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THE VIOLENT WAY THINGS ARE

RACHEL COOMER assesses the impact of domestic violence in Namibia

The Legal Assistance Centre has just released a study of domestic violence based on protection order applications examined in courts all around the country. This article discusses three worrying statistics that this study reveals.

More people in Namibia apply for a protection order each year than die in road accidents.

Prior to the enactment of the Combating of Domestic Violence Act in 2003, there was no Namibian law aimed specifically at domestic violence. A person experiencing domestic violence would have had various legal options - laying an appropriate criminal charge such as assault or trespass, seeking a High Court interdict or filing for divorce - but the new law introduced specific remedies more well-tailored to the problem. One of these remedies is to apply to a magistrate's court for a protection order directing the abuser to stop the violence.

The recent research found that the number of protection order applications increased dramatically in the years following the implementation of the Combating of Domestic Violence Act - more than trebling nationwide from 211 in 2004 to 747 in 2006. By the end of 2008, every magistrate's court in the country had received at least one application for a protection order, and there were more than 3500 applications for protection orders during the first five years of the law's operation. Namibia now sees an average of over 900 protection order applications per year nationwide. This could be a result of increasing public awareness of the law, an increase in the prevalence of domestic violence or an increased willingness on the part of victims to take action to protect themselves. It is most likely a product of some combination of these factors.

Given the volume of cases and the law's wide definition of "domestic violence", one might wonder if people are seeking protection orders for trivial matters. The evidence says no. More than half of the complainants reported that they had experienced physical abuse in the most recent incident of domestic violence, either alone or in combination with other forms of abuse. Weapon use was reported in almost one quarter of the applications, and 43 percent of the complainants had been injured in the most recent incident. At least 97 percent of the complainants had a history of abuse by the same respondent, typically stretching back about two years - with almost 17 percent reporting a history of abuse dating back more than 10 years. The problem is deeply entrenched.

Nine out of ten people who apply for a protection order are women.

It comes as no surprise that the majority of victims of domestic violence are women.

It is important to recognise the flip side of this statistic - that one in ten victims of domestic violence are male - but some people find this reverse side of the coin so interesting that they let it obscure the typical case. The national and international statistics from virtually every study on the topic indicate that the main focus of prevention and assistance must be women.

The "root cause" of domestic violence is frequently debated: is it alcohol? Culture? Socio-economic challenges? Our theory is that the real cause of domestic violence lies in attitudes about men, women and family relationships.

For instance, the 2006/07 Namibia Demographic and Health Survey found that 41 percent of men and 35 percent of women believed that it is justifiable for a husband to beat a wife at least one of five circumstances: if she burns food, argues with him, goes out without telling him, neglects the children or refuses sex.

Similar attitudes surfaced in a 2007-08 eight-region study carried out by SIAPAC for the Ministry of Gender Equality and Child Welfare: substantial numbers of women and men said that wife-beating was justified for a range of suggested 'misbehaviours' by the wife, such as proven unfaithfulness, excessive drinking, misusing money, neglecting the children or even leaving the house without informing her husband. Substantial percentages of both men and women also agreed that a wife has a right to hit her husband in a range of circumstances - particularly where he hits her first.

This same study found that almost half of the children about whom respondents were questioned had been subjected to some form of physical discipline in the three months prior to the survey, with more than one-third having been subjected to what the researchers classified as "excessive physical discipline". Even more shockingly, a 2006 study commissioned by UNICEF, involving 850 children in three Namibian regions, found that one in four of the 10- to 14-year-old respondents had experienced sexual abuse by a parent or caregiver, along with 15 percent of the 15- to 24-year-old respondents.

And so it is that abuse becomes a learned response that - in a society that is still highly patriarchal - will continue to fall most heavily on women and children.

The sad truth is that abuse is viewed by many as an integral part of family relationships. Women, men and children won't be safe in their homes until this attitude changes.

We would recommend public campaigns reinforcing the following facts: (1) Women and men are equal and deserving of mutual respect. (2) Violence is not an acceptable response to conflict in relationships. (3) The victim of violence is never the one to blame. (4) All violence is a matter of public

concern.

Consider the following case that was recently brought to the Legal Assistance Centre: A woman was beaten by her husband. A police officer heard the noise but did nothing to assist. The woman's sister told her that she was to blame for being beaten. The couple sought relationship advice from their pastor, but the woman was made to feel that she was more at fault for starting the argument than her husband was at fault for beating her. It is disheartening to see how all of the people who could have helped this woman let her down.

One in two victims of domestic violence receives a death threat from the abuser.

This statistic clearly illustrates the consequences of ignoring domestic violence. And it is not just a statistic - the media continually report examples of fatal consequences of domestic violence, most recently the case of a Polytechnic student killed by her ex-boyfriend and another case where a son murdered his mother.

The evidence shows beyond dispute that reports of domestic violence must be taken seriously. Yet despite this, community members tolerate domestic violence, civil society and churches fail to provide sufficient support or relationship counselling, and police fall short in their duty to respond to domestic complaints.

On top of this, change at policy level is ponderous and ineffective. Numerous recommendations for improving service provision have been put forward in past years by various stakeholders, but have not been taken forward.

Some donors claim to want to address domestic violence, but often tend towards spending money on action plans and monitoring systems with insufficient attention to the actual actions that need to take place in the middle.

We do not need another conference on why the level of violence is so high in Namibia. We need action before even one more woman dies at the hands of her partner.

The report Seeking Safety is available (in both full and summary versions) in hard copy or on CD from the Legal Assistance Centre and on its website: www.lac.org.na.

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