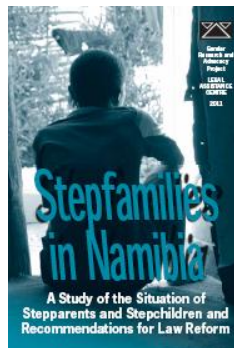


Release of report



Stepfamilies in Namibia: A Study of the Situation of Stepparents and Stepchildren and Recommendations for Law Reform



The Legal Assistance Centre is pleased to announce the release of a new report entitled “*Stepfamilies in Namibia: A Study of the Situation of Stepparents and Stepchildren and Recommendations for Law Reform*”.

Stepfamilies are common in Namibia yet little is known about the family dynamics, the situation of stepchildren and the legal implications. The number of stepfamilies in Namibia appears to be increasing – as a product of shifting demographic trends, the history of apartheid-era contract labour practices, informal polygamy, the impact of HIV/AIDS, a decrease in marriage rates and an increase in informal cohabitation relationships. But there are no laws in Namibia that govern the relationship between stepparents and stepchildren, who are essentially “legal strangers”. However, the stepparent relationship can have great importance for children, particularly if the stepparent is a primary caregiver.

***Stepfamilies in Namibia* explores the relationship between stepparents and stepchildren, with a particular focus on abuse, maintenance, inheritance and parental duties and responsibilities.** To our knowledge, this is the first published study in Namibia to explore the situation of stepfamilies and to offer an in-depth discussion of relevant law reform options, informed by the views of people in Namibia.

Research findings

The Legal Assistance Centre conducted a literature review and then interviewed 199 youth, adults and key informants from five different regions in focus groups discussions and individual interviews to hear what Namibians have to say on this issue. Our research focused on three key areas:

- the concepts of “stepparent” and “stepchild”;
- rights and responsibilities of stepparents towards their stepchildren; and
- problems facing stepchildren and stepparents.

The concepts of “stepparent” and “stepchild”

Focus group discussions and interviews revealed that participants perceive stepfamilies to be very common. Such relationships were identified in every region in which research was conducted. The research shows that people understand stepfamilies to involve situations where a parent lives with a partner who is not the biological parent of the partner’s child. Although some participants felt that a person only becomes a stepparent to a partner’s child upon marriage, most felt that stepfamilies also arise as a result of informal cohabitation relationships, which are common in most communities.

Rights and responsibilities of stepparents towards their stepchildren

Participants in every region strongly felt that stepparents have responsibilities to care for and support their stepchildren, although agreement was generally more pronounced amongst adult participants than youth. Many of the adult participants felt that when you enter into a relationship with a person who already has children, you must take them as “a package”. However, although there was wide agreement that stepparents *should* take responsibility for stepchildren even if they are not married to the biological parents, participants frequently indicated that this was not necessarily happening in their communities. Whilst this is by choice in some families, the lack of legal clarity means that some stepparents do not know how to formalise their relationship with their stepchildren.

"There is a strong tradition to care for stepchildren. It is a must. You just have to."

– adult participant in Khorixas

"Just because he is dating the mother,

her child is not his responsibility – what if he
has his own kids to take care of?"

– youth participant in Katutura

"Stepchildren are just like the biological children.
If you love the person, you accept the kids. It is a package."

– adult participant in Katutura

Problems facing stepchildren and stepparents

In every focus group, discrimination and abuse faced by stepchildren were raised as major problems. In particular, discriminatory treatment and neglect of stepchildren within the home emerged as the most frequently-mentioned area of concern. Examples cited included being subjected to an unequal and unreasonable burden of household work as compared to biological children, and being denied adequate food and other basic necessities and money. Participants emphasised how pervasive they think this problem is in their communities; some described stepchildren routinely being treated as “servants” and “slaves”.

Participants in every region also viewed stepchildren as being disproportionately vulnerable to physical, emotional, economic and sexual abuse – such as beatings and psychological abuse based on the child’s non-biological status. In particular, sexual abuse of stepdaughters by stepfathers was cited as a widespread problem throughout the country. As one participant said, *“if you make a mistake and bring a girl and the man is strong he will sleep with her [the stepdaughter]. It happens a lot”*.

Participants also shared their concerns about the challenges faced by both stepparents and stepchildren in attempting to adjust to a “troubling” and “uncomfortable” new family dynamic, and to communicate effectively with each other. Family conflict was perceived as a common problem, affecting children and adults like. Stepchildren were not the only ones who struggled with such relationships; many stepparents described problems with “disrespectful” and “disobedient” stepchildren, and some reported mistreatment and even physical abuse at the hands of their older stepchildren.

Should Namibia consider law reform?

Our research reveals that many countries have responded to the world-wide rise in stepfamilies, developing a range of laws that impose a range of rights and duties upon stepparents, to protect stepchildren and to give legal recognition to the relationship. ***Stepfamilies in Namibia* offers an extensive and in-depth comparative analysis of the laws governing stepfamilies in over a dozen different countries**, including the current legal situation in Namibia and neighbouring countries such as Botswana, Zimbabwe and South Africa.

The purpose of *Stepfamilies in Namibia* is to facilitate debate on whether Namibia should introduce law reforms to protect and promote stepfamily relationships. Based on our research with communities in Namibia, indications suggest that most are in favour of law reform. For example many of the participants supported imposing a legal duty of maintenance upon stepparents, with this duty being secondary to that of the biological parents. Many people also indicated support for a voluntary, easily accessible legal process that would allow stepparents to acquire parental rights and responsibilities and therefore legally formalise their relationship with their stepchildren.

Recommendations from the study

Guided by the range of opinions gathered during our nation-wide study, and by the overarching goal of promoting and protecting the best interests of children and families, the Legal Assistance Centre makes the following key recommendations:

1. Parental rights and responsibilities

- Stepparents should be able to apply to children's courts for court orders for sole or joint custody, guardianship and access in appropriate cases, with due regard to the rights of both biological parents.
- When a parent and a stepparent are divorcing, the court should have clear power to make orders pertaining to stepparent and stepchild, with due regard to the rights of the child's other biological parent.

2. Maintenance

- The government should consider imposing a duty of maintenance on stepparents who are or were formally married to the biological parent of a child, where the stepparent has treated the stepchild as a child of the family. This duty should be secondary to that of the child's biological parents.
- If such a duty of maintenance is imposed, the duty should be balanced with a reciprocal duty on the stepchild to maintain elderly or ill stepparents in appropriate cases.
- Statutory schemes designed to protect dependants should include stepchildren in their definition of family where relevant – for example, the Motor Vehicle Accident Fund Act 10 of 2007 should be amended in this regard.

3. Inheritance

- Stepchildren should be able to apply for maintenance from an estate in the same manner as other children if the stepchildren were actually dependent on the deceased.

4. Abuse

- Stepparents should have a legal duty to safeguard their stepchildren.

5. Services

Relevant stakeholders should:

- expand public education and outreach on the vulnerability of stepchildren to domestic violence, sexual abuse and neglect;
- publicise relevant laws, services and resources available to assist children suffering mistreatment, abuse or neglect;
- expand and develop counselling services and support groups for stepfamilies; and
- sensitise community workers, counsellors and social workers to the challenges faced by stepfamilies, and particularly by stepchildren.

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I am so happy because I grew up with my stepfather. He was there whenever I needed him. I still communicate with my real father, we are good because I believe if not for him I would not have been in this world. For that I am grateful. My stepfather took my mother in with her 5 kids and has 2 with my mom in the marriage and he does not make any differences between us, he is a father to all of us. Thanks god for a wonderful dad in our life.

youth participant in Keetmanshoop

My husband left me for another woman and is not paying anything. He left me and the children and won' t help with the school fees. He is supporting his new stepchildren [the kids of his new girlfriend].

adult participant in Katutura

[My friend' s] father got married to a new woman when her mother passed away, when she was only 10 years of age. Her stepmother always makes her cry and she misses her dead mother very much. [Her stepmother] always makes her do all the house cleaning, cooking and washing clothes, even the cars at some points. She shouts at her like a mad person from hell, especially if her elder sisters are not around.

youth participant in Katima Mulilo

You are automatically a stepchild even if they are not married, because there is increased prevalence of cohabitation, and it is widely accepted.

social worker in Windhoek

There is a strong tradition to care for stepchildren. It is a must. You just have to.

adult participant in Khorixas