

Chapter 4

# A Profile of Domestic Violence in Namibia

*“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,  
<[www.un.org/apps/news/infocus/sgspeeches/](http://www.un.org/apps/news/infocus/sgspeeches/)>

Worldwide, one out of every three women will be victims of abuse at some point in their lives.<sup>1</sup> Domestic violence by an intimate partner is the most common form of gender-based violence.<sup>2</sup> While international statistics vary slightly, women are victims of violence in approximately 95% of the cases of domestic violence.<sup>3</sup> Moreover, 40-70% of all female murder victims worldwide are killed by an intimate partner.<sup>4</sup>

International statistics on violence against children are harder to come by. As a recent report on the State of the World's Children explains, there is under-reporting of child abuse in all societies as a result of factors such as social norms pertaining to sexual exploitation of children and corporal punishment, the hidden nature of child abuse and the associated shame and stigma which abused children experience.<sup>5</sup>

This chapter will summarise what we know about domestic violence in Namibia from various studies undertaken since Independence.<sup>6</sup>

## 4.1 INFORMATION SOURCES AND GAPS

*There are no comprehensive statistics on the incidence of violence within the family in Namibia because it is so seldom reported to the police. The extent of domestic violence in Namibia is also hard to measure since many people believe it is a private matter, not to be discussed with outsiders.*

University of Namibia (UNAM) and SARDC-WIDSAA,  
*Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 78

There have been several studies about domestic violence in Namibia. **Since Namibia's Independence in 1990, there have been at least five major empirical studies which have examined the profile, incidence or prevalence of domestic violence as a component of the major study topic.** Two of these studies included multi-country comparisons.

<sup>1</sup> This frequently-quoted international statistic is based on findings of studies discussed in UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, A/61/122/Add.1, 6 July 2006. The source is often cited as a speech by UN Secretary-General Ban Ki-Moon, "Remarks to the Commission on the Status of Women", 28 February 2008, available at <[www.un.org/apps/news/infocus/sgspeeches/](http://www.un.org/apps/news/infocus/sgspeeches/)>.

<sup>2</sup> World Health Organisation, *World Report on Violence and Health*, Geneva: WHO, 2002 at 15.

<sup>3</sup> Stop Violence against Women, "Prevalence of Domestic Violence", 1 February 2006, available at <[www.stopvaw.org/Prevalence\\_of\\_Domestic\\_Violence.html](http://www.stopvaw.org/Prevalence_of_Domestic_Violence.html)>.

<sup>4</sup> This figure is based on studies of femicide from Australia, Canada, Israel, South Africa and the United States of America. UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, A/61/122/Add.1, 6 July 2006 at paragraph 115.

<sup>5</sup> UNICEF, *The State of the World's Children: Special Edition, Celebrating 20 Years of the Convention on the Rights of the Child*, New York: UNICEF, 2009 at 24. See also *Report of the independent expert for the United Nations study on violence against children*, United Nations, A/61/299, 29 August 2006.

<sup>6</sup> Statistics cited in this section have all been rounded to the nearest whole number, with decimal places of less than 0,5 rounded down to the next lower whole number and decimal places of 0,5 or greater rounded up to the next highest whole number.

In addition, there have been several small-scale studies on domestic violence, and studies on other issues which have generated some important information on attitudes about domestic violence. For example, attitudes about domestic violence have been well-examined in the 2000 and 2006-07 *Namibia Demographic and Health Surveys* based on nationally-representative samples, as well as in several regional studies.

Two Namibian studies have collected information from perpetrators of domestic violence.

## MAJOR EMPIRICAL STUDIES OF DOMESTIC VIOLENCE IN NAMIBIA SINCE INDEPENDENCE

### **LAC-LRDC study (data collected in 1994)**

Legal Assistance Centre (LAC) and Law Reform and Development Commission (LRDC), *Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response*, Windhoek: LAC and LRDC, 1999

### **Karas spousal abuse study (data collected in 1997)**

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

### **WHO study (data collected in 2001)**

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, 2004

### **CIET-Soul City study (data collected in 2002)**

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; available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)>

### **SIAPAC study (data collected in 2007/2008)**

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

## STUDIES COLLECTING INFORMATION FROM PERPETRATORS OF DOMESTIC VIOLENCE

### **Karas spousal abuse study (data collected in 1997)**

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

### **Perpetrator study (data collected in 2006)**

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 publication)

Despite this relatively rich data, there are still some serious gaps in our knowledge of the Namibian situation.<sup>7</sup>

**One problem is that domestic violence often remains completely hidden because it is shrouded in shame and secrecy, or because it is considered to be a private matter; it is seldom discussed and usually not reported to police.**<sup>8</sup> In fact, one Namibian study found that 21% of women who had experienced physical violence from intimate partners had never told *anyone* about it – and those who did speak out tended to talk only to family or friends; only 10%-20% of these women had reported their cases to the police, and about 21% had gone to a hospital or health centre.<sup>9</sup> This same study found that over 60% of the women who experienced physical violence from intimate partners had never sought help from any agency.<sup>10</sup> Women who do seek help tend to do so only after the violence has become severe or life-threatening, often only after they have been badly injured.<sup>11</sup>

Some victims are reluctant to speak out about incidents of domestic violence because of the social stigma attached to abuse and the potential shame to the family.<sup>12</sup> According to one study, a participant in a focus group discussion in the Ohangwena region stated that “...most people in married relationships prefer to suffer in silence because they are traditionally taught not to reveal problems within their marriages”.<sup>13</sup> Amongst some women, there is an ethic against reporting if it would result in legal proceedings or prison, because this is “*against their culture*”.<sup>14</sup> Some victims choose not to report incidents of domestic violence for fear of

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<sup>7</sup> See, for example, 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, 2004 at ii-iii.

<sup>8</sup> Annika Wahlström, *Domestic violence against women from a legal perspective: with focus on the situation in Namibia*, University of Stockholm (graduate thesis), 1994 at 16; 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 13; Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 37-38.

<sup>9</sup> 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, 2004 at 36 and 40. There is a discrepancy between the figures on these two pages which is not explained. Table 7.2.1 on page 36 says that 10% of the women who reported physical violence to the researchers had told police about it. Table 7.6.1 on page 40 says that about 21% of women who reported physical violence to the researchers had told police about it. Both tables are clearly referring to the same universe of 419 women, and both refer to reporting experiences of physical violence.

There is a similar discrepancy in the statistics for Namibia in an associated report, 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. Appendix, Table 17 at 190 and page 73-75 state that more than 20% of abused women in the Namibian sample have approached police. However, Figure 9.1 at 74 shows figures closer to 10%.

<sup>10</sup> 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, 2004, Table 7.6.1 at 40.

<sup>11</sup> *Id* at 40.

<sup>12</sup> Annika Wahlström, *Domestic violence against women from a legal perspective: with focus on the situation in Namibia*, University of Stockholm (graduate thesis), 1994 at 16.

<sup>13</sup> 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 Child Welfare, 2007 at 85.

<sup>14</sup> 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, 2004 at 36.

prompting greater anger and violence from the abuser.<sup>15</sup> For others, choosing not to report domestic violence is an economic decision where the arrest of an abusive breadwinner would leave the family with insufficient income.<sup>16</sup> Perhaps the most tragic reason for victims' failure to speak out is a perception that an acceptance of domestic violence as being "normal".<sup>17</sup>

Many criminologists believe that domestic violence is the most underreported crime.<sup>18</sup> Furthermore, it is very difficult to collect data on domestic violence even when these cases *are* reported to the Namibian Police, because these cases have not historically been set apart from the same crimes outside domestic relationships for record-keeping purposes; if there is a police docket for assault or rape, for example, the only way to determine whether this constituted domestic violence is to read the statements and notes inside the dockets to see if there was any indication of the relationship between the parties.<sup>19</sup>

**More studies have focused on domestic violence against women than on domestic violence against men** – which is not surprising, given that the information available shows that women suffer more such violence, that domestic violence perpetrated by men against women tends to be more severe than that perpetrated by women against men and that female violence against male partners is often a response to violence initiated by men. However, more information on domestic violence against men could provide insights into the problematic dynamics of violent relationships.

**We have very little information about domestic violence against children.** Domestic violence against children in all countries is particularly likely to go unreported, and differing understandings of acceptable discipline mean that some forms of child abuse are unrecognised. Domestic violence against children has never been directly studied in Namibia, although some information about child abuse within the family has come to light in a range of other studies – particularly information on the sexual abuse of children by family members.

At the other end of the age spectrum, **we also know little about domestic violence directed against the elderly in Namibia.** Although anecdotal information indicates that this is a problem, it has never been specifically studied.

**Another aspect of domestic violence which is hidden is violence within gay and lesbian relationships,** which are not even covered by the Combating of Domestic Violence Act. We are not aware of any Namibian studies on this issue. However, in South Africa (where the domestic violence law covers same-sex relationships) one study found that one in four lesbian and gay persons experience domestic violence in their relationships, while only one in two hundred will report this to the police because of fears of further abuse and

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<sup>15</sup> 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 at 42.

<sup>16</sup> *Ibid.*

<sup>17</sup> Half of the women who reported physical abuse by their intimate partners in one survey had failed to seek help because of their perception that the situation was "normal". 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, 2004 at 41.

<sup>18</sup> Annika Wahlström, *Domestic violence against women from a legal perspective: with focus on the situation in Namibia*, University of Stockholm (graduate thesis), 1994 at 1.

<sup>19</sup> The failure of the provisions in Combating of Domestic Violence Act aimed at establishing a new police record-keeping system is discussed in section 5.1.1.

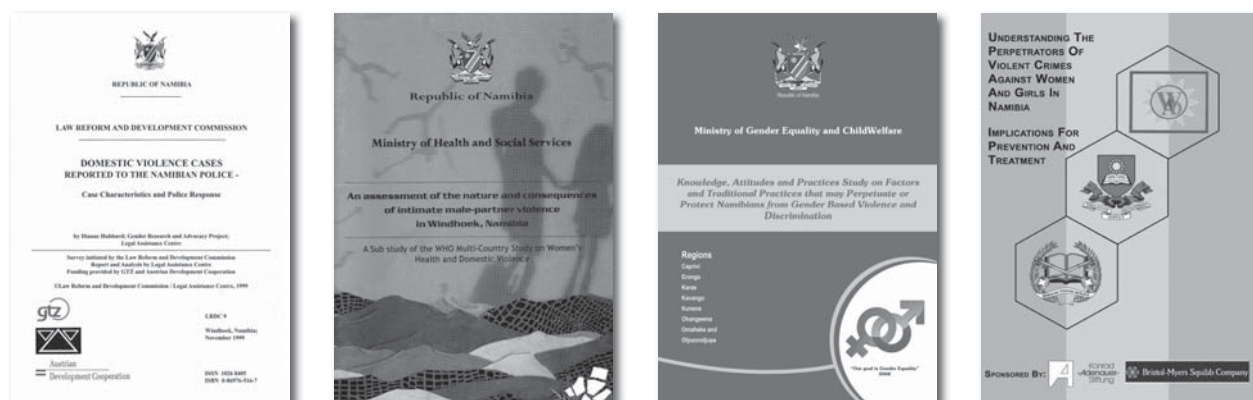
ridicule by state authorities or medical practitioners.<sup>20</sup> Gay and lesbian couples could be at a double risk of domestic violence in Namibia; in addition to being subject to the same intimate partner violence and other forms of family violence which affect all Namibians, the political and social climate of disapproval of such relationships could pose additional risks in the form of violent family and community reprisals arising from disapproval of such relationships.<sup>21</sup>

***In November 2009, at a workshop hosted by Sister Namibia and The Rainbow Project, a workshop participant related how the brother of a lesbian woman in Oshikuku drove over her leg with a car when he found out about her relationship with another woman. Her family pressurised her not to make a case against her brother. Her leg had to be amputated as a result of the incident.***

Information from Sister Namibia, February 2010

**This literature review covers only research on Namibia.** It first looks at studies of domestic violence cases reported to the police, and then at studies which shed some light on the prevalence and profile of domestic violence affecting two specific sub-groups of victims – intimate partners and children. It also presents information from various studies on the causes of domestic violence in Namibia, including the two studies which have collected information directly from perpetrators of domestic violence.

This chapter is more extensive than a typical literature review. Despite the information gaps we have noted here, there is nevertheless a rich wealth of data on various forms of domestic violence and on some of the attitudes which cause it. However, for this most part, the existing data has failed to inform policy-making and action taken to prevent and to respond to domestic violence. One reason is that the relevant data is scattered in various studies and therefore not easily accessible. Another reason is that some of the data in existing studies is presented in formats which are inconsistent and possibly confusing. In an effort to address this situation, we will present information from previous studies in some detail. We hope that this compendium of existing information will serve as a useful resource for persons working in the field of gender-based violence or contemplating additional research on domestic violence in Namibia.



<sup>20</sup> Evaschnee Naidu and Nonhlanhla Mkhize, “Gender-based violence; the lesbian and gay experience”, 66 *Agenda* 34-38 (2005), citing an unpublished research paper: A Ebrecht, “Domestic violence within LGBT relationships” (2003).

<sup>21</sup> See the subchapter on “Visibility, violence and discrimination: Violence and silence in the family” in Human Rights Watch/International Gay and Lesbian Human Rights Commission, *More than a Name: State-Sponsored Homophobia and its Consequences in Southern Africa*, New York: Human Rights Watch, 2003 at 164-ff.

## 4.2 DOMESTIC VIOLENCE CASES REPORTED TO THE POLICE

### 4.2.1 Reported cases of violence in domestic relationships (LAC-LRDC study, 1994 data)

In 1996, the Law Reform and Development Commission initiated a survey of domestic violence cases reported to the Namibian Police as part of a larger enquiry into violence against women and children in Namibia. Data for this study was collected by the Law Reform and Development Commission and analysed and summarised by the Legal Assistance Centre.<sup>22</sup>

Because there is no specific crime of “domestic violence” in Namibia, police were asked to pull the dockets opened during three sample months in 1994 for any violent crime (including rape and other sexual crimes), and to examine these dockets to see which cases occurred within a family or intimate relationship. Responses were received from 53 of the 83 police stations in existence at that time, representing all 11 police regions and reporting information from a total of 2404 dockets (although due to missing information on some of the questionnaires, most of the analysis was based on 2322 dockets, with 515 of these involving domestic violence).<sup>23</sup> Because of its nature, this survey collected information about *physical violence* only. The study is outdated now, seeing that it involves charges filed in 1994 – almost two decades ago – but it remains the only Namibian study of criminal cases involving domestic violence.

**This study found that more than one-fifth of all violent crime in Namibia occurs within the context of domestic relationships<sup>24</sup> and estimated by means of extrapolation that more than 2000 cases of domestic violence are reported to the police annually.<sup>25</sup>**

In the domestic violence cases reported to the police during the period studied, 86% of the victims were female, compared to only 14% male.<sup>26</sup> (In contrast, in respect of violent crimes *other than* domestic violence, about 60% of the complainants were male and about 40% female.<sup>27</sup>) Most of the perpetrators of domestic violence crimes reported to the police were men – about 93% (compared to 89% male perpetrators in respect of other violent crimes).<sup>28</sup>

**CHART 1: Domestic violence cases reported to the police by men and women in the LAC-LRDC study (1994 data)**



<sup>22</sup> Legal Assistance Centre (LAC) and Law Reform and Development Commission (LRDC), *Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response*, Windhoek: LAC and LRDC, 1999 (hereinafter “LAC-LRDC Study”).

<sup>23</sup> *Id* at 13, 16.

<sup>24</sup> Responses were received from 53 of the 83 police stations in existence at that time; 515 out of the total of 2322 dockets examined (22%) clearly involved domestic violence. *Id* at 21.

<sup>25</sup> *Id* at 23-24.

<sup>26</sup> *Id* at 27.

<sup>27</sup> *Ibid.*

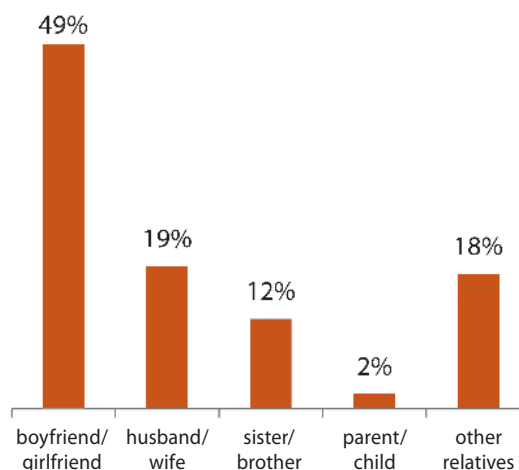
<sup>28</sup> *Id* at 28.

The most common crime reported within domestic relationships was assault – either common assault or assault with intent to cause grievous bodily harm.<sup>29</sup> Most of the domestic violence in the survey sample was perpetuated by boyfriends against their girlfriends, either during the course of the relationship or after it had come to an end. The next most prevalent category was violence committed by husbands against their wives, followed by violence committed by brothers against their sisters.<sup>30</sup> In the majority of cases (more than 60%), the complainant and the accused were living in the same household at the time the violence occurred.<sup>31</sup>

Firearms were not commonly used in domestic violence offences, featuring in only 1% of the domestic violence cases in the sample. The most common weapons in such incidents were hands, feet and fists (used in 56% of the domestic violence cases), followed by knives (just over 9% of the cases) and sticks or clubs (almost 7% of the cases). A wide range of common household items were also used as instruments of violence, including items as diverse as scissors, matches (used to burn the victim between the toes), tin openers and hot soup. The profile of weapons used in domestic violence offences is similar to that for other violent crimes, except for the fact that guns and knives were more commonly used outside of domestic relationships.<sup>32</sup> However, it was somewhat more likely for victims of domestic violence to suffer injuries (76% of the cases in the sample) than for victims of other violent crimes (71% of the cases in the sample).<sup>33</sup>

The general perception that domestic violence victims are more likely to withdraw criminal charges than victims of other violent crimes was borne out by the data from the study sample, but the gap between the two categories of cases was not so wide as might be expected – about 62% of all domestic violence cases were withdrawn, as compared to about 42% of the cases involving other violent crimes.<sup>34</sup>

**CHART 2: Domestic relationships involved in cases of physical violence reported to the police, 1994**



**Source:** Legal Assistance Centre (LAC) and Law Reform and Development Commission (LRDC), *Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response*, Windhoek: LAC and LRDC, 1999 (hereinafter “LAC-LRDC study”), Table 16A at 29 (based on 515 police dockets drawn from a national sample)

**TABLE 1**

Injuries from domestic violence incidents reported to police, 1994 (Respondents could name more than one injury.)	
Injury	Percent of 550 total injuries reported
Bruising	45%
Cuts and scrapes	11%
Stab wounds	10%
Head injury/brain damage	7%
Broken bones	1%
Gunshot wounds	0%
Other	2%
No injury	13%
Not clear from docket	12%
<b>Total</b>	<b>100%</b>

**Source:** LAC-LRDC study, Table 16B at 30 (based on 515 police dockets drawn from a national sample)

<sup>29</sup> *Id* at 24.

<sup>30</sup> *Id* at 29.

<sup>31</sup> *Id* at 30.

<sup>32</sup> *Id* at 31.

<sup>33</sup> *Id* at 32.

<sup>34</sup> *Id* at 36.



Furthermore, the total percentage of cases which went forward to a completed trial was not much lower in respect of domestic violence than in respect of other categories of violent crime. About 26% of domestic violence cases resulted in a completed trial, as compared to about 35% of other violent crime cases – *despite* the higher percentage of withdrawals by complainants in domestic violence cases.<sup>35</sup> Of the cases which did proceed to trial, the accused was found guilty in *more* domestic violence cases than in other cases of violent crime – 83% of trials in domestic violence cases resulted in convictions, compared to 72% of trials in other violent crimes.<sup>36</sup>

The overall percentage of domestic violence cases which resulted in convictions was *almost the same* as the percentage of other violent crimes which resulted in convictions. The figure for domestic violence cases was 21%, compared to 25% for other violent crimes – a difference of only 4%. In other words, despite the fact that more cases were withdrawn by complainants in respect of domestic violence than in respect of other violent crimes, the percentage of convictions was similar for the two categories of cases. This means that the time invested in domestic violence cases by police and prosecutors is just as likely to lead to a meaningful outcome as the time invested in other cases of violent crime.<sup>37</sup>

Sentencing patterns were similar in respect of domestic violence offences and other violent crimes, with fines being more common than imprisonment in both, although the amounts imposed were slightly lower on average in domestic violence cases. In cases where a sentence of imprisonment was imposed, it was more likely to be suspended in its entirety in domestic violence cases than in other types of cases – total suspension occurred in 60% of the domestic violence cases involving imprisonment, as compared to 44% of cases involving other violent crime. This could stem from perceptions of prosecutors and courts about the relative seriousness of domestic violence cases, or it could be a reasonable response to the economic interdependency which is common between the parties in domestic violence cases. Overall, while the domestic violence cases in the sample were treated somewhat more lightly than other forms of violent crime – particularly with respect to the possibility that the offender will receive a wholly-suspended prison sentence – the differences in sentencing patterns between the two categories of cases were not marked.<sup>38</sup>

In 1996, police who were surveyed made the following suggestions on steps to combat domestic violence:

- *the establishment of more Woman and Child Protection Units*
- *public education campaigns*
- *greater practical and emotional support for domestic violence complainants, such as more support from social workers, legal representation, more counselling services and specialised medical treatment, and more shelters to provide accommodation for victims*
- *community-based initiatives, particularly greater involvement by the churches and more educational and recreational activities for youth*
- *increased controls on the availability of alcohol and drugs, and more limits on gambling*
- *law reforms on domestic violence.*

Most of these recommendations are still relevant.

from LAC-LRDC study at 5

<sup>35</sup> *Id* at 39.

<sup>36</sup> *Id* at 40.

<sup>37</sup> *Id* at 41.

<sup>38</sup> *Id* at 44-45.

## Examples of domestic violence cases from the LAC-LRDC study

A 35-year-old woman was assaulted by her ex-boyfriend. He threw stones at her head three times, and she died several days later as a result of the injuries sustained. He was charged with culpable homicide but convicted only of assault with intent to cause grievous bodily harm. He was sentenced to nine months imprisonment, suspended in its entirety for 4 years. (Wanaheda)

An 18-year-old girl was sjamboked by her 32-year-old ex-boyfriend in her own home. She was 7 months pregnant at the time. The case was withdrawn, but the docket did not indicate who withdrew it, or why. (Windhoek Airport)

A boyfriend assaulted his girlfriend so severely that bones were broken. According to police, "this happens because of drink and the boyfriend failed to understand that the complainant was not able to cook because there was no firewood". He was found guilty of assault, but received only a warning from the court. (Karabib)

A 76-year-old father assaulted his 26-year-old daughter with stones because he "was furious" after she did not come home the previous evening. He was found guilty of assault GBH, but received only a warning. (Rehoboth)

A 6-year-old girl who was sexually molested by her 41-year-old stepfather was in such a severe state of shock that she had to be sedated by a doctor during the investigation. According to the police officer, the result of the incident is that the victim hates all males, even her schoolmates, and "likes to be alone at all times". She was placed in the care of her sister, who reported subsequently that her condition has improved although she is still unable to concentrate at school. The family was at that stage seeking further treatment for the victim. The perpetrator was found guilty of indecent assault and sentenced to 18 months imprisonment, 6 months suspended for 4 years. (Rundu)

A sister was assaulted by her brother, because he objected to the fact that she and her boyfriend wanted to visit their child, who was in the care of another family member. She was badly beaten, losing two teeth. The brother was found guilty of assault GBH and fined N\$200. (Okatope)

LAC-LRDC study at 33 (information from questionnaires completed by police)

## 4.2.2 Reported rape in domestic relationships (LAC, 2001-2005 data)

A large proportion of reported rape cases fall within the definition of domestic violence. For example, a 2006 study published by the Legal Assistance Centre involved a random national sample of 409 police dockets for rape opened in the years 2001-2005. The relationship between the victims and the accused could be ascertained in 304 of these dockets, and **about one-third of these cases would appear to fit within the definition of a "domestic relationship"** in the Combating of Domestic Violence Act.<sup>39</sup>

<sup>39</sup> Legal Assistance Centre (LAC), *Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000*, Windhoek: LAC, 2006, Table 6.5 at 184; see section 3 of the Combating of Domestic Violence Act 4 of 2003.

There were a total of 21 cases in the sample which could have in theory supported a charge of incest – 2 rapes of daughters (ages 10 and 12) by their fathers, 4 rapes of half-sisters by their half-brothers and 15 rapes of nieces by their uncles.

These incidents involved persons from a wide range of ethnic groups in Namibia, as evidenced by the apparent home languages of the parties. The alleged rapes by uncles of their nieces often involved uncles who resided in the same households as the rape complainants, and in two cases an uncle who habitually slept in the same room or even the same bed as the rape complainant. Many of these cases were withdrawn before trial.<sup>40</sup>

**TABLE 2**

Relationship between rape victims and alleged perpetrators – LAC study of sample police docket, 2000-2005		
Victim was... of accused	Number	Percent
Stranger	46	15.1%
Acquaintance	158	52.0%
Wife	3	1.0%
Girlfriend	15	4.9%
Ex-girlfriend	22	7.2%
Daughter	2	0.7%
Stepchild	12	3.9%
Half-sister	4	1.3%
Niece	15	4.9%
Cousin	12	3.9%
Other relative	11	3.6%
Employee	4	1.3%
<b>Total</b>	<b>304</b>	<b>100.0%</b>

**Source:** Based on Legal Assistance Centre (LAC), *Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000*, Windhoek: LAC, 2006, Table 6.5 at 184

### Examples of rape in domestic relationships from the LAC study

A 48-year-old woman laid a charge of rape against her husband after he forced her onto the floor in their kitchen and inserted a carrot into her vagina. He manipulated the carrot, then turned her around roughly and proceeded to have sexual intercourse with her. The case was later withdrawn by the prosecutor, but no reasons for this decision were recorded in the docket.

A 16-year-old girl alleged that her father sexually assaulted her several times between 1998 (when she was 12) and 2002, including sexual intercourse and other sex acts. He sometimes hit her if she refused to cooperate, and at other times told her that she would shame the family if she told. Sometimes he gave her money afterwards. The rapes occurred sometimes at home and sometimes in secluded areas. The girl informed her pastor and her mother nine days after the last incident. The father was found guilty.

A 9-year-old girl stated that her 17-year-old uncle, who lived in the same home, had raped her. She awoke one night to find her uncle on top of her, her panty removed and wetness between her legs. At this point, the uncle threatened to beat her if she screamed. She informed her mother, aunt and grandmother of what had happened. She also stated that her uncle had raped her in the anus three years previously. She told her mother, but nothing was done. Her mother admitted that she was aware of the prior rape. In the more recent instance, the girl told her grandmother, who did not believe her. The alleged perpetrator was never arrested, and the case was withdrawn two months later.

Legal Assistance Centre (LAC),  
*Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000*,  
Windhoek: LAC, 2006 at 182-183

<sup>40</sup> *Id* at 182.

## 4.3 INTIMATE PARTNER VIOLENCE

*Violence against women persists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality... The most common form of violence experienced by women globally is intimate partner violence.*

UN General Assembly,  
*In-depth study on all forms of violence against women:  
Report of the Secretary-General, 6 July 2006, A/61/122/Add.1 at paragraphs 1 and 112*

### INCIDENCE AND PREVALENCE OF DOMESTIC VIOLENCE

The incidence of domestic violence refers to the number of episodes of violence experienced by persons in a defined population during a specific period, such as one year.

The prevalence of domestic violence refers to the proportion of persons in a defined population who have experienced violence in a set period, or in their lifetimes.

### 4.3.1 Spousal abuse in Karas Region (1997 data)

A Namibian study on “*spousal abuse*” which collected data in the Karas Region in 1997 examined physical, psychological, emotional, sexual, financial and social abuse in intimate relationships – including civil and customary marriage partners, cohabiting couples and sexual partners. The study gathered information from 130 self-identified victims of such violence in Lüderitz, Karasburg and Keetmanshoop (93% of whom were female), and from 27 perpetrators (22 men and 5 women), as well as from 13 focus group discussions and 25 key informants.<sup>41</sup> This was not a study of prevalence, since only victims and perpetrators were included in the sample. However, the study does provide a profile of domestic violence against intimate partners in the study group.<sup>42</sup>

Most of the victims who agreed to answer questions were over the age of 30, but many of those interviewed suggested that perhaps younger victims were not yet ready to admit that they have suffered this type of abuse; many of the older victims stated that it was only later in their lives, after they had suffered repeated acts of violence, that they were prepared to speak out about the problem.<sup>43</sup>

<sup>41</sup> 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 and pie chart 1. In this study, the pages containing the charts are not numbered, nor are some of the charts themselves. We have supplied numbering for ease of reference.

<sup>42</sup> *Id* at 10-11. The empirical research was carried out between May and December 1997. *Id* at 81.

<sup>43</sup> *Id* at 82-83 and pie chart 2.

The study confirmed that intimate partner abuse takes place in a spectrum of relationships, from marriage to more casual relationships.<sup>44</sup> Victims also fell into a wide variety of educational and income levels.<sup>45</sup>

**The victims who took part in the study were divided almost half and half between those who were the family's main breadwinners and those who were unemployed, showing that economic independence is no guarantee of freedom from abuse.** Victims suggested that financial independence on the part of one partner might lead to diminishing self-esteem on the part of the other partner, which could contribute to violent behaviour. On the other hand, they noted that victims who are financially dependent on their partners often feel that the option of leaving the relationship is not open to them.<sup>46</sup>

**Some 52% of the victims reported that they were physically abused in public,** suggesting that abusers were confident that their behaviour would be accepted by others, or even admired, rather than being condemned or stopped.<sup>47</sup>

Most of the victims gave accounts of a brutal variety of physical abuse in combination with other forms of mistreatment. Beating, slapping, kicking, pushing, choking and shoving were amongst the most common forms of assault mentioned.<sup>48</sup> **Abusers brandished dangerous weapons at more than half of the victims (58%), and 22% said that the abuser had tried to murder them.**<sup>49</sup>

Respondents also reported a range of sexual abuse, with **25% of them saying that they had been forced to have sexual intercourse against their will.**<sup>50</sup>

Economic abuse was also described, with large numbers of the respondents claiming that they were not consulted about financial decisions by their partners or that they had to beg for money for their own needs. Some victims reported that they were forced into financial dependency, explaining that they were prevented by their partners from either getting or keeping a job. But having an independent job is not necessarily protection against financial dependency, as almost a quarter of the victims reported that their partners took control of their earnings. Another common complaint was the partner's failure to contribute to household expenses, or the squandering of family resources.<sup>51</sup>

Respondents also reported emotional abuse, such as verbal abuse and insults in public, or being belittled or embarrassed by their partners in front of others.<sup>52</sup>

***I became so despondent ... I believed that I was worthless as a wife.***

interviewee quoted in 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

<sup>44</sup> *Id* at 83.

<sup>45</sup> *Id* at 84-85 and pie chart 3.

<sup>46</sup> *Id* at 85.

<sup>47</sup> *Id* at 92-93 and pie chart 11.

<sup>48</sup> *Id* at 87 and pie chart 11.

<sup>49</sup> *Id* at pie chart 11. No further details on the weapons were included in the report.

<sup>50</sup> *Id* at 89 and pie chart 8.

<sup>51</sup> *Id* at 91-92 and pie chart 10.

<sup>52</sup> *Id* at 92-93 and pie chart 11.

## Examples of varying types of spousal abuse

### Physical Abuse

- *"He physically threw me out of the house, burned me with cigarette stumps and smashed my head against the wall."*<sup>53</sup>
- *"She would wait until I am asleep, and then attack me; or waking me up to look into the barrel of a gun, or facing her hovering over me with a dangerous weapon – sharp knife or axe."*<sup>54</sup>
- *"He would wait till I am pregnant and then often kick me in the tummy."*<sup>55</sup>

### Sexual Abuse

- *"My husband brings other women into the house and into my bed – while I am in the house."*<sup>56</sup>

### Economic Abuse

- *"My wife gambles our livelihood away."*<sup>57</sup>
- *"He expects me to feed his relatives and friends on my salary and swears at me if I have no money."*<sup>58</sup>
- *"He buys things for his personal satisfaction such as cameras, video tapes, etc even when there is no money for food."*<sup>59</sup>

### Emotional Abuse

- *"He denied he was the father of my child. That was the ultimate humiliation that drove me to attempted suicide."*<sup>60</sup>

interviewees quoted in 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

About 57% of these victims of intimate partner violence said that they had reported their situation to the police.<sup>61</sup> (This percentage is higher than that found in other studies, probably because these interviewees were a self-selected group who volunteered to speak out about spousal abuse.) However, they complained that police were unhelpful or unsympathetic, with the result that they tended to involve police only when they had suffered severe assaults.<sup>62</sup>

One sad fact which emerged from the study was how long victims endure abuse before seeking help, with almost three-fourths of the victims saying that they first reported the

<sup>53</sup> *Id* at 87.

<sup>54</sup> *Id* at 88.

<sup>55</sup> *Id* at 87.

<sup>56</sup> *Id* at 90.

<sup>57</sup> *Id* at 3.

<sup>58</sup> *Id* at 91.

<sup>59</sup> *Id* at 92.

<sup>60</sup> *Id* at 88.

<sup>61</sup> *Id* at 97.

<sup>62</sup> *Ibid*.

abuse to someone else after it been going on for at least four years.<sup>63</sup> Victims who found the courage to speak out tended to approach other family members first.<sup>64</sup>

Shame was the most often-cited reason for reluctance to seek help. Victims were afraid that they would be blamed for the abuse themselves, or they felt guilty because they believed that they were the ones at fault. They were also reluctant to risk social rejection by their communities, and did not want to disgrace the family name. About one-third of the victims interviewed were reluctant to seek help because of their fear of the abuser's reaction, while about half of the victims interviewed cited fear of having to testify in court as a discouraging factor. Many victims hoped that the relationship could be preserved despite the abuse – because of emotional or financial dependency on the abuser, because of the children, because of concerns about social status and the family name, or because they were persuaded by the abuser's promises to reform.<sup>65</sup>

*I am disgraced and shocked by my choice of an intimate partner. Because of that choice, I am to blame.*

interviewee quoted in 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 89

## 4.3.2 WHO study of intimate partner violence in Windhoek (2001 data)

According to a 2005 report of the World Health Organisation (WHO),<sup>66</sup> a review of studies from 36 countries carried out prior to 1999 indicated that 10% to 50% of women in these countries are *physically* abused by an intimate partner at some point in their lives. These studies also showed that 10% to 30% of all women are *sexually* abused by an intimate partner.<sup>67</sup> However, WHO also found that data from developing countries on intimate partner violence was generally lacking. As a result, it launched a multi-country study designed to fill this gap and provide a reliable estimate of the prevalence of violence against women, with particular emphasis on physical, sexual and emotional violence by male intimate partners.<sup>68</sup>

<sup>63</sup> *Id* at 96.

<sup>64</sup> *Id* at bar chart 3 following page 97.

<sup>65</sup> *Id* at 100-101; see bar chart 4 between these pages for a fuller picture of reasons women delay or fail to report abuse.

<sup>66</sup> The World Health Organisation is a specialised agency of the United Nations.

<sup>67</sup> 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 at 1-2.

<sup>68</sup> The overall study was published in two documents – (1) a summary report: 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 (hereinafter cited as "*WHO Summary Report, 2005*"), and (2) a more detailed report: 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 (hereinafter cited as "*WHO Multi-country Study, 2005*").

The Namibian findings were published locally as Ministry of Health and Social Services (MoHSS), *An Assessment of the Nature and Consequences of Intimate Male-Partner Violence in Windhoek, Namibia*:

**This multi-country study surveyed 24 000 women of reproductive age in ten countries, including Namibia.**<sup>69</sup> It found that the lifetime prevalence of *physical violence* by an intimate partner ranged from 13% to 61%, and was 23% to 49% in most of the countries surveyed.<sup>70</sup> The lifetime prevalence of *sexual violence* by an intimate partner ranged from 6% to 59%, and was typically 10% to 50%.<sup>71</sup>

**Namibia was in the middle of the overall range in respect of *physical violence*.** The WHO study in Namibia surveyed 1500 women between the ages of 15 and 49 in Windhoek during 2001, including women from every major ethnic group. **Almost one-third (31%) of ever-partnered women<sup>72</sup> in the Namibian survey reported having experienced physical violence at the hands of an intimate partner.**

The study attempted to differentiate between “*moderate*” and “*severe*” physical violence. Women who were slapped, pushed or shoved were categorised as having suffered “*moderate*” violence, while women who had been hit with a fist, kicked, dragged or threatened with a weapon were categorised as having suffered severe violence. Using this categorisation, **20% of the ever-partnered women surveyed in Namibia reported experiencing severe violence from intimate partners in their lifetimes, while 11% reported only moderate violence.**<sup>73</sup>

The data also showed that in Namibia, as well as in all the other countries studied, intimate partner violence tends to take the form of continuing abuse rather than isolated incidents. For all acts of physical violence included in the study, the vast majority of women had experienced the act not once, but “*a few*” or “*many*” times in the 12 months prior to the interview.<sup>74</sup>

**Namibia’s rate of *sexual violence* in intimate relationships was at the lower end of the range in the countries studied, with 17% of ever-partnered women reporting sexual violence from an intimate partner.**<sup>75</sup>

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*A sub-study of the WHO Multi-Country Study on Women’s Health and Domestic Violence*, Windhoek: MoHSS, 2004 (hereinafter cited as “*MoHSS, WHO Study in Windhoek, 2004*”). However, this local document, which was published earlier than the combined study, does not include all of the Namibian data cited in the combined study.

See also *WHO Multi-country Study on Women’s Health and Domestic Violence against Women, Country Findings: Namibia (factsheet)*, 2005, available online at <[www.who.int/gender/violence/who\\_multicountry\\_study/fact\\_sheets/Namibia2.pdf](http://www.who.int/gender/violence/who_multicountry_study/fact_sheets/Namibia2.pdf)>.

<sup>69</sup> The chosen countries were Bangladesh, Brazil, Ethiopia, Japan, Peru, Namibia, Samoa, Serbia-Montenegro, Thailand and Tanzania. According to the study: “*Participating countries were chosen according to specified criteria, including the presence of local anti-violence groups able to use the data for advocacy and policy reform, absence of existing data, and a political environment receptive to tackling the issue.*” *WHO Summary Report*, 2005 at 2.

<sup>70</sup> *WHO Multi-country Study*, 2005 at xii-xiii.

<sup>71</sup> *Ibid.*

<sup>72</sup> In the Namibian study, women were considered to have been partnered if they had ever been married, ever lived with a man or ever had a regular sexual partner. *WHO Multi-country Study*, 2005 at 15 and 45; *MoHSS, WHO Study in Windhoek*, 2004 at 3.

<sup>73</sup> *WHO Multi-country Study*, 2005 at 30.

<sup>74</sup> *Id* at 31.

<sup>75</sup> *Ibid.* As noted in the text, the lifetime prevalence of sexual violence in the various countries studied ranged from 6% to 59%.



## WHO study: Definitions

### Physical violence by an intimate partner

- was slapped or had something thrown at her that could hurt her
- was pushed or shoved
- was hit with a fist or something else that could hurt
- was kicked, dragged or beaten up
- was choked or burnt on purpose
- perpetrator threatened to use or actually used a gun, knife or other weapon against her.

### Sexual violence by an intimate partner

- was physically forced to have sexual intercourse when she did not want to
- had sexual intercourse when she did not want to because she was afraid of what partner might do
- was forced to do something sexual that she found degrading or humiliating.

### Physical violence in pregnancy

- was slapped, hit or beaten while pregnant
- was punched or kicked in the abdomen while pregnant.<sup>76</sup>

Overall, more than one-third of ever-partnered women in the Namibian sample (36%) had experienced physical or sexual violence (or both) from an intimate partner at some point in their lives, with 20% experiencing such violence during the 12 months prior to the survey.<sup>77</sup> Most women who had experienced sexual violence had also experienced non-sexual forms of physical violence.<sup>78</sup> Indeed, there was a particularly traumatising relationship between the two for many women; almost 20% of the women who were physically abused reported that their partners demanded sexual intercourse immediately after non-sexual physical violence, sometimes while they were still in pain from the preceding abuse.<sup>79</sup>

## Examples of degrading and humiliating sexual acts

*Examples of degrading acts mentioned by women... included partners watching pornographic movies and then expecting them (the women) to perform degrading and humiliating sexual acts, which they interpreted as being perverted and sinful. Another common complaint by women was that their husbands and partners compared them with other women. Some women even reported the humiliation of a partner bringing another sexual partner into the home.*

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, 2004 at 20

<sup>76</sup> *Id* at 14.

<sup>77</sup> MoHSS, *WHO Study in Windhoek*, 2004 at xii.

<sup>78</sup> Of those who experienced sexual violence, more than two-thirds also reported physical violence. *Id* at 19.

<sup>79</sup> *Id* at 39.

In Namibia (as in about half of the countries studied), the prevalence of current violence was higher amongst women who were separated or divorced than amongst those who were still married.<sup>80</sup> Namibian women who were cohabiting with partners without being married to them also had a higher prevalence of violence than married women.<sup>81</sup>

Intimate partner violence affected all age groups, and recent violence was particularly prevalent amongst 15-24 year-olds.<sup>82</sup> More well-educated Namibian women were at less risk of intimate partner violence, but this held true only for those with education beyond the secondary school level. The explanation for this may be that more highly-educated women may tend to have more highly-educated partners, or that they may be better able to avoid violent partners because they have greater freedom of choice or more control of resources within the relationship. On the other hand, perhaps more well-educated women are simply more likely to hide experiences of abuse.<sup>83</sup>

*In Windhoek, one in three women reported experiencing physical or sexual violence from intimate partners at some point during their lifetimes. One in five women reported that they had experienced this form of violence from a partner within the past year.*

WHO Multi-country Study, 2005 at 33-34

**TABLE 3**

Physical and sexual intimate partner violence against women in Windhoek, 2001		
Violence by intimate partner	Percent women experienced in lifetime	Percent women experienced in previous 12 months
<b>Physical violence</b>	<b>31%</b>	<b>16%</b>
Slapped or threw something at you	24%	12%
Pushed or shoved you	17%	10%
Hit you with fists or with something else that hurt you	16%	8%
Kicked you, dragged you or beat you	11%	6%
Choked or burnt you on purpose	4%	2%
Threatened to use or actually used a gun, knife or other weapon against you	7%	3%
<b>Sexual violence</b>	<b>17%</b>	<b>9%</b>
Physically forced to have sex	13%	7%
Had sex because afraid of what partner may do	10%	6%
Forced to perform humiliating or degrading sex act	6%	3%
Any of these forms of physical or sexual violence	36%	20%
<b>Both physical and sexual violence</b>	<b>11%</b>	<b>not stated</b>

**Source:** Based on MoHSS, *WHO Study in Windhoek*, 2004, Figure 5.3.2, Table 5.3.1 and Table 5.3.2 at 19-20. See also *WHO Multi-country Study*, 2005, Table 4 at 178, Figure 4.2 at 29 and Table 4.2 at 31 for comparisons with the figures from other countries.

Women who reported physical violence by an intimate partner were asked whether their partner's acts had resulted in injuries, defined for respondents as "any form of physical harm, including cuts, sprains, burns, broken bones or broken teeth, or other things like this".

<sup>80</sup> WHO Multi-country Study, 2005 at 33; MoHSS, *WHO Study in Windhoek*, 2004 at 24.

<sup>81</sup> MoHSS, *WHO Study in Windhoek*, 2004 at 24.

<sup>82</sup> *Id* at 22.

<sup>83</sup> WHO Multi-country Study, 2005 at 33-34.

Respondents who reported injuries were asked questions about the frequency and types of injuries and whether they sought medical attention.<sup>84</sup> In Namibia, **almost one-third (30%) of women who had experienced physical or sexual violence from an intimate partner reported that they had suffered physical injuries from this violence.**<sup>85</sup> **One in five of the injured women (20%) reported that they had been injured by an intimate partner on more than five occasions.**<sup>86</sup>

Many of these injuries were serious. About 23% of the injured women had been knocked unconscious by an intimate partner, and 8% had lost consciousness for more than one hour. Two-thirds of the injured women (66%) had sought medical attention for their injuries, and 32% of this group had spent at least one night in hospital. Namibian women tended to report higher percentages of serious injuries than women in the other countries studied. Interestingly, 62% of those who sought medical help told health care personnel the reason for the injury.<sup>87</sup>

Furthermore, **10% of the Namibian respondents reported that their partners had either tried or threatened to kill them.**<sup>88</sup>

*A woman I know was recently killed by her live-in partner. Now I am very fearful and hardly sleep at night. I keep watch because when my partner is drunk or has smoked marijuana, he sharpens his knife before going to bed. He regularly warns me that he will kill me if I leave him, or do not please him in any way.*

Woman interviewed in Namibia,  
WHO Multi-country Study, 2005 at 33

The WHO researchers also asked women who had ever been pregnant about physical violence by their partners during the pregnancy. **Of those women in the survey 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.<sup>89</sup> Looking only at women who had suffered other physical violence from their partners, 18% reported being beaten during a pregnancy. Of women who had been beaten both before and during pregnancies, about 20% reported that the beating worsened during their pregnancies.<sup>90</sup>

**TABLE 4**

Types of injuries reported by women in Windhoek ever injured by intimate partner violence, 2001	
Injury	Percent of women reporting lifetime injury from domestic violence
Minor injuries (bruises, abrasions, cuts, punctures, and bites)	94%
Sprains or dislocations	11%
Burns	6%
Deep cuts	17%
Eye or ear injuries	44%
Broken bones	19%
Broken teeth	9%
Other injuries	10%

Source: WHO Multi-country Study, 2005, Table 7.4 at 58

<sup>84</sup> *Id* at 57.

<sup>85</sup> MoHSS, WHO Multi-Country Study in Windhoek, 2004 at 31.

<sup>86</sup> *Ibid.*

<sup>87</sup> WHO Multi-country Study, 2005 at 57-58; MoHSS, WHO Multi-Country Study in Windhoek, 2004 at 32. The locally-published study reports that 62% of the injured women (rather than 66%) had sought medical assistance for their injuries.

<sup>88</sup> WHO Multi-country Study, 2005 at 77.

<sup>89</sup> MoHSS, WHO Multi-Country Study in Windhoek, 2004 at 21.

<sup>90</sup> WHO Multi-country Study, 2005, Table 8.3 at 66-67.

Partners who were violent towards pregnant women were usually the fathers of the unborn child. Reasons suggested by female Namibian informants for such behaviour included men's perceptions that their partners were not sexually attractive during pregnancy, men feeling threatened by the coming child or male fears of the coming responsibility.<sup>91</sup>

*...from his angry utterances, I gather that he finds me unattractive while pregnant. He finds me sexually uncomfortable because of my large tummy, and he says I am sloppy. It is not true. I look after my appearance.*

MoHSS, WHO Study in Windhoek, 2004 at 21

The WHO study further collected information on “*emotionally abusive behaviour*”. Looking at all the countries studied, between 20% and 75% of women had experienced one or more of the emotionally abusive acts they were asked about during their lifetimes, and between 12% and 58% of women had such an experience within the 12 months prior to the interview. In Namibia, 34% of ever-partnered respondents had experienced one or more emotionally abusive acts, and 19% had experienced this within the last 12 months – with the most common form of emotional abuse being insults.<sup>92</sup> The study cautioned that there is a relative scarcity of research on emotional abuse, and in particular very little methodological work to explore the best means to elicit and measure such experiences.<sup>93</sup> As previously noted, almost 20% of the women who suffered intimate partner violence reported that their partners demanded sex immediately after other form of physical violence, which resulted in severe emotional trauma for the women in question.<sup>94</sup>

The WHO study additionally examined “*controlling behaviour*”, which was not defined as a form of “*violence*”. The proportion of women who reported such behaviour ranged from 21% to 90%. Namibia was once again in the mid-range, with about 49% of ever-partnered women reporting that they had experienced at least one of these controlling behaviours, and 14% reporting that they had experienced four or more of these behaviours from their partner.<sup>95</sup> In Namibia (and in every country studied), such controlling behaviours by an intimate partner were often found to accompany physical or sexual violence.<sup>96</sup>

## WHO study: Definitions

### Emotionally abusive behaviour by an intimate partner

- being insulted or made to feel bad about oneself
- being humiliated or belittled in front of others
- being intimidated or scared on purpose
- being threatened with harm (either directly or in the form of a threat to hurt someone the respondent cared about).<sup>97</sup>

<sup>91</sup> MoHSS, WHO Multi-Country Study in Windhoek, 2004 at 21.

<sup>92</sup> WHO Multi-country Study, 2005, Table 4.3 at 34; see also discussion at 35.

<sup>93</sup> *Id.*, Table 4.3 at 34; see also discussion at 35.

<sup>94</sup> MoHSS, WHO Multi-Country Study in Windhoek, 2004 at 38-39.

<sup>95</sup> WHO Multi-country Study, 2005, Table 4.4 at 34.

<sup>96</sup> WHO Summary Report, 2005 at 10.

<sup>97</sup> WHO Multi-country Study, 2005 at 35.

### Controlling behaviour by an intimate partner

- keeping her from seeing her friends
- restricting contact with her family of birth
- insisting on knowing where she is at all times
- ignoring or treating her indifferently
- getting angry if she speaks with other men
- often accusing her of being unfaithful
- controlling her access to health care.<sup>98</sup>

TABLE 5

Emotionally abusive and controlling behaviour by intimate partners against women in Windhoek, 2001		
Behaviour by intimate partner	Percent women experienced in lifetime	Percent women experienced in previous 12 months
<b>Emotionally abusive behaviour</b>	<b>34%</b>	<b>19%</b>
Insulted or made to feel bad	30%	16%
Humiliated or belittled in front of others	15%	9%
Intimidated or scared on purpose	11%	7%
Direct or indirect threat of harm	9%	5%
<b>Controlling behaviour</b>	<b>51%</b>	<b>not reported</b>
Prevented her from seeing friends	19%	not reported
Restricted her contact with her family	8%	not reported
Insisted on knowing where she is at all times	39%	not reported
Ignored her or treated her indifferently	12%	not reported
Accused her of being unfaithful	17%	not reported
Got angry if she spoke with other men	31%	not reported
Controlled her access to health care	7%	not reported

Source: WHO Multi-country Study, 2005, Appendix, Table 7 at 180 and Tables 4.3-4.4 at 34-35

The WHO study did not interview men, but women who reported physical abuse by an intimate partner were asked if they had ever hit or physically mistreated a partner when he was not already hitting or physically mistreating them. In most of the countries studied, only a small proportion of women reported doing this; **in Namibia, only 9% of the women who were physically abused by their partners reported that they had initiated violence against their partners.**<sup>99</sup>

Abused women were also asked if they ever physically fought back against their partners. There was an enormous variation across countries here, with the women who answered yes to this question ranging from 6% to 79%. **In Namibia, 34% of women abused by their partners reported that they had fought back.** As in the other countries studied, women in Namibia were more likely to retaliate physically if they had suffered severe physical violence as opposed to more moderate physical violence.<sup>100</sup>

**The WHO study found that violence from an intimate partner is more common than violence perpetrated by someone else.** In Namibia, 43% of the respondents had experienced violence from someone in their lives – with 36% of total respondents reporting physical or sexual violence from an intimate partner, compared to 22% who reported experiencing such violence from someone *other than* an intimate partner.<sup>101</sup>

<sup>98</sup> WHO Summary Report, 2005 at 9.

<sup>99</sup> WHO Multi-country Study, 2005, Table 4.5 at 37 and discussion at 37-39, 76-77.

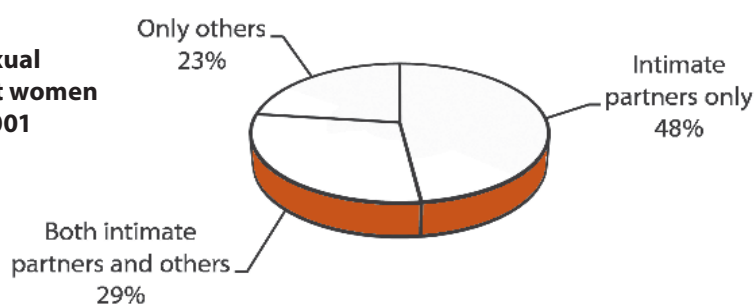
<sup>100</sup> *Id.*, Table 9.1 at 77 and discussion at 76.

<sup>101</sup> *Id.* at 46-48.

The fact that intimate partners are the primary source of women’s risk of violence makes the consequences of domestic violence distinctly different for women than for men, who are at greater risk of suffering violence from a stranger or an acquaintance.

*This differing profile has important implications for how best to focus anti-violence programmes aimed at women and men. Traditional criminal justice may be less well suited for dealing with violence against women because of the emotional and economic ties between victim and perpetrator. Likewise, people must realize that it is not generally true that the greatest risk to women comes from strangers approaching them on the street or breaking into their homes, but from people known to them.*<sup>102</sup>

**CHART 3: Perpetrators of physical and sexual violence against women in Windhoek, 2001**



Source: Based on WHO Multi-country Study, 2005, Figure 5.1 at 47

*The killing, maiming and blinding of women using guns, knives, pangas and other weapons are regularly reported in the press. Intimate partners are more often than not the perpetrators of such acts of violence.*

MoHSS, WHO Study in Windhoek, 2004 at 21

### 4.3.3 CIET-Soul City study of physical intimate partner violence in national sample (2002 data)

A 2002 survey across eight countries (Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe) questioned women and men aged 16-60 years about their experience of intimate partner violence of a physical (but not sexual) form during the 12 months prior to the survey. Urban and rural women and men were surveyed in each country in proportions based on national populations, with 1167 men and 1465 women being interviewed in Namibia (out of more than 20 000 people interviewed in total).<sup>103</sup>

<sup>102</sup> *Id* at 48.

<sup>103</sup> 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, Table 2; available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)>.

The purpose of the study was to establish baseline data for assessing the impact of various media interventions on sexual behaviour and HIV/AIDS produced by Soul City and supplied to eight southern African countries (Botswana, Swaziland, Lesotho, Mozambique, Malawi, Namibia, Zambia and Zimbabwe). CIET (the Centro de Investigación de Enfermedades Tropicales) was commissioned to conduct the study.

**Respondents were asked about physical violence only: they were asked if they had, in the last year, had violent arguments where a partner had beaten, kicked or slapped them. In Namibia, 15% of the men and 17% of the women surveyed answered ‘yes’ to this question.**

The CIET-Soul City figure of 17% for women is slightly lower than the 20% of ever-partnered women in the WHO study who reported physical violence from an intimate partner during the previous year; this could be attributable to the fact that the WHO study used a broader concept of physical violence, which included threats of physical violence as well as actual physical violence.

Taking all eight countries in the CIET-Soul City study together, 16% of men and 18% of women reported intimate partner violence in the previous year, placing Namibia in about the middle of the sample. The lowest rates of physical intimate partner violence came from Mozambique (9%) and Malawi (9%), and the highest from Zambia (32%).<sup>104</sup>

The gender gap in responses was negligible in Botswana, Lesotho, Namibia, Swaziland and Zimbabwe, whereas elsewhere women reported significantly more experiences of such violence than men. The researchers urged caution in interpreting the relative rates of violence suffered by women and men:

*We had no measure of severity or frequency of physical domestic violence, making it difficult to interpret the proportion of men and women who reported partner violence in the last year. Large studies in the UK and USA have reported similar proportions of partner violence for males and females, but found male on female violence to be more severe than female on male violence. It is quite possible that the same is true for southern Africa. The men we interviewed were at home during working hours and, in this respect at least, they may not be typical of all men in the eight countries. We also did not ask who initiated the altercation, so it is also possible these reports reflect women defending themselves from male-initiated violence. Even so, the finding is compatible with a degree of female agency in domestic physical violence and supports our conclusions from South Africa that initiatives against sexual violence should look beyond gender stereotypes of victims and villains.<sup>105</sup>*

Little difference was found between the responses of urban and rural residents. There was no significant connection between the occurrence of intimate partner violence and education, household size or household income. However, **income discrepancies within a household were correlated with higher levels of physical violence. Also, persons who had multiple sexual partners were more likely to have been involved in violent altercations with a partner** – and both males and females who reported physical partner violence were significantly more likely to believe they were at risk of contracting HIV than those who had not experienced such violence.

About 70% of the men and 73% of the women said that they considered domestic violence to be a serious problem in their community. In a more hopeful vein, 56% of the men and 58% of the women thought that their community had the power to do something about this problem. However, many respondents had never spoken to anyone about the issue. This is problematic, as wider discussion could influence social norms.

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<sup>104</sup> *Id.*, Tables 3-4.

<sup>105</sup> *Id.* at “Discussion” [footnotes omitted].

TABLE 6

Physical violence by intimate partners during 12 months prior to survey, 2002									
Finding	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
% who had, in the last year, had violent arguments where a partner beat, kicked or slapped the respondent, of those who answered	21% men	12% men	6% men	8% men	15% men	21% men	27% men	17% men	<b>16% men</b>
	19% women	16% women	11% women	11% women	17% women	21% women	36% women	17% women	<b>19% women</b>
% who said they had not spoken with anyone about gender violence in the last year	66% men	57% men	64% men	69% men	59% men	65% men	60% men	46% men	<b>60% men</b>
	71% women	52% women	72% women	70% women	55% women	60% women	60% women	48% women	<b>61% women</b>
% who consider violence against women a serious problem in their community	82% men	60% men	69% men	64% men	70% men	65% men	56% men	47% men	<b>64% men</b>
	81% women	62% women	70% women	59% women	73% women	68% women	61% women	53% women	<b>66% women</b>
% who said their community can do something about violence against women	77% men	64% men	58% men	56% men	56% men	59% men	43% men	57% men	<b>58% men</b>
	75% women	63% women	45% women	50% women	58% women	55% women	45% women	52% women	<b>55% women</b>

Source: 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, Tables 3-4

Other forms of intimate partner violence (sexual, economic and psychological) were beyond the scope of the study.

A repeat survey across the same countries in 2007 reportedly produced similar overall results on the incidence of intimate partner violence, but these results do not seem to have yet been published.<sup>106</sup>

<sup>106</sup> Centro de Investigación de Enfermedades Tropicales (CIET), "10-Country Study 2007", unpublished data, as summarised in Neil Andersson, Anne Cockcroft and Bev Shea, "Gender-based violence and HIV: relevance for HIV prevention in hyperendemic countries of southern Africa", *AIDS* 2008, 22 (suppl 4):S73-S86 at S74:

*In a 2002 survey across eight countries (Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe) we found that 18% of women aged 16-60 years had experienced [intimate partner violence] in the past 12 months. In a repeat survey across the same countries in 2007, 18% of women had experienced [intimate partner violence] in the past 12 months...*

According to the CIET website:

*In 2002, a national sample of 3000 adult respondents in each country provided baseline household information about use of radio, television and print material to inform individual and community views around HIV/AIDS. In addition, around 9000 children and youth in each country completed a self administered questionnaire about knowledge, attitudes, objective norms, intentions to change, sense of agency, discussion habits and practices regarding sexual violence and HIV risk. In 2007, a follow-up survey covered a similar sample of adults and school-going youth in the eight countries, repeating the same questions and adding questions about knowledge of antiretrovirals as well as about exposure to the Soul City materials and other relevant programmes. Analysis compared outcomes in each country in those with and without exposure to Soul City materials, taking into account other exposures and related factors, as well as the outcomes in the baseline survey.*



## 4.3.4 SIAPAC study of physical intimate partner violence in eight regions (2007/2008 data)

A study conducted by the Social Impact Assessment and Policy Analysis Corporation (SIAPAC) in Kunene, Ohangwena, Otjozondjupa and Caprivi in 2007,<sup>107</sup> and extended to Erongo, Karas, Kavango and Omaheke in 2008,<sup>108</sup> found similar prevalence rates for physical and sexual violence against women by intimate partners as the WHO study.

The SIAPAC study, like the CIET-Soul City study, went beyond the WHO survey by including men as well as women. The SIAPAC sample included 210 people aged 18-49 in each of the eight regions studied, for a total sample of 1680 persons – half men and half women.<sup>109</sup> Respondents who reported having a partner since 2000 were asked how often they had experienced various forms of physical, sexual and emotional violence from their most recent partner, with the possible answers being “never”, “rarely”, “sometimes” and “often”.<sup>110</sup> Although the SIAPAC study uses the term “gender-based violence” throughout, respondents in this part of the study were actually asked only about “intimate partner violence”.<sup>111</sup>

The criteria used for measuring physical and sexual violence were very similar (although not entirely identical) to those used in the WHO study.<sup>112</sup> However, before making comparisons between these two studies, it is important to note two methodological differences between them:

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The CIET website also says that findings from the surveys have been discussed in workshops in each country and publications based on the data from the surveys are in preparation. It notes that partial results of the 2002 baseline study were published in the online journal BMC Women’s Health, which is the source of the information presented here. See <[www.ciet.org/en/documents/projects/20062816457.asp](http://www.ciet.org/en/documents/projects/20062816457.asp)>.

It should be noted that CIET is also in the process of conducting a study in Botswana, Namibia and Swaziland on the impact of focusing local AIDS prevention on the “choice-disabled”, especially the victims of gender-based violence; “*The idea is that reducing gender-based violence and openly questioning the culture of gender-based violence will reduce HIV transmission directly and indirectly.*” <[www.ciet.org/en/project/southern-africa-aids-prevention-through-reduced-choice-disabili/](http://www.ciet.org/en/project/southern-africa-aids-prevention-through-reduced-choice-disabili/)>.

<sup>107</sup> 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 Child Welfare, 2007 (hereinafter “SIAPAC 2007”).

<sup>108</sup> 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 (hereinafter “SIAPAC 2008”). The 2008 report combines the data for all eight regions. The cover of SIAPAC 2008 is dated 2008, although the title page says that it was printed in 2009. The data for this two-part study was collected in 2007/2008, so the combined information will be labelled as coming from “2007/2008”.

<sup>109</sup> SIAPAC 2008 at 3, 5.

<sup>110</sup> Any answer other than ‘never’ was taken to mean that the form of violence being asked about had been experienced. SIAPAC 2007 at 79.

<sup>111</sup> For this portion of the study, respondents were asked: “*In your relationship, has your most recent spouse/partner ever tried to do any of the following...*”. *Id* at 79.

<sup>112</sup> The minor differences are highlighted in Table 10 at page 93.

- (1) The SIAPAC study time frame was different from that used for the WHO study. The SIAPAC researchers asked all respondents who had an intimate partner at any time since 2000 to respond to detailed questions on violence by the most recent partner. Thus, the possible time frames covered in the answers could have differed from respondent to respondent, spanning anything from less than a year up to a period of seven or eight years (from 2000 to the time of the interviews in 2007 and 2008).<sup>113</sup> In contrast, the WHO study asked respondents about (a) lifetime violence and (b) violence during the last 12 months – in other words, the WHO researchers asked about one period which could vary from respondent to respondent and one fixed period.
- (2) The SIAPAC study calculated percentages with reference to all respondents, in contrast to the WHO study which calculated percentages only for ever-partnered respondents.

Therefore, although both studies asked almost identical questions about physical and sexual abuse, the two studies are not directly comparable.

Nevertheless, taking physical and sexual violence together, the findings of the SIAPAC study were similar to those in the WHO study: **34% of all respondents had been subject to physical or sexual violence from a partner at some point during the previous seven or eight years (41% of the female respondents and 28% of the male respondents).**<sup>114</sup> In other words, the SIAPAC study found that the number of respondents who had experienced physical or sexual violence from their current or most recent partner at some time within the last seven years was about halfway between 1 in 2 and 1 in 3 for women and a little more than 1 in 4 for men, compared to the WHO finding that slightly more than 1 in 3 women had experienced physical or sexual violence from an intimate partner in their lifetimes. **Females were more likely than males to say that the violence in question occurred “often”.**<sup>115</sup>

As in the WHO study, respondents in the SIAPAC study experienced higher levels of violence if they had lower levels of education.<sup>116</sup> The SIAPAC study found that married women were more likely to have been subjected to physical or sexual violence than single females (some 40-50% for married women versus 30-33% for single women).<sup>117</sup> It noted that this finding is consistent with comments in focus group discussions that such violence arises in part from “*male attempts to assert control over wives*” in situations where they perceive themselves as having less control.<sup>118</sup> All of the groups reportedly felt that wives’ attitudes towards their husbands had changed over time, with the result that they were “*punished*”.<sup>119</sup>

<sup>113</sup> Respondents were asked only a few questions about violence during the past 12 months, focussing primarily on injuries sustained and responses to the violence. See SIAPAC 2007, Table A133-A135, Annex at A35-36 and main report at 86-88.

<sup>114</sup> SIAPAC 2008 at 61. The SIAPAC study treats sexual violence as a component of physical violence, and unlike the WHO study, does not report separate percentages for non-sexual physical violence and sexual violence. It does give information on various different manifestations of non-sexual physical violence and sexual violence (see for example SIAPAC 2008, Table 7 at 62 and SIAPAC 2007, Table 6 at 81), but the published data does not indicate the degree of overlap between these categories.

<sup>115</sup> See SIAPAC 2008 at 63; SIAPAC 2007, Table 6 at 81.

<sup>116</sup> In the 2008 study, 47% of those with low levels of education were subject to physical violence, compared to 38% for those with higher levels of education. SIAPAC 2008 at 63.

<sup>117</sup> SIAPAC 2008 at 63; SIAPAC 2007 at 80-82. SIAPAC 2008 gives one set of figures for all eight regions studied at 63 (51% of married women versus 33% of single women) and a different set of figure for all eight regions at 61 (41% of married women versus 30% of single women). This discrepancy is not noted or explained in the report. SIAPAC 2007 at 80 gives the following figures for the first four regions studied: 42% of married women versus 31% of single women.

<sup>118</sup> SIAPAC 2008 at 61.

<sup>119</sup> *Id* at 63.

TABLE 7

Physical and sexual violence by most recent intimate partner in 7-8 years prior to survey in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008		
Form of physical / sexual violence by most recent intimate partner between 2000 and 2007/2008 survey	Percent men	Percent women
<b>Physical violence</b>		
Slapped you or threw something at you that could hurt	16%	35%
Pushed you, shook you, or threw something at you	16%	30%
Hit you with fists or with something else that hurt you	11%	24%
Kicked you, dragged you or beat you up	6%	23%
Choked or burned you on purpose	5%	8%
Threatened to use or actually used a gun, knife or other weapon against you	8%	11%
<b>Sexual violence</b>		
Physically forced you to have sex when you did not want to	9%	20%
Threatened you so that you felt you had to have sex or be harmed	9%	15%
Ever forced you to do something sexual against your will that you found degrading or humiliating	9%	14%
<b>Any of these forms of physical or sexual violence</b>	<b>28%</b>	<b>41%</b>

Source: SIAPAC 2008, Table 7 at 62, and summary percentages at 61

The level of violence during pregnancy was found to be much higher in the SIAPAC study than in the WHO study, with SIAPAC reporting that **almost 18% of the women interviewed 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).**<sup>120</sup>

Almost 10% of respondents reported that they had experienced some physical form of intimate partner violence, and suffered injuries as a result, during the year prior to the survey. There was a large discrepancy between male and female respondents in this respect – with 16% of females reporting injuries from domestic violence in the past year compared to less than 4% of males.<sup>121</sup>

Although the SIAPAC reports provide details on the frequency and severity of injuries, they unfortunately do not report these details in gender-disaggregated fashion. **Of the almost 10% of respondents who reported injuries from intimate partner violence, about 1 in 5 had been injured three to five times and another 1 in 5 on six or more occasions.** More than one-third had lost consciousness because of such an injury.<sup>122</sup> Bruises, scratches

<sup>120</sup> *Id* at 63; see also SIAPAC 2007 at 82. A corresponding account comes from a woman interviewed for a student study in Northern Namibia in 2008, who reported becoming pregnant as a result of being forced by her boyfriend to have sex, being physically attacked during the pregnancy, leaving the boyfriend and then becoming pregnant by him a second time when he raped her again after the birth of the first child:

*N experienced abuse by her boyfriend. When she insisted [on] the use of condoms he started to beat her and forced her to have sex. When she was pregnant she finally went to the police. They came and tried to assist her, but afterwards her boyfriend took [an] iron bar and pressed it on her neck because he wanted to find out if she had contact with other men. Consequently, she moved into her own apartment and her boyfriend had no right to approach her. But when she informed him of the birth of their common child he came to visit her, kicked the door and raped her again. Now she is pregnant with the second child.*

Dora Borer, “Gender based violence in northern Namibia: An enquiry on perception, experiences and networks”, Institute for Social Anthropology, University of Basel (unpublished student paper), 2008 at 11-12.

<sup>121</sup> SIAPAC 2008 at 64; see also SIAPAC 2007 at 86. Almost all respondents who had experienced intimate partner violence in the year prior to the survey had been injured by this violence in one way or another. SIAPAC 2007 at 87; see also SIAPAC 2008, Figure 27 at 65.

<sup>122</sup> SIAPAC 2008 at 65 (19.6% had been injured three-five times, and 18.1% six or more times; 34.6% had lost consciousness; and 31.1% had seen a health worker); see also SIAPAC 2007, Table A134, Annex at 35.

and abrasions were the most common injuries reported, followed by cuts and bites, and a group of more serious injuries: broken eardrums, broken noses, eye injuries, broken jaws, broken teeth and similar injuries. Other injuries reported included deep cuts and gashes, as well as broken bones and burns.<sup>123</sup> More than one-third of those with injuries had sought medical attention, and about 42% of that group had been required to spend a night in a health facility.<sup>124</sup> Injuries seem to inspire action, as 44% of the injured respondents had at some stage left because of the violence.<sup>125</sup> About two-thirds of the injured respondents reported that their partner had been drinking at the time when the violence resulted in injury.<sup>126</sup>

Even though the SIAPAC study found that both women and men experience physical forms of domestic violence, it also determined that violence directed against women is generally more severe than violence against men;<sup>127</sup> four times more women than men reported injuries from intimate partner violence during the year prior to the survey.<sup>128</sup> This finding supports research findings in other countries that male-on-female violence is generally more severe in nature than female-on-male violence.<sup>129</sup> Furthermore, because women are often in more vulnerable financial and social positions than men, they may suffer more than men from the financial and emotional injury associated with intimate partner violence.

**TABLE 8**

Types of injuries from domestic violence during 12 months prior to survey in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008	
Type of injury	Percent of respondents who reported injury from domestic violence in the past 12 months
Scratches, abrasions, bruises	71%
Cuts or bites	49%
Broken eardrum, broken nose, eye injuries, broken jaw, related injury, teeth	36%
Penetrating injury, deep cuts, gashes	24%
Sprains, dislocations	14%
Burns	13%
Fractures, broken bones	7%

**Source:** Based on SIAPAC 2008, at 65 and 62; see also SIAPAC 2007, Table A136, Annex at 36

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.<sup>130</sup> In fact, the study found that much of women’s violence against men appears to be “women striking back” at a violent partner.<sup>131</sup>

Emotional violence by intimate partners was the most common form of domestic violence in the SIAPAC study. The criteria used in the SIAPAC study to measure “emotional violence” are a combination of the criteria used in the WHO study to define “emotionally

<sup>123</sup> SIAPAC 2008 at 65; see also SIAPAC 2007, Table A136, Annex at 36.

<sup>124</sup> SIAPAC 2008, Table A135, Annex at A63; see also SIAPAC 2007, Table A135, Annex at 36.

<sup>125</sup> SIAPAC 2008 at 65; see also SIAPAC 2007, Table A135, Annex at 36.

<sup>126</sup> SIAPAC 2008 at 65; see also SIAPAC 2007, Table A134, Annex at 35.

<sup>127</sup> SIAPAC 2008 at 67; SIAPAC 2007 at 90.

<sup>128</sup> SIAPAC 2008 at 64; SIAPAC 2007 at 86.

<sup>129</sup> See 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, at “Discussion”; available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)> .

<sup>130</sup> SIAPAC 2008 at 65; see also SIAPAC 2007 at Table A137, Annex at 36. Unlike the WHO study, the SIAPAC study did not differentiate between defensive violence and violence initiated in the absence of a violent act by the partner.

<sup>131</sup> SIAPAC 2008 at 67; SIAPAC 2007 at 89.

*abusive behaviour*” and *“controlling behaviour”*, with one major difference: the SIAPAC study substitutes *“failing to trust one’s partner with money”* for *“controlling access to health care”*.<sup>132</sup> The SIAPAC study found that 59% of all respondents had experienced emotional violence from their most recent partner since 2000 – with the percentages being about the same for male respondents and female respondents.<sup>133</sup>

**TABLE 9**

<b>“Emotional violence” by most recent intimate partners in 7-8 years prior to survey in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008</b>		
<b>Form of “emotional violence” by most recent intimate partner between 2000 and 2007/2008 survey</b>	<b>Percent men</b>	<b>Percent women</b>
Kept you from seeing same sex friends	28%	25%
Kept you from contacting your birth family	10%	9%
Insists on knowing where you are all the time	60%	56%
Ignores you and treats you with indifference	29%	31%
Does not trust you with money	30%	35%
Gets angry if you speak to someone of the opposite sex	56%	58%
Is often suspicious that you are unfaithful	51%	52%
Insulted you or made you feel bad about yourself	29%	37%
Belittled or humiliated you in front of other people	17%	27%
Did things to scare you or intimidate you on purpose	24%	30%
Threatened to hurt you or someone you care about	17%	27%
<b>Any of these forms of “emotional violence”</b>	<b>59%</b>	<b>60%</b>

**Source:** Based on SIAPAC 2008, Table 7 at 62; see also SIAPAC 2007, Table 6 at 81

It should be noted that the criteria used for *“emotional violence”* in the SIAPAC study were very broad (see the box on the next page) – and in fact much broader than the definition of emotional, verbal or psychological abuse in the Combating of Domestic Violence Act, which requires a pattern of *“degrading or humiliating conduct”*. To give one concrete example, the SIAPAC study counts it as emotional violence if the partner *“is often suspicious that you are unfaithful”* – while the Combating of Domestic Violence Act requires *“the repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant’s, or the complainant’s dependant or family member’s privacy, liberty, integrity or security”*.<sup>134</sup>

***One-third (34%) of all respondents had experienced physical gender-based violence... Emotional violence affected 59% of all respondents...***

SIAPAC 2008 at xiv

<sup>132</sup> SIAPAC 2007 at 81.

<sup>133</sup> SIAPAC 2008 at 61 (59.5% for female respondents compared to 58.5% for male respondents); see also SIAPAC 2007 at 81. The WHO study found that 34% of women had experienced *“emotionally abusive behaviour”* by an intimate partner during their lifetimes, and 49% of women had experienced *“controlling behaviour”* in their lifetimes. *WHO Multi-country Study, 2005* at 34-35. However, it is not possible to make a meaningful comparison between the two sources of data because of the slightly different criteria used to measure this form of violence, and because it is not possible in the WHO study to see the overlap in the two categories of behaviours, and not possible in the SIAPAC study to disaggregate the two categories of behaviours used by WHO.

<sup>134</sup> Combating of Domestic Violence Act 4 of 2003, section 2(1)(g)(iii). In contrast, the WHO study asked about *“emotionally abusive behaviour”* and *“controlling behaviour”*, but did not label these categories of behaviour as *“violence”*.

## SIAPAC study: Definition of emotional violence

Emotional violence was measured by asking respondents if their most recent partner has:

- kept them from seeing same sex friends
- kept them from contacting their birth family
- insisted on knowing where they are all the time
- ignored them or treated them with indifference
- failed to trust them with money
- gotten angry if they speak to someone of the opposite sex
- often been suspicious that they were unfaithful
- insulted them or made them feel bad about themselves
- belittled or humiliated them in front of other people
- done things to scare them or intimidate them on purpose
- threatened to hurt them or someone they care about.<sup>135</sup>

### 4.3.5 Congruity of the various studies

#### *Findings on women*

Despite their differences in timeframe and method of calculating statistics, there is a broad congruence between the findings of the various Namibian studies on intimate partner violence against women – the WHO study's finding that 36% of *ever-partnered women* in Windhoek (Khomas Region) experienced *lifetime* physical or sexual violence (2001) is similar to the SIAPAC finding that 41% of *all women respondents* experienced physical or sexual violence *in the seven-eight years prior to the survey* in eight Namibian regions excluding Khomas (2007/2008).

The CIET-Soul City study finding (2002) that 17% of *all women respondents* in a representative national sample had experienced *physical violence* by an intimate partner during the year prior to the survey is also consistent with the WHO finding (2001) that about 16% of *ever-partnered* women in Windhoek had experienced *physical violence* in the year prior to the survey, and with the SIAPAC finding (2007/2008) that 16% of *all women with regular partners* in eight Namibian regions had experienced *physical or sexual* intimate partner violence during the year prior to the survey.

**This broad congruity between the different studies of the incidence of intimate partner violence against women suggests that the WHO findings for Windhoek that 1 out of 3 Namibian women have experienced intimate partner violence in their lifetimes, and 1 out of 5 in the last year, are probably broadly valid estimates for the entire country – although the SIAPAC study suggests that lifetime intimate partner violence for the entire country may be even higher than the WHO estimate of 1 in 3.**

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<sup>135</sup> SIAPAC 2007, Table 6 at 81.

TABLE 10

Comparative findings on specific types of physical and sexual intimate partner violence against women in WHO and SIAPAC studies				
WHO criteria	Percent ever-partnered women in Windhoek – 12 months prior to survey (WHO, 2001)	Percent ever-partnered women in Windhoek –lifetime (WHO, 2001)	SIAPAC criteria	Percent women respondents in eight regions – with reference to most recent intimate partner during 7-8 years prior to survey (SIAPAC 2007/2008)
<b>Physical violence</b>	<b>16%</b>	<b>31%</b>		<b>physical violence not totalled separately</b>
Slapped or threw something at you	12%	24%	Slapped you or threw something at you <b>that could hurt</b>	35%
Pushed or shoved you	10%	17%	Pushed you, <b>shook you, or threw something at you</b>	30%
Hit you with fists or with something else that hurt you	8%	16%	Hit you with fists or with something else that hurt you	24%
Hit with a fist or something else	6%	16%	<i>omitted</i>	<i>omitted</i>
Kicked you, dragged you or beat you	6%	11%	Kicked you, dragged you or beat you <b>up</b>	23%
Choked or burnt you on purpose	2%	4%	Choked or burned you on purpose	8%
Threatened to use or actually used a gun, knife or other weapon against you	3%	7%	Threatened to use or actually used a gun, knife or other weapon against you	11%
<b>Sexual violence</b>	<b>9%</b>	<b>17%</b>		<b>sexual violence not totalled separately</b>
Physically forced to have sex	7%	13%	Physically forced you to have sex <b>when you did not want to</b>	20%
Had sex because afraid of what partner may do	6%	10%	<b>Threatened you</b> so that you felt you had to have sex or be harmed	15%
Forced to perform humiliating or degrading sex act	3%	6%	Ever forced you to do something sexual against your will that you found degrading or humiliating	14%
<b>Any of these forms of physical or sexual violence</b>	<b>20%</b>	<b>36%</b>	<b>Any of these forms of physical or sexual violence</b>	<b>41%</b>
<b>Both physical and sexual violence</b>	<b>not stated</b>	11%	<b>Both physical and sexual violence</b>	<b>not stated</b>

**Sources:** Summary of information presented above at pages 80 and 89; *WHO Study in Windhoek, 2004*; *WHO Multi-country Study, 2005*; *SIAPAC 2008*. The slight differences in the descriptions of the various types of violence are emphasised with boldface type. The SIAPAC study did not ask about the occurrence of specific types of violence during the 12 months prior to the survey.

## **Findings on men**

**The fewer figures available for men show less agreement.** It is difficult to compare the CIET-Soul City and SIAPAC findings on physical violence experienced by men, as the CIET-Soul City study examined only physical violence, while the SIAPAC study report did not disaggregate its findings for physical and sexual violence experienced by men. Thus, it is difficult to compare the Soul City finding that 15% of the male respondents in its national sample had experienced *physical violence* during the year prior to the survey with the SIAPAC finding that 28% of its male respondents in eight regions had experienced *physical or sexual* violence from their most recent partner in the previous seven or eight years, while at least 4% had experienced such violence in the year prior to the survey.

Furthermore, the SIAPAC researchers concluded on the basis of their entire set of information that most of the violence experienced by men in their sample was a result of women “*striking back*” – although this issue does not appear to be canvassed by the questionnaires used.<sup>136</sup> This in turn is difficult to correlate with the WHO finding that 9% of ever-partnered women who were physically abused by their partners reported that they had *initiated* violence against their partners, while 34% of the women had *fought back* against abusive partners.

There is clearly a need for more detailed investigation of intimate partner violence perpetrated against men.

## **Findings on sexual abuse**

**The findings on sexual violence in the various studies are difficult to compare because of their different methodologies.**

The 1998 study of spousal abuse discussed above, which involved 130 abused spouses from Lüderitz, Karasburg and Keetmanshoop, found that 25% of the interviewees reported that they had been forced to have sexual intercourse with their husbands against their will (keeping in mind that all of the interviewees were self-identified victims of some form of intimate partner violence).<sup>137</sup>

The WHO survey of women in Windhoek discussed above (based on data collected in 2001) found that 17% of ever-partnered women had experienced sexual violence from an intimate partner at some point in their lives, and 9% during the 12 months prior to the survey. Sexual abuse was usually combined with other forms of physical abuse. More specifically, looking at lifetime experiences:

- 13% of the partnered respondents had been physically forced to have sex;
- 10% had engaged in sex against their will because they were afraid of what their partner might do if they refused; and
- 6% had been forced to perform a sex act which they viewed as being degrading or humiliating.<sup>138</sup>

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<sup>136</sup> SIAPAC 2008 at 67; SIAPAC 2007 at 89.

<sup>137</sup> 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.

<sup>138</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 19-20; *WHO Multi-country Study*, 2005, Table 4.2 at 31.



The SIAPAC study did not report statistics on overall sexual violence separately from other forms of physical violence. Although it asked almost identical questions about sexual abuse as the WHO study, the two are not directly comparable because of their different methodologies;<sup>139</sup> however, the WHO findings on lifetime prevalence of various *specific forms* of sexual abuse for women in Windhoek follow a broadly similar pattern as the SIAPAC findings on the prevalence of these forms of sexual abuse for women in eight Namibian regions during the seven to eight years prior to the survey. Although the *pattern* is the same, the *percentages* of women who experienced these specific forms of sexual violence reported by SIAPAC for women in eight regions of Namibia (excluding Khomas) are significantly *higher* than those recorded by WHO for the same specific forms of sexual violence experienced by women resident in Windhoek (see Table 11 below).<sup>140</sup> This suggests that **the WHO finding that somewhat fewer than 1 out of 5 women have experienced some form of sexual abuse from an intimate partner is probably an underestimate.**

**TABLE 11**

<b>Comparative findings on specific types of sexual violence in the WHO and SIAPAC studies</b>				
	<b>Percent ever-partnered women in Windhoek – 12 months prior to survey (WHO, 2001)</b>	<b>Percent ever-partnered women in Windhoek – lifetime (WHO, 2001)</b>		<b>Percent women respondents in eight regions – with reference to most recent intimate partner during 7-8 years prior to survey (SIAPAC 2007/2008)</b>
<b>Sexual violence</b>	<b>9%</b>	<b>17%</b>		<b>not cumulatively totalled</b>
Physically forced to have sex	7%	13%	Physically forced you to have sex <b>when you did not want to</b>	20%
Had sex because afraid of what partner may do	6%	10%	<b>Threatened you</b> so that you felt you had to have sex or be harmed	15%
Forced to perform humiliating or degrading sex act	3%	6%	Ever forced you <b>to do something sexual against your will</b> that you found degrading or humiliating	14%

**Source:** Summary of information presented at page 93. It is not possible to determine the overall percentage of respondents who experienced any of the forms of sexual violence from the SIAPAC study because a single respondent could have experienced one, two or three of the listed forms of sexual abuse. The slight differences in the descriptions of the various types of violence are emphasised with boldface type.

<sup>139</sup> As previously explained, the SIAPAC study's time frame was different from that used for the WHO study, as it asked all respondents who had an intimate partner at any time between 2000 and the 2007/2008 survey to report on violence *by the most recent partner*. Thus, the possible time frames covered in the answers could have differed from respondent to respondent, spanning anything from less than a year up to a period of seven years (from 2000 to the time of the interviews in 2007). The SIAPAC study also calculated its percentages with reference to all respondents, in contrast to the WHO study which calculated percentages with reference only to ever-partnered respondents.

<sup>140</sup> See Table 11. This is particularly interesting given the differing methodologies – the SIAPAC methodology (calculating this statistic as a percentage of all women) as compared to the WHO methodology (calculating this statistic as a percentage of those women who had ever had an intimate partner) would, if it made any difference, have been likely to make the SIAPAC percentages smaller than the WHO percentages.

## 4.4 DOMESTIC VIOLENCE AGAINST CHILDREN

*...children's rights to life, survival, development, dignity and physical integrity do not stop at the door of the family home, nor do States' obligations to ensure these rights for children.*

*Report of the independent expert for the United Nations study on violence against children, UN General Assembly A/61/299, 29 August 2006 at paragraph 38*

### 4.4.1 General prevalence and profile

**Domestic violence against children is sometimes hard to identify because of differing cultural standards and expectations regarding acceptable parenting practices.** However, there seems to be general agreement across countries and cultures that very harsh disciplinary measures and sexual abuse of children are unacceptable.<sup>141</sup>

**Domestic violence against children is particularly likely to go unreported.** This is true in all countries. A recent United Nations study of violence against children cited a range of reasons for the hidden nature of such violence:

*One is fear: many children are afraid to report incidents of violence against them. In many cases parents, who should protect their children, remain silent if the violence is perpetrated by a spouse or other family member... Fear is closely related to the stigma frequently attached to reporting violence, particularly in places where family "honour" is placed above the safety and well-being of children...*

*Societal acceptance of violence is also an important factor: both children and perpetrators may accept physical, sexual and psychological violence as inevitable and normal. Discipline through physical and humiliating punishment, bullying and sexual harassment are frequently perceived as normal, particularly when no "visible" or lasting physical injury results...*

*Violence is also invisible because there are no safe or trusted ways for children or adults to report it. In some parts of the world, people do not trust police, social services or others in authority; in others, particularly rural areas, there is no accessible authority to which one can report...*<sup>142</sup>

**A small Namibian study of child abuse cases reported to the Windhoek Woman and Child Protection Unit found that children are often frightened to tell adults when they have been abused, out of fear that they will be accused of lying or blamed for the abuse. They also fear violent reactions.** Abuse, and particularly sexual abuse, may also raise conflicting emotions; children may have "a lingering fear of harming someone they loved – even if he had abused them, and guilt arising from feeling that they should have spoken out earlier or even because they enjoyed some aspects of the abusive situation

<sup>141</sup> World Health Organisation, *World Report on Violence and Health*, Geneva: WHO, 2002 at 59.

<sup>142</sup> *Report of the independent expert for the United Nations study on violence against children*, United Nations, A/61/299, 29 August 2006 at paragraphs 25-27 (citations omitted).

such as the attention, gifts or compliments”.<sup>143</sup> This study also found that children feared the trauma of taking the case to the police and the courts, especially knowing that the abuser might be released on bail or be acquitted. Dealing with the case at the family or community level was considered to be an alternative option, while simply “keeping quiet” was another response.<sup>144</sup>

Some abused children are taken to medical professionals for treatment, even if their cases never reach the police. A 1996 study commissioned by the Law Reform and Development Commission questioned 34 medical professionals (nurses, social workers and doctors) about suspected child abuse.<sup>145</sup> The medical professionals estimated that almost half of the children they treat may be victims of abuse.<sup>146</sup> Few children admitted to medical professionals that they had suffered abuse, but there was often medical evidence to indicate this, including injuries such as bruises which appeared to be from hitting or kicking, burns and cuts or stab wounds. Evidence of rape was also noted.<sup>147</sup>

Children themselves identify violence against children, and domestic violence in particular, as a key problem in Namibia. For example, in 2008, data from LifeLine/ChildLine Namibia indicated that “abuse and violence” was the second most common reason that children approached them for assistance (after general “requests for information”). About 17% of the almost 12 000 children who contacted this service by telephone or in person sought help with a problem related to “abuse and violence”. Another 3% sought assistance with “family relationships”.<sup>148</sup>

In a series of 26 focus group discussions held with Namibian children between the ages of 8 and 17 in four Namibian regions (Karas, Kavango, Kunene and Omaheke) in 2010, children were asked to list problems faced by children in Namibia, to rank the seriousness of these problems (“not serious”, “slightly serious”, “serious” or “very serious”) and then to estimate the number of Namibian children affected by the problem (“none”, “some”, “half”, “many” or “all”). Two of the top ten problems listed as “very serious” were “domestic violence” and “being physically abused”, and the children estimated that these problems are faced by more than half of all Namibian children.<sup>149</sup>

*In the focus groups that formed part of this analysis, children reported varying levels of abuse in the family. Sometimes the abuse is verbal, but it can escalate to physical abuse. One young girl indicated that she is beaten with a sjambok (horse whip); another said she is beaten with a shoe or has stones thrown at her; another girl said that her grandmother bit her once; another said she was once tied to a tree by*

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<sup>143</sup> 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.

<sup>144</sup> *Ibid.*

<sup>145</sup> 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, at 5-6. The information in this study should be treated with caution because of its small sample size and the speculative nature of the responses. (The qualitative study findings on domestic violence against women have not been included above since there is more recent and more reliable information on women.)

<sup>146</sup> *Id.*, Table 25a.

<sup>147</sup> *Id.*, Tables 22-23, 28, 31.

<sup>148</sup> Child Helpline International, *Connecting to Children: A compilation of child helpline 2008 data* (7<sup>th</sup> edition), Amsterdam: Child Helpline International, 2009 at 188 (<[www.childhelplineinternational.org](http://www.childhelplineinternational.org)>).

<sup>149</sup> National Planning Commission, *Children and Adolescents in Namibia 2010*, Windhoek: National Planning Commission, 2010 at 8 (methodology), 40, 119-121 (focus group discussion instrument).

her uncle and beaten. The incidence of beating a child seems commonplace. Young children in Opuwo all said they are beaten if they have not done their household chores or have stayed in the streets playing until late. However, they said they do not consider this to be child abuse because “it doesn’t happen every time and we are not badly beaten”.

Other forms of abuse leave children feeling sad or frightened and some have the feeling that they are not loved. Children in Omaheke reported having to sleep outside if they have done something wrong or have come home late. Pre-teen boys in Kunene said their fathers are always shouting at them for no apparent reason: “We never seem to do anything right in the eyes of our fathers.” Children spoke of neglect such as not providing adequate food, clothing or toiletries or only allowing them to bathe once or twice a week. The children saw not showing love or affection as the worst form of neglect.

In contrast, one group of pre-teen girls in Kunene said they have never been abused and they did not know of anyone who had been abused. But the extent and range of the comments highlights a need for wider education to both children and their parents on proper forms of punishment. It also highlights the degree to which some form of violence seems to be a part of the lives of many families.<sup>150</sup>

In a similar vein, almost 61% of the respondents in eight Namibian regions surveyed by SIAPAC in 2007/2008 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.<sup>151</sup>

As another indication of the scope of the problem, children’s court statistics show that in Windhoek alone an average of 237 children are removed from their homes annually for their own protection and placed by court order in alternative care.<sup>152</sup>

**TABLE 12**

Children found in need of care or protection in Windhoek, 2003-2008	
Year	Orders placing children in alternative care
2003	112
2004	223
2005	186
2006	216
2007	438
2008	226

Source: Statistics provided by Magistrate Horn, Windhoek Children’s Court, March 2009

One of the most frightening indicators of the problems faced by children is a finding about child suicide from a 2004 survey of 6367 Namibian learners in grades 7, 8 and 9, in 96 schools covering all 13 regions:<sup>153</sup> 32.2% had made a plan about how to attempt suicide during the previous year and an astonishing 36.6% of the learners surveyed said that they had attempted suicide one or more times during the previous year (with these proportions being similar for male and female learners).<sup>154</sup> The most commonly-cited reason for wanting

<sup>150</sup> *Id* at 42-43.

<sup>151</sup> SIAPAC 2008 at 63.

<sup>152</sup> Statistics provided by Magistrate Horn, Windhoek Children’s Court, March 2009. We were unable to obtain national statistics.

<sup>153</sup> Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008 at vi and 4. The intended sample was 7379 students in 100 schools, but only 95 schools participated and only 6367 usable questionnaires were completed.

<sup>154</sup> *Id* at 18-20, Table 3.5.2 at 19 and Table C.5.7 at 82-83. If weighted to allow for possible sampling biases, the results are even more shocking: 21% of the learners surveyed had seriously considered suicide during the previous year (a statistic for which no unweighted data is including in the published report), almost 36% had made a plan about how to commit suicide during the previous year and 42% had actually attempted suicide on one or more occasions during the previous year. Using the figures provided, there is a 95% probability that the true values for the answers to these questions lies between the following ranges: between 19.3% and 23.3% of students had seriously considered suicide during the previous year,

to commit suicide was “*I had family problems*”. The fourth most commonly-cited reason was “*I had boyfriend/girlfriend relationship problems*”.<sup>155</sup> While the “*problems*” referred to could have included many things, it is not unreasonable to assume in light of the other evidence cited that domestic violence was amongst the family and relationship problems referred to.<sup>156</sup>

***People, abuse can also happen in families. Abuse affects your self-confidence and sense of worth. It might cause you to fall into depression. You might even make excuses for this abuse behaviour and blame your self for the abuse. This can affect your school work and you might start using drugs or drinking alcohol, and you might want to kill yourself.***

learner contribution to *OYO Young, latest and cool magazine*, vol 9, no 6 (Nov-Dec 2010) at 3

***Families, defined widely, hold the greatest potential for protecting children from all forms of violence. Families can also empower children to protect themselves... But families can be dangerous places for children and in particular for babies and young children. The prevalence of violence against children by parents and other close family members – physical, sexual and psychological violence, as well as deliberate neglect – has only begun to be acknowledged and documented. Challenging violence against children is most difficult in the context of the family in all its forms. There is a reluctance to intervene in what is still perceived in most societies as a ‘private’ sphere. But human rights to full respect for human dignity and physical integrity – children’s and adults’ equal rights – and State obligations to uphold these rights do not stop at the door of the family home.***

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 at 47

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between 32.6% and 39.2% of students had made a plan about how to commit suicide during the previous year and between 36.6% and 47.2% of students had actually attempted suicide on one or more occasions during the previous year. *Id* at 67 (Q32, Q34 and Q35) and 64-65 (explanation of weighting procedures, sampling errors and confidence intervals). See also Table C.5.7 at 82-83.

All of the questions about suicide were asked of all the students surveyed. See David W Brown et al, “Bullying among youth from eight African countries and associations with adverse health behaviours”, 2(3) *Pediatric Health* 289 (2008) at 293.

<sup>155</sup> *Id* at 19 (Table 3.5.2). The second most commonly-cited reason was “*I was/fell pregnant*”, followed by “*I was not doing well at school*”. Concerns about HIV or other diseases came fifth. Family problems were the foremost problem for girls (12.4%), while this concern was slightly outweighed for boys (8.7%) by concerns about pregnant girlfriends (9.3%).

<sup>156</sup> One analysis examined virtually identical surveys administered in 2003 or 2004 in Namibia, Swaziland, Uganda, Zambia and Zimbabwe. Considering all five countries together, almost a quarter of the children (24%) reported having considered suicide and 29% reported having planned suicide during the 12 months preceding the survey. David W Brown et al, “Exposure to physical and sexual violence and adverse health behaviours in African children: results from the Global School-based Student Health Survey”, 87 *Bulletin of the World Health Organisation* 447 (2009) at 450.

Similarly, looking at surveys administered in 2003, 2004 or 2006 in eight African countries together (Kenya, Morocco, Namibia, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe), about one-fifth of the children (20-22%) reported having considered suicide and 22% reported having planned suicide during the 12 months preceding the survey. David W Brown et al, “Bullying among youth from eight African countries and associations with adverse health behaviours”, 2(3) *Pediatric Health* 289 (2008) at 295.

## Examples of domestic violence by parents against children

**Father on trial for baby rape and murder:** A father who is accused of perpetrating shocking crimes against his twin children denied it all in the High Court in Windhoek this week. ... He is on trial on a count of murder, two counts of rape, and three charges of assault with intent to do grievous bodily harm. His twin children – a boy and a girl who were five months old at the time of the events that landed their father in the dock – are at the centre of the charges... The prosecution is alleging that the man raped both children at his home in the Otjimbingwe area in the Erongo Region on June 10, 2007. He is further accused of having murdered the boy by assaulting him on the same day, after which the boy died at Usakos State Hospital on June 18, 2007. The man assaulted the boy by shaking him, throwing him onto the ground, biting him and hitting him, the State is alleging... The father is also accused of having assaulted the children between March 2007 and June 2000, and of having assaulted their mother, with whom he was in a relationship, in the period from March 2006 to June 2007.

Werner Menges, *The Namibian*, 19 January 2012

**Father charged with cutting kids' throats:** A 26-year-old Windhoek resident is facing a lengthy period in Police custody after being charged with murdering his two children on Christmas Eve... He is accused of murdering his two children, Matheus Shinana, aged six, and his four-year-old daughter, Emilia Naatye Shinana, at their home in Wanaheda on the morning of that day by slitting [their] throats with a knife. According to the Police, it is suspected that difficulties in the relationship between Shinana and the children's mother led to the double killing. Having allegedly killed the children, Shinana is claimed to have tried to commit suicide by hanging himself [but was rescued].

Werner Menges, *The Namibian*, 5 January 2010

**Mother admits she drowned her 3 children:** A mother accused of killing her three children [aged 9 years, 4 years and 4 months] by drowning them in a well in the Eenhana district almost a year ago pleaded guilty to three charges of murder in the High Court at Oshakati yesterday. Her decision to kill her own children was triggered when the children's father abandoned her and the children after she had been diagnosed with a serious illness... "I know I have sinned by taking three innocent lives but at the time I thought it was better for all of us to go," the 30-year-old Hangula stated [in the] plea explanation.

Werner Menges, *The Namibian*, 18 April 2007

**Child strangled to death:** A 20-year-old woman appeared in the Okahao Magistrate's Court on Monday after she had allegedly strangled her two-year-old daughter to death at a village in Ombalantu. Police report that the child's grandmother discovered her body on a bed last Monday night. The mother, Rebekka Shekuza, was arrested and charged with the murder on Thursday.

*The Namibian*, 5 April 2007

**Father held for son's murder:** A 35-year-old man was arrested at a village in the Oshana Region yesterday, after becoming the prime suspect in the death of his 7-year-old son who was murdered on Tuesday. [Police say] the boy, Festus Kambonde, had been on his way to school when his father called him to accompany him to a nearby shop. The boy did as he was told, but while in the bush, his father allegedly put the barrel of a gun in his mouth and pulled the trigger. The suspect is then said to have gone home as though nothing had happened. Even when other schoolchildren attested to him taking the boy with him that morning, he denied it when his wife asked about the boy's whereabouts. [She] then contacted the Police, but before they could reach him, the suspect had fled. [He was arrested] yesterday... Rumours are circulating that [he] is suffering from a mental illness."

*The Namibian*, 27 January 2006

**Father murders three children:** Three small children [aged 7, 4 and 2] were strangled by their apparently jealous father in the Okakarara district on Friday after he had threatened to kill their mother because he suspected her of having an affair...

Werner Menges, *The Namibian*, 11 May 1998

## Examples of domestic violence by various family members against children

**Sibling violence:** “One day I was walking past a house when I noticed a boy telling a girl to get him a glass of water, and she refused. He told her again; he was older than her but she didn’t want to. He put his hands in his pockets and pulled out a knife. The girl ran away and he ran after her and stabbed her with the knife. The boy was very violent towards her, even though they were brother and sister.”

**Abuse by aunt:** “I have a friend who is treated badly by her mother’s sister. The girl has to clean the house and wash dishes, wash clothes, and bath the babies every day. Sometimes she even gets locked out of the house. She is beaten up and sometimes she sleeps in the streets. When it is the end of the month, the woman goes to town with her babies and the girl stays in the house.”

learner contributions to *OYO Young, latest and cool magazine*, vol 9, no 6 (Nov-Dec 2010) at 4, 5

**Pensioner jailed over grandchild murder:** A pensioner who was accused of murdering his seven-year-old granddaughter in northern Namibia in early 2007 has been sentenced to 22 years’ imprisonment at the end of his trial in the High Court at Oshakati... Haungeya was accused of killing his granddaughter, Hilma Ndahafa Hishidimbwa, by shooting her in the head with a revolver at Oneheke, a village in the Outapi district, on February 28 2007. Hishidimbwa (7) died the next day in the Oshakati State Hospital. Hishidimbwa’s mother is one of Haungeya’s 18 children, the court heard during the trial. On the day of the incident, Haungeya was firing shots at a baobab tree, the court heard. Hishidimbwa was in the vicinity of a marula tree that was behind the baobab. Having heard the shooting, her mother, Lavinia Haungeya, went up to Haungeya and warned him about his granddaughter being behind the baobab that was being used as a target. An argument then ensued between Haungeya and his daughter, and she eventually decided that she would report the incident to the Police, the court heard. She was about 300 to 400 metres from the homestead where she and her daughter were living with Haungeya when she heard a shot. A child came running in her direction after that, and she heard that her daughter – who was her only child – had been shot.

Werner Menges, *The Namibian*, 23 June 2010

**9 years for child killer:** The broken and bruised body of a toddler was found to be the result of repeated child abuse by Benny Krohne, who was sentenced to nine years’ imprisonment in the Swakopmund Regional Court last week. The post-mortem report indicated that three-year-old Renaldo Daan’s body showed clear signs of continuous abuse. Bruises were found all over his face, chest, back, neck and legs. His death finally came by way of two fractured vertebrae and subsequent haemorrhage. Krohne was arrested on a charge of murder and two charges of assault with the intent to do grievous bodily harm, shortly after little Renaldo was found dead in his home in Mondesa, Swakopmund, on May 18 2003. Magistrate Gert Retief found Krohne guilty of culpable homicide, for which he will serve seven years in jail. He was sentenced to an additional one year’s imprisonment on each of the two assault charges. At the time, Krohne was engaged to the boy’s mother, Lena Daan, who was also a victim of violence at the hands of her fiancé. The second charge of assault on which Krohne was convicted was in connection with an attack on Lena Daan during which he slapped her in the face several times and poured hot coffee over her. She had withdrawn a previous charge of assault.

Elma Robberts, *The Namibian*, 13 February 2007

**Father confesses to killing stepson:** The stepfather of a baby whose body was found on the beach at Henties Bay has confessed that he was responsible for the murder of his stepson... He claimed earlier that he took the one-year-old boy, Clearence Xoagub, with him when he went fishing on Sunday a week ago. He told the Police that the boy was kidnapped by four men who attacked them on the beach and tried to force them into a taxi.

Elma Robberts, *The Namibian*, 8 March 2006

## 4.4.2 Domestic violence and child discipline

*Violence against children in the family may frequently take place in the context of discipline and takes the form of physical, cruel or humiliating punishment. Harsh treatment and punishment in the family are common in both industrialized and developing countries.*

*Report of the independent expert for the United Nations study on violence against children, United Nations, A/61/299, 29 August 2006 at paragraph 41 (citation omitted)*

**One conceptual difficulty with assessing the prevalence and incidence of child abuse is separating child discipline in the form of corporal punishment from domestic violence against children.**<sup>157</sup> It can be argued that any form of corporal punishment of a child should be classified as a form of domestic violence. However, Namibia still has a common-law defence of reasonable chastisement which could excuse what might otherwise be classified as assault by a parent against a child. However, even within this legal context, ‘disciplinary’ practices may in some cases be so severe as to be properly classified as domestic violence.

Internationally, the United Nations notes that studies from many countries in all regions of the world suggest that as many as 98% of children in the world suffer physical punishment in their homes, with at least one-third of children experiencing severe physical punishment resulting from the use of “implements”.<sup>158</sup> This study also notes that physically-violent ‘discipline’ is often accompanied by psychological violence, which can also take the guise of ‘discipline’:

*Physical violence is often accompanied by psychological violence. Insults, name-calling, isolation, rejection, threats, emotional indifference and belittling are all forms of violence that can be detrimental to a child’s psychological development and well-being — especially when it comes from a respected adult such as a parent. It is of critical importance that parents be encouraged to employ exclusively nonviolent methods of discipline.*<sup>159</sup>

In Namibia, corporal punishment is frequently experienced by children and considered acceptable in many families.<sup>160</sup> In the Hardap and Karas regions, for example, a 1995 study reported that 89% of Nama parents interviewed believed that it is acceptable for parents to beat misbehaving children.<sup>161</sup> Other studies have revealed a similar attitude in other regions and ethnic groups of Namibia.<sup>162</sup>

<sup>157</sup> Report of the independent expert for the United Nations study on violence against children, United Nations, A/61/299, 29 August 2006 at paragraph 26.

<sup>158</sup> *Id* at paragraph 28.

<sup>159</sup> *Id* at paragraph 42.

<sup>160</sup> See generally Legal Assistance Centre (LAC), *Corporal Punishment: National and International Perspectives*, Windhoek: LAC, 2010; see also Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 19.

<sup>161</sup> RF Zimba and B Otaala, *A family in transition: A study of childrearing practices and beliefs among the Nama of the Karas and Hardap Regions of Namibia*, Windhoek: UNICEF and University of Namibia, 1995.

<sup>162</sup> See for example, Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 19 (Windhoek, Mariental, and Owambo regions); *Participatory rural*



## Examples of excessive child 'discipline' in Namibia

**Father convicted of killing two children:** Kavango Region resident Herbert Cimu Nkasi... has been found guilty... He was accused of murdering his six-year-old daughter, Nasira Nkasi... during April 2007. The girl allegedly died due to a skull fracture after Nkasi had given her a beating in which he hit her over her body and head with tree branches and a knobkierie. In his plea at the start of the trial, Nkasi admitted that he hit his daughter with a fresh stick from a tree when he tried to discipline her, but denied that he had caused her death or intended to kill her.

Werner Menges, *The Namibian*, 30 March 2010

**Grandmother jailed over deadly beating of boy:** The grandmother and a neighbour of the late Michael Olugodhi – a boy who died a violent, painful death after a prolonged beating at his home in northern Namibia almost three and a half years ago – were each sentenced to 15 years' imprisonment for his murder on Wednesday. The grandmother, who had raised Olugodhi since shortly after his birth, had discovered that four dried fish were missing from her home and had presumably been eaten by her grandson. Dr. Yury Vasin told Acting Judge Manyarara that he counted more than 70 injuries on the front of Olugodhi's body, and more than 70 injuries on the back. The grandmother had summoned a neighbour to her home so that he could help her punish her grandson. Olugodhi was then tied to a tree with a long piece of electrical cord and severely beaten with sticks, it was alleged. "That child must have been through hell in the last parts of his life", state advocate Sandra Miller remarked when she addressed the court before the sentencing.

*The Namibian*, 2 May 2008

**'Greedy' children's mouths burnt:** The police in the Ohangwena Region have arrested a 55-year-old woman at Onamafila Village for allegedly burning her two grandchildren with coals because they ate a piece of chicken without her permission. A police spokesman, Constable Abner Iitumba, said that Ndateelela Lukas was cooking a chicken on Sunday afternoon and asked her granddaughters to keep an eye on the pot while she went to visit a neighbour. She apparently stayed away long and the children became hungry and ate a piece of the cooked chicken. When Ndateelela returned, she was angry and allegedly started beating the children. She then allegedly took burning coals from the cooking fire, burnt the children's lips and forced the coals into their mouths. Iitumba said the children's mouths were burnt severely inside and out and they were taken to the Okongo Hospital.

*The Namibian*, 23 October 2008

**Two children in horror abuse case might have to have their hands amputated:** Onandjokwe – Police in northern Namibia have arrested a middle-aged couple on charges of child abuse, after their two children were admitted to hospital with severe injuries. According to medical sources, the youngsters might have to have their hands amputated because of the severity of their condition. Police at Oshakati said Alwina Kamwinga (58) and his wife, 45-year-old Aina Jesaya, were arrested at their homestead at Onamukulo village in the Ohangwena Region on Sunday a week ago. The two children, Silas and Abner Nangolo, aged seven and nine, were admitted to the Onandjokwe Lutheran Hospital after they had been tied up in a hut for about a week. Nurses told Nampa that the children's hands might have to be amputated because the ropes had cut off their circulation for so long. Reports have it that the couple allegedly tied up the children following accusations that the youngsters stole sugar from the village headman. They were rescued a week later – after neighbours had alerted the Police to their suffering. The Police investigation continues.

*The Namibian*, 3 May 2005

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*appraisal of early childhood development in Tsandi, Omasati*, Windhoek: Ministry of Regional and Local Government and Housing!/Nara/ACORD, 1997; *Participatory rural appraisal of early childhood development in Sacto, Karas*, Windhoek: Ministry of Regional and Local Government and Housing!/Nara/ACORD, 1997.

The SIAPAC study carried out in 2007 and 2008 in eight Namibian regions asked respondents with children between the ages of 2 and 14 in the household to focus on one child and to report whether anyone in the household had used various methods of ‘discipline’ of graduated forms of severity on this child during the three months prior to the survey.<sup>163</sup>

**TABLE 13**

Use of various forms of child discipline in Caprivi, Erongo, Karas, Kavango, Kunene, Oshana, Oshana-Namaland, Otjozondjupa Regions, 2007/2008		
Type of discipline	Yes	No
Explained why the behaviour was wrong	69.7%	29.5%
Shouted, yelled at or screamed at the child	55.3%	44.3%
Gave the child something else to do	46.7%	52.4%
Took away privileges, forbade something the child liked, or did not allow the child to leave the house	41.5%	57.6%
Spanked, hit or slapped the child on the bottom with a bare hand	40.2%	59.0%
Called the child stupid, lazy or another name	31.3%	66.9%
Hit or slapped the child on the hand, arm or leg	30.3%	67.2%
Shook the child	29.4%	69.3%
Hit the child on the bottom or elsewhere on the body with something like a belt, hairbrush, stick or other hard object	29.2%	69.5%
Hit or slapped the child on the face, head or ears	18.1%	78.9%
Beat the child with an implement over and over	5.9%	90.3%

**Source:** Based on SIAPAC 2008, Table 8 at page 66. The data for this two-part study was collected in 2007/2008 from 1680 persons – 210 respondents (half men and half women) in each of the eight regions.

Although milder forms of discipline were the most commonly employed, some of the actions reported as ‘discipline’, such as beating a child repeatedly with an implement, probably went beyond the bounds of ‘reasonable chastisement’. **Close to half of all children referred to in the study (45%) had been subjected to some form of “physical discipline”.**<sup>164</sup>

<sup>163</sup> The questionnaire administered to respondents asked: “All adults use certain ways to teach children the right behaviour or to address what they feel is a behavioural problem. I will now read various methods that may be used, and I want you to tell me if you or anyone in your household has used this method with \_\_\_\_\_ in the past three months.” SIAPAC 2008, Annex at page A87 (questions 190-201 on the questionnaire).

<sup>164</sup> Although it is not entirely clear from the report, the lay-out of the table in the report suggests that the researchers did not consider “shaking” a child to constitute physical discipline. (Shaking is grouped in the original table (reproduced below) with interventions such as verbal reprimands and the removal of privileges, and separated from the remaining forms of punishment which are clearly “physical”.) We would disagree with this categorisation. Shaking is clearly a physical action and – depending on the child’s age and the degree of shaking involved – it can cause serious injuries. A recent WHO report notes that the majority of shaken children worldwide are under 9 months old and notes that shaking infants can cause intracranial haemorrhages, retinal haemorrhages and small chip fractures at the major joints of the child’s hands, feet, arms or legs. World Health Organisation (WHO), *World Report on Violence and Health*, Geneva: WHO, 2002 at 61. Thus, if shaking is included in physical discipline, the total percentage of children in the study who experienced any form of physical discipline would probably be even higher.

Table 8: Child Discipline

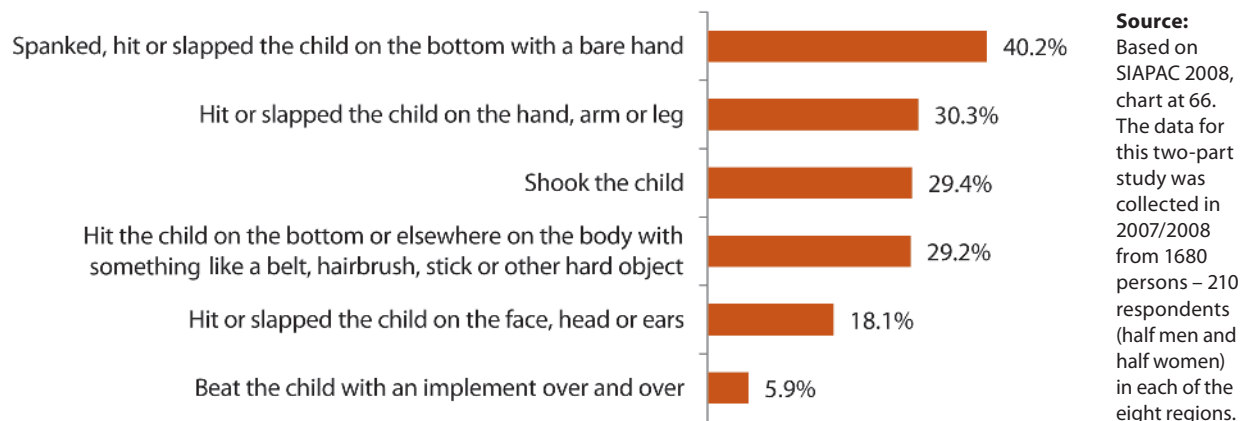
Type of Discipline	Yes	No
Took away privileges, forbade something the child liked, or did not allow the child to leave the house	41.5	57.6
Explained why the behaviour was wrong	69.7	29.5
Gave the child something else to do	46.7	52.4
Shouted, yelled at or screamed at the child	55.3	44.3
Called the child stupid, lazy, or another name	31.3	66.9
Shook the child	29.4	69.3
Spanked, hit or slapped the child on the bottom with a bare hand	40.2	59.0
Hit the child on the bottom or elsewhere on the body with something like a belt, hairbrush, stick or other hard object	29.2	69.5
Hit or slapped the child on the face, head or ears	18.1	78.9
Hit or slapped the child on the hand, arm or leg	30.3	67.2
Beat the child with an implement over and over	5.9	90.3

This study classified the final four items in the graduated list in Table 13 on the previous page as “*excessive physical discipline*”:

- hitting the child on the bottom or elsewhere on the body with something like a belt, hairbrush, stick or other hard object;
- hitting or slapping the child on the face, head or ears;
- hitting or slapping the child on the hand, arm or leg; and
- beating the child with an implement over and over.

Using this measure, the study concluded that more than one-third (36%) of the children referred to in the study had suffered “*excessive physical discipline*” in the previous three months.<sup>165</sup>

**CHART 4: Use of corporal punishment in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008**



### Examples of children’s reactions to ‘discipline’

“My mom sent me to buy a 750 ml bottle of cooking oil, but I only got a 250 ml bottle. When I got home my mother told me that she had told me to get a big bottle, not a small one, and then she started beating me. Now she beats me whenever I make a mistake. I feel bad because she beats me even for the smallest things. I am afraid of my mother because she just beats me.”

“One day I came home from school and my mother was not home. I only found my father there, and he beat me because I apparently took too long to get back from school. He said that I had been with boys; I said this wasn’t so, and that I had been at school. He told me that I was lying. I started to feel very bad.”

“My mother can home early from work one night looking stressed; she asked where the food was, and I told her that I hadn’t started with the cooking yet because I had a lot of work. When I looked at her, her eyes were filled with anger. She went into her room and came back with a belt in her hand and started beating me, saying, ‘When I tell you to do something you should obey me.’ I started to cook with tears in my eyes and a body full of bruises, and I cried all night.”

“I have a big problem at our school, because the learners steal other people’s clothes. If I go home my mother always punishes me because I have lost clothes, and she says she will never buy me any clothes because I lose things. I’m heartbroken because of this and I cry a lot. On Fridays when it is an out weekend, I can’t go home because I am scared of my mother.”

learner contributions to OYO Young, latest and cool magazine, vol 9, no 6 (Nov-Dec 2010) at 12

<sup>165</sup> SIAPAC 2008 at 66. See also SIAPAC 2007 at introductory page x, which states (with respect to the first four regions studied) that “[a]lmost half of all children are subject to one form of physical punishment or other, and one-third were subject to punishment serious enough to leave bruises”. The basis for the conclusion about punishment severe enough to leave bruises is not clear from the questionnaire or the data.

## 4.4.3 Sexual abuse of children within the family

*Everywhere that sexual violence has been studied, it is increasingly acknowledged that a substantial proportion of children are sexually harassed and violated by the people closest to them.*

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 at 47

A recent UN report on violence against children worldwide noted that sexual violence against children in the home is being increasingly acknowledged. This report noted that an overview of studies in 21 countries found that 7-36% of women and 3-29% of men reported sexual victimisation during childhood, with most studies finding that girl children were 1.5 to 3 times as likely to suffer such abuse as boy children. Most of the abuse was perpetrated within the family circle.<sup>166</sup>

A 1996 Namibian study of violence against women and children in Windhoek and Mariental reported that respondents “mentioned the regular occurrence of incest”:

*They said that many girls were molested and raped by their uncles, fathers, brothers and grandfathers. They said these cases hardly even came to public attention as the mothers of such girls would usually live in fear of their husbands or male relatives and would ‘not make a case’.*<sup>167</sup>

The WHO study of intimate partner violence conducted in 2001 and discussed in section 4.3.2 also included questions about childhood sexual abuse suffered before age 15. In Windhoek, 21% of the respondents indicated that they had experienced childhood sexual abuse, with family members being most often cited as the culprits (47% of those who reported childhood sexual abuse included family members amongst the perpetrators).<sup>168</sup>

A 2002 study of 1452 adolescents and youth between ages 15 and 24 (about half and half male and female) in seven regions (Caprivi, Karas, Khomas, Kunene, Ohangwena, Oshana and Otjozondjupa) found that 13% of the female respondents who had already engaged in sexual intercourse had been forced to have sex against their will. This study did not record any information about the identity of the perpetrators. However, it is noteworthy that one-third of the sexually-active respondents said that they had engaged in sexual intercourse with someone at least five years older.<sup>169</sup> In light of the other Namibian studies cited in this section, it seems probable that this data includes some sexual abuse within domestic relationships.

<sup>166</sup> Report of the independent expert for the United Nations study on violence against children, United Nations, A/61/299, 29 August 2006 at paragraph 44, citing D Finkelhor, “The international epidemiology of child sexual abuse”, *Child Abuse and Neglect*, Vol 18, No 5 (2005) at 409-417.

<sup>167</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996.

<sup>168</sup> WHO *Multi-country Study*, 2005 at 51. Some 6% of all the sexually-active respondents in this study reported that their first sexual experience had been forced, and one-third of those who had sexual intercourse before age 15 said that they had been forced into sex. *Id* at 51-53.

<sup>169</sup> Digital Solutions, *2002 Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004 at 25 and 33.

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 of nieces by their 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.<sup>170</sup>

**TABLE 14**

Domestic perpetrators of childhood sexual abuse in Windhoek, 2001	
Number of women who named this category of perpetrator expressed as % of all women who told the interviewer that they suffered such abuse	
father	6%
stepfather	4%
other male relative	33%
female relative	6%
boyfriend	12%
A total of 318 women indicated that they had suffered childhood sexual abuse. However most of these women used a technique provided for responding to this query anonymously and so were not questioned about the identity of the abuser. Only 73 women admitted to having suffered childhood sexual abuse in face-to-face interviews and so it was only this group who were asked about the identity of the perpetrators. Some of these women did not identify the perpetrator to the interviewee, and some named persons outside domestic relationships (not shown here). Persons interviewed could name more than one perpetrator.	

**Source:** Based on *WHO Multi-country Study, 2005*, Table 6.1 and 6.2 at 51 and Appendix, Table 11 at 184

1000 interviews in four age groups: 10 to 14-year-olds, 15 to 19-year-olds still in school, 15 to 24-year-olds out of school and adults 30 years of age and older.<sup>172</sup> One of the issues examined in the study was sexual abuse of children by parents and caregivers. Sexual abuse was measured by three items:

- having been forced to have sex with a parent or caregiver;
- having been forced to touch a parent or caregiver in a sexual way; or
- having been touched in a sexual way by a parent or caregiver.

The possible responses were “never”, “only once”, “more than once” or “regularly”.

The national Namibia School-based Student Health Survey, which included information collected from 6367 Namibian learners in grades 7-9, found that *one-fifth (20%) of all the students surveyed had been physically forced to have sexual intercourse when they did not want to*, with no differences between males and females on this score. This problem was worst for children age 12 or younger, with 27% of this age group reporting that they had been physically forced to have sexual intercourse.<sup>171</sup> This survey did not attempt to find out who was responsible for the forced sex, but considered in conjunction with other Namibian data it is almost certain that some of this sexual abuse was perpetrated by family members.

In 2006, UNICEF published a study on **knowledge, attitudes, practices and behaviour related to HIV and AIDS** which includes some information on domestic violence. This study covered **three regions** (Kavango, Ohangwena and Omaheke) and was based on a total of

<sup>170</sup> 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, June 2003, Appendix 2 at 6-7, 14.

<sup>171</sup> Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008 at 11-12.

<sup>172</sup> UNICEF, *HIV and AIDS Knowledge, Attitudes, Practices and Behaviour (KAPB) Study in Namibia: Key Findings*, Windhoek: UNICEF, 2006 at 18. The sample total of 1000 included the following breakdown:  
 318 10- to 14-year-olds  
 372 15- to 19-year-olds still in school  
 160 15- to 24-year-olds out of school  
 150 adults 30 years of age and older.

See Table 1 at 2. The study’s emphasis was on the school-going children in the first two groups, although some of the analysis featured a single category of 15- to 24-year-olds which combines 15- to 19-year-olds in school with 15- to 24-year-olds out of school. The respondents in each age group were fairly evenly spread across the three study sites.

The answers were shocking. Overall **one out of four respondents in the 10- to 14-year-old sample (25%) had experienced one or more forms of sexual abuse by a parent or caregiver.** Some 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. **Levels of domestic 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.<sup>173</sup>

**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).** The study involved 250 individual interviews with OVC aged 9 to 16 (54% males and 46% females), supplemented by focus group discussions with another 250 OVC in the same age range.<sup>174</sup> This study found that many OVC experience abuse and maltreatment in their homes, particularly from their caregivers. Particular problems were noted where the caregiver was a step-parent. Forms of abuse reported in the home including regular beatings, abusive forms of punishment and emotional abuse.<sup>175</sup> **Of the 250 children interviewed, 6% reported being touched in a sexual manner by a household member. Some 8% (mostly girls) reported that they had been forced to have sex.** The report did not specify whether this forced sexual intercourse took place in the home or not, but the children noted that sexual abuse usually comes from relatives or others that they know and trust.<sup>176</sup>

### Examples of sexual abuse of children by parents

**21-year prison term for father accused of raping his daughter:** A 43-year-old former Windhoek resident accused of rape and incest faces a 21-year stint behind bars after he was sentenced in the Windhoek Regional Court yesterday. The man was accused of raping his 17-year-old daughter in Windhoek on January 17 2004... the man's daughter told the court that she was visiting him during the year-end holidays at the end of 2003. She was actually living with her mother in another town, and did not really know her father before visiting him during those holidays, the girl indicated. In the days before the alleged incident, her father had started touching her and also kissed her indecently, the court heard. On January 17 2004, the girl's stepmother – the wife of the girl's father – left their house to go and buy food, the girl testified. After her stepmother had left the house, her father grabbed her by her neck and started playing with her breasts, the girl related. He then closed the door and windows of the house, returned to his daughter and again fondled her breasts, she told the court. Next he asked her to sit on a bed and to give him something... When the girl asked her father what she was supposed to give him, he overpowered her, pinned her down on the bed and raped her, the court heard...

Werner Menges, *The Namibian*, 10 April 2008

<sup>173</sup> *Id* at 18.

<sup>174</sup> For this study, an “orphan” was defined as “a child who has lost one or both parents because of death and is under the age of 18 years”, and A “vulnerable child” was defined as “a child who needs care and protection” (presumably referring to the legal concept in the Children’s Act 33 of 1960 which was Namibia’s main piece of children’s legislation at the time). Legal Assistance Centre (LAC), ‘I just want to have a good life’: OVC and human rights in five regions of Namibia, Windhoek: LAC, undated at 8, 60. The report is available online at <[www.lac.org.na/projects/alu/Pdf/ovc-report-goodlife.pdf](http://www.lac.org.na/projects/alu/Pdf/ovc-report-goodlife.pdf)>.

<sup>175</sup> *Id* at 36-37.

<sup>176</sup> *Id* at 38-39.

**Father charged with incest:** A 38-year-old farmworker from the Karas Region was arrested on Wednesday on charges that he repeatedly raped his four-year-old daughter. The man, who cannot be named in order to protect his daughter, was an employee at [a farm] outside Aroab. According to a source at the town, the child, who lives her mother, had been visiting her father over the festive season. In December, the child reportedly told a woman who took care of her during the day while her father was away at work that he was “hurting her” at night. “At first, it seems she just ignored her,” the source told *The Namibian* yesterday, “but this week, the girl again complained and she decided to investigate”. The woman reportedly found traces of semen on the girl’s leg, the source said, and complained to the farm owner. The child was eventually taken to the Police station at Aroab, and following a Police investigation her father was arrested on Wednesday. The Police say they suspect the girl was raped on several occasions between December last year and this Tuesday. He made his first appearance in the Keetmanshoop Magistrate’s Court yesterday, where he was denied bail.

Denver Isaacs, *The Namibian*, 8 January 2008

**4-month-old twins raped, one baby dead, dad held:** A four-month-old baby girl who was allegedly raped and assaulted by her father near Karibib has survived the brutal attack. Her condition was yesterday described as stable. The little girl’s twin brother, who suffered the same fate, died of his injuries on Monday. The twins’ biological father, who is 23 years old, was arrested on Thursday and appeared in the Karibib Magistrate’s Court on Monday. His charges include two counts of rape and two counts of assault with intent to do grievous bodily harm... the babies’ mother reported the crime to the Police at Karibib last Tuesday. According to the mother, she fled the house to look for help after a quarrel with her husband. She left the twins with him. When she returned later, she told the Police, she found both babies covered in bruises and bite marks. The little girl’s nappy was bloodstained, leading her to suspect that the child had been raped. The mother immediately took the children to the Usakos State Hospital and reported the matter to the Police...

Adam Hartman, *The Namibian*, 20 June 2007

**Teacher arrested for incest:** The Police at Oshikuku in the Omusati Region have arrested a teacher for allegedly raping his four-year-old daughter and an 11-year-old niece in his care... Residents of Oshikuku will hold a peaceful demonstration this morning to express their outrage.

Oswald Shivute, *The Namibian*, 8 February 2005

## Examples of sexual abuse of children by other family members

**Sexual abuse by stepfather:** *“I stayed with my stepfather, but he hated me so much. He never wanted me to go to school activities and he would beat me when I came back from school because he said I was late, but this was not true. One night he came into my room while I was fast asleep and took my clothes off. He woke me up and I found myself naked. I felt as if I had been raped. I felt so alone, and children at school were making fun of me, saying that I sleep with grown-ups. This makes me not want to go to school.”*

**Rape by stepfather:** *“My sister was raped just last week by our stepfather while our mom was at work. He said he would kill her if she told my mom about this. Now she feels too ashamed to tell our parents or the police, but she is afraid of being alone in the house because she thinks he will rape her again.”*

**Successful escape from stepfather:** *“When I was 10 years old my stepfather always used to call me to help him with ‘something’, but then he always ended up touching me and doing things I didn’t like. This went on for five months, till my mother caught him touching me. She was so furious that she kicked him out of her house. Now with the help of Lifeline/Childline, I have become a happy girl.”*

**Uncle jailed for sexual abuse:** *“I lived with my aunty and uncle in Grootfontein. I attended my school there and usually came home first from school. I didn’t know that my uncle would be home early so I just put on my pyjamas and went to sleep. While I was lying down, I felt something strange, as if someone was touching me, and when I woke up I saw my uncle on top of me, telling me that he knows this is my first time and that I shouldn’t be afraid. He raped me and said that if I told someone he would chase me out. I had nowhere else to go because my mother had passed away, so I kept quiet about it, and for three years he kept on doing it. I finally went to Social Services and they helped me. Now he is in jail.”*

**Molestation by nephew:** *“I was molested by my nephew when I was seven years old. I never spoke about it and wanted to kill my nephew when I got hold of my father’s gun. It still haunts me today because I haven’t spoken about it yet. I want to tell girls to speak out.”*

**Rape by a cousin:** *“One day my cousin was at home with my brother. He called her to get some money is his room, and when she entered the room, he pulled her arm and she fell on the bed. My brother raped her and afterwards told her that she must go to school. She went to school, but afterwards she went to her mother and told her that my brother had raped her. At around six o’clock, my cousin and her mother came to our house with the police; my brother was arrested and went to jail.”*

**Attempted incest by brother:** *“One day my brother wanted to sleep with me and I told my mother. She told my father and he didn’t do anything about it. I was so ashamed. My mother went to Khorixas and left me home alone with my brother. Again he asked me to have sex with him, and again I refused. How could I have sex with my brother?”*

learner contributions to *OYO Young*, latest and cool magazine,  
vol 9, no 6 (Nov-Dec 2010) at 4, 13, 14, 15, 19

**Rape of stepdaughter:** An Arandis resident who was prosecuted on a charge that he sexually molested, and later raped, his stepdaughter on repeated occasions over a matter of years, was convicted and sentenced to a 17-year prison term yesterday. The 37-year-old man was found guilty on charges of rape and assault in the Swakopmund Regional Court yesterday. The man’s claim that his stepdaughter had been seducing him was dismissed as “sickening” by Magistrate Gert Retief. He sentenced the man to a combined term of 17 years’ imprisonment on the two charges. The man pleaded not guilty when his trial started yesterday. He did not testify in his own defence, but gave evidence in mitigation of sentence, which was when he made the claim of having been seduced by the child. He was accused of raping the child on several occasions from 2000 to 2004. According to the evidence, the girl in question was six years old when her stepfather started to sexually molest her. She is now 17.

Werner Menges, *The Namibian*, 5 July 2006

**Child abuse case slips through cracks in system:** A 14-year-old girl from Dordabis, who has alleged since the middle of last year that she was raped by a family member, hopes justice will finally be done in the wake of a recent order from the Namibian Police’s Woman and Child Protection Unit. The young girl first came to The Namibian’s attention in July last year, when she claimed she had been raped by a cousin who was living in the same house as her. She and her adult cousin had been living with his mother, she told The Namibian, when on July 15 last year he ordered her to walk with him from their house to nearby bushes. “Then he did this,” she shyly recounted, indicating that he placed both his hands over her throat and proceeded to rape her. The girl, accompanied by a community member from the town about 120 km east of Windhoek, says that she first told the suspect’s mother and other family members at the house what had happened. “They told me to keep quiet about it, because I might cause him to go to jail,” she said. According to the community member trying to help her, the suspect’s mother apparently told the girl to remove the clothes she had been wearing during the incident and to get rid of them. “She has no other home. She lives with them,” a frustrated community member said last year. Then, on July 7, a formal case of rape was indeed laid by the girl, Warrant Officer James Matengu of the Police’s



Public Relations department said last year, albeit more than a month after the incident was alleged to have taken place. Matengu added then that the suspect could not be arrested, as he had been away in the North. The case was then taken up by the Police's Woman and Child Protection Unit. Explaining how she had managed to lay the charge, the girl says that at one point during that time she had gone to visit another aunt on a nearby farm for a weekend. "When it was time to go back to school, I refused. She asked me why and I said because (the suspect) did this (raped me)", she recalled. Her aunt had her go to the Police, she said, and also sent her for a medical examination. During this examination the allegations she made were recorded and she was tested for HIV. Fortunately, she tested negative. She also complains of recurring pain and bleeding...

Denver Isaacs, *The Namibian*, 26 January 2007

## 4.4.4 Neglect

*Neglect is an important contributor to death and illness in young children. Neglect means the failure of parents or carers to meet a child's physical and emotional needs when they have the means, knowledge and access to services to do so; or failure to protect her or him from exposure to danger. However, in many settings the line between what is caused deliberately and what is caused by ignorance or lack of care possibilities may be difficult to draw.*

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 at 54

*There are an estimated 2 300 children living on the streets in Namibia, of which 800 are in Windhoek. Reports are that these Namibian children come from families with whom they have almost daily contact. The conclusion Unicef has arrived at is that these children are driven to the streets by poverty, alcohol abuse and parental neglect.*

"African children need greater protection – Unicef", *The Namibian*, 17 June 2011

In addition to physical and sexual abuse, children may also suffer from deliberate neglect by their parents or care-takers. This may be particularly underestimated as a form of domestic violence against children, although neglect could fall within the Combating of Domestic Violence Act's definition of physical abuse which includes "*physically depriving the complainant of access to food, water, clothing, shelter or rest*".<sup>177</sup> Indeed, **in a 1996 survey of health care professionals in Namibia, the medical personnel thought that neglect was the most common form of domestic abuse experienced by children.** The manifestations of neglect most often noted were "*children not being fed, not given proper medicine or proper clothes to wear, not being sent to school, being left alone or with small children to care for and evidence of cigarette and alcohol abuse*".<sup>178</sup>

<sup>177</sup> Combating of Domestic Violence Act 4 of 2003, section 2(1)(a)(iii).

<sup>178</sup> 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 at 14.

## Examples of child neglect

**Home alone baby drowns in tub:** A baby girl of nine months old, who was left sleeping alone at home, allegedly rolled from the bed and into a tub filled with water, in which she then drowned... The mother allegedly left the baby sleeping alone in the house when she went out. Upon her return, she found the child dead in a tub of water that was allegedly next to the bed on which the baby was sleeping.

Adam Hartman, *The Namibian*, 6 October 2010

**Two kids drown in Omusati:** A sixteen-month-old baby boy from Omaambo village in Tsandi died over the weekend when he drowned in a bucket full of water. The baby... was allegedly found dead by his mother. According to Omusati Regional Police spokesperson, the baby was left with another child in the house while the parents went to work in a mahangu field. After a while, the boy's mother decided to go to the house to check on the children. That was when she found her son drowned.

Helvy Tueumuna, *New Era*, 10 February 2010

**Disabled child tied to tree:** A Swakopmund mother, who had tied her six-year-old son to a tree on and off for the past four years to keep him in check, was freed by the Police yesterday after being questioned briefly. The evidently distraught mother said she was very shocked when the Police arrived at her home yesterday to ask her and her son to accompany them to the Police station. She was assured that the Police just wanted to help, though. Eva Jacobs Edwards, a resident of the Mondesa township at Swakopmund, told the Police that she had resorted to this measure because the boy had been dangerously hyperactive since the age of two. "He was a danger to himself, and the only way I could have control over his movements was to tie him to a tree in our yard," she said. "At least I knew that he would stay where I last saw him, and that he would not be able to get hold of anything dangerous." According to Police Inspector Daniel Langer, the mother would not be charged with child abuse or neglect, but would rather be helped to find a way to look after her son better.

Adam Hartman, *The Namibian*, 29 April 2008

**Five children burn to death in North:** Five children [ages 17 months, 5 years, 2 years, 2 years and unknown] burnt to death at Onayena village in the Oshikoto Region when the hut they were sleeping in caught fire on Friday night... The children were staying with their grandmother, who was attending a funeral when the fire broke out.

Oswald Shivute, *The Namibian*, 3 September 2007

**Mother leaves baby with stranger:** Police and medical staff at the Oshikuku clinic are trying to trace the mother of a three-month-old baby who has been kept at the medical facility since last Monday. The baby's mother apparently left her with an unknown woman whom she had met in a taxi earlier that day. According to Warrant Officer James Matengu, the two women had gone shopping together at Onandjaba in the Omusati region. The mother of the child then reportedly asked her new acquaintance to hold the baby for a few minutes while she quickly stepped into another shop. She never returned... Police are investigating a case of child neglect against the mother.

Denver Isaacs, *The Namibian*, 17 July 2006

**A recent assessment of school counselling services by Namibia's Ministry of Education expressed particular concern about child neglect and how this problem can be self-perpetuating through generations:**

*Our findings show that many of the primary school learners are exposed to hunger and neglect. 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.*<sup>179</sup>

Some focus groups which discussed domestic violence in 2002 stated that stepchildren are particularly vulnerable to neglect, sometimes being expected to do work in the house without getting enough food while the biological children get “*love and food*”.<sup>180</sup> However, the same focus groups also noted that *all the children in a household may be neglected in situations where the family resources are spent on alcohol.*<sup>181</sup>

## 4.4.5 Harmful cultural and traditional practices

Worldwide, children are also vulnerable to harmful traditional practices which can include scarring, violent initiation rites, forced marriage or “witchcraft”.<sup>182</sup>

As pointed out by a 1999 study of child abuse in Namibia, it can be difficult to identify child abuse when it takes place in the context of accepted cultural practices: “*Namibia’s ethnic diversity creates a specific problem in defining child sexual abuse. What is perceived as child abuse in some communities may in fact be old established practice among other ethnic groups.*”<sup>183</sup>

One problematic practice cited by this study was **sexual initiation of nieces by their uncles:**

*For instance, some ethnic groups in Namibia have always permitted an uncle to have sexual relations with a niece. An uncle, in this context, introduces a niece who has just reached puberty to sex education by having sexual intercourse with her. Children growing up in such abusive cultural settings often perceive the abuse as normal and hardly dare challenge such archaic and anachronistic a custom.*<sup>184</sup>

The UNDP Human Development Report 2000/2001 similarly cited the cultural practice amongst some Namibian groups where young girls are ‘brought into womanhood’ by being obligated to have sex with an uncle or a cousin when they start menstruating.<sup>185</sup> Several other Namibian studies have also made reference to this abusive practice.<sup>186</sup>

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<sup>179</sup> Ministry of Education *Evaluation of Counselling Services in Schools in Namibia*, Windhoek: Ministry of Education, 2010 at 24, as cited in National Planning Commission, *Children and Adolescents in Namibia 2010*, Windhoek: National Planning Commission, 2010 at 72.

<sup>180</sup> Scholastika Iipinga, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 229.

<sup>181</sup> *Ibid.*

<sup>182</sup> See *Report of the independent expert for the United Nations study on violence against children*, United Nations, A/61/299, 29 August 2006 at paragraph 43 and 46.

<sup>183</sup> Sarah Damases, Piek Bruhns and John Sindano, *Sexual Exploitation of Children in Namibia*, Windhoek: March 1999 (unpublished mimeo; based on information from 14 focus group discussions in Ohangwena, Erongo and Hardap regions).

<sup>184</sup> *Ibid.*

<sup>185</sup> United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 69.

<sup>186</sup> See Heike Becker, Dianne Hubbard and Yamillah Katjirua, “‘The cousin story’: Culture, social coercion and consent to sexual activity in Namibia”, Windhoek, 2000 (unpublished article), describing research at Okakarara where middle-aged and older informants were aware of the custom, but not younger people, who denied that this was a practice in their community.

Another possibly abusive custom cited in a 2002 survey report, which drew on Namibian studies from 1999, was **vaginal enlargement to prepare girls for sex**.<sup>187</sup>

The same 2002 report (again drawing on reports from the 1990s) summarised information on **male initiation customs** which included some harmful and arguably violent aspects:

*In addition to female initiation ceremonies, there are customs involving male circumcision in some Namibian cultures. This custom ceased in Owambo communities during the nineteenth century, but is still popular in the Kavango Region. The practice is usually performed during winter school holidays because the cold weather is thought to promote the healing of the wound... [T]he Caprivi Region male initiation ceremonies involve testing sterility and impotency, which are treated with herbs or cuts around the waistline. A major concern with these practices is that only one knife (or other sharp instrument) may be used to cut all initiates with no sterilisation of the cutting instrument. Circumcisers also report that there are not proper mechanisms in place for pain control.*<sup>188</sup>

Participatory field research in Caprivi Region in 2006 revealed **other cultural practices which might involve aspects of domestic violence against children** – some of which occur in other communities as well. Here are some of the examples reported:

***Stretching the labia minora:** In some Caprivi communities girls are taught from around nine to ten years of age to stretch their labia minora, using sticks, string, stones and their hands to pull on their flesh, thereby causing swelling and sores. This is a life-long practice that women are expected to endure as long as they are sexually active, based on the belief that long labia are more sexually appealing and satisfying to a male partner, and a man will not stay with a woman who has not submitted to it.*

***Initiation:** In some Caprivi communities, girls are initiated into ‘womanhood’ at the onset of their menstruation. A major focus of the initiation is how to sexually please their future husbands. Girls are also beaten during this time to teach them subservience, obedience and submission, and thus not to question the power of their future husband and elders.*

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See also D Hubbard, *A Critical Discussion of the Law on Rape in Namibia*. Windhoek: Namibian Institute for Social and Economic Research, University of Namibia (Research Report 4), 1991, at 20 (based on interviews conducted by members of the Namibian counselling group Women’s Solidarity in June 1990): “... in some Namibian communities, an uncle is perceived as having a clear right to sexual intercourse with his niece. This is not considered rape, because women in these communities are educated in this custom and therefore generally agree to such sexual relations. Similarly, there is a custom which may still be practised in some Namibian communities, whereby an uncle is given permission to acquaint a niece who has just reached sexual maturity with the facts about sexual relationships by having intercourse with her.”

A 2002 study similarly reported that “Herero custom dictates that a young a woman’s first sexual experiences should be with an older male relative”. Scholastika Iipingie, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 38 (based on data collected from 15-49 year-olds at Katima Mulilo, Windhoek, Walvis Bay, Oshakati, Rehoboth, Mariental in August 2002).

<sup>187</sup> Digital Solutions, 2002 *Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004 at 19, citing Eunice Iipingie 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.

<sup>188</sup> *Ibid*, 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 Iipingie 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.

**Testing for sexual readiness:** After the initiation period young women are sometimes tested for sexual readiness by male relatives, who have sex with them to determine whether they can 'dance' well. No condoms or contraceptives are used during this practice, which makes girls' and women's bodies accessible and available for men's sexual pleasure.

**Scarification:** As part of their initiation, many young women have cuts made on their back, arms, or sometimes all over their bodies, to induce the formation of scars that are believed to be sexually arousing for men. This is sometimes called "flower cutting." Women believe that these scars will cause their boyfriends and husbands to be more attracted to them, and will prevent their husbands from leaving them.<sup>189</sup>

Similar "harmful cultural practices" which would constitute domestic violence were also cited by the 174 children who participated in 12 focus group discussions in various regions around the contents of the forthcoming Child Care and Protection Bill in 2009. The following were amongst the practices commonly cited as being harmful to children:

- **forced child engagement and child marriage**
- **sexual initiation**, where a girl is forced to have sex with an uncle or another family member someone to show she will be 'a good wife'
- **cutting on cheeks or back with blades.**

Incest and child labour (such as being forced to drop out of school to herd cattle or care for younger siblings) were also cited by a few children. A few participants also mentioned children who are forced to be sex workers (or do other kinds of work) to generate income for the family.<sup>190</sup>

## 4.4.6 Giving alcohol to children

Another form of child abuse involves giving alcohol to young children.<sup>191</sup> A 2007 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, and that 45% of these young respondents had seen a parent or other caregiver drunk.<sup>192</sup> Researchers collecting data for a 2009 US-AID study observed toddlers (3- to 4-year-olds) drinking *tombo* with their mothers in shebeens in Babylon (an informal settlement area in Windhoek).<sup>193</sup>

<sup>189</sup> Elizabeth !Khasas, *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, unpaginated (siLozi terms omitted). These are just some of the examples cited in the paper.

<sup>190</sup> Dr M Elizabeth Terry (Design and Development Services), "Children's Input into the Child Care and Protection Bill", October 2009 (available from the Legal Assistance Centre, Windhoek).

<sup>191</sup> The draft Child Care and Protection Bill, as of 2010 contained the following provision:

213. Any adult who –  
(a) coerces any child to drink any liquor or methylated spirits or to take any illegal drug; or  
(b) allows, induces or encourages any child under the age of 16 years to drink any liquor or methylated spirits except as part of a generally-recognised religious sacrament; or  
(c) allows, induces or encourages any child to take any illegal drug  
commits an offence and is liable on conviction to a fine not exceeding N\$20 000 or imprisonment for a period not exceeding five years, or to both such fine and such imprisonment, and in addition to such punishment, may be required to attend an educational programme on the dangers of underage drinking or drug abuse.

<sup>192</sup> UNICEF, *HIV and AIDS Knowledge, Attitudes, Practices and Behaviour (KAPB) Study in Namibia: Key Findings*, Windhoek: UNICEF, 2006 at 2, 19 and 20.

<sup>193</sup> Debie LeBeau and P Stanley Yoder, *Alcohol Consumption, Sexual Partners, and HIV Transmission in Namibia*, Calverton, Maryland, USA: US-AID, 2009 at 61.

The 2004 Namibia School-based Student Health Survey, which included information collected from 6367 Namibian learners in grades 7-9, found that almost 4% of the surveyed learners under age 12, almost 6% of those between ages 13 and 15 and over 4% of those age 16 and up had obtained an alcoholic drink at home during the 30 days prior to the survey. 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. And these statistics do not appear to be limited to moderate alcohol consumption by older teens under parental supervision. **Shockingly, 112 children in the sample (almost 2%) reported that they were 7 years old or younger when they first became very drunk, and a total of 8% had been drunk before reaching age 14; 18% of all the learners reported that they had experienced problems as a result of drinking alcohol (such as being hungover, missing school or getting into fights) – with 37% of those aged 12 or younger saying that they had experienced a hangover.**<sup>194</sup>

Encouraging children to drink can affect their future alcohol use; the US-AID study concluded that “*many people began drinking (particularly tombo) when they were very young and became addicted to alcohol at a very early age*”,<sup>195</sup> while another research report found that 6% of people who drink said they do so because they have been drinking since they were young.<sup>196</sup>

## 4.4.7 Exposing children to domestic violence

***Children can be psychologically and emotionally damaged by witnessing violence against another family member. Evidence from a range of studies shows that witnessing of this violence over a long period of time can severely affect a child’s well-being, personal development and social interactions both in childhood and adulthood; such children may exhibit the same behavioural and psychological disturbances as those who are directly exposed to violence.***

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 at 70 (references omitted)

In terms of Namibia’s Combating of Domestic Violence Act, exposing children to domestic violence between adults is a form of domestic violence against the child as well.

The United Nations estimates that between 133 and 275 million children worldwide witness domestic violence annually, noting that “[t]he exposure of children to violence in their homes on a frequent basis, usually through fights between parents or between a mother and her partner, can severely affect a child’s well-being, personal development and social interaction in childhood and adulthood”.<sup>197</sup> The same UN study noted that the existence of intimate partner violence increases the risk that there will be violence against children in the same family.<sup>198</sup>

<sup>194</sup> Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008 at 27-31, Tables C.7.1-C.7.16 at 88-92.

<sup>195</sup> Debie LeBeau and P Stanley Yoder, *Alcohol Consumption, Sexual Partners, and HIV Transmission in Namibia*, Calverton, Maryland, USA: US-AID, 2009 at 66.

<sup>196</sup> SIAPAC, *Nationwide KAP Baseline Survey on Alcohol and Drug Use and Abuse in Namibia*, Windhoek: SIAPAC, Ministry of Health and Social Services and Ministry of Agriculture, Water and Rural Development, 2002 at 28.

<sup>197</sup> *Report of the independent expert for the United Nations study on violence against children*, UN General Assembly A/61/299, 29 August 2006, paragraph 47.

<sup>198</sup> *Ibid.*

Studies in other countries have linked exposure to domestic violence in childhood to the likelihood that the child will be more prone to use violence as an adult. For example, a recent South African study of men who had witnessed violence against their mothers during their childhood found that this was associated with later involvement in physical conflicts in the community and workplace, use of physical violence against intimate partners and arrests for possession of illegal firearms.<sup>199</sup>

**The 2001 WHO study conducted in Windhoek found that 42% of abused women interviewed said that their children were present during incidents of violence, with 9% saying that their children had witnessed partner violence on more than five occasions.**<sup>200</sup>

**The 2007/2008 SIAPAC eight-region study asked respondents who reported that they had been injured by intimate partner violence in the 12 months prior to the study if children had been present at the time – 52% said yes.**<sup>201</sup>

**A 2006 UNICEF study of knowledge, attitudes and practices related to HIV-AIDS in three Namibian regions found a significant occurrence of this kind of child abuse. Amongst the 318 10- to 14-year-olds, more than one in five (20%) 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 532 15- to 24-year-olds surveyed.**<sup>202</sup>

### **Examples of children’s reactions to witnessing domestic violence**

*“When my father drank he always argued with my mother. My little brother and sister were always crying, and I hated that, because it caused me to disrespect my father. One day he beat my brother because he was trying to help my mother in their fight. I got so angry and fought with my father. I beat him with a bottle on his head. That was scary.”*

*“One day I went home after school and I found my mother at home. My father came home at 17h00 and he was drunk. When he got there he called me and wanted to beat me up. My mother stopped him and then he got angry and slapped her and started beating her up. He beat her so badly that my mother almost bled to death. While he was beating her she called the police and my father was arrested. He was sent to jail for two years.”*

*“One morning when I was 12 years old, my parents had a big fight at our home. They were very drunk and started fighting and swearing at each other. They broke almost everything in our house because they threw things at each other. I was so scared, I ran to my room and started crying, had never seen such a serious fight in all my life.”*

*“Men are the most violent; they are the ones who beat women. My brother beats his wife every day, and I also saw my neighbour beating his wife. While growing up, I have only seen men doing this.”*

learner contributions to OYO Young, latest and cool magazine, vol 9, no 6 (Nov-Dec 2010) at 5, 7

<sup>199</sup> N Abrahams and R Jewkes, “Effects of South African men’s having witnessed abuse of their mothers during childhood on their levels of violence in adulthood”, *American Journal of Public Health*, Vol 95, No 10, 2005.

<sup>200</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 38.

<sup>201</sup> SIAPAC 2008, Table A135, Annex at A63.

<sup>202</sup> UNICEF, *HIV and AIDS Knowledge, Attitudes, Practices and Behaviour (KAPB) Study in Namibia: Key Findings*, Windhoek: UNICEF, 2006 at 2, 17-18.

## A son defends his mother

Ryno van Zyl, the young Windhoek resident who had been accused of murdering his father in their family home in June 2007, is a free man again. Van Zyl (23) was acquitted by Judge Sylvester Mainga in the High Court in Windhoek on Friday... Van Zyl stood trial on a charge in which he was accused of having murdered his father, Louis van Zyl (46), in the Van Zyl family's home on Omatako Street in Windhoek's Eros area on June 27 2007. Van Zyl Sr died when he was shot twice, with one shot hitting him in the back and another hitting him in the head. Van Zyl Jr admitted that he fired the shots that struck his father. His defence to the charge was that he had been compelled to act in defence of his mother, who was being strangled by his father. In an extensive plea explanation that was provided to Judge Mainga at the start of the trial, Van Zyl claimed his father was prone to violent outbursts and had subjected his wife and son to various acts of serious domestic violence since Van Zyl's childhood years. The attack on Mrs Van Zyl had been the most serious ever that he had seen his father launch on his mother, Van Zyl claimed. Van Zyl was 20 years old at the time of the incident. Van Zyl fired the shots after he had shouted at his father to let go of his mother, and after he had also fired a warning shot, Judge Mainga noted.

Werner Menges, "Van Zyl not guilty of killing father", *The Namibian*, 25 January 2010  
(See also Werner Menges, "Father was killed to save life of mother, son says",  
*The Namibian*, 19 January 2010; Werner Menges, "Son to be charged  
for father's murder", *The Namibian*, 26 November 2008.)

## 4.4.8 Abuse of children in intimate relationships by their partners

Children are vulnerable to domestic violence from their boyfriends or girlfriends, as well as to domestic violence in the home.

A 2002 UNAM/UNFPA survey of 1452 adolescents aged 15-19 and youth aged 20-24 in seven regions found that almost 14% of the females who reported that they had sexual intercourse during the 12 months prior to the survey said that they had been forced to have intercourse against their will by their sexual partners. Slightly more than half of the respondents who reported forced intercourse were still at school at the time.<sup>203</sup> The survey did not collect information on the identity of the partner, but probably includes some boyfriends amongst the perpetrators.

The 2004 Namibian School-based Student Health Survey administered nationally to 6367 Namibian 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 the last 12 months.<sup>204</sup>

<sup>203</sup> Digital Solutions, *2002 Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004 at 22-23, 25 and 33. The seven regions were Caprivi, Karas, Khomas, Kunene, Ohangwena, Oshana and Otjondjupa. The adolescents and youth surveyed were about evenly divided between males and females.

<sup>204</sup> Ministry of Health and Social Services (MoHSS), *Report on the Namibia School-Based Student Health Survey 2004*, Windhoek: MoHSS, 2008 at 11.



This means than 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.<sup>205</sup> Furthermore, as noted in section 4.4.3, one-fifth (20%) of all the learners surveyed had been physically forced to have sexual intercourse<sup>206</sup> – a finding which certainly encompasses some boyfriends and girlfriends as the perpetrators.

Power imbalances which can make adolescent girls vulnerable to intimate partners 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.<sup>207</sup>

It has also been noted that, regardless of the age gap, prevailing concepts of masculinity and femininity encourage boys to see sexuality as a site of male power and dominance and girls to “*limit their control over their own sexuality, giving men permission to dictate their sexual behaviour*”<sup>208</sup> – which creates fertile ground for power imbalances which can lead to intimate partner violence. This issue is explored in more detail in section 4.8.2.4.

### Examples of abuse of children in intimate relationships

*“My first boyfriend was always beating me up, but people in our community always suggested that it was for love. They guy was always beating me for no reason – he used a panga and stones to hit me with. He even beat me in front of his brothers and sisters and even in front of my relatives, but everybody felt it was ‘out of love’. I don’t want that kind of love! I left him.”*

*“One day I was with my boyfriend when he started asking me to have sex with him. Somehow, I thought he was joking, so I refused, but it turned out that he was very serious. When I looked at his face he was very angry, and then he started beating me, saying bad things to me like that he didn’t love me and just wanted to use me. He said he didn’t like the way I was and that we should end our relationship.”*

*“I went to visit my friend once at midday. I went into his room and found that he had tied his girlfriend’s arms just because she didn’t want to have sex without a condom. I couldn’t believe what I saw!”*

<sup>205</sup> Calculated from *id*, Table 3.3.1 at 11. The text of the report focuses on the comparative percentages of male and female respondents without relating these percentages to those who had boyfriends or girlfriends in the last 12 months.

<sup>206</sup> *Id* at 11-12.

<sup>207</sup> Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 153, 172-ff. See also A Graig, “Sugar Daddies”, *The Namibian Weekender*, 20 June 2003.

<sup>208</sup> Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 165-166 and 171: “*The majority of the adolescent girls interviewed for this study identified with the dominant discourse of subordinate female (passivity, concern with physical appearance, caring and sexuality are keys) with its central feature of attractiveness to men and being taken care of by a man.*” (This study was based on 30 life histories, 15 personal interviews and 12 focus group discussions in Katutura (Windhoek) and Tsandi (Omusati Region) conducted in 2001 and 2002.)

*“I am a 17-year-old girl. I was once in a very terrible situation when my boyfriend wanted to have sex with me. I told him to wait till we get married, but he didn’t agree. Instead he tried to rape me but I hit him with a pole and called my brother for help. He managed to escape, but I don’t feel safe. He is always stalking me and I fear that he might do something to me.”*

Youth and learner contributions to *OYO Young, latest and cool magazine*, vol 9, no 6 (Nov-Dec 2010) at 3, 18 and 19

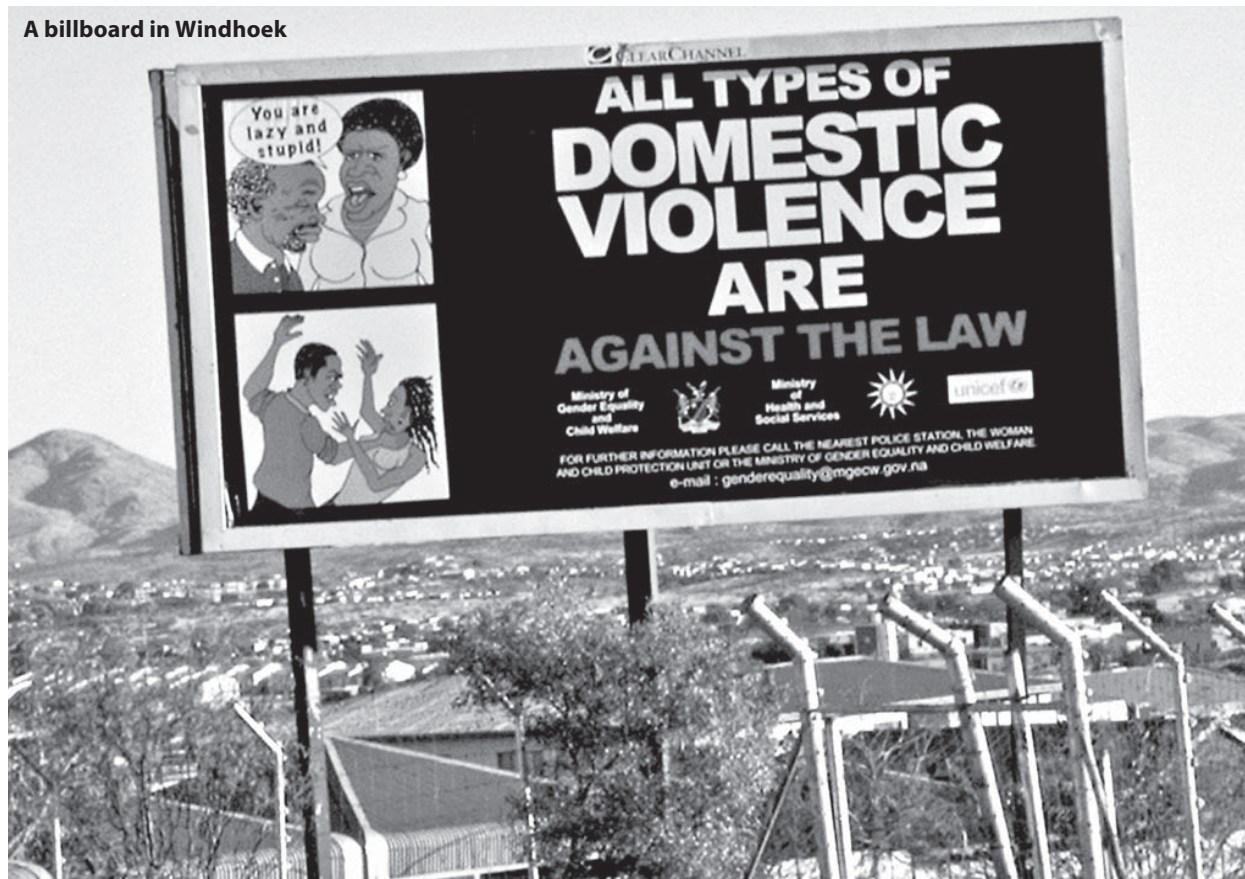
**18 years for young man who killed Ipula Akwenye:** A jam-packed public gallery in the largest courtroom available in the High Court in Windhoek on Friday witnessed the final act in one of Namibia’s most high-profile murder trials of the year so far, with the sentencing of Lungile Mawisa to 18 years’ imprisonment... The person he killed by beating her to death with a wooden pickaxe handle and also throwing three heavy rocks onto her head was a 17-year-old fellow student at Windhoek’s Delta Secondary School, Ipula Akwenye. At the time, she was about four and a half months pregnant with a child fathered by Mawisa.

Werner Menges, *The Namibian*, 18 September 2006

**Killer says anger prompted rape and murder of 16-year-old:** “I was caught by anger and I couldn’t control myself.” This was the only explanation Gobabis resident Stanley Ganeb could offer when Judge Sylvester Mainga asked him yesterday why he committed “such horrendous crimes” – rape, murder and abduction – at the Omaheke Region town a little over two years ago. Ganeb is on trial in the High Court in Windhoek. He was angry because the 16-year-old girl victim of his crimes, Mina Goeieman, had broken off her relationship with him, her new boyfriend had punched him on the mouth, and she had hit him with her underwear in the face, Ganeb (25) claimed. For those reasons, Goeieman was dragged away screaming by Ganeb, raped and repeatedly struck on the head with half a brick....

Werner Menges, *The Namibian*, 7 August 2009

A billboard in Windhoek



## 4.5 DOMESTIC VIOLENCE IN OTHER FAMILY RELATIONSHIPS

### Examples of domestic violence in other relationships

**Raped by her own son:** A 52-year-old woman... at Otavi was allegedly raped by her own son in the early morning hours on Friday...

*The Namibian*, 30 April 2007

**Matricide suspect applies for bail:** 27-year-old son arrested for murder of 58-year-old mother found dead in her living room... Her body was reportedly riddled with stab wounds, and she had also apparently been scalded with hot water.

Denver Isaacs, *The Namibian*, 14 March 2007

**Another panga attack in North:** Police in the Ohangwena Region are looking for a man who brutally assaulted his mother-in-law at Ongonga village... Her jaw and left arm were broken in the assault... After allegedly beating and kicking the old woman, he hacked half her left ear off with a panga, tore off her clothes and left her naked and unconscious.”

Oswald Shivute, *The Namibian*, 17 December 2007

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

The focus of the **WHO study of women in Windhoek (data collection in 2001)** was intimate partner violence, but it also asked women about other physical and sexual violence they had experienced after they reached the age of 15. In Namibia, **more than 1 in 5 respondents (22%) reported that they had suffered physical or sexual violence from someone other than an intimate partner – and about half of the respondents who had experienced physical violence reported that family members had been amongst the perpetrators, while about 6% of those who had experienced sexual violence identified family members amongst the perpetrators.** Fathers were frequently named as the perpetrators of physical violence (by 18% of the respondents who had experienced such violence), but unspecified female and male family members were also frequently cited (13% and 19% respectively). Male family members were cited as being the perpetrators of sexual violence by 5% of those who had experienced sexual violence.<sup>209</sup> There is some overlap here between domestic violence

<sup>209</sup> The respondents who had experienced other physical (non-sexual) violence identified the perpetrators as being primarily family members (50%) or acquaintances (57%). Violence from strangers was much more rare (14%). 6% of these respondents did not specify the perpetrator, and some respondents had experienced violence from multiple perpetrators. Boyfriends (presumably those not regular enough to fit within the concept of intimate partners used in the study) were also frequently cited as the perpetrators of physical violence (28%).

Boyfriends (again presumably those not regular enough to fit within the concept of intimate partners used in the study) were the typical perpetrators of sexual violence (55%), more than twice as often as strangers (24%), while male family members were cited as being the perpetrators of sexual violence by 5% of those who had experienced sexual violence.

*WHO Multi-country Study*, 2005, Tables 5.1, 5.2 and 5.3 at 45; Appendix, Table 9 at 183; Appendix, Table 10 at 184; and 15.

against children and adults, given that the question referred to violence experienced after age 15, but it seems reasonable to assume that there was some incidence of violence against adult women in this sample.

## Examples of domestic violence perpetrated against adult family members by other family members

**Deaf man wanted for mother-in-law's murder:** The Police in the Omusati Region are looking for a deaf man from Okapika B village in the Ruacana Constituency who ran away after allegedly killing his mother-in-law. According to the Police the suspect, known only as Bikko, allegedly quarrelled with his mother-in-law on Saturday night before allegedly hitting her on the forehead with an unknown object. The deceased, identified as Kavetuhole Tjivinda (56), was found in a pool of blood yesterday morning. According to Omusati Police spokesperson Sergeant Heseziel Hamalwa, Bikko is a suspect because he was heard quarrelling with Tjivinda on Saturday night.

Oswald Shivute, *The Namibian*, 16 May 2011

**Man tries to torch Mum:** A man from Mururani in the Kavango Region was charged with assault by threat, attempted arson, common assault, resisting arrest and attempted murder on Sunday after allegedly trying to set his mother on fire at Mahahe village. The 30-year-old man is said to have assaulted his mother before threatening to kill her and attempting several times to set her hut on fire.

*The Namibian*, 27 January 2009

**Son to go on trial for murder of parents:** Romeo Schiefer (19)... is accused of murdering his parents, Frans and Francina Schiefer, both 50 years old, at their home in Khomasdal on January 18 last year. Schiefer has pleaded not guilty to the charges. He is also accused of robbing his parents when he allegedly stole a credit card and a document containing the PIN code of the card from them at the time of the killing. The prosecution alleges that an argument erupted between him and one or both of his parents on the evening of January 18 last year. Schiefer allegedly stabbed his mother with knives in the head and neck, took his father's firearm and shot his father in the head, and also shot his mother at least nine times in the head, neck and body, it is charged.

Werner Menges, *The Namibian*, 20 February 2009

**Woman jailed for killing mother:** A mother of three children who killed her own mother in a domestic quarrel in Windhoek in early 2006 was sent to prison for an effective six years this week. Lourencia Nowases (33) broke down in tears when she was sentenced to ten years' imprisonment, of which four years were conditionally suspended for a five-year period... Nowases was charged with murdering her mother, domestic worker Christofine Nowases (55), in the family's home in the Dolam area in Katutura on February 11 2006. The late Mrs Nowases died after she was stabbed in the chest with a large kitchen knife. The knife penetrated into her heart, and she died at the scene. Nowases pleaded not guilty when her trial started... While admitting that she had stabbed her mother with a knife, she claimed she was acting in self defence to ward off an attack on herself. In a statement that she made to a Police officer after her arrest, she claimed that she and her mother already had a quarrel the evening before. During that quarrel, she stated, she was upset when her mother switched off the television while she was watching an episode of the popular Mexican telenovela 'When you are mine.' "I cried and was very upset and told the deceased that she is my mother but I never received any motherly love from her," Nowases said, according to the statement that formed part of the evidence in her trial. She continued that the next day she was again upset when she saw her mother leaving the house with some meat that she (Nowases) had bought. Later that day, she saw that a basin belonging to her was being used while dishes were being washed. This also upset her, and when she threw the water out of the basin, another quarrel started between her and her mother, Nowases related. She claimed that her mother at some stage had a sjambok in her hand and wanted to grab a cup from which she was drinking water. Nowases stated that

she got angry, got hold of a knife and stabbed her mother once, before she ran out of the house. The court was also told during the trial that before the stabbing Mrs Nowases had ordered her daughter to leave their house. In her judgement on the case, Magistrate Usiku said there was no evidence before the court to show that there was a continued attack on Nowases that would have entitled her to defend herself by stabbing her attacker. Considering that “a huge knife” was used by Nowases and that the stabbing was directed at the centre of Mrs Nowases’s chest, it could only be concluded that Nowases had a direct intention to kill her mother, the Magistrate found. Before the sentencing the court was told, in a report from a psychologist who had been seen by Nowases for psychotherapy sessions, that Nowases, who is also the mother of three children, “seemed deeply saddened about the loss of her mother and showed very strong remorse”. With the sentencing, the Magistrate told Nowases: “violent conduct is no longer tolerable; our courts are expected and required to impose stiffer punishment for offenders that commit serious crimes like yours.” She said the court had to send out a message “that punishment for the sort of violent crimes that have continued to escalate in this country would become progressively heavier, until the tide is turned, and the battle against these violent crimes is won”.

Werner Menges, *The Namibian*, 16 July 2009

**Father accused of fatally stabbing son:** A 51-year-old man is facing murder charges after allegedly killing his son. Police Spokesperson Warrant Officer Christopher Munyika said yesterday that 30-year-old Simon Simana died on the spot... after being stabbed in the chest. It is believed the stabbing was preceded by a quarrel.

*The Namibian*, 29 March 2004

**Sex claims surface in family shooting:** A father who allegedly shot his 25-year-old daughter, Ndayambekwa Amon, in Windhoek’s Otjomuise section last Friday, had allegedly tried to sleep with her on several occasions, according to the young woman’s aunt. Head of the Police’s Public Relations Department, Deputy Commissioner Hophni Hamufungu, yesterday confirmed the shooting. Hamufungu said the father, Jafet Amon, had been charged with murder. The father allegedly put the gun into his mouth after the shooting – but that shot was not fatal. “We are just waiting for him to recover,” said Hamufungu. He said allegations that Amon, who is a former Police officer, allegedly tried to have sex with his daughter had also been reported to them. “But these are just rumours. We can only treat this as murder,” he added. Damalisa Shimweefeleni, a sister of Ndayambekwa Amon’s mother, told *The Namibian* this week that the father had allegedly tried to have sexual intercourse with his daughter on several occasions. At one point, she allegedly left the house to stay with her aunt, Shimweefeleni said. Ndayambekwa eventually told her mother’s relatives that her father was behaving as if he wanted to have sex with her. Shimweefeleni said that when they asked the father if it was true, he denied it. One day, she said, Ndayambekwa had come stay with her after her father had allegedly slept with her. When her father called to ask her to return, she refused. But she later agreed to go home. Last Thursday, Ndayambekwa allegedly went to Shimweefeleni and told her that her father was continuing to pressurise her about sex. Later that day, Ndayambekwa went to collect her belongings at the shebeen at her father’s house, the aunt told *The Namibian*. When she found that her father was at there, she allegedly hid at a neighbour’s house, where a friend lived. Later on Friday, she decided to sneak into the shebeen to get her belongings. Just as she was coming out with her bag, he allegedly pounced on her, pulled her inside and pushed her back outside again where he allegedly fired five shots at her. The father is receiving medical attention at the Katutura State Hospital.

Absalom Shigwedha, *The Namibian*, 6 February 2004

**Father accused of killing son, turns gun on self:** A man admitted to the Windhoek Central Hospital in a serious condition, is a suspect in the murder of his 25-year-old son, Ndayambekwa Amon, the Police reported in their daily crime bulletin yesterday. The father, Tuhafeni Amon (age not given), is believed to have shot his son at close range five times with a pistol in a house in Beijing street, Otjomuise. The incident reportedly happened at around 18h00 on Friday. The father then allegedly turned the gun on himself.

*The Namibian*, 4 February 2004

Focus group discussions held as part of the **2007/2008 SIAPAC eight-region study of knowledge, attitudes and practices related to gender-based violence** revealed that there was a concern in all of the regions about family violence by young people against their elders.<sup>210</sup> **We have not been able to locate any specific studies of domestic violence against the elderly in Namibia, but internationally, elderly women – and widows in particular – have been identified as a group which is vulnerable to domestic violence:**

*Older women, who form a large proportion of the world's growing elderly population, are subject to particular forms and manifestations of violence. Elder abuse usually refers to women over 60 or 65, but some studies include those over 50. Violence against older women may take the form of physical, sexual or psychological abuse, as well as financial exploitation or neglect, which can be perpetrated by family members or other caregivers.*

*Older women, including in particular widows, are subject to harmful practices in a number of countries, which can involve both the family and the community. A study conducted in Ghana, based on data collected from news reports and interviews, found that many poor, often elderly women were accused of witchcraft. Some were murdered by male relatives and those who survived were subjected to a range of physical, sexual and economic abuses. Violence directed against widows, including sexual abuse and harassment and property-related violence at the hands of relatives, mainly in-laws, has been reported from a number of countries including India, but information remains scarce.<sup>211</sup>*

Widows of all ages can also be vulnerable to some specific forms of domestic violence. One problem is **property-grabbing**,<sup>212</sup> which would in some cases fall within the definition of “*economic abuse*” in the Combating of Domestic Violence Act. It is also sometimes accompanied by other acts of violence, including physical abuse, harassment or intimidation.<sup>213</sup>

Another potential form of domestic violence which can impact on widows or widowers (regardless of their age) involves “*levirate and sororate unions*”, **informally known as “widow or widower inheritance**”. This refers to the customary practice whereby a widow or widower marries the brother or sister of the deceased. Its original intent was to ensure that the deceased’s surviving spouse and children would be taken care of. Although this practice appears to be in decline in Namibia, such unions do still take place. A UNAM study based on data collected in 2002 in six regions (Caprivi, Karas, Kavango, Khomas, Omaheke and Omusati) found that widow and widower inheritance are still common in Owambo, Herero and Lozi communities, and occur less frequently in Kavango communities.

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<sup>210</sup> SIAPAC 2008 at 31.

<sup>211</sup> UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, 6 July 2006, A/61/122/Add.1 at paragraphs 150, 125 (footnotes omitted).

<sup>212</sup> See, for example, Africa Institutional Management Services, *The impact of HIV/AIDS on the agricultural sector and rural livelihoods in northern Namibia*, Rome: Integrated Support to Sustainable Development and Food Security Programme and Food and Agriculture Organization of the United Nations, 2003 at 10; Millennium Challenge Account Namibia Compact, *Volume 3: Thematic Analysis Report – Livestock*, Windhoek: Millennium Challenge Corporation, 2008 at 19; and Wolfgang Werner, *Protection for Women in Namibia's Communal Land Reform Act: Is It Working?*, Windhoek: Legal Assistance Centre, 2008 at 14, 27.

<sup>213</sup> Kaori Izumi, “Gender-based violence and property grabbing in Africa: a denial of women’s liberty and security” at 14-15 (references omitted), available at <[www.oxfam.org.uk/resources/downloads/WIGAD-GBV\\_2\\_Africa.pdf](http://www.oxfam.org.uk/resources/downloads/WIGAD-GBV_2_Africa.pdf)>. Izumi notes that “*while property grabbing constitutes gender-based violence against women, this does not mean that perpetrators are always men. For instance in matrilineal societies in the northern part of Namibia and in Zambia, sisters-in-law are said to be the main perpetrators, although in the event, it may be male relatives who physically remove property from widows and force them out of their homes*”.

*Under these customary laws when a man dies one of his male relatives – usually the deceased husband’s brother, nephew or uncle – will ‘inherit’ his widow. The husband’s extended family decides who will inherit the widow and sends the man to take over the household of the deceased man. If the widow does not want to be inherited she has to leave the household and all of its property and return to her natal extended family. In most cases the widow is expected to have sexual relations with the man who inherits her, unless she is elderly in which case the couple will simply live together. Also in Owambo, Herero, Lozi and to a lesser extent Kavango custom a widower is inherited by one of his deceased wife’s female relatives – usually the deceased wife’s younger sister, cousin or niece. Again, the widower is expected to have sexual relations with his new wife. Of interest is the fact that widowers are said to have more latitude in deciding whether or not they want to be inherited. In most of the communities under consideration, people say that the practice of spousal inheritance has only changed slightly due to the advent of AIDS, however, people in the Kavango report that the practice of widow inheritance has all but disappeared while the practice of widower inheritance has been greatly reduced.<sup>214</sup>*

This practice has reportedly been transformed or abandoned in some communities – because of fears about HIV transmission and because in some instances greed has superseded traditional concerns about ensuring that vulnerable family members are cared for.<sup>215</sup> The custom is not necessarily problematic if it takes place with the full and informed consent of the surviving spouse and in the absence of any physical or economic coercion to enter such a union. However, where this custom takes place through physical or economic coercion, it could constitute a form of domestic violence.<sup>216</sup>

### **SADC Gender Protocol, Article 10(1)**

**States Parties shall enact and enforce legislation to ensure that:**

**(a) widows are not subjected to inhuman, humiliating or degrading treatment**

...

**(g) a widow shall have protection against all forms of violence and discrimination based on her status.**

<sup>214</sup> Debie Lebeau, Eunice Ipinge 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 at x-xi, 42-43; see also Lucy Edwards-Jauch, *AIDS and Family Structures*, Windhoek: Department of Sociology, University of Namibia, 2010 at 9, 24-26; *Makono v Nguvauva* 2003 NR 138 (HC); 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 at 51 and 102; Immaculate Mogotse, Pempelani Mufune, Tomas Shapumba and Elizabeth Kakolo, “Male Involvement in Reproductive Health: Northwest Health Directorate”, Windhoek, 2000 (unpublished research report), as described in Digital Solutions, *2002 Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004 at 11: “A study by Mogotse et al (2000) indicates that the practice of widow inheritance is still common, especially in the rural areas.”

<sup>215</sup> See, for example, Debie LeBeau, “In Small Things Stolen: The Archeology of Inheritance versus Property Grabbing in Katutura” in R Gordon, ed, *The Meanings of Inheritance: Perspectives on Namibian Inheritance Practices*, Windhoek: Legal Assistance Centre, 2005 at 117-ff.

<sup>216</sup> See, for example, SIAPAC 2008 at 32, where it is reported that Herero participants in focus group discussions in Kunene, Erongo, Omaheke and Otjozondjupa Regions reported that this practice was growing more abusive over time “as Herero men were increasingly demanding sex in these relationships, regardless of what the woman wanted”.

## Examples of domestic violence against the elderly

**Son charged with mother's rape, murder:** A son of Ellie "Wolsak" van Wyk (76) is to appear on charges of murder and rape in the Rehoboth Magistrate's Court today. The 42-year-old suspect was formally charged yesterday afternoon in connection with his mother's brutal death and suspected sexual assault. It is suspected that the man, who shared a house with Van Wyk... had raped and then assaulted the elderly woman until she died. Her body was covered in bruises. Blood on the suspect's clothes and scratch marks on his body are said to have led to his arrest... He apparently admits having broken into his mother's room to "steal money to go and drink".

Denver Kisting, *The Namibian*, 10 March 2011

**15-year-old boy rapes granny:** The Police at Ondangwa in the Oshana Region arrested a 15-year old boy after he allegedly raped his 54-year-old grandmother at Okangwena informal settlement on Sunday... the boy, who appeared in the Ondangwa Magistrate's Court, had apparently had sexual intercourse with his grandmother several times in their family home... the grandmother allegedly seems to be somewhat mentally disturbed.

Oswald Shivute, *The Namibian*, 17 September 2010

**Alleged great granny and goat rapist in court:** A man accused of raping his great-grandmother and a goat appeared in the Oshakati Magistrate's Court on Tuesday. It is alleged that in the early hours of Friday, Stefanus Fillemon (30), from Eefadoukadona near Ongwediva in the Oshana Region, stabbed and sexually assaulted his great-grandmother, said to be well over 90 years old, at her homestead after attending a wedding reception. Fillemon faces charges of rape and assault with intent to cause grievous bodily harm. The old woman's 10-year-old great-granddaughter was present during the incident. Fillemon allegedly stabbed his elderly relative in the arm with a knife after she started crying and screaming while he raped her. The old woman's screams caused Stefanus Fillemon to flee and brought neighbours and relatives rushing to the house. They reported the incident to the Police and took the elderly woman to Oshakati State Hospital. Witnesses told Police that Fillemon had been caught having sex with a goat at the village a few days earlier. Fillemon reportedly used a condom when having sex with the goat, but not when raping his great grandmother. "This kind of evil and violence will bring us nowhere and I think the youth have to be taught culture, norms and values in order to stop doing such bad things and unwanted practices in society," Oshana Police Public Relations Officer, Sergeant Christina Fonsecka, told *The Namibian* yesterday. He was not asked to plead and the case has been referred for further Police investigation. He was charged with murder, and will make his first court appearance in the Rundu Magistrate's Court today.

Oswald Shivute, *The Namibian*, 7 May 2009

**Son kills father with arrow:** An 80-year-old man at Omanyoshe village in the Ohangwena Region died instantly after his son allegedly shot him in the chest with an arrow. Police spokesperson Sergeant Christina Fonseck said the incident happened on Saturday evening. She said Junias Shilongo was shot after his son had a quarrel with his sister. The son has been arrested.

Absalom Shigwedha, *The Namibian*, 22 January 2008

**Youth arrested for his grandmother's murder:** A 19-year-old man was arrested for allegedly murdering his grandmother at a village near Rundu on Monday morning, the Police reported yesterday. Eveline Kashova (86) was slashed across the face with a traditional axe at Shighuru village in the Mabushe area, some 70 km east of Rundu. Police Warrant Officer James Matengu said yesterday that the suspect claimed that his grandmother was a witch. Another Police source indicated that the suspect claimed that his grandmother had bewitched his father, who died last week. The suspect apparently fled into the bush after murdering the elderly woman, and it was there that Police arrested him later in the day.

*The Namibian*, 14 March 2007



**Son kills mother over pension money:** Rundu – A 25-year-old man appeared briefly in the Rundu Magistrate’s Court yesterday on a charge of murdering his mother. . . Mukumbi allegedly beat his mother, Munango Katalina Shinganga, to death at Magcuva village in the Kavango Region on Friday. Mukumbi allegedly demanded that his mother hand over some of her pension money to him, and a quarrel ensued. Last week, a similar incident occurred in Kahenge Constituency, where a 23-year-old man murdered his grandmother. He allegedly cut her throat with a knife, claiming that she was a witch.

*The Namibian*, 1 March 2005

**Son clubs his father to death:** A 79-year-old man, Mwaamenange Haikali, was clubbed to death by his son Nandjedi Timoteus Haikali (18) on Sunday night. The Police reported yesterday that Haikali was allegedly struck on the head with the handle of a hoe after a quarrel with his son at Okalale village in the Ongandjera area. He later died of his injuries. Haikali junior appeared in the Magistrate’s court yesterday on murder charges.

*The Namibian*, 24 August 2004

## 4.6 IMPACT OF DOMESTIC VIOLENCE

*The implications of all forms of home and family violence for future development, behaviour and well-being in adulthood, and for future parenting, are profound. In addition, home is the place where gender-based inequalities are first experienced by children, and where future power-imbalanced relationships are modelled, or challenged. Boys may be encouraged to become aggressive and dominant (‘takers’ of care), and girls are encouraged to be passive, compliant caregivers. These gender-based stereotypes support the use of violence and coercion that perpetuates gender inequalities.*

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 at 48

The physical and emotional trauma resulting from incidents of violence is extremely damaging to the well-being of victims of domestic violence. The physical and emotional damage may go unrecognised by the victims; an eight-region Namibian study found that 67% of the respondents who had been assaulted in the year prior to the survey did not believe that the assault had affected their physical or mental health, or were not sure about this.<sup>217</sup>

Domestic violence is particularly harmful because its harms ripple out to the entire family. For example, in a family where there is domestic violence against women, there is also likely to be domestic violence against children.<sup>218</sup> Children who are victims of family violence are at greater risk of further victimisation during the course of their lives – such as being bullied at school or being the victims of violence in future relationships.<sup>219</sup> Most disturbingly, children who suffer violence or witness violence “*learn powerful lessons about aggression in interpersonal relationships which they carry with them into their future*” – thus perpetuating the cycle of violence.<sup>220</sup>

<sup>217</sup> SIAPAC 2008 at 65.

<sup>218</sup> 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 at 70.

<sup>219</sup> *Id* at 65-66, 70. “*Women in all countries who have experienced physical violence from their parents in childhood are considerably more likely to report physical violence from an intimate partner as an adult...*” At 66.

<sup>220</sup> *Id* at 70.

## 4.6.1 Impact of domestic violence on adults

### *Physical consequences*

#### Examples of physical consequences of domestic violence

Violence against women by an intimate partner is a major contributor to the ill-health of women.<sup>221</sup>

Ellen and Saara both describe how their husbands frequently hit them in the face and head which has resulted in the loss of hearing. Francina's husband beat her in the face so frequently that she lost the use of one of her eyes.<sup>222</sup>

Types of physical violence reported ranged from mild (shoving, pushing) to severe (broken bones, loss of eyesight, bruises and cuts) serious enough to seek medical attention, and threats with guns and other weapons that could potentially be life-threatening.<sup>223</sup>

A 35-year old woman was assaulted by her ex-boyfriend. He threw stones at her head three times, and she died several days later as a result of the injuries sustained.<sup>224</sup>

The LAC-LRDC study of a sample of domestic violence cases reported to the police in 1994 found that **bruising was the most commonly-reported injury**, followed by cuts and scrapes. **About 10% of those who reported domestic violence said that they had received stab wounds**, 7% reported head injuries, and 1% reported broken bones.<sup>225</sup>

In the WHO survey of women in Windhoek carried out in 2001, as noted above, almost **one-third (31%) of women who had experienced physical or sexual violence from an intimate partner reported that they had suffered physical injuries** from this violence, with about 20% of the injured women reporting that they had been injured on *more than five occasions*.<sup>226</sup> **About 23% of the injured women had been knocked unconscious by an intimate partner**, and 8% had lost consciousness for more than one hour. **Two-thirds of the injured women (66%) had sought medical attention for their injuries**, and 32% of this group had spent at least one night in hospital.<sup>227</sup> Furthermore, 10% of the Namibian respondents reported that their partners had either tried or threatened to kill them.<sup>228</sup> The

<sup>221</sup> WHO Multi-country Study, 2005 at vi.

<sup>222</sup> Reported in 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 at 11.

<sup>223</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at xii.

<sup>224</sup> Reported in Legal Assistance Centre (LAC) and Law Reform and Development Commission (LRDC), *Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response*, Windhoek: LAC and LRDC, 1999 at 33.

<sup>225</sup> *Id*, Table 20 at 32 (based on 515 police dockets drawn from a national sample).

<sup>226</sup> WHO Multi-country Study, 2005, Table 7.3 at 58.

<sup>227</sup> *Id* at 57-58; MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 32. The locally-published study reports that 63% of the injured women (rather than 66%) had sought medical assistance for their injuries.

<sup>228</sup> WHO Multi-country Study, 2005, at 77.

same study showed how **domestic violence can increase the risk of miscarriage for pregnant women**; half of the women who reported being beaten while pregnant said that they had been kicked or punched in the abdomen, which is particularly dangerous for the foetus.<sup>229</sup>

The WHO study also found that **bruises were the most common types of injury** suffered by women injured by an intimate partner, with 51% of injured women reporting this outcome. **Almost half of the women injured by domestic violence reported cuts, punctures or bites (43%) or eye or ear injuries (44%), while 19% reported fractures and 6% reported burns.**<sup>230</sup>

**In the 2007/2008 eight-region survey carried out by SIAPAC, the most commonly mentioned injuries resulting from domestic violence were scratches, abrasions and bruises (with 71% of persons who had been injured by an intimate partner in the previous year reporting these types of injuries), followed by cuts and bites (49%), then broken eardrums, noses or teeth and injured eyes (36%).**<sup>231</sup> **One-third of the injured respondents reported losing consciousness due to the violence, highlighting the serious physical impact of domestic violence.**<sup>232</sup>

More lasting forms of injury which have resulted from domestic violence in Namibia include blindness, the loss of body parts such as a hand or eye and being seriously burned with petrol. **The most severe abuse results in death.**<sup>233</sup>

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<sup>229</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 21.

<sup>230</sup> *WHO Multi-country Study*, 2005, Table 7.4 at 58.

<sup>231</sup> SIAPAC 2008, Figure 27 at 65.

<sup>232</sup> *Id* at 65.

<sup>233</sup> See, for example:

- Surihe Gaomas, “Domestic violence took her eye”, *New Era*, 9 November 2005 (36-year-old mother of five lost eye after partner struck her with a mop; eye specialist reports that she see 3-4 such cases each month);
- Frauke Jansen, “Justine’s story”, *Big Issue*, October 2002 (former boyfriend blinds ex-girlfriend by sticking his finger in her eyes);
- Oswald Shivute, “Husband chops off wife’s hand”, *The Namibian*, 11 December 2007;
- Werner Menges, “Arson murderer jailed for 35 years”, *The Namibian*, 28 February 2006 (35-year-old father of seven convicted of murdering girlfriend by pouring petrol over her and setting her alight);
- Werner Menges, “Nurse jailed for attack on pregnant girlfriend”, *The Namibian*, 1 March 2010 (male nurse allegedly kicked eight-months’ pregnant girlfriend in stomach, stabbed her in the back and came close to slitting her throat after learning that unborn child was not his);
- Werner Menges, “Four years in jail for near-fatal screwdriver stabbing”, *The Namibian*, 3 September 2009 (after being stabbed in the neck by her boyfriend, a 25-year-old woman was left partially paralysed and spent three months in hospital);
- Werner Menges, “Severe prison term for fatal stoning”, *The Namibian*, 4 July 2010 (27-year-old man convicted of murdering 23-year-old girlfriend by stoning her to death in what the judge termed “the most inhuman manner imaginable”);
- Werner Menges, “Orina jailed for 40 years” *The Namibian*, 23 May 2010 (male nurse sentenced for murdering wife, dismembering her body and then dumping body parts at four sites in and around Grootfontein);
- Denver Kisting, “Man (81) bludgeons wife to death”, *The Namibian*, 22 February 2011;
- Werner Menges, “Otjimbingwe killer gets 25 years in prison”, *The Namibian*, 21 October 2010 (27-year-old man convicted of murdering pregnant girlfriend by stabbing her repeatedly with a knife”);
- Denver Isaacs, “Mother, daughter murdered at Ovitoto”, *The Namibian*, 9 June 2009 (“A troubled relationship ended in tragedy at Ovitoto last week, when a 38-year-old man fatally shot both his girlfriend and her mother with a hunting rifle.”);
- Luqman Cloete, “Lover stabs girlfriend, kills himself”, *The Namibian*, 10 July 2009 (“Jealousy drove a Keetmanshoop resident to stab his lover several times before committing suicide by slitting his own throat...”);
- Werner Menges, “No bail for suspect charged with murder of girlfriend”, *The Namibian*, 3 November 2009 (boyfriend allegedly killed girlfriend by assaulting her, dragging her down the street by one leg, kicking her and stabbing her once in the eye and twice in the ear);
- Denver Isaacs, “Shoots girlfriend, then kills himself”, *The Namibian*, 18 September 2008 (popular musician shoots 23-year-old girlfriend in Windhoek central city area at midday);

**Domestic violence is typically an escalating problem, characterised by repeated incidents of increasing severity – which increases the possibility of serious injury or a fatality.**<sup>234</sup> A 2009 Namibian Police report notes that, during 2008, women were the victims in 36% of cases of assault with intent to cause grievous bodily harm, 24% of murder cases and 18% of attempted murder cases, commenting, “*Although not all of these cases occur within a domestic context, it is likely that a high proportion of them are domestic violence related cases*”.<sup>235</sup>

**Cases of sexual violence can also lead to increased risk of HIV infections and transmission of other sexually transmitted diseases.**<sup>236</sup> Interestingly, women with violent partners were significantly more likely to report that their partner had other simultaneous sexual partners than women whose partners were not violent.<sup>237</sup> In addition, forced sex may involve physical injury which increases the risk of sexual transmission of infections.<sup>238</sup>

## **Psychological consequences**

***The fear of violence... is a permanent constraint on the mobility of women and girls in Namibia and deprives or limits their access to resources and prevents them from participating in basic activities.***

Department of Women Affairs, Office of the President,  
*National Gender Policy*, Windhoek, November 1997 at paragraph 6.5

- “Man arrested for brutal killing of ex-girlfriend”, *The Namibian*, 9 September 2008 (ex-boyfriend allegedly beat former girlfriend to death with stones and piece of wood);
- Oswald Shivute, “30 years for panga killer”, *The Namibian*, 15 May 2007 (boyfriend murdered girlfriend with a panga);
- Werner Menges, “Hansie Losper guilty of murder”, *The Namibian*, 4 December 2007 (husband shot wife one in neck and three times in chest at close range);
- Denver Isaacs, “4 shot in family drama”, *The Namibian*, 23 October 2006 (“A 16-month-old baby, an eight-year-old boy and two women are in hospital after a man allegedly tried to kill his family...”);
- Werner Menges, “Kamanjab panga murder suspect convicted”, *The Namibian*, 15 June 2006 (boyfriend convicted of murdering girlfriend by almost beheading her with a panga);
- Werner Menges, “Murder over ‘loss of manhood’ earns teacher 21-year jail term”, *The Namibian*, 28 October 2005 (boyfriend kills girlfriend by stabbing her 35 times with multiple knives);
- Christof Maletsky, “Rehoboth residents outraged by woman’s gruesome murder”, *The Namibian*, 26 January 2005 (young mother hacked to death with a rake by angry boyfriend; “He used to beat her often and people thought it would stop after some time. However, this time he left her to die.”)

<sup>234</sup> 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 at 10.

<sup>235</sup> Ministry of Safety and Security, “The Development of Effective Law Enforcement Responses to Violence against Women in Southern Africa region: Country Report” (mimeo), 11 June 2009.

<sup>236</sup> SIAPAC 2008 at 58; 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 90.

<sup>237</sup> WHO *Multi-country Study*, 2005 at 67.

<sup>238</sup> The violence of non-consensual sex, combined with the fact that the woman is unlikely to be aroused in such circumstances, increases the possibility of blood transmission through cuts and abrasions if no condom is used. See, for example, Julia Kim and Lorna Martin, “Rape and HIV Post-Exposure Prophylaxis: Addressing the Dual Epidemics in South Africa”, 11 *Reproductive Health Matters* 101 (2003).

**... [C]ontrol is a key factor in domestic abuse. It could be argued that it is at the core of all the tactics that the abuser employs... [T]he abuser's aim is to take over the woman's view of reality and replace it with his own. In doing so, he asserts himself and his identity. His whole being and existence relies on taking control of her and her life. Some of the more common tactics abusers use (but are not limited to) are financial control, isolation, threatening, ignoring, denying the abuse, placing blame on the victim, degrading, dismissing and challenging.**

Eleonora Chikuhwa,  
"Invisible Wounds: A Namibian Case Study of Psychological Abuse",  
Master's thesis, Centre for Gender Studies, Uppsala University, 2011 at 29

## **Examples of psychological consequences of domestic violence**

**"I became so despondent, helpless and rejected that I suffered from hypertension, depression and I believed that I was worthless as a wife."<sup>239</sup>**

**"With physical abuse, a scar is left on your body, but emotional abuse makes you feel useless, you don't get over it easily."<sup>240</sup>**

**"I remember I jumped through the window one night. He was beating me so bad I had to jump out naked. When he began beating me, I felt as if I did not have a family. My eye was black and blue, my mouth was swollen. I wanted to commit suicide."<sup>241</sup>**

Internationally, intimate partner violence is linked to depression and attempted suicide;<sup>242</sup> for example, a WHO survey carried out in ten countries found that women who experience physical or sexual violence, or both, are considerably more likely than other women to consider ending their lives.<sup>243</sup>

Intimate partner violence undermines women's self-esteem and their capacity to take action.<sup>244</sup> Studies in various countries have also shown that the most common causes of post-traumatic stress disorder in women are rape, childhood sexual abuse and intimate partner violence.<sup>245</sup>

<sup>239</sup> 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 88.

<sup>240</sup> Elizabeth M'ule, Seuaa Karuaihe and Ian Swartz, eds, *The 'I' Stories: 'Healing through the Power of the Pen'*, Volume 1, 2006, Windhoek: Namibian Women's Voices at 31-32.

<sup>241</sup> *Id* at 17.

<sup>242</sup> See, for example, UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, 6 July 2006, A/61/122/Add.1 at paragraph 165; A Levendosky and S Graham-Bermann, "Parenting in Battered Women: The Effects of Domestic Violence on Women and Their Children", *Journal of Family Violence*, Vol 16, No 2, 2001 at 171-172: "Battered women experience increased levels of depression, lower self-esteem, and higher levels of psychological distress"; and at 172: "In addition, prevalence of posttraumatic stress disorder (PTSD) in battered women is high, ranging from 45% to 84%."

<sup>243</sup> WHO *Multi-country Study*, 2005 at 60.

<sup>244</sup> Annika Wahlström, *Domestic violence against women from a legal perspective: with focus on the situation in Namibia*, University of Stockholm (graduate thesis), 1994 at 4.

<sup>245</sup> *Id* at paragraph 164.

In Namibia, medical personnel who have treated abused women in Namibia describe the behaviour of women who have experienced domestic violence as “*anxious, frightened and disconnected*”.<sup>246</sup>

**The WHO study of intimate partner violence in Namibia (based on 2001 data) found that women who have encountered domestic violence were more likely than women who had never experienced such abuse to suffer mental distress or depression,<sup>247</sup> and that more than one-quarter of women who had experienced intimate partner violence reported suicidal thoughts.<sup>248</sup> This Namibian study also found that women who suffer domestic violence are slightly more likely to smoke or drink alcohol regularly than those who have not,<sup>249</sup> which can be taken as markers of their psychological distress.**

**A master’s thesis published in 2011 explored the topic of psychological abuse through six in-depth interviews conducted in Windhoek in 2010 with women who had experienced domestic abuse (with all but one of them experiencing physical abuse in combination with the psychological abuse).<sup>250</sup> This thesis found that “*psychological abuse goes unnoticed not only by authorities but also by the victims themselves*”, partly because different people find different things offensive or abusive: “*This makes psychological abuse, not only difficult to define, but also to perceive.*”<sup>251</sup> This study found a number of different forms of psychological abuse with severely detrimental impacts:**

***Financial control:** This took a variety of forms, including persuading a spouse to take out loans and then refusing to share responsibility for their repayment, controlling a spouse’s income or refusing to allow a spouse to work, controlling all household expenditures and using marital resources for a mistress.*

***Isolation:** Distancing a partner physically or emotionally from family and friends, as a way of insulating that person from others’ opinions and thus controlling her worldview and making it harder for her to access support for leaving the relationship. In extreme cases, this involves locking up the partner or restricting her ability to maintain contact with others through financial control, while in other cases it is accomplished more subtly by making contact with others uncomfortable.*

***Threats:** This can include threats of murder or extreme forms of violence, or the destruction of property in the home or going into rages which stop just short of physical violence (to send out the message that physical violence is a real possibility), as mechanisms for controlling a partner through fear.<sup>252</sup>*

**This study also describes how ignoring the partner’s needs, and oscillating between violence and warmth, can also be forms of control which leave the victim feeling powerless and worthless:**

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<sup>246</sup> 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 at 16.

<sup>247</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 29.

<sup>248</sup> *Ibid.*

<sup>249</sup> *Id* at 30-31.

<sup>250</sup> Eleonora Chikuhwa, “Invisible Wounds: A Namibian Case Study of Psychological Abuse”, Master’s thesis, Centre for Gender Studies, Uppsala University, 2011 at 17-19.

<sup>251</sup> *Id* at 25.

<sup>252</sup> *Id* at 26-40.

The problem is that she is not in control of when he is the loving individual or the violent one; *he decides*. This oscillation causes the victim to become both confused and dependent. It creates dependence because she is constantly seeking his approval by trying to do as he wishes. She is continuously trying to prove to him that she is good enough for him and can fulfil his needs. She becomes devoted to gaining his acceptance and it consequently becomes difficult to let go unless she attains her goal. The abuser is in complete control of the situation and the victim's desire to be accepted is unattainable. She will never satisfy him. He will always find ways in which to put her down, criticise the person that she is and what she does.

The victim starts to believe that if this person whom she loves so much cannot embrace her with her flaws then who else will be able to do so. The next step is feeling lucky that at least he is willing to be with her. So she must do everything in her power to please him. Thus, the cycle continues.<sup>253</sup>

**Another control tactic with devastating impact is to deny that there is abuse or to blame it on provocation by the victim:**

*Denial of the abuse or turning it around and laying the blame on the victim, can be used not only to destroy integrity, but also a person's perception. In this, these two tactics are similar to ignoring. By either denying that abuse is taking place or blaming the victim for it, one is arguably overlooking her feelings and dismissing her perceptions of reality. Once this is done, it makes it much easier for the abuser to maintain control and it makes it all the more difficult for the victim to be able to leave.*<sup>254</sup>

The victim may adjust her behaviour in an attempt to avoid abuse, but this is seldom a successful tactic because the abuser's expectations change as he focuses on maintaining control.<sup>255</sup>

Degrading the victim, constantly putting her down, or repeatedly being dismissive of her opinions can also have a **detrimental effect on the victim's self-esteem**.<sup>256</sup>

This study reports that **all six Namibian women interviewed about psychological abuse contemplated suicide** at least once during the course of their violent relationship.<sup>257</sup>

***Psychological abuse is not widely recognized as an integral part of domestic violence. The media's focus on the physical aspects of abuse goes a long way in rendering non-physical forms invisible not only to the general public but also to those experiencing it.***

Eleonora Chikuhwa,  
"Invisible Wounds: A Namibian Case Study of Psychological Abuse",  
Master's thesis, Centre for Gender Studies, Uppsala University, 2011 at 49 (citation omitted)

<sup>253</sup> *Id* at 42.

<sup>254</sup> *Id* at 45 (citations omitted).

<sup>255</sup> *Id* at 50.

<sup>256</sup> *Id* at 46-48.

<sup>257</sup> *Id* at 48.

## 4.6.2 Impact of domestic violence on children

### Examples of the impact of domestic violence on children

*“The eldest and the second one, those two are very scared – of everything, like of a dog, their shadows, other people... Those two they can’t play, they are all scared, they just cry and stand there next to me. They are very scared of him.”<sup>258</sup>*

*“The children always cried a lot. If the door was open they would run to the neighbours and sometimes slept there. It affected them really bad and their performance at school was affected.”<sup>259</sup>*

*“... [C]hildren whose mothers suffer intimate partner violence, in particular physical violence, are at a higher risk of behavioural, emotional and academic difficulties than children whose mothers did not experience intimate partner violence.”<sup>260</sup>*

*“Children growing up in a violent family can experience emotional and behavioural problems, even if they do not experience the violence directly. They also learn that violence is a way of solving problems, which increases the level of violence in society.”<sup>261</sup>*

*“Beating is wrong. Beating people is like forcing them to feel pain in their bodies. If parents keep on beating their children, those children will end up beating their husbands or wives and children when they grow up.”<sup>262</sup>*

A 2006 United Nations report provides a comprehensive summary of the consequences of domestic violence for children:

#### *Developmental consequences: physical and psychological*

*The most apparent immediate consequences of violence to children are fatal and non-fatal injury, cognitive impairment and failure to thrive, and the psychological and emotional consequences of experiencing or witnessing painful and degrading treatment that they cannot understand and are powerless to prevent. These consequences include feelings of rejection and abandonment, impaired attachment, trauma, fear, anxiety, insecurity and shattered self-esteem. When a parent deliberately inflicts pain on a child, whether for punishment or for some other reason, part of the child’s lesson is that the parent is a source of pain to be avoided; even at two years old, physically punished children distance themselves from mothers compared to children who are not physically punished.*

<sup>258</sup> 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 at 93, quoting “Ellen”, a 24-year-old woman explaining the effect of her husband’s abuse on her children.

<sup>259</sup> Elizabeth M’ule, Seuaa Karuaihe and Ian Swartz, eds, *The ‘I’ Stories: ‘Healing through the Power of the Pen’*, Volume 1, 2006, Windhoek, Namibian Women’s Voices at 27.

<sup>260</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 35.

<sup>261</sup> Legal Assistance Centre (LAC), *Guide to the Combating of Domestic Violence Act 4 of 2003*, Windhoek: LAC, 2008 at 6.

<sup>262</sup> *Public Participation in Law Reform: Revision of Namibia’s Draft Child Care and Protection Bill*, Windhoek: Ministry of Gender Equality and Child Welfare, Legal Assistance Centre and UNICEF, 2010 at 53.



*Impacts and consequences are complicated by the fact that, at home, children are victimised by people they love and trust, in places where they ought to feel safe. The damage is particularly severe in the context of sexual abuse, particularly as the stigma and shame surrounding child sexual abuse in all countries usually leaves the child dealing with the harm in solitude. Loss of confidence and belief in the human beings closest to the child can instil feelings of fear, suspicion, uncertainty, and emotional isolation. He or she may never again feel safe or secure in the company of the parent or family member who perpetrated the violence.*

*A growing body of evidence suggests that exposure to violence or trauma alters the developing brain by interfering with normal neuro-developmental processes. Where family violence is acute, children may show age-related changes in behaviour and symptoms consistent with Post-Traumatic Stress Disorder (PTSD) and depression. Physical and sexual victimisation are associated with an increased risk of suicidal thoughts and behaviour, and the more severe the violence, the higher this risk. The effects may also be influenced by how adults respond to children if they try to talk about what they have experienced. Other variables will include how long the violence has gone on, where it has taken place, and whether the child is suffering from repeated violence from the same person, or whether he or she is being 're-victimised' by another perpetrator.*

*According to WHO, the negative effects to children of living in a violent household are similar across culturally and geographically diverse settings. Based on studies of women in Bangladesh, Brazil, Ethiopia, Japan, Namibia, Peru, Samoa, Thailand and the United Republic of Tanzania, children living in violent households (where the mother reported physical abuse from the father) were more likely to have behavioural problems such as bed-wetting, nightmares, and excessively aggressive behaviour or timidity, than those in non-violent households. The results suggest that exposure to violence in the home is a warning sign for damage to children, and care services need to factor this into prevention and response.*

### **Consequences over the longer term**

*A growing body of research shows that violence perpetrated against children, or the experience of living in a household where violence against loved ones is frequently witnessed, can be a significant contributing factor in adult illness and death. Childhood experience of violence has been linked to alcohol and drug abuse, cancer, chronic lung disease, depression, and a number of other conditions including liver disease, obesity and chronic reproductive health problems. The links may result from harmful behaviours adopted as coping mechanisms such as smoking, drinking, substance abuse, bingeing or other poor dietary habits.*

*Violence against children can also have a lasting impact on mental health. A study comparing data from around the world shows that a significant proportion of adult mental disorders are connected to sexual abuse in childhood. Although the prevalence of abuse varied in different regions, the impacts appeared similar, with mental health effects being worse in relation to the period over which abuse continued and degree of severity.*

*Findings are similar regarding physical punishment and other degrading forms of treatment. Corporal punishment is a predictor of depression, unhappiness and anxiety, and feelings of hopelessness in children and youth. Even a low frequency of corporal punishment may lead to psychological distress in young people. In a group of adolescents in the Hong Kong Special Administrative Region of China, those who had been physically punished in recent months were more likely to consume alcohol, smoke cigarettes, get into fights, be anxious and stressed, and perceive difficulties in their ability to cope with everyday problems. The relationship with*

*poorer mental health continues into adulthood according to studies in Canada and the USA, which found a higher level of anxiety disorders and alcohol dependence.*<sup>263</sup>

Living in an environment of violence can cause emotional and behavioural problems for children even if the children do not experience violence directly. **Namibian women who had experienced physical violence from an intimate partner were more likely than women who had not experienced such violence to report that their children have problems such as bed wetting, shoplifting, repeating grades at school, timidity, aggression and anxiety (manifesting by nightmares and thumb-sucking).**<sup>264</sup>

As already noted, **there is evidence that a frighteningly-high proportion of Namibian children contemplate or attempt suicide, and this phenomenon has been linked to family problems.**<sup>265</sup>

One of the most worrying impacts of domestic violence on children is the perpetuation of violence. **Children raised in violent homes learn to use violence as a way of problem solving and children who experience violence are at a high risk of becoming violent adults.**<sup>266</sup>

*The consequences of violence against children include both the immediate personal impacts and the damage that they carry forward into later childhood, adolescence and adult life. The violence that children experience in the context of home and family can lead to lifelong consequences for their health and development. They may lose the trust in other human beings essential to normal human development. Learning to trust from infancy onwards through attachments in the family is an essential task of childhood, and closely related to the capacity for love, empathy and the development of future relationships. At a broader level, violence can stunt the potential for personal development and achievement in life, and present heavy costs to society as a whole.*

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 at 63

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casts a shadow  
the length of  
a lifetime.  
It shouldn't  
hurt to be a child!**



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<sup>263</sup> 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 at 63-64 (references omitted). See also World Health Organisation, *World Report on Violence and Health*, Geneva: WHO, 2002 at 69-70.

<sup>264</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 35.

<sup>265</sup> See section 4.4.1 above.

<sup>266</sup> 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 at 70.

# 4.7 VICTIM RESPONSES TO DOMESTIC VIOLENCE

## 4.7.1 Suffering in silence

### The hidden nature of domestic violence

Violence against women by their male partners is common, wide-spread and far-reaching in its impact. For too long hidden behind closed doors and avoided in public discourse, such violence can no longer be denied as part of everyday life for millions of women.<sup>267</sup>

One of the most disturbing results of the [2001 study of women in Windhoek] is that 62% of the victims of intimate-partner violence reported that they never sought help.<sup>268</sup>

Many victims are silent so the extent of the problem is hard to evaluate. More should be done to bring the extent of the problem out into the open.<sup>269</sup>

Many victims of domestic violence suffer in silence and never seek help, or else wait for years or until the violence has escalated to dangerous severity before seeking assistance from anyone. The silence arising from the shame and stigma surrounding the issue have already been discussed, as well as the widespread cultural perception that problems which occur within families should remain private. Others remain silent because of fears of retribution or because of financial dependence on the abuser. Still others fail to speak out because they do not recognise domestic violence as being anything other than normal.<sup>270</sup>

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*”,<sup>271</sup> 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.<sup>272</sup> A study of Himba and Herero communities published in 2002 stated: “*Only if a woman’s husband beat his wife badly and regularly would she go to the traditional authority or her parents. Otherwise, she would not say anything.*”<sup>273</sup> The 2007/2008 SIAPAC

<sup>267</sup> WHO *Multi-country Study*, 2005 at viii.

<sup>268</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at xii.

<sup>269</sup> Comment of a key informant reported in 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 at 22.

<sup>270</sup> See section 4.1, pages 66-67. See also Dora Borer, “Gender based violence in northern Namibia: An enquiry on perception, experiences and networks”, Institute for Social Anthropology, University of Basel (unpublished student paper), 2008 at 18.

<sup>271</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 41.

<sup>272</sup> *Id* at 40.

<sup>273</sup> 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 at 73.

eight-region study found that more than one-third of respondents would be reluctant to involve police unless the situation became extremely serious.<sup>274</sup>

**One sobering point which emerged from the 1998 study of 130 victims of spousal abuse in Lüderitz, Karasburg and Keetmanshoop was how long victims endure abuse before seeking help, with almost three-fourths of the victims saying that they first reported the abuse to someone else after it been going on for at least four years.<sup>275</sup> Victims who find the courage to speak out tend to approach other family members first.** They may also turn to ministers of religion, social workers or friends. This study found that victims were likely to turn to the police at some stage, but they complained that police response was unsympathetic. Some said that the police sided with the abuser, asking questions like “What did you do to provoke your husband?”, or that police say that they cannot intervene in domestic affairs.<sup>276</sup> Because police response was perceived as being frequently unhelpful, victims tended to approach police only in cases of severe assault.<sup>277</sup> (Woman and Child Protection Units were at this stage not well-known or understood by the community.) These victims approached lawyers for assistance far less frequently than others, because of a lack of conviction that the legal system could do anything to help (keeping in mind that this study was prior to the enactment of the Combating of Domestic Violence Act), or sometimes because of a preference for preventative or therapeutic action.<sup>278</sup> They tended to approach medical personnel only in cases of severe injury, sometimes because of a fear that the case would be taken to court against their will.<sup>279</sup>

**Shame was the reason most often cited in this study for reluctance to seek help.<sup>280</sup>** Victims were afraid that they would be blamed for the abuse themselves, or they felt guilty because they believed that they were the ones at fault. They were also reluctant to risk social rejection by their communities, and they did not want to disgrace the family name. Furthermore, many victims hoped that the relationship could be preserved – because of emotional or financial dependency on the abuser, because of the children, because of concerns about social status and the family name, or because they were persuaded by abusers’ promises to reform. About one-third of the victims interviewed were reluctant to seek help because of their fear of the abuser’s reaction.<sup>281</sup> One rather surprising reason for the silence of victims was fear of testifying in court. Others indicated that they perceived the legal system as being a futile avenue of recourse, citing low conviction rates, the tendency for

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<sup>274</sup> SIAPAC 2008, based on Figure 11 at 40.

<sup>275</sup> 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 96. Almost half of the respondents indicated that they waited more than five years to report from the first occurrence of abuse (49%), while 22% waited until between four and five years, 22% reported within one to three years, and 6% reported within the first year of the abuse first occurring.

<sup>276</sup> *Id* at 97.

<sup>277</sup> The first Woman and Child Protection Unit was established in Windhoek in 1993. Police who were interviewed for the 1998 study balanced the picture by explaining some of the problems they encounter. For example, they reported that the complaining party would sometimes team up with the abuser to turn against a police officer who tried to intervene. They also reported frustrations when a victim decides to withdraw a charge, often because the victim is afraid or hopes for reconciliation.

<sup>278</sup> 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 98.

<sup>279</sup> *Id* at 99.

<sup>280</sup> *Id* at bar chart 4 (unpaginated).

<sup>281</sup> *Id* at bar chart 4 (unpaginated).

abusers to be released on bail and insignificant sentences for crimes involving domestic violence.<sup>282</sup>

Even some of those who did seek help did not express much hope; some victims interviewed “mentioned that they did not believe that their situation could be changed, and therefore they did not go for help but merely shared with somebody to seek relief from the burden of knowing alone”.<sup>283</sup>

**The WHO study of women in Windhoek (data collection in 2001) similarly found that women who are abused by their intimate partners tend to keep quiet about the problem. In this study 21% of the women who had experienced physical violence from intimate partners had never told *anyone* about it. Those who did talk to someone were more likely to turn to informal sources of support than formal services, approaching most frequently parents (35%), friends (33%) or siblings (26%).<sup>284</sup> Nevertheless, almost 40% of the women who had experienced physical violence from an intimate partner had at some stage approached some institution for assistance. Only 10%-20% of the abused women had reported their cases to the police, while about 21% had approached hospitals or health centres. Social workers had been approached by 8% of the physically abused women, about 6% had sought legal advice, and 6% had approached a court for help (keeping in mind that this study took place prior to the enactment of the Combating of Domestic Violence Act). Only 2% of the women had sought help from a shelter for abused women, and very few women had sought help from religious leaders or counsellors. Because multiple answers were possible, some women may have approached more than one agency for assistance.<sup>285</sup>**

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<sup>282</sup> *Id* at 98. The inadequacy of criminal responses to domestic violence was one of the motivations for the introduction of the Combating of Domestic Violence Act. Furthermore, since this study was conducted, a law on vulnerable witnesses has introduced a number of measures designed to reduce the trauma of court testimony in criminal cases involving domestic violence (amongst other case categories), through techniques such as the use of intermediaries, support persons and the use of screens, one-way mirrors or closed-circuit television. See Criminal Procedure Amendment Act 24 of 2003.

<sup>283</sup> *Id* at 97.

<sup>284</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 36 and 40. Some respondents turned to multiple avenues of support.

<sup>285</sup> *Id* at 36 and 40. There is a discrepancy between the figures on these two pages which is not explained. Table 7.2.1 at 36 says that 10% of the women who reported physical violence to the researchers had told police about it. Table 7.6.1 at 40 says that about 21% of women who reported physical violence to the researchers had told police about it. Both tables are clearly referring to the same universe of 419 women.

Similarly, Table 7.2.1 at 36 says that 1,4% of the women who reported physical violence to the researchers had told a priest or religious leader about it, while Table 7.6.1 at 40 says that 6,1% of women who reported physical violence to the researchers had reported it to a religious leader. Table 7.2.1 at 36 says that 1,2% of the women who reported physical violence to the researchers had told an NGO or women’s organisation about it, while Table 7.6.1 at 40 says that 1,9% of women who reported physical violence to the researchers had reported it to an NGO or women’s organisation.

There is a similar discrepancy in the statistics for Namibia in an associated report, *WHO Multi-country Study*, 2005, where Table 17 at 190 (Appendix) and pages 73-75 state that more than 20% of abused women in the Namibian sample have approached police. However, Figure 9.1 at 74 shows figures closer to 10%. Table 15 at 188 (Appendix) indicates that 4% of abused women approached a doctor or health worker, while Table 17 at 190 (Appendix) cites 22% as having visited a hospital or health centre. The report contains the same discrepancies as in the MoHSS report with respect to the figures for reporting abuse to a priest or religious leader, or to a women’s organisation (see Tables 15 and 17 in the Appendix). In addition, Table 17 in the Appendix indicates that 38% of abused women in Namibia had “gone to at least one place for help” (referring to agencies or persons in authority as opposed to family or friends), which does not accord with the figures in Table 15 in the Appendix that indicate that only 10% of women reported abuse to the police and 4% to a doctor or health worker.

The researchers provided some commentary on the reluctance of women to seek help with violence from intimate partners, and particular reasons why church leaders were not often approached:

*In some of the local cultures, there was consensus among women that reporting one's husband or partner to a professional person, where the consequences would probably include either incarceration or a court case, is against their culture. This might to a certain extent account for the extremely low reporting percentages.*

*During the formative study, and with probing during the fieldwork, it became clear that those women, who were tied into a situation of partner violence, are hesitant to approach the church for help, because of the ignorance and disbelief of church leaders, which they often encounter. When the abuser is a respected member of the congregation, there could be either disbelief or discomfort on the clergy's side and the victim is often sent back into a frightening situation with platitudes and promises of prayerful support from the church.*

*For a woman with strong religious convictions, her situation raises particular issues which challenge her faith. This includes the Christian approach to separation and divorce, family authority and responsibility; the meaning of and response to suffering which is often depicted as a cross to bear; and the question of forgiveness, on which the Bible has explicit instructions.*

*A woman who cohabits with a man will in any case refrain from seeking help from the pastoral leader, for fear of rejection and the expectation that she will be reprimanded to "go and sin no more".<sup>286</sup>*

**Half of the women who experienced violence but had never sought assistance said that the reason was that the violence was "normal", or "not serious".** About 10% did not want the relationship to end, some 8% were afraid of retaliation by the abuser, 5% were worried that they might lose their children, 4% felt ashamed or worried about bringing shame to the family, and almost 3% simply felt that it would not help to seek assistance. Many (22%) could not say why they had not sought help.<sup>287</sup>

Conversely, the most common reason offered for seeking help for partner violence (by 48% of the women who sought help from some agency) was that the woman felt that she could no longer endure the situation – suggesting that the violence had been experienced for some time before this point was reached. The second most common reason was that the woman had been badly injured by the violence (36%). Another 14% of these women sought help only after their partners had threatened to kill them. **Community support was very important; one-third of the women who sought help did so because of encouragement from friends or family members.** Concerns about the safety and welfare of children in the household were a motivating factor for 17% of these women. Some 6% sought help only after being thrown out of their homes. Interestingly, almost 4% sought help because of fear that they would end up killing the abuser.<sup>288</sup>

**The 2002 CIET-Soul City survey of physical intimate partner violence across eight countries (Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe), which questioned women and men aged 16-60 years about their experience of physical intimate partner violence, produced similar findings about the reluctance of**

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<sup>286</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 36-37.

<sup>287</sup> *Id* at 41.

<sup>288</sup> *Id* at 40.

victims of such violence to speak out. The published data which could be located did not disaggregate information on this point by country, but across the region, half of those who had experienced physical intimate partner violence in the last year had never spoken about it. Those who did speak out tended to approach friends or family, while fewer had spoken to a neighbour or to the offending partner or spouse. The analysis reported that there were “no remarkable differences between male and female respondents” on this score. Oddly, despite the general reluctance to speak out, over half of the respondents said that their community could do something about violence against women.<sup>289</sup>

A report based on an unspecified number of interviews in Windhoek and the north, published in 2004, found that quite a few women said that they would seek help if they were victims of domestic violence. The main sources of help mentioned were church leaders, friends or family, Woman and Child Protection Units or various non-governmental organisations. Some specifically said that women should report such violence to the police, even the first time that it happens, suggesting that the approach of suffering in silence may be changing over time – at least in some communities.<sup>290</sup>

The 2007/2008 SIAPAC eight-region study (Caprivi, Erongo, Karas, Kavango, Kunene, Oshana, Otjozondjupa Regions) revealed somewhat contradictory attitudes. On the one hand, almost half of the respondents (45%) thought that domestic violence was a family matter, and not something that should be shared with neighbours or friends (see Table 15 on the next page). Furthermore, with respect to domestic violence against women, about half of the respondents were doubtful that community members would intervene unless the violence took place in public – and even more felt that intervention would not be forthcoming in the case of domestic violence against children unless this happened in public. Yet this same study found that a majority of male and female respondents (61%) expressed willingness to report physical violence to the police before it becomes life-threatening – although more than one-third of respondents (39%) would be reluctant to involve police unless the situation were extremely serious (see Table 15). These somewhat inconsistent responses could be signs of changing norms.



A billboard in Ondangwa, Oshana Region, Namibia

<sup>289</sup> 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 (text under the heading “Community dynamics and collective efficacy”); available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)>. The analysis also noted that there was no significance difference in the answers to the question about community capacity between those who had personally experienced violence and those who had not.

<sup>290</sup> 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 at 42. The data of the interviews is not specified. The study also fails to state the number of persons interviewed.

TABLE 15

<b>Attitudes about the private nature of domestic violence Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008</b>		
<b>Statement</b>	<b>Agree or strongly agree</b>	<b>Disagree or strongly disagree</b>
Family problems should only be discussed with people in the family, they should not be brought before even friends.	54%	45%
The thing about some physical violence within a family is that it is a family affair, <i>not</i> something that should be the business of neighbours, friends, or anyone else.	42%	56%
Even if there is some physical violence within a family, it is not something that should be brought to the attention of the police, it must be resolved by the family.	37%	61%
Only in the case where someone might be killed should violence within a family be brought to the attention of the police.	39%	61%

**Source:** SIAPAC 2008 at Annex pages A19-A22. Missing percentages represent respondents who replied that they did not know. The data for this two-part study was collected in 2007/2008.

TABLE 16

<b>Perceptions of likely community responses to domestic violence Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008</b>		
<b>Violence against women</b>		
<b>How likely is it that neighbours (other than extended family members) would take the following actions...</b>	<b>Very likely or somewhat likely</b>	<b>Not very likely or not at all likely</b>
...threaten to report the beating of a women by her husband/partner to someone who could take action	45%	48%
...report the beating of a woman by her husband/partner to the police	45%	49%
...report the beating of a woman by her husband/partner to a traditional authority	39%	49%
...help to stop a husband's serious attack on his wife in their home	44%	51%
...help to stop a husband's serious attack on his wife in public	60%	37%
...help to stop a husband verbally abusing his wife in public	53%	43%
<b>Violence against children</b>		
<b>How likely is it that neighbours (other than extended family members) would take the following actions...</b>	<b>Very likely or somewhat likely</b>	<b>Not very likely or not at all likely</b>
...threaten to report the beating of a child by a parent to someone who could take action	38%	56%
...report the beating of a child by a parent to the police	34%	60%
...report the beating of a child by a parent to a traditional authority	28%	59%
...help to stop a serious attack on a child by parents in a home	38%	57%
...help to stop a serious attack on a child by parents in public	56%	40%
...help to stop a parent verbally abusing a child in public	49%	47%

**Source:** SIAPAC 2008 at Annex Table A15. Missing percentages represent respondents who replied that they did not know. The data for this two-part study was collected in 2007/2008.

The vast majority of respondents felt confident that help would be forthcoming if they sought it from police or traditional authorities, with only a slightly smaller majority also being confident that neighbours or extended family members would assist (see Table 17 on the next page). Furthermore, about half of the respondents thought that existing mechanisms for assistance were adequate to deal with the problem of gender-based violence.<sup>291</sup>

<sup>291</sup> SIAPAC 2008 at 43-48 and Tables A36-A45, Annex at A25-A28; SIAPAC 2007 at 56-62.



TABLE 17

Perceptions of institutional, community and family support in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008	
<b>Institutions</b>	
Over 80% of respondents DISAGREED with the following NEGATIVE statements:	
<ul style="list-style-type: none"> <li>• “Even if a woman is abused, there really isn’t much she can do, because even if she reports it to the <b>police</b>, they would not help.” – ONLY 17% AGREED.</li> <li>• “Even if a woman reported abuse by her husband to the <b>police</b>, the police would be likely to be sympathetic to the husband, not the wife.” – ONLY 14% AGREED.</li> <li>• “Reporting abuse to a <b>traditional authority</b> would not be very helpful, as they would not be sympathetic.” – ONLY 15% AGREED.</li> <li>• “Really, an abused woman in this community <b>does not have any options</b>, this is how life is, and she can’t really change it.” – ONLY 16% AGREED.</li> </ul>	
<b>Thus, the vast majority of respondents thought that POLICE AND TRADITIONAL AUTHORITIES WOULD BE SYMPATHETIC AND HELPFUL if domestic violence were reported to them.</b>	
<b>Family and community</b>	
More than three-quarters of respondents AGREED with the following POSITIVE statements:	
<ul style="list-style-type: none"> <li>• “If I were abused, my <b>birth family</b> would be sympathetic to me, and would take me in if it came to that.” – 79% AGREED.</li> <li>• “If I were abused, my <b>friends and neighbours</b> would help me.” – 77% AGREED.</li> </ul>	
Similar percentages DISAGREED with the following NEGATIVE statements:	
<ul style="list-style-type: none"> <li>• “Even if a woman is beat by her husband, her <b>birth family</b> would <i>not</i> support her, as this is just part of marriage, and must be put up with.” – 76% DISAGREED</li> <li>• “If a woman complains to her mother-in-law that her husband was abusing her, there is <i>little</i> that the <b>husband’s side of the family</b> would do.” – 62% DISAGREED.</li> </ul>	
<b>Thus, the majority of respondents thought that EXTENDED FAMILY MEMBERS ON BOTH SIDES OF THE FAMILY, AS WELL AS FRIENDS AND NEIGHBOURS, WOULD ASSIST A WOMAN WHO WAS BEING ABUSED BY HER HUSBAND.</b>	
<b>Overall</b>	
About 51% of respondents AGREED with the statement: “Overall, in this neighbourhood/community, there are <b>adequate systems</b> to protect women and children from physical harm”.	
<b>Thus, half of the respondents thought that there were ADEQUATE SYSTEMS IN PLACE IN THEIR COMMUNITIES TO PROTECT WOMEN AND CHILDREN AGAINST PHYSICAL HARM.</b>	

Source: SIAPAC 2008 at 43-48 and Tables A36-A45, Annex at A25-A28

**Social and practical reservations about seeking help and support for domestic violence were also reported in a 2009 FAO survey** which collected data from 304 households (168 male-headed and 136 female-headed) in a total of ten communities in three northern regions: Oshana, Ohangwena and Caprivi.<sup>292</sup>

*According to focus group discussions in the communities, women normally don’t talk about their abuse, or if they do it is primarily to family members and friends. When trying to reach out for help, the only options available within the community are the village leaders, the church and, in some cases, the health clinic. Both the church and health clinic provide counselling and advice services. The women and child*

<sup>292</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009. The communities surveyed included relatively recent migrants, more long-settled rural communities and San settlements. The survey covered a range of topics, including gender-based violence and women’s rights. The primary data was supplemented with key informant interviews and focus group discussions in each community.

*protection unit was also mentioned as a possible support service for abused women. However, because it is a formal institution (i.e. part of the police) and located far from the community, few women avail themselves of this option. Village leaders also provide advice and will summon the husband to give him a last warning. If the event recurs, he will have to pay a fine to the victim, the wife in this case. Women however said that only in situations of severe physical abuse will they call on the community leaders, as otherwise they will not be taken seriously but ridiculed instead.*<sup>293</sup>

This study concluded that “*lack of social support, fear of retribution from the husband and fear of social stigma and becoming the source of gossip within the community prevent women from reaching out for help*”.<sup>294</sup>

**Discrimination has also been reported as a factor that discourages reporting of domestic violence to authorities;** one study observes that San women reported not going to the police because “[*the police*] looked down on San women and therefore did not treat their cases seriously”.<sup>295</sup>

## 4.7.2 Staying in abusive intimate relationships

### Reasons women stay in abusive relationships

*“I found that a bad husband is better than no husband.”*<sup>296</sup>

*“Family members would advise to go back to an abusive husband.”*<sup>297</sup>

Economic realities such as financial dependence on the abuser can trap a victim in a violent relationship.<sup>298</sup> 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.<sup>299</sup> In small, closely-knit communities, some women are afraid to leave their husbands because of the impossibility of hiding; for example, a woman in Nyae Nyae explained that reporting an abuser to the police could place the victim in greater danger because she could not ‘disappear’ in such a small community.<sup>300</sup> Another factor is

<sup>293</sup> *Id* at 89.

<sup>294</sup> *Ibid*.

<sup>295</sup> E Gaeses, Working Group of Indigenous Minorities in Southern Africa, *Violence Against San Women* (report prepared for the First African Indigenous Women’s Conference, Morocco, 1998 at 6.

<sup>296</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 57.

<sup>297</sup> Statement from 30-year-old female interviewed in Northern Namibia in 2008. Dora Borer, “Gender based violence in northern Namibia: An enquiry on perception, experiences and networks”, Institute for Social Anthropology, University of Basel (unpublished student paper), 2008 at 18.

<sup>298</sup> Debie LeBeau, “Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia” in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 6.

<sup>299</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at xvi.

<sup>300</sup> Koba Tsisabe and Wendy Viall, Nyae Nyae Farmer’s Cooperative, “Violence Against the San Women of Namibia”, in A Van Achterberg, ed, *Out of the Shadows: The First African Indigenous Women’s Conference*, Amsterdam: International Books/NCIV, 1998 at 91. This is also a fear even in larger places, such as

the perceived value of the relationship; for example, the 1998 study of 130 victims of spousal abuse in Lüderitz, Karasburg and Keetmanshoop found that half of the victims interviewed “*considered the ongoing spousal relationships important enough to keep the abusive situation secret*”.<sup>301</sup>

**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,<sup>302</sup> and 65% of those who left returned.<sup>303</sup> 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<sup>304</sup> – indicating vividly the difficulty of decisively breaking free of an abusive situation. The minority who left the common home did so for reasons similar to those cited by women for seeking help from others – because they “*could not endure more*”, because of serious injuries or threats of murder, or because of concerns about the children’s safety and welfare. Over 28% of these women said that the catalyst was encouragement from a friend.**

Most women who left went to stay with relatives (her own relatives or his relatives), with friends being the second most common place of refuge. Only one of the 116 women in this study who ever left their homes reported having stayed in a shelter,<sup>305</sup> even though shelters for abused women were available in Windhoek at the time. Reasons for choosing not to stay at a women’s shelter included a sense that it is more appropriate to turn to family for such problems and concerns about safety:

*I did not feel safe enough at the shelter. Although they say their address is not known to the general public, Windhoek is small. My partner could easily find out where I was. He could just follow the children from school, and there are no men or guards to protect us. He is dangerous, so I rather stay with family where there is safety.*<sup>306</sup>

However, two women did voice praise for a particular shelter in Khomasdal, with one saying that the people there were “*very kind and helpful*” and another commenting, “*I still plan to use it next time I run away. They will help me to organise my life, and I will never return to him.*”<sup>307</sup>

The reasons offered for staying in the relationship, or for returning after leaving temporarily, were similar, with most women saying that that they loved the abuser or forgave him. Some also cited practical concerns, such as having no other place to stay, or being worried about the welfare of their children or their ability to support the children alone. Many also hoped that

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Windhoek. See MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 42.

<sup>301</sup> 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 100.

<sup>302</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 41. There is an error in the both the table and the text on this page, as they report that 65,2% of the women never left the home, while 44.8% left at least once – for a total of 110%. The raw figures provided at 41-43 indicate that the figures should have been 65,2% who never left and 35,8% who left at least once, as confirmed in *WHO Multi-country Study*, 2005, Figure 9.5 at 78.

<sup>303</sup> *Id.*, based on the fact that Table 7.8.2 at 42 records that 116 women left at least once, while Table 7.8.4 at 43 records that 75 women left at least once and returned.

<sup>304</sup> *Id.*, Table 7.8.1 at 41.

<sup>305</sup> *Id.* at 42.

<sup>306</sup> *Ibid.*

<sup>307</sup> *Ibid.*

their partner's behaviour would change. Almost half of all women who returned to abusive relationships did so because they were asked to return by the partner, while 11% returned for "the sake of family" and another 11% because of "the sanctity of marriage". Some women cited fear of the future without the partner's support, emotional suffering or loneliness.<sup>308</sup>

This study concluded that "a woman's entrapment in an abusive relationship is a complex situation, caused and sustained by multi-faceted emotional, social, financial and spiritual contributing factors" and noted that "empowering abused women to break the cycle of violence demands complex and innovative strategies and intervention by those professionals, groups and individuals who are tasked to function in this field".<sup>309</sup>

**The 2009 FAO study in Oshana, Ohangwena and Caprivi Regions cited women's lack of economic empowerment and lack of support from their birth families as underlying factors which keep them from leaving violent relationships, noting that they depend on their husbands for housing and access to land.** The study noted that even where women return to their home villages to escape domestic violence, they risk losing matrimonial property and control of their children.<sup>310</sup>

Another factor cited in these regions for many women's reluctance to leave a violent relationship was **cultural disapproval of divorce**; some women in focus groups expressed opinions to the effect that "women cannot complain but just have to cope with the situation, as they married their husbands for good and bad times".<sup>311</sup> In the survey communities in Oshana and Ohangwena Regions, 30% of men and 73% of women thought that a wife should not divorce her husband even if she is severely beaten by him; in Caprivi, this was the view of 35% of the men and 21% of the women. In a few communities, it was seen as a sin for women to divorce after they have sworn to stay with their husbands until death. Some also viewed divorce as being a prerogative for men only: "in our tradition, when getting married the woman's parents give her to the husband so only he can decide that she must leave the area".<sup>312</sup>

**TABLE 18**

Percent of men and women aged 15+ who think a wife should <i>not</i> divorce her husband even if she is severely beaten by him in Ohangwena, Oshana and Caprivi Regions, 2009		
	Men	Women
Okangwena settlement (p)	33.3%	86.7%
Ondobe village (r)	53.3%	80.0%
Tulipamwe settlement (p)	20.0%	66.7%
Oshidute village (r)	50.0%	66.7%
Ouholama settlement (s)	33.3%	36.4%
<b>Overall Ohangwena/Oshana</b>	<b>30.1%</b>	<b>72.6%</b>
Choto informal settlement (p)	43.8%	21.1%
Lusese village (r)	9.1%	31.3%
Sesheke village (r)	18.8%	6.3%
Lizauli village (r)	6.3%	13.3%
Macaravani informal settlement (s)	46.7%	6.7%
<b>Overall Caprivi</b>	<b>34.7%</b>	<b>21.0%</b>

p = peri-urban community;

r = rural community;

s = San settlement

**Source:** ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 90

<sup>308</sup> *Id*, Table 7.8.4 at 43 and 43-44.

<sup>309</sup> *Id* at 44.

<sup>310</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 88.

<sup>311</sup> *Id* at 89.

<sup>312</sup> *Id* at 89-90.

## 4.7.3 Awareness of laws and services

### Evidence of increasing awareness

*"Most women... have a basic understanding of their right to freedom from violence."*<sup>313</sup>

*"Almost one-half of respondents [in a 2007/2008 survey in eight Namibian regions] could specify one or more acts that might prevent gender-based violence. Almost 60% who could identify any laws mentioned the Domestic Violence Act..."*<sup>314</sup>

General community awareness of the laws on domestic violence is an area which is less well-researched in Namibia than other aspects of domestic violence.

One report on this topic published in 2004 is based on **interviews with women and men in Windhoek and in rural areas in the north**.<sup>315</sup> In general this research found that *"most women and men have good knowledge about gender issues and law reform, especially on topics such as violence against women"*:

*The information shows that both men and women have heard about many of these laws, although their understanding of what the laws mean and how they affect gender relations is not always correct.*<sup>316</sup>

Most people interviewed for this study correctly identified domestic violence as violence that occurs within families or households, and they identified both physical and psychological abuse as forms of domestic violence. Some people also understood that marital rape is a kind of domestic violence.<sup>317</sup> Most people interviewed were also aware that domestic violence is illegal, correctly stating for example that it *"is the same as assault: it is just done by a family member"*. However, a few men were under the impression that domestic violence is illegal only if it causes serious injury.<sup>318</sup> Others differentiated awareness from acceptance; in a statement typical of several others, one man said, *"There is a law that protects women from being beaten up by their husbands. But this law is not applicable in our village."*<sup>319</sup>

<sup>313</sup> 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 at 42.

<sup>314</sup> SIAPAC 2008 at 31 (brackets omitted, acronym spelt out and typographical error corrected).

<sup>315</sup> 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 at 27. The data of the interviews is not specified. The study also fails to state the number of persons interviewed.

<sup>316</sup> *Ibid.*

<sup>317</sup> *Id* at 38. Opinions on this point were mixed, with not all persons interviewed being sure that forced sex by a husband with his wife constitutes rape. In fact, the Combating of Rape Act 8 of 2000 specifies that marriage is not a defence to a charge of rape.

<sup>318</sup> *Id* at 38-39.

<sup>319</sup> Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 29. This report draws on the same interviews as 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.

Several of those interviewed thought that women were becoming increasingly aware of their rights since Independence, even in rural areas, with most women being aware that their husbands have no right to abuse them and now being more willing to report domestic violence to the authorities. Interviewees identified radio and print media as their primary sources of information about issues relating to domestic violence, although some mentioned discussions with friends, family and neighbours.<sup>320</sup> This study concluded that the general level of awareness about domestic violence is good:

*[P]eople today know that men are not supposed to commit acts of violence against women. Men, although not generally happy about women's improving social status, are nonetheless aware of the fact that their violent actions against women are no longer acceptable.*<sup>321</sup>

Awareness of the laws on domestic violence was also explored in the 2007/2008 SIAPAC eight-region study, where about half of those surveyed could specify one or more laws that might protect against gender-based violence – with the Combating of Domestic Violence Act being the most commonly-cited law (named by 60% of those who could identify any law on gender-based violence). This seems to be a very positive finding, given that this law only came into force in late 2003. Of the eight regions surveyed (Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa), awareness of laws was highest in Erongo and Kavango Regions, and lowest in Ohangwena and Otjozondjupa Regions.<sup>322</sup> On the other hand, the majority of key informants in the regions surveyed felt that community awareness of relevant laws was low.<sup>323</sup>

**TABLE 19**

Awareness of laws to protect from domestic violence? (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Otjozondjupa	Caprivi	Omaheke	Erongo	Karas	Kavango
Yes	48%	43%	21%	30%	37%	43%	81%	52%	73%
No	45%	51%	68%	65%	59%	53%	19%	40%	19%
Do not know / Not certain	6%	6%	11%	5%	4%	4%	1%	8%	9%
If yes, which laws?									
Rape Act	42%	12%	18%	76%	78%	18%	68%	32%	14%
Domestic Violence Act	59%	30%	73%	79%	82%	26%	75%	46%	43%
CEDAW*	6%	6%	7%	10%	0%	0%	7%	6%	7%
Traditional Authorities Act**	25%	11%	5%	2%	0%	37%	17%	2%	63%
Cannot name specific act	12%	51%	5%	0%	5%	27%	12%	25%	4%

\* Convention on the Elimination of All Forms of Discrimination Against Women

\*\* This Act does not address gender-based violence, but respondents probably named it to reflect their sense that customary law is a source of protection against such violence. In follow-up discussions in Kavango, Ohangwena and Caprivi Regions, financial penalties for beating one's wife were identified as an important deterrent to excessive domestic violence. *Id* at 31.

Source: Based on SIAPAC 2008, Table A16, Annex at A17

<sup>320</sup> 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 at 41.

<sup>321</sup> *Id* at 42.

<sup>322</sup> SIAPAC 2008 at 31 and Table A16, Annex at A17.

<sup>323</sup> *Id* at xvii.

The same survey asked respondents if there was a place in or near their community where abused women or children could go for protection. A strong majority (62%) answered yes to this question, with Woman and Child Protection Units being most commonly named as a source of protection, followed closely by traditional authorities – although there was significant regional variation (as shown in Table 20 below). For example, traditional authorities were mentioned frequently in Caprivi, Ohangwena, Kavango and Omaheke, but were cited infrequently elsewhere. Women were almost twice as likely to be aware of sources of protection as men, perhaps because they are the ones more likely to need assistance.<sup>324</sup>

**TABLE 20**

Place in or near community where woman or child can go if abused? (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Otjozondjupa	Caprivi	Omaheke	Erongo	Karas	Kavango
Yes	62%	50%	38%	58%	65%	68%	78%	56%	83%
No	29%	41%	44%	28%	34%	29%	20%	38%	11%
Not sure / Do not know	9%	10%	19%	14%	1%	3%	3%	7%	7%
<b>If yes, where?</b>									
WCPU	50%	51%	38%	66%	38%	8%	78%	66%	20%
Traditional Authority	44%	26%	63%	13%	86%	57%	8%	11%	80%
Church	17%	16%	4%	2%	3%	6%	22%	8%	39%
Youth Against Crime Centre	13%	2%	1%	33%	52%	1%	18%	3%	13%
Protective shelters	7%	5%	12%	24%	0%	1%	3%	5%	3%
Human rights office	4%	6%	0%	0%	1%	1%	11%	2%	3%
Regional Council office	4%	1%	4%	1%	0%	8%	13%	8%	1%
Not sure	1%	13%	0%	0%	0%	3%	1%	1%	1%

Source: Based on SIAPAC 2008, Table A16, Annex at A18

Even though many respondents in this study indicated that customary laws had some relevance (by citing the Traditional Authorities Act as a relevant law or by citing traditional authorities as a source of protection), the researchers noted that participants in focus group discussions in the same regions expressed a degree of ambivalence on this point. Older participants in some regions felt that traditional authorities remained important in addressing cases involving gender-based violence, but all groups agreed that younger people were unlikely to resort to these channels to resolve their problems.<sup>325</sup>

Furthermore, although it was the general view amongst key informants that national laws are inconsistent with cultural responses to gender-based violence, there was general acceptance (except amongst traditional authorities) that this “*gap*’ between traditional social norms and innovations in terms of national legislation” is inevitable because social change is needed to address gender roles that lead to forms of violence once thought acceptable but no longer so well-tolerated.<sup>326</sup> However, some worried that this disconnect between law and culture would make it difficult for laws such as the Combating of Domestic Violence Act to be effectively enforced.<sup>327</sup>

<sup>324</sup> *Id* at 34-35.

<sup>325</sup> *Id* at 33.

<sup>326</sup> *Id* at 33.

<sup>327</sup> *Id* at 36.

## 4.7.4 Accessing legal rights

### Examples of barriers to asserting legal rights

*"I feel that they weren't interested in my case, the police, in the meantime he could have come and killed me, but they wouldn't do anything."*<sup>328</sup>

*"The problem women face with the court and law is that not all women understand how the law works. You even find some of the educated women who do not understand the law. Some report cases to the police but they leave some of the evidence and the person will not be punished because there is not enough evidence. I think women in this country need to be educated about the courts and laws."*<sup>329</sup>

*"The problems women face with regard to the court and law is when women report men, when they go to court the man is just quiet, but back home the man asks why the woman reported him and starts beating her."*<sup>330</sup>

*"There are laws to help and protect women: the problem is that women are in problems, especially those who got children and they are not working. It is difficult to report their husbands; they depend on them for money."*<sup>331</sup>

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.

The Woman and Child Protection Units (WCPUs) are special police units established to provide a more holistic and sympathetic response to incidents of gender-based violence. The first WCPU was launched in July 1993, and there are currently fifteen WCPUs operating in all thirteen regions of the country with a total staff component of 72 (as of 2009).<sup>332</sup> The WCPU staff are trained to deal with incidents of gender-based violence, including rape and domestic violence. Social workers who can provide counselling are attached to the Unit or "on call". Most of the WCPUs are located at or near state hospitals, and victims are referred for medical assessment or treatment if necessary. Although the WCPUs were initially intended to focus on sexual violence, they quickly expanded their range to include domestic violence cases as well. Complaints brought to Units cover all forms of domestic violence (including emotional and economic abuse), and the services of the WCPUs are available to both male and female victims.

<sup>328</sup> 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 at 97.

<sup>329</sup> 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 at 43-44. Despite the specialised nature of Woman and Child Protection Units, in 2010 and 2011 the Legal Assistance Centre was still being told by clients that some police personnel at the Units were unhelpful in responding to domestic violence.

<sup>330</sup> *Id* at 44.

<sup>331</sup> *Id* at 45.

<sup>332</sup> This is a tiny proportion of the overall personnel component of the Namibian Police, which reported 11 157 uniformed personnel in 2009-10. Namibian Police Force, *Annual Report 2009/10 Financial Year*, Windhoek: Namibian Police Force (undated), at 7.



All WCPU police personnel are supposed to have completed a three-week intensive training course in gender-based violence, but training shortcomings have been identified alongside the impact of frequent transfer of personnel in and out of the WCPUs; in April 2009, the Head of the WCPUs indicated that only slightly more than half of the staff component had actually received the intended specialised training. Other barriers to effective police response include lack of adequate transport (a particular problem in serving rural areas), inexperienced or unsympathetic staff, lack of support and supervision for staff dealing with difficult issues, shortage of social workers to assist, and lack of adequate facilities and equipment (such as medical supplies, spare clothing for victims, and office equipment).<sup>333</sup>

**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 new law on domestic violence – that police still tell them that domestic violence is a private matter in which the police will not get involved. Some women report that the police do not take them seriously and sometimes even blame them for the violence perpetrated against them.<sup>334</sup>

**Amongst rural women, additional barriers to accessing police or courts include high rates of illiteracy which make it impossible for them to read legal documents, long distances to travel and continuing lack of knowledge about legal rights.**<sup>335</sup>

Even though protection orders and criminal charges do not involve any costs to the victim and do not require private lawyers, there is still a perception that money is needed for lawyers and “court costs”.<sup>336</sup> Another issue is that, even though lawyers are not necessary to utilise laws aimed at domestic violence, in practice men as a group are economically more likely to be able to afford the cost of legal assistance<sup>337</sup> – which can be intimidating for a woman on the other side of the case who is trying to navigate the law without a lawyer’s help.

**The WHO study of domestic violence in Windhoek (data collection in 2001, prior to the enactment of the Combating of Domestic Violence Act in late 2003) indicated that few victims approach police (10-20%) and even fewer had sought legal advice (6%) or approached a court (6%).**<sup>338</sup> Some victims of domestic violence interviewed for another study expressed

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<sup>333</sup> Ministry of Safety and Security, “The Development of Effective Law Enforcement Responses to Violence Against Women in Southern Africa”, 11 June 2009 (mimeo). See also Dr 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; Legal Assistance Centre (LAC), *Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000*, Windhoek: LAC, 2006 at 228-ff.

<sup>334</sup> See, for example, 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 at 43-44; Dr 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; Eleonora Chikuhwa, “Invisible Wounds: A Namibian Case Study of Psychological Abuse”, Master’s thesis, Centre for Gender Studies, Uppsala University, 2011 at 67-ff.

<sup>335</sup> 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 at 43-46.

<sup>336</sup> *Id* at 45-46.

<sup>337</sup> *Id* at 45.

<sup>338</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 36 and 40. See the discussion above at section 4.7.1 (footnote 285 on page 139) with respect to discrepancies in this data.

a general lack of faith in the legal system or a preference for responses that are therapeutic rather than legal.<sup>339</sup> A respondent in yet another study expressed a reluctance to approach lawyers because she perceives them as being unsympathetic to laws addressing gender equality.<sup>340</sup>

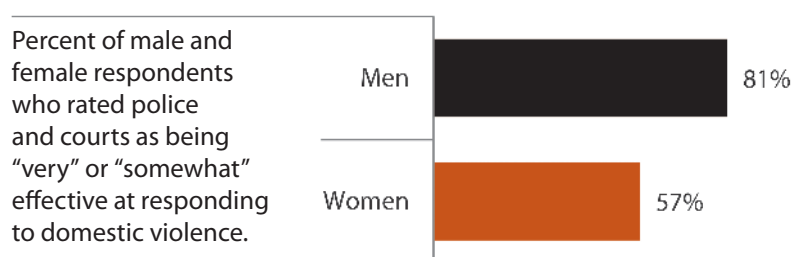
However, it may be that confidence in police response and in the legal system’s ability to help is increasing since the Combating of Domestic Violence Act has come into force and is gradually becoming more familiar. In the **2007/2008 SIAPAC eight-region study**, although most key informants interviewed 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.**<sup>341</sup> Furthermore, the majority of respondents also *disagreed* with statements that police responses to domestic violence are unhelpful or that police favour male abusers.<sup>342</sup> More generally, 81% of those interviewed *disagreed* with the statement that “*an abused woman in this community does not have any options, this is how life is, and she can’t really change it*”.<sup>343</sup>

**TABLE 21**

How effective have police and courts been in coping with domestic violence? (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Ojizondjupa	Caprivi	Omahelke	Erongo	Karas	Kavango
Very effective	45%	21%	54%	37%	50%	35%	40%	35%	62%
Somewhat effective	26%	31%	26%	24%	19%	17%	36%	24%	26%
Not very effective	16%	23%	10%	16%	23%	26%	18%	19%	10%
Not at all effective	8%	12%	3%	20%	6%	19%	2%	16%	2%
Do not know / Not certain	5%	12%	8%	2%	1%	3%	4%	7%	0%

Source: Based on SIAPAC 2008, Table A110 at A52

**CHART 5: Gender disparity in positive ratings for the effectiveness of police and courts in coping with domestic violence**



Source: SIAPAC 2008 at 46 and Table A110, Annex at A52

<sup>339</sup> 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 98-99.

<sup>340</sup> 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 at 45.

<sup>341</sup> SIAPAC 2008 at 46 and Table A110, Annex at A52.

<sup>342</sup> *Id.*, Tables A36 and A40, Annex at A25-A26.

<sup>343</sup> *Id.*, Table A37, Annex at A25.

TABLE 22

"Even if a woman is abused, there really isn't much she can do, because even if she reports it to the police, they would not help" (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Otjozondjupa	Caprivi	Omaheke	Erongo	Karas	Kavango
Strongly agree	6%	1%	11%	8%	0%	1%	5%	1%	8%
Agree	11%	13%	9%	3%	11%	16%	18%	4%	16%
Disagree	46%	57%	41%	26%	58%	62%	48%	50%	49%
Strongly disagree	34%	27%	35%	58%	31%	17%	28%	42%	28%
Do not know	3%	2%	6%	5%	1%	4%	1%	3%	0%

"The majority of respondents disagreed with the statement, 'especially males.'" (SIAPAC 2008 at 44)

TABLE 23

"Even if a woman reported abuse by her husband to the police, the police would be likely to be sympathetic to the husband, not the wife" (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Otjozondjupa	Caprivi	Omaheke	Erongo	Karas	Kavango
Strongly agree	4%	1%	6%	9%	0%	2%	3%	2%	6%
Agree	10%	5%	12%	4%	7%	12%	10%	4%	18%
Disagree	43%	59%	31%	29%	60%	54%	49%	42%	46%
Strongly disagree	38%	31%	41%	56%	32%	25%	35%	42%	31%
Do not know	5%	4%	9%	3%	1%	7%	4%	10%	0%

"Levels of disagreement were stronger for males than females, but overall levels of disagreement were similar." (SIAPAC 2008 at 46)

TABLE 24

"Really, an abused woman in this community does not have any options – this is how life is, and she can't really change it" (2007/2008)									
Response	All eight regions surveyed	Kunene	Ohangwena	Otjozondjupa	Caprivi	Omaheke	Erongo	Karas	Kavango
Strongly agree	6%	1%	11%	8%	0%	1%	5%	1%	8%
Agree	11%	13%	9%	3%	11%	16%	18%	4%	16%
Disagree	46%	57%	41%	26%	58%	62%	48%	50%	49%
Strongly disagree	34%	27%	35%	58%	31%	17%	28%	42%	28%
Do not know	3%	2%	6%	5%	1%	4%	1%	3%	0%

"Female respondents were somewhat more likely to agree compared to males." (SIAPAC 2008 at 45)

Source: Based on SIAPAC 2008, Tables A36, A37 and A40, Annex at A25-26. Precise breakdowns by sex are not given for the responses to these statements.

- 80% thought that police would help an abused woman.
- 81% did *not* think that police would automatically side with a husband accused of abusing his wife.
- 80% thought that abused women did have options for change.

## 4.7.5 Service shortages

In the 2000 National Gender Survey which covered all 13 regions, respondents were asked to identify the services available at health facilities in their area. Screening and care for victims of violence was ranked as one of the least available services, with only about one-third of respondents saying that this health service was available to them. There were also worrying regional variations on this point, with respondents in the Omaheke, Omusati, Oshana, Ohangwena and Kunene reporting a particular lack of such services, and respondents in Karas, Hardap and Khomas feeling more well-served on this score.<sup>344</sup>

In a 2010 evaluation of counseling services in school in Namibia, teacher counsellors noted that they needed more specialised training on how to help children cope with domestic violence.<sup>345</sup>

One service which might encourage more victims of domestic violence to seek legal help would be the availability of more shelters. The Ministry of Gender Equality and Child Welfare has expressed its commitment to expand the number of shelters available so that there is at least one serving each region.<sup>346</sup> At the time of writing (2011), the Ministry was in the process of developing five shelters in five different regions, with a new shelter in Rundu already up and running and the other four being furnished.<sup>347</sup>

Students at the University of Namibia surveyed during 2007/2008 recommended the need for “rehabilitation centres” for women who had experienced violence, which could provide counselling and support as well as refuge. Some also supported “education centres” for perpetrators of violence, which could combine training on gender equality with psychotherapy.<sup>348</sup>

TABLE 25

Screening and care for victims of violence at health facilities, 2000	
Region	Percent of respondents who said that health facilities in their area provided this service
Karas	66%
Hardap	64%
Khomas	56%
Oshikoto	42%
Kavango	40%
Erongo	33%
Caprivi	32%
Kunene	23%
Ohangwena	23%
Oshana	15%
Omusati	10%
Otjozondjupa	8%
Omaheke	0%
<b>National</b>	<b>33%</b>

Source: EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume I (Main Study)*, Windhoek: University of Namibia, 2000, Table 10.1a at 160 and Table 10.16 at 162

**Violence makes women and children feel insecure. This, in turn, prevents women from moving about freely, having access to basic resources, and from taking part in public activities, all in fear of violence.**

*Namibia National Progress Report on the Implementation of the Beijing Platform for Action, 1999 at 45*

<sup>344</sup> EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume I (Main Study)*, Windhoek: University of Namibia, 2000 at 160-162. This data is based on 1862 responses: 42% from women and 58% from men. *Id* at 13-17.

<sup>345</sup> Tania Vergnani, Elzan Frank, Cynthy K Haihambo Ya-Otto and John Mushaandja, *Evaluation of counselling services in schools in Namibia*, Windhoek: Ministry of Education and UNICEF, 2010 at 106.

<sup>346</sup> Ministry of Gender Equality and Child Welfare (MGECW), *National Gender Policy 2010-2020*, Windhoek: MGECW, 2010 at 4.4.1.1.

<sup>347</sup> Personal communications from Ministry staff, June 2011.

<sup>348</sup> OC Ruppel, K Mchombu and I Kandjii-Murangi, “Surveying the implications of violence against women: A perspective from academia” in OC Ruppel, ed, *Women and Custom in Namibia: Cultural Practice versus Gender Equality?*, Windhoek: Konrad Adenaur Stiftung, 2008 at 129.

## NATIONAL GENDER POLICY 2010-2020

### Strategies to increase access to legal and social services around gender-based violence

- 4.4.7 Increase the number of shelters and places of safety and ensure that adequate support services are provided, such as medical, psychological, free counselling and legal support for women and children who have been subjected to violence, in order to enable them to recover and live normal life.
- 4.4.8 Support WCPUs with adequate funding to facilitate their work, and provide appropriate training to enable them to attend to GBV cases with compassion and professionally. Ensure that WCPUs are welcoming places for women and children.
- 4.4.9 Encourage health facilities to strengthen the management of sexual violence and rape, including the provision of emergency contraception and PEP for HIV/AIDS.
- 4.4.10 Provide functional, accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence and sexual exploitation.
- 4.4.11 Provide appropriate training for service providers involved in combating gender based violence and sexual exploitation, including the police, the judiciary, health- and social workers.<sup>349</sup>

## 4.8 CAUSES OF DOMESTIC VIOLENCE

*... I urge you all to identify the root causes of domestic violence in our society... with a view to eradicate domestic violence in root and branch.*

President's Speech (presented by Dr Kawana),  
National Conference on Gender-Based Violence, 19 June 2007

### 4.8.1 Overview

*Aspects of an enduring patriarchal culture run through all levels of Namibian institutions and structures.*

Tom Fox,  
"The Culture of AIDS – Cultural Analysis and New Policy Approaches for Namibia"  
in V Winterfeldt *et al*, eds, *Namibia Sociology*, Windhoek: University of Namibia, 2002 at 326

<sup>349</sup> Ministry of Gender Equality and Child Welfare (MGECW), *National Gender Policy 2010-2020*, Windhoek: MGECW, 2010 at 30.

Worldwide, the primary cause of all forms of violence against women is patriarchy – the systemic domination of women by men.<sup>350</sup> Violence against women “*serves as a mechanism for maintaining male authority*”.<sup>351</sup> According to a recent UN report, this means that “[e]xplanations for violence that focus primarily on individual behaviours and personal histories, such as alcohol abuse or a history of exposure to violence, overlook the broader impact of systemic gender inequality and women’s subordination”.<sup>352</sup>

However, the roots of domestic violence are probably also interrelated with many social challenges facing Namibians today – including unemployment, poverty, alcohol abuse and changing family and community norms.<sup>353</sup>

**Various Namibian studies have recorded the general opinions of victims, perpetrators and members of the public on the causes of domestic violence in Namibia.**

For example, an early post-Independence study which collected information from 34 health care professionals in Windhoek and 47 leading community members (teachers, principals, health care workers, community workers and police officers) in Windhoek, Keetmanshoop and Lüderitz asked for opinions on the causes of domestic violence. The responses cited alcohol abuse, unemployment, poverty, poor communication and bad relationships between couples – as well as the “*cultural dominance of men over women*”.<sup>354</sup>

The victims of domestic violence interviewed for the 1998 study of spousal abuse in Karas Region cited the following as contributing factors to spousal abuse: jealousy, substance abuse, poor self-esteem, power and control, emotional instability, modelling of violent behaviour, possessiveness, behaviour disorder, the perpetrator having been abused as a child, marital discord and cultural acceptance of spousal abuse.<sup>355</sup> Although several women cited cultural acceptance, all of these women emphasised that they themselves did not find spousal abuse acceptable, but that this attitude comes from “*wider society*”, from people who do not have “*an understanding of and awareness about the suffering of abuse victims*”.<sup>356</sup>

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<sup>350</sup> UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, 6 July 2006, A/61/122/Add.1 at paragraph 69.

<sup>351</sup> *Id* at paragraph 73.

<sup>352</sup> *Ibid.*

<sup>353</sup> See, for instance, University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 79.

<sup>354</sup> 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 at 5-6 (methodology), 24.

<sup>355</sup> 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, bar chart between pages 94 and 95. This chart is reproduced more clearly in United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 105.

<sup>356</sup> 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 95. Victims in this study also identified alcohol and drug use as major triggering factors for abuse, with more than three-quarters of the victims reporting that abuse generally occurs when their partners are ‘under the influence’. *Id* at 94-95 and pie chart 12. Victims also believed that abusers take out their frustrations on their partners, with abuse sometimes being set off by unemployment, job-related stresses, or aggravation from the children. Some victims believed that their partners were encouraged by their friends to engage in abuse. The excuse of provocation offered by the perpetrators looks very weak in light of the fact that many victims in this study stated that abuse sometimes starts while they are sleeping. *Id* at pie chart 12 (unpaginated).

A 2000-2001 United Nations Development Programme report identified a range of factors which place women at risk of experiencing violence within the home in Namibia, including patriarchy, alcohol abuse, women's lower economic status and social patterns of using violence to resolve conflict.<sup>357</sup>

*The problem of violence against women in contemporary Namibian society is influenced by the historical imbalance of power between men and women, social structural factors such as poverty, unemployment, and related social problems, including alcoholism and drug abuse. In addition, socio-cultural attitudes contribute to violence against women.*

*Most disturbing is the fact that in many Namibian communities some men view violence against women as an acceptable way of exerting control over women.*

*Unresolved stress and frustrations stemming from repression of the apartheid years and the liberation struggle are among the factors contributing to a high level of violence against women and children in Namibia.*

*Widespread violence against women must also [be] seen in the context of rapid legal and social changes, which affect the relative position and decision-making power of men and women within society. Namibia, as an emerging nation, is undergoing an unprecedented rate of social change...[including] urbanisation, modernisation and changes in the political dispensation...*

*... Although women's legal status has changed substantially since independence, women's social status remains relatively unchanged for many segments of the population. This divergence between women's legal versus social status, especially in the case of marginalised women, contributes to violence against women.*

*As male dominance becomes threatened by the elevation of the legal status of women, some men become insecure about their social status and roles in society and may resort to violence in an attempt to reassert their position. The threats to men's social status, exacerbated by factors such as poverty, unemployment and high rates of alcoholism, contribute to violence against women... However, gender violence in Namibia is not restricted to the poor, it is found in every social and income group.<sup>358</sup>*

The WHO study based on data collected from women in Windhoek in 2001 focused on precipitating factors rather than underlying causes, with women commonly citing alcohol abuse, jealousy, financial problems, refusal of sex, family problems, unemployment and "disobedience" as situations which led to violence from intimate partners – although 14% of the women surveyed said that anger and aggression had manifested for "no reason".<sup>359</sup> The researchers noted that all the specific factors cited "are gender-related, with both men and women accepting, and men demanding, privileges like male entitlement, male authority and control" and "female submission to masculine needs and desires".<sup>360</sup>

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<sup>357</sup> United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 as summarised in University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 39.

<sup>358</sup> United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 67 (references omitted). See also 85-87.

<sup>359</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at 37-38.

<sup>360</sup> *Id* at 38. Discussing jealousy, one respondent said: "I kind of like it if my man becomes jealous. It shows that he loves me. And it is only when he is really drunk that he hurts me but I can understand that too. In my culture we want our men to show a little that we mean something to them." Another respondent disagrees, asserting that there is no justification for hurting or humiliating a wife or partner. *Ibid*.

Persons in Windhoek and rural areas in the North interviewed for a study published in 2004 linked domestic violence to social problems including unemployment, poverty, alcohol abuse and “women’s low social and economic status”.<sup>361</sup>

Key informants interviewed for the 2009 FAO study in Oshana, Oshana and Caprivi Regions cited alcohol abuse, lack of respect for women and men’s perceptions that they must ‘discipline’ their wives as key causal factors of domestic violence, pointing to alcohol abuse in particular as being associated with increasing levels of violence.<sup>362</sup>

Namibia’s National Gender Policy 2010-2020 states that causes of gender-based violence include “customs, traditions and beliefs, illiteracy and limited education, unequal power relations, and the low status of women”.<sup>363</sup>

Several Namibian studies have probed more deeply, asking questions designed to produce more detail about the acceptability of intimate partner violence, and about women’s autonomy within intimate relationships. Particularly interesting is a study of three San communities which vividly illustrates the correlation between gender-oriented power imbalances and levels of domestic violence. Some information has also been gathered from perpetrators of violence against intimate partners. Other studies have explored attitudes about the use of various forms of ‘discipline’ in child-rearing – including harsh disciplinary measures which would constitute domestic violence. Such studies provide insights into the root causes of domestic violence. This information is discussed in detail in the following subsections.

## 4.8.2 Causes of intimate partner violence

*Violence against women is a universal phenomenon that persists in all countries of the world, and the perpetrators of that violence are often well known to their victims. Domestic violence, in particular, continues to be frighteningly common and to be accepted as ‘normal’ within too many societies.*

WHO Summary Report, 2005 at vii

*... men and women can and must be convinced that partner violence is not an acceptable part of human relationships.*

WHO Multi-country Study, 2005 at 91

<sup>361</sup> 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*, Namibia Institute for Democracy, 2004 at 39.

<sup>362</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Oshana, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 88.

<sup>363</sup> Ministry of Gender Equality and Child Welfare (MGECW), *National Gender Policy 2010-2020*, Windhoek: MGECW, 2010 at 29.



## 4.8.2.1 The changing dynamics of intimate relationships

*Gender inequality is embedded in culture, but should gender-based violence be accepted just because it is culture[?]... [S]ome cultural laws and settings violate human rights. The Constitution of Namibia does not tolerate human rights violations. This is the supreme law of the country and will overwrite customary laws if there is a need.*

Female interviewee, quoted in SIAPAC 2008 at 33

**Traditionally, the head of the Namibian household was male.**<sup>364</sup> One study has asserted that it is inappropriate to apply notions of gender equality and inequality to pre-colonial Namibian society, positing that it is more accurate to say that males and females occupied separate spheres in a “*complementary social duality*”.<sup>365</sup> Other studies have noted that the man’s position as head of the household and his responsibility to discipline his wife is a tenet of most customary belief systems in Namibia.<sup>366</sup> The social purpose of gendered roles was to maintain family order in the making of major decisions for the household. It is also reported that, traditionally, anyone who exercised the role of head of the family was expected to carry out this duty responsibly, with compassion and respect.<sup>367</sup>

**However, some studies have reported that being beaten by one’s husband was traditionally understood to be a sign of love in some Namibian cultures.**<sup>368</sup> **Another complicating cultural factor was the payment of *lobola*, which still occurs in many communities and is perceived by some as giving the husband rights of control over the wife.**<sup>369</sup> Even now, some men feel that they can beat their wives because they have paid *lobola* for them.<sup>370</sup>

<sup>364</sup> EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study: Volume II*, Windhoek: University of Namibia, 2000, at 2-17 (reporting the results of surveys of older members of all the major Namibian cultural groups on the concepts and roles of men and women). See also, for example, Saskia Weiringa and Immaculate Mogotsi, “Women’s Advancement in Namibia – the Concept of Empowerment Reconsidered” in Volker Winterfeldt, Tom Fox and Pempelani Mufume, eds, *Namibia-Society-Sociology*, Windhoek: University of Namibia, 2002, 137-146 at 138; Scholastika Ipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 61.

<sup>365</sup> Heike Becker, *Namibia Women’s Movement 1980 to 1992: From Anti-Colonial Resistance to Reconstruction*, Bonn: IKO-Verlag für Interkulturelle Kommunikation, 1995 (based on dissertation completed in 1993) at 77.

<sup>366</sup> See, for example, Scholastika Ipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 61.

<sup>367</sup> 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 at page 4; SIAPAC 2008 at 32.

<sup>368</sup> See Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 36; 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 at 20-21.

<sup>369</sup> Debie LeBeau, Eunice Ipinge 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 at 36; 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 at 44.

<sup>370</sup> See, for example, 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 at 21.

*Focus group discussions with women [in Ohangwena, Oshana and Caprivi Regions] also implicated the role of the payment of a bride price or lobola to secure customary marriages in promoting violence. While lobola is meant to serve as the security in a customary marriage, with certain conditions attached in the case of a divorce, in practice women can be regarded as property of their husbands. Once married, women are expected to fulfil certain duties: neglecting these is a sign of not respecting their husbands and their marriages and thus a beating is justified.*<sup>371</sup>

**Gender differentiations in male-dominated pre-colonial communities were intensified and emphasised during the colonial era**, when “colonial ‘native’ policy, migrant labour and missionary involvement... created a public-productive/private-reproductive dichotomy in social relations that was previously unknown in Namibian cultures”.<sup>372</sup> This more rigid dichotomy further disempowered women and “entailed definite accompanying values of female submissiveness”.<sup>373</sup> Thus, Western patriarchy reinforced and deepened Namibian cultural attitudes. For example, the idea of male supremacy in the household was enshrined in pre-Independence Roman-Dutch law concepts such as “marital power” which gave husbands sole rights to administer property while limiting women to a legal capacity similar to that of minors.

**Some variants of Christianity also entrenched ideas of male supremacy.** According to some persons interviewed for Namibian studies, domestic discipline of a wife by her husband is justified by the Bible because it views the husband as the head of the wife and commands wives to submit to their husbands. The story of Adam and Eve is also used by some to assert that men were given dominion over all things, including women.<sup>374</sup>

### **Examples of Namibian men using the Bible to support gender inequality**

*“Again if we refer to the Bible story a man, Adam, was created first by God and he was given the power to rule everything on earth! My wife should not have equal rights to me, I remain the head of the household and that’s all!”* (male Namibian, age 43 years)<sup>375</sup>

*“In the history of the Bible we cannot look at these new things of gender balance. In the Bible a woman is made out of the rib of a man so they need to be inferior. To be serious, women cannot compare themselves to men, it is only now that we men have decided that you women need some upliftment.”* (male Namibian youth between age 20 and 24, Oshana Region)<sup>376</sup>

<sup>371</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 88-89.

<sup>372</sup> Heike Becker, *Namibia Women’s Movement 1980 to 1992: From Anti-Colonial Resistance to Reconstruction*, Bonn: IKO-Verlag für Interkulturelle Kommunikation, 1995 (based on dissertation completed in 1993) at 79, 105.

<sup>373</sup> *Id* at 115.

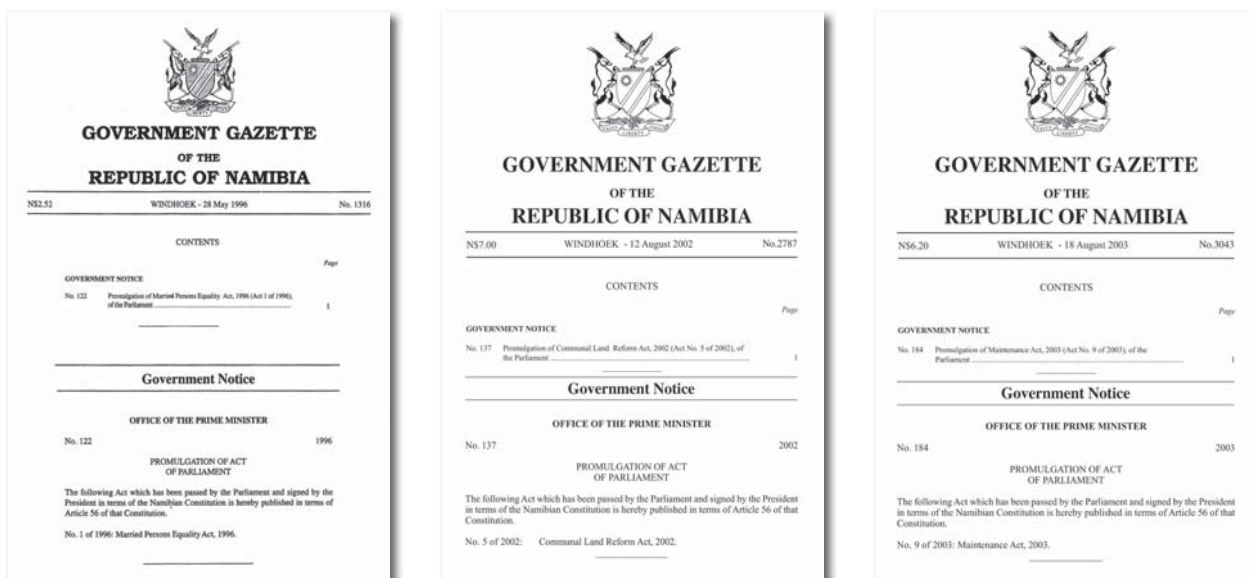
<sup>374</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 36; Debie LeBeau, “Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia” in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 24. See also the discussion of the Parliamentary debate around the Married Persons Equality Act 1 of 1996 in D Hubbard, “Gender and Sexuality: The Law Reform Landscape” in S LaFont and D Hubbard, eds. *Unravelling Taboos: Gender and Sexuality in Namibia*, Windhoek: Legal Assistance Centre, 2007 at 102.

<sup>375</sup> Debie LeBeau, “Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia” in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 24.

<sup>376</sup> T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia /UNFPA, 2004 at 54.

**The Namibian family order has changed since Independence due to urbanisation, development and modernisation, alongside a conscious re-evaluation and re-definition of Namibian society in light of international norms.**<sup>377</sup> Since Independence, women have also experienced an improvement in their legal status through the enactment of various laws such as the Married Persons Equality Act, the Combating of Rape Act, the Communal Land Reform Act, the Combating of Domestic Violence Act and the Maintenance Act. Writing shortly after Independence, one analyst had already noted the strides made in gender politics:

*Without any doubt, late-decolonised Namibia can be characterised as a relative success story in terms of emancipatory gender politics. In comparison with pertinent developments in other African countries which achieved political independence earlier, Namibian women have gained considerable power and visibility in public, particularly political, life in the post-independence period. The often lamented fact that women, who had participated in the struggle for national liberation, had been sent back to ‘the hearth’, ie been rendered socially invisible after independence, certainly does not apply in the Namibian case. Though only a few concrete improvements for women have been achieved in spheres of power other than political society so far, the significant fact can be stated that gender-based concerns of women have at least been recognised as legitimate – important – political claims and there is a lively discourse on these issues in Namibian politics and society.*<sup>378</sup>



**Three of the laws enacted since Independence which have improved the legal status of women in Namibia: the Married Persons Equality Act (1996), the Communal Land Reform Act (2002) and the Maintenance Act (2003).**

**Since Independence, a tension has arisen between a new democratic Namibian society based on a Constitution that guarantees equal rights for men and women, and men who still want to be the head of the household and run their households as their fathers did.**<sup>379</sup>

<sup>377</sup> Debie LeBeau, “The Changing Status of Women in Namibia and its Impact on Violence Against Women” in Ingolf Diener and Olivier Graefe, eds, *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*, Windhoek: Gamsberg Macmillan, 2001 at 185-186.

<sup>378</sup> Heike Becker, *Namibia Women’s Movement 1980 to 1992: From Anti-Colonial Resistance to Reconstruction*, Bonn: IKO-Verlag für Interkulturelle Kommunikation, 1995 (based on dissertation completed in 1993) at 387.

<sup>379</sup> See 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 at 24.

Several studies indicate that violence against women is intensifying in response to the changing status of women in Namibia,<sup>380</sup> with several reports noting that men may react with violence to stay in control, while at the same time changing dynamics in the extended family may leave women without traditional support systems.<sup>381</sup>

In a 1996 study, a participant cited the introduction of equal rights between men and women, and men's inability to accept the equal status of women, as a cause of violence in the home.<sup>382</sup> As a headman in northern Namibia ironically stated, according to a study published in 2000, "*Problems are now arising in marriage because now you cannot beat your wife... People are given too much freedom by the law of our government.*"<sup>383</sup> A 2001 analysis asserted that some men use violence to reassert their dominant position because their traditional role is being "*threatened by the elevation in legal status of women*" and because "*men become insecure about their own social status and roles in society*".<sup>384</sup> Another study published in 2004 suggests that men may resort to violence if their partners are more educated, if they feel that they cannot provide for the family's needs, or if they are jealous of women's increased jobs or status.<sup>385</sup> Focus group discussions held for the 2007/2008 SIAPAC eight-region study felt that the promotion of gender equality had increased misunderstandings between husbands and wives, or caused men to feel threatened, leading to increased physical and emotional violence. Younger focus group discussion participants in all eight regions felt that increased gender equality was a positive objective, but felt that the way this objective was being promoted had led to increased domestic violence. Some had a sense that the old order within families, based on inequality, was falling away but without any adequate replacement.<sup>386</sup>

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<sup>380</sup> Barbro-Isabel Bruhns, *Violence Against Women and Children: Programmes and Services Responding to the Needs of Women and Children as Victims of Violence*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 5; Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 23; SIAPAC 2007 at 72; SIAPAC 2008 at 55-56.

<sup>381</sup> See, for example, Annika Wahlström, *Domestic violence against women from a legal perspective: with focus on the situation in Namibia*, University of Stockholm (graduate thesis), 1994 at 15 and SIAPAC 2008 at 32.

<sup>382</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 18. A woman from Katutura was quoted here as saying: "*Men can't take it that we have equal rights. Every day the government tells us on the news that women are equal to men. The men can't handle this. If we have equal rights in public, then they are trying to show us that at home it is not like that. It is difficult for men to accept equality, so they become violent.*" *Ibid.*

<sup>383</sup> Quoted in D LeBeau, T Fox, H Becker and P Mufune, *Taking Risks – Taking Responsibility: An Anthropological Assessment of Health Risk Behaviour in Northern Namibia*, Windhoek: Ministry of Health and Social Services, 2000 at 91.

<sup>384</sup> Debie LeBeau, "The Changing Status of Women in Namibia and its Impact on Violence Against Women" in Ingolf Diener and Olivier Graefe, eds, *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*, Windhoek: Gamsberg Macmillan, 2001 at 186.

<sup>385</sup> 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 at 40. See also 49-51 on male reactions to gender equality and women's rights.

<sup>386</sup> SIAPAC 2008 at 55.

## Examples of attitudes about the changing status of women

*"[W]omen are no longer depending on men and men cannot accept it." (47-year-old Herero man)<sup>387</sup>*

*"Men can't take that we have equal rights. Every day the government tells us on the news that women are equal to men. The men can't handle this. If we have equal rights in public, then they are trying to show us that at home it is not like that. It is difficult for men to accept equality, so they become violent." (women in focus group discussion in Katutura)<sup>388</sup>*

*"This has been too much for us men! Everywhere you go they talk about women's rights. I think it is being overemphasised now! Yes very much! Women's rights cause problems between families. Because women are now just fighting for their own rights, they no longer recognise us. I do not agree with women being equal to men. I think men should remain as heads of households." (43-year-old man)<sup>389</sup>*

*"[M]en become jealous because most women now are educated and have rights to do a lot of things that they never did before..." (23-year-old female)<sup>390</sup>*

*"I think cases of domestic violence against women are about the same as ten years ago. The reason is that after independence people started talking and reporting about domestic violence, before independence domestic violence cases were not reported but they were there. [Previously] women were beaten up by their husbands but no one talked about it." (32-year-old woman)<sup>391</sup>*

*"You will end up in jail. Men are a bit afraid. Okay, some [men] are still doing it [domestic violence] but we men now have some fear!" (48-year-old man)<sup>392</sup>*

**Another theory is that domestic violence has increased over past levels because of frustrations relating to poverty and unemployment, coupled with alcohol abuse.<sup>393</sup> Namibia has been characterised as being "an extremely violent society" with a "culture of violence" that stems from the long years of colonialism and apartheid which inspired a violent liberation struggle in response.<sup>394</sup> It has been argued that this has not changed with Independence but that, on**

<sup>387</sup> Quoted in Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 23.

<sup>388</sup> Quoted in Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 18.

<sup>389</sup> Quoted in Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 24.

<sup>390</sup> Quoted in 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 at 40.

<sup>391</sup> Quoted in *id* at 41.

<sup>392</sup> Quoted in *id* at 43.

<sup>393</sup> See *id* at 40.

<sup>394</sup> Heike Becker, *Namibia Women's Movement 1980 to 1992: From Anti-Colonial Resistance to Reconstruction*, Bonn: IKO-Verlag für Interkulturelle Kommunikation, 1995 (based on dissertation completed in 1993), at 349.

the contrary, the disappointment of unrealistic expectations that freedom would speedily resolve the social and economic problems of the black majority has given rise to a sense of despair – which manifests in increased violence, with relatively weaker women and children often becoming the targets of male frustration transformed into aggression.<sup>395</sup>

**These possible contributing factors overlap, as “men’s traditional roles as breadwinners and providers are undermined by poverty and unemployment”; in such a climate, men who are insecure about their own status are more likely to attempt to reassert their dominant position through violence against women and children.**<sup>396</sup> For example, a male respondent in a 2004 study conducted in the Karas Region said, “Some women are beaten up because the husband is jealous of her job or status”.<sup>397</sup>

**On the other hand, others assert that domestic violence has not actually increased since Independence, but has simply come out into the open because increased rights for women have made women feel freer to report cases of domestic violence.**<sup>398</sup>

The current prevalence of domestic violence between intimate partners does not necessarily have a single precipitating factor, but power relations between men and women in intimate relationships are undoubtedly the key underlying cause.



<sup>395</sup> Heike Becker, *Namibia Women’s Movement 1980 to 1992: From Anti-Colonial Resistance to Reconstruction*, Bonn: IKO-Verlag für Interkulturelle Kommunikation, 1995 (based on dissertation completed in 1993) at 349-50.

<sup>396</sup> Debie LeBeau, “The Changing Status of Women in Namibia and its Impact on Violence Against Women” in Ingolf Diener and Olivier Graefe, eds, *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*, Windhoek: Gamsberg Macmillan, 2001 at 186.

<sup>397</sup> M Gebhardt et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Karas Region*, Windhoek: University of Namibia/UNFPA, 2004 at 70.

<sup>398</sup> 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 at 40.

## 4.8.2.2 Attitudes about intimate partner violence

*Men beat women because they think women are worthless*<sup>399</sup>

*Men beat their wives or partners because they regard them as their properties. They think that they own them, therefore some men cannot cope if a woman dumps him. They even go to the extent of killing the woman.*<sup>400</sup>

*Violence happens when a man feels the woman is treating him as someone worthless. For example, if a woman sends a man to fetch water. Men want to be treated as someone important.*<sup>401</sup>

*The man has to show the house how to live according to his rules – to show everybody what is right and what is wrong. She [the wife] just has to try to live a good life. If you do not want to listen, you have to feel. If you do not want to listen, you have to take punishment.*<sup>402</sup>

A number of post-Independence studies have explored male and female attitudes pertaining to equality and violence – and some have explicitly investigated perceptions of the impact of social change. Attitudes about when domestic violence is ‘justified’, attitudes about the relative sexual autonomy of men and women and attitudes about gender attributes all point to **the link between domestic violence and unequal power relations in relationships**. Alcohol abuse is often cited as a triggering factor within this context.

The local and regional studies are broadly consistent with national sampling on attitudes about intimate partner violence and sexual autonomy within marriage. The relevant Namibian studies are presented chronologically here (based on the date of data collection), in order to explore the possibility of changing attitudes over time.

The **WHO study of women in Windhoek (data collection in 2001)** asked questions to find out if women thought that it was acceptable for a husband to beat his wife in various circumstances, and found that **1 out of 5 women believe that a husband is justified in beating his wife for at least one of six suggested reasons** (see Table 26 on the next page).<sup>403</sup>

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<sup>399</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 37 (Windhoek, Mariental, and Owambo regions).

<sup>400</sup> 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 at 39.

<sup>401</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 36 (Windhoek, Mariental, and Owambo regions).

<sup>402</sup> 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 at 38.

<sup>403</sup> WHO *Multi-country Study*, 2005, Table 4.6 at 37.

TABLE 26

Attitudes about the acceptability of husbands beating wives amongst women in Windhoek, 2001	
Statement: <i>A man has a right to beat his wife...</i>	Percent women who AGREE
...if she disobeys her husband	13%
...if she does not complete housework	10%
...if she has been unfaithful to her husband	9%
...if her husband suspects that she has been unfaithful	6%
...if she refuses sex	4%
...if she asks her husband about other women	4%
...for AT LEAST ONE of these reasons	20%

Source: Based on WHO Multi-country Study, 2005, Table 4.6 at 37

Data collected in 2002 from focus group discussions in several locations (Katima Mulilo, Mariental, Oshakati, Rehoboth, Windhoek and Walvis Bay) indicated that many men drew a distinction between domestic violence and “disciplining” their wives for “doing something wrong”, such as arguing, coming home drunk or failing to prepare food for their husbands. In such circumstances, the men (who were all over age 30) felt that husbands have a “right” to apply “discipline”. These men also thought that domestic violence was justified in a situation where a husband was not having sexual intercourse with his wife every day.<sup>404</sup>

Similar attitudinal issues were explored by the same researchers during individual interviews held during 2002 in the same locations with 328 people, 54% female and 46% male, aged 15-49 (with an average age of 28). About one-third of the men (33%) and more than one-quarter of the women (27%) thought that it was sometimes justifiable for men to hit women, with the most common justification being when women “disobey rules”.<sup>405</sup> Over half of the men and women interviewed felt that the use of alcohol is also associated with domestic violence and marital rape.<sup>406</sup>

In the same study, similar questions were put to 30 key informants, half male and half female, in individual interviews in Katima Mulilo, Oshakati, Walvis Bay and Rehoboth, asking them to describe community norms (as opposed to their own personal beliefs). These key informants were generally older than the other individual respondents, but their attitudes were similar to those of the individual men interviewed; more than one-third of the key informants (37%) thought that it was sometimes justifiable for a man to hit a woman. Key informants identified as perceived justifications for a man hitting a woman being when she “disobeys rules”, is unfaithful or is drunk. Furthermore, more than one-quarter of the key informants (28%) thought that there were times when it is also acceptable for a woman to hit a man. Like the individual respondents, these key informants also reported a link between alcohol and domestic violence.<sup>407</sup>

<sup>404</sup> Scholastika Iiping, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 228. This finding refers to discussions with rural Khomas men aged 30-40, Oshakati men aged 40-55 and rural and urban Caprivi men aged 60+. On methodology, see 6, 28-29, 33, 44 and 59.

<sup>405</sup> *Id* at Table 2 at 50-54, 55 and 104, referring to answers to the question “Please explain in which situations a man can hit a woman”. See also questionnaire at 94-116. Percentages of agreement with specific justifications were not reported.

<sup>406</sup> *Id* at 35 and 55. See also 219, 226 and 229.

<sup>407</sup> *Id* at 64 and Table 3 at 61-63.



**Focus group discussions held in Karas Region as part of a different study which also took place in 2002 produced similar findings, with the data indicating that local informants attributed domestic violence to a combination of alcohol abuse, low self-esteem amongst men and a misunderstanding of the rights of men and women within relationships:<sup>408</sup>**

*Alcohol abuse is seen as the main contributing factor to domestic violence. Males beat their partners for not complying with their demands. One male community leader explained that, “Females are beaten to show them that men are in power, or to keep them quiet on an issue, such as infidelity.” Other contributing factors to domestic violence include men’s low self-esteem and the misunderstanding of human rights. One father said, “some women are beaten up because the husband is jealous of her job or status”; while another father said that sometimes the reason for a beating is that, “sometimes a woman will talk about something that is wrong and she keeps on nagging for months, this will lead to the man’s frustration and he will beat her to keep her quiet”.<sup>409</sup>*

**In a similar 2002 study in Ohangwena Region, adult men said that husbands become physically violent towards their wives when the wives fail “to fulfil their responsibilities to the satisfaction of the man”, or for “adultery, gossiping, misinterpretation of gender equality and the use of foul language”.<sup>410</sup>**

**In yet another similar 2002 study in Oshana Region, some men blamed domestic violence on women who “misunderstand” the law on domestic violence:**

*In the olden days the rules and regulations of keeping order in the house were in the hands of the head of the house, that is the man. He had the overall word on what was to be done and nobody disagreed with him...*

*Well known people in the community introduced this law that is now talking about domestic violence so it is well known. So women who have heard about this law of domestic violence take it in the wrong way. So it has caused a lot of trouble in the homes...<sup>411</sup>*

**The 2002 CIET-Soul City survey of physical intimate partner violence across eight countries (Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe) asked some questions about individual attitudes towards intimate partner violence, as indicated in Table 27 on the next page. In Namibia (which was close to the average across all eight countries), 44% of men and almost 30% of women thought that women sometimes deserve to be beaten. Namibian respondents were a bit more likely than respondents in most of the other countries to identify domestic violence as a community concern rather than a private matter, with somewhat less than half of the respondents (43% of the men and 38% of the women) agreeing with the statement that it is a private matter in which others should not interfere.<sup>412</sup>**

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<sup>408</sup> M Gebhardt et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Karas Region*, Windhoek: University of Namibia/UNFPA, 2004 at 70.

<sup>409</sup> *Ibid.*

<sup>410</sup> C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia / UNFPA, 2004 at 74.

<sup>411</sup> T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia /UNFPA, 2004 at 64.

<sup>412</sup> 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, Tables 5-6; available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)>.

After exploring individual attitudes about intimate partner violence, the researchers asked respondents in this study about community attitudes on this issue, with the results indicated in Table 28 below. **Interestingly, there were fewer people who believe that intimate partner violence is culturally acceptable than those who held an individual belief that women sometimes deserve to be beaten.**

**TABLE 27**

Individual attitudes about intimate partner violence, 2002									
	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
% who said women sometimes deserve to be beaten	37% men	41% men	30% men	41% men	44% men	51% men	53% men	33% men	<b>41% men</b>
	19% women	30% women	39% women	38% women	29% women	40% women	47% women	24% women	<b>33% women</b>
% who said violence between a man and a woman is a private matter in which others shouldn't interfere	30% men	63% men	75% men	58% men	43% men	53% men	57% men	50% men	<b>54% men</b>
	24% women	57% women	80% women	56% women	38% women	47% women	52% women	52% women	<b>51% women</b>

**Source:** Based on 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, Tables 7-8

**TABLE 28**

Community attitudes about intimate partner violence, 2002									
	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
In my culture it is ACCEPTABLE for a man to beat his wife	27% men	41% men	13% men	33% men	28% men	25% men	38% men	30% men	<b>29% men</b>
	21% women	35% women	15% women	32% women	21% women	17% women	34% women	28% women	<b>25% women</b>

**Source:** Based on 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, Tables 9-10

The survey also included some questions about the respondents' attitudes about gender-based violence in general. **In Namibia, most of those questioned (73% of the women and 70% of the men) considered violence against women to be a serious problem in their community, and a bit more than half (58% of the women and 56% of the men) thought that their communities could do something about the problem.** Namibia fell mid-range here, with respondents in some of the other countries in the region (such as Botswana and Lesotho) feeling more confident about the possible results of community action. However, the majority of those surveyed in almost all of the countries in the study – including Namibia – had never discussed the topic of violence against women with anyone; the only exception was Zimbabwe, where slightly more than half of those surveyed indicated that they had talked to someone about the issue. The team analysing the data expressed concerns about this failure to discuss the issue openly:

Although many thought their community could deal with violence against women, few victims and still fewer of the non-victims said they had discussed violence against women with anyone. Stimulating discussions about violence against women offers one direction for initiatives against partner physical violence. Wider discussion could influence social norms, in addition to targeting individual attitudes and supportive public policy.<sup>413</sup>

**TABLE 29**

Male and female attitudes about gender-based violence, 2002									
	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
% who said they had <u>not</u> spoken with anyone about gender violence in the last year	71% men	57% men	64% men	69% men	59% men	65% men	60% men	46% men	<b>60% men</b>
	66% women	52% women	72% women	70% women	55% women	60% women	60% women	48% women	<b>61% women</b>
% who had participated in community activities in the last year	8% men	6% men	4% men	6% men	6% men	4% men	4% men	9% men	<b>6% men</b>
	7% women	4% women	2% women	5% women	5% women	3% women	3% women	9% women	<b>5% women</b>
% (number) who consider violence against women a serious problem in their community	82% men	60% men	69% men	64% men	70% men	65% men	56% men	47% men	<b>64% men</b>
	81% women	62% women	70% women	59% women	73% women	68% women	61% women	53% women	<b>66% women</b>
% (number) who said their community CAN do anything about violence against women	77% men	64% men	58% men	56% men	56% men	59% men	43% men	57% men	<b>58% men</b>
	75% women	63% women	45% women	50% women	58% women	55% women	45% women	52% women	<b>55% women</b>

**Source:** Based on 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, Tables 3-4



<sup>413</sup> *Id.*, text under heading "Conclusion".

## UNIVERSITY STUDENTS' ATTITUDES ABOUT DOMESTIC VIOLENCE

A **small student survey of psychology students at the University of Namibia** attempted to explore young people's attitudes about domestic violence in **2003** (with 136 respondents, 65% women and 35% men). **Only about 15% of all the respondents agreed with the statement that beating a wife or girlfriend is part of "African culture and heritage"** or that a person has a right to "*punish*" a partner by withholding money, while even fewer agreed with statements supporting violence and forced sex in intimate relationships (see table below). This is consistent with the national studies discussed below which find that more educated people are less likely to find intimate partner violence acceptable.

<b>University students' attitudes about domestic violence, 2003</b>	
Statement	Strongly agree or agree
It is part of African culture and heritage to slap the girlfriend / wife once in a while.	15%
A bit of violence is healthy in a relationship.	10%
If a girlfriend / wife does not want to have sex, it is a man's right to force her to have sex.	4%
It is fair for a man when angry to deprive his wife of money.	8%
A person who supports his/her partner financially has the right to punish this partner by withholding money.	15%
One partner swearing at the other is violence.	65%

**Source:** Sheila R Butkus, "Domestic Violence: Stranger with a Familiar Face", unpublished student research report, University of Namibia, 2003, Appendix 1, Data Summaries

**Additional small surveys of students at the University of Namibia** on attitudes about violence against women were conducted by the Human Rights and Documentation Centre in **2007-2008**. The first '**preliminary**' survey was administered to **123 respondents**, mostly law students, of both sexes.<sup>a</sup> Most all of the students (96%) felt that violence against women is a problem in Namibia, and 72% had personally experienced violence – with females in particular reporting intimate partner abuse. **About 82% of respondents felt that the belief that women are "owned" by their male partners or husbands is still prevalent in Namibia, particularly in rural areas, due to the fact that customary beliefs identify the husband as the head of the family.** Some 47% of the respondents felt that many Namibian women believe that they are "*not as good*" as their male counterparts – citing factors such as religion, custom, lack of education and dependency.<sup>b</sup>

<b>University students' attitudes about domestic violence, 2007/2008</b>	
Statement	Yes
Is violence against women is a problem in our society?	96%
Have you experienced violence in your personal environment?	72%
Is the belief still prevalent in Namibia that women are owned by a partner or husband?	82%
Do women believe that they are not as good as their male counterparts?	47%

**Source:** OC Ruppel, K Mchombu and I Kandjii-Murangi, "Surveying the implications of violence against women: A perspective from academia" in OC Ruppel, ed, *Women and Custom in Namibia: Cultural Practice versus Gender Equality?*, Windhoek: Konrad Adenauer Stiftung, 2008 at 119-129 (preliminary survey)

A **follow-up survey** was administered to **74 students** at the University of Namibia (62% female, 38% male). Most of these respondents, both male and female, expressed broad understandings of the concept of “domestic violence” which encompassed both physical and psychological forms of violence. About half of the female respondents reported a personal experience of violence, but only 20% had experienced physical forms of violence with the rest reporting only emotional abuse.

**About 14% of the male students said that they would “own” their own partner or wife, while about 10% of the female students felt that they were “owned” by their partners.** Similar numbers (19% of the men and 10% of the women) felt that women are “not as good” as their male counterparts.<sup>c</sup> Although these numbers represent a minority of those surveyed, the responses are interesting given that the survey group was drawn from the more educated strata of the population.

**The students identified strong links between the problem of violence and traditional customs, with 50% of the men and 30% of the women saying that traditional laws and customs justified violence against women, and 64% of the respondents of both sexes identifying tradition as a problem in respect of violence against women. The students gave some details about their understanding of traditional attitudes which justified violence:**

*Although the students were aware of the status of women in civilised society, they still felt connected to their traditions... It was stated that tradition promoted beating and that beating was even part of the traditional concept of education. Some students said that beating was a sign of love and that it was used to discipline women. Additionally, men were seen as the head of the household, while women were subordinate to them; it was also stated that it was no one else's business what happened in the privacy of one's home.<sup>d</sup>*

Specific problems identified included *lobola*, traditional marriage and polygamy. Some felt that the only solution would be to abolish certain laws and customs, while others suggested more positive interventions such as educating communities about the consequences of violence and promoting gender equality in traditional communities.<sup>e</sup>

Interestingly, the overwhelming majority of the respondents (92%) felt that religion (in contrast to custom) did *not* justify violence against women, with Christianity viewing men and women as equal before God and opposing violence in favour of peaceful settlements of disputes. However, some students stated that their religion, while not supporting violence, did promote the concept of the man as the head of the household with the wife and children having an obligation to respect him and honour his decisions.<sup>f</sup>

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a The published account of the research does not provide a breakdown of the numbers of male and female respondents.

b OC Ruppel, K Mchombu and I Kandjii-Murangi, “Surveying the implications of violence against women: A perspective from academia” in OC Ruppel, ed, *Women and Custom in Namibia: Cultural Practice versus Gender Equality?*, Windhoek: Konrad Adenaur Stiftung, 2008 at 119-120.

c *Id* at 120-127.

d *Id* at 127.

e *Id* at 126-28.

f *Id* at 128.

**Large national samples of men and women were surveyed about attitudes relating to intimate partner violence and sexual autonomy in the 2000 and 2006-07 Namibia Demographic and Health Surveys** conducted on behalf of the Ministry of Health and Social Services. The 2000 survey involved a nationally-representative sample of 6755 women aged 15-49 and 2054 men aged 15-59, while the 2006-07 survey involved a nationally-representative sample of 9804 women aged 15-49 and 3915 men aged 15-49.<sup>414</sup>

Both surveys included questions about reasons which justify a husband beating his wife. Only men were asked this question in 2000, but in 2006-07 both men and women were interviewed on this issue in more detail.<sup>415</sup>

**In the 2000 Namibia Demographic and Health Survey, 44% of men surveyed felt physical violence by a husband against his wife is justified in at least one of three circumstances: because she neglects the children, argues with him or refuses sex** (see Table 30 on the next page for details). There was significant regional variation, with men in Caprivi Region particularly accepting of wife beating under all three circumstances while respondents in the Karas region were by far the least likely to approve of wife beating. Men who had obtained some secondary education or higher were less likely to agree that that abusing one's wife is justified.<sup>416</sup>

**The 2006-07 Namibia Demographic and Health Survey found that 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 circumstances: if she burns food, argues with him, goes out without telling him, neglects the children or refuses to have sexual intercourse with him.**<sup>417</sup>

As in 2000, the 2006-07 survey showed wide regional variation. Only 13% of women in the Khomas region agreed with *any* of the reasons offered for wife-beating, while at the other end of the spectrum 81% of women in Caprivi agreed that at least one of the reasons given justified wife-beating. Looking only at the men, the range varied from a low of 12% in Karas to a high of 67% agreement with at least one reason in Omusati. Looking at both sexes, the lowest levels of agreement with wife-beating were in the Karas region (where only 12% of the men and 14% of the women agreed with *any* of the reasons for beating).

It is interesting to note the varying perceptions between men and women in particular regions. Women in several regions were *more* likely than men to find wife-beating justified for several of the given reasons (Caprivi, Hardap, Kavango and Otjozondjupa), while men were more likely than women to agree with several of the suggested justifications in other regions (Erongo, Khomas, Ohangwena, Omusati and Oshikoto).

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<sup>414</sup> Ministry of Health and Social Services (MoHSS), *Namibia Demographic and Health Survey 2000*, Windhoek: MoHSS, 2003 (hereinafter "*Namibia Demographic and Health Survey 2000*") at xix; Ministry of Health and Social Services (MoHSS), *Namibia Demographic and Health Survey 2006-07*, Windhoek: MoHSS, 2008 (hereinafter "*Namibia Demographic and Health Survey 2006-07*") at xxi.

<sup>415</sup> The explanation offered for the decision to include women in these questions was as follows:

*The 2006-07 NDHS gathered information on women's attitudes toward wife beating, a proxy for women's perception of their status. Women who believe that a husband is justified in hitting or beating his wife for any of the specified reasons may believe themselves to be low in status both absolutely and relative to men. Such a perception could act as a barrier to accessing health care for themselves and their children, affect their attitude toward contraceptive use, and impact their general well-being.*

*Namibia Demographic and Health Survey 2006-07* at 243-44.

<sup>416</sup> *Namibia Demographic and Health Survey 2000* at 40.

<sup>417</sup> *Namibia Demographic and Health Survey 2006-07* at 245.

There were only 8 out of 13 regions in which a majority of both men and women felt that wife-beating is *not* justified for any of the offered reasons: Erongo, Hardap, Karas, Khomas, Kunene, Omaheke, Oshana and Otjozondjupa (see Table 30 below and the map on page 175).

Overall, there was not much change in male attitudes between 2000 and 2006-07, with men who agreed with at least one of the suggested justifications for wife-beating declining only slightly from 44% to 41% (remembering that women were not asked about wife-beating in 2000).

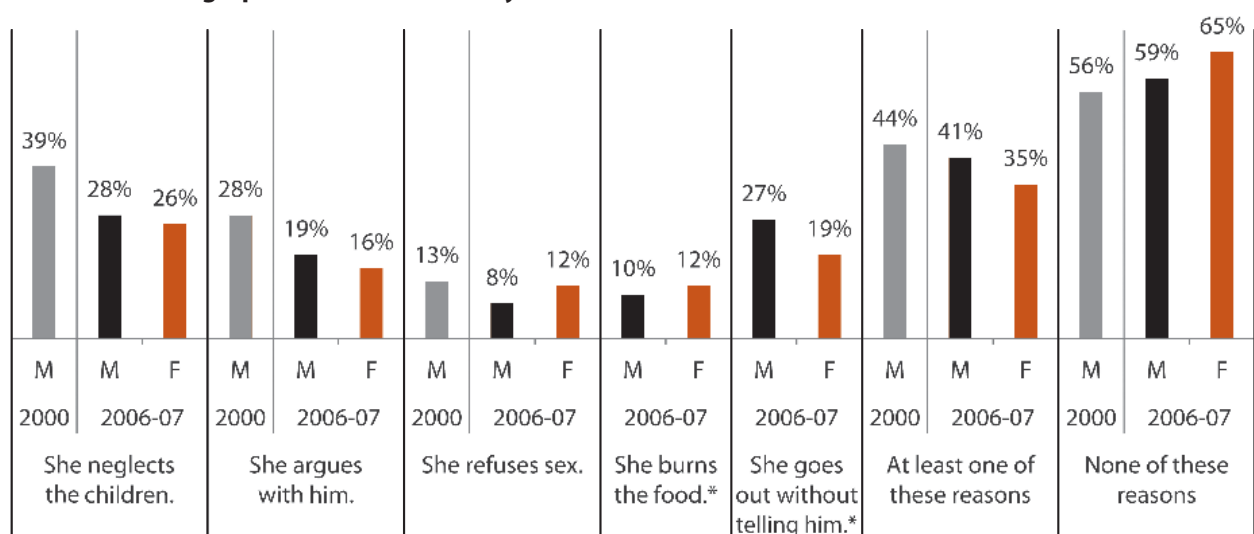
**TABLE 30**

Reasons which justify a husband beating his wife – 2000 Demographic and Health Survey (male respondents only) and 2006-07 Demographic and Health Survey (male and female respondents)																							
Region	She neglects the children.			She argues with him.			She refuses sex.			She burns the food.*		She goes out without telling him.*		At least one of these reasons			None of these reasons						
	2000		2006-07		2000		2006-07		2000		2006-07		2006-07		2000		2006-07		2000		2006-07		
	M%	M%	F%	M%	M%	F%	M%	M%	F%	M%	M%	F%	M%	F%	M%	M%	F%	M%	M%	F%	M%	M%	F%
Caprivi	90%	35%	63%	74%	36%	55%	69%	13%	38%	26%	38%	33%	60%	91%	58%	81%	9%	42%	19%				
Erongo	29%	25%	13%	13%	17%	8%	2%	5%	6%	10%	5%	29%	9%	32%	41%	23%	68%	59%	77%				
Hardap	20%	12%	23%	18%	10%	14%	5%	3%	6%	2%	9%	7%	13%	34%	18%	29%	66%	82%	71%				
Karas	8%	8%	11%	6%	3%	3%	3%	1%	4%	2%	2%	5%	5%	11%	12%	14%	89%	88%	86%				
Kavango	34%	29%	40%	24%	8%	31%	7%	3%	26%	3%	19%	32%	35%	38%	42%	55%	63%	58%	45%				
Khomas	45%	21%	9%	32%	13%	5%	19%	5%	3%	5%	3%	17%	5%	50%	28%	13%	50%	72%	87%				
Kunene	42%	38%	36%	31%	24%	24%	9%	6%	15%	8%	11%	30%	27%	50%	42%	43%	50%	58%	57%				
Ohangwena	51%	34%	40%	51%	30%	21%	18%	27%	19%	36%	21%	40%	27%	64%	65%	56%	36%	35%	44%				
Omaheke	20%	22%	25%	14%	10%	12%	3%	3%	7%	5%	7%	15%	17%	23%	32%	33%	77%	68%	67%				
Omusati	52%	58%	34%	30%	33%	17%	14%	19%	17%	12%	17%	55%	27%	59%	67%	45%	41%	33%	55%				
Oshana	38%	15%	25%	30%	31%	9%	15%	8%	6%	3%	13%	31%	16%	45%	44%	34%	55%	56%	66%				
Oshikoto	33%	51%	24%	23%	32%	10%	6%	9%	8%	22%	14%	45%	13%	39%	63%	30%	61%	37%	70%				
Otjozondjupa	22%	12%	25%	10%	7%	18%	4%	2%	13%	3%	11%	6%	19%	26%	18%	33%	74%	72%	67%				
<b>Total</b>	<b>39%</b>	<b>28%</b>	<b>26%</b>	<b>28%</b>	<b>19%</b>	<b>16%</b>	<b>13%</b>	<b>8%</b>	<b>12%</b>	<b>10%</b>	<b>12%</b>	<b>27%</b>	<b>19%</b>	<b>44%</b>	<b>41%</b>	<b>35%</b>	<b>56%</b>	<b>59%</b>	<b>65%</b>				

\* These two reasons were included only in the 2006-07 survey.

Source: Based on Namibia Demographic and Health Survey 2000, Table 2.20 at 41, and Namibia Demographic and Health Survey 2006-07, Tables 15.9.1 at 244 and 15.9.2 at 246

**CHART 6: Reasons which justify a husband beating his wife – overall responses from 2000 and 2006-07 Demographic and Health Surveys**



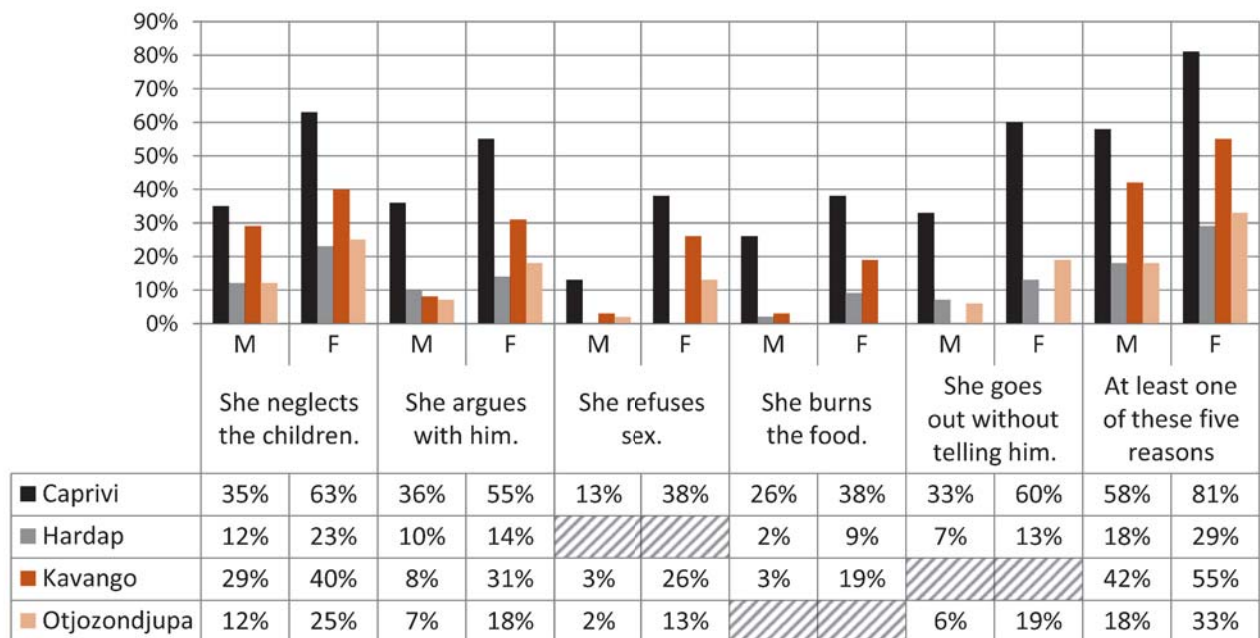
\* These two reasons were included only in the 2006-07 survey.

Source: Based on Namibia Demographic and Health Survey 2000, Table 2.20 at 41, and Namibia Demographic and Health Survey 2006-07, Tables 15.9.1 at 244 and 15.9.2 at 246

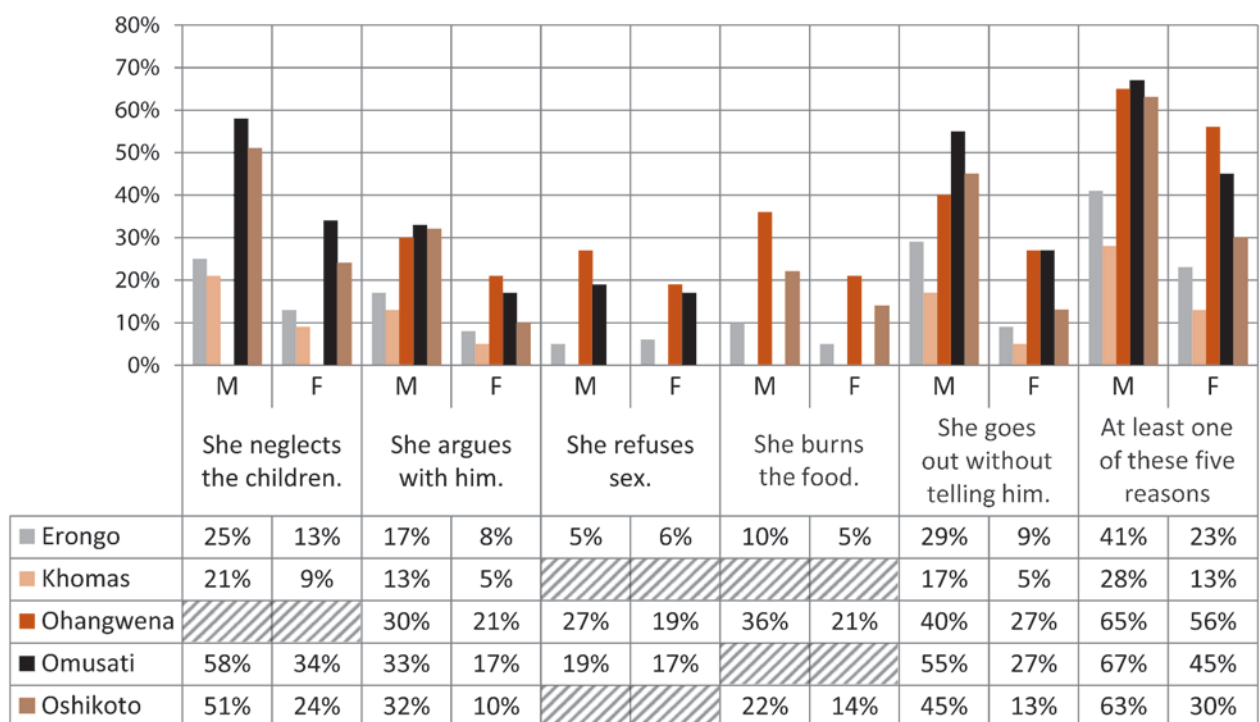
**CHARTS 7 AND 8: Differences in male and female attitudes toward wife-beating by region, in the 2006-07 Demographic and Health Survey**

The following charts illustrate the regional results from the 2006-07 Namibia Demographic and Health Survey where there was the largest degree of variation between the attitudes of men and women. We have provided graphs for regions where there was a difference of more than 3% between men’s and women’s responses to at least four of the five “justifications” suggested.

**CHART 7: Greater acceptance of wife-beating by WOMEN**



**CHART 8: Greater acceptance of wife-beating by MEN**



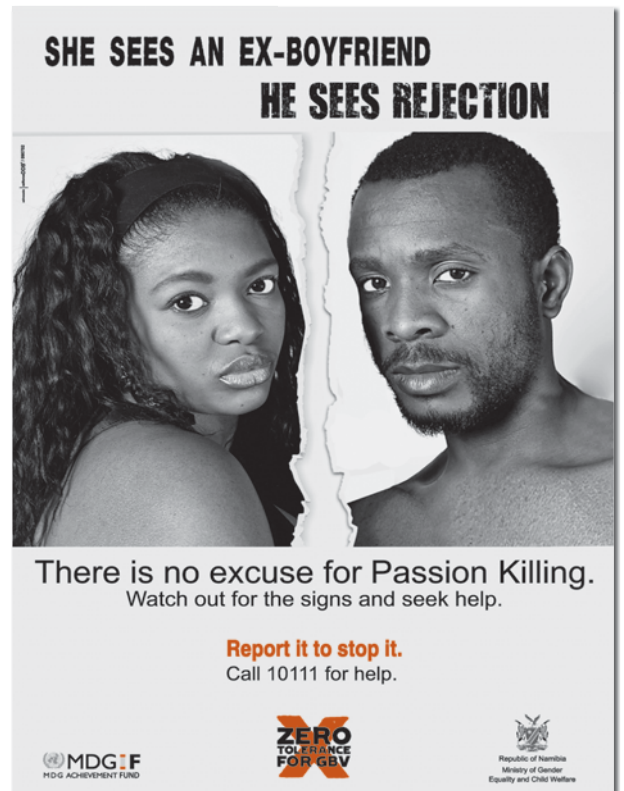
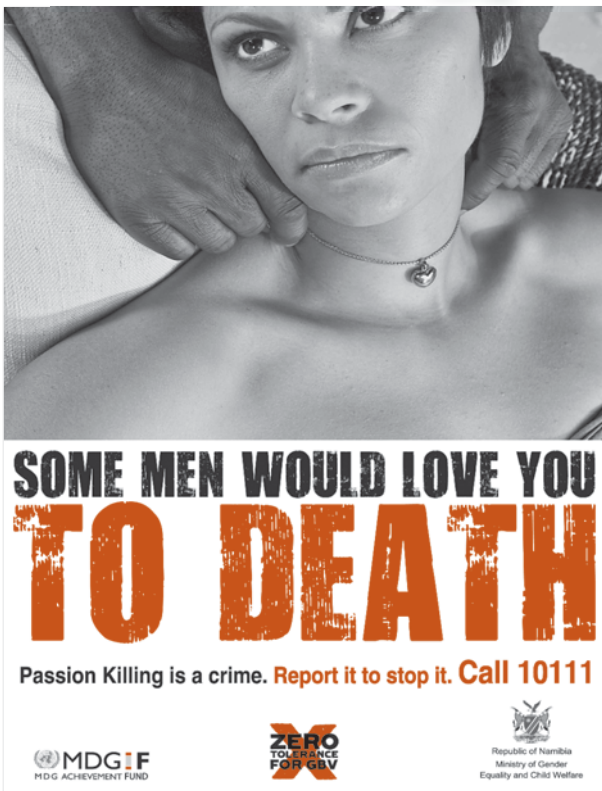
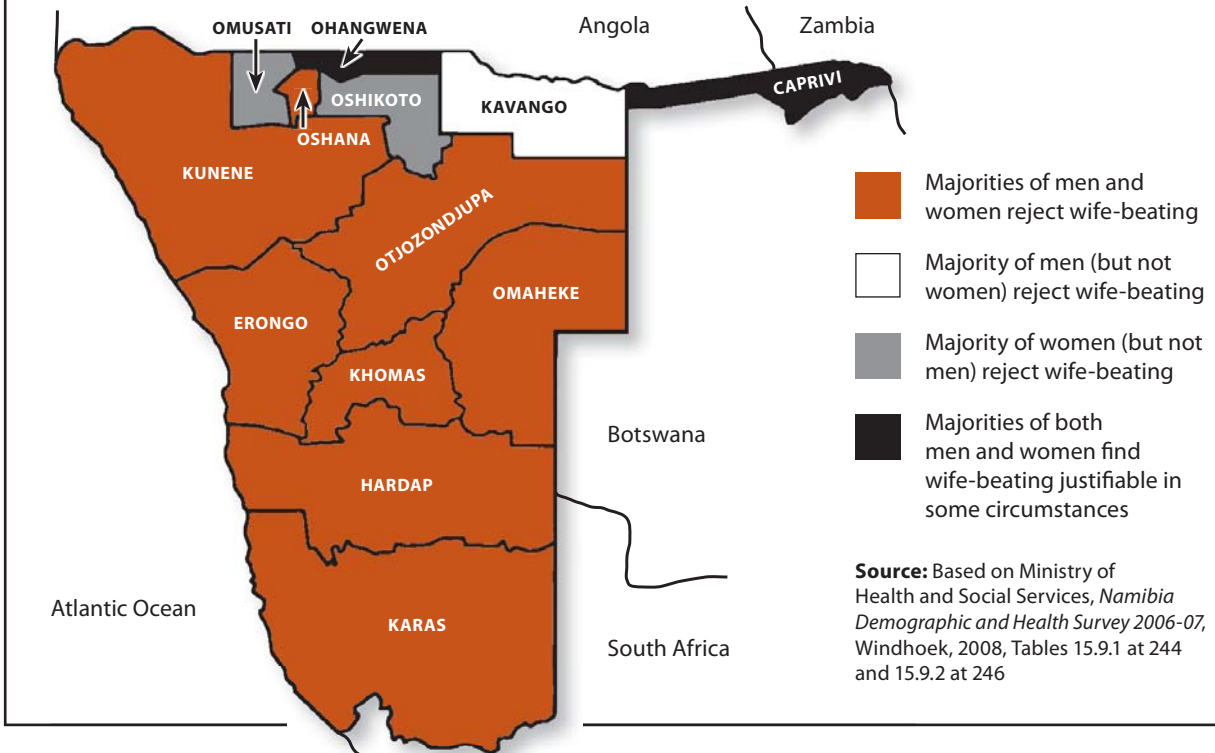
*I am the man. I am the boss.*

Male respondent in H Becker, "Becoming Men: Masculine Identities among Young Men in two Namibian Locations", 3(2) *Development Update* 54-70, (July 2000) at 64



**CHART 9: Regional variations in male and female attitudes toward wife-beating – findings from the 2006-07 Demographic and Health Survey**

The regions where majorities of both men and women rejected all the reasons offered to justify wife-beating are shaded orange in the map below. In the regions marked in white, a **majority of men but not women rejected** all the possible justifications. In the regions marked in grey, a **majority of women but not men rejected** all the possible justifications. In the regions marked in black, majorities of both **men and women** felt that wife-beating is justifiable for at least one of the proffered reasons. Thus, the regions shaded in black and grey are probably the ones where wives are most at risk of intimate partner violence.



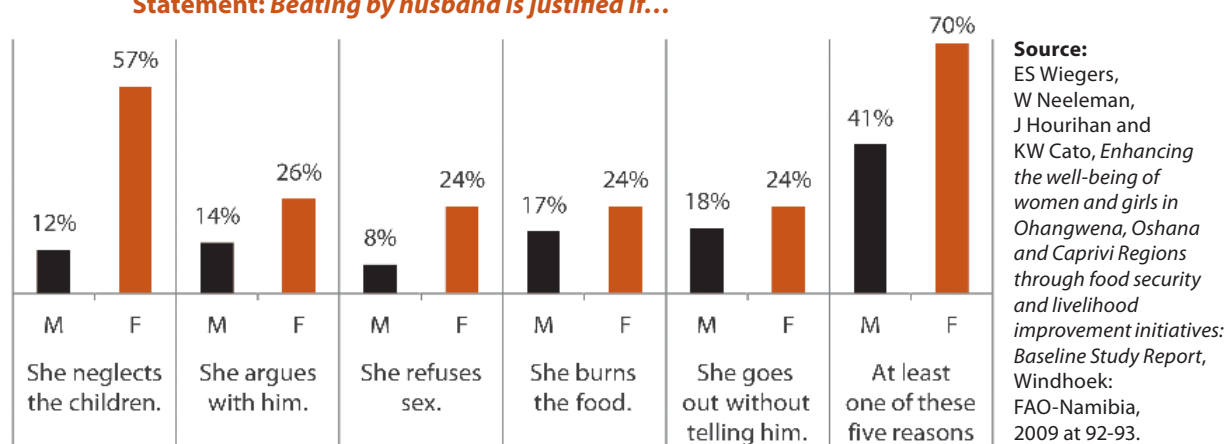
Posters from Namibia's "Zero Tolerance Campaign for Gender-based Violence" conducted in 2009/10.

Although age did not influence women’s attitudes, younger men were *more* likely than older men to say that wife-beating is sometimes justified – indicating that gender equality in this arena does not seem to be improving over time. Rural men and women were more likely than urban men and women to agree with at least one reason for wife beating (51% of rural men versus 31% of urban men, and 47% of rural women versus 22% of urban women). Education was significant for both sexes, as those who had completed secondary education or higher were much less likely to endorse wife-beating than those with a lower level of education.<sup>418</sup>

Similar questions were put to men and women in the 2009 FAO study in Oshana, Ohangwena and Caprivi Regions; respondents were asked to give opinions on whether wife-beating was justified in the same five situations suggested in the 2006-07 *Demographic and Health Survey* questions: if she burns food, argues with him, goes out without telling him, neglects the children or refuses to have sexual intercourse with him.<sup>419</sup> Women in these regions were much more likely than men to find wife-beating justifiable for *all* of the suggested reasons, as Chart 10 below illustrates.

**CHART 10: Attitudes about domestic violence in 10 communities in Oshana, Ohangwena and Caprivi Regions, 2009**

**Statement: Beating by husband is justified if...**



The researchers made the following observations on these findings:

*Men particularly accept wife beating in situations where a wife goes out without telling him... and where a wife burns the food, as these are signs of disrespect. Male respondents mentioned that it is their right to use force when their wives or partners are not respecting their authority. In the situation of women going out without permission, men agree on beating as they might suspect their wives of having affairs.*<sup>420</sup>

*Women’s acceptance of beating is especially high in the Caprivi Region (71.1%) and among the San population (93.7%)... [W]omen accept wife beating more than men in practically all situations, but especially if the motive is the neglect of children. The relatively higher acceptance of wife beating among women... is a sign of women’s*

<sup>418</sup> Namibia Demographic and Health Survey 2006-07, Table 15.9.1 at 244, Table 15.9.2 at 246 and commentary at 245. Wealth was similarly relevant, with higher wealth being correlated with lower likelihood to endorse wife-beating for both men and women, but this may stem from correspondingly higher levels of education.

<sup>419</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 90.

<sup>420</sup> *Id* at 91.

low self-esteem and of violence becoming a normal part of life that women have to endure.<sup>421</sup>

Additional attitudinal data comes from the 2007/2008 SIAPAC study, which asked individual respondents in the eight regions of Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa to respond to a series of statements which placed attitudes about intimate partner violence within the context of broader decision-making autonomy. (The statements shown in Table 31 below were interspersed on the questionnaire with other statements on issues such as personal and community responses to gender-based violence.)

**TABLE 31**

Attitudes about intimate partner violence and decision-making autonomy in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa, 2007/2008		
Statement	Agree or strongly agree	Disagree or strongly disagree
A husband has the right to tell his wife who to vote for.	19%	80%
A husband has the right to decide which social group his wife is allowed to join.	20%	78%
A husband has the right to decide whether his wife can work to earn an income.	23%	76%
A husband has the right to physically abuse his wife if he believes that she has given him a sexual disease.	14%	84%
A husband has the right to hit his wife if she burns the food.	13%	86%
It is important for a man to show his wife/long-term partner who is the boss.	10%	70%

Missing percentages represent respondents who replied that they did not know.

Source: SIAPAC 2008, Tables A23, A24, A25, A27, A30 and A31, Annex at pages A20-A23

Most respondents did not agree with *any* of the statements about husbands' authority over their wives or husbands' 'rights' to discipline wives with violence; in fact, in most cases between one-third and one-half of respondents strongly *disagreed* with these statements.<sup>422</sup> Still, one-fifth of respondents believe that a husband has the right to control his wife's decision-making when it comes to voting and joining a social group. Support for the belief that a husband is entitled to control his wife was most pronounced around the question of a wife's right to work and earn her own money – almost a quarter of all respondents agreed that a husband has the right to decide whether his wife can work.

Respondents most strongly disagreed with the idea that a husband can hit his wife if she commits certain 'infractions', such as if he believes she has given him a sexual disease or if she burns the food.<sup>423</sup> The least support of all was shown for the statement: "*It is important for a man to show his wife/long-term partner who is the boss*", with only 10% of respondents agreeing.<sup>424</sup> Yet these responses seem to contradict the responses to other questions about justifications for wife-beating (discussed below).

<sup>421</sup> *Ibid.* The researchers commented here that the higher acceptance by women of justifications for wife-beating is similar to the Demographic and Health Survey data, but this is somewhat misleading. In the *Namibia Demographic and Health Survey 2006-07*, there were only four regions where women were more likely than men to agree with at least one of the offered reasons than men – including Caprivi but not Oshana or Ohangwena. It is correct, however, that both surveys showed that women are particularly likely to feel that wife-beating is justified for child neglect.

<sup>422</sup> SIAPAC 2008 at 38.

<sup>423</sup> *Ibid.*

<sup>424</sup> Note that the data recorded for this statement, as shown at Table A31, appears to contain an error, as the number of respondents who indicated "*don't know*" is recorded as only 2%, which leaves 18% of opinion unaccounted for. *Id.*, Annex at A23.

The researchers noted that while the relative percentage of males and females who agreed or disagreed with the statements did not vary significantly, the intensity did, with female respondents much more likely than male respondents to *strongly* disagree with all six of the statements in Table 30.<sup>425</sup>

Additional attitudinal statements were included in the 2007/2008 SIAPAC study, worded in varying ways to include some statements phrased in a more gender-positive manner than the statements shown in Table 31 (on the previous page). Respondents were asked to respond to the statement: “A married women should be able to choose her own friends even if her husband disapproves.” Almost half of the respondents agreed with the statement overall, with a strong gender difference: 58% of female respondents agreed with the statement, compared to 35% of male respondents.<sup>426</sup> Respondents were almost evenly split on whether or not they agreed with the statement that a woman has the right to decide whom she wants to marry: “Really, it is a woman’s own decision who she wants to marry, marriages arranged by family members are not encouraged here.”<sup>427</sup> Another attitudinal statement focused on pregnant women: “Pregnant women are especially in need of physical discipline by their husbands, to keep them in order.” Only 9% of respondents expressed agreement with this statement.<sup>428</sup> Yet another attitudinal statement focused on general marital relations: “A good wife obeys her husband even if she disagrees.” Less than a third of the respondents expressed any agreement with this statement, with little variation between sexes or regions.<sup>429</sup>

**TABLE 32**

Additional attitudes about intimate partner violence and decision-making autonomy in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa, 2007/2008		
Statement	Agree or strongly agree	Disagree or strongly disagree
A married woman should be able to choose her own friends even if her husband disapproves.	45%	52%
Really, it is a woman’s own decision who she wants to marry, marriages arranged by family members are not encouraged here.	56%	43%
Pregnant women are especially in need of physical discipline by their husbands, to keep them in order.	9%	89%
A good wife obeys her husband even if she disagrees.	27%	70%

Missing percentages represent respondents who replied that they did not know.

Source: SIAPAC 2008, Tables A26, A28, A32 and A35, Annex at A21-24

Respondents were also asked a series of more detailed questions about the acceptability of intimate partner violence of varying degrees of severity under differing circumstances. The two levels of severity were describing as “*hitting*” (explained as “*slapping or something similar that does not leave scars or bruises or does not threaten the woman’s life*”) and “*hitting hard*” (explained as striking a partner “*to the point where she bruises or something breaks*”).<sup>430</sup>

<sup>425</sup> *Id* at 38.

<sup>426</sup> *Id* at 39.

<sup>427</sup> *Id*, Table A26, Annex at A21.

<sup>428</sup> *Id* at 39.

<sup>429</sup> *Ibid*.

<sup>430</sup> *Id* at 48.

TABLE 33

Beliefs about justifications for intimate partner violence by men in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa, 2007/2008						
Statement	Agree or strongly agree with RIGHT TO HIT (No scars, bruises or danger to life)			Agree or strongly agree with RIGHT TO HIT HARD (Hard enough to cause bruising or break something)		
	Men	Women	Both sexes	Men	Women	Both sexes
A husband has a right to hit his wife or long-term partner...						
...if he finds out that she has been unfaithful	44%	48%	<b>46%</b>	34%	31%	<b>33%</b>
...if he suspects that she has been unfaithful	24%	23%	<b>23%</b>	19%	21%	<b>20%</b>
...if she cannot have a baby	6%	12%	<b>9%</b>	6%	14%	<b>10%</b>
...if she insists that he use a condom to have sex	14%	15%	<b>14%</b>	14%	15%	<b>14%</b>
...if she refuses him sex without his idea of a valid reason	18%	18%	<b>18%</b>	16%	17%	<b>16%</b>
...if she drinks too much	39%	41%	<b>40%</b>	31%	28%	<b>30%</b>
...if she misuses money	37%	39%	<b>38%</b>	31%	27%	<b>29%</b>
...if he believes she has given him a sexual disease	21%	15%	<b>18%</b>	17%	15%	<b>16%</b>
...if she has male friends	22%	18%	<b>20%</b>	18%	18%	<b>18%</b>
...if she belongs to social groups	7%	9%	<b>8%</b>	6%	11%	<b>8%</b>
...if she cannot cook well	13%	25%	<b>19%</b>	10%	22%	<b>16%</b>
...if he feels that she practices witchcraft	35%	29%	<b>32%</b>	34%	23%	<b>29%</b>
...if she leaves the house without telling him	35%	30%	<b>32%</b>	27%	25%	<b>26%</b>
...if he feels that she is neglecting the children	37%	35%	<b>36%</b>	28%	28%	<b>28%</b>
...if he feels that she is being argumentative	20%	22%	<b>21%</b>	27%	21%	<b>24%</b>

Source: Based on SIAPAC 2008, Table 3 at 49 (based on interviews with 210 respondents in each of the eight regions, half men and half women)

It is disturbing to note that substantial numbers of women felt that they deserved to be beaten for most of the proffered causes; more than one-fifth of the women surveyed agreed with 9 of the 15 suggested 'justifications' for violence. Women with higher levels of education and higher incomes tended to be less likely to agree with the 'justifications', although income and education levels did not make much difference for men's responses.<sup>431</sup> Surprisingly, slightly more women than men thought that moderate hitting was justifiable for more than half of the reasons given. But men were more likely than women to support the right to hit hard; in 7 of the 15 scenarios, men's support of the right to hit hard was greater than that of women – with women being more likely than men to support hitting hard in only 4 of the 15 scenarios. (The level of support for hitting hard was about equal for the other 4 circumstances.) (See Table 33.)

Almost half of the men considered moderate beating justifiable for proven unfaithfulness, while about one-third or more found it justifiable for neglecting the children, drinking too much, leaving the house without informing the male partner, being argumentative, misusing money or practicing witchcraft.<sup>432</sup>

Women more than men tended to feel that husbands have a right to hit wives (or even to hit them hard) for failures in what are apparently perceived by women as important wifely duties, such as cooking well and being able to bear children. On the other hand, greater support by men than women for the right to hit was most evident in the following situations: if he believes she has given him a sexual disease; if she has male friends; if he feels that she practices witchcraft; and if she leaves the house without telling him.<sup>433</sup>

<sup>431</sup> *Id* at 50.

<sup>432</sup> *Ibid.*

<sup>433</sup> *Ibid.*

Women were slightly less likely than men to agree that a man has a right to beat his partner when he *suspects* that she has been unfaithful, but were actually *more* likely than men to agree that a moderate beating was justified if the male partner has *proof* that she has been unfaithful.<sup>434</sup>

Over one-third of respondents of both sexes agreed that hitting *hard* would be justified for proven unfaithfulness, while roughly one-fifth to one-quarter of men felt that hitting *hard* was justifiable for alcohol abuse, misuse of money, practicing witchcraft, neglecting children, being argumentative or being suspected of unfaithfulness.<sup>435</sup>

This study also drew on 15 focus group discussions, where participants were asked to discuss the statement: “*Most husbands only resort to violence against wives if the wives severely misbehave. They are pushed to discipline them.*” Many groups – both male and female – agreed with this statement, saying that it was mostly “*undisciplined women*” who were victims of abuse. Some blamed violence on the fact that women’s attitudes have changed, resulting in the women being “*punished*”.<sup>436</sup>

In these focus group discussions, **many groups cited cultural practices which condoned physical ‘discipline’ of wives by their husbands.** In Oshiwambo, Lozi and Otjiherero cultures, a husband was perceived as having the right to physically discipline his wife in order to protect the marriage against her “*misbehaviour*”. This was not culturally viewed as a form of violence. A similar entitlement was reported in respect of Nama, Damara, Oshiwambo, Kavango and Lozi communities, with physical discipline by the husband viewed as being warranted only if the wife was “*repeatedly disobedient*”, and only under certain conditions. In some communities, such ‘discipline’ was reportedly acceptable only if it took place in private – if it happened in public (in front of people outside the family) then it would fall outside the boundaries of acceptable ‘discipline’.<sup>437</sup>

Members of these focus group discussions also pointed to weakening social norms which once would have protected wives from abuse of the husbands’ powers of discipline – such as:

- the decreasing role of the extended family in arranging and supervising marriages;
- abuse of the practice of levirate (‘inheritance’ of a widow by the brother of her deceased husband) which was once a mechanism for protecting the property and security of widows and children;
- the declining role of age mates who once were empowered to punish a man who was treating his wife badly (in some cultures);

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<sup>434</sup> *Id* at 49-50.

<sup>435</sup> *Ibid.*

<sup>436</sup> SIAPAC 2007 at 82.

<sup>437</sup> SIAPAC 2008 at 32; see also Debie LeBeau, “The Changing Status of Women in Namibia and its Impact on Violence Against Women” in Ingolf Diener and Olivier Graefe, eds, *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*, Windhoek: Gamsberg Macmillan, 2001 at 193, which notes that wife beating was considered justifiable in Owambo culture for a wife’s transgressions such as quarrelling or failing to perform household tasks. The 2009 FAO study similarly noted: “*Peer pressure among men on how women should behave legitimises men’s violence. Spirited discussions with groups of men and women identified a list of events that justified violence, ranging from failing to care adequately for the children or the home, to refusing him sex. Also, men fear that other (male) community members might regard them as weak if they do not punish their wives when deemed necessary.*” ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 89.

- the declining incidence of brideprice (in at least one region) which was perceived as having caused husbands to place less value on their wives;
- the decreasing mentoring of maturing children by their parents; and
- the decreasing involvement of traditional authorities in marital issues due to the increasing role of national laws and the national judicial system.<sup>438</sup>

### Examples of differing attitudes about the role of traditional culture

“The majority of respondents, young and old, felt that their societies were in a transition phase from older social norms, focused around traditional authorities and court systems, to the enforcement of ‘Namibian’ norms that included greater influence from those outside of the local culture. ... [O]lder men, and to a lesser extent older women, felt that reversion back to previous social norms would reduce gender-based violence, and that the transition represented a threat to ‘proper gender relations’. Most young respondents, on the other hand, argued that things had moved on, and that there was much since independence in Namibia to celebrate in terms of changing gender relations. The way in which to reduce gender-based violence was therefore in these changes, and these needed to be reinforced.”<sup>439</sup>

“[I]n some cases there are total clashes between national laws and cultural settings, but this is needed because the national laws aim to correct those aspects of culture that perpetuate violence and gender inequality... [J]ust because something is culturally acceptable does not necessarily mean that it is right. Laws aim to change those things within culture and society that are not right. It helps cultures to evolve with the changing times. Many cultural practices and laws were developed many years ago during very different times. The cultural settings need to be able to respond to the changing times.”<sup>440</sup>

Turning the tables, **individual participants were asked whether a similar set of issues justifies a woman hitting a male partner.** As for the earlier questions, “*hitting*” was elaborated as “*slapping or something similar that does not leave scars or bruises or does not threaten the man’s life*”.<sup>441</sup> (Respondents were not asked about more severe levels of violence by women.)

***I can’t say that men are the ones that cause violence because some women are stronger than men, and in some homes men are beaten by women. Still, most men are the cause of violence.***

Learner contribution to *OYO Young, latest and cool magazine*, vol 9, no 6 (Nov-Dec 2010) at 5

<sup>438</sup> SIAPAC 2008 at 32, 55-56.

<sup>439</sup> *Id* at 60.

<sup>440</sup> Key informant, quoted in *id* at 33.

<sup>441</sup> SIAPAC 2007, Annex at A50 (questionnaire); SIAPAC 2008, Annex at A81.

TABLE 34

Beliefs about justifications for intimate partner violence by women in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa, 2007/2008			
Statement	Agree or strongly agree with RIGHT TO HIT		
	Men	Women	ALL
<b>A wife has a right to hit her husband or long-term partner...</b>			
...if he verbally abuses her	31%	22%	<b>27%</b>
...if she finds out that he has been unfaithful	28%	24%	<b>26%</b>
...if she suspects that he has been unfaithful	17%	11%	<b>14%</b>
...if he tries to force her to have sex when she doesn't want to	24%	21%	<b>22%</b>
...if he does not provide adequately for the household	17%	18%	<b>17%</b>
...if he drinks too much	27%	27%	<b>27%</b>
...if she believes he has given her a sexual disease	17%	12%	<b>15%</b>
...if he hits her	48%	48%	<b>48%</b>
...if he does not help with household chores	19%	13%	<b>16%</b>
...if he misuses money	27%	21%	<b>24%</b>
...if he has female friends (not family members)	19%	12%	<b>15%</b>
...if he sides with his family or is influenced by his family	16%	15%	<b>15%</b>

Source: Based on SIAPAC 2008, Table 4 at 51

Just as many women felt that their husbands have a 'right' to beat them, men tended to agree more often than women with most of the statements about women's 'right' to hit men.<sup>442</sup> **In fact, men were more likely than woman to agree with that a woman has a 'right' to hit a man in almost every one of the scenarios presented.** Interestingly, the only situation in which women were slightly more likely than men to support the use of violence by wives against their husbands was where the husband does not provide adequately for the household. Women and men agreed equally about the acceptability of violence by women against men in only two cases – if he drinks too much and if he hits her first. It is perhaps not surprising that **almost half of both men and women surveyed agreed that a woman has a 'right' to hit a man if he hits her first** – suggesting a situation of self-defence. Approximately a quarter of the women surveyed supported the use of violence by a woman against a man if he drinks too much or if she finds out that he has been unfaithful. Only about one-fifth of the women agreed with the use of violence against a man if he misuses money, if he verbally abuses her or if he tries to force her to have sex if she does not want to.

As the researchers noted, overall respondents were less likely to agree that there are circumstances where a woman has a 'right' to hit her partner, compared to the findings for circumstances when a man has a 'right' to hit a woman. For example, one-half of respondents agreed that a man has a 'right' to hit his partner if he finds out she was unfaithful, but only a quarter agreed that a woman has a 'right' to hit a man for the same reason.<sup>443</sup>

**Despite the variations between men and women, these findings generally indicate that many respondents find violence an acceptable channel for addressing problems within intimate relationships, indicating that there is a need to promote peaceable mechanisms for resolving disputes in this context.**

The SIAPAC study also attempted to find out whether respondents perceived attitudes about intimate partner violence and male dominance as changing over time.

<sup>442</sup> SIAPAC 2008 at 51.

<sup>443</sup> *Ibid.*



TABLE 35

Changes since Independence in beliefs about intimate partner violence by men in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa, 2007/2008						
Cultural acceptability of the following practices	Somewhat less acceptable or much less acceptable now than before Independence in 1990			Currently not at all acceptable or not very acceptable		
	Men	Women	ALL	Men	Women	ALL
A husband disciplining his wife by slapping her	51%	53%	55%	62%	75%	69%
A husband forcing his wife to have sex even if she does not want to	52%	64%	58%	75%	81%	78%
A man having all the power over sexual decision-making in a long-term relationship	51%	60%	56%	69%	78%	73%
A husband having other sexual partners than the wife	48%	41%	44%	63%	66%	64%
A wife not being able to get out of an abusive relationships because she has no options	48%	57%	52%	65%	69%	67%

Source: Based on SIAPAC 2008, Table 6 at 54

Respondents were asked a series of questions about the cultural acceptability of various forms of ‘discipline’ and power before Independence as compared to “now” (2007/2008). (See Table 35.) **A majority of respondents felt that most of the practices associated with the dominance of the male partner had become considerably less acceptable since Independence** (with women tending to identify more change than men in every area other than the sexual fidelity of male partners). About two-thirds or more of the respondents felt that the practices indicated were not very culturally acceptable now (again, with women being more disapproving than men of aspects of male dominance).<sup>444</sup>

Despite many respondents’ perceptions that there had been improvements since Independence in some aspects of gender equality, it should also be noted that **participants in focus group discussions in three of the eight regions surveyed (Caprivi, Kunene and Otjozondjupa) felt that relationships between men and women had changed for the worse over time, asserting that the promotion of ‘gender equality’ had increased misunderstandings between husbands and wives which in turn led to more physical and emotional violence than in the past.**<sup>445</sup> Focus group participants in Ohangwena felt that male-female relationships had improved over time, but still asserted that campaigns for gender equality left men feeling threatened, which produced more violence in relationships.<sup>446</sup> **However, the report notes that many of those who identified increased gender equality as having produced increased violence nevertheless welcomed increased gender equality as a positive change, with younger persons more likely to find gender equality a desirable value.**<sup>447</sup>

<sup>444</sup> *Id* at 54. Similar attitudes were expressed by six women and one man in Northern Namibia (five of whom were members of an HIV/AIDS support group) interviewed for a student study in 2008. The general opinion was that beating was acceptable in marriage in former times, but that understandings of violence had changed and the beating of wives by their husbands was no longer considered acceptable. However, one interviewee noted that not everyone in the rural areas has developed this broader understanding of violence yet, and that some may still consider beating to be “normal”. Dora Borer, “Gender based violence in northern Namibia: An enquiry on perception, experiences and networks”, Institute for Social Anthropology, University of Basel (unpublished student paper), 2008 at 9.

<sup>445</sup> SIAPAC 2008 at 55.

<sup>446</sup> *Ibid.*

<sup>447</sup> *Ibid.*

The SIAPAC report offers an interesting analysis of these findings:

*Quantitative findings suggest positive changes over time. These findings were underlined in focus group discussions (FGDs) with younger people, and in key informant interviews. Nevertheless, it is important to point out that many male FGD participants, particularly older participants but also a number of younger ones, felt that changing social norms that gave women more rights resulted in increased levels of gender-based violence. Physical elements of social control felt to be necessary for a successful marriage were perceived to have been ‘mild’ in the past, but had become increasingly harsh in recent years because ‘women are no longer easy to control’. One FGD with older men in Caprivi Region, for example, argued that changing social norms meant that women were increasingly ‘misbehaving’, misusing money, not taking care of their homes or children, and perceiv[ing] themselves to be equal to men. They lamented the increasing inability of men to control their wives, and argued that women’s assertion of independence was the core reason for violence.<sup>448</sup>*

As a point of comparison, the authors of a 2005 overview of the position of women in Namibia express somewhat more unqualified optimism about the change in attitudes about domestic violence over time:

*Only a few years ago in Namibia, most people neither understood what domestic violence was nor did they view assaults on women by partners as necessarily wrong. However, today, only a few people still view it as acceptable.<sup>449</sup>*

Viewed against the various attitudinal surveys which have been conducted since Independence, this statement of the degree of progression in attitudes about domestic violence against women seems somewhat overstated. **More than “a few” people still find it acceptable for a husband to physically ‘discipline’ his wife. However, the perception that social acceptance of domestic violence is decreasing does seem accurate, and it is likely that attitudes will continue to move in the same direction as gender equality in Namibia advances.**

*Let us commit ourselves to a nation where women’s voices are heard, their words are validated, and the necessity for community and freedom become more important than tradition... Norms, traditions and beliefs that fuel gender-based violence in our society should be discouraged and... positive cultural practices should be promoted... I truly hope that some day we will look back on gender-based violence as some strange and misguided evil that accompanied a particularly frustrated period in the development of this country. For only when we can speak of it in the past tense, only then will we be free to tell women and children they are safe in their homes and communities.*

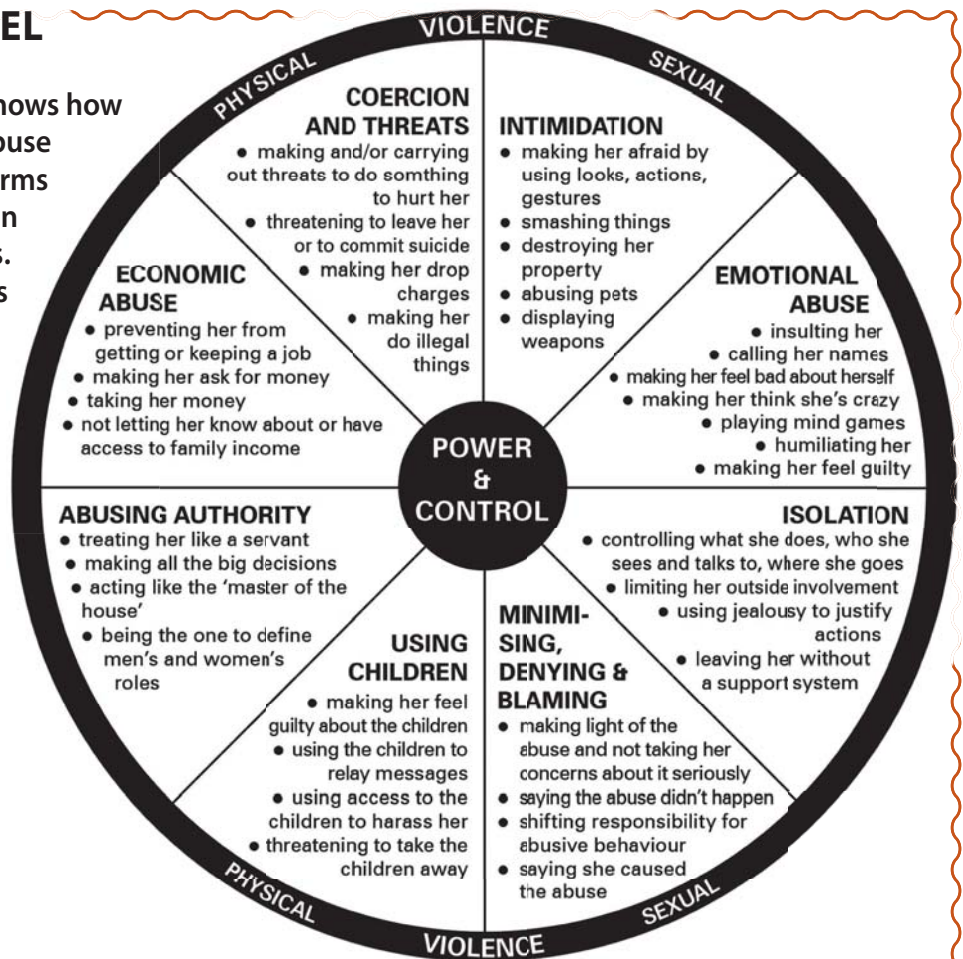
Keynote address by Right Honourable Nahas Angula, Prime Minister of the Republic of Namibia, at the launch of the Zero Tolerance Campaign for Gender Based Violence, Oshikango Border Post, Ohangwena Region, 31 July 2009

<sup>448</sup> *Ibid.*

<sup>449</sup> University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 3.

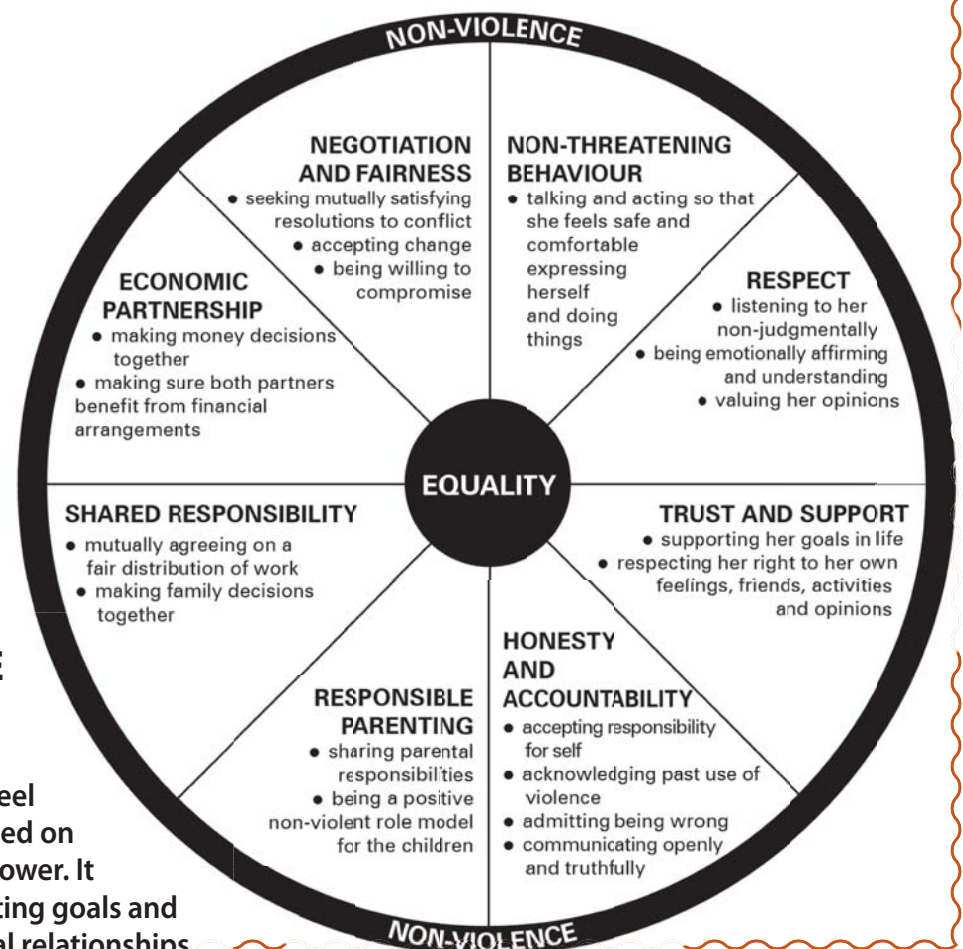
## VIOLENCE WHEEL

The Violence Wheel shows how physical and sexual abuse are related to other forms of power and control in personal relationships. The more subtle forms of control may lead to physical violence, or alternate with outbreaks of physical violence.



## NON-VIOLENCE WHEEL

The Non-Violence Wheel shows behaviours based on equality rather than power. It provides ideas for setting goals and boundaries in personal relationships.



### 4.8.2.3 Attitudes about sexual abuse and sexual autonomy in intimate relationships

*Men feel good if they are in control. This makes them to see themselves as powerful people and they do what they want. They are the ones to decide when to have sex. If they want sex, they don't ask women's permission because they are married to them.*<sup>450</sup>

*Men and boys strongly believe we are superior to women and girls and that we can show it in the sexual act.*<sup>451</sup>

*Lack of control over sexuality, the most intimate of human expressions, leads to lack of control over any other aspect of one's life.*<sup>452</sup>

Attitudes about sexual abuse within marriage and other intimate relationships have been more extensively studied than attitudes about other aspects of intimate partner domestic violence because of the linkage with HIV transmission. Various studies over time indicate that substantial numbers of Namibian men and women believe that a wife is not justified to refuse sex with her husband – except perhaps in some limited circumstances where she has a ‘good reason’ for doing so – and that husbands are entitled to take various forms of ‘disciplinary action’ if their wives unjustifiably deny them sex.

In considering public attitudes about the possibility of rape within marriage, it should be noted that this was not outlawed until the Combating of Rape Act 8 of 2000 brought it under the legal definition of rape.

A 1996 study of community attitudes and practices on various forms of violence against women and children found that husbands frequently force wives to have sex without their consent, with some interviewees emphasising that it happened regularly in many marriages. Both men and women stated that there is a general community perception that husbands are entitled to have sex with their wives whenever they wish. Most respondents, both male and female, felt that a wife who was forced to have sex by her husband would never disclose this to anyone, as it was a private “*bedroom affair*” and because it is “*the tradition*” that marital secrets are not revealed.<sup>453</sup>

<sup>450</sup> 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*, Namibia Institute for Democracy, 2004 at 36. The speaker apparently did not agree with this attitude, as she said “*I think a man can rape his wife.*” *Ibid.*

<sup>451</sup> 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) at 591.

<sup>452</sup> University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 2.

<sup>453</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996, sections 3.2 and 4.2. The overall study was based on 29 focus group discussions involving four to six people each (17 with women and 12 with men) in two Namibian towns (Windhoek and Mariental). Only seven of these focus group discussions dealt with sexual abuse in relationships, meaning that the sample of opinions on marital rape was quite small.

Another 1996 study similarly reported that many people in Namibia do not feel that rape can take place between a husband and a wife “since it is a commonly held belief that the man should have free access to his wife’s sexual favours”.<sup>454</sup>

A 1999 study based on information collected from men and women in Eenhana, Outapi, Oshakati and Tsumeb found that informants at all sites spoke of the high incidence of sexual violence within relationships. Male respondents generally said that a wife does not have a right to refuse sex with her husband except under certain limited circumstances – primarily when she is pregnant or menstruating – and that such a refusal could justify him in beating her and forcing her to have sex with him.<sup>455</sup> A few men thought that the wife can refuse sex when the husband has beaten her. Young men expressed the opinion that husbands can overpower their wives or chase them from the house if they refuse sex, but also noted somewhat contradictorily that “[i]t is only with recent laws and developments that women have the right to refuse”.<sup>456</sup> Similar attitudes emerged outside of marriage, with young women mentioning forced sex in teenage relationships and reporting that a girl who says ‘no’ to her boyfriend will sometimes provoke physical violence. This view was corroborated by young men in Oshakati, who openly admitted that pressure for sex with a girlfriend could involve force if the woman resisted.<sup>457</sup>

The WHO study of 1500 women in Windhoek (based on data collected in 2001) is a departure from many of the studies which covered broader geographical areas, with only 4% of the women interviewed believing that a husband is justified in beating his wife if she refuses sex.<sup>458</sup>

Community members and key informants interviewed during 2002 in Katima Mulilo, Windhoek, Walvis Bay, Oshakati, Rehoboth and Mariental were fairly evenly divided on whether a man can ever be accused of raping his wife. The study noted that “marital rape is still occurring at such an alarming rate that almost all community members mention it”, suggesting that the prevalence of rape might be related to “cultural factors whereby the man’s authority seems to go unquestioned”.<sup>459</sup> Some community members noted that some men still think that sexual intercourse with their wives is a right, not a privilege. Most of the community members, when asked how they would react if their

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<sup>454</sup> 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 at 17. This qualitative study included three accounts by women of rapes by their husbands, with two of them describing sex accompanied by brutal and graphic violence.

<sup>455</sup> D LeBeau, T Fox, H Becker and P Mufune, *Taking Risks – Taking Responsibility: An Anthropological Assessment of Health Risk Behaviour in Northern Namibia*, Windhoek: Ministry of Health and Social Services, 2000, as quoted in Tom Fox, “The Culture of AIDS – Cultural Analysis and New Policy Approaches for Namibia” in V Winterfeldt *et al*, eds, *Namibia Sociology*, Windhoek: University of Namibia, 2002 at 326-327; Pempelani Mufune, ‘Changing patterns of sexuality in northern Namibia: implications for the transmission of HIV/AIDS’, 5(5) *Culture, Health and Sexuality* 425-438 (2003) at 433 (based on same research).

<sup>456</sup> Pempelani Mufune, ‘Changing patterns of sexuality in northern Namibia: implications for the transmission of HIV/AIDS’, 5(5) *Culture, Health and Sexuality* 425-438 (2003) at 433.

<sup>457</sup> Tom Fox, “The Culture of AIDS – Cultural Analysis and New Policy Approaches for Namibia” in V Winterfeldt *et al*, eds, *Namibia Sociology*, Windhoek: University of Namibia, 2002 at 326-327; D LeBeau, T Fox, H Becker and P Mufune, *Taking Risks – Taking Responsibility: An Anthropological Assessment of Health Risk Behaviour in Northern Namibia*, Windhoek: Ministry of Health and Social Services, 1999 at 85-ff.

<sup>458</sup> WHO *Multi-country Study*, 2005, Table 4.6 at 37.

<sup>459</sup> Scholastika Ipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 70. Community member interviews involved 328 people, 54% female and 46% male, aged 15-49. Similar questions were put to 30 key informants. See 44 and 59.

partner refused sex, said that they would be understanding; but at the same time, a majority of both men and women did not think that it was possible for a husband to be accused of raping his wife – and most thought that a woman has no right to refuse the sexual advances of her partner, or at least not without a ‘valid reason’ such as the fact that she is menstruating or ill.<sup>460</sup> It was also noted that women who refuse to have *unprotected* sex with their partners may end up being beaten. However, this study concluded that the fact that *some* men acknowledged that rape could occur within marriage (except in the Caprivi Region) was an improvement over previous attitudes, and could be a result of extensive media coverage of the Combating of Rape Act. Reasons offered for failure to report marital rape (in instances where it is recognised as a violation) included shame, cultural taboos or acceptance of a later apology by a remorseful husband. Women also mentioned that concern about the welfare of the children in the household would mitigate against reporting marital rape to the police. Similar attitudes were presented with respect to dating relationships, where men and boys of various ages stated that forced sex is justified when men buy women drinks in expectation of sexual favours and then rape when their sexual expectations are not met.<sup>461</sup>

**TABLE 36**

Attitudes about sexual autonomy within marriage in Katima Mulilo, Windhoek, Walvis Bay, Oshakati, Rehoboth and Mariental, 2002		
Community members	Women	Men
Traditionally, can a woman refuse sex?	66% yes	67% yes
Is there any situation where a man can be accused of raping his wife?	47% yes	43% yes
Key informants	Both sexes	
Can a woman refuse sex in your community?	70% yes	
Is there any situation where a man can be accused of raping his wife in your community?	47% yes	

**Source:** Scholastika Iipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004, Table 2 at 50-54, Table 3 at 61-63, questionnaire at 94-116.

Similarly, it was reported in 2002 that women in the Himba and Herero communities are not perceived as having a right to refuse sex with their husbands, but are rather expected to be submissive, consenting and “*always ready to please the husband*”.<sup>462</sup> In another 2002 publication, the same author explained that “*the mutual consent of both partners is not a prerequisite for sexual intercourse*” in these communities, as a woman is obliged to accept a marriage proposal and then obliged to be ready for sex whenever her husband wants it. Husbands are reportedly entitled to force a wife who refuses sex by twisting her fingers or beating her, and the only valid reasons a wife can offer for refusing sex are that she is menstruating or in the final stages of pregnancy.<sup>463</sup>

<sup>460</sup> *Id* at 53, 58, 259. Both groups of interviewees also felt that male dominance within households contributes to the spread of HIV. *Id* at 55, 64.

<sup>461</sup> *Id* at 36, 70, 222-223, 227 reporting on 47 focus group discussions and interviews with 30 key informants held in 2002 in Katima Mulilo, Oshakati, Walvis Bay, Windhoek, Mariental and Rehoboth.

<sup>462</sup> Philippe Talavera, “Sexual Culture in Transition in the Northern Kunene – Is there a need for a sexual revolution in Namibia?”, in V Winterfeldt et al, eds, *Namibia Sociology*, Windhoek: University of Namibia, 2002 at 338-339.

<sup>463</sup> 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 at 46. The author notes, however, that the absence of the concept of mutual consent should not be misunderstood, asserting that both men and women in the communities studied recognise that sexual pleasure is greater if both parties are in the mood for sex and speak about sexual interaction as involving both giving and receiving sexual pleasure. *Id* at 47.

A study carried out in the Ohangwena Region in 2002 reported that adult men involved in the study believed that wives can say “no” to sex with their husbands only if they are tired or sick.<sup>464</sup> Community leaders in Karas Region reported in 2002 that wives are expected to have sex with their husbands even if they have a reason for not wanting to do so.<sup>465</sup> A pastor in Ohangwena Region in another 2002 study went so far as to say that the signatures on a marriage license constitute an agreement for husband and wife to come together sexually, with the result that there can be no such thing as rape in marriage.<sup>466</sup>

**In the small CIET-Soul City national study discussed in section 4.3.3 (data collection in 2002), 38% of men and 31% of women interviewed in Namibia said that a woman does not have the right to refuse sex with a husband or boyfriend; 32% of men and 20% of women said that men have the right to have sex with their girlfriends if they buy them gifts; and 35% of men and 33% of women concluded accordingly that forcing a partner to have sex does not constitute rape. (Across all eight Southern African countries studied, 47% of men and 43% of women said that a woman does not have the right to refuse sex with a husband or boyfriend, 31% of men and 27% of women said that men have the right to have sex with their girlfriends if they buy them gifts, and 34% of men and 36% of women said that forcing a partner to have sex does not constitute rape.)<sup>467</sup>**

**TABLE 37**

Individual attitudes about sexual autonomy, 2002									
	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
% who said women do NOT have the right to refuse to have sex with their husbands or boyfriends.	39% men	47% men	49% men	55% men	38% men	45% men	54% men	49% men	<b>47% men</b>
	32% women	40% women	49% women	52% women	31% women	39% women	57% women	44% women	<b>43% women</b>
% who said men have the right to have sex with their girlfriends if they buy them gifts	18% men	39% men	25% men	53% men	32% men	23% men	38% men	21% men	<b>31% men</b>
	16% women	37% women	28% women	48% women	20% women	17% women	33% women	14% women	<b>27% women</b>
% who said forcing your partner to have sex, is NOT rape	20% men	35% men	39% men	33% men	35% men	32% men	46% men	31% men	<b>34% men</b>
	19% women	35% women	45% women	36% women	33% women	34% women	51% women	34% women	<b>36% women</b>

**Source:** Based on 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, Tables 7-8.

<sup>464</sup> C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia /UNFPA, 2004 at 77.

<sup>465</sup> M Gebhardt et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Karas Region*, Windhoek: University of Namibia/UNFPA, 2004 at 54.

<sup>466</sup> C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia /UNFPA, 2004 at 82.

<sup>467</sup> 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, Tables 5-6; available at <[www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491](http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2042491)>.

Respondents in this study were also asked about community attitudes on the same issues, with the results indicated in Table 38 below. Keeping in mind that these questions were phrased differently from the previous ones (positively instead of negatively), there is a high degree of correspondence between individual attitudes and perceived community attitudes on the sexual autonomy of women.

**TABLE 38**

Community attitudes about sexual autonomy, 2002									
	Botswana	Lesotho	Malawi	Mozambique	Namibia	Swaziland	Zambia	Zimbabwe	Total
Most people in our community feel women HAVE a right to refuse sex with their partners	53% men	52% men	50% men	49% men	66% men	44% men	48% men	43% men	<b>50% men</b>
	52% women	54% women	44% women	49% women	66% women	50% women	47% women	50% women	<b>51% women</b>
Most people in our community feel forcing your partner to have sex IS rape	69% men	66% men	54% men	60% men	67% men	61% men	47% men	63% men	<b>60% men</b>
	66% women	69% women	48% women	54% women	65% women	62% women	45% women	63% women	<b>59% women</b>

**Source:** Based on 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, Tables 9-10.

Interview results published in 2004 similarly reported that "most rural women and men do not believe that a man can be considered to have raped his wife", with several women who were interviewed pointing to male dominance as part of the explanation for this attitude.<sup>468</sup>

**More comprehensive information on attitudes about women's sexual autonomy can be found in the periodic Namibia Demographic and Health Surveys based on representative national samples of men and women.**

**In the 2000 Namibia Demographic and Health Survey, both male and female respondents were asked if they think that a wife is justified in refusing to have sex with her husband in four circumstances: if she is tired or not in the mood, if she has recently given birth, if she knows her husband has sexual relations with other women or if she knows her husband has a sexually-transmitted disease. Only 61% of the male respondents and 68% of the female respondents agreed with all four of these reasons, indicating that a large proportion of people of both sexes do not believe that married women have a right to full sexual autonomy.<sup>469</sup>**

<sup>468</sup> 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*, Namibia Institute for Democracy, 2004, at 35-36; Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 32-33 (based on data collected from respondents in Windhoek and rural areas in the North). Both of these reports draw on the same interviews. The dates of the data collection are not given.

<sup>469</sup> *Namibia Demographic and Health Survey 2000* at 40.



Particularly disturbing is the fact that *a lower percentage of women than men* felt that a married woman has the right to refuse sex with her husband on the grounds that she is tired or not in the mood. Furthermore, 16% of the male respondents and 13% of the female respondents agreed with *none* of the four reasons offered for refusing sex within marriage. Surprisingly, **fewer younger respondents than older respondents of both sexes agreed with all four reasons offered for refusing sex within marriage, indicating that the concept of female sexual autonomy is not on the increase in younger generations.** Of the four reasons offered, younger people of both sexes were least in agreement with the idea that married women have a right to refuse sex with their husbands when they are not in the mood for it.<sup>470</sup> The survey report examined the impact of rural and urban residence and education on these attitudes:

*Although urban women are more sympathetic than rural women to a wife's right to refuse her husband in all four circumstances, the pattern is reversed among men. Surprisingly, among women, education has only a marginal relationship with attitudes towards a woman's right to refuse sex. Women who have completed secondary school are more likely than less educated women to agree that a wife is justified in refusing sex with her husband; however, almost as many uneducated women agree as well. Among men, there is a direct, positive relationship between the level of education and the percentage who agree with a woman's right to refuse sex with her husband.*<sup>471</sup>

**Male respondents in this survey were also asked if they felt that a husband was justified in taking any of four actions if his wife refused to have sex with him: to get angry and yell at her, to refuse to give her money or other means of financial support, to force her to have sex with him against her will, or to have sex with another woman. More than 37% of the men surveyed thought that at least one of these responses would be justified – although only 7% said that forced sex would be justified.**<sup>472</sup> Furthermore, answers to a different question showed that 13% of the men surveyed believe that is justifiable for a husband to beat his wife if she refuses sex.<sup>473</sup> (Unfortunately, women were not asked their opinions about the right of husbands to take such actions.)

**The 2006-07 Namibia Demographic and Health Survey asked similar questions of male and female respondents, to find out if they think that a wife is justified in refusing to have sex with her husband for any of three reasons: if she is tired or not in the mood, if she knows her husband has sexual relations with other women or if she knows her husband has a sexually-transmitted disease. This time, 74% of both male and female respondents agreed with all three of the specified reasons – a somewhat higher percentage than in the 2000 survey.**

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<sup>470</sup> The survey report concludes that “a respondent’s age makes little difference in attitudes towards women’s rights to refuse sex, except that adolescent women, as well as childless women, are less likely to agree with the reasons given for refusing sex”. *Ibid.* While it is true that the differences between the responses of the different age groups are not large ones, one would have expected that adolescents growing up largely in an independent Namibia where emphasis has been placed on the notion of sexual equality, and where discussion of sexuality has become more open, might have begun to show more progressive attitudes on sexual autonomy than their elders.

<sup>471</sup> *Ibid.*

<sup>472</sup> *Id* at 44.

<sup>473</sup> *Id.*, Table 2.20 at 41.

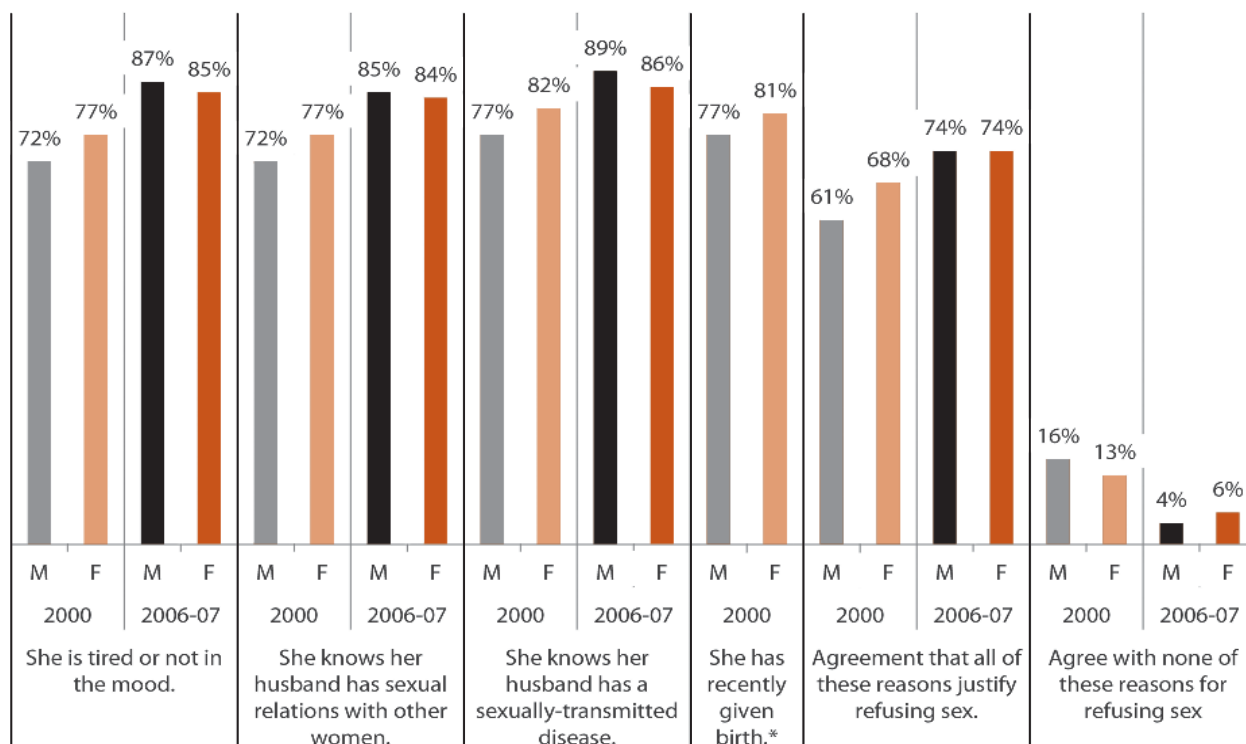
**TABLE 39**

Reasons which justify a wife in refusing sex with her husband, by region – 2000 and 2006-07 Demographic and Health Surveys																						
Region	She is tired or not in the mood.				She knows her husband has sexual relations with other women.				She knows her husband has a sexually-transmitted disease.				She has recently given birth.*		Agreement that all of these reasons justify refusing sex (note that recent birth was included only in the 2000 survey)				Agreement with none of these reasons for refusing sex (note that recent birth was included only in the 2000 survey)			
	2000		2006-07		2000		2006-07		2000		2006-07		2000		2000		2006-07		2000		2006-07	
	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	F%
Caprivi	95%	87%	89%	82%	92%	80%	73%	84%	97%	95%	86%	86%	96%	92%	89%	73%	59%	65%	2%	4%	1%	7%
Erongo	81%	92%	90%	86%	79%	93%	86%	87%	82%	93%	83%	86%	80%	95%	66%	87%	71%	76%	8%	4%	3%	5%
Hardap	85%	93%	92%	93%	91%	94%	90%	92%	94%	97%	88%	95%	91%	95%	73%	86%	83%	88%	2%	1%	5%	2%
Karas	90%	92%	92%	87%	88%	94%	89%	88%	92%	94%	94%	90%	91%	92%	86%	89%	83%	80%	7%	4%	2%	5%
Kavango	77%	85%	88%	71%	73%	87%	83%	70%	89%	95%	93%	70%	93%	94%	61%	81%	77%	58%	3%	5%	4%	19%
Khomas	55%	92%	85%	90%	59%	90%	88%	90%	60%	92%	92%	92%	59%	92%	51%	88%	78%	82%	37%	7%	3%	2%
Kunene	87%	91%	86%	90%	89%	89%	85%	87%	93%	92%	92%	84%	95%	93%	78%	83%	73%	81%	3%	4%	2%	4%
Ohangwena	55%	62%	73%	83%	53%	66%	73%	80%	55%	69%	69%	89%	55%	67%	41%	54%	54%	70%	34%	22%	15%	8%
Omaheke	78%	90%	91%	88%	81%	87%	89%	83%	89%	91%	94%	89%	81%	91%	66%	80%	81%	74%	7%	4%	2%	5%
Omusati	81%	56%	93%	85%	80%	56%	95%	83%	89%	66%	93%	86%	82%	63%	70%	44%	88%	72%	6%	27%	2%	5%
Oshana	70%	67%	84%	82%	80%	75%	76%	86%	98%	80%	90%	79%	89%	77%	57%	50%	70%	68%	1%	9%	4%	6%
Oshikoto	84%	55%	90%	86%	76%	48%	90%	88%	78%	53%	87%	84%	89%	58%	69%	39%	78%	75%	10%	35%	3%	5%
Otjozondjupa	65%	79%	90%	86%	61%	77%	76%	87%	66%	80%	89%	86%	74%	79%	54%	72%	69%	78%	23%	17%	4%	6%
<b>Total</b>	<b>72%</b>	<b>77%</b>	<b>87%</b>	<b>85%</b>	<b>72%</b>	<b>77%</b>	<b>85%</b>	<b>84%</b>	<b>77%</b>	<b>82%</b>	<b>89%</b>	<b>86%</b>	<b>77%</b>	<b>81%</b>	<b>61%</b>	<b>68%</b>	<b>74%</b>	<b>74%</b>	<b>16%</b>	<b>13%</b>	<b>4%</b>	<b>6%</b>

\* Recent birth was included only in the 2000 survey.

Source: Namibia Demographic and Health Survey 2000, Tables 2.21.1 and 2.21.2 at 42-43; Namibia Demographic and Health Survey 2006-07, Tables 15.10.1 and 15.10.2 at 247-249

**CHART 11: Reasons which justify a wife in refusing sex with her husband – 2000 and 2006-07 Demographic and Health Surveys: male (M) and female (F) respondents who agree with the following reasons**



\* Recent birth was included only in the 2000 survey.

Source: Based on Namibia Demographic and Health Survey 2000, Tables 2.21.1 and 2.21.2 at 42-43; Namibia Demographic and Health Survey 2006-07, Tables 15.10.1 and 15.10.2 at 247-249

Urban women and men were more likely than rural women and men to agree with all three reasons for refusing sex. There was substantial regional variation, with women in Kavango being *least* likely to agree with all or any of the suggested reasons. For men, this was particularly true in the Ohangwena region. As with other attitudinal questions about gender equality issues, men with higher levels of education and wealth were more likely to believe that a wife is justified in refusing sex for one of the stated reasons.<sup>474</sup>

In a question which was almost identical to that used in the 2000 survey, male respondents in the 2006-07 survey were asked if they felt that a husband was justified in taking any of four actions if his wife refused to have sex with him: to get angry and reprimand her, to refuse her financial support, to use force to have sex with her or to have sex with another woman.

About the same proportion of men as before, 36%, thought that at least one of these responses would be justified, with slightly fewer than before (5%) saying that forced sex would be justified. The education and wealth correlations to the answer were similar as for the previous question, with more educated and wealthy men tending to be more likely to give answers expressing respect for women's sexual autonomy.<sup>475</sup>

In addition, responding to a different question, 8% of the men surveyed and 12% of the women surveyed believed that it is justifiable for a husband to beat his wife if she refuses sex.<sup>476</sup>

**TABLE 40**

Actions a husband is justified to take if his wife refuses sex, by region – 2000 and 2006-07 Demographic and Health Surveys (male respondents only)										
Region	Get angry and reprimand her		Refuse her financial support		Use force to have sex		Have sex with another woman		Any of these four responses*	
	2000	2006-07	2000	2006-07	2000	2006-07	2000	2006-07	2000	2006-07
Caprivi	9%	36%	8%	17%	4%	6%	8%	13%	15%	44%
Erongo	8%	31%	4%	12%	1%	4%	22%	13%	29%	40%
Hardap	9%	9%	12%	8%	9%	2%	19%	8%	36%	18%
Karas	6%	6%	4%	4%	2%	2%	6%	4%	13%	10%
Kavango	19%	8%	10%	5%	25%	4%	22%	9%	41%	16%
Khomas	15%	19%	7%	12%	4%	5%	11%	12%	25%	33%
Kunene	19%	17%	8%	8%	3%	3%	15%	13%	36%	25%
Ohangwena	53%	29%	32%	25%	27%	25%	41%	19%	60%	50%
Omaheke	22%	18%	13%	10%	4%	2%	7%	14%	32%	29%
Omusati	38%	53%	21%	51%	6%	6%	15%	54%	48%	70%
Oshana	47%	29%	19%	25%	5%	1%	25%	26%	60%	47%
Oshikoto	13%	40%	5%	14%	1%	2%	41%	7%	53%	49%
Otjozondjupa	16%	8%	7%	5%	4%	0%	18%	5%	29%	14%
<b>Total</b>	<b>23%</b>	<b>24%</b>	<b>12%</b>	<b>16%</b>	<b>7%</b>	<b>5%</b>	<b>20%</b>	<b>16%</b>	<b>38%</b>	<b>36%</b>

\* The 2000 survey provides data on respondents who "agree with **any** selected reason". However, in the 2006-07 survey the data is given for respondents who "agree with **all** of the specified reasons" or "agree with **none** of the specified reasons"; data on respondents who "agree with **any** selected reason" is not provided. Therefore, for 2006-07, we have calculated the difference between the percentage of respondents who agree with "none of the specified reasons" and 100%, assuming that those who cannot be said to agree with "none" of the specified reasons must agree with at least one reason.

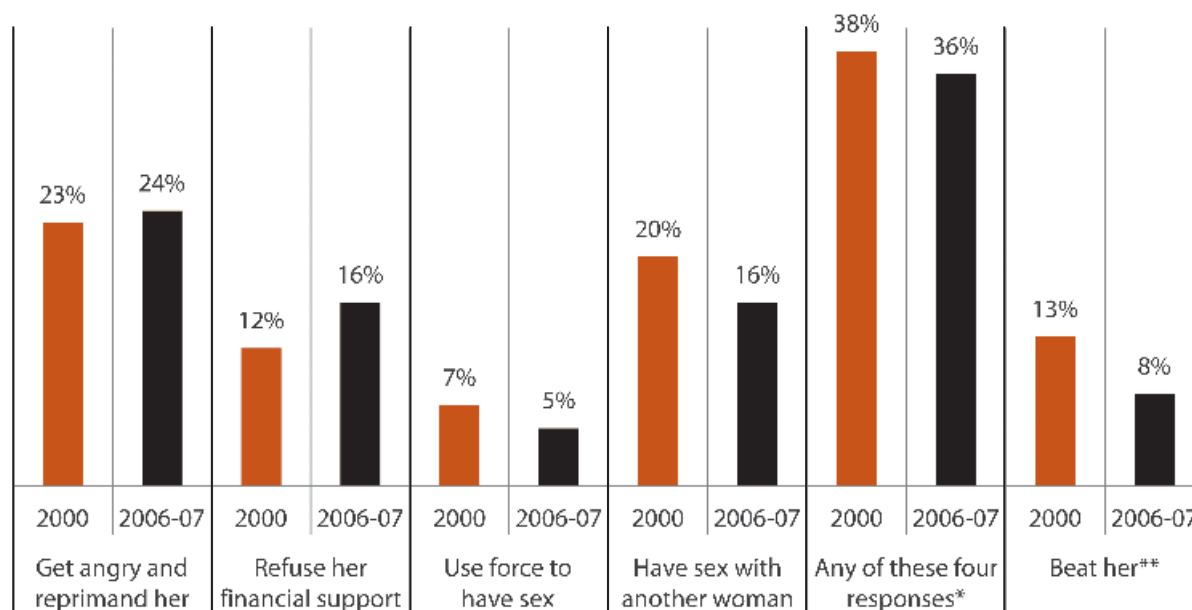
**Source:** Namibia Demographic and Health Survey 2000, Windhoek, 2003, Tables 2.22 at 45; Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Table 15.11 at 250. This question was asked only of men in both surveys.

<sup>474</sup> Namibia Demographic and Health Survey 2006-07 at 246-248.

<sup>475</sup> *Id* at 249-50.

<sup>476</sup> *Id*, Tables 15.9.1 at 244 and 15.9.2 at 246.

**CHART 12: Actions a husband is justified to take if his wife refuses sex – 2000 and 2006-07 Demographic and Health Surveys (male respondents only; national totals)**



\* See the note under Table 40 on the previous page.

\*\* This question was asked separately.

**Source:** *Namibia Demographic and Health Survey 2000*, Windhoek, 2003, Table 2.22 at 45 and Table 2.20 at 41; *Namibia Demographic and Health Survey 2006-07*, Windhoek, 2008, Table 15.11 at 250 and Table 15.9.1 at 244. The questions about the first four responses were asked only of men in both surveys.

**A higher acceptance of beating as a response to sexual refusal was evidenced in the SIAPAC study of Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions in 2007/2008, where 18% of men and 18% of women surveyed felt that a husband has a right to hit his wife if she refuses to have sex with him without what he views as a valid reason – with most of these respondents holding the opinion that this would justify the husband in hitting the wife *hard*.<sup>477</sup> Correspondingly, 75% of the men and 81% of the women said that it is culturally unacceptable for a man to force his wife to have sex if she does not want to.<sup>478</sup>**

**Most recently, the 2009 FAO study conducted in Ohangwena, Oshana and Caprivi Regions found that 8% of the men surveyed and 24% of the women surveyed believed that is justifiable for a husband to beat his wife if she refuses sex.<sup>479</sup>**

Attitudes supporting the right of husbands to beat or otherwise ‘discipline’ wives for refusing sex with their husbands reflect negative viewpoints on gender equity, sexual rights and bodily integrity. **These attitudes about sexual autonomy are rooted in cultural perceptions of masculinity and femininity.** For example, a 2004 study of sexual and reproductive health issues amongst adolescents and youth in the Oshana Region provides the following description of the roles of men in women in sexual relations in Owambo culture:

<sup>477</sup> SIAPAC 2008, Table 3 at 49.

<sup>478</sup> *Id.*, Table 6 at 54.

<sup>479</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 92-93.

Young men try to live up to the constructed roles of manhood – strong, masculine, decisive, and aggressive. In sexual relations, they perceive their role as initiators of the sexual encounter and they regard it as prestigious to have many girlfriends. Some form of violence in pursuit of sexual favours is tolerated if not acceptable. Young women, on the other hand, are socialised to believe that they are weak, caregivers, dependent on males and future home minders. In sexual encounters, the young woman cannot initiate sexual activity, for fear of being labelled promiscuous. The ideal role of [women] is to passively satisfy the desires of their male counterparts. Such role construction has important implications on sexual and reproductive health issues, specifically in the context of multiple sexual partners, use of condoms and sexual violence against women.<sup>480</sup>

#### 4.8.2.4 Concepts of masculinity and femininity

*The pervasiveness of violence against women across the boundaries of nation, culture, race, class and religion points to its roots in patriarchy – the systemic domination of women by men.*<sup>481</sup>

*Namibia's political history, combined with social values and practices within which inequality between men and women are embedded and condoned, have created an environment where violence against women has flourished.*<sup>482</sup>

*... [M]ale perceptions of gender roles and male entitlements, are at the core of violence against women...*<sup>483</sup>

*Men are more powerful from birth, more important. Today women are on the move, but it is not balanced.*<sup>484</sup>

*We [women] do not have an equal say but that is the way it is. I am telling you, this is not a good thing...*<sup>485</sup>

*One of the reasons why men beat or kill their beautiful wives is because they don't know women's rights, and they think that men are the only ones who have the right to make a decision at home.*<sup>486</sup>

*She started the fight and I slapped her in the fact to show her that I am a man.*<sup>487</sup>

<sup>480</sup> T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia /UNFPA, 2004 at 26.

<sup>481</sup> UN General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, A/61/122/Add.1, 6 July 2006 at paragraph 69.

<sup>482</sup> MoHSS, *WHO Multi-Country Study in Windhoek*, 2004 at xi.

<sup>483</sup> *Id* at xvi.

<sup>484</sup> 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) at 591.

<sup>485</sup> *Ibid*.

<sup>486</sup> Learner contribution to *OYO Young, latest and cool magazine*, vol 9, no 6 (Nov-Dec 2010) at 3.

<sup>487</sup> Toivo Ndjebela, "Boxer Shihepo brutally assaults his girlfriend", *informaténews*, 13 September 2007.

**The root of acceptance of physical and sexual abuse in intimate relationships is the lack of meaningful gender equality and equal power relations. The social status of women in Namibia does not yet reflect the improvements in the legal status of women achieved since Independence.**<sup>488</sup> The most recent National Gender Policy points out that the “*struggle for gender equality in Namibia over the last decade has achieved mixed results*”<sup>489</sup>:

*Women are thriving in certain sectors of society and key policy objectives have been achieved. For instance, the enrolment of girls in schools now matches or surpasses boys at every level. Legal reforms were carried out in order to address gender inequalities and redress issues of economic and social injustices brought about by past, discriminative cultural practices, patriarchal ideologies and historical imbalances... However, significant challenges remain. The maternal mortality rate is high, reported cases of rape have increased annually, and women continue to be under-represented in decision-making roles in Namibia.*<sup>490</sup>

While women have experienced improvements in their social status and benefited from the improved legal status of women in Namibia, their continuing lack of full equality and equal decision-making power within the family continues to leave them vulnerable to male exploitation and control.<sup>491</sup> Furthermore, **some assert that the improvements which have been made in women’s status have inspired a backlash in the form of male resistance to gender equality:**

*Most men in Namibia are not happy about the current trend in Namibia that is aimed at empowering women. Men are frequently intimidated by the rising status of women and see this as a direct threat to their own social position. Some men blame women for gender inequality because they say it is women’s fault for not standing up for their rights, while other men contend that only some women want gender equality. Women who want gender equality are usually described as women who cannot find husbands, foreigners or women who want equality to be able to steal men’s property. There are important legal and social reforms taking place in Namibia that will afford women the possibility of greater gender equality. However, a serious challenge women face is men’s negative attitudes toward contemporary gender equality movements. Many men, having become used to being in their privileged positions, desire to maintain the status quo.*<sup>492</sup>

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<sup>488</sup> Debie LeBeau, “Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia” in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 5.

<sup>489</sup> Ministry of Gender Equality and Child Welfare (MGECW), *National Gender Policy 2010-2020*, Windhoek: MGECW, 2010, section 2.1 at 12.

<sup>490</sup> *Ibid.*

<sup>491</sup> See Debie LeBeau, “Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia” in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 6.

<sup>492</sup> Debie LeBeau, Eunice Ipinge 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 at v; see also 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*, Namibia Institute for Democracy, 2004 at 49-51. “Most men [interviewed] are not happy about the current trend in Namibia for the empowering of women to be fast-tracked... Men are frequently frightened by the rising status of women and see this as a direct threat to their own social position.” *Id* at 49-51. “On the other hand, some women [interviewed] feel that men are threatened by gender equality and therefore ‘undermine women’s attempts to achieve equality...’” *Id* at 50.

**The real source of gender-based violence in Namibia lies at the heart of Namibian concepts of masculinity and femininity.** The following trends in gender stereotyping have been observed across Namibia's diverse range of cultures.

*Women are primarily stereotyped in relation to their domestic, reproductive and household productive roles. Women are typically responsible for maintaining the household, caring for children and subsistence crop production. In general, women have little or no decision-making powers, especially in relation to household finances. Men are primarily stereotyped in terms of their decision-making capacity and their role as heads of the household. In general men are considered to have overall power within the household.*<sup>493</sup>

**A “pre-study” for the National Gender Study published by the University of Namibia in 2000 asked elders in various Namibian communities (targetting interviewees over age 70) questions about traditional concepts of ‘man’ and ‘woman’ and the roles of the different sexes.**<sup>494</sup> Overall, this study found that “[a]ll cultures vest men with the position of overall head of household accompanied with the final power in [the] decision-making process”.<sup>495</sup> In the communities studied, the man was generally perceived as the provider, protector and head of the household, while the woman was a nurturer – responsible for care of the household and children, for food gathering or preparation, and for some food production – as well as being a helpmeet who sometimes advises the male decision-maker. Final decision-making power generally vests in the man, although men will sometimes consult with women, and women in many communities have decision-making power over domestic matters such as childcare or household items.<sup>496</sup>

The **symbolism** by which these stereotyped gender roles are embodied in various communities is telling. For example, in the Kavango Region, it was reported that the Mbunza and Kwangali tribes refer to men as “*Ngundi*”, meaning “pillar” to symbolise man’s role as the pillar of the household, village and community. In contrast, various Kavango communities have symbols for women which refer to their reproductive role: “*Ngongokadi*” (a seed-bearing nut), “*Sihete*” (grain storage) and “*Nkombe*” (a bag used for collecting wild fruit).<sup>497</sup> To cite another telling example, the Ndonga and the Mbalantu in the Oshiwambo areas symbolise a man as an “*axe for his father*”, referring to the fact that an axe is an indispensable tool, while women are symbolised as “*pots of clay*”, referring to their physical weakness.<sup>498</sup>

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<sup>493</sup> Debie Lebeau, Eunice Ipinge 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 at 4 (references omitted; drawing on several post-Independence Namibian studies).

<sup>494</sup> EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume II (Annexures 1 and 2)*, Windhoek: University of Namibia, 2000 at 2.

<sup>495</sup> *Id* at 17.

<sup>496</sup> *Id* at 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 (sub-sections on “*Decision-making and resource management*”). Some form of joint decision-making was described in a few communities. In the Caprivi Region, both men and women described a joint-decision-making process between women and men, but with men having more authority than women over finances and livestock. At 4. Informants described Herero and Himba cultures as requiring men and women to consult each other, but the wife was described as being able to “*make suggestions and bring them forward before the husband*”, implying that she is something of a junior partner. *Id* at 16.

<sup>497</sup> *Id* at 7.

<sup>498</sup> *Id* at 13-14.

**The National Gender Study, based on interviews with over 2000 respondents in all 13 regions in 2000, confirmed the persistence of some of these cultural attitudes and the different roles of men and women in the family and community.**<sup>499</sup> For instance, this study found that “*land ownership, access and decision-making related to land and farming equipment is largely in the hands of husbands as opposed to wives*”.<sup>500</sup> Male household members generally have ownership and decision-making power over most large, valuable livestock, including cattle, goats, sheep, donkeys and horses, while women tend to have ownership and decision-making power over small stock such as pigs and poultry – giving men more control over ploughing and transport as well as decisions involving the use of the wealth arising from the more valuable stock.<sup>501</sup> Female members of households were the key persons involved in child care,<sup>502</sup> while men were more likely to play a leading role in community and political activities.<sup>503</sup> The preference for boy children was higher than for girl children in all household types, although girls were considered far more preferable for the household chores such as working in the fields and helping with housework.<sup>504</sup> Although most families eat together, there were still some regions where husbands eat first and wives eat last, with this being primarily a way of showing respect for the male head of household or a matter of custom; similarly, although male and female children eat together in most households, the study found some households where it is still customary for male children to eat first.<sup>505</sup>

**A small Namibian study published in 2000, based on discussions of masculinity with young, urban, Oshiwambo-speaking men in Tsumeb and Windhoek, found that a “violent kind of masculinity is widely accepted and expected of young men”.**<sup>506</sup>

*It emerged as important for a young man to demonstrate that in any heterosexual relationship he is ‘in charge’ and ‘in control’ – that he is ‘the man’. Being ‘the man’ appears to entail having unquestioned authority and dominance.*<sup>507</sup>

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<sup>499</sup> EM Ipinge, EA Phiri and AE Njabili, *The National Gender Study, Volume I (Main Study)*, Windhoek: University of Namibia, 2000. The methodology is described at 13-17 and 263. Only 1862 responses could be processed. The survey was based on a sample of households, with a complex selection process for identifying which member of each household would be interviewed; 42% of the persons interviewed were female and 58% were male.

<sup>500</sup> *Id* at 64.

<sup>501</sup> *Id* at 138.

<sup>502</sup> *Id* at 182. As a related point, women – who bear the burden of the workload in looking after children – tended to see reduced fertility as a good strategy to combat poverty, while most men did not agree. *Id* at 265. Another implication is that the burden of childcare leaves women with less time for income-generating activities, literacy classes and other developmental activities. *Id* at 270.

<sup>503</sup> *Id* at 250.

<sup>504</sup> *Id* at 198. When the questions about looking after livestock (traditionally done by boys) and working in the fields and helping with housework (traditionally done by girls) are combined, there was still a predominate preference for girls in connection with chores as opposed to boys: 13.2 to 0.6 in male-centred households, 17.0 to 10.3 in female-centred households, 16.1 to 10.0 in nuclear households and 22.6 to 41.1 in extended households. Based on *id*, Table 11.13b at 197.

<sup>505</sup> *Id* at 200-ff. It should be noted that most husbands and wives ate together with other members of the family. *Id* at 202. When wives ate first, this was generally because the husbands worked late or came home late. *Id* at 206. Similarly, male and female children ate together in about 80% of households, but more male children than female children ate first where children did not eat together, due to custom; where male children ate last, it tended to be because of coming home late. *Id* at 202, 208-209.

<sup>506</sup> H Becker, “Becoming Men: Masculine Identities among Young Men in two Namibian Locations”, 3(2) *Development Update* 54-70, (July 2000) at 64.

<sup>507</sup> *Id* at 62.



The male participants expressed the view that they needed to employ violence to assert their dominance over women; as one participant put it, “*You beat her because you are the man. She must understand that I am the man. I am the boss.*” Although the male participants said that they knew of instances where women had been violent towards their male partners, they felt that this was shameful and a threat to manhood.<sup>508</sup> Alcohol use was also associated with manhood,<sup>509</sup> a nexus which could lead to a mixture of alcohol abuse and violence, with potentially dangerous results. Interestingly, while the young men in this study insisted on male control in personal relationships, they were not resistant to the idea of gender equality in professional, legal and political spheres.<sup>510</sup> And yet on a personal front, the young men felt that women should be shy and modest, complaining that women often act like “*big snakes*” by scheming to place men in subordinate roles.<sup>511</sup>

**Another study of Namibian masculinity involved key informant interviews and focus group discussions with Oshiwambo-speaking women and men carried out in March 2001 in Eenhana, Ongwediva and Windhoek.**<sup>512</sup> This study identified wealth in the form of material goods as a key marker of masculinity.<sup>513</sup> **Men generally felt that men are superior to women, but referred to an Owambo saying that “*a woman can kill a cat*” to indicate that “*women have their own ways of asserting power and can at time be more sly and powerful than a cat*”.**<sup>514</sup> Masculinity was felt to be expressed through sex for men, and associated with having multiple wives or sexual partners and fathering many children.<sup>515</sup> Alcohol use was again associated with manhood.<sup>516</sup> The female participants put more emphasis on the need for change in the relative status of men and women,<sup>517</sup> but noted that “*in an effort to reassert power, men are trying to reverse change*”.<sup>518</sup>

**Another Namibian study (published in 2005) looked at concepts of manhood and womanhood through 30 life histories, 15 personal interviews and 12 focus group discussions in Katutura (Windhoek) and Tsandi (Omusati Region) conducted in 2001 and 2002.**<sup>519</sup> This study produced similar findings as previous studies on traditional concepts of gender roles:

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<sup>508</sup> *Id* at 64.

<sup>509</sup> *Id* at 64-65.

<sup>510</sup> *Id* at 66. See also the discussion of Kwanyama concepts of masculinity and femininity in 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 at 347-359. This discussion focuses on gender identity with respect to “lover relationships”, without mentioning gender-based violence specifically.

<sup>511</sup> H Becker, “Becoming Men: Masculine Identities among Young Men in two Namibian Locations”, 3(2) *Development Update* 54-70, (July 2000) at 62.

<sup>512</sup> 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) at 588.

<sup>513</sup> *Id* at 589-590,

<sup>514</sup> *Id* at 591.

<sup>515</sup> *Id* at 591, 594.

<sup>516</sup> *Id* at 592. The authors suspected that alcohol use and sexual activity might be increasing in importance as symbols of masculinity given the fact that so many Namibian men do not have the ability to acquire the material possessions associated with manhood. *Id* at 595.

<sup>517</sup> *Id* at 592, 594.

<sup>518</sup> *Id* at 595.

<sup>519</sup> Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 35, 39, 41-42 (methodology).

*Power relationships in traditional societies were embedded in a patriarchal structure, with the father (or the husband) as the head of the family or household. Although a woman could become a head of household through the death of her husband or divorce, a man in her family would always have de facto power over her family.*

*Women had power at the domestic level and because of their responsibility for the production and preparation of food. Men had power at a community level, because they were expected to be protectors, warriors, hunters and performers of physical work, and also because land was allocated to them. Men's power was also reinforced by cultural practice, since only men were allowed to own cattle.<sup>520</sup>*

The influence of Christian missionaries in the 1800s overlaid these traditional concepts with Victorian ideals about gender roles in the home and in society, along with attitudes about morals and sexuality.<sup>521</sup>

This study notes that the destructive forces of colonialism, industrialisation, migrant labour and apartheid were all disempowering for Namibian men, while at the same time women have increasingly benefited from educational programmes and social and legal changes which have begun to give them greater social power and status. In a context of poverty and helplessness, men have turned to alcohol abuse, which has in turn further eroded their self-esteem. The study posits that this combination of factors has inspired some men to turn to sexual abuse and violence as mechanisms to maintain their masculinity in light of their lack of social and economic power.<sup>522</sup>

**This study also considers how traditional concepts of masculinity and femininity survive in current culture:**

*Manhood is understood differently by different people. The older generation may define 'manhood' as a description of a man who is competent, manages his household, has a strong sense of respect and respectability. The younger generation may refer to 'manhood' as describing someone who is: tough, a player, competitive, acting as a protector and a virile male. On the other hand, womanhood is associated with the characteristics of being sensible, tender, nurturing and caring. Men are expected to be the providers and protectors and [the ones] who are self-sufficient. As a society we have inculcated in the man the belief that they need to be tough, to prove their physical strength and never show emotions. Men in turn learn to deny their emotions and focus all their needs regarding physical affection and nurturing into the sex act. They become both emotionally incompetent and emotionally constipated.<sup>523</sup>*

This study notes further that while men are expected to be sexually experienced, women are meant to be virgins until marriage and then passive in any sexual encounter. Women

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<sup>520</sup> *Id* at 57. This study also gives an example from Owambo culture of how this power difference was embodied in cultural symbolism, with a house headed by a man being referred to as "Egumbo" (a main house) and a house headed by a woman being referred to as "Okagumbo" (a little house). *Id* at 58. The separate initiation ceremonies for boys and girls at the time of puberty in Owambo culture also symbolised the different cultural roles and norms for men and women. *Id* at 65-70.

<sup>521</sup> *Id* at 74-77.

<sup>522</sup> *Id*.

<sup>523</sup> Discussion of thesis findings in "Violence, Rape and Murder: Symptoms of Societal Disease", Pandu Hailonga, *The Namibian* (opinion piece), 5 February 2005 (citation omitted).

are expected to find fulfilment in keeping a man happy and producing his children, while men are taught to be tough, competitive and powerful – with male sports figures being one of the symbols of the ideal masculinity as they combine physical strength with economic power and a privileged status. However, injecting a note of hope, the study noted that some adolescent males were open to change, saying that they feel that men and women are equal and that they reject the prevailing concepts of Namibian manhood.<sup>524</sup>

**A 2002 study conducted in several Namibian locations (Katima Mulilo, Mariental, Oshakati, Rehoboth, Windhoek and Walvis Bay) asked community members to define the concepts of manhood and womanhood in their culture.<sup>525</sup> The answers stemmed in great part from gender stereotypes absorbed by men and women when they were growing up, based on the examples they saw in their family homes:**

*From early childhood, girls are socialized to act emotionally, mentally and physically weaker than boys, while boys are taught that they are superior to girls. Through the course of a girl's life, she is socialized to believe that she is biologically inferior to boys. Most girls in customary societies, indeed in most social situations, are socialized to believe that the ultimate goal for their lives should be to get married, have children and take care of their husbands and families.*

*These ingrained gendered stereotypes reinforce social and cultural norms of patriarchy, leading some women to believe that men are in fact biologically superior to women, and thus men should have rights of control.<sup>526</sup>*

Both men and women in all the areas surveyed tended to define a woman as someone who stays home to cook and take care of the household. Many also defined women in terms of their child-bearing role. They were seen by many as “*helpers to men*” and thus subordinate to men, and in some cases women were defined by men as being “*their property*”.<sup>527</sup> Men, on the other hand, tended to be defined as the head of the household with responsibility for “*looking after the family*”. They were also perceived as controlling property and access to wealth. In line with this concept of manhood, men said that women must listen to men and can never tell a man what to do. Most men and women thought that men must be respected in their households and that other members of the household must obey their decisions.<sup>528</sup>

**This study found that the vast majority of individual respondents (75% of females and 79% of males, in a total of 328 interviews with people aged 15 to 49) and key informants (93% of the 30 key informants interviewed) felt that men are generally “*superior*” to women.<sup>529</sup>**

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<sup>524</sup> As summarised in Pandu Hailonga, “What is a ‘man’? A study on masculinity and adolescence”, *Sister Namibia*, September 2006; see also Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 170-171 (on equality).

<sup>525</sup> Scholastika Iipingge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, Windhoek: University of Namibia, 2004 at 249. Community member interviews involved 328 people, 54% female and 46% male, aged 15-49. Similar questions were put to 30 key informants. See *id* at 44 and 59.

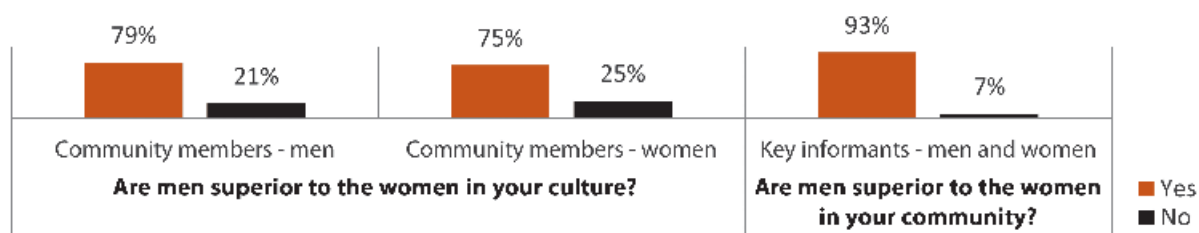
<sup>526</sup> *Id* at 250.

<sup>527</sup> *Id* at 251.

<sup>528</sup> *Id* at 253-254.

<sup>529</sup> *Id*, Table 2 at 50-54, Table 3 at 61-63, 70, questionnaire at 94-116.

**CHART 13: Views on male superiority over women in Katima Mulilo, Oshakati, Walvis Bay, Windhoek, Mariental and Rehoboth, 2002**



**Source:** Scholastika Iipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, UNAM, 2004, Table 2 at 50-54, Table 3 at 61-63, questionnaire at 94-116

The key informants elaborated on male superiority by saying that men were the heads of the household in terms of traditional or cultural beliefs.<sup>530</sup> The researchers made the following observation on this point:

*A man's world is one where he exerts his authority, which is not challenged – especially by a woman. A woman's world revolves around the duties of raising children and performing household chores... There are traditional roles with roots deep in the culture... But... other data sources [comments by younger participants in separate focus group discussions] offer some indication that perhaps younger participants are questioning those roles and are more open to women being equal partners in their relationships with men.*<sup>531</sup>

Yet other studies suggest that a belief in male superiority is as prevalent amongst youth as amongst older people. **In focus group discussions with 15- to 19-year olds in 2002 in the Ohangwena Region, almost all the boys and girls thought that boys are superior to girls – because boys are perceived as being stronger and having more power.**<sup>532</sup> Both boys and girls articulated traditional gender stereotypes, saying that girls are expected to do household chores, marry, produce children and “be disciplined”, while boys are responsible for outdoor tasks such as herding cattle and cleaning the yard, and expected to be the breadwinners – although some of the adolescents acknowledged that the concept of the male breadwinner is an outmoded view.<sup>533</sup>

**Adult men who participated in discussions for the same study also thought that men are superior to women: “The fact that a man is a man is an advantage in itself.”**<sup>534</sup> However, these men also thought that men carry particular burdens alongside their advantages, such as providing for the family, dealing with all kinds of problems, and taking responsibility to “rescue the nation”.<sup>535</sup> They also felt that people do not sympathise with men in the way that they do with women,<sup>536</sup> and yet at the same time expressed the view that boys must be taught not to show fear or to complain about hardships.<sup>537</sup> The men felt that a ‘real woman’ is someone who shows respect, does not talk too much or abuse alcohol and is decent,

<sup>530</sup> *Id* at 61.

<sup>531</sup> *Id* at 71.

<sup>532</sup> C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia /UNFPA, 2004 at 73.

<sup>533</sup> *Id* at 72.

<sup>534</sup> *Id* at 74.

<sup>535</sup> *Ibid*.

<sup>536</sup> *Ibid*.

<sup>537</sup> *Id* at 72.

hard-working and loving;<sup>538</sup> in contrast, a ‘real man’ must be hard-working, brave, have good manners and be able to keep secrets. He must “*respect his manhood*” and must not “*run after every woman*” or “*be a trouble-maker*”.<sup>539</sup>

A similar 2002 study in the Oshana Region produced similar findings, with most boys and girls aged 15-19 and young men and women aged 20-24 perceiving boys as being superior and culturally more powerful.<sup>540</sup> Girls’ roles were perceived as being to cook, clean house, look after children and animals, and cultivate and pound mahangu, while boys’ roles were seen as to fish, look after cattle, hunt, protect younger brothers and light the fire in the evening.<sup>541</sup> Girls perceived boys as having more rights and more sexual freedom than girls, and as being treated more leniently by parents.<sup>542</sup> Boys felt that a man’s defining role is to produce children.<sup>543</sup>

Adult men interviewed for this study felt that “*the value of a woman is not equal to that of a man*”, with the man being superior even if the woman earns more money. They associated being a ‘real man’ with bravery, cleanliness, dressing well, walking proud, having strong hands and working hard, getting married, having many children, providing for the family, having many cattle and giving advice to others. A ‘real woman’ dresses like a woman, walks more slowly than a man, provides food and cares for children. The men interviewed listed many differences between the sexes: ‘Real women’ must be “*soft*”, not “*hard*” like men; women must be sexually faithful to one man, while a man is allowed to have many women; a woman must be obedient while a man does not have to obey anyone; men are stronger and have the ability to kill women who disobey them or make them angry; and women must never initiate sex but are responsible for sexually satisfying men.<sup>544</sup>

### **Learner statements in OYO Young, latest and cool magazine:**

*“Controlling is very good because some women want to do things guided by their own heads. According to our culture, women should be controlled. Controlling is very important, because a man must control a woman if he is supposed to marry her.”*

*“I won’t let a guy control me unless I’m married to him.”*

### **OYO response:**

*“Should married women be ‘controlled’? Are women losing their rights and freedom once they become wives? ...real relationships are based on mutual trust and respect, not the power of one party over the other.”*

*OYO Young, latest and cool magazine, vol 9, no 4 (July-Aug 2010) at 39*

<sup>538</sup> *Id* at 79.

<sup>539</sup> *Id* at 71.

<sup>540</sup> T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia /UNFPA, 2004 at 49, 51, 54.

<sup>541</sup> *Id* at 49, 51.

<sup>542</sup> *Id* at 49-50.

<sup>543</sup> *Id* at 51.

<sup>544</sup> *Id* at 55-56.

A study of Himba and Herero communities published in 2002 noted similarly that the husband/father is head of the household with responsibility for all major decisions pertaining to the household economy; everything in the homestead is perceived as belonging to him.<sup>545</sup> This study found that many women in rural communities were reluctant for the prevailing norms to change, for fear that this might threaten family stability. Some women gave responses such as “*There is no need to empower women. This would deny our culture.*” (24-year-old Himba woman).<sup>546</sup>

A UNAM study based on data collected in 2002 in six regions (Caprivi, Karas, Kavango, Khomas, Omaheke and Omusati) found that women continue to have access to land primarily through men, whether their fathers or their husbands – meaning that women can lose their access to land when a relationship ends in divorce – and that women generally had less control over property than men, which served as a barrier to their economic independence.<sup>547</sup> Married women generally had some limited powers of use and control over livestock (such as milking cows or using cattle for ploughing) but usually had to get the permission of the husband before slaughtering or selling them.<sup>548</sup> Furthermore, most people interviewed for the study endorsed the traditional view that land, livestock and large movable property such as cars or tractors *should* be under the control of men.<sup>549</sup> This study also found that *lobola* was normally paid in all of the communities under study, and this was perceived as giving the husband and the husband’s extended family “*rights of control*” over the wife and children.<sup>550</sup> Thus, although there were complexities specific to particular communities depending on the type of property under discussion, the overall picture painted by this study was one where married women’s decision-making power over the economic resources of the family continues to be subservient to that of men; the study noted that “[w]omen’s continued dependence on men for money contributes to maintaining women’s lower social status vis-à-vis men and places women at risk of poverty, exploitation and gender-based violence”, and “*gives more power to men*”.<sup>551</sup>

One positive note which emerged during this time period is that the vast majority of the 208 teachers surveyed in seven regions in 2002 (79%) reported that learners reacted positively to information about gender equity. This suggests that there is scope for influencing attitudes about gender roles through regular and consistent messages about equality in school curricula.<sup>552</sup>

**The 2006-07 Namibia Demographic and Health Survey examined three intertwined indicators of women’s status and empowerment: the degree of acceptance of wife-beating, the degree of acceptance of a wife’s sexual autonomy (both already discussed above<sup>553</sup>) and women’s participation in decision-making.**<sup>554</sup>

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<sup>545</sup> 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 at 75-76.

<sup>546</sup> *Id* at 77.

<sup>547</sup> Debie Lebeau, Eunice Ipinge 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 at 43, 46.

<sup>548</sup> *Id* at 45.

<sup>549</sup> *Id* at 46-47.

<sup>550</sup> *Id* at 36.

<sup>551</sup> *Id* at 7 (citations omitted). Although this statement was contained in the literature reviews, it seems equally applicable to the study’s findings.

<sup>552</sup> Digital Solutions, *2002 Baseline Survey on Sexual and Reproductive Health and HIV/AIDS Among Adolescent and Youth*, Windhoek: University of Namibia/UNFPA, 2004 at 70.

<sup>553</sup> See sections 4.8.2.2 and 4.8.2.3.

<sup>554</sup> *Namibia Demographic and Health Survey 2006-07* at 233.

This survey first looked at **employment outside the home**, which can be a source of empowerment. It found that **53% of women were employed at the time of the survey, compared to 69% of men**. The disparity increased for married men and women, with **61% of married women employed in comparison to 90% of married men**.<sup>555</sup>

Married women were asked about their degree of control over their own earnings. Almost **40% said that they control their own earnings, while 50% said that decisions about the use of their earnings are made jointly with their husbands. Only 10% said that husbands make decisions about the use of the wife's earnings**.<sup>556</sup> However, it should be noted that **66% of married women report that they earn less than their husbands**.<sup>557</sup> Interestingly, in Karas Region, where male and female acceptance of wife-beatings was low, married couples were the most likely to make joint decisions on the use of the wife's earnings.<sup>558</sup>

Married women were also asked about their degree of control over their husband's earnings. Only **26% said that their husband controls his earnings on his own, while 57% said that decisions about the use of his earnings are made jointly and 16% said that they are the main decision-maker about how to use their husband's earnings**.<sup>559</sup> So, surprisingly, there were more wives who perceived themselves as being involved in some way with the control of their husband's earnings than wives who perceived their husbands as having any say over the use of their earnings.<sup>560</sup>

**TABLE 41**

Married women's views on control over wives' and husbands' cash income – 2006-07 Demographic and Health Survey						
Region	Person who decides how wife's cash earnings are used			Person who decides how husband's cash earnings are used		
	Mainly wife	Husband and wife jointly	Mainly husband	Mainly wife	Husband and wife jointly	Mainly husband
Caprivi	31%	54%	15%	10%	66%	24%
Erongo	40%	50%	9%	10%	59%	30%
Hardap	28%	59%	11%	13%	73%	13%
Karas	21%	66%	13%	15%	67%	18%
Kavango	43%	30%	23%	22%	43%	34%
Khomas	38%	57%	5%	17%	61%	23%
Kunene	36%	48%	15%	21%	47%	32%
Ohangwena	54%	38%	8%	11%	69%	19%
Omaheke	43%	36%	18%	24%	44%	32%
Omusati	29%	62%	6%	7%	78%	15%
Oshana	58%	29%	12%	23%	35%	41%
Oshikoto	40%	50%	8%	14%	61%	24%
Otjozondjupa	46%	39%	14%	20%	43%	36%
<b>Total</b>	<b>39%</b>	<b>50%</b>	<b>10%</b>	<b>16%</b>	<b>57%</b>	<b>26%</b>

Source: Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.3 and 15.4 at 236-238

<sup>555</sup> *Id* at 233-34.

<sup>556</sup> *Id* at 236.

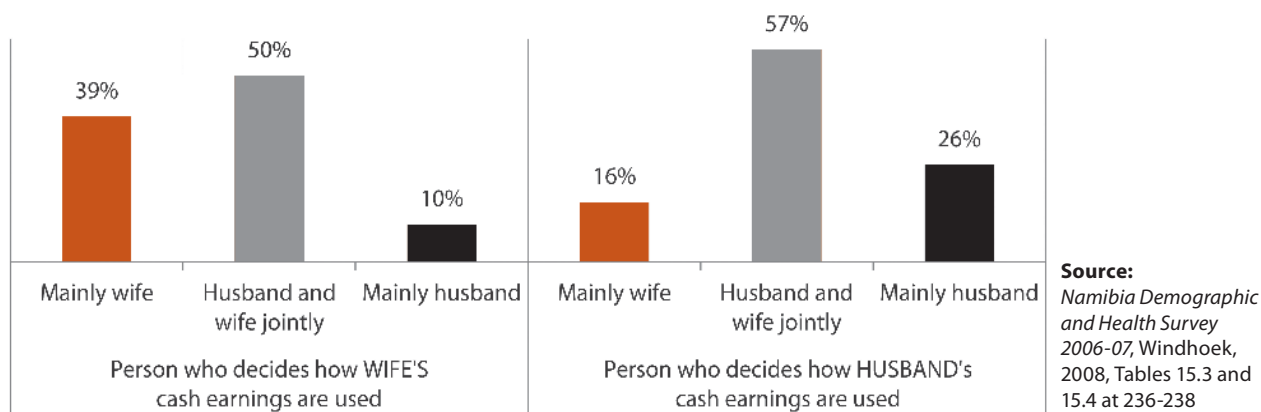
<sup>557</sup> *Id* at 237.

<sup>558</sup> *Id* at 235.

<sup>559</sup> *Id* at 237-238.

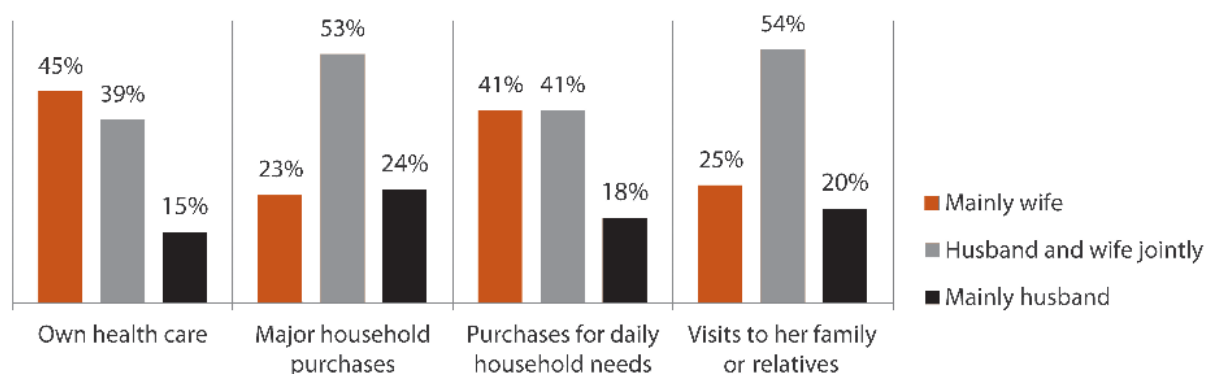
<sup>560</sup> *Id* at 235-238.

**CHART 14: Married women's views on control over wives' and husbands' cash income – 2006-07 Demographic and Health Survey: Total percentage for all Namibian regions**



The survey also included a set of questions designed to measure married women's participation in household decision-making, measured by whether couples make decisions jointly or whether husband or wife has the final say. Using this test, 45% of married women had the final say on decisions about their own health care, 41% on purchases for daily household needs, 23% on major household purchases and 25% on visits to the wife's family or relatives.<sup>561</sup> Joint decision-making on these four issues was reported by roughly 40-50% of married women – 40% on health care decisions, 41% on purchases for daily household needs, 52% on major household purchases and 54% on visits to the wife's family or relatives.<sup>562</sup> Only 15-24% of married women reported that their husbands were the main decision-makers on any of these issues. Overall, only 9% of the women surveyed said that they do not participate in any of these decisions while 64% said that they participate in all four of these decision-making areas.<sup>563</sup>

**CHART 15: Married women's views on who makes decisions in four key areas – 2006-07 Demographic and Health Survey**



**Source:** Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.6 at 240

Married men were asked similar questions, but about who *should* have decision-making power in a marriage on specified issues. Men were also asked about a fifth area of decision-making – the decision on how many children to have. Their responses were similar, with only 13-29% asserting that husbands should be the main decision-makers on any of these individual decisions, with decisions on major household purchases being the area men most often preferred to reserve to themselves. Almost 80% of men said

<sup>561</sup> *Id* at 240.

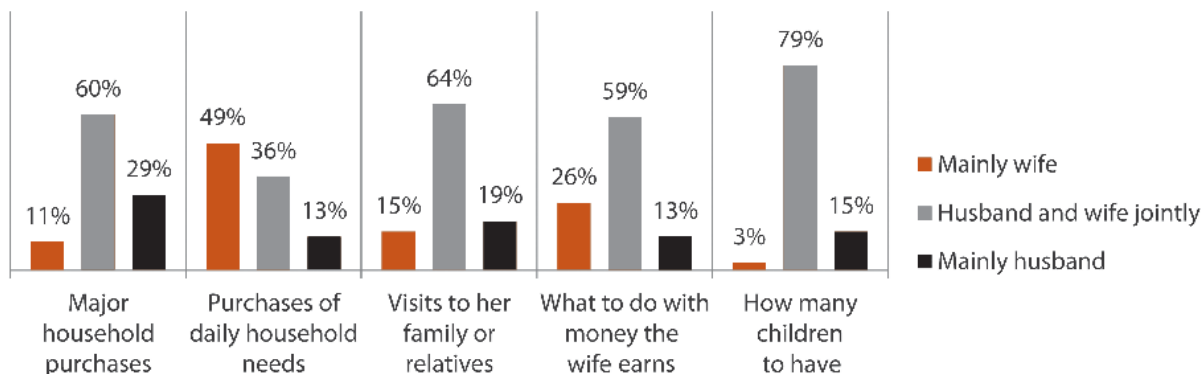
<sup>562</sup> *Id* at 240.

<sup>563</sup> *Id* at 240.



that husbands and wives should make decisions jointly on how many children to have.<sup>564</sup> Yet less than half of the married men surveyed thought that a wife should participate either alone or jointly with her husband in *all* of these decisions, showing that the ideal of gender equality within relationships is still far from being accepted by men.<sup>565</sup>

**CHART 16: Married men's views on who SHOULD make decisions in five key areas – 2006-07 Demographic and Health Survey**

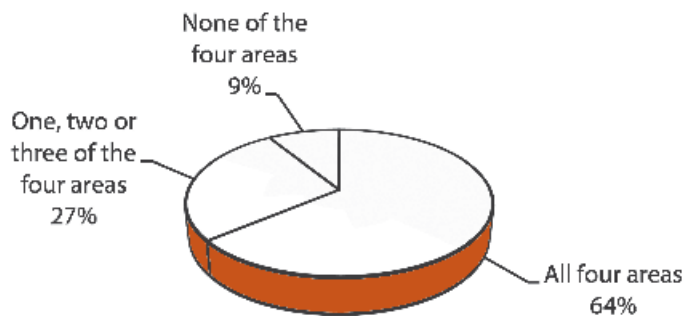


Source: Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.7 at 240

### Decision-making by married couples as reported in 2006-07 Demographic and Health Survey

**CHART 17: Married women who participate in decisions in four key areas (deciding either alone or jointly with their husbands)**

Source: Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.6 at 240



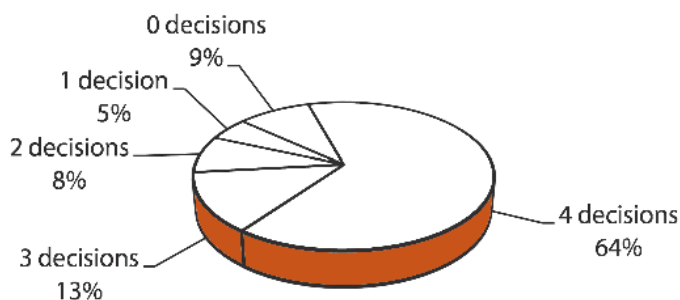
**CHART 18: Married men who think wives SHOULD participate in decisions in five key areas**

Source: Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.7 at 240



**CHART 19: Number of decisions in which women participate**

Source: Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Figure 15.1 at 242



<sup>564</sup> Id at 239-40.

<sup>565</sup> Id at 242.

TABLE 42

Married women's participation in decision-making in four key areas, by region – 2006-07 Demographic and Health Survey					
Region	Her own health care	Making major household purchases	Making purchases for daily household needs	Visits to her family or relatives	All of these four decisions
Caprivi	74%	85%	88%	69%	52%
Erongo	93%	87%	90%	90%	79%
Hardap	88%	88%	87%	85%	77%
Karas	89%	86%	89%	85%	82%
Kavango	74%	55%	62%	51%	36%
Khomas	95%	87%	91%	92%	80%
Kunene	68%	60%	64%	63%	50%
Ohangwena	82%	69%	84%	80%	62%
Omaheke	73%	69%	74%	69%	56%
Omusati	88%	71%	83%	88%	67%
Oshana	90%	75%	86%	86%	68%
Oshikoto	86%	74%	83%	83%	64%
Otjozondjupa	73%	66%	71%	69%	56%
<b>Total</b>	<b>84%</b>	<b>75%</b>	<b>81%</b>	<b>78%</b>	<b>64%</b>

**Note:** "Participation" in decision-making covers both making the decision alone or jointly with their husbands.

**Source:** Namibia Demographic and Health Survey 2006-07, Windhoek, 2008, Tables 15.8.1 at 241

These findings seem to contradict many of the other studies which have explored attitudes about male and female decision-making power, although the generally positive views of women's decision-making powers portrayed by this study may have much to do with the choice of decisions about which respondents were questioned. It is noteworthy that women participated least in decisions on major household purchases (75%), as compared to the other decision-making areas asked about, which may have been perceived as either personal to the women in question (health care and family visits) or relatively inconsequential (purchases for daily needs).

Interestingly, the 2009 FAO study in Ohangwena, Oshana and Caprivi Regions found that, while most respondents thought that women *should* participate in household economic decisions (including decisions on large purchases), responses to questions about how decisions are *actually made* indicated that women commonly participate in daily purchases, while men dominate decisions about large household purchases in most of the communities surveyed. Like the Namibia Demographic and Health Survey, the FAO study also found that women tended to manage their own income in many communities, and often played a role in managing the cash income of their husbands as well.<sup>566</sup>

The findings that women often participate in decisions about the cash income of both husband and wife would seem to be a sign of women's empowerment, but overall the various studies cited indicate that **the relative social status of women and men is complex, with control over various financial resources being only one of many strands in relationship dynamics.**

**Looking at the many studies which have been carried out since Independence as a group, the conclusion that concepts of masculinity and femininity are a key cause of domestic violence is inescapable.**

<sup>566</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 82-85.

## 4.8.2.5 Research involving perpetrators of intimate partner violence

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, both failed to explore the pertinent question of why other Namibians with similar profiles do *not* resort to violence; neither study interviewed a control group of persons from similar communities who have *not* committed violent crimes to provide a basis for comparison.

### (a) *Interviews with convicted perpetrators of intimate partner abuse, Windhoek Central Prison, 1997*

The researchers in the 1997 spousal abuse study discussed above in section 4.3.1 interviewed 27 convicted perpetrators of violence in the Windhoek Central Prison – 22 men and 5 women – all of whom had been convicted of crimes against intimate partners.<sup>567</sup>

The older men indicated that they did not see their aggressive behaviour as abuse, but as a culturally acceptable form of behaviour. They cited Biblical teachings on Adam and Eve and the submission of wives in support of their actions. One man referred to his “right and indeed even responsibility” to keep his wife “in line”.<sup>568</sup> Another man said, “I think I have a right as head of this household to control my family, even use force to control them. I don’t know why I do sometimes feel bad and guilty when I use some extra force.”<sup>569</sup> Younger men tended to blame matters on the emancipation of women, complaining that women “misconstrue the whole movement of women’s rights and jump on the bandwagon of those who strive to overthrow the men as the true heads of the household”.<sup>570</sup> A few male abusers expressed feelings of ambivalence, indicating that they feel bad about their actions but do not see any other way of handling family situations.<sup>571</sup> One man claimed that he acted in self-defence against an aggressive wife.<sup>572</sup>

The women who admitted that they had resorted to abuse (all of whom were relatively young) claimed that they have a duty to fight back against the kind of abuse that their mothers and grandmothers put up with. For example, one woman said, “Yes, I beat him up, and I use anything to hurt him. He attacks first, but I am stronger and sober. He is the abuser. I just defend myself. If that makes me an abuser too, I accept the status.” Another woman seemed to be acting out of jealousy: “I just want to hurt my boyfriend as much as he hurts me. I can kill him if he looks at other women. Am I now an abuser? I only use my tongue to hurt him.”<sup>573</sup>

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<sup>567</sup> 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 106-107. The study does not record the crimes for which the interviewees were imprisoned.

<sup>568</sup> *Id* at 108.

<sup>569</sup> *Id* at 112.

<sup>570</sup> *Id* at 108-109.

<sup>571</sup> *Id* at 112-113. (See the first two quotes in the box on the next page.)

<sup>572</sup> *Id* at 113.

<sup>573</sup> *Id* at 112.

## Examples of statements by convicted perpetrators of spousal abuse

*"It is not my choice, but this is part of life. I do not feel anything at that time. I am just so angry. What else can I do?"*

*"I beat my wife when she refuses me marital rights and I force her to respond. I feel terrible, but do it again every time."*

*"Yes, I abuse sexually, physically, what ever. So what. A female is there for a man's purpose and that's that."*

*"My wife is stupid and she does stupid things. Am I to put up with it? I don't think so. Does that make me an abuser?"*

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 112-113*

**A substantial number of the abusers who were interviewed were part of a cycle of violence, with half reporting that they had experienced some form of abuse as children – by parents, step-parents, older siblings or relatives in the same household. A few reported severe childhood abuse – such as being thrown from a balcony, being held under water or being beaten severely. Others reported sexual, economic or emotional abuse.<sup>574</sup>**

**All of the abusers stated that they had seen one of their parents use violence against the other parent when they were growing up, and most (20 out of 27) had witnessed family violence directed at other members of the family.<sup>575</sup>** This suggests that children can unwittingly absorb the idea that violence is an acceptable response in family situations.

**Most of the abusers blamed the victims.** When pressed to explain why their partners were to blame, they cited nagging or other forms of perceived 'provocation'. Some also interpreted the victim's unwillingness to report abuse, or to carry through with laying a charge, as evidence that the victim accepts the abuse.<sup>576</sup> Yet, despite their tendency to lay responsibility at the door of the victim, all of the abusers who said that they had been involved in previous intimate relationships admitted that they had also been abusive towards these previous partners.<sup>577</sup>

**Almost all of the perpetrators thought that alcohol or drug use contributed to their aggressive behaviour.** Some perpetrators mentioned that their partners also have drinking or drug abuse problems.<sup>578</sup>

**Abusers in this study complained that social services are usually directed towards the perceived victim, whereas the abuser's needs should also be considered.** As one abuser

<sup>574</sup> *Id* at 114-115.

<sup>575</sup> *Id* at 115.

<sup>576</sup> *Id* at 116-117.

<sup>577</sup> *Id* at 118.

<sup>578</sup> *Id* at 116.

said, “We have feelings too. We are often so guilt-ridden by our inability to control ourselves. We need help too.”<sup>579</sup>

**(b) Information from male perpetrators of violent crime against a women or a child in six prisons, 2006**

In 2006, Women’s Action for Development, the University of Namibia and the Namibia Prison Service conducted a collaborative study aimed at providing insight into “*the perceptions of male perpetrators and their reasons for committing violent crimes against women and girls*”.<sup>580</sup> This study was based on individual interviews and group discussions with 200 male prisoners from six different prisons, all of whom had been sentenced for a violent crime against a woman or child – not all of which involved domestic violence.<sup>581</sup>

The report notes that many of the prisoners interviewed came from unstable family backgrounds, had low levels of education and worked in unskilled employment; it argued that family violence is more common in the lower socio-economic strata, and noted that some inmates blamed their criminal behaviour on the lack of proper parental guidance or a stable family environment.<sup>582</sup>

About half of the prison inmates interviewed in the middle age group (age 31-45) and the young age group (age 17-30), which together made up 90% of the sample, had observed or experienced parental violence during their childhoods.<sup>583</sup> The study concludes that this fact suggests that learnt behaviour is a factor in gender violence:

*Some of the inmates also indicated that their fathers, stepfathers or primary caregivers were abusive towards their mothers. As a result of being exposed to this behaviour, the inmates may have learnt from an early age that beating a woman and resolving conflict through violence, especially directed against a woman, are normal and acceptable behaviours. Thus, their violence and aggressive behaviours towards women may be a function of the values they have internalised at a very young age.*<sup>584</sup>

Another factor which may be relevant is the high alcohol consumption levels of the majority of inmates interviewed. Some of the prisoners interviewed blamed their violent actions on drunkenness, although – as the study notes – the nature of the linkages between alcohol and violence are confusing.<sup>585</sup> In other words, drunkenness could be a contributing factor – or an excuse.

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<sup>579</sup> *Id* at 118-119.

<sup>580</sup> 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 publication) at xiii.

<sup>581</sup> The sample constituted 28% of the total number of 714 men imprisoned for such crimes at the time of the study. Out of the target of 200 interviews, 175 interviews were completed. *Id* at 6-7, 10.

<sup>582</sup> *Id* at 14-19.

<sup>583</sup> *Id* at 21. It should be noted that several prisoners asserted that they had been wrongly convicted of rapes which they did not commit. *Id* at 29, 44. However, the study apparently took the prisoners’ accounts of their situations at face value, without any attempt to corroborate against external evidence such as court records or interviews with the prosecutors or defence attorneys in the cases.

<sup>584</sup> *Id* at 45.

<sup>585</sup> *Id* at 23-27.

The prisoners interviewed cited alcohol and drug abuse as the factor which most frequently contributes to domestic violence (cited by 89% of those interviewed). However, the second most commonly-cited factor was the “disobedience” of the partner (cited by 61% of those interviewed), which clearly reflects certain assumptions about gender roles within the family. Other contributing factors commonly cited included money problems and unemployment, having no food at home or experiencing difficulties at work. Almost half of the prisoners cited the partner’s refusal of sex, or the absence of sex, as contributing factors.<sup>586</sup>

**This study is consistent with other studies in pointing to concepts of masculinity and gender roles as being fundamental to the problem of gender-based violence:**

*... evidence from this study reveals that the vast majority of the inmates understand their role and responsibilities in society in terms of the three main roles of provider, protector and procreator. It is no surprise that issues of gender equality are seen as a problem, and indeed as a contributing factor to domestic violence. Most inmates, and especially those whose partners are career women earning more than them, perceived the gains of women through gender equity measures as compromising their own privileges and infringing upon their role as providers. Additionally, in view of legislation enacted by Parliament since Independence to address discrimination against women and girls, most inmates perceived women as now having more rights than men in Namibia...*

*... The study also highlights attitudes regarding male dominance over females and the requirement of obedience on the part of the wife/partner towards her husband/lover. The dominant belief is that a man is the head of the household, and that this confers on him the right to exercise control over his family. Although he has power and control over his family, the fine line separating abuse from control is frequently breached, though this is largely camouflaged by his belief in a culturally embedded justification of his violence...*

*It can be concluded that although some of the inmates noted that no one has the right to physically abuse another person, the vast majority saw the need for them to discipline their partners if they were disobedient. Here, cultural values are dominant. It was clear that what is seen as domestic violence in one culture may be culturally acceptable in another. The attitude that the man is the head of the household and consequently has the power to dominate everyone under his jurisdiction, including his wife, was widespread...<sup>587</sup>*

The study goes on to assert that many of the men interviewed believed that it is appropriate for a man to beat his wife or partner to “discipline” her, but that this “well-meant” intention had unintended consequences in some cases where beatings resulted in death.<sup>588</sup>

**Similarly, prisoners convicted of raping their wives or partners were in many cases under the impression that wives and longstanding female partners have no right to refuse a man sex, particularly if lobola has been paid.<sup>589</sup>**

Common justifications offered by the male prisoners for their violent behaviour were knowledge or suspicion that the partner had been unfaithful, the perceived need to

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<sup>586</sup> *Id*, based on Figure 10 at 28, with the percentages of responses given here calculated on the basis of 175 completed interviews. The study does not itself discuss percentages in relation to this issue.

<sup>587</sup> *Id* at 30-32.

<sup>588</sup> *Id* at 45.

<sup>589</sup> *Id* at 45.

discipline the partner (such as when housework was not done), the partner's refusal of sex or the fact that the partner made enquiries about the man's other girlfriends.<sup>590</sup> These proffered justifications illustrate the stereotyped gender roles in Namibia, where women are perceived as being responsible for household duties and accountable to the dominant male partner, and where affairs outside the relationship are seen as being acceptable for men but not for women.

The study also administered the Eysenck Personality Questionnaire (EPQ) to the prisoners interviewed, in an effort to assess certain dimensions of their personalities.<sup>591</sup> The study concluded that the scores on this questionnaire indicated that the men in question “*could not help themselves*” but were “*innately driven*” to commit acts of violence against women and children “*due to their personality make-ups*”.<sup>592</sup> The study concludes that this factor points to a **need for psychological assessments to be taken into account in sentencing, and for psychological treatment to be incorporated into prisoner rehabilitation programmes.**<sup>593</sup>

The study conceded that it “*does not provide any definitive answer to the question of the root causes of violence against women and girls*”, noting that “[i]t is probable that no two perpetrators will have committed the same violent crime against a woman or a girl for exactly the same reasons”. However, the study asserts that it has “*shed some light on some general factors that, in the case of the inmates who constituted the sample for this study, are associated with their violent behaviour against women and girls*”.<sup>594</sup>

***In my tradition, a woman is expected to respect her husband as the head of the household and to be very submissive. I married a Nama woman who comes from a different cultural background and she does not respect me, and would even challenge me physically. I am not used to that and in my culture such women must be disciplined. One day she wanted to challenge me and was grabbing my private parts very hard. This led me to hit her with a stick, and she died on the spot. It was not my intention to kill her – I was just trying to exert my authority.***

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 publication) at 32

<sup>590</sup> *Id* at 34.

<sup>591</sup> The EPQ measures certain personality dimensions with a 90-item questionnaire, specifically extraversion/introversion (E), neuroticism (N) or emotionality, and psychoticism (P). A typical high scorer on the E scale is an extrovert, while an introverted person would have a low E score. The typical high N scorer is likely to be excessively emotional and anxious, predisposed to worrying, moodiness and depressive episodes. The study does not explain the P scale, but we assume that a higher P score indicates an increased tendency towards psychosis. The study concluded that the inmates surveyed generally scored high on the EPQ, and that younger inmates had higher EPQ scores than middle-aged and older inmates. *Id* at 35-36, 45-46. In I Weiner and W Craighead, eds, *The Corsini Encyclopedia of Psychology*, 4th ed, Vol 2 (Hoboken, New Jersey: John Wiley and Sons, 2010) at 636, the authors recognise the EPQ as a widely used and validated research tool, although they note that there may be some concern with respect to the validity and reliability of results, particularly with respect to the P scale which measures psychosis. A study by J Caruso et al, “Reliability of Scores from the Eysenck Personality Questionnaire: A Reliability Generalization Study”, *Educational and Psychological Measurement*, Vol 61, No 4, 2001 at 675, to assess the reliability of the EPQ, found that “*the reliability of the scores varied considerably between scales, with P scores tending to have the lowest reliability*”.

<sup>592</sup> *Id* at 46.

<sup>593</sup> *Id* at 46-48.

<sup>594</sup> *Id* at 47 (point (7)) and 48-49 (point (5)).

## Therapeutic work with perpetrators of domestic violence

In 2004, the Ministry of Health and Social Services published a manual on therapeutic groupwork with male perpetrators of domestic violence.<sup>595</sup> The table below is an example of an exercise from the manual.

<b>Exercise for male perpetrators of domestic violence</b>					
	<b>Statement</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Fact</b>
<b>1.</b>	Physical abuse is worse than emotional abuse.				Emotional abuse can be as damaging as physical abuse.
<b>2.</b>	A husband cannot rape his wife.				The crime of rape will apply to situations where a spouse is forced into a sexual act against her will.
<b>3.</b>	Having an abusive father is better than having no father.				Children growing up in a violent family can experience emotional and behavioural problems.
<b>4.</b>	Alcohol and drug use cause violence.				Alcohol and drug abuse can exacerbate violence, but not cause it.
<b>5.</b>	Stress causes violence.				Stress may contribute to violence
<b>6.</b>	A man cannot control his temper.				Every person should take responsibility for his behaviour.
<b>7.</b>	If you were violent once, it does not mean you will do it again.				Men who beat women often say that they are sorry afterwards, and promise that it will never happen again-but it usually does.
<b>8.</b>	A slap is not domestic violence.				Violence in all its forms is not acceptable.
<b>9.</b>	Men are also abused.				Men can be victims of domestic violence, but most violence is perpetrated by men against women.
<b>10.</b>	Domestic violence is a private family matter.				Domestic violence interferes with overall national development, by preventing the victims, perpetrators and community from realising their full potential.

**Domestic violence interferes with overall national development, by preventing the victims, perpetrators and community from realising their full potential.**

**Source:** Ministry of Health and Social Services (MoHSS), *Therapeutic Groupwork with Male Perpetrators of Domestic Violence*, Windhoek: MoHSS, 2004 at 12-13.

<sup>595</sup> Ministry of Health and Social Services (MoHSS), *Therapeutic Groupwork with Male Perpetrators of Domestic Violence*, Windhoek: MoHSS, 2004.



## 4.8.2.6 The significance of equality

*'Bushman' society was one of only six societies worldwide (out of a sample of 90 non-Western societies from all continents) which had no - or rare - family violence [in 1989]... [The] conclusion that San society presented a largely violence-free environment was based on research among hunter-gatherer societies in the Kalahari, which pointed out that those communities were relatively gender-egalitarian in economic as well as community decision-making terms, and generally had sophisticated ways and means of peaceful conflict resolution, as well as easy access to divorce for both men and women.<sup>596</sup>*

Internationally, a ground-breaking study by David Levinson published in 1989 examined 90 non-Western societies worldwide to see if any of them were free, or virtually free, of domestic violence. Only six cultures were found to have no, or rare, occurrences of such violence – and one of these was the San societies of Southern Africa (including Namibia).<sup>597</sup> Levinson's study concluded that there are 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.<sup>598</sup>

The San of the Kalahari were identified as a violence-free society, with research showing them to be relatively egalitarian in terms of economic and community decision-making, with peaceful methods of conflict resolution and easy access to divorce for both husbands and wives.<sup>599</sup>

**Against this backdrop, in 2000, researchers examined three contemporary San societies in Namibia, South Africa and Botswana to assess the incidence of domestic violence.**

In the Ghanzi District of Botswana, domestic violence was relatively rare. Where it occurred, it involved both men and women to a fairly equal degree as perpetrators and tended to arise from heavy drinking, sexual jealousy or misunderstandings. The community had not developed a strong gender hierarchy within family structures, and therefore domestic violence was not particularly gendered in nature.

In Tsumkwe West in Namibia, where many of the men were formerly employees of the South African Defence Force and a strong gender hierarchy had developed, domestic violence was found to be most often initiated by men – although women talked back and

<sup>596</sup> Heike Becker, "The Least Sexist Society? Perspectives on Gender, Change and Violence among southern African San", 29(1) *Journal of Southern African Studies* 5-23 (2003) at 9-10, referring to David Levinson, *Family Violence in Cross-Cultural Perspective*, London: SAGE Publications, 1989 at 102-103.

<sup>597</sup> David Levinson, *Family Violence in Cross-Cultural Perspective*, London: SAGE Publications, 1989. The comparison was based on a literature study rather than a direct field study.

<sup>598</sup> 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 at 56.

<sup>599</sup> As reported in Heike Becker, "The Least Sexist Society? Perspectives on Gender, Change and Violence among southern African San", 29(1) *Journal of Southern African Studies* 5-23 (2003) at 9-10.

occasionally ‘hit back’, or sometimes initiated domestic violence if drunk. One of the reasons for this domestic violence was that men had developed a sense of entitlement to ‘discipline’ their wives for things such as not doing their chores properly or failing to be ‘properly’ deferential. It was theorised that these men, previously employed in a militarised role, felt that their masculinity was threatened by the current poverty and unemployment, and resorted to violence in response to feeling that their accustomed role as male breadwinner was threatened.

At Schmidtsdrift in South Africa, even stronger evidence of the effect of militarisation on gender relations was evident. Domestic violence was rampant and extreme, affecting all age groups. It was almost exclusively perpetrated by men, and almost always conceived of as a form of ‘discipline’ for women. The researchers connected this to the community’s traumatic experience of war and violence, combined with its immersion in a paternalistic and autocratic military culture.<sup>600</sup>

The researchers found the differences between the three field sites remarkable, concluding that they “*range from the near absence of gender-based violence in the Ghanzi district through a trend towards gender-based violence in Tsumkwe West to finally, the unmistakable manifestation of gender-based violence in Schmidtsdrift*”.<sup>601</sup>

In traditional hunter-gatherer San societies, both men and women contributed essential resources and involved themselves in childcare, with gender roles being fairly fluid and the work of both sexes being valued. In more recent times, in Ghanzi, a shift towards a sedentary lifestyle based on cattle husbandry and wage labour had led to increasingly gendered divisions of labour, but the women’s gathering of bush foods was still economically significant while the men’s hunting had been curtailed by various external constraints. Women had primary responsibility for care of the household, but viewed this as being a source of pride and social recognition and a sphere of authority. Therefore, perceptions of masculinity and femininity here had not become rigidly hierarchical, despite the social changes in the community. At the other end of the spectrum, in the Schmidtsdrift community, women had developed complete economic dependency on the San soldiers who brought home substantial paycheques during the Namibian war. The hierarchical, authoritarian culture of the military was reinforced by Western values espoused through Christian military activities carried out by army chaplains, who trained women in various home industries such as baking and needlework. The community’s relocation to South Africa at the time of Namibian Independence was a decision made by the men in the family who were employed as soldiers, and the women who went with them became even more completely dependent upon them in the absence of kinship support networks. The result was grossly unequal gender relations. The San community at Tsumkwe West in Namibia seems to sit somewhere between these two extremes.

**The pattern of gender-based violence in the three San communities studied thus has a strong correlation with the underlying degree of gender equality in the three communities.**<sup>602</sup>

Interestingly, a meeting attended by San community leaders from the Southern Africa region in 1998 resolved to tackle gender inequalities perceived as contradicting their true culture:

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<sup>600</sup> *Id* at 11-14.

<sup>601</sup> *Id* at 14-15.

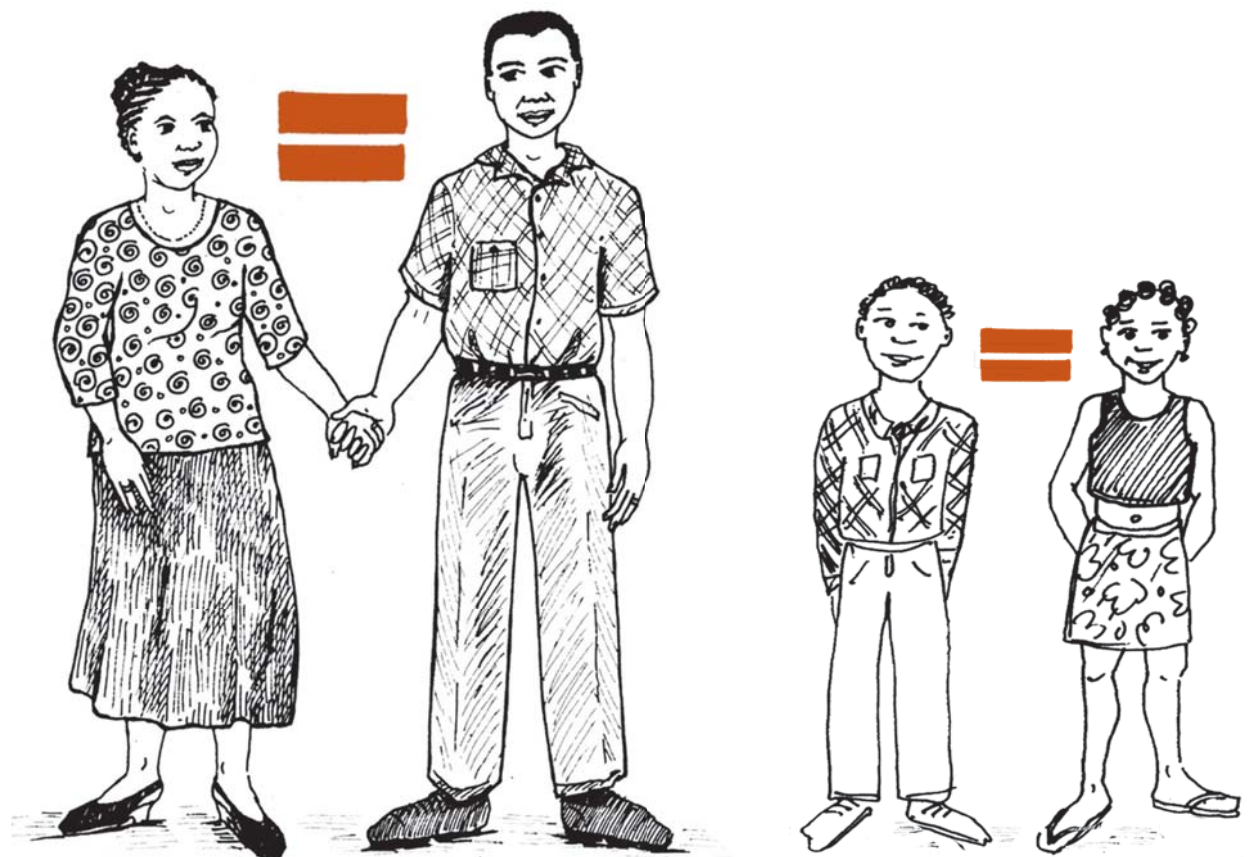
<sup>602</sup> *Id* at 15-21. See also Silke Felton and Heike Becker, *A Gender Perspective on the Status of the San in Southern Africa: Regional Assessment of the status of the San in Southern Africa*, Legal Assistance Centre, 2001 at 56-59.

“Our communities must address the present inequality between men and women in society. Inequality does not honour our traditions and culture. Strategies to rectify gender inequality must be developed by each community.”<sup>603</sup>

This research supports the theory that power imbalances between men and women are the primary cause of domestic violence between intimate partners, and suggests that the inculcation of equality and mutual respect are the key remedies.

*That women are more often than not on the receiving end of domestic violence seems to be a result of contemporary unequal gender relations in many San communities. However, the differences between our three field sites in the degree of gender-based domestic violence are remarkable... These differences seem to be largely consequences of the distinct histories and present situation of the different communities.*<sup>604</sup>

*The differences between various communities are glaring, and largely a consequence of other social characteristics. Most prominent among those are the varying degrees of gender inequality.*<sup>605</sup>



<sup>603</sup> *Id* at 23, quoting *Principles Adopted by an Indigenous Peoples' Consultation held in Shakawe, Botswana from 6 to 9 September 1998*.

<sup>604</sup> *Id* at 14-15.

<sup>605</sup> 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 at 66.

## Contributing factor: ALCOHOL

A 2009 study of alcohol consumption patterns in Katutura found that 48% of men and 26% of women meet World Health Organisation (WHO) criteria for hazardous and harmful drinking behaviour. Statistics compiled by WHO indicate that 25% of male drinkers and 21% of female drinkers in Namibia are heavy episodic drinkers, meaning that they recently consumed 60 grams or more of pure alcohol on a single occasion.<sup>a</sup> WHO statistics also indicate that Namibia has the seventh highest rate of alcohol consumption in Africa,<sup>b</sup> and that drinking is on the increase in Namibia.<sup>c</sup>

As the many studies cited in this report indicate, alcohol is frequently identified as a significant factor in the occurrence of domestic violence. There is often a connection between alcohol and incidents of abuse.<sup>d</sup> For example, in the 1997 study of spousal abuse in Karas Region, 76% of the incidents of spousal abuse occurred when partners were under the influence of alcohol.<sup>e</sup> As another example, the 2007/2008 SIAPAC study in eight regions found that abusive partners had been drinking in two-thirds of all cases of intimate partner violence.<sup>f</sup>

The link is there, but the nature of this connection may be misunderstood. As one report observes, “*excessive alcohol consumption is always a scapegoat for all forms of violence in Namibia*”.<sup>g</sup> The connection between alcohol and domestic violence does not make alcohol abuse an explanation by itself, nor does it excuse domestic violence. Although there are many incidents of abuse involving alcohol, “*many men drink large quantities of alcohol, get drunk and do NOT abuse or rape their family members*”.<sup>h</sup> In other words, alcohol use does not directly correlate to the incidence of abuse since there are abusers who do not use alcohol and people who drink but do not engage in domestic violence.

Alcohol consumption complicates the issue of domestic violence because in some cases, victims believe the abuse will stop if the drinking stops. In some cases, victims “*forgive and forget*” when the abuser is sober, leading to a “*vicious circle*” of abuse and forgiveness.<sup>i</sup>

<sup>a</sup> World Health Organisation, *WHO Global Status Report on Alcohol and Health 2011: Namibia*, available at <[www.who.int/substance\\_abuse/publications/global\\_alcohol\\_report/profiles/nam.pdf](http://www.who.int/substance_abuse/publications/global_alcohol_report/profiles/nam.pdf)>.

<sup>b</sup> Jana-Marie Smith, “Namibia tackles chronic alcohol abuse”, *The Namibian*, 5 February 2010.

<sup>c</sup> World Health Organisation, *WHO Global Status Report on Alcohol and Health 2011: Namibia*. Other information on alcohol use and abuse in Namibia can be found in JL Strijdom and OH Angell, *Substance Use Among the Youth in Namibia*, Windhoek: Centre for the Partnership in Development, Ministry of Health and Social Services and University of Namibia, 1998; UNDP, *Namibia Human Development Report 1999: Alcohol and Human Development in Namibia*, Windhoek: UNDP Namibia, 1999; Social Impact Assessment and Policy Analysis Corporation (SIAPAC), *Nationwide KAP Baseline Survey on Alcohol and Drug Use and Abuse in Namibia*, Windhoek: SIAPAC, Ministry of Health and Social Services and Ministry of Agriculture, Water and Rural Development, 2002; World Health Organisation, *Global Status Report on Alcohol 2004: Namibia*, available at <[www.who.int/substance\\_abuse/publications/en/namibia.pdf](http://www.who.int/substance_abuse/publications/en/namibia.pdf)>, and Debie LeBeau and P Stanley Yoder, *Alcohol Consumption, Sexual Partners, and HIV Transmission in Namibia*, Calverton, Maryland, USA: US-AID, 2009.

<sup>d</sup> See, for example 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 at 20; University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 79.

<sup>e</sup> 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 95 and pie chart 12.

<sup>f</sup> SIAPAC 2008 at 65. The lowest incidence of abuse after drinking was 43% in the Ohangwena Region and the highest incidence of abuse after drinking was 82% in the Otjozondjupa Region. *Ibid* at 65.

<sup>g</sup> University of Namibia (UNAM) and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, Windhoek and Harare: UNAM/SARDC, 1997 at 39.

<sup>h</sup> *Id* at 39 (emphasis in original).

<sup>i</sup> 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 at 25.

***He returned very drunk, demanded food, and unprovoked, started to throw furniture around and was beating us all. When he left the room to get the axe to hit us with, I jumped through the window and broke my arm...***

Elizabeth M'ule, Seuaa Karuaihe, Ian Swartz, eds,  
*The "I" Stories: Healing through the Power of the Pen*, Volume 1,  
Windhoek: Namibian Women's Voices, 2006 at 27

***The fight was always there inside us. Liquor let it out.***

Resident of Tsumkwe, quoted in Heike Becker, "The Least Sexist Society?  
Perspectives on Gender, Change and Violence among southern African San",  
29(1) *Journal of Southern African Studies* 5-23 (2003) at 14

## **Contributing factors: POVERTY AND UNEMPLOYMENT**

***"Poverty and unemployment result in lack of food, and the anger and frustrations of the husband are taken out on the wife."*<sup>a</sup>**

Poverty has been cited as another contributing factor to the incidence of domestic violence, as it adds extra stress, affects the self-esteem of men socialised to be family providers and often traps economically dependent women in abusive relationships.<sup>b</sup>

Rates of high unemployment can lead to loss of self-confidence and self-esteem,<sup>c</sup> and diminished self-esteem on the part of men is one factor involved in domestic violence.<sup>d</sup> Unemployed or underemployed men may suffer from low self-esteem particularly if their sense of worth is derived from women valuing them as economic providers, since they may fear that losing income will mean losing love. Joblessness and lack of financial success also undermine the traditional role of the male provider, which is part of the fundamental concept of Namibian masculinity.<sup>e</sup>

Furthermore, women's lower economic status and lack of economic autonomy can create relationships of dependence on men for economic support.<sup>f</sup> This can make it harder for women to leave abusive relationships.

<sup>a</sup> ES Wieggers, W Neeleman, J Hourihan and KW Cato, *Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report*, Windhoek: FAO-Namibia, 2009 at 89.

<sup>b</sup> See 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 at 23; University of Namibia and SARDC-WIDSAA, *Beyond Inequalities: Women in Namibia*, UNAM/SARDC, Windhoek and Harare, 1997 at 79; United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 114.

<sup>c</sup> Barbro-Isabel Bruhns, *Violence Against Women and Children: Programmes and Services Responding to the Needs of Women and Children as Victims of Violence*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 4.

<sup>d</sup> M Gebhardt et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Karas Region*, Windhoek: University of Namibia/UNFPA, 2004 at 70.

<sup>e</sup> See section 4.8.2.4.

<sup>f</sup> Debie LeBeau, "Gender inequality as a Structural Condition for the progression of the HIV/AIDS Pandemic in Namibia" in Debie LeBeau, *Structural Conditions for the Progression of the HIV/AIDS Pandemic in Namibia*, Windhoek: University of Namibia, 2004 at 6.

## **Contributing factors: DEPICTIONS OF VIOLENCE AND GENDER STEREOTYPES IN MASS MEDIA**

Internationally, there are studies which suggest linkages between portrayals of violence in the media and violence in real life.<sup>a</sup> A 2002 article by sociologist Tom Fox hypothesises that the linkage between violence in the media and real violence may be more problematic in a developing country like Namibia.<sup>b</sup> This article posits that gender-stereotyped media portrayals may be understood as legitimising rigid gender roles in Namibia, which can contribute to perceptions that male control of women, by means including violence, are acceptable:

*Much of the violence against women that takes place in Namibia and elsewhere is based on fairly rigid cultural perceptions regarding gender roles. They define how women and men should behave. This involves ideologies of what is considered 'masculine' as opposed to what 'femininity' constitutes. The modern mass media itself both reflects and reinforces such stereotyping...*

*... In Namibian society where women are beginning to challenge rigid gender attitudes and stereotypes men may regard it as legitimate and even 'traditional' to use violence to restore the status quo. In such a climate of culturally-contradictory outlooks, media images of women inappropriately stereotyped, combined with excessive presentation of masculinity, may be misread and taken as legitimising 'control' of women, even condoning violence. Films and television may become responsible for reinforcing the male view that women do not have rights in the 'male domain'. Therefore media policy has to develop instruments to promote responsibility in presenting images of everyday interpersonal relations.<sup>c</sup>*

The article also makes the point that visual media in Namibia may be interpreted with less sophistication than in countries where television and movies have been readily available to the public for much longer periods:

*The consumption of media products is an intensely cultural activity. 'Reading' and interpreting media content is an active part of contemporary culture and consumption. Audiences in nations where the visual media were put in place thirty or even fifty years ago have meanwhile been socialised into 'reading' signs and cues encoded within popular visual entertainment. This allows them to better distinguish fact and fiction and to better interpret degrees of subtlety, irony and humour, and to decode violence where it is portrayed for reasons that are gratuitous rather than for critical statement. Such audience 'reading', in order to interpret and comprehend, has developed with the evolution of the mass media itself. It is clearly a luxury to which many developing societies do not yet have access. Here, the consumption of media and the cognitive dissemination of cultural decoding systems are clearly out of balance. ... Consumers now confront an influential, complex set of communication institutions that they may lack the critical tools to interpret effectively.*

*The danger may be that Namibian audiences who are new to mass visual entertainment misread images of messages of violence and gender stereotyping, resulting in the reinforcement of socially negative role-models – all the more since Namibia's colonial history of social and political violence has had a lasting effect on post-independence society. Violent, confusing and ambiguous mass entertainment may feed into this background at a crucial and delicate time in the rebuilding of Namibian society and identity, complicating pre-existing sociocultural patterns of aggression and violence.<sup>d</sup>*

A survey of male and female students at the University of Namibia for a 2001 report asked, “Do you think that violent media influences any of the violence in Namibian society?”. More than 68% of the students surveyed thought that it did.<sup>e</sup> This influence could be in the process of becoming more powerful, as the students also reported that popular entertainment and particularly visual media were taking an increasingly central place in the culture of their everyday lives.<sup>f</sup>

- a See D Hubbard, “Violence on TV: Assault and murder in our Homes Daily”, *The Namibian*, 17 March 2000; United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 48-ff and 108-ff.
- b Tom Fox, “Entertainment through Violence? The social Impact of the Visual Media in Namibia”, in V Winterfeldt, T Fox and P Mufune, eds, *Namibian Sociology*, University of Namibia, 2002, at 281-294. At one stage, President Sam Nujoma instructed the Namibian Broadcasting Corporation to stop airing foreign films, soap operas and series “that have a bad influence on the youth”. See “Nujoma bans movies on television”, *The Namibian*, 4 October 2002.
- c *Id* at 290-91.
- d *Id* at 293-94.
- e United Nations Development Programme (UNDP), *Namibian Human Development Report 2000/2001: Gender and Violence*, Windhoek: UNDP Namibia, 2001 at 109. The report does not disclose the precise number of students surveyed or the date of the survey.
- f *Ibid.*

## 4.8.3 Causes of domestic violence against children

The UN World Report on children has identified certain risk factors which can exacerbate the incidence of domestic violence against children, although these are not the same as root causes of such violence:

*While violence in the home is found in all social and economic spheres, studies from a range of different settings show that low parental education levels, lack of income, and household overcrowding increase the risk of physical and psychological violence against children. Physically violent parents are also more likely to be young, single and poor. These associations are likely to be related to stress caused by poverty, unemployment and social isolation. Children living in families with these factors are most at risk when there is inadequate social support and the family is not part of a strong social network. Lack of extended family support may exacerbate existing problems.*

*Studies from both industrialised and developing countries show that many of the personality and behavioural characteristics of violent parents are related to poor social functioning and diminished capacity to cope with stress. Parents with poor impulse control, low self-esteem, mental health problems, and substance abuse (alcohol and drugs) are more likely to use physical violence against their children and/or to neglect them. Parents who use violence against their children may well have experienced violence as children.<sup>606</sup>*

<sup>606</sup> 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 at 68 (headings and references omitted).

Although there are few studies which shed light on the causes of domestic violence against children in Namibia, the available data suggests that **violence against children stems from attitudes about children and about parent-child relations.**

### 4.8.3.1 Child discipline and physical violence

***Violence is not a good teaching tool, discipline is.***

Rev Maria Kapere,  
Secretary-General of the Council of Churches in Namibia (writing in her personal capacity),  
in Legal Assistance Centre (LAC), *Corporal Punishment: National and International Perspectives*, Windhoek; LAC, 2010

In many Namibian communities, corporal punishment has been traditionally viewed as the only effective way to teach children how to behave and to ensure that they will respect their elders.<sup>607</sup> Many families view physical discipline of children as being completely acceptable. For example, in the Hardap and Karas regions, 89% of Nama parents interviewed in 1995 believed that it is all right for parents to beat misbehaving children.<sup>608</sup> Other studies conducted in the 1990s reveal a similar attitude amongst other ethnic groups in other regions.<sup>609</sup>

**In the 2007/2008 SIAPAC eight-region study, respondents were asked about the circumstances in which it is acceptable to “hit” a child, with this being described as “slapping or something similar that does not leave scars or bruises or does not threaten the child’s life” (see Table 43 on the next page). For every reason suggested other than poor school performance by the child, 40% or more of the respondents believed that hitting the child was justified, with three-quarters of the respondents saying that it is acceptable to hit a child for being “disobedient” or “talking back” to the parent.<sup>610</sup> It is noteworthy that for every reason suggested, men were more likely than women to think that a violent response was justifiable (see Table 43).**

**However, despite the many justifications offered for hitting children, more than half of the respondents said that it was NOT necessary to physically punish children as part of their upbringing,<sup>611</sup> and many respondents understood domestic violence as including family violence against children.<sup>612</sup>**

<sup>607</sup> Lotta N Ambunda and Willard T Mugadza, “The protection of children’s rights in Namibia: Law and policy”, in Oliver C Ruppel, ed, *Children’s Rights in Namibia*, Windhoek: Konrad Adenauer Stiftung, 2009, at 19 (footnotes omitted), available at <[www.kas.de/proj/home/pub/8/2/year-2009/dokument\\_id-18139/index.html](http://www.kas.de/proj/home/pub/8/2/year-2009/dokument_id-18139/index.html)>.

<sup>608</sup> RF Zimba and B Otaala. *A family in transition: A study of childrearing practices and beliefs among the Nama of the Karas and Hardap Regions of Namibia*, Windhoek: UNICEF and University of Namibia, 1995.

<sup>609</sup> See for example, Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 19 (Windhoek, Mariental, and Owambo regions); *Participatory rural appraisal of early childhood development in Tsandi, Omasati*, Windhoek: Ministry of Regional and Local Government and Housing/!Nara/Agency for Cooperation and Research in Development (ACORD), 1997; *Participatory rural appraisal of early childhood development in Sacto, Karas*, Windhoek: Ministry of Regional and Local Government and Housing/!Nara/ACORD, 1997.

<sup>610</sup> SIAPAC 2008 at 52.

<sup>611</sup> *Id* at 66.

<sup>612</sup> *Id* at 13 (box).



TABLE 43

Beliefs about justifications for hitting children in Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, 2007/2008			
Statement	Agree or strongly agree with right to hit		
	Men	Women	All
<b>A parent has a right to hit his or her child...</b>			
...if the child is disobedient	79%	77%	78%
...if the child talks back to the parent	79%	77%	78%
...if he/she does not want to go to school	65%	60%	63%
...if the child brings shame to the family	58%	50%	54%
...if the child runs away from home	54%	47%	51%
...if the child has sex with someone	50%	47%	49%
...if daughter brings home a boyfriend much older than her	54%	41%	47%
...if he/she has body piercing/tattoos	47%	42%	44%
...if he/she dresses inappropriately	44%	42%	43%
...if a son brings home a girlfriend much older than him	48%	37%	43%
...if the child performs poorly in school	30%	24%	27%

**Source:** Based on SIAPAC 2008, Table 5 at page 52 (based on interviews with 1680 respondents: 210 in each of the eight regions, half men and half women). Percentages are rounded to the nearest whole percent, with all 0.5 percentages been rounded upwards.

Focus group participants in the SIAPAC study suggested that violence against children is most likely to occur when there is a stepfather in the household.<sup>613</sup> Interestingly, some of these groups suggested that the Maintenance Act is an important tool in reducing violence against children, as income for stepchildren could reduce the likelihood of violence from stepfathers.<sup>614</sup>

**The viewpoint of children is very different from that of adults. As part of a national consultation process around the draft Child Care and Protection Act in 2009, direct input was solicited from 188 children and youth. Corporal punishment was deemed unacceptable by the majority of these respondents. Amongst the reasons offered by children for opposing corporal punishment in the home were:**

- *Corporal punishment is like child abuse.*
- *Corporal punishment teaches children that abuse and violence are acceptable and they will use this in the future themselves.*
- *Corporal punishment will not solve the problems and will only make matters worse.*
- *The child will hold a grudge against the abuser.*
- *The child will have low self-esteem.*
- *The child's way of thinking and acting will become disturbed.*
- *The child might become abusive towards others.*
- *It might kill the child.*<sup>615</sup>

Only six children thought that spanking and hitting a child with your hand was acceptable.

Various responses were given by the children as to how they would like to be disciplined by their parents; the top suggestions were explaining what they have done wrong and/or taking away privileges. Some children also felt that, in the first instance, ground rules should be set so a child knows what is expected.<sup>616</sup>

<sup>613</sup> *Id* at 66.

<sup>614</sup> SIAPAC 2007 at 38.

<sup>615</sup> Gender Research and Advocacy Project, Legal Assistance Centre (LAC), *Corporal Punishment: National and International Perspectives*, Windhoek: LAC, 2010 at 44.

<sup>616</sup> *Ibid*; see also Dr M Elizabeth Terry, "Children's Input into the Child Care and Protection Bill: Opinions and Ideas Generated from Children's Participation Workshops and the Contest in the Children's Factsheet Booklet", 1 October 2009 (on file at Legal Assistance Centre) at 57.

As another effort to collect feedback on this proposed law, **discussions with out-of-school youth in Kunene Region were facilitated by the Ombetja Yehinga Organisation (OYO)**, a Namibian trust which aims to create social awareness among young people using the arts. OYO collaborated with the Legal Assistance Centre to develop a concept for the September 2009 edition of the organisation’s magazine, “*OYO young, latest and cool: Discipline and Punishment*”. To generate input for the magazine, the OYO team ran workshops about the topic in the Kunene Region. The Legal Assistance Centre provided a training blueprint about alternatives to corporal punishment and other background materials. Comments on corporal punishment in response to the dedicated magazine issue on this topic were collected by the OYO team. **OYO estimates that, in addition to the comments published in the magazine, they received over 2000 comments from young people on corporal punishment. An analysis of the responses shows that the majority – approximately 1200 of the respondents – considered the use of corporal punishment to be bad, especially when beatings were combined with withholding of food.** Those children who expressed positive feelings about corporal punishment – approximately 450 of the respondents – stated that it cultivated discipline and prepared children for life as responsible adults. Many children reported that being beaten by parents made them feel sad. Many stated that corporal punishment indicated that parents didn’t love them, or encouraged them to think about committing suicide or running away from home.<sup>617</sup>

**Other disturbing insights about parent-child discipline in Namibia are suggested by the results of the Global School-based Student Health Survey conducted under the auspices of the World Health Organisation in 2003-2005.** This survey covered students aged 13-15 in Namibia and other countries. It is based on a self-administered questionnaire. In Namibia, a total of 6367 students participated in the survey, which was conducted in 2004 and covered four broad study areas (central, northeast, northwest and south). The datasets for this study include the following findings about **a worrying lack of close parental involvement in students’ lives during the 30 days prior to the survey:**

- 59% of the students surveyed reported that that parents or guardians did NOT check to see if their homework was done most of the time or always;
- 67% of the students said that their parents did NOT understand their problems and worries most of the time or always; and
- 70% of students said that their parents or guardians did NOT know what they were doing with their free time most of the time or always.

**These findings suggest that there is scope for a greater degree of positive parental involvement in guiding children, as opposed to simply applying negative discipline.** One paper which analysed this data noted that parental supervision is associated with low levels of aggression in children, as well as less risky behaviour on their part, and concluded that “*parents need to be reminded of their role in supporting adolescents to become responsible citizens*”.<sup>618</sup>

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<sup>617</sup> *Id* at 47.

<sup>618</sup> *Id* at 38-39, quoting Emmanuel Rudatsikira, Seter Siziya, Lawrence N Kazembe and Adamson S Muula. “Prevalence and associated factors of physical fighting among school-going adolescents in Namibia”, 6 (18) *Annals of General Psychiatry*, 2007 (from unpaginated version of article available at <[www.annals-general-psychiatry.com/content/6/1/18](http://www.annals-general-psychiatry.com/content/6/1/18)>).

### 4.8.3.2 Attitudes relating to child sexual abuse

As in the case of intimate partner violence, **domestic violence against children in the form of sexual abuse seems to stem in large part from a sense of entitlement on the part of the abusers, who demand sexual satisfaction from children as part of their assertion of power within the family.**

A 1996 study based on interviews in Windhoek and Mariental reported these opinions about the reasons for child rape by family members:

*Several female respondents at different study sites were of the opinion that adult men who abused young girls [within the family] felt “good” about their undertaking. These interviewees thought that such men would satisfy their sexual urges in a very convenient and “safe” way, for two reasons. Firstly, having sex with a very young girl would guarantee them sexual satisfaction without the threat of possibly contracting Aids, as she was definitely “clean” and Aids-free. (Katutura women) Secondly, they had the convenience of having their “girlfriend” under the same roof, and the guarantee that she would keep quiet, and not talk to the perpetrator’s wife, i.e. her mother.<sup>619</sup>*

A group of men interviewed at Mariental for the same study offered the following reasons for the high incidence of child sexual abuse within the family:

*Men had bad control over their sexual urges, and this, coupled with alcohol and drug intake, led to sexual abuse of young children, who were vulnerable and easy to be manipulated. The secrecy and taboo surrounding sexual abuse of children within the family was regarded as partly responsible for the high incidence...<sup>620</sup>*

In a 2002 study in the Oshana Region, some men thought that men who seek sex from children are mentally confused while others felt that some men cannot control themselves, seeking sex from children because their wives are longer sexually interested or satisfying. Some also blamed household overcrowding, where young girls sleep in the same rooms as their fathers or brothers.<sup>621</sup> In a similar study in Karas Region, informants blamed “*feelings of male entitlements*” for this problem.<sup>622</sup> Adult men in a similar study in Ohangwena Region offered the following as reasons why men have sex with their daughters (or other family members such as nieces):

- *Daughters look like their mothers when the mothers were young.*
- *Love for money by the daughters.*
- *Unequal sexual desire between men and women. Men are never satisfied and it leads men to go for their daughters.*
- *People cannot control themselves.*
- *Physical play with the daughter which leads to lust.*
- *Traditional beliefs such as the father having gone to a traditional healer.<sup>623</sup>*

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<sup>619</sup> Heike Becker and Pamela Classen, *Violence Against Women and Children: Community Attitudes and Practices*, paper prepared for the Women and Law Committee of the Law Reform and Development Commission (unpublished), 1996 at 23.

<sup>620</sup> *Ibid.*

<sup>621</sup> T Shapumba et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Oshana Region*, Windhoek: University of Namibia /UNFPA, 2004 at 83-84.

<sup>622</sup> M Gebhardt et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Karas Region*, Windhoek: University of Namibia/UNFPA, 2004 at 54.

<sup>623</sup> C Nengomasha et al, *Socio-Cultural Research on Adolescent and Youth Sexual and Reproductive Health: Ohangwena Region*, Windhoek: University of Namibia /UNFPA, 2004 at 84.

However, the informants also indicated that men who have sex with a daughter are mentally disturbed.<sup>624</sup>

A Namibian study published in 2003 links child rape within the family to perceptions that a wife and children are the property of male family members:

*Links were powerfully made by informants between the position of men in the home and community and the sexual abuse of children. The cases described from Namibia indicated that incest often occurred in the context of homes with a firm gender hierarchy and the father as the head of the household. In several of the cases, domestic violence and physical abuse of the children were both described. In one case the rape of the daughter was apparently a punishment from her father. There was also some indication that some of the fathers regarded the females in their home as subject to their control and that they were entitled to meet their sexual needs with their daughters if their wives refused them. This could have also served to punish their wives for refusing sex...*<sup>625</sup>

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*Similarly in the family some men saw their children as their possessions which they felt they could do whatever they wanted with and felt they had a right to have their sexual needs met within their household. For example one told his daughter "you live under my roof" and therefore she should do what he wants. This was the case when there were family problems and the husband and wife stopped having sex. There were a couple of cases where this was used as an excuse for the man to rape his daughter and police also spoke of knowledge they had of other similar cases.*<sup>626</sup>

**The socialisation of children to respect their parents and other adults without question was noted as a contributing factor.** In some cases, male family members reportedly resorted to threats, bribes or gifts as a way to secure sex with a child. Sexual abuse was also sometimes apparently used as a form of "punishment" for girls, for behaviour which the male abusers disapproved of.<sup>627</sup>

A 2006 study of Woman and Child Protection Units suggests that sexual abuse by fathers and uncles may be related to their social role in the family, quoting one social worker as pointing out that, "Because children are expected to do what they are told and to be obedient, they also accept acts of sexual abuse perpetrated by a father or uncle. These are the authority figures and are not to be questioned."<sup>628</sup> The study offers the following analysis:

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<sup>624</sup> *Ibid.* A study of Himba and Herero communities published in 2002 similarly reports that incestuous relationships between adults and children are considered aberrant and taboo, but also notes (somewhat contradictorily) that men preferred sex with young girls because their vaginas were "not tired", resulting in greater sexual pleasure. 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 at 40.

<sup>625</sup> 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 30-31.

<sup>626</sup> *Id.*, Appendix 2 at 14.

<sup>627</sup> *Id.* at 30.

<sup>628</sup> Dr 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 at 28.

*The important role that uncles play in some cultures as socializing agents has been found to have inherent dangers for child safety and protection too. Uncles are trusted by adult family members and by their nephews and nieces alike, to teach cultural values and social skills, and therefore his models of transmission and his personal intentions are not generally questioned. Professional key informants reported having found that not all uncles are genuine and true to their traditional role of socialisers of good practices. There are ongoing reports of an uncle who has misused his role and trust and has sexually abused a child, while pretending to teach him/her about ‘the birds and the bees’.*<sup>629</sup>

The report goes on to note that family members may protect the abuser because the abuse may be related to cultural practices and because action may threaten the family unit:

*One social worker related how she was often told that no case would be made against such a perpetrator, because “he only fulfilled his role to socialize the child. His intentions were good and he had no intention of abusing the child.”*<sup>630</sup>

### 4.8.3.3 Backlash against children’s rights

*Children have heard about rights and freedom. It is like they can do what they want and no parent can tell them.*<sup>631</sup>

*Today’s children have not understood their rights properly. They do not know where it starts and where it ends.*<sup>632</sup>

**It has been suggested that some domestic violence against women is a product of the fact that men feel threatened by women’s increasing empowerment. Similarly, some abuse of children may stem from the fact that there are parents in Namibia who feel that their authority is being undermined by ‘children’s rights’.**

Many adults feel that the rights acquired by children since Independence have been detrimental to social control, and adolescents may in many instances fail to show respect to their parents because young people perceive themselves as being more advanced than their parents’ generation:

*Adolescents perceive themselves as being enlightened because most of them are more educated than their parents, and they (adolescents) stress that they are different from their parents. This is reinforced by the fact that they speak English, are more familiar with computers, and know about condoms and the events in the world. They are demanding autonomy. Some adults believe that the concept of children’s rights, especially their right to self-expression, is in contradiction with the Namibian culture,*

<sup>629</sup> *Ibid.*

<sup>630</sup> *Id* at 28-29.

<sup>631</sup> Pandu Hailonga-van Dijk, “Intergenerational Conflict and Adolescents as Counter-Hegemonic Agents in Namibia”, 3(1) Sexuality in Africa 2008, quoting 52-year-old urban woman, available at <[www.arsrc.org/publications/sia/mar06/issue.htm](http://www.arsrc.org/publications/sia/mar06/issue.htm)>.

<sup>632</sup> *Ibid*, quoting 46-year-old urban woman.

which until recently, viewed children as listeners and not as people who have anything to say. This has contributed to the conflict between parents and their children.<sup>633</sup>

Parents, afraid that they lack the authority and legitimacy associated with parenthood in the past, may struggle with carving out new methods for exerting authority over their children in appropriate ways. Some parents have even attempted to get assistance from the Namibian Police in disciplining unruly children.<sup>634</sup> As one middle-aged woman reported in a Namibian study, “They do what they want, and do not take our views into consideration.”<sup>635</sup>

In an attempt to encourage a more balanced connection between children’s rights and children’s responsibilities, the Child Care and Protection Bill expected to go to Parliament in 2012 follows the African Charter on the Rights and Welfare of the Child by including explicit provisions on both children’s rights and children’s responsibilities.<sup>636</sup>

## **CHILDREN’S RIGHTS AND RESPONSIBILITIES IN THE DRAFT CHILD CARE AND PROTECTION BILL**

### ***Children’s duties and responsibilities***

***9. In the application of this Act, and in any proceedings, actions and decisions by any organ of state concerning any child, due regard must be had to the duties and responsibilities of a child to –***

- (a) work for the cohesion of the family, respect the rights of his or her family members and assist his or her family members in times of need;***
- (b) serve his or her community, respect the rights of all members of the community and preserve and strengthen the positive cultural values of his or her community in the spirit of tolerance, dialogue and consultation;***
- (c) serve his or her nation, respect the rights of all other persons in Namibia and preserve and strengthen national solidarity; and***
- (d) contribute to the general moral well-being of society, provided that due regard must be given to the age, maturity, stage of development and ability of a child and to such limitations as are contained in this Act.***

Child Care and Protection Bill, as at June 2009, section 9

<sup>633</sup> *Id* at 66.

<sup>634</sup> See, for example, Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 149 and Joanne Lebert, “Discipline and Deviance: Human Rights and Youth Lawlessness in Post-Independence Namibia” (unpublished conference paper), 2005.

<sup>635</sup> *Ibid*, quoting 52-year-old urban woman. See also Panduleni (Pandu) Hailonga, “Adolescent sexuality and reproductive behaviour in Namibia: A socio-historical analysis”, The Hague: Institute of Social Studies, 2005 at 191-192 and Joanne Lebert, “Discipline and Deviance: Human Rights and Youth Lawlessness in Post-Independence Namibia” (unpublished conference paper), 2005.

<sup>636</sup> Draft Child Care and Protection Bill (June 2009), section 9 (based on Article 31 of African Charter on the Rights and Welfare of the Child).

## 4.9 SUMMARY OF KEY FINDINGS OF PREVIOUS STUDIES

The tables on the following pages are intended to serve as a quick reference for key findings of previous studies on domestic violence. We hope that this presentation of some of the most important data which has been generated will facilitate its use in policy-making and planning.

### INTIMATE PARTNER VIOLENCE IN NAMIBIA

**Source** LAC-LRDC domestic violence study

**Legal Assistance Centre (LAC) and Law Reform and Development Commission (LRDC), Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response, Windhoek: LAC and LRDC, 1999**

**Year** 1999 (based on cases reported to police in 1994)

**Study sites** National: nationwide sample of police dockets

**Sample** 515 domestic violence dockets drawn from a total sample of 2322 cases of violent crime filed during three selected months at 53 out of 83 police stations, representing all 11 police regions

**Key findings** **Domestic violence reported to police**

- More than one-fifth of all violent crime (22%) reported to police in Namibia occurs within the context of domestic relationships.
- In the domestic violence cases, 86% of the victims were female and 93% of the perpetrators male.
- Most of the domestic violence in the survey sample was perpetuated by boyfriends against their girlfriends, followed by husbands against their wives.
- Firearms were not commonly used in domestic violence offences. The most common weapons were knives, sticks or clubs.
- Domestic violence victims were more likely than victims of other violent crimes to suffer injury. Bruising was the most common injury reported.
- About 62% of all domestic violence cases were withdrawn, as compared to about 42% of the cases involving other violent crimes.
- 21% of domestic violence cases resulted in convictions, compared to compared to 25% of cases in respect of other violent crimes.
- Sentencing patterns were similar in respect of domestic violence offences and other violent crimes. Fines were more common than imprisonment in both. In cases where a sentence of imprisonment was imposed, it was more likely to be suspended in its entirety in domestic violence cases (60% of cases) than in other types of violent crime (44% of cases).

**Source** Legal Assistance Centre rape study

**Legal Assistance Centre (LAC), Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000, Windhoek: LAC, 2006**

**Year** 2006 (data from dockets opened in 2001-2005)

**Study sites** National: nationwide sample of police dockets

**Sample** 409 rape dockets from 16 police stations in 9 of Namibia's 13 regions, with 304 dockets indicating the relationship between the rape victim and the accused

**Key findings** **Rape reported to police**

- One-third (33%) of the relationships between the accused and the victim in reported rape cases would appear to fit within the definition of a "domestic relationship" in the Combating of Domestic Violence Act.

**Source Karas spousal abuse study**

**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, 1998***

**Year** 1998 (data apparently collected in 1997 or earlier)

**Study sites** Karas Region: Lüderitz, Karasburg, Keetmanshoop

**Sample** 130 self-identified victims of intimate partner violence, mostly women, plus 13 focus groups and key informants

**Key findings Information from victims of spousal abuse**

- Victims participating in the study were divided almost half and half between those who were the family's main breadwinners and those who were unemployed, showing that economic independence is no guarantee of freedom from abuse.
- Some 52% of the victims reported that they had been physically abused in public.
- 25% of the victims reported being forced to have sexual intercourse against their will.
- Respondents reported economic abuse – including not being consulted about financial decisions, having to beg for money for their own needs, and being prevented by their partners from either getting or keeping a job.
- Respondents also reported emotional abuse – such as verbal abuse and insults in public, or being belittled or embarrassed by their partners in front of others.
- About 57% of the victims had reported their situation to the police, but many found police unsympathetic or unhelpful.
- Almost three-fourths of the victims first reported the abuse to someone else after it been going on for at least four years.

**Source WHO study**

**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, 2004***

**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***

**Year** 2003 (data collected in 2001)

**Study sites** Khomas Region: Windhoek

**Sample** 1500 women aged 15-49

**Key findings Survey of women on various forms of domestic violence**

- Over one-third of ever-partnered women (36%) had experienced physical or sexual violence (or both) from an intimate partner at some point in their lives, with about 20% experiencing physical or sexual violence from a partner during the 12 months prior to the survey.
- 31% had experienced physical violence from an intimate partner at some point in their lives, and 16% during the 12 months prior to the survey.
- 11% had experienced sexual violence from an intimate partner at some point in their lives, and 9% during the 12 months prior to the survey. Looking at lifetime sexual abuse by intimate partners more specifically:
  - 13% of the partnered respondents had been physically forced to have sex;
  - 10% had engaged in sex against their will because they were afraid of what their partner might do if they refused; and
  - 6% had been forced to perform a sex act which they viewed as being degrading or humiliating.
- 10% of the Namibian respondents reported that their partners had either tried or threatened to kill them.
- Almost one-third (30%) of women who had experienced physical or sexual violence from an intimate partner reported that they had suffered physical injuries from this violence. One in five of the injured women (20%) reported that they had been injured by an intimate partner on *more than five occasions*.
- Of those women in the survey who had been pregnant, 6% were slapped, hit or beaten during at least one pregnancy.



- 34% of ever-partnered women had experienced “emotionally abusive behaviour”, such as being humiliated or intimidated, and 19% had experienced such behaviour within the last 12 months. 49% of ever-partnered women had experienced “controlling behaviour”, such as being restricted from seeing friends or family, with 14% experiencing multiple forms of controlling behaviour.
- 34% of women abused by their partners reported that they had fought back, and 9% of these women had initiated violence against their partners at a time when they were not being physically abused.

Source **CIET-Soul City study**

**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**

Year 2007 (data collected in 2002)

Study sites National: random rural, urban and capital city sites in proportions extrapolated from most recent national census

Sample 2652 respondents aged 16-60 (1167 men, 1465 women)

- Key findings **Survey of men and women on physical violence (excluding sexual violence)**
- 15% of the men and 17% of the women surveyed in Namibia had experienced physical violence from an intimate partner in the 12 months prior to the survey.
  - The prevalence of physical domestic violence in Namibia was in the middle of the range of the 8 Southern African countries studied.
  - Although 70% of the men and 73% of the women surveyed in Namibia said that they consider domestic violence to be a serious problem in their communities, 56% of the men and 58% of the women thought that their communities had the power to do something about this problem.
  - Responses did not vary significantly between urban and rural residents, and there was no significant connection between violence and education, household size or household income. However, income discrepancies *within* a household were correlated with higher levels of physical violence.
  - Persons with multiple sexual partners were more likely to have experienced violent altercations with a partner.

Source **SIAPAC study**

**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), Ministry of Gender Equality and Child Welfare (MGECW), 2007**

**SIAPAC, Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, Ministry of Gender Equality and Child Welfare (MGECW), 2008**

Year 2007/2008 (data collected in 2007 and 2008)

Study sites 2007: Kunene, Ohangwena, Otjozondjupa, Caprivi Region  
2008: Erongo, Karas, Kavango and Omaheke Regions

Sample 1680 respondents aged 18-49 (210 in each region: half men, half women)

- Key findings **Survey of men and women on various forms of domestic violence**
- 41% of the female respondents and 28% of the male respondents had experienced physical or sexual violence from an intimate partner at some point during the seven/eight years prior to the survey.
  - 16% of females and 4% of males reported that they had suffered injuries as a result of physical or sexual violence from an intimate partner during the 12 months prior to the survey.
  - Of those women in the survey who had been pregnant, almost 18% reported physical violence from an intimate partner during their pregnancies.
  - The study found that intimate partner violence directed against women was generally more severe than intimate partner violence against men.
  - 60% of the female respondents and 59% of the male respondents reported “emotional violence” from an intimate partner during the seven/eight years prior to the survey, with this form of “violence” being very broadly defined.

# DOMESTIC VIOLENCE AGAINST CHILDREN IN NAMIBIA

Source **LifeLine/ChildLine Namibia**

**Child Helpline International, *Connecting to Children: A compilation of child helpline 2008 data (7<sup>th</sup> edition)*, Amsterdam: Child Helpline International, 2009**

Year 2009 (2008 data)

Study sites National

Sample Data on children who accessed service in 2008

Key **Children seeking assistance for abuse**

findings

- 17% of the almost 12 000 children who contacted this Namibian service by telephone or in person during 2008 sought help with a problem related to “*abuse and violence*”.

Source **National Planning Commission**

**National Planning Commission, *Children and Adolescents in Namibia 2010*, Windhoek: National Planning Commission, 2010**

Year 2010 (2010 data)

Study sites Karas, Kavango, Kunene and Omaheke Regions

Sample 26 focus group discussions with Namibian children aged 8-17

Key **Children’s perceptions of domestic violence as a problem**

findings

- Two of the top ten problems listed by the children as being “*very serious*” were “*domestic violence*” and “*being physically abused*”, and the children estimated that these problems are faced by more than half of all Namibian children.

Source **Windhoek Children’s Court**

**unpublished statistics**

Year 2003-2008

Study sites Khomas Region: Windhoek Children’s Court

Sample Cases dealing with children in need of care or protection heard by court

Key **Court removal of children from their homes**

findings

- During the time period assessed, an average of 237 children in Windhoek were removed from their homes each year by court order for their own protection and placed in alternative care.

Source **Ministry of Health and Social Services**

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

Year 2008 (2004 data)

Study sites National

Sample 6367 learners in grades 7, 8 and 9 in 96 schools

Key **Suicide**

findings

- 32% had made a plan about how to attempt suicide.
- 37% had attempted suicide one or more times during the 12 months prior to the survey.
- There were no significant gender distinctions in the answers on suicide.
- The most commonly-cited reason for wanting to commit suicide was family problems. The fourth most commonly-cited reason was boyfriend/girlfriend relationship problems.

**Alcohol use at home**

- Almost 4% of the surveyed learners under age 12, almost 6% of those aged 13-15 and over 4% of those aged 16 and up had obtained an alcoholic drink at home during the 30 days prior to the survey.
- 18% had consumed their first alcoholic drink at home, and 16% had consumed their most recent alcoholic drink at home.
- 112 children in the sample (almost 2%) reported that they were 7 years old or younger when they first became very drunk, and 8% had been drunk before reaching age 14.

### Intimate partner violence against learners

- 13% of the respondents had been hit, slapped or otherwise physically hurt by a boyfriend or girlfriend in the 12 months prior to the survey.
- 26% of the respondents who had boyfriends or girlfriends had experienced physical violence in the course of the relationship. 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.
- 20% of all the learners surveyed had been physically forced to have sexual intercourse.

Source **SIAPAC study**

*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), Ministry of Gender Equality and Child Welfare (MGECW), 2007*

*SIAPAC, Knowledge, Attitudes and Practices Study on Factors that may Perpetuate or Protect Namibians from Violence and Discrimination: Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke and Otjozondjupa Regions, Ministry of Gender Equality and Child Welfare (MGECW), 2008*

Year 2007/2008 (data collected in 2007 and 2008)

Study sites 2007: Kunene, Ohangwena, Otjozondjupa, Caprivi Regions  
2008: Erongo, Karas, Kavango and Omaheke Regions

Sample 1680 respondents aged 18-49 (210 in each region: half men, half women). Respondents with children aged 2-14 in the household were asked to focus on one child and answer questions about discipline of this child by anyone in the household during the three months prior to the survey.

Key findings **Community attitudes**

- 61% of all 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.

**Use of corporal punishment**

- 45% of children referred to in the study had been subjected to some form of "physical discipline".
- 36% of the children referred to in the study suffered from "excessive physical discipline", defined as hitting the child on the bottom or elsewhere on the body with something like a belt, hairbrush, stick or other hard object; hitting or slapping the child on the face, head or ears; hitting or slapping the child on the hand, arm or leg; or beating the child with an implement over and over.
- 40% or more of the respondents believed that hitting the child was justified for various reasons suggested, with the exception of poor school performance (which only 27% of the adults thought justified hitting a child) – but more than half of the respondents said that it was NOT necessary to physically punish children as part of their upbringing.

**Children witnessing violence between other family members**

- 52% of the respondents who reported that they had been injured by intimate partner violence in the 12 months prior to the study said that children had been present at the time.

Source **WHO study**

*Ministry of Health and Social Services, 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, 2003*

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

Year 2005 (data collected in 2001)

Study sites Khomas Region: Windhoek

Sample 1500 women aged 15-49

Key findings **Childhood sexual abuse**

- 21% of the respondents indicated that they had experienced childhood sexual abuse, with family members being most often cited as the culprits.

**Children witnessing violence between other family members**

- 42% of the abused women interviewed said that their children were present during incidents of violence, and 9% said that their children had witnessed partner violence on more than five occasions.

**Source UNICEF study on knowledge, attitudes, practices and behaviour related to HIV and AIDS**

**UNICEF, HIV and AIDS Knowledge, Attitudes, Practices and Behaviour (KAPB) Study in Namibia: Key Findings, Windhoek: UNICEF, August 2006**

**Year** 2006 (data collected in 2006)

**Study sites** Kavango, Ohangwena and Omaheke Regions

**Sample** Sample of 1000: 318 10- to 14-year-olds; 372 15- to 19-year-olds still in school; 160 15- to 24-year-olds out of school; 150 adults aged 30 and up

**Key findings Sexual abuse of children by parents or caregivers**

- 25% of 10- to 14-year-old respondents had experienced one or more forms of sexual abuse by a parent or caregiver. About 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.
- 15% of the 15- to 24-year-olds reported 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 significant gender gap.

**Children witnessing violence between other family members**

- 20% of the 10- to 14-year-olds had seen their father beating their mother.
- 12% of the 10- to 14-year-olds had seen their mother beating their father.
- 16% of the 10- to 14-year-olds 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.

**Source AIDS Law Unit, Legal Assistance Centre**

**Legal Assistance Centre (LAC), 'I just want to have a good life': OVC and human rights in five regions of Namibia, Windhoek: LAC, undated**

**Year** 2007 (data collected in 2007)

**Study sites** Caprivi, Karas, Kavango, Khomas and Omusati Regions

**Sample** 250 individual interviews with orphans and vulnerable children aged 9 to 16 (54% males and 46% females)

**Key findings Sexual abuse of children by parents or caregivers**

- 6% reported being touched in a sexual manner by a household member.

**Source UNAM/UNFPA survey**

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

**Year** 2004 (data collected in 2002)

**Study sites** Caprivi, Karas, Khomas, Kunene, Ohangwena, Oshana and Otjozondjupa Regions

**Sample** 1452 adolescents aged 15 to 19 and youth aged 20-24, roughly half male and half female

**Key findings Violence against children by intimate partners**

- Almost 14% of the females who reported that they had sexual intercourse during the 12 months prior to the survey said that they had been forced to have intercourse against their will by their sexual partners.
- Slightly more than half of the respondents who reported forced intercourse were still at school at the time.

## ATTITUDES ABOUT INTIMATE PARTNER VIOLENCE IN NAMIBIA

Source **WHO study**

**Ministry of Health and Social Services, *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, 2003**

**C Garcia-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**

Year 2005 (data collected in 2001)

Study sites Khomas Region: Windhoek

Sample 1500 women aged 15-49

Key findings

- 1 out of 5 women believe that a husband is justified in beating his wife for at least one of six suggested reasons: if she disobeys her husband; if she does not complete housework; if she has been unfaithful to her husband; if her husband *suspects* that she has been unfaithful; if she refuses sex or if she asks her husband about other women.

Source **CIET-Soul City study**

**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**

Year 2007 (data collected in 2002)

Study sites National: random rural, urban and capital city sites in proportions extrapolated from most recent national census

Sample 2652 respondents aged 16-60 (1167 men, 1465 women)

Key findings

- 44% of men and 29% of women said that women sometimes deserve to be beaten, with 43% men and 38% women saying that domestic violence is a private matter in which others should not interfere.
- Fewer men and women (28% men and 21% women) said that it is *culturally acceptable* for a man to beat his wife.
- 73% of women and 70% of men considered violence against women to be a serious problem in their communities.
- 58% of women and 56% of men thought that their communities could do something about violence against women.

Source **2000 and 2006-07 Namibia Demographic Health Surveys**

**Ministry of Health and Social Services, *Namibia Demographic and Health Survey 2000*, Windhoek, 2003**

**Ministry of Health and Social Services, *Namibia Demographic and Health Survey 2006-07*, Windhoek, 2008**

Year 2003 and 2008 (data collected in 2000 and 2006-07)

Study sites National

Sample 2000: 6755 women aged 15-49; 2054 men aged 15-59  
2006-07: 9804 women aged 15-49; 3915 men aged 15-49

Key findings

- **2000:** 44% of men felt that wife-beating is justified in at least one of three circumstances: because she neglects the children, argues with him or refuses sex. (Only men were asked this question in 2000.)
- **2006-07:** 41% of men and 35% of women felt that wife-beating is justified in at least one of five circumstances: if she burns food, argues with him, goes out without telling him, neglects the children or refuses to have sexual intercourse with him.
- **2006-07:** Some regions showed higher cultural acceptance of wife-beating than others. 81% of women in Caprivi agreed that at least one of the reasons given justified wife-beating. 67% of men in Omusati agreed that at least one of the reasons given justified wife-beating. The lowest levels of agreement with wife-beating for both sexes were in Karas, where only 12% of men and 14% of women agreed with at least one of the reasons for wife-beating.

- **2006-07:** Majorities of men and women rejected all of the suggested justifications for wife-beating in 8 of Namibia's 13 regions: Erongo Hardap, Karas, Khomas, Kunene, Omaheke, Oshana and Otjozondjupa.
- Overall, there was not much change between in male attitudes between 2000 and 2006-07, with men who agreed with at least one of the suggested justifications for wife-beating declining from 44% to 41%.
- Younger men were *more* likely than older men to say that wife-beating is sometimes justified – indicting that gender equality in this arena does not seem to be improving over time.
- Rural men and women were *more* likely than urban men and women to agree with at least one reason for wife beating.
- Persons who had completed secondary education or higher were much *less* likely to endorse wife-beating than those with a lower level of education.

Source **SIAPAC study**

*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), Ministry of Gender Equality and Child Welfare (MGE CW), 2007*

*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, Ministry of Gender Equality and Child Welfare (MGE CW), 2008*

Year 2007/2008 (data collected in 2007 and 2008)

Study sites 2007: Kunene, Ohangwena, Otjozondjupa, Caprivi Regions  
2008: Erongo, Karas, Kavango and Omaheke Regions

Sample 1680 respondents aged 18-49 (210 in each region: half men, half women)

- Key findings
- Most respondents disagreed with the majority of statements which suggested that husbands have authority over their wives' behaviour or that husbands have a 'right' to discipline wives with violence. But 19-20% of respondents thought that husbands have a right to tell their wives who to vote for or to decide if their wives may join a social club, and 23% of respondents thought that a husband has the right to decide whether his wife can work.
  - Substantial numbers of women felt that they deserve to be beaten for a wide range of suggested reasons, particularly for failures in what are apparently perceived by women as important wifely duties, such as cooking well and being able to bear children. But men were more likely to support the right to hit *hard* for various 'justifications'.
  - Just as many women felt that their husbands have a 'right' to beat them, men tended to agree more often than women with most of the suggested statements about women's 'right' to hit men. The only situation in which women were slightly more likely than men to support the use of violence by wives against their husbands was where the husband does not provide adequately for the household. Half of both men and women surveyed agreed that a woman has a 'right' to hit a man if he hits her first.
  - One-half of respondents agreed that a man has a 'right' to hit his partner if he finds out she was unfaithful, but only a quarter agreed that a woman has a 'right' to hit a man for the same reason.
  - A majority of respondents felt that most forms of control of wives by their husbands have become less culturally acceptable since Independence.

Source **FAO study**

*ES Wieggers, W Neeleman, J Hourihan and KW Cato, Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report, Windhoek: FAO-Namibia, 2009*

Year 2009

Study sites Oshana, Ohangwena and Caprivi Regions

Sample Data from 304 households (168 male-headed and 136 female-headed) in a total of ten communities

- Key findings
- 41% of men and 70% of women felt that wife-beating is justified in at least one of five circumstances: if she burns food, argues with him, goes out without telling him, neglects the children or refuses to have sexual intercourse with him.

## ATTITUDES ABOUT WOMEN'S SEXUAL AUTONOMY IN NAMIBIA

Source **WHO study**

**Ministry of Health and Social Services, *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, 2004**

**C Garcia-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**

Year 2005 (data collected in 2001)

Study sites Khomas Region: Windhoek

Sample 1500 women aged 15-49

Key findings

- Only 4% of women interviewed believed that a husband is justified in beating his wife if she refuses sex.

Source **UNAM HIV study**

**Scholastika Iipinge, Kathe Hofnie and Steve Friedman, *The Relationship Between Gender Roles and HIV Infection in Namibia*, UNAM, 2004**

Year 2004 (data collected in 2002)

Study sites Katima Mulilo, Windhoek, Walvis Bay, Oshakati, Rehoboth and Mariental

Sample 47 focus groups and 30 key informants

Key findings

- 67% men and 66% women participating in the focus groups believed that a woman has the right to refuse sex with her partner; correspondingly 43% men and 47% women believed that marital rape can occur.
- Key informants gave similar answers.

Source **CIET-Soul City study**

**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**

Year 2007 (data collected in 2002)

Study sites National: random rural, urban and capital city sites in proportions extrapolated from most recent national census

Sample 2652 respondents aged 16-60 (1167 men, 1465 women)

Key findings

- 38% men and 31% women said that women do NOT have the right to refuse sex with their husbands or boyfriends; correspondingly, 35% men and 33% women said that forcing a partner to have sex is not rape.
- 66% men and 66% women said that *most people in their communities* believe that women DO have a right to refuse sex with their partners; correspondingly, 67% men and 65% women said that *most people in their communities* believe that forcing a partner to have sex is NOT rape.
- Keeping in mind that these questions were phrased differently, the answers about individual attitudes are similar to the answers about community attitudes.

Source **2000 and 2006-07 Namibia Demographic Health Surveys**

**Ministry of Health and Social Services, *Namibia Demographic and Health Survey 2000*, Windhoek, 2003**

**Ministry of Health and Social Services, *Namibia Demographic and Health Survey 2006-07*, Windhoek, 2008**

Year 2003 and 2008 (data collected in 2000 and 2006-07)

Study sites National

Sample 2000: 6755 women aged 15-49; 2054 men aged 15-59  
2006-07: 9804 women aged 15-49; 3915 men aged 15-49

- Key findings**
- **2000:** Male and female respondents were asked if they think that a wife is justified in refusing to have sex with her husband in four circumstances: if she is tired or not in the mood, if she knows her husband has sexual relations with other women, if she knows her husband has a sexually-transmitted disease or if she has recently given birth. 61% men and 68% women agreed with all four of these reasons, while 16% men and 13% women agreed with *none* of the four reasons offered for refusing sex within marriage.
  - 37% men felt that a husband was justified in taking at least one of four actions if his wife refused to have sex with him: to get angry and yell at her, to refuse to give her money or other means of financial support, to force her to have sex with him against her will, or to have sex with another woman. (But only 7% said that forced sex was justified.)
  - 13% men said that it is justifiable for a husband to beat his wife if she refuses sex.
  - **2006-07:** Male and female respondents were asked if they think that a wife is justified in refusing to have sex with her husband in three circumstances: if she is tired or not in the mood, if she knows her husband has sexual relations with other women or if she knows her husband has a sexually-transmitted disease. In a slight improvement in attitudes towards women's sexual autonomy since 2000, 74% men and 74% women agreed with all four of these reasons, while 4% men and 6% women agreed with *none* of the four reasons offered for refusing sex within marriage.
  - 36% men thought that a husband was justified in taking at least one of the following four actions if his wife refused to have sex with him: to get angry and reprimand her, to refuse her financial support, to use force to have sex with her or to have sex with another woman. (But only 5% said that forced sex was justified.)
  - 8% men and 12% women said that it is justifiable for a husband to beat his wife if she refuses sex.

**Source SIAPAC study**

*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), Ministry of Gender Equality and Child Welfare (MGECW), 2007*

*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, Ministry of Gender Equality and Child Welfare (MGECW), 2008*

**Year** 2007/2008 (data collected in 2007 and 2008)

**Study sites** 2007: Kunene, Ohangwena, Otjozondjupa, Caprivi Regions  
2008: Erongo, Karas, Kavango and Omaheke Regions

**Sample** 1680 respondents aged 18-49 (210 in each region: half men, half women)

- Key findings**
- 18% men and 18% women said that is justifiable for a husband to hit his wife if she refuses sex; 16% men and 17% women said that this justifies hitting *hard*.
  - 75% men and 81% women said that it is NOT culturally acceptable for a man to force his wife to have sex if she does not want to.

**Source FAO study**

*ES Wieggers, W Neeleman, J Hourihan and KW Cato, Enhancing the well-being of women and girls in Ohangwena, Oshana and Caprivi Regions through food security and livelihood improvement initiatives: Baseline Study Report, Windhoek: FAO-Namibia, 2009*

**Year** 2009 (data collected in 2009)

**Study sites** Oshana, Ohangwena and Caprivi Regions

**Sample** Data from 304 households (168 male-headed and 136 female-headed) in a total of ten communities

- Key findings**
- 8% men and 24% women said that is justifiable for a husband to beat his wife if she refuses sex.