



**Legal
Assistance
Centre**
Research
Brief
2016

DOMESTIC VIOLENCE in Namibia

*Seeking
Safety*

**Domestic Violence
in Namibia
and the
Combating of
Domestic Violence
Act 4 of 2003**



Gender Research and Advocacy Project
LEGAL ASSISTANCE CENTRE

2012

This research brief summarises information from the LAC report *Seeking Safety* as well as some information which has become available since that report was published in 2012.

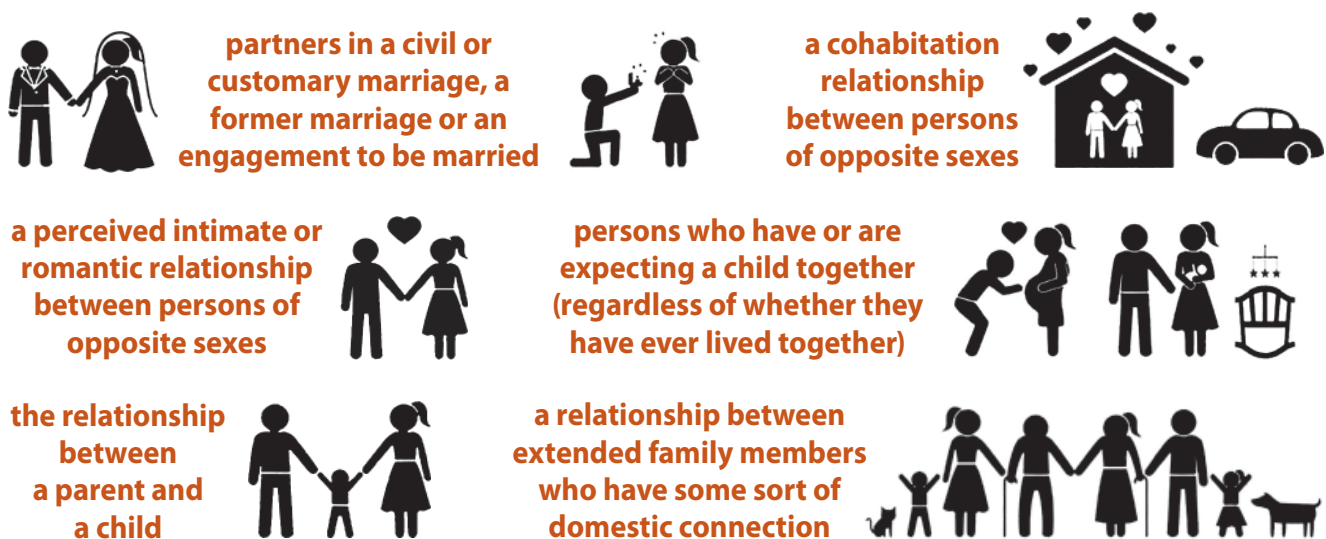
What is “domestic violence”?

Namibia’s National Plan of Action on Gender-Based Violence describes “domestic violence” as a range of violent conduct that takes place within a domestic relationship, such as between spouses, intimate partners, or family members.

Under the Combating of Domestic Violence Act 4 of 2003, “domestic violence” can include any of the following forms of abuse in the context of a domestic relationship:



A “domestic relationship” may include any of the following:



What we know about domestic violence in Namibia

Since Independence in 1990, at least five major empirical studies have investigated aspects of domestic violence in Namibia. Several small-scale studies have also examined domestic violence, and studies on other issues have generated some important information on attitudes about domestic violence. Two Namibian studies have collected information from the perpetrators of domestic violence.

What we have yet to learn about domestic violence in Namibia

Violence against children and the elderly is under-examined in Namibia, and there are fewer studies about domestic violence against men than against women. We also know little about violence within gay and lesbian relationships, which fall outside the scope of the Combating of Domestic Violence Act. There is much that cannot be known. Domestic violence often remains completely hidden because it is shrouded in shame and secrecy, or because it is considered to be a private matter and is not reported to the police or other service providers.

Collecting accurate domestic violence data is an issue in most countries, and Namibia is no exception. Collection of valid, reliable, and ethical data on domestic violence involves particular challenges because what constitutes violence or abuse varies across cultures and individuals, and a culture of silence usually affects reporting of violence.

– 2013 Namibia Demographic Health Survey



A PROFILE OF DOMESTIC VIOLENCE IN NAMIBIA

Domestic violence is one of the most well-studied forms of gender-based violence in Namibia. However, much of the data is not well known – meaning that it is not actually being used to inform law and policy. The LAC study Seeking Safety included an extensive literature review to encourage the development of evidence-based strategies for future action.

1. Domestic violence cases reported to police

LAC-LRDC Study (1994 data)

In 1994, a study of a three-month sample of police dockets carried out jointly by the Legal Assistance Centre and the Law Reform and Development Commission (“**LAC-LRDC Study**”¹) found that more than one-fifth of all violent crime in Namibia occurred within the context of domestic relationships. The majority of victims (86%) were women compared to men (14%), and the main perpetrators of domestic violence were men (93%). Conviction rates and sentencing were similar between crimes involving domestic violence and other violent crimes.



2. Intimate partner violence

Karas Spousal Abuse Study (1997 data)

A 1997 study of 130 self-identified victims and perpetrators of intimate partner violence in Lüderitz, Karasburg and Keetmanshoop (“**Karas Spousal Abuse Study**”²) confirmed that intimate partner abuse takes place in a spectrum of relationships, from marriage to more casual relationships, and that it takes the form of a brutal variety of physical abuse in combination with other forms of mistreatment such as sexual abuse, verbal abuse or humiliation. The victims of such violence included persons who were the family’s main breadwinner and persons who were unemployed, suggesting that economic independence is no guarantee of freedom from abuse.

Abuse was endured by study victims long before they first reported it to someone else. The most often-cited reason for the reluctance to seek help was a feeling of guilt due to the belief that they were the ones at fault. Other reasons cited included fear of disgracing the family name and apprehensions about the reaction of the abuser.

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- 1 Legal Assistance Centre (LAC) and Law Reform Development Commission (LRDC), *Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response*, Windhoek: LAC and LRDC, 1999.
 - 2 SMH Rose-Junius, VN Tjapepua and J de Witt, *An investigation to assess the nature and incidence of spousal abuse in three sub-urban areas in the Karas Region, Namibia*, Windhoek: Ministry of Health and Social Services, 1998 at 9-10, 82-83.

WHO Study of Intimate Partner Violence (2001 data)

More than one third of women in Namibia have experienced physical or sexual violence, or both, inflicted by an intimate partner at some point in their lives.

In 2001, the World Health Organization (WHO) surveyed 24 000 women of reproductive age in ten countries, including Namibia (“WHO Study”³). In Namibia, 1 500 women between the ages of 15 and 49 were surveyed in Windhoek. More than one-third (36%) of the women who had ever had an intimate partner had experienced physical or sexual violence, or both, from an intimate partner at some point in their lives – and one-fifth reported that such violence had occurred during the 12 months prior to the survey. Current violence was higher amongst women who were separated or divorced than amongst those who were still married. Women who were cohabiting with partners without being married to them also reported a higher prevalence of violence than married women.

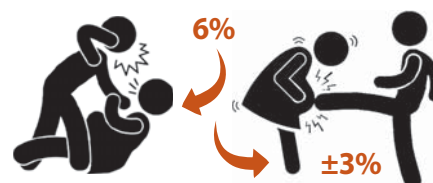


Looking at physical violence (other than sexual violence), 31% of ever-partnered women in the Namibian sample reported some form of physical violence such as being slapped, pushed or kicked by an intimate partner. The rate of sexual violence by an intimate partner (such as being forced to have sex) was somewhat lower, with 17% of women reporting this experience. Almost one-third (30%) of the Namibian women who had experienced physical or sexual violence from an intimate partner reported physical injuries from this violence, and 10% of these women reported that their partners had either tried or threatened to kill them.

Women injured by the physical or sexual violence



Beaten while pregnant



Of those women surveyed who had been pregnant, 6% were beaten during at least one pregnancy, with about half of these having been punched or kicked in the abdomen.

Reports of emotionally-abusive behaviour by an intimate partner included being belittled in front of others, scared on purpose or threatened with harm, with 49% of the ever-partnered Namibian women reporting at least one such an experience. Controlling behaviours by an intimate partner were often found to accompany physical or sexual violence.

Women emotionally abused by partner (% of ever-partnered women)



3 C García-Moreno et al, *WHO Multi-country Study on Women's Health and Domestic Violence against Women, Initial results on prevalence, health outcomes and women's responses*, Geneva: WHO, 2005.

CIET-Soul City study of physical intimate partner violence (2002 data)

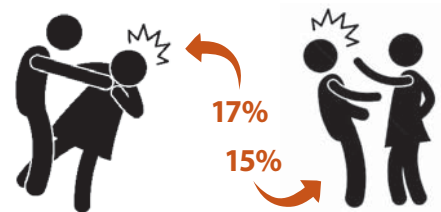
Nearly 75% of Namibians say that domestic violence is a serious problem in their community.

A 2002 survey across eight Southern African countries (Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe) questioned women and men aged 16 to 60 years about their experience of physical intimate partner violence during the 12 months prior to the survey (“CIET-Soul City Study”⁴). In Namibia, 1 167 men and 1 465 women were interviewed, covering both urban and rural areas.



In Namibia, 15% of men and 17% of women said that their partner had beaten, kicked or slapped them in the last year. The gender gap in these responses was negligible and little difference was found between the responses of urban and rural residents. Income discrepancies *within* a household (where one partner controls more resources) were associated with higher levels of physical violence, and persons with multiple sexual partners were also more likely to have been involved in violent altercations with a partner.

Respondents in Namibia beaten, kicked or slapped by partner in year prior to survey



About 70% of men and 73% of women said they considered domestic violence to be a serious problem in their communities, and more than half of the respondents (56% of men and 58% of women) believed that their community had the power to do something about this problem.

A repeat survey across the same countries in 2007 reportedly produced similar overall results on the incidence of intimate partner violence, but these results were not published.

SIAPAC Study of intimate partner violence (2007-2008 data)

Violence perpetrated by men against women is generally more severe in nature than violence perpetrated by women against men.

A study by the Social Impact Assessment and Policy Analysis Corporation (SIAPAC) collected data in Kunene, Ohangwena, Otjozondjupa and Caprivi in 2007,⁵ and extended the research to Erongo, Karas, Kavango and Omaheke in 2008⁶ (collectively the “SIAPAC Study”). Overall, this

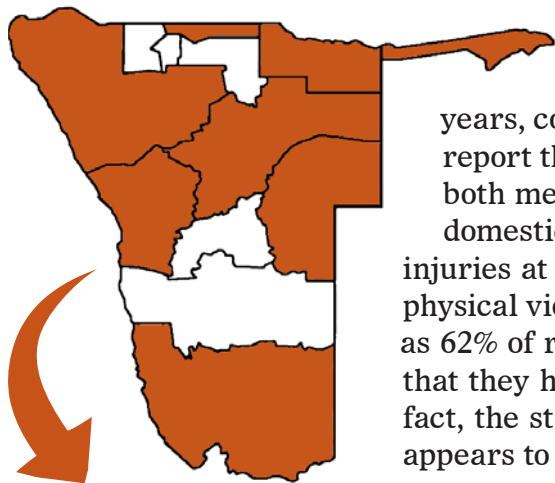
⁴ N Andersson, A Ho-Foster, S Mitchell, E Scheepers and S Goldstein, “Risk factors for domestic violence: eight national cross-sectional household surveys in southern Africa”, *BMC Women’s Health*, 2007.

⁵ Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Kunene, Ohangwena, and Otjozondjupa Regions (Final Report)*, Windhoek: Ministry of Gender Equality and Welfare, 2007.

⁶ Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Welfare, 2008.

study surveyed 210 people aged 18-49 in each of the eight regions, producing a total sample of 1 680 respondents (half men and half women). Respondents who reported having an intimate partner since 2000 were asked how often they had experienced various forms of physical, sexual or emotional violence from their most recent partner, with the possible answers being “never”, “rarely”, “sometimes” and “often”.

SIAPAC Study, Namibia, 2007-2008 – 8 regions, total 1 680 women and men



Overall, about one-third (34%) of all respondents had experienced physical gender-based violence. Nearly half of the women (41%) reported having been subjected to physical or sexual violence from a partner at some point during the previous seven or eight years, compared to 28% of the men. Women were more likely to report that the violence in question occurred “often”. Although both men and women reported experiencing physical forms of domestic violence, four times more women than men reported injuries at the hands of an intimate partner in the past year. The physical violence suffered by men and women may be intertwined, as 62% of respondents (including both men and women) reported that they had physically “*fought back*” against their partners. In fact, the study found that much of women’s violence against men appears to be “*women striking back*” at a violent partner.

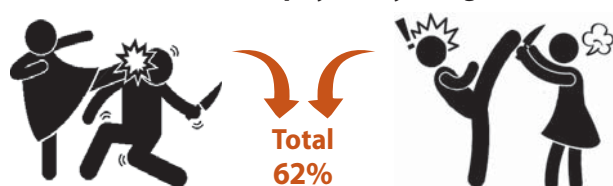
Experienced physical gender-based violence ever



A total of 34% of the 1 680 women and men had experienced physical gender-based violence.

Of the 34%, 41% of the women and 28% of the men were subjected to physical or sexual violence in the last 7-8 years.

Women and men who physically “fought back”



A total of 62% of the women and men physically fought back against their partners.

Injured by partner violence in past year



Almost 18% of the women who had ever been pregnant had suffered physical violence from an intimate partner during their pregnancies (which is three times the percentage of the WHO Study).

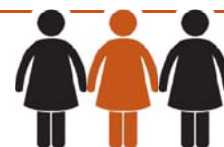


Suffered physical violence during pregnancy 18%

Emotional violence by intimate partners was the most common form of domestic violence in the SIAPAC study. This was measured by asking respondents if their most recent partner had perpetuated a range of emotionally abusive or controlling behaviours, such as keeping them from contacting their family, ignoring them or humiliating them in front of others. Emotional violence affected 59% of all respondents.

Namibia Demographic and Health Surveys (2000, 2006-07 and 2013)

One in three women has experienced physical, sexual or emotional violence by their current or most recent husband or partner.



Large national samples of men and women were surveyed about attitudes relating to intimate partner violence and sexual autonomy in the 2000, 2006/07 and 2013 *Namibia Demographic and Health Surveys* conducted on behalf of the Ministry of Health and Social Services. These surveys included questions about whether various reasons justify a husband beating his wife.

The **2000 *Namibia Demographic and Health Survey***⁷ involved a nationally-representative sample of 6755 women aged 15-49 and 2054 men aged 15-59. It asked men (but not women) about their attitudes about wife-beating. Overall, 44% of men surveyed felt that physical violence by a husband against his wife is justified in at least one of three suggested circumstances: because she neglects the children, argues with him or refuses sex. Men in Caprivi were *most* likely to approve of wife-beating, while men in the Karas region were by far the *least* likely to find it justifiable. Men who had obtained some secondary or higher education or higher were *less* likely to think that abusing one's wife is justified.

The **2006-07 *Namibia Demographic and Health Survey***⁸ involved a nationally-representative sample of 9804 women aged 15-49 and 3915 men aged 15-49. It asked both men and women about their attitudes about wife-beating. Overall, 41% of men and 35% of women believed that it is justifiable for a husband to beat his wife in at least one of five suggested circumstances: if she burns food, argues with him, goes out without telling him, neglects the children or refuses sex. There was again wide regional variation, with wife-beating being *most* acceptable to both sexes in Caprivi, and *least* acceptable to both sexes in Karas.

The **2013 *Namibia Demographic and Health Survey***⁹ involved a nationally-representative sample of 11 004 households, where 9940 women aged 15-49 and 842 women aged 50-64 were interviewed, along with 4481 men aged 15-49. Overall, 28% of women and 22% of men aged 15-49 thought wife-beating was justified in at least one of five suggested situations: if she burns the food, argues with him, goes out without telling him, neglects the children or refuses sex. These numbers indicate a significant attitudinal change since the previous two surveys. In this survey, the proportion of both women and men who think that wife beating is justifiable was found to decrease with increasing education and wealth. There is still significant

Five reasons said to justify a husband beating his wife



She neglects the children.



She argues with him.



She refuses him sex.



She burns the food.



She goes out without telling him.

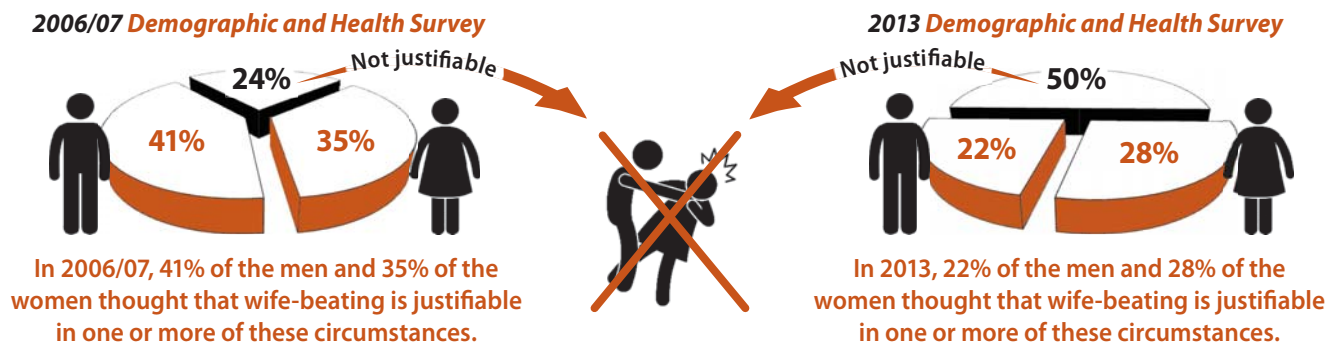
⁷ Ministry of Health and Social Services (MoHSS), *Namibia Demographic and Health Survey 2000*, Windhoek: MoHSS, 2003.

⁸ Ministry of Health and Social Services (MoHSS), *Namibia Demographic and Health Survey 2006-07*, Windhoek: MoHSS, 2008.

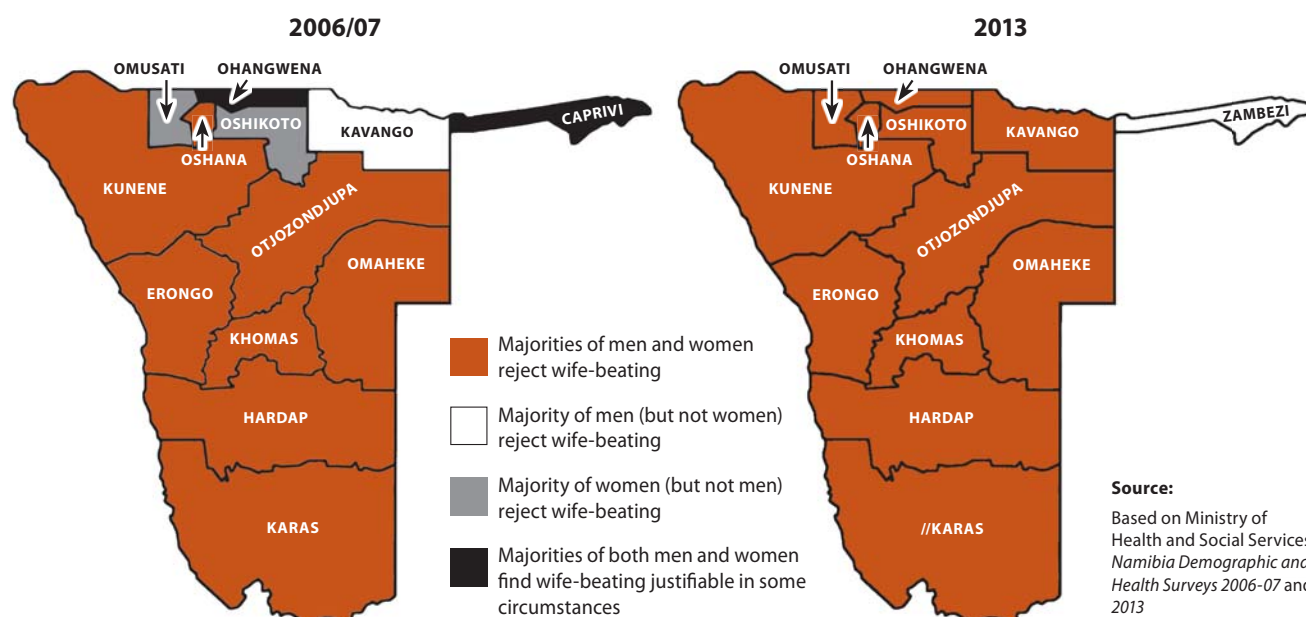
⁹ Ministry of Health and Social Services (MoHSS) and ICF International, *Namibia Demographic and Health Survey 2013*, Windhoek: MoHSS and ICF International, 2014. This study took place after the publication of the LAC report *Seeking Safety*.

regional variation, with wife-beating *most* acceptable to women in Kavango and men in Ohangwena, and *least* acceptable to women in Erongo and men in Kunene and Otjozondjupa.

Is wife-beating justifiable in any of the five suggested circumstances?



Regional variations in male and female attitudes toward wife-beating – findings from the 2006-07 and 2013 Demographic and Health Surveys



The 2013 survey also included, for the first time in such surveys, a section devoted specifically to domestic violence. A subsample of 2 226 women aged 15-49 who had ever been married were interviewed in further detail about their experiences of domestic violence. (Men were not questioned further about this issue.)

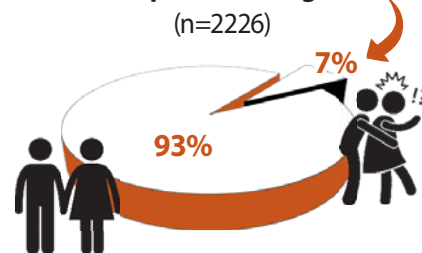
About one in three of these women (32%) reported that they had experienced physical violence at some point since reaching age 15, and 14% had experienced physical violence in the 12 months prior to the survey. The incidence of violence was highest in Kavango, Omaheke, //Karas and Kunene, and lowest in Omusati. The incidence of violence was also higher for women who were divorced, separated or widowed (with 50% of this group having experienced violence), compared to women currently married or cohabiting (with 37% of this group having experienced violence). Intimate partner abuse was by far the dominant form of physical violence. Forms of physical violence included being pushed, shaken, slapped, punched, kicked, choked, burned, or threatened with attack involving a knife, gun or other weapon.

About 1 in 3 (32%) experienced physical violence at some point since reaching age 15 (n=2226)



Looking at other forms of domestic violence, sexual violence had been experienced by 7% of the women in this group at some point since age 15, and by 4% in the 12 months prior to the survey – with this again being substantially higher for women who were divorced, separated, or widowed (19%) compared to women currently married or cohabiting (11%). The most common perpetrator of sexual violence was an intimate partner. About one-third of the women who had ever experienced either physical or sexual violence from spouses had sustained one or more injuries – including cuts, bruises, aches, eye injuries, sprains dislocations, burns or other serious injuries.

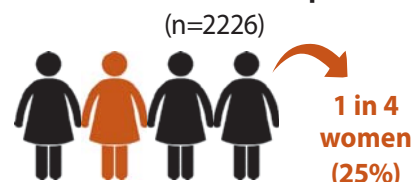
Experienced sexual violence at some point since age 15 (n=2226)



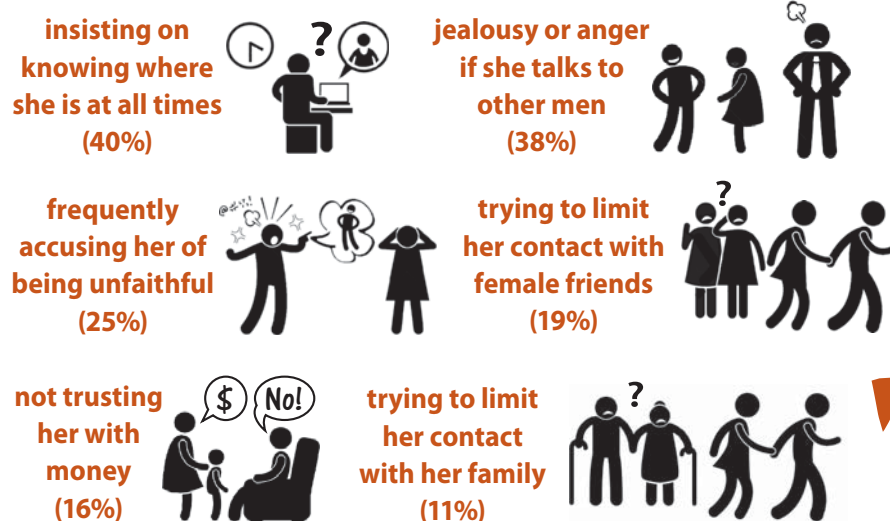
Of the women who had ever been pregnant, 6% had experienced physical violence during a pregnancy.

Women were also asked about experiences of emotional violence by their current or most recent partner – including being humiliated in front of others, threatened with harm to themselves or someone close to them, or made to feel bad about themselves. One in four women (25%) reported ever experiencing some form of emotional violence and 21% reported such an experience in the past 12 months.

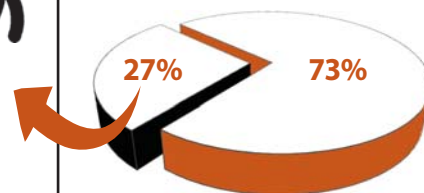
Experienced emotional violence by current or most recent partner (n=2226)



The survey also examined marital control by husbands, noting that an attempt to closely control and monitor a wife's behaviour is an important warning sign and precursor of violence in a relationship. The main controlling behaviours wives experienced from their husbands were:

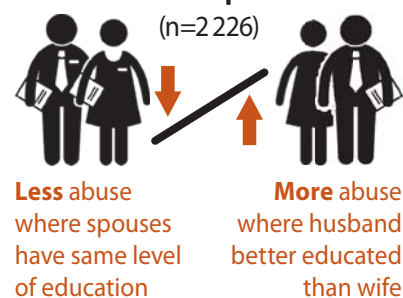


More than a quarter (27%) of the 2 226 women experienced *three or more* of these six controlling behaviours of their husbands while married.



Altogether, 33% of the women surveyed on domestic violence experienced physical, sexual or emotional violence from their current or most recent husband or partner. Domestic violence is suffered less by more educated women, and is committed less by husbands who are more educated – but educational discrepancies in a marriage were problematic, with spousal violence being much higher among couples in which the husband is better educated than the wife (36%), as compared to couples where both partners have the same level of education (28%).

Education and spousal abuse (n=2 226)



There was a very strong relationship between women's experience of domestic violence and husbands who often get drunk – although violence was higher where husbands did not drink at all (22%) than in situations where the husband drinks but never gets drunk (10%), showing that the link between alcohol and domestic violence is complex.

The study found an inconsistent relationship between women's participation in household decisions and their experience of violence – with greater empowerment for the woman within the household not necessarily leading to more, or less, violence against the woman.

A woman who grew up in a household where her father beat her mother was much more likely to experience violence in her own marriage than a woman who grew up in a more peaceful environment.

The women in the sub-sample were also asked if they had ever initiated physical violence against their spouse – 6% reported that they had done so at some point and 5% had done so in the last 12 months. This behaviour was more common on the part of women who had been physically abused by their husbands – and was also substantially higher in situations where the husband often gets drunk, where he displays numerous controlling behaviours, and where the wife feels afraid of her spouse most of the time.

Few women initiated physical violence against their spouses



3. Domestic violence against children



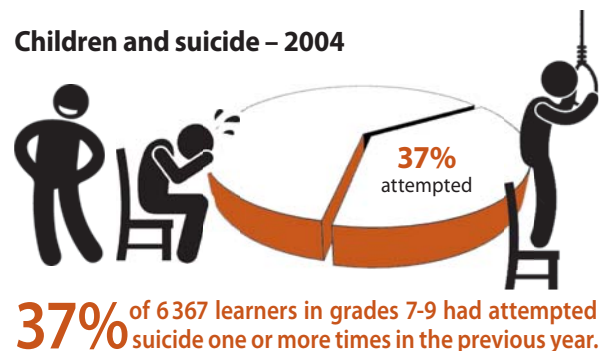
Behaviours that can be classified as domestic violence against children include: excessive discipline, neglect, sexual abuse within the family, harmful cultural and traditional practices, exposure to domestic violence between other family members, encouraging alcohol use by children and abuse of children in intimate partner relationships by their partners. Much violence against children in Namibia, as in all countries, is likely to be unreported. Furthermore, differing understandings of acceptable treatment of children, particularly in respect of child discipline, mean that some forms of child abuse remain unrecognised.

Children are often frightened to tell adults when they have been abused. A small 2003 Namibian study of child abuse cases reported to the Windhoek Woman and Child Protection Unit found that children feared that they would be blamed or disbelieved if they revealed abuse, or that adults in the family would respond with violent reactions.¹⁰

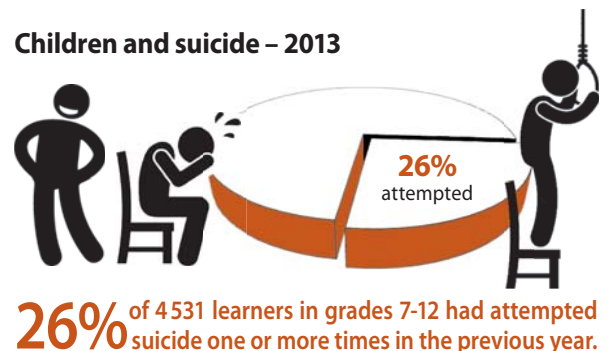
The 2004 School-based Student Health Survey of 6 367 Namibian learners in grades 7-9 found that 32% had made a plan about how to attempt suicide during the previous year and an astonishing 37% said that they had attempted suicide one or more times during the previous year (with these proportions being similar for male and female learners).¹¹ The most commonly-cited reason for wanting to commit suicide was “family problems”.¹²

The 2013 School-based Student Health Survey, which surveyed 4 531 Namibian students, again reported high rates of suicidal thoughts – with more than one out of five students (21%) aged 13-17 reporting that they had seriously thought of attempting suicide in the previous year, and more than one out of four (26%) reporting that they had actually attempted suicide in the previous year – although reasons for the suicidal thoughts are not reported in the data published to date.¹³

Children and suicide – 2004



Children and suicide – 2013



10 Rachel Jewkes, Loveday Penn-Kekana, Hetty Rose-Junius and Josephine Malala, *Child Sexual Abuse and HIV: Study of Links in South Africa and Namibia*, Pretoria: Medical Research Council, 2003 at 33.

11 Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008.

12 The second most commonly-cited reason was “I was/fell pregnant”, followed by “I was not doing well at school”. The fourth most commonly-cited reason was “I had boyfriend/girlfriend relationship problems”. Concerns about HIV or other diseases came fifth. Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008.

13 Global School-based Student Health Survey, Namibia, 2013 Fact Sheet, available on the Centers for Disease Control and Prevention website. This survey came out after the publication of *Seeking Safety*.

A 2007-2008 survey of adults in eight regions found that almost 61% of the respondents felt that it was common in their communities for children to be slapped or caned, and 37% thought that it was common for children to be seriously physically abused.¹⁴

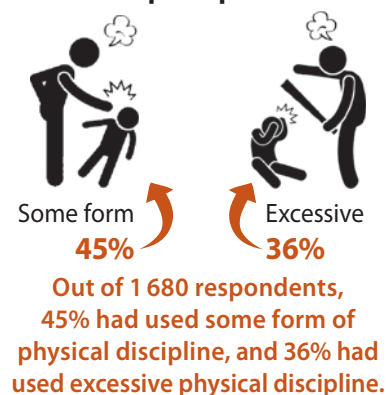
Children themselves have also identified violence against children as a serious problem in Namibia. For example, data from LifeLine/ChildLine Namibia indicate that in 2009 and 2010 “*abuse and violence*” was the second most common reason that children approached them for assistance (after general requests for information in 2009 and after queries pertaining to HIV/AIDS in 2010).¹⁵ A 2009 UNICEF-sponsored initiative called “Listening Loud”, which aimed to gather children’s opinions through cell phone communications, found that addressing violence against young people was the highest concern of callers, being placed at the top of the list by 37% of the 3 000-4 000 young people who participated in this part of the survey. This concern was particularly high amongst children in the 10-14 year age group, which was the youngest group participating in the exercise – and it was surprisingly a priority for more males than females.¹⁶

In 2010, children between the ages of 8 and 17 in four Namibian regions (Karas, Kavango, Kunene and Omaheke) ranked “*domestic violence*” and “*being physically abused*” amongst the top ten problems faced by children in Namibia, estimating that these problems are faced by more than half of all Namibian children.¹⁷

Excessive discipline

In Namibia, corporal punishment is frequently experienced by children, and is considered acceptable in many families. In the 2007-08 SIAPAC Study discussed above, close to half of all respondents with children (45%) said that they had used some form of physical discipline on their child. “Excessive physical discipline” – meaning hitting the child with a hard object, hitting or slapping the child or beating the child with an implement over and over – was used by more than one-third (36%) of respondents in the previous three months.

Use of corporal punishment



14 Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Child Welfare, 2008.

15 Child Helpline International, *Connecting to Children: A compilation of child helpline 2009 data (8th edition): Part 2*, Amsterdam: Child Helpline International, 2010; Child Helpline International, *Connecting to Children: A compilation of child helpline 2010 data (9th edition): Part 2*, Amsterdam: Child Helpline International, 2012, verified by in-house data from LifeLine/ChildLine Namibia. In 2010, there was a total of 1 673 telephone contacts (634 children, 468 adults, 571 unknown), as well as sms, outreach-based and personal contacts. Overall, of the 2 509 reasons recorded for all forms of contact, “abuse and violence” was second on the list (17.2%) after queries pertaining to HIV/AIDS (40.8%). The next highest issues recorded related to sexuality (10.8%), psycho-social or mental health issues (9.4%) and family relationships (8.5%).

16 Theunis Keulder, *Catching the voice of the Born-free generation of Namibia through mobile phones*, Windhoek: Namibia Institute for Democracy, 2009.

17 National Planning Commission (NPC), *Children and Adolescents in Namibia 2010*, Windhoek: NPC, 2010.

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the length of
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It shouldn't
hurt to be a child!**



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Sexual abuse

One in four children age 10-14 has experienced some form of sexual abuse by a parent or caregiver in Namibia.



The 2001 WHO Study discussed above included some questions about childhood sexual abuse suffered before age 15. In Windhoek, 21% of respondents indicated they had experienced childhood sexual abuse, with family members being cited as the most common culprits.

Girls sexually abused before age 15



Out of 1 500 girls and women aged 15-49 in Windhoek, 21% had been sexually abused before age 15, most culprits being family members.

A study of child sexual abuse published in 2003 examined 35 cases of child sexual abuse which were reported to the Windhoek Woman and Child Protection Unit. In six of these cases, fathers allegedly raped their own biological daughters. Three cases involved rapes by uncles, one by a stepfather, one by a step-brother and one by a grandfather. In several of these cases, the abuser had also beaten the girl, and sometimes the mother as well, on many occasions before the sexual abuse took place.¹⁸

A 2006 UNICEF study¹⁹ – which included three regions (Kavango, Ohangwena and Omaheke) and was based on a total of 1 000 interviews in four age groups including 10- to 14-year olds, 15- to 19-year-olds still in school and 15- to 24-year-olds out of school – shockingly found that *one out of four* respondents in the 10- to 14-year-old sample had experienced sexual abuse from a parent or caregiver: 12% of this group had been sexually touched by a parent/caregiver, 15% had been forced to touch a parent or caregiver sexually, and 15% had been forced to have sex with a parent or caregiver. Some of the children had experienced all three of these forms of sexual abuse. The levels of sexual abuse amongst the 15- to 24-year-olds in the survey were somewhat lower, although still alarming, with 15% of the respondents reporting sexual abuse by a parent or caregiver: almost 9% had been touched inappropriately by a parent or caregiver, 7% had been forced to sexually touch a parent or caregiver, and 8% had been forced to have sex with a parent or caregiver. Male and female children in both age groups were amongst the victims of such abuse, with no major gender gap.

¹⁸ Rachel Jewkes, Loveday Penn-Kekana, Hetty Rose-Junius and Josephine Malala, *Child Sexual Abuse and HIV: Study of Links in South Africa and Namibia*, Pretoria: Medical Research Council, 2003.

¹⁹ Research Facilitation Services, *Knowledge, Attitudes, Practice and Behaviour Study: Key Findings*, Windhoek: UNICEF, 2006.

In 2007, the AIDS Law Unit of the Legal Assistance Centre collected data about Orphans and Vulnerable Children (OVC) in five regions (Caprivi, Karas, Kavango, Khomas and Omusati), interviewing 250 individuals aged 9-16 and conducting focus group discussions with another 250 OVC in the same age range. Of the 250 children interviewed, 6% reported being touched in a sexual manner by a household member and 8% (mostly girls) reported that they had been forced to have sex. While the report did not specify whether this forced sexual intercourse took place in the home or not, the children noted that sexual abuse was usually committed by relatives or others that they knew and trusted.²⁰

Neglect

Deliberate neglect may be particularly underestimated as a form of domestic violence against children. A small sample of 34 medical personnel interviewed for a 1996 study identified neglect as the most common form of domestic abuse experienced by children.²¹ A more recent Namibian study evaluating school counselling services expressed concern about how child neglect can be self-perpetuating through generations: *“The dearth of caring, compassion and educational stimulation in their daily lives was conspicuous, preparing them for a future as uncaring and under stimulated adults, who will have few sustaining experiences to draw on in their future relationships with the children in their care, and little recourse to constructive problem-solving when faced with the vicissitudes of life.”*²²

A 1996 study identified neglect as the most common form of domestic violence experienced by children.



Focus groups convened in 2002 for a study conducted by the University of Namibia on gender roles and HIV infection reported that stepchildren are a particularly vulnerable group in terms of neglect, also noting that all children in a household may be neglected in situations where family resources are spent on alcohol.²³

Stepchildren are a particularly vulnerable group.

All children in the home may be neglected where family resources are spent on alcohol.



Harmful cultural and traditional practices

Various studies have found that children are also vulnerable to harmful traditional practices including sexual initiation rites aimed at both girls and boys, stretching of the female anatomy designed to ensure sexual readiness, forced marriage and scarification.²⁴

20 Aids Law Unit, *I just want to have a good life': OVC and human rights in five regions of Namibia*, Windhoek: Legal Assistance Centre, 2009.

21 Debie LeBeau, *The Nature, Extent and Causes of Domestic Violence Against Women and Children in Namibia*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996.

22 *Evaluation of Counselling Services in Schools in Namibia*, Windhoek: Ministry of Education, 2010 at 24, as cited in National Planning Commission (NPC), *Children and Adolescents in Namibia 2010*, Windhoek: NPC, 2010.

23 Scholastika Ipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004.

24 Elizabeth !Khaxas, *Women's rights, violent and oppressive cultural practices and HIV/AIDS: A case study of the Caprivi Region in Namibia*, Windhoek: Women's Leadership Centre, 2006; Digital Solutions, 2002 Baseline

Giving alcohol to children

The 2004 Namibia School-based Student Health Survey asked if learners had obtained an alcoholic drink at home during the 30 days prior to the survey. The answer was yes for almost 4% of the surveyed learners under age 12, almost 6% of those aged 13 and 15, and over 4% of those aged 16 and up. A total of 8% of the learners reported drinking alcohol together with family members; 18% had consumed their first alcoholic drink at home, and 16% had consumed their most recent alcoholic drink at home.²⁵ A 2006 UNICEF report on youth alcohol abuse found that almost one-third of the 318 10- to 14-year-olds surveyed in three Namibian regions (Kavango, Omaheke and Ohangwena) had been given alcohol by a parent or guardian.²⁶

Children given alcohol by family members

UNICEF 2006 survey:
318 children aged 10-14
±30%



Exposing children to domestic violence

Various Namibian studies have found that domestic violence is frequently witnessed by children in the home. For example, a 2006 UNICEF study in three Namibian regions found that more than 20% of the 10- to 14-year-olds surveyed had seen their father beating their mother, about 12% had seen their mother beating their father, and 16% had witnessed a parent being threatened with a gun. The pattern was similar, with only slightly lower percentages, for the 15- to 24-year-olds surveyed.²⁷ This finding is supported by the 2007-08 **SIAPAC Study** in eight regions, where 52% of the adults injured by intimate partner violence during the year prior to the survey reported that children had been present at the time.²⁸ A survey of children in four northern regions published in 2011 found that more than one in ten of the 15- to 19-year-old respondents reported having seen a member of their household intentionally hit, kick, push, slap or use a weapon against another member of the household.

Violence frequently witnessed by children in the home



Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth, Windhoek: University of Namibia/UNFPA, 2004 at 19, citing Heike Becker, "Efundula Past and present; Female Initiation, Gender and Customary Law in Northern Namibia" (paper presented to the Gender, Sexuality and Law conference, Keele University, UK, 19-21 June 1998), 1998; Eunice Ipinge and John Shitundeni, "Part I: Initiation Rites in Kavango", Research report no 29, Windhoek: SSD/UNAM, 1999; and C Masule, "Part II: Initiation Rites in Caprivi", Research report no 29, Windhoek: SSD/UNAM, 1999; Scholastika Ipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004; United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001; Sarah Damases, Piek Bruhns and John Sindano, *Sexual Exploitation of Children in Namibia*, Windhoek: March 1999.

25 Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008. The data published to date on the similar 2013 survey does not include information on where drinking occurred.

26 Research Facilitation Services, *Knowledge, Attitudes, Practice and Behaviour Study: Key Findings*, Windhoek: UNICEF, 2006.

27 Research Facilitation Services, *Knowledge, Attitudes, Practice and Behaviour Study: Key Findings*, Windhoek: UNICEF, 2006.

28 Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Child Welfare, 2008.

The youth also reported that household dynamics included frequent arguments (31%), people hitting one another in anger (13%) threats of violence (7%) and members of the household being forced to leave (6%).²⁹

Living in an environment of violence can cause emotional and behavioural problems for children even if they do not experience violence directly. For example, children of Namibian women who experienced physical violence from an intimate partner were found to be more likely than other children to exhibit problems such as bed wetting, shoplifting, repeating grades at school, timidity, aggression and anxiety (manifesting by nightmares and thumb-sucking).³⁰ Children exposed to violence are also likely to learn to use violence as a way of problem-solving and therefore may be at high risk of becoming violent adults.³¹



Abuse of children in intimate relationships by their partners

Children are vulnerable to domestic violence from their boyfriends or girlfriends. A 2002 UNAM/UNFPA survey of 1 452 adolescents aged 15-19 and youth aged 20-24 in seven regions found that almost 14% of the females who had engaged in sexual intercourse during the 12 months prior to the survey had been forced to have intercourse against their will by their sexual partners. The survey did not collect information on the identity of the sexual partner, but probably includes some boyfriends amongst the perpetrators.³²

Forced by sexual partner to have intercourse

14%



Out of 1 452 females and males aged 15-24, 14% of the females who had engaged in intercourse in the preceding 12 months had been forced to have intercourse.

The 2004 Namibian School-based Student Health Survey of learners in grades 7-9 found that 13% of the respondents had been hit, slapped or otherwise physically hurt by a boyfriend or girlfriend in the last 12 months. This finding is more dramatic when it is noted that almost half (48%) of the students surveyed reported that they did not have a girlfriend or boyfriend in that period – meaning that more than one-quarter (26%) of those who had boyfriends or girlfriends had experienced physical violence in the course of the relationship. Unexpectedly, more boys than girls reported such violence: 29% of boys with girlfriends and 22% of girls with boyfriends said that they had been hit, slapped or otherwise hurt by a romantic partner.³³

Girls and boys physically hurt by partner



Unexpected finding:

More boys (29%) than girls (22%) reported being hurt by their girlfriends/boyfriends.

29 Patrick Burton, Lezanne Leoschut and Maša Popovac, *Protecting the flame: Overcoming violence as a barrier to education in Namibia*, Cape Town: Centre for Justice and Crime Prevention, 2011.

30 Ministry of Health and Social Services (MoHSS), *An Assessment of the Nature and Consequences of Intimate Male-Partner Violence in Windhoek, Namibia: A sub-study of the WHO multi-Country Study on Women's Health and Domestic Violence*, Windhoek: MoHSS, 2003.

31 Paulo Sérgio Pinheiro (Independent Expert for the United Nations Secretary-General's Study on Violence against Children), *World Report on Violence against Children*, Geneva: United Nations, 2006.

32 Digital Solutions, *2002 Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004.

33 Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008. The data published to date on the similar 2013 survey does not include comparable information.

Power imbalances which can make adolescent girls vulnerable to intimate partner violence are particularly pronounced in “sugar daddy” relationships where young girls engage in a sexual relationship with a much older man as a route to economic benefits.³⁴

4. Domestic violence in other family relationships

Adults may be abused by family members other than intimate partners. Elders, particularly widows, can be especially vulnerable to such abuse.

The 2001 **WHO Study** of women in Windhoek found that more than one in five respondents (22%) reported that they had suffered physical or sexual violence from someone *other than* an intimate partner – with this involving family members in many cases.³⁵

Physically or sexually abused by someone *other than* a partner

1 in 5 women (22%)



Sample: 1 500 women aged 15-49

Focus group discussions held as part of the 2007-08 **SIAPAC Study** revealed that there was a concern in all of the regions about family violence by young people against their elders.³⁶

5. Staying in abusive intimate relationships

Economic realities such as financial dependence on the abuser can trap a victim in a violent relationship. Women’s lack of economic empowerment and lack of support from their birth families can act as underlying factors which keep them from leaving violent relationships, as they may depend on their husbands for housing and access to land. Social forces such as religious beliefs which condemn divorce and cultural demands imposed on single mothers with children can also influence a victim to remain in a situation of domestic violence. In small, closely-knit communities, some women are afraid to leave their husbands because of the impossibility of hiding. Another factor is the perceived value of the relationship.

In the 2001 **WHO Study** of women in Windhoek, only 35% of those who experienced violence from an intimate partner with whom they shared a residence had ever left the common home, and 65% of those who left returned. Some women left on more than one occasion – 18% of those who ever left went away two to five times, and 5% left six or more times – vividly indicating the difficulty of decisively breaking free of an abusive situation.³⁷

Women who left the common residence after violence from partner



Only 35% ever left, and 65% of them returned.

35%

Sample: 1 500 women aged 15-49

34 Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A sociohistorical analysis”, The Hague: Institute of Social Studies, 2005.

35 World Health Organisation (WHO), *WHO Multi-country Study on Women’s Health and Domestic Violence against Women, Summary Report: Initial results on prevalence, health outcomes and women’s responses*, Geneva: WHO, 2005.

36 Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Child Welfare, 2008. (The 2008 report combines the data for all eight regions surveyed.)

37 Ministry of Health and Social Services (MoHSS), *WHO Multi-Country Study in Windhoek*, place, publisher, 2004.

6. Seeking help

Several studies indicate that victims of domestic violence seek help only when they perceive the situation as having become extremely dangerous. For example, in the 2001 **WHO Study** of women in Windhoek, many women said that they had failed to seek help because the situation was “*not serious*”, while many women who did seek help indicated that they had done so only after the violence escalated to the point of causing a bad injury or encompassing a death threat.³⁸ A study of Himba and Herero communities published in 2002 found that a wife could approach the traditional authority, or her parents for help only if her husband beat her severely and regularly, but would otherwise remain silent.³⁹

The 2001 **WHO Study** of women in Windhoek found that women who are abused by their intimate partners tend to keep quiet about the problem – 21% of the women who had experienced physical violence from intimate partners had never told *anyone* about it, and only 10%-20% of the abused women had reported their cases to the police.⁴⁰

The 2007-08 **SIAPAC Study** found that more than one-third of respondents would be reluctant to involve police unless the situation became extremely serious.⁴¹

Physically abused women who told someone about the abuse



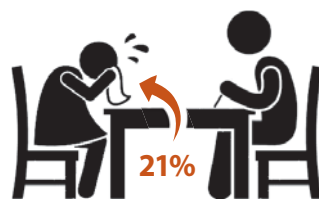
According to the **2013 Namibia Demographic and Health Survey**, fifteen percent of women who had experienced any type of physical violence *had never told anyone* about the violence. Only 21% of the women who experienced physical or sexual violence from *anyone* sought help from any source. Of those women who sought help, 48% approached a family member, compared to 15% who reached out to police, 8% who turned to a friend, 7% who sought help from a health care practitioner, and 5% who turned to social workers. Few women sought help from neighbours or religious leaders.

Few women told anyone about the violence



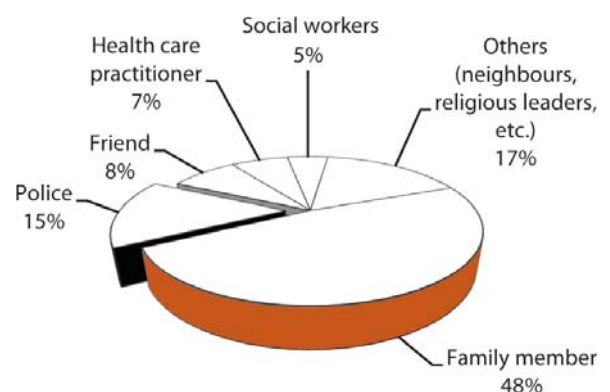
Women who experienced physical violence from anyone but *never told anyone* about the violence

Few women sought help



Women who experienced physical or sexual violence from anyone and had *sought help* from any source

Who women approached for help



38 Ministry of Health and Social Services (MoHSS), *WHO Multi-Country Study in Windhoek*, place, publisher, 2004.

39 Philippe Talavera, *Challenging the Namibian perception of sexuality: A case study of the Ovahimba and Ovaherero culturo-sexual models in Kunene North in an HIV/AIDS context*, Windhoek: Gamsberg Macmillan, 2002.

40 Ministry of Health and Social Services (MoHSS), *WHO Multi-Country Study in Windhoek*, place, publisher, 2004.

41 Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Child Welfare, 2008.

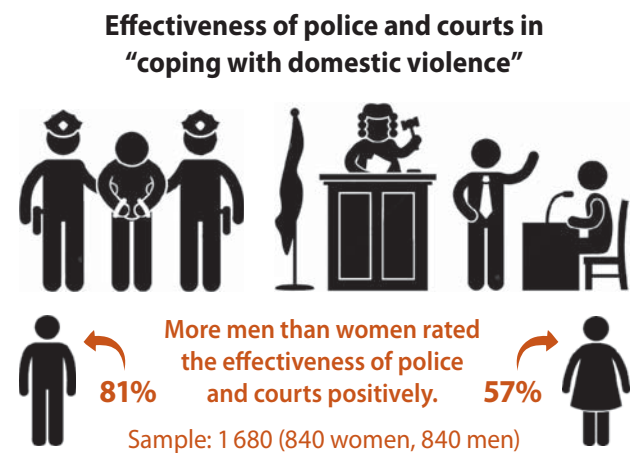
7. Barriers to accessing legal rights

Even when victims of domestic violence know about the laws which could assist them, there may still be barriers which prevent them from accessing their legal rights.

Despite the existence of specialised police units to respond to gender-based violence, various studies indicate that many victims of domestic violence still experience problems when they turn to the police for assistance. Women have complained of unsympathetic responses, corruption, slow response times, failure to provide follow-up or conduct adequate investigations, and – despite the law on domestic violence – that police still tell them that domestic violence is a private matter in which police will not get involved. Some women report that police do not take them seriously and sometimes even blame them for the violence perpetrated against them.⁴²

Amongst rural women, additional barriers to accessing police or courts include illiteracy or lower levels of education which make it difficult for them to deal with legal documents, long distances to travel and continuing lack of knowledge about legal rights.⁴³

In the 2007-08 SIAPAC Study, although most key informants interviewed for the study raised concerns about the lack of enforcement of laws aimed at gender-based violence, almost three-quarters of the community members surveyed thought that the police and the courts have been “very effective” or “somewhat effective” in “coping with domestic violence”. However, there was a wide gender disparity here, with 81% of males rating the effectiveness of police and courts positively, as compared to only 57% of females.⁴⁴



8. Research involving perpetrators

Two Namibian studies have involved interviews with perpetrators of domestic violence against intimate partners, to seek insights into their behaviour. While both studies found some patterns in respect of perpetrators’ backgrounds, neither explored why other Namibians with similar profiles do not resort to violence.

⁴² See, for example, Eleonora Chikuhwa, “Invisible Wounds: A Namibian Case Study of Psychological Abuse”, Master’s thesis, Centre for Gender Studies, Uppsala University, 2011; Hetty Rose-Junius and Ellen Kuenzer, *An Investigation into the Functioning of WCPU’s and Police Stations with regard to the Protection of Abused Women and Children in the Country*, Windhoek: UNICEF, 2006; and Debie LeBeau and Grant J Spence, “Community perceptions on law reform: people speaking out” in J Hunter, ed, *Beijing +10 The way forward: An introduction to gender issues in Namibia*, Windhoek: Namibia Institute for Democracy, 2004.

⁴³ Debie LeBeau and Grant J Spence, “Community perceptions on law reform: people speaking out” in J Hunter, ed, *Beijing +10 The way forward: An introduction to gender issues in Namibia*, Windhoek: Namibia Institute for Democracy, 2004.

⁴⁴ Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions*, Windhoek: Ministry of Gender Equality and Child Welfare, 2008.

In a 1997 study of 22 men and five women convicted of violent crimes against intimate partners, the older men often did not see their aggressive behaviour as abuse, but argued that it was culturally acceptable, citing the Bible or the male duty of exercising control as the head of the household. Younger men tended to blame the emancipation of women. All of the abusers had seen one of their parents use violence against the other parent when growing up, and about half reported that they had been abused when they were children. Most of the perpetrators thought that alcohol or drug use contributed to their aggressive behaviour, and several complained about the lack of services aimed at helping abusers learn how to control themselves.⁴⁵

Reasons perpetrators cited for their aggressive behaviour



Sample: 22 men and 5 women convicted of violent crimes against intimate partners

Another study conducted almost ten years later, in 2006, solicited information from 200 male prisoners convicted of violent crimes against women or children (not all of which involved forms of domestic violence). Almost half had observed or experienced parental violence during their childhoods. It was not clear whether the high alcohol consumption levels of the majority of the inmates interviewed served as a contributing factor or an excuse. The partner's 'disobedience' or refusal of sex were both often cited as contributing factors. This study pointed to a need for psychological assessment to be taken into account in sentencing, and for psychological treatment to be incorporated into prisoner rehabilitation programmes.⁴⁶

9. Causes of domestic violence

Internationally, the primary cause of all forms of violence against women is patriarchy: the systemic domination of women by men. However, the roots of domestic violence are probably also interrelated with various social challenges – including unemployment, poverty, alcohol abuse and changing family and community norms.

Some think that the changing dynamic of gender relations provokes violence against women by men who feel threatened by the push for equality. Others think that domestic violence has increased because of frustrations related to poverty and unemployment, coupled with alcohol abuse, in the context of a 'culture of violence' stemming from long years of colonialism and apartheid. Still others assert that domestic violence has not actually increased since Independence, but has simply come out in the open because increased rights for women have made women feel freer to report cases of domestic violence.

The studies discussed above indicate that many people find violence to be an acceptable channel for addressing problems within intimate relationships – although social acceptance of intimate partner violence is gradually decreasing in Namibia over time.

⁴⁵ SMH Rose-Junius, VN Tjapepua and J de Witt, *An investigation to assess the nature and incidence of spousal abuse in three sub-urban areas in the Karas Region, Namibia*, Windhoek: Ministry of Health and Social Services, 1998.

⁴⁶ Women's Action for Development (WAD), the University of Namibia (UNAM) and the Namibia Prison Service (NPS), *Understanding the Perpetrators of Violent Crimes Against Women and Girls in Namibia: Implications for Prevention and Treatment*, WAD/UNAM/NPS, (undated).

The root of acceptance of physical and sexual abuse in intimate relationships is the lack of meaningful gender equality and equal power relations, which stem from Namibian concepts of masculinity and femininity. A range of post-Independence studies have found gender-stereotyping across Namibia's cultures, with women being associated with domestic, submissive, reproductive, household roles, and men being viewed as powerful providers, protectors and decision-makers in the family and community. Alcohol use was also associated with manhood in several surveys.⁴⁷

**Root of acceptance of abuse
in intimate relationships:
gender stereotyping**



10. The significance of equality

A seminal 1989 study of societies worldwide identified the San societies of Southern Africa as one of only six cultures where domestic violence was non-existent or rare at that time. This study found four factors associated with family violence: economic inequality between men and women, the use of physical violence to resolve conflict, male authority and control of decision-making in the household and restrictions on women's access to divorce. However, in traditional hunter-gatherer San societies, men and women contributed essential resources, gender roles were fairly fluid and the work of both sexes was valued; communities utilised peaceful methods of conflict resolution; and there was easy access to divorce for both husbands and wives.⁴⁸



Against this backdrop, in 2000, researchers examined three contemporary San societies in Southern Africa to assess the incidence of domestic violence – and found a strong correlation between patterns of gender-based violence and the underlying degree of gender equality in the three communities, with the highest levels of gender-based violence being found in the communities where gender roles had been more strongly influenced by militarisation, patriarchal institutions and formal employment for men but not women.⁴⁹

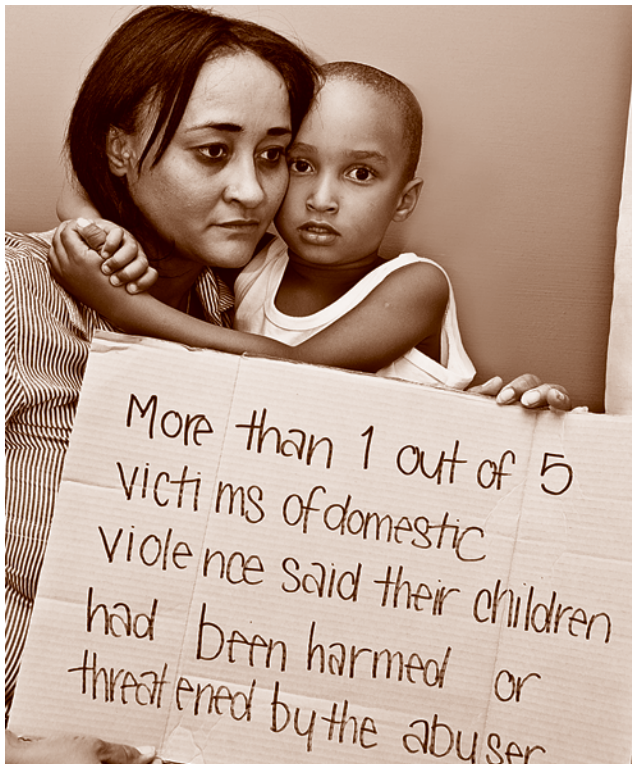
47 Panduleni (Pandu) Hailonga, "Adolescent sexuality and reproductive behaviour in Namibia: A sociohistorical analysis", The Hague: Institute of Social Studies, 2005; Jill Brown, James Sorrell and Marcela Raffaelli, "An exploratory study of constructions of masculinity, sexuality and HIV/AIDS in Namibia, Southern Africa", 7(6) *Culture, Health and Sexuality* 585-598 (2005); Scholastika Iipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004; Debie Lebeau, Eunice Iipinge and Michael Conteh, *Women's Property and Inheritance Rights in Namibia*, Windhoek: Multi-Disciplinary Research and Consultancy Centre, Gender Research and Training Programme and Department of Sociology, University of Namibia, 2004; C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia/UNFPA, 2004; T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia/UNFPA, 2004; Britt Pinkowsky Tersbøl, "How to make sense of lover relationships – Kwanyama culture and reproductive health" in V Winterfeldt, T Fox and P Mufune, eds, *Namibian Sociology*, Windhoek: University of Namibia, 2002; Philippe Talavera, *Challenging the Namibian perception of sexuality: A case study of the Ovahimba and Ovaherero culturo-sexual models in Kunene North in an HIV/AIDS context*, Windhoek: Gamsberg Macmillan, 2002; EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume I (Main Study)*, Windhoek: University of Namibia, 2000 and EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume II (Annexures 1 and 2)*, Windhoek: University of Namibia, 2000; H Becker, "Becoming Men: Masculine Identities among Young Men in two Namibian Locations", 3(2) *Development Update* 54-70, (July 2000).

48 David Levinson, *Family Violence in Cross-Cultural Perspective*, London: SAGE Publications, 1989.

49 As reported in Silke Felton and Heike Becker, *A Gender Perspective on the Status of the San in Southern Africa: Regional Assessment of the status of the San in Southern Africa*, Windhoek: Legal Assistance Centre, 2001.



STOP DOMESTIC VIOLENCE!



THE IMPLEMENTATION OF THE COMBATING OF DOMESTIC VIOLENCE ACT

The Legal Assistance Centre conducted field research to assess the operation of the Combating of Domestic Violence Act, 2003 after it had been in operation for three years. The key findings of that research are presented here

1. Methodology

The study was based on data from:

- court files for 1 122 protection order applications initiated during the years 2004-2006, from 19 different magistrates' courts in 12 regions
- 60 interviews, mainly with magistrates and clerks of court, during 2006-2007
- group discussions with traditional leaders, police and magistrates during 2006 and 2011
- reported and unreported judgments of the High Court.

2. Key findings

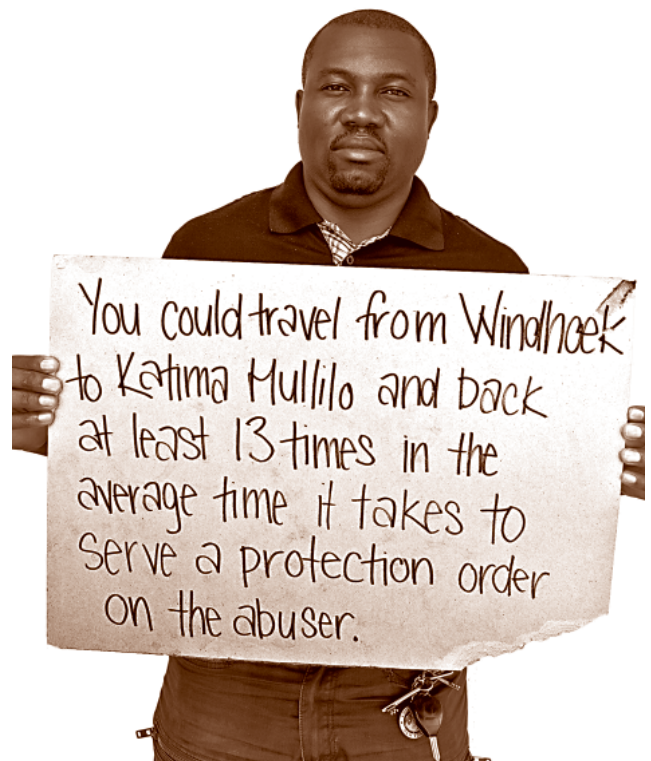
Use of the law is widespread. By the end of 2008, every magistrate's court in the country had received at least one application for a protection order. There were over 1 000 applications nationwide in 2008. More recently, there were at least 1 679 applications nationwide in 2015, based on data obtained telephonically from 27 of the 31 magistrate's courts (with Bethanie, Khorixas, Okakarara and Oshaikati unable to provide statistics).

Women make most protection order applications, but men also use the law. The research found that 9 out of 10 protection order applications come from women – meaning that one out of every ten protection order applications comes from a man.

People of all ages and walks of life are affected by domestic violence. Application for protection orders involved complainants ranging in age from 3 to 77. Most of the applications involved spouses or intimate partners, but the law was also used to address abuse of children by their parents, abuse of parents by their adult children, abuse of grandparents by their grandchildren and abuse between siblings and other family members. Complainants and respondents cover a wide spectrum of employment, from domestic workers to senior government officials.

The law is less often used in rural areas. The vast majority of protection order applications during the period studied came from persons in urban areas – probably because of lower public awareness of the law in rural areas, longer distances from courts and possibly greater reliance on extended family or traditional authorities to deal with such matters. This points to the need to hold information sessions on the law in rural areas, to discuss specific obstacles affecting rural communities and to involve traditional leaders in popularising the law.

The law is being used to address serious incidents of domestic violence. Some people were worried that people might abuse the law by going to court for trivial arguments, especially since the law covers non-physical forms of violence such as economic and psychological abuse. However, three-fourths of the complainants in the study had suffered physical violence and almost all had a history of being abused. More than half of the complainants had been physically



injured in the most recent incident of abuse, with almost half of these having injuries that were serious enough to cause them to seek medical attention. Looking at the history of violence, nearly two-thirds had been injured by the violence at some point in the past, and one in five said that their children had been harmed or threatened by the abuser. Most complainants reported that the abuse had recently become worse and one out of every two complainants had received a death threat.

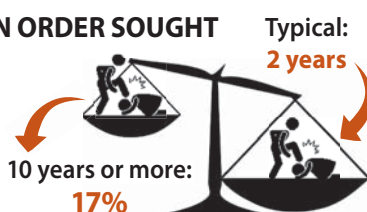
PHYSICALLY INJURED BY THE VIOLENCE

Complainants reported that they were physically injured in about 43% of the most recent incidents of abuse.



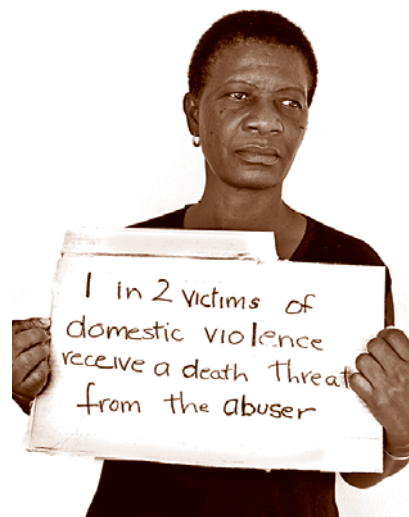
PERIOD SUFFERED BEFORE PROTECTION ORDER SOUGHT

The typical complainant had been suffering domestic violence for 2 years before seeking a protection order, and 17% had been experiencing domestic violence for more than 10 years.



Domestic violence may be part of long-term patterns of violence. One-quarter of the respondents had previous criminal convictions – mostly for violent crimes. Almost one out of four owned weapons of some sort, and 13% owned firearms.

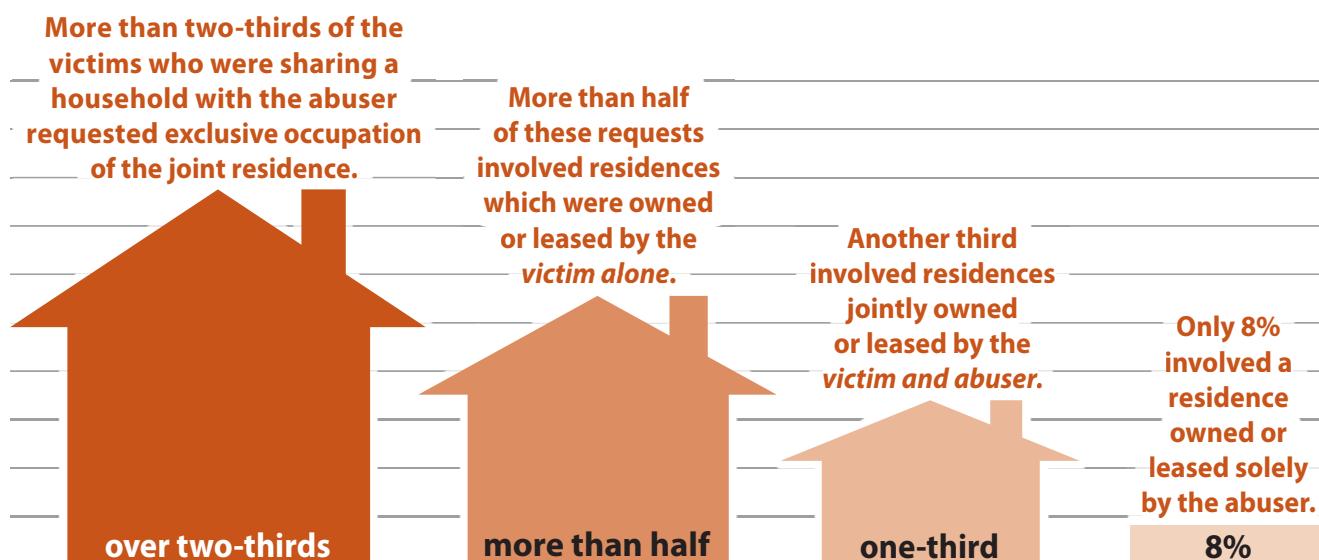
Applications for interim protection orders are usually successful, but fewer cases result in a final order. More than three-quarters of complainants who applied for a protection order received an *interim* order, but only one-quarter of the applications resulted in a *final* order.



Complainants often withdraw protection order applications. About one in five complainants withdraw their applications before they receive a final order. Some apparently reconcile with their abusers, but it is likely that some complainants are threatened or intimidated into abandoning their attempts to get a protection order. Where a complainant does not appear at an enquiry, the court is supposed to request the station commander of the closest police station to investigate to make sure that no intimidation has taken place. But there was evidence of requests for such investigations in less than one quarter of the cases where complainant did not show up – and only two files contained police replies. So some domestic violence victims may be left at the mercy of their abusers after they try to reach out for help.

Many women are turning to the law to get violent men out of the women’s own homes. Protection orders can include an order for exclusive occupation of a joint residence. Some people worried that women might start accusing men of domestic violence as a ploy to get access to their houses. In fact, women are using the law to try and get peaceful occupation of *their own property*. Thus, fears that protection orders might be maliciously abused to undermine the property rights of innocent respondents appear to have been misplaced.

RESIDENTIAL ARRANGEMENTS OF VICTIMS AND ABUSERS



Most complainants request and receive no-contact provisions. About one-third of all interim orders included an order for temporary maintenance, and most requests for temporary maintenance were successful.

Almost 50% of interim protection orders included orders for custody, and 38% included orders pertaining to access. There is some evidence that these components of the law are being misused as a “poor person’s divorce”, and the law has already been amended by the Child Care and Protection Act, 2015 to make sure that the provisions for custody are applied only as temporary measures in emergency situations, as the law intended. A forthcoming new divorce law designed to make divorce more accessible should also help to address this problem.

Protection orders are effective in providing protection for at least some victims of domestic violence. Most service providers interviewed felt that complainants generally seek protection orders for good reasons, and that they work in many cases because they are fast, low-cost, and backed by the threat of criminal sanction. However, there were also some reports that police do not always treat breaches of protection orders as a serious matter.

The law is not helping children. Fewer than 1% of the complainants in the sample were children under age 18 – and each of these applications was made by some adult acting on the child’s behalf. The application form asks complainants to list any other people who are being affected by the domestic violence directed at the complainant. The responses indicate that for every victim of domestic violence, six other people are affected on average, with four of these being minor children. And, as noted above, one in five complainants said that their children had been harmed or threatened by the abuser.

But the mechanism whereby the court is supposed to alert the Ministry of Gender Equality and Child Welfare about children at risk does not appear to be followed in practice – meaning that no social worker is monitoring the situation to see if the children are safe. Thus, the system is not helping children who are being caught in the cross-fire of family conflict.



3. Key recommendations

Institute a standard procedure for making protection orders available after-hours and on weekends.

Simplify the application forms and amend the law to simplify and clarify the procedure for making interim orders final. Strengthen protective measures in cases where complainants disappear.

Provide intensified training for relevant officials, particularly clerks of court who assist complainants in completing the application forms.

Increase outreach to rural communities. Involve traditional leaders in raising awareness about legal options to address domestic violence, and consider increased use of mobile courts or community courts.

Improve the service of protection orders on respondents, which is at present unacceptably slow in many cases – especially in light of the fact that half of the complainants had been threatened with murder.

Provide more follow-up. There should be more social worker monitoring tied to protection orders, There is an urgent need to provide more effective safeguards for children, and for complainants who approach the court and then disappear.

Provide more counselling services for complainants, including assistance with “exit strategies” for leaving a violent relationship, referrals to shelters and advice on divorce and child maintenance.

Provide more counselling services for respondents, and empower courts to refer respondents to counselling in appropriate cases.

Improve record-keeping. Ensure that police complete and file the simple information forms that are supposed to be recorded for each domestic violence incident, and that the Inspector-General compile annual statistics based on these forms and tables them in Parliament as the law requires. This would provide evidence-based data to inform future action.

4. Conclusion

The Combating of Domestic Violence Act is succeeding in helping some people in violent situations. Officials report feedback from some complainants that the protection order helped to stop or to reduce the domestic violence they were experiencing.

But protection orders are not protecting everyone. Most laws are helpless against people who act irrationally, and may be so heedless of their own lives that they murder a partner or a child and then commit suicide. But improved procedures could widen the circle of people who can be protected by the law.

Even more importantly, we must strive harder to raise our children to know that violence has no place in our homes, and no place in Namibia.

Eat your vegetables.

Finish your homework.

Don't play with matches.

Respect women.

Source:
http://opdv.ny.gov/publicawareness/campaigns/coachboys_campaign



**IF THERE'S
VIOLENCE
IN THE
HOME,
THE
KIDS
GET THE
PICTURE!**

Source: www.examiner.com



“At least one out of every three women is likely to be beaten, coerced into sex or otherwise abused in her lifetime... No country, no culture, no woman young or old is immune to this scourge.”

UN Secretary-General Ban Ki-Moon, Remarks to the Commission on the Status of Women, 25 February 2008

“...our women have the right to lead their lives without fear of being attacked or violated in any way.”

His Excellency Hifikepunye Pohamba, Namibia's former President, statement, 23 October 2010

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