REGIONAL COMMITMENTS ON VIOLENCE AGAINST WOMEN**

### **OAU - Additional Protocol on Women's Rights** (still to be ratified)

The final version of the Additional Protocol defines "violence against women" in Article 1 as

*all acts directed against women which cause or could cause them physical, sexual or psychological harm or suffering, including the threat of such acts; or the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peacetime and during situations of conflict/war.*

The Additional Protocol promises that states will treat sexual abuse and violence against girls and women in times of conflict or war as war crimes (Article 4(d)), and devotes one article entirely to the topic of violence against women:

#### Article 5

*States Parties shall take appropriate measures to:*

*(a) prohibit all forms of violence against women whether physical, mental, verbal or sexual, domestic and family, whether they take place on the private sphere or in society and public life;*

*(b) identify the cause of violence against women and take appropriate measures to eliminate such violence;*

*(c) punish perpetrators of such violence committed against women and ensure that the perpetrators pay adequate compensation;*

*(d) establish mechanisms to ensure effective rehabilitation and reparation for victims of such violence.*

### **SADC -Addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government, on the Prevention and Eradication of Violence against Women and Children**

Ministers, legislators, government officials and NGO representatives from the SADC region who participated in a meeting in March 1998 in Durban adopted a Declaration on the Prevention and Eradication of Violence against Women and Children. This Addendum defines violence as including

*physical and sexual violence, as well as economic, psychological and emotional abuse*

*(a) occurring in the family, in such forms as threats, intimidation, battery, sexual abuse of children, economic deprivation, marital rape, femicide, female genital mutilation, and traditional practices harmful to women;*

*(b) occurring in the community, in such forms as threats, rape, sexual abuse, sexual harassment and intimidation, trafficking in women and children, forced prostitution, violence against women in armed conflict; and that*

*(c) perpetrated or condoned by the agents of the state...*

It recommends the adoption of various measures to respond to and to prevent violence, including:

- the enactment of adequate laws to protect victims and to punish offenders
- the eradication of gender bias in the legal system
- access to counselling, restitution and reparation
- the eradication of elements of traditional norms, religious beliefs and stereotypes which legitimise violence against women and children
- adequate legal, educational, health, social welfare, counselling and other services
- gender sensitisation of service providers
- research on the causes, incidence and consequences of violence against women and children.

This Addendum stresses the need for an integrated approach to these measures, and for the allocation of adequate resources to ensure the implementation and sustainability of the programmes.

Although not legally binding, the Addendum was subsequently signed by the SADC Heads of State and Government in Mauritius. It suggests that urgent consideration be given to a binding SADC instrument on violence against women and children to ensure that government commitments are translated into concrete action.

The Addendum also mandates SADC states to convene a regional conference before the end of the year 2000 to review progress in the implementation of the Declaration. That meeting took place in Lesotho in December 2000, where it was decided that SADC member states should “prepare national action plans based on an integrated approach to gender violence, for presentation to the 2001 meeting of SADC Ministers Responsible for Gender/Women’s Affairs”.

*The Addendum is attached.*

## **NAMIBIAN COMMITMENTS**

### **Namibia Constitution, Article 144**

According to this article, international law is automatically part of Namibia’s domestic law:

*Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.*

Namibia and Malawi are the only SADC states to include such provisions in their Constitutions.

### **UN Response to Namibia’s First CEDAW Report**

In 1997, the Committee which monitors CEDAW expressed concern about “the inadequacy of Namibia’s law on rape” (since remedied by the Combating of Rape Act, 2000) and “the prevalence of domestic violence”. It made the following recommendation:

*The Committee recommends that the Government take immediate action to combat domestic violence. This should include such legal measures as amending the law on rape as well as introducing awareness-raising programmes. The Committee stresses the importance of women’s economic empowerment so as to avoid their total dependency on men and their increased vulnerability to domestic violence.*

## **Namibia National Gender Policy**

The National Gender Policy states that violence against women and children violates Article 8 of the Namibian Constitution, which protects against “torture” and “cruel, inhuman or degrading treatment or punishment”. The National Gender Policy adopts the definition of violence against women put forward in the Beijing Platform for Action:

*Violence against women and children’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women and children.*

It also quotes the Beijing elaboration of this definition:

*a. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation;*

*b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*c. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.*

The National Gender Policy then lists 23 strategies for combating violence, ranging from law reform to awareness-raising, to the provision of shelters and other services. These strategies are given more specific content in the National Gender Plan of Action (1998-2003).

*The relevant sections of the National Gender Policy and Plan of Action are attached.*

## **CONCLUSION**

Gender-based violence against women is now viewed as a matter of serious concern by the international community, and the international concerns have been mirrored in declarations and plans at the regional and national levels. The global recognition of the problem of gender-based violence has given impetus to action to prevent and combat it. However, there is a danger of having too many blueprints and not enough action.

One recent news article stated:

*Judging by the numerous conventions to end violence against women which governments in Southern Africa have signed and committed to, the region ought to have posted huge success in uplifting the position of women and protecting the rights of children -- it has not. (‘Southern African women want action against violence’, misanet.com, 12 December 2000)*

In an article published in May 2000, Professor Amina Mama offers this assessment of the African track record:

*Simultaneously straddling modernisation with masculinist memory and nostalgia, African governments have often created and sustained the sexual and economic conditions of gender inequality that facilitate the abuse of women. There is no reason for, or rationality to, this prolonging of gender-based abuse. African governments have made particular efforts to present themselves as concerned with the*

*advancement of women, if not full gender equality. They have by and large removed constitutional and legally-enshrined discriminations, and ensured that a higher proportion of girls go to school in most African countries. Yet almost all African governments have maintained a deafening silence on the subject of gender-based violence. As a result of their silence, tolerance remains enshrined in legal, policing and medical policies and practices. Where there have been significant legislative innovations and policies, these have not been implemented, nor has their implementation even been budgeted for. (Dr Amina Mama, "Transformation Thwarted: Gender-based Violence in Africa's New Democracies", African Gender Institute, May 2000)*

Dr Mama attributes African attitudes about gender-based violence in part to the effects of centuries of oppression, to a high general tolerance for violence in the context of postcolonial militarisation, and to a misguided aspect of the desire to uphold "tradition" against "Western influences".

Namibia is fortunate to have a government that is not silent about the problem. At Independence Day celebrations in 2001, President Nujoma stated that "the whole nation is disturbed by the increase of violence against women and children in our society":

*Our mothers, sisters and daughters must have their wishes respected by all members of our society. They must be able to move freely at any time of the day or night without fear of being attacked and their rights and freedoms being violated by any single individual or groups of men in the length and breadth of Namibia.*

Our Combating of Rape Act, 2000 is one of the most progressive in the world, and the draft Domestic Violence Bill could well follow suit. But it will take commitment and resources to put laws such as these into action. We must be careful not to spend so much energy in planning and assessing that we lose our momentum for action.

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