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Help Wanted: Sex Workers in Katutura, Namibia



by

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Help Wanted: Sex Workers in Katutura, Namibia

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**“We are suffering!
Our children are suffering!
We go to the streets because there is no work for us.”**
(two sex workers in their twenties)

1. INTRODUCTION

Two issues have been at the forefront of public discourse regarding commercial sex work in Namibia: HIV/AIDS and legal reform. Although there has been significant legal reform in other areas, the Combating of Immoral Practices Act (No. 21 of 1980) which was enacted during the colonial era remains unchanged in regards to commercial sex.¹ The Act criminalises several sex-related activities including soliciting sex in public, pandering, and keeping a brothel. It is gender-biased, mentioning women but not men as those who potentially sell sex.

¹ See Appendix A for details of the Act. See *Hendricks and Others v Attorney General of Namibia and Others* 2002 NR 353 (HC) for the decision of the High Court on a Constitutional challenge to the 1980 definition of brothel. The Court narrowed the definition of “brothel” which was found to be unconstitutionally overbroad, as it could be interpreted to include a place where non-commercial, unmarried sex occurs. The Court also struck down several presumptions in the Act on Constitutional grounds.

Research has proven that Namibian sex workers are at great risk of contracting HIV/AIDS, are often forced to have unsafe sex, and suffer from sexual violence and police harassment. (LAC 2002, LeBeau 2007). The Legal Assistance Centre (LAC) has been at the forefront of the efforts to decriminalise sex work. It is believed that removing the criminality from sex work will empower sex workers to better negotiate safer sex practices and protect their human rights. However, decriminalisation remains a controversial issue and has not been supported by the government, church organisations, or the general public (LAC 2002).² Morality and national pride seem to be the justification for the continuation of the marginalisation of sex workers.

LAC's research, conducted by their Gender Research and Advocacy Project in 2001 and published as a report entitled *Whose Body is it?: Commercial Sex Work and the Law in Namibia*, is the largest and most comprehensive study of sex work in Namibia. One hundred and forty-eight sex workers from five different towns were interviewed. In this paper I will present the findings from interviews conducted with 62 sex workers in 2006 and compare these findings with LAC's research to see if the profile or situation of sex workers has changed over the last five years. A comparison of the two data sets suggests that the risk of physical abuse, police harassment, and forced unsafe sex are increasing and that criminality of sex work forces sex workers to operate under life-threatening conditions.

2. BACKGROUND

Independence has not translated into significant economic gains for most Namibians. Rather it has resulted in increased urban migration with subsequent decreases in support from the extended family. In addition, while poverty has persisted, people have been increasingly exposed to consumerism and foreign goods. Given these circumstances, it is not surprising that a variety of non-marital sexual relationships with economic components are flourishing in the post-colonial era. Given the high rates of HIV in the country, non-monogamous sexual relationships have received a lot of attention. It is widely believed that incidence of commercial sex work is on the rise, the age of sex workers is decreasing, and that sex workers are transmitters of

² The National Council has addressed the issue on various occasions. Most recently, in 2005 the Standing Committee on Gender, Youth and Information investigated the plight of sex workers. The Committee report pointed to some of the advantages of decriminalisation, stating:

Many social scientists and reputed academics across the globe strongly believe that sex-work should be legalised. Highly respected British philosopher, late Sir Bertrand Russell in his "Marriage and Morals" suggested legalising and treating commercial sex-work as an important institution in the modern society. When this trade practices as an underground trade, it violates the right to life of vulnerable women who sell their flesh to survive. If it were legalised, the health authorities would monitor the health of sex-workers and protect their health and that of their clients. Moreover, this is a critical step to minimise the spread and impact of HIV/AIDS (National Council 2005:31).

When Committee Chairperson Sebastiaan Karupu presented the Committee findings to the full National Council, the suggestion was criticised and discussion of the issue was effectively shut down. See *The Namibian*, 8 December 2005 for details of the council meeting (Issacs 2005).

HIV. However, existing research has not determined how many women are engaged in commercial sex work, and as with other forms of exchange-sex, there is a lot of grey area regarding situations under which Namibians have sex for goods and money.

While some men are on the economic receiving end of sex-exchange relationships, overwhelmingly it is women who negotiate, barter and sell sex for economic gain in Namibia.³ Therefore, to gain a perspective on sex-exchange in Namibia, we need to examine the economic situation of women. Thirty-nine percent of urban and 44 percent of rural households are headed by women. Female-headed households tend to be the poorest of the poor because they become dependent on one income and child care conflicts with income-producing activities. Single mothers are often compelled to work in the informal sector or take low-paying, dead-end employment, such as the production of handicrafts and domestic work.⁴ Ipinge and LeBeau (2005) report that unemployment among women was 64 percent, noting that "[w]omen often take advantage of any income-generating activity available to them, regardless of risk or low profit turnover" and that "women and children have been found working in some of the most squalid circumstances in Namibia".

Many women shoulder the financial responsibility for their children, although their annual income is, on average, 50 percent less than what men earn. Securing child maintenance payments is notoriously difficult – men deny paternity, many men migrate and connections are lost, and it is difficult to determine men's income if they work in agriculture or the informal economy. In addition to these problems, the magistrates' courts are understaffed and are often located far from rural areas. Even if a mother is able to obtain a court order for maintenance, the average payment per child per month was N\$76 the last time it was calculated.⁵

The child support situation is complicated by the fact that many children are born to unwed mothers. Thirty-four percent of Namibian women have their first child before the age of 20, yet average age of first marriage is 26 (MoHSS 2000). This gap is attributed to the breakdown of 'traditional' sexual mores which in the past forbade premarital sex (Gockel-Frank 2007). It has been reported that in urban areas, some young men insist that their girlfriends prove their fertility by having a baby before they marry. Too often, the young woman finds herself abandoned after the baby is born. When the woman forms a new relationship, she is expected to have another child with her new partner and so on, only to be deserted by father after father (Pauli 2007). Her financial responsibilities grow with the number of children she bears, yet her ability to find employment and remain employed decreases due to increased childcare responsibilities.

From the above discussion it is clear that many Namibian women are at risk of exchanging sex for money. While "luxury" sex work does exist in Namibia, my research and the research conducted by LAC suggest that most of the sex workers in Namibia are engaging in "survival" sex work.

³ For a discussion of male sex workers in Windhoek see Lowray 2007.

⁴ Domestic workers in Windhoek tend to earn between N\$50 and N\$80 per day, which works out to about US \$7-11 per day.

⁵ This figure from ten years ago is the latest information available. There is no reason to believe that payments are much higher today.

3. METHODOLOGY

In 2006, I developed a questionnaire to explore the experiences of sex workers in Katutura, a former apartheid township on the outskirts of Windhoek which continues to be home to many impoverished Namibians. The questionnaire consisted of 54 open-ended, yes/no, and multiple choice questions. Quantitative data from the questionnaires was supplemented with qualitative in-depth interviews. I administered the questionnaire during 2006 to 62 girls and women at Stand Together (ST), a Katutura-based, non-profit organisation that offers spiritual teachings, food, clothing, and condoms to women who are or have been sex workers. The organisation is run by Father Hermann Klein-Hitpass, a liberal Catholic priest who has been advocating assistance to sex workers for over 20 years. The girls and women were interviewed on a voluntary basis during their visits to the Stand Together Centre. The interviews were conducted privately, although a translator was used when necessary. Given the fact that the interviewees lived only in Katutura and were involved with this organisation, it is important to note that the research sample does not represent Namibian sex workers in general. Nonetheless, I do believe that the findings will shed light on the difficulties faced by Namibian sex workers.

4. FINDINGS

The data from ST will be presented and compared to LAC's data. A chart detailing the major statistical differences can be found at the end of the section.

Baseline data

Primarily due to the intervention and economic aid provided by ST, 52 percent of the girls/women interviewed were no longer working as sex workers. The average age of the interviewees was 28 years old. The average age of those still working as sex workers was also 28 years old. The youngest interviewee was 12 years of age and the oldest woman was 44 years old. Eight of the interviewees (13 percent) were under the age of 18; however, none of these girls have engaged in sex work since becoming involved with ST.

Eighty-one percent of the girls/women spoke Nama/Damara as their first language. The other home languages were Afrikaans (15 percent) and Oshiwambo (5 percent). This differs from LAC's sample in which 47 percent of the interviewed sex workers spoke Nama/Damara as their first language, 34 percent spoke Afrikaans, and 7 percent Oshiwambo. This should not be interpreted to mean that most sex workers in Namibia are Nama/Damara or that there has been an increase in the Nama/Damara sex workers but rather that Nama/Damara speakers were overrepresented in both sample populations.

On average, the ST girls/women had attended school until the seventh grade (although four of the girls were still in school). None of the women in the ST sample or in LAC's sample had any tertiary education. The findings from both

studies suggest that their schooling had not adequately prepared them for the very competitive job market in Namibia and a constant refrain was that they needed jobs – any type of jobs. Some of the ST interviewees who had quit sex work engaged in unskilled, low-paying economic activities but most (71 percent) relied solely on Father Hermann for support. On average, they had been coming to ST for three and half years. Father Hermann distributes dietary staples to the girls/women at ST and sometimes gives them second-hand clothing sent from Germany. Yet, many of girls/women complained that the assistance was not enough to adequately feed themselves and their children.

This data supports LAC's findings regarding the reason why people become sex workers. LAC's respondents cited "financial reasons" (50 percent), "child support" (23 percent), "can't find other work" (18 percent) and "support other family members" (9 percent) as their reasons for engaging in sex work. The researchers concluded that, "...sex work was the last and often desperate choice for most of the respondents to earn money" (LAC 2002:89). However, engaging in sex work did not necessarily end the economic hardships of the girls/women at ST. On average, they reported earning N\$115 (\$19 US) a week. Many of the girls/women explained that they had sexual intercourse with their clients for as little as N\$10 (\$1.40 US) or N\$20 (\$2.85 US). They said that they accepted such small fees because they or their children were hungry. Again, because most of these girls/women worked in the impoverished community of Katutura, their earnings may be less than the average Namibian sex worker. LAC's research found (p.99) that "prices charged range anywhere between N\$50 to N\$300 per sex act. There are no fixed prices charged for any given act, but the average price per sex act can be tentatively estimated at N\$50 to N\$100".

Seventy-two percent of the ST interviewees had children; however, if the girls under the age of 18 are excluded from the data, the figure becomes 95 percent. The interviewees had, on average 2.8 children, with age at first birth averaging 19 years. This is two years younger than the national average and highlights the relationship between early childbearing and poverty (MoHSS 2000). Eighty-one percent of the ST interviewees' children lived with them, while the remaining children lived with a variety of kin (with the exception of one child who was living with the mother's friend because the mother was homeless). Only six percent of the children born to the ST interviewees lived with their fathers while an additional five percent lived with their fathers' extended family. Sixteen percent of the women lived with a male partner and 50 percent of those men were the fathers of at least one of the woman's children. The findings reveal that out of the 147 children born to the interviewees, only 6 percent were living together with both their biological mother and father.

The women in the ST sample had had, on average, children with two men. Seventy-three percent of the women were not receiving any support from the fathers. Despite this, only 25 percent of the women had taken the fathers to court for maintenance orders. When asked why they had not taken the men to court, a variety of answers were given. The most common reasons were that "he has nothing" (31 percent) and that they did not know where or who the father was (24 percent).

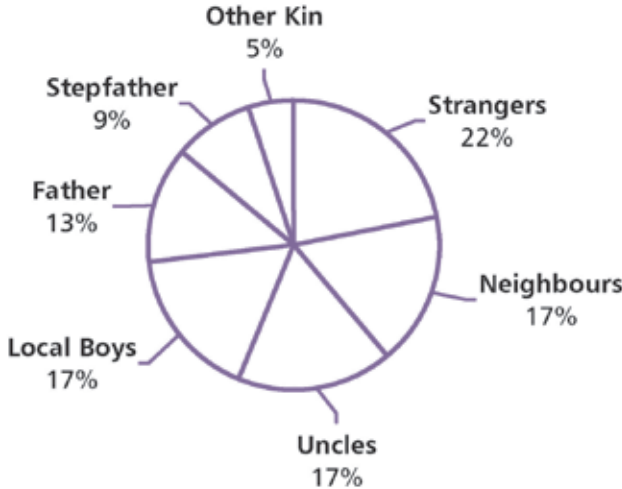
Interviewees' experiences with physical abuse, sexual abuse and rape

Physical abuse

Eighty-two percent of the girls/women had been physically abused as children (this data does not include childhood sexual abuse – see below). Of those who had suffered physical abuse, 37 percent were abused by their fathers, 37 percent by their mothers or both parents, and the remainder by their step-fathers (12 percent), sisters (10 percent), and other kin (4 percent).

This finding is particularly disturbing considering that only 15 percent of LAC's respondents had been physically abused. It is difficult to explain these differences because there is no baseline data on the incidence of physical child abuse in Namibia. Perhaps the girls/women at ST had a heightened sense of what constitutes abuse due to their exposure to the information or teachings from the organisation. Alternatively, it could relate to their socioeconomic environment. Jewkes et al (2007:167) reported that, "[r]esearch has shown that child abuse is more common in households which are economically disadvantaged, lack social support, or are located in communities with little community cohesion".

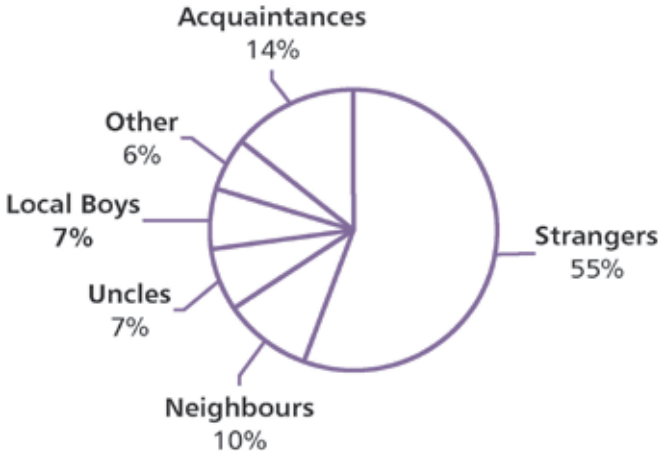
Chart 1: Who sexually abused you when you were a child?



Sexual abuse

Thirty-eight percent of the girls/women had been sexually abused as children. The data is illustrated in the chart on the right: of those who had been sexually abused, 22 percent were abused by strangers, 17 percent by neighbours, 17 percent by uncles, another 17 percent by local boys, 13 percent by their fathers, 9 percent by step-father, and the rest by other kin (5 percent). The average age of the onset of sexual abuse was, alarmingly, 11 years of age.

Chart 2: Who raped or attempted to rape you?



In a large study conducted by the World Health Organisation (WHO) in Windhoek, research revealed that sexual violence against young women is very high in Namibia. Twenty-one percent of the women aged 18 to 49 who participated in the research reported being sexually abused as children. This prevalence rate of child sexual abuse was the highest of all of the fifteen sites in their global study (Garcia-Moreno et al 2005). In addition, this study found that only 30 percent of girls who had sex before the age of 15 did so willingly; the other girls had been forced (30 percent) or coerced (38 percent) (MoHSS 2004).

As in the case of the data relating to physical abuse, there was a dramatically higher incidence of sexual abuse among the ST interviewees compared to LAC's sample in which only 16 percent of the sex workers reported being sexually abused as children. LAC's sample included women from areas outside of Windhoek, which may explain why their data had a lower prevalence rate than the WHO study but it does not explain why the ST interviewees had such a high prevalence rate. Again, they could have a higher awareness of what constitutes sexual abuse or they could have been at higher risk due to their socioeconomic environment.

Rape

Fifty-nine percent of the ST interviewees had been raped as children and another five percent had been the victims of attempted rape. The data is illustrated in the chart on the next page. Fifty-five percent of the rapists were strangers, while 14 percent were acquaintances, 10 percent were neighbours and 7 percent were local boys. Uncles (7 percent), fathers (2 percent), boyfriends (2 percent) and clients (2 percent) made up the remainder of the rapists.

On average, the girls/women were raped at the age of 15. Fifty-six percent of the victims went to the police. The reasons for not going to the police varied; 35 percent of the victims stated that there was no point in going to the police because they did not know the rapist, 24 percent stated that they were ashamed and 24 percent said that they told their parent/guardian but that the adult had decided not to take them to the police. Two victims reported that they did not go to the police because the rapist (father/uncle) was supporting the family. Of those cases reported to the police, 23 percent of the rapists were jailed but the victims often did not know for how long. In 68 percent of the cases reported to police the rapists were never found.

These findings differ dramatically from recent research conducted by LAC (LAC 2007). LAC examined more than 600 police dockets of rape cases and found that only 27% of the cases involved rape by strangers. The difference in these findings should be viewed with caution due to the socio-cultural problems associated with rape research. However, several interrelated factors may help explain why the ST girls/women were more vulnerable to rape by strangers. Whereas LAC's research rape dockets came from all over the country, as mentioned, all of the ST interviewees lived in Katutura which is a densely populated area with high unemployment rates and an inadequate infrastructure. Poverty, the lack of street lights and pavements and the presence of illegal shebeens [bars] combine to make sections of Katutura high crime areas. In addition, the prevalence rates of

physical and sexual abuse suffered by the ST interviewees suggest that their natal households were places to escape from – encouraging them to be in places, such as the streets or shebeens, where they would be at increased risk of rape.

Although the data suggests a high level of medical protocol concerning rape victims (Table 1), responses to further questioning suggest that either the girls/women may not have received all the medications they should have or at least were not aware of the purpose of the drugs. None of the respondents had heard of PEP (post-exposure prophylaxis for HIV), and only five percent of girls/women had heard of the morning-after pill.⁶

Table 1: Medical experiences when raped

Went to the hospital	80%
Rape kit performed	78%
Given tablets	80%

Physical and sexual abuse by clients and partners

“These two men took us to the veldt and after we had sex with them, they beat us and sprayed our eyes with pepper spray and left us to walk home. Our eyes are still hurting and that was two weeks ago.”

(a 27-year-old sex worker – the other woman with her was 7 months pregnant)

Fifty percent of respondents had been forced to have sex without a condom. These findings are significantly higher than those from LAC's research in which 5 percent of the respondents reported that clients refused to wear condoms. This is very worrisome given the fact that HIV prevalence in the country is estimated to be 20 percent (MoHSS 2006). The interviewees had a high awareness of HIV and knew about how the disease was transmitted and how to prevent transmission. When asked, "What is the most serious problem facing sex workers?", the majority of the ST interviewees (75 percent) cited HIV.

Fifty-six percent of the ST girls/women had been beaten by their clients, as compared to 18 percent of LAC's respondents who reported being beaten or abused by their clients. In addition, 14 percent of the ST interviewees stated that their biggest problem while engaging in sex work was not being paid by their clients. I heard report after report of girls/women being driven to the outskirts of town where they provided sex to the client, only to be thrown from the car without being paid, left to walk home penniless.

⁶ Since the discussion of rape here was in reference to childhood sexual abuse, it is not surprising that the sex workers did not receive PEP since this medication has been in use in Namibia for only a few years and is at the time of writing still in the process of being rolled out. However, it is disturbing that no sex workers had heard of PEP.

However, being victims of physical abuse was not something that they endured only from clients; 71 percent of the ST interviewees had been beaten by their boyfriends and/or husbands. Fifty-eight percent of the abused girls/women went to the police and that action resulted in jail time for the abuser in 35 percent of the cases. In contrast, 16 percent of LAC's respondents reported been beaten by their partners. Both of these finding differ from WHO's data which found that 31 percent of ever-partnered women reported having experienced physical violence from their partner (MoHSS 2004).

Sex work experiences

On average, the ST interviewees began sex work at the age of 16. Most of them worked in Katutura or in Windhoek and the majority of their clients were local men. However, 42 percent of the girls/women had had foreign clients.

The men came from a variety of countries; the girls/women sometimes knew that a client was a foreigner without knowing where the client was from. The most common response to the question "As a sex worker, did you ever have clients who were foreigners?" was "foreign truckers". This, of course, is of concern because long-distance truck drivers have long been associated with the spread of HIV. See the chart below for a breakdown of the foreign clients' countries of origin when known.

Compared to LAC's data regarding clients, there are two significant and disturbing differences: while 42 percent of the ST interviewees had foreign clients, LAC's sample reported that 24 percent of their clients were foreigners; furthermore, LAC's sex worker sample reported that only 6 percent of their clients were tourists while tourists account for 17 percent of ST interviewees' clients. The difference in these findings may be because of a significant increase in tourism between 2001 and 2006 (NTB 2007). It could also relate to the sample populations; sex workers in Windhoek would be more likely to have contact with foreigners due to the larger number of foreigners working in businesses and non-profit organisations and also because Windhoek is a starting point for many tourists travelling to game lodges, etc. However, if the difference in these findings is due to an increase in commercial sexual interaction between Namibian sex workers and foreigners, it is an issue that warrants further research.

Although trafficking of sex workers has not been reported as a serious problem in Namibia, Father Hermann believes that it is increasing. He reported

Chart 3: Country of origin of foreign clients



that he had knowledge of women being taken to China, Germany, and Iceland to engage in sex work. I interviewed one woman who had gone to Iceland with a fisherman who was working temporarily in Namibia. She explained that she had gone there as his girlfriend, but then had been forced to work in strip clubs and to “turn tricks”. Her “boyfriend” kept the money she earned and it was not until she attempted suicide that she was allowed to return to Namibia. She said that she met two other Namibian women in Iceland who had similar experiences.

None of my interviewees reported having pimps in the traditional sense of the word. This supports LAC’s findings (p.97) that “traditional “pimps” do not appear to play a large role in Namibian sex work”.

Interactions with police

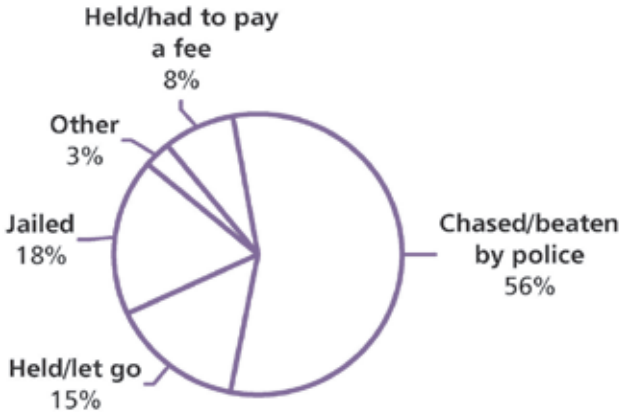
“The police chase us and beat us. Sometimes they force us to have sex with them and they don’t pay. Sometimes they lock us up and there is no one to look after our children. We have to pay to go home to our children.”

(two sex workers in their early twenties)

Forty-four percent of the girls/women had had trouble with police and 30 percent of them had been arrested, some for petty crimes but by and large their trouble with police stemmed from their engagement with sex work. The chart below provides a breakdown of their interactions.

These findings clearly suggest that Namibian police harass sex workers. The women reported being arrested and held for time periods varying from one day to two weeks without seeing a judge, and then being released. Many report being beaten by police. In addition, although it was not asked during the interview, several women claimed that they had been forced to have sex with police officers who threatened to arrest them. One woman reported having sex with a white police officer who, after their encounter, did not pay and took her to the police station to be arrested. The stories go on and on.

Chart 4: Interactions with police



Nine percent of LAC’s respondents reported being beaten by police, and 72 percent reported that their interaction with police were negative. The difference in these findings could be due to a variety or combination of variables: (1) police

violence against sex workers is increasing; (2) sex workers in Windhoek face more abuse from the police than in other parts of the country; and/or (3) political and public debate has increased awareness of the injustices faced by sex workers and this may make sex workers more willing to identify and speak about such abuse.

Interviewees' stance on regulation or decriminalisation

Seventy-four percent of the ST interviewees believed that selling sex is illegal in Namibia. In fact, it is not; solicitation is illegal (see Appendix A). Only one woman interviewed stated that she knew what solicitation meant (although this could be related to language because the word solicitation did not translate well into Nama/Damara).

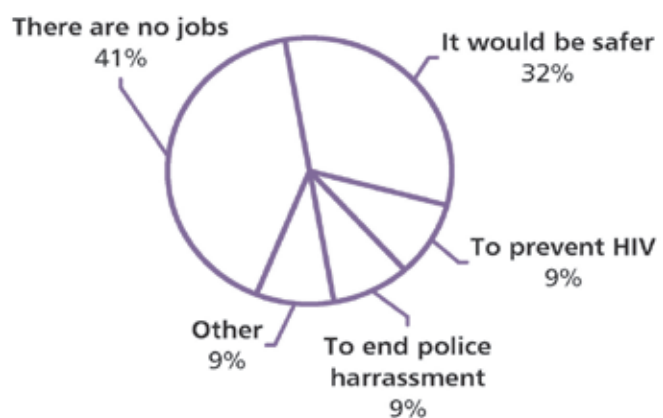
Eighty-seven percent of the ST interviewees believed that sex work should be made legal. This suggests a stronger support for legal reform than amongst the sex workers interviewed by LAC, of whom 67 percent would like to see the laws in Namibia changed to legalise sex work. LAC's research also included a telephone survey of the general public (who possessed landlines). The findings from this component of their research revealed that public support for decriminalisation is weak. Almost 70 percent of the surveyed general population believed that sex work should be illegal.

Chart 5 on the right details the ST interviewees' reasons for believing that sex work should be legal.

The LAC sex worker interviewees believed the law should be changed because: they need protection/security (49 percent); official law recognition (32 percent); only job available (10 percent); and various other reasons (10 percent).

Eighty percent of the ST sample believed that government should regulate sex work. The overwhelming reason for this belief was the assumption that this move would increase their personal safety (58 percent). They believed that if government regulated sex work they would be able to work from home or from a brothel rather than going to the streets to find clients. This was seen as safer than getting into the cars or going to the veldt or homes of their clients. The second most common reason cited for support of government regulation was that it would help to control the spread of HIV (22 percent), presumably because they would be better able to negotiate safer sex in a controlled environment. It is interesting to note that all of the reasons for changing the law relate to safety and lack of other economic opportunities. Not one of ST girls/women said that they want to change the laws to make sex work more profitable.

Chart 5: Why should sex work be legalised?



A comparison of data from ST and LAC research

The data from this research reinforces the finding from LAC's research that sex work in Namibia is a dangerous and undesirable occupation and may be becoming more so. It further suggests that ST sex workers suffered more physical and sexual abuse as children and as adults than sex workers in general. In addition, sex workers in Katutura are not making enough money to raise themselves or their children out of poverty.

Table 2: A comparison of ST statistics with LAC statistics

Issue	ST in 2006	LAC in 2001
Physically abused as a child	82%	15%
Sexually abused as a child	38%	16%
Client refused to wear condom / sex worker forced to have sex without a condom*	50%	5%
Beaten by their clients	56%	18%
Beaten by their partners	71%	16%
Percent of clients who were tourists	17%	6%
Percent who think sex work should be legalised	87%	67%

* The question posed by LAC "Client refused to wear a condom was different from the question asked at ST, "Have you ever been forced to have sex without a condom?" Thus, caution should be used when comparing the data. It may be that some ST sex workers were referring to being forced to have sex without a condom by their regular partners, a problem which also reported in the LAC study.

The fact that many of the ST sex workers have been forced to have unsafe sex is of great concern. Father Hermann reports that 75 percent of the girls/women who come to ST are HIV positive; thus, re-infection and transmission are at issue. However, because it is the clients who refuse to wear condoms or force women to have unsafe sex, they need to be targeted regarding HIV prevention, transmission, and re-infection. Studies which have focused exclusively on sex work have found that most sex workers are aware of their sexual health risks and know that using condoms decreases their chances of contracting or transmitting HIV (LeBeau 2006, LAC et al 2002). LeBeau's (2007) research revealed that sex workers who earn more money are able to demand condom use from their clients and/or partners, whereas impoverished sex workers who work in areas where there is high competition for clients are less likely to negotiate safer sex practices.

The demographic findings from the ST research differ slightly from of LAC's research. Of interest is the fact that only 6 percent of the LAC respondents were married or living with a male partner while 78 percent of respondents had dependants. Only sixteen percent of the ST interviewees were living with a male partner while 95 percent of the ST interviewees who were older than 18 years of age had dependants. Taken together these data suggest that being single and having dependants is a factor in deciding to engage in sex work. However, it could also be argued that sex work is not conducive to long-term relationships.

Another interesting difference in the data is the fact that while 10 percent of LAC's respondents were brought up by their biological mothers and fathers, only 6 percent of the children being raised by the ST interviewees were being raised by their biological mothers and fathers. Although the findings are from different questions ("family unit including both parents" versus "Do you live with a male partner?" and if so "Is he the father of your child/ren?"), they show that breakdown in the nuclear family is not a very recent phenomenon. There is only a 4 percent difference in the number of children being raised in the nuclear family, yet because the questions addressed the experiences of adults (from LAC's research) and the experiences of children today (from ST), the data spans a generation. This implies that the nuclear family may have been the exception rather than the rule for a significant period of time. Familial instability could be a contributing factor to poverty and thus, the need to engage in sex work.

The issue of underage sex workers is disturbing. Although it is impossible to determine if the age of sex workers is declining, about one third of LAC's sex worker respondents observed that they regularly saw child sex workers on the street and sometimes in some clubs. The girls/women at ST also reported that there are younger and younger children on the streets selling sex. They claim that many are encouraged by their parents to do so. All but one of my underage respondents had worked on the streets. The one girl who did not work on the streets explained that she lived with her grandmother and it was the grandmother who brought men into their home to have sex with her granddaughter. The grandmother kept the most of the money that the men paid for the girl's sexual services. As this girl's story suggests, young sex workers are at risk of exploitation on many levels and it would be safe to assume that their ability to negotiate safer sex is negligible. It is important to note that the proposals for decriminalisation of sex work relate only to adults and it would remain unlawful for adults have sex with children under age 16 who are more than three years their junior.

It is clear from the findings of my research and LAC's research that much could be done to improve the conditions of sex workers in Namibia. ST is the only organisation which focuses solely on helping sex workers. Also of concern is the fact that Father Herman is a unique individual and somewhat of a renegade within the Namibian Catholic Church. He is now aged and of ill health. It is unclear how long he will be able to maintain this organisation and it is unlikely that he will be replaced when he retires.

5. RECOMMENDATIONS

Specific recommendations can be made based on the data from the ST and LAC research:

- It is imperative that the Namibian government implement legislative reform to repeal the Combating of Immoral Practices Act of 1980. Sex work needs to be decriminalised and a public education campaign needs to be launched to educate the public and sex workers on the legal reform.

- Police and healthcare workers need to be sensitised to the rights and needs of sex workers.
- Women who want to quit sex work should have access to vocational training or further schooling. A support system should be developed to assist them with finding employment after they have obtained new skills or levels of education. Some of the ST women had completed vocational training courses but had not been assisted in finding employment. They would also benefit from training in interview skills.
- Sex workers need further information on the following subjects:
 - **HIV/AIDS:** In particular information about re-infection and PEP.
 - **Maintenance:** Some of the girls/women would benefit from assistance in filling out maintenance forms, and information about what to expect when initiating a maintenance case. Regular maintenance payment are an area of potential untapped economic support for sex workers and their children.
 - **Rape:** Their rights under the Combating of Rape Act 8 of 2000, and what to do if they are a victim of rape.
 - **Partner violence:** Their rights under new Combating of Domestic Violence Act of 2003, including the procedure for seeking protection orders.
 - **Safer sex work practices:** They would benefit from information about safety tips while doing sex work: working in pairs, having the partner write down the license plate number of the car (and letting the "catch" see that they have this information), what to look for in terms of danger (such as more than one man in the car) and how to protect themselves when clients become violent.
 - **Morning-after pill:** None of the ST interviewees had heard of the morning-after pill. It seems that only one woman was given this medication, despite several quite recent rapes. At least one woman became pregnant from a rape in 2005 and she was not offered the morning-after pill even though she went to the police and then to hospital immediately following the rape.
 - **Laws regarding sex work:** They need to know their rights and how to assert their rights regarding police harassment, beatings, and arrest.
 - **Ministry of Education policies regarding school fees:** Many of the women state that school fees are an obstacle in terms of sending their children to school. They need to know what they can do if a principal refuses their child schooling because of inability to pay school fees.
 - **Disability:** One woman was completely blind and others appear to be physically or mentally disabled. Disabled sex workers need to know their rights and how to apply for disability benefits.

6. CONCLUSION

The illegality of sex work in Namibia has not prevented its presence. Instead it has marginalised sex workers, putting them at risk of beating, harassment, and HIV. To address this issue, the government should decriminalise sex work and educate sex workers and the public about their rights. Decriminalisation could also empower sex workers to seek legal redress when forced to engage in a potentially life-threatening activity. Sex workers need to be able to report crimes committed against them to police. Given the poverty and the prevalence of HIV in this country, morality should not be standing in the way of the human rights, health, and dignity of its citizens.

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ANNEXURE A

The Combating of Immoral Practice Act makes it illegal to do the following things:

- **to solicit** or “make any proposals to any other person for immoral purposes” **in a public street or place**
- **to exhibit oneself in an indecent dress or manner in public view, or in any place which is open to the public**
- **to commit “any immoral act” with another person in public** (but not in private)
- **to keep a brothel**, which is defined as “any house or place kept or used for purposes of prostitution”
- **to “procure” any female to have unlawful carnal intercourse with another person, to become a prostitute, or to “become an inmate of a brothel”**
- **to entice a female to a brothel** for the purpose of prostitution, or to conceal a female who has been enticed to a brothel
- **to furnish information, or to perform any other act, aimed at assisting a male to have unlawful carnal intercourse with a female**
- **to knowingly live wholly or in part on the earnings of prostitution**
- **to assist** in bringing about “**the commission by any person of any immoral act with another person**”, or to receive any money for the commission of such an act
- **to detain a female against her will in a brothel**, or to otherwise detain her for the purposes of unlawful carnal intercourse with a male.

(from LAC 2002, and incorporating the impact of the 2002 *Hendricks* case)

ANNEXURE B

Sex Workers Searching for Legal Safety

"We are suffering!" This is the first thing Dorina¹ says when I ask her about her life as a sex worker.

She has been working as a sex worker since she was sixteen years old. She was being raised by her grandmother in Katutura but when her grandmother died of AIDS, she felt that she had no where to turn but to the streets. Dorina is now twenty-one and the harsh life she leads is beginning to show on her face. She looks old and tired but she is eager to tell her story so that "people will understand how hard it is for us". She complains that it is dangerous to work on the streets of Windhoek because of the police, violent clients, and HIV.

The police are a constant concern. Dorina has been harassed and beaten by them, and on more than one occasion, she has been forced to have sex with the police for free in order avoid being arrested. She has been arrested three times. Once she was held for several hours and then let go without explanation. Another time, she had to pay a "fine" before being released. Her third arrest earned her some time in prison but on her release she returned to sex work because she has "no other way to survive".

Dorina's clients come from all walks of life but they seem to have one thing in common – contempt for the very sex workers they frequent. She says it is not uncommon for men to drive her out to the veld for sex. After the act, they beat her, refuse to pay, and leave her to walk home empty-handed. She displays scars she has from being stabbed by her clients with knives and broken bottles. Once after being robbed and beaten by a client, Dorina went to the police. She says they threatened to arrest her and dismissed her claim of being victimised.

Even when the clients do pay, it is barely enough to buy food. The going rate for sex on the streets of Windhoek is N\$30 (about \$4US) but Dorina admits that when she is hungry, she has had sex for as little as N\$10.

She has also been forced to have unsafe sex and worries that she is HIV positive. Dorina hates doing sex work and warn girls to stay away from the streets. She does not believe that she will be able to leave the streets any time soon and feels trapped in a hopeless situation.

Dorina believes that sex work would be much safer if it was not illegal. She says that if she knew that she would be protected by the police, she could better negotiate safe sex and avoid being robbed and beaten by her clients.

Dorina's story is not unique. Many other sex workers told me about harassment, beatings, robberies, and rape. The current Combating of Immoral Practice Act has not prevented sex work from taking place. Instead it has marginalised sex workers, putting them at risk of beating, harassment, and HIV.

To address this issue, the Legal Assistance Centre is urging the government to decriminalise sex work and educate sex workers and the public about their rights.

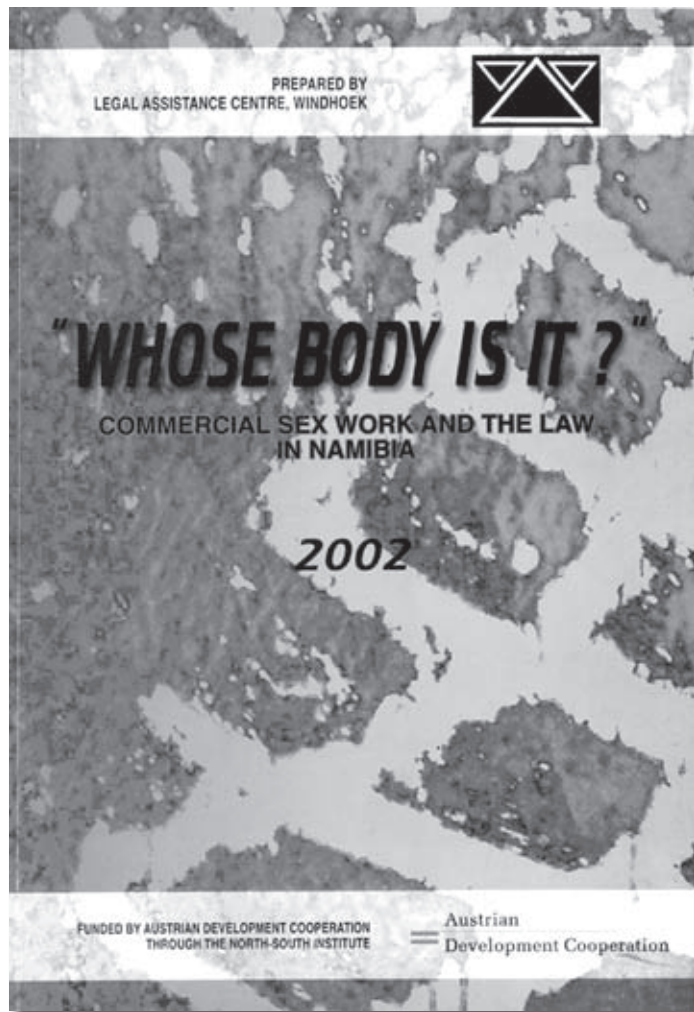
¹ Her name has been changed to protect her identity.

Decriminalisation could also empower sex workers to report crimes committed against them to the police and to seek legal redress when forced to engage in a potentially life-threatening activity.

Given the poverty and the prevalence of HIV in Namibia, morality should not be standing in the way of the human rights, health, and dignity of its citizens.

This profile was written by **Dr Suzanne LaFont**, based on the field research she conducted for the purposes of this publication.

The full text of the LAC study of sex workers, ***“Whose Body Is It?”: Commercial Sex Work and the Law in Namibia*** (2002), is available on the LAC website: www.lac/org.na.



The LAC has also produced a one-hour documentary on sex workers entitled ***Not a Life You Ask For*** (2002). Copies of this video can be rented or purchased at cost price from the Legal Assistance Centre.



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