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INFORMATION ABOUT NAMIBIA'S LAW

Child Abuse, Namibia's National Epidemic

Recent articles in the press may have created a new worrisome awareness about the rising child abuse cases in Namibia. One specific article in the Namibian newspaper of 29 August 2019 showed a picture of a child in chains with the heading “*Chained for stealing sweets*”. So, the question is where did Namibia go wrong?

The Namibian Constitution protects children and “the family”, but so far this is more of a promise than a reality. When we speak of the epidemic of child abuse, we are referring to the different types of assault against children going on daily in many households and communities. We are referring to the sexual and other forms of abuse in the schools, streets and houses of our country, where children do not have the right to walk without fear of what someone might do to them.

Horrific incidents such as the case of the child in chains attract public attention which briefly peaks and quickly fades, but continued long-term action is necessary for lasting solutions. It is important for the nation to provide a *sustained* response to societal violence.

The Child Care and Protection Act 3 of 2015 which finally came into force on 30 January 2019 can bring positive change to the level of protection of our children. However, we must consider the factors which cause people to behave violently towards children in the first place. Laws are typically more useful in responding to violence that has already occurred, than in preventing it in the first place – especially in cases where there are no warning signs. But the new Act does incorporate some proactive measures for families and communities which are aimed at preventing problems.

The Act makes provision for protective services, which are services aimed at providing care or protection to a child to safeguard that child’s “safety, security and well-being”. This covers a wide range of State interventions which can help a child who is being abused or neglected. A child is in need of protective services if that child is abandoned or orphaned (and has insufficient care or support), is engaged in behaviour likely to be harmful to the child or someone else (and the parent or care-giver is unable or unwilling to control that behaviour), lives or works on the streets or begs for a living, is addicted to alcohol or drugs (and is without support to obtain treatment) or is involved in crime. This is only part of a long list of circumstances that can trigger social worker investigation.

The Act also emphasises prevention and early intervention services that can prevent harm to children, or stop a problem from escalating. These services might involve assisting families with the basic necessities of life, such as helping them access State grants. They might include help with

an alcohol, drug or gambling addiction, or support for a chronically ill family member. Such services could also include training in parenting skills, child health and nutrition, or non-violent methods of resolving disputes.

The Act also provides for mandatory reporting of child abuse by professionals who work with children (including teachers and traditional leaders), and encourages voluntary reporting by all members of the public. Reporting triggers a social work investigation which can result in giving the family access to the help they need to protect the child's wellbeing.

Some of the most widespread forms of child abuse are corporal punishment and rape of children. Corporal punishment is rife in Namibia, teaching children from an early age that violence is an acceptable answer to a problem. Poverty and economic inequality add to feelings of frustration and recklessness, which can exacerbate alcohol abuse and violence that can manifest as rape of society's most vulnerable members.

Deterrence is not working, as our overloaded criminal justice system means that the consequences of committing a crime are seldom swift or sure. Although violence against women and girls most often makes the headlines, we need to focus more on violence *by men* against victims of both sexes. We need to teach young children that true masculinity does not encompass violence against any other person, and inculcate both self-respect and respect for others from an early age.

Members of the public often call for stiffer sentences for rapists. An amendment to the current Combating of Rape Act 8 of 2000 which is now on its way through the law-making process would raise the mandatory minimums. As the Bill now stands, the minimum sentence for a first offence would become 10, 15 or 20 years, and 20, 25 or 30 years for a repeat offender, depending on the circumstances of the rape. The heaviest sentences apply if the complainant is under the age of 13 or "exceptionally vulnerable" because of age. The maximum sentence for any rape is life imprisonment. But, without a more efficient criminal justice system which prioritises cases involving children, stiffer sentences are unlikely to reduce child rape. Children are the victims in about one-third of all reported rape cases, which is probably only a small proportion of all the child rapes which actually occur, and the numbers are not getting any better.

The levels of abuse against children in Namibia are beyond belief. The 2013 Namibia "Global School-based Student Health Survey" (which is the most recent such survey available) looked at violence in the lives of a sample of more than 4500 Namibian learners aged 13 to 17. More than a third had been involved in a physical fight in the last year, and more than half reported being seriously injured in the last year. Astonishingly, *more than a quarter* reported that they had actually attempted suicide one or more times during the past year. These are not the answers children would be giving in a nation that takes child protection seriously.

We hear many different explanations for the violence that we see daily and we must no longer put up with it. Is violence in our genes – are we born and bred that way? Are we socialized to tolerate violence in our communities? Maybe it's time to challenge those aspects of our traditions and cultures which are contributing to our tolerance for harm.

We all have a duty to protect and safeguard our children. If we fail to do so, we risk rearing a new generation of damaged people who will lock the nation into a repeating cycle of violence and damage. As a famous writer said, "*what you do makes a difference, and you have to decide*

what kind of difference you want to make". This is very relevant when it comes to our Namibian children and how we choose to protect them. Harming them is not protecting them. We must stop the epidemic.