

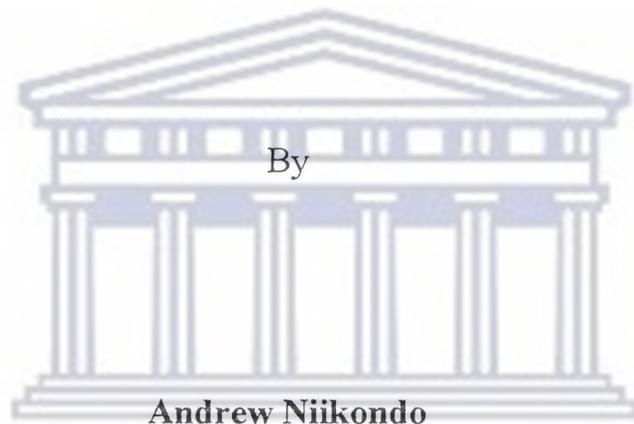
**Women And Child Abuse In Namibia: A Case
Study Of Oshana And Oshikoto Regions**

Andrew Niikondo



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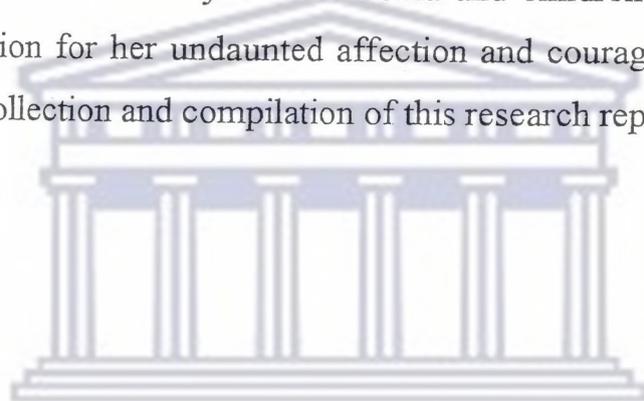
A Research Report submitted in partial fulfillment for the requirements for the Degree Masters Public Administration in the Faculty of Economic and Management Science, School of Government, University of the Western Cape.

Supervisor: Prof. Ingrid Lisa Thompson

15 October 2001

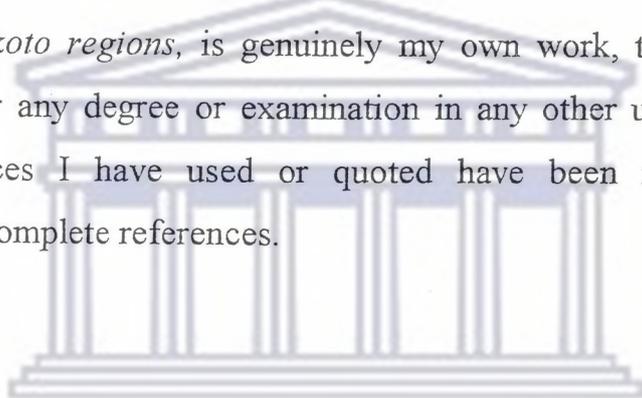
Dedication

I dedicate this whole work to my wife Jacobina and children as a token of symbolic appreciation for her undaunted affection and courage she devoted on me during the collection and compilation of this research report.



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I declare that, *Women and Child Abuse in Namibia: The Case Study of Oshana and Oshikoto regions*, is genuinely my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

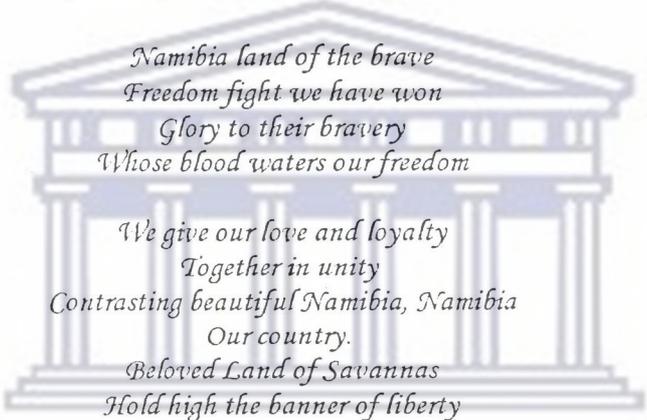


Full Name.....Date.....

Signature.....

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NAMIBIAN NATIONAL ANTHEM



*Namibia land of the brave
Freedom fight we have won
Glory to their bravery
Whose blood waters our freedom*

*We give our love and loyalty
Together in unity
Contrasting beautiful Namibia, Namibia
Our country.
Beloved Land of Savannas
Hold high the banner of liberty*

*Namibia, our country
Namibia, our mother land
We love thee.*

*UNIVERSITY of the
WESTERN CAPE*

NB: (Two verses only)

ORGANIZATION OF AFRICAN UNITY ANTHEM
LET US ALL UNITE

*Let us all unite and celebrate together
The victories won for our liberation
Let us dedicate ourselves to rise together
To defend our liberation and unity*

*O' Sons and daughters of Africa
Flesh of the sun and flesh of the sky
Let us make Africa the tree of life.*

*Let us unite and sing together
To uphold the bonds that frame our destiny
Let us dedicate ourselves to fight together
For lasting peace and justice on earth.*

*O' Sons and daughters of Africa
Flesh of the sun and flesh of the sky
Let us make Africa the tree of life.*

*Let us unite and work together
To uphold the right and fight the cause of freedom
Let us dedicate ourselves to work together
To build up our strength in unity and in peace.*

*O' Sons and daughters of Africa
Flesh of the sun and flesh of the sky
Let us make Africa the tree of life.
Let us unite to toil together*

*To give the best we have to Africa
The cradle of mankind and fount of culture
On pride and break of dawn.*

*O' Sons and daughters of Africa
Flesh of the sun and flesh of the sky
Let us make Africa the tree of life.*

*Let us unite to toil together
To give the best we have to Africa
The cradle of mankind and fount of culture
On pride and break of dawn.*

*O' Sons and daughters of Africa
Flesh of the sun and flesh of the sky
Let us make Africa the tree of life.*

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Acknowledgements

This research paper is a product of various opinions and contributions of different people and institutions that deserve to be sincerely appreciated. The complete gratitude is primarily addressed to my Supervisor Prof. Ingrid Lisa Thompson for consistent and courageous guidance that makes this research report a success. I would also like to express much gratitude to the office of the Governor of Oshana region, which has unequivocally permitted this research to take place in that region, the Legal Assistance Centre in Ongwediva and the Ondonga Traditional Authority.

The Headman of the following villages: Olukonda, Oshuushe, Onainghundundu, Ongenga, Ehangano, Ombili, Onalulago, Oneputa, Ongula and Oshitayi are also greatly thanked for their huge support and contributions to this research.

Other individuals such as men and women of Onatsi village and teachers from Okashandja Primary School, Ms Shilunga of the regional office of the Ministry of Women Affairs and Child Welfare in Oshakati, Mrs. Eunice Ipinge, the Co-coordinator of the gender research unit (University of Namibia), the focal point of the Ministry of Agriculture Water and Rural Development are appreciated for their kind co-operation in accepting my interrupting appointments. Finally, I would love to praise my wife Jacobina for her constructive encouragements and suggestions to this research, the University of the Western Cape Writing Center and Linda Cape for proof reading it.

Acronyms used in this report

AIDS	Acquired Immune Deficiency Syndrome
CCN	Council of Churches in Namibia
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
DLA	Directorate of Legal Aid
DWA	Department of Women Affairs
ECD	Early Childhood Development
FAO	Food and Agricultural Organization
FAWE	Forum for African Women Educationalists
FAWENA	Forum for African Women Educationalists in Namibia
ILO	International Labour Organization
HIV	Human Immune Virus
LAC	Legal Assistance Centre
MAWRD	Ministry of Agriculture Water and Rural Development
MBEC	Ministry of Basic Education and Culture
MOD	Ministry of Defense
MOHSS	Ministry of Health and Social Services
n.d.	No date
NDF	Namibia Defense Force
NGO	Non Governmental Organization
NGP	National Gender Policy
NGPA	National Gender Plan of Africa
NID	Namibia Institute of Democracy
PHC	Primary Health Care
SADC	Southern Africa Development Community

STDs	Sexually Transmitted Diseases
UNAM	University of Namibia
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WCPU	Women and Child Protection Unit
WHO	World Health Organization



ABSTRACT

WOMEN AND CHILD ABUSE IN NAMIBIA: THE CASE STUDY OF OSHANA AND OSHIKOTO REGIONS.

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The Namibian women and children experienced high rates of abuse. The government made positive strides to prevent and curb the increase of the problem. This study is about this government's intervention with specific focus on the National Gender Policy (NGP) of 1997. The paper assesses and evaluates the policy strategies intended to alleviate the problem, and moreover, examines the intent of the existing implementation mechanisms. The study covers primarily all the events that took place before the initiation of the policy, including the rationale behind its constitution, and goes on to research the effectiveness of the policy on women and child abuse in Namibia. The role of the Ministry of Women Affairs and Child Welfare, the Legal Assistance Centers, and the Women and Child Abuse Protection Units as implementers is specifically highlighted. Oshana and Oshikoto regions are used as case studies. The main findings of the report indicate that current laws are not strong enough to prevent women and child abuse in Namibia.

CHAPTER I

INTRODUCTION

Prior to and following Namibia's Independence in 1990, women and children were frequently subjected to distressing abuse. During 1997, the Namibian government through the Department of Women Affairs (DWA) took serious measures in relation to the abuse of women and children and hence brought into being the National Gender Policy and its National Gender Plan of Action to address the status quo. The policy comprises of the following major areas of concern, viz: Violence Against Women and Children, Gender, Poverty and Rural Development, Gender and Reproductive Health, Gender Balance in Education and Training, Gender and Economic Empowerment, Gender Balance in Power and Decision Making, Information Education and Communication, Gender and the Management of the Environment, The Girl Child, Gender and Legal Affairs and the Monitoring Mechanisms.

Although this paper will examine the ways in which Namibia's NGP has improved the situation of women by looking specifically at gender and child related violence and crime¹ as a main focus, it has selected "violence against women and children in Namibia" as an area of study. The purpose for this is to reach an analysis that strikes at the root of the problem. The paper will furthermore discuss weaknesses, strengths, limitations, challenges and successes of current laws that protect women and children against violence, as well as the National Gender Policy of 1997.

Statement of the problem

Violence against women and children in Namibia is increasing at an alarming rate. Married and unmarried women equally, suffer the same fate of horrible tortures perpetrated by husbands, boyfriends or other men. According to Maletsky (1999: 3), "one woman is raped every hour in Namibia however only one in 20 cases is reported to the Police." Various horrific examples attest to the tangible reality of this problem and can be

cited here. In February 1997 alone the article "5 women brutally attacked"² (1997: 1) indicated that:

"Five cases of rape were reported to the police over the weekend. In one particularly horrific incident a 23-year-old woman was gang raped by six men at Block B, Rehoboth. In Katutura a man attempted to strangle a woman, then put a sack over her head before raping her. A woman was allegedly forced into a taxi and raped in Soweto, Katutura. The brutal assault took place in the so-called Damara section. A woman was raped next to a road near Okahandja. In addition, an 18-year-old woman was raped at Maltahohe," (The Namibian; 1997:1).

Apart from these cases there are more horrific examples of women and children abuse in Namibia which among others are: 24 year-old final year Personnel Management student died after sustaining 13 stab and cut wounds when her boyfriend attacked her with a Kapi pocket knife outside her room on the Polytechnic campus in Windhoek. In Swakopmund, a husband killed his wife in 1998, dismembering her body he cooked some parts and threw the rest into the sea. Another man in Windhoek made his girlfriend permanently blind when following a short quarrel, threw her down and stabbed his fingers into her eyes until the blood poured out.

Series of serious abuse against children have also been reported to the police. Some examples are: (a) of a 25 year old man, who raped a 2 year old toddler at Omutsegonime village in Oshikoto region, and (b) of a 25 year old man, a hostel father at a special school for deaf and blind children in Khomasdal that sodomised at least six young boys and raped two minor girls. The eldest of those abused was a 12-year-old boy while the rest were all under the age of twelve. NB

The motivating factors behind these horrible incidents are still unexplored and they are beyond the scope of this paper. By the same token, the reason why government policies, laws and other mechanisms specially put in place to deal with the status quo, still fail to make a distinguishable improvement is not clear.

¹ See the statement of the problem whereby the research question is introduced.

² The article '5 women brutally attacked' was published in 'The Namibian' on February 4, 1997.

In addition, Namibia is a nation with a broad cultural diversity based on tribal norms and taboos. Some of these cultural dynamics facilitate women abuse, based on customary laws. A classical example, the Kwanyama tribal norms, encourage men to beat up their wives, as cultural belief indicates that beating a wife is a token of men expressing their love and devotion. Authenticity of any couple's love is merely acceptable within the community once the husband has been seen beating his wife.

The government endeavoured to rectify certain traditional and cultural practices that undermine women human rights. For example, in 1998 the Traditional Authority Act was enacted to amend wrongs associated with traditional and cultural practices of maltreating women, for the sake of being a woman. The National Gender Policy and other measures have also been put into effect as national guidelines toward gender reform. Despite all these efforts, women and children are still suffering at the hands of their male counterparts in Namibia.

Apart from promulgation of laws and policies the government has established executive mechanisms to secure optimal implementation of these laws, e.g. the Women and Child Abuse Protection Units. In its report for the Convention on the Elimination of all forms of Discrimination Against Woman (CEDAW) of 1995, the government explains that:

“After extensive consultations between the Namibian Police, UNICEF and a range of community groups, a women and child abuse center was established at the Katutura hospital in Windhoek in 1993. The purpose of this center is to provide a sensitive and integrated response to victims of rape and abuse, including domestic violence and child sexual abuse. At the center a victim can lay a charge with a specially trained officer, undergo a medical examination and be referred to a social worker or to appropriate counseling groups. Similar centers were established in Oshakati and Keetmanshop in 1994.”

Seven years after the establishment of these centres and ten years after Namibia's independence, the impact of government efforts, especially concerning violence against women and children in Namibia encountered problems. Underlying deficiency might exist within the operational strategies of the established mechanisms or, in case of the centers, understaffing and lack of funds could be the undermining factors. Seemingly, the

existing mechanisms lack additional information services and networks. Valk explains that:

“Women have collected and exchanged knowledge and information since the beginning of history. However, it is only in this century that the centers have been set up for the specific purpose of collecting and documenting what has come to be known as women ‘s information”, (Valk et al; 1999:23).

With reference to the arguments of Valk et al (1999), the author of this paper came to note the urgent need that exists to reinforce the Women and Child Protection Units in Namibia with, for example:

- women’s documentation and research centres connected to the University of Namibia (UNAM),
- specific gender information available from NGOs and organisations,
- resource centres and libraries in which women’s information is collected in addition to other subjects,
- women’s magazines, news agencies, radio or television broadcasts which function as a focal tool to distribute women’s information in Namibia, especially to the rural areas.

Whereas government efforts to cater optimally for gender issues in Namibia, which include basic needs, education and freedom from domestic and civil violence on women and their communities, have so far not reached the ideal objective. Therefore the central theme of this study is set to answer the following research question: To what degree has the National Gender Policy on women and child abuse been effective in Namibia? Oshana and Oshikoto regions were used as the case studies.³

Terms of references

Information provided for this research has been obtained from various sources in Namibia such as Oshana Regional Office of Women Affairs, UNAM Gender Research Units, Ondonga Traditional Authority, various headmen from Oshana and Oshikoto

regions, the Women and Child Protection Unit in Oshakati and the Legal Assistance Centre in Ongwediva (Oshana region)

There are also various secondary sources such as the National Gender Policy, Namibia's report for the Convention on the Elimination of all forms of Discrimination Against Women, the Constitution of the Republic of Namibia and other sources as reflected in the references at the conclusion of this research.

Scope

The structure of this research paper consists of six chapters entitled as follows:

- Chapter One: Introduction.
- Chapter Two: Background to the National Gender Policy 1990 – 1997.
- Chapter Three: The National Gender Policy.
- Chapter Four: Implementation of the National Gender Policy.
- Chapter Five: Case study: Oshana and Oshikoto Regions.
- Chapter 6: Conclusions and Recommendations.

Objectives of the study

The objectives of the study are:

- To examine the nature and scope of the National Gender Policy and other compatible laws.
- To assess the implementation of the National Gender Policy, especially in the rural areas, making use of Oshana and Oshikoto as case regions.
- To identify the strengths or weaknesses in the implementation of the National Gender Policy.

³ For the reason why the researcher used these two regions as a case study see (page 6) subsection 'methodological concern'.

- To recommend implementation measures for the National Gender Policy to improve the state of affairs.

Research Methodology

Study Area

The study has taken place among the Ondonga, Kwambi and Kwanyama speaking communities living in the Oshana and Oshikoto regions of northern Namibia.

Interviews have been conducted in towns such as Ongwediva, Ondangwa, Oshakati, Oniipa and Omuthiya in the Oshana and Oshikoto regions. The exercise has also been extended further afield to remote rural villages where many people are living. The following people have been interviewed: councilors, headmen, countrymen and women, professionals such as teachers, nurses, pastors and clerks in various offices.

Methodological Concern:

For practical reasons the researcher makes use of Oshana and Oshikoto regions as a case study because of: (a) the high population density in these regions; (b) the researcher's familiarity with the traditional culture and the local Oshiwambo language in which the interviews should be conducted. However, the result of this research cannot represent the situation in the south and east of Namibia with the limitation of representativeness.

Methods

Both qualitative and quantitative methods have been used. Data was collected by means of personal interviews, observations and life experiences. Various newspapers, books and periodicals reflecting issues with information relevant to the topic of this study have been used.

Significance of the study

The study is intended:

- To enable Policy makers to review and amend the existing National Gender Policy and Policies and laws intended to deal with violence against women and children in Namibia.
- To reveal aspects which have never been researched before with regard to violence against women and children in Namibia.
- To enable prospective researchers to make use of it as a starting point for further research on the same or relevant topics.

Literature Review

Women and child abuse is a new aspect in the field of study in Namibia. Prior to Namibia's independence in 1990, writers and researchers focused more on the war and political situation, hence the concept of women and child abuse did not receive much attention. Therefore this report will embrace relevant views and references of writers and researchers outside of Namibia.

Women and children in Namibia live in a world of consistent fear of violence and abuse. Most incidences of abuse bear traditional and cultural connotations. Stanko et al (1993) furnishes reliable distinctions of the different types of violence that women experience that, "some men sexually assault, some batter, some commit childhood sexual abuse and intimidation or incest, some sexually harass, some make obscene phone calls and some even murder." These incidences are not rare in Namibia. Mohammed et al (1999:21) also refers to prostitution as an offence in Namibia, still there is no law that prohibits prostitution practices, however it also forms part of women abuse as some minor girls could be sexually abused through prostitution.

It is some people's arguments that women are also abusers and therefore women in Namibia equally abuse men. Dekeseredy (1998:66) agreed that there truly are some men who are physically harmed in attacks by women. There is therefore no question that even

if men commit 95% of all violence, it means that there are a number of men being violently attacked by women, i.e. 5%. However little information is recorded about these men. Implying that most men claimed to be battered by women had not been injured. Counselors in hospitals, police officers at the Women and Child Protection Units as well as village headmen vouch with absolute truth that the larger numbers of abused people they attend to are predominantly women and children, rather than men.

Poverty and unemployment is often used as a reason for violence more specifically domestic violence. When a man is made redundant, family problems may start to escalate. Abrahams (2000:43) puts it that "women in Namibia are discouraged from pushing too far with their careers as they believe that most men feel uncomfortable in the presence of educated women. They do not easily associate with women who are intellectually, academically or are employed at the same level as they are." Most men in Namibia believe it is an insult to their masculinity for an unemployed, uneducated or less salaried man to marry a woman that is highly educated, salaried or employed at a managerial level. It is their perception that such a woman will dominate her husband for the rest of his life.

Deckseredy et al (1998:294) put it that because the source of masculine identity was located in the breadwinner role, men were understood to suffer a profound psychological loss on becoming unemployed. They become stressed and frustrated not only by the condition of unemployment per se, but also because of its attached consequences on their masculine identity. Apart from this, inheritance problems as part of violence against women and children in Namibia cannot be ignored at this stage. Mohammed (2000:65) explains that in some families when a husband dies, the wife is sent away from her home to return to her family. However it was not explained as to what would happen should the wife dies.

In his male dominated train of thought, Adei (2000) offers a broad summary of most male perspectives toward gender issues in general that, presently can observe the following groups emerging among men:

- The perspective of politicians, leaders etc. who are increasingly finding it politically correct to support, at least in the open, gender empowerment.
- The International organizations, most of them being headed by men, which are at the fore front in pursuing gender equality for social, economic and even politically correct reasons.
- There are many men, though in the minority, even in the developed world, who truly believe that it is socially right and moreover makes sense to strive for gender empowerment.
- A category of male workers who feel disadvantaged. They have to compete with women some of which they believe are being given undue advantages, more especially through affirmative action policy.
- Then, there is a group of men, call them traditionalists, macho-men, male chauvinists, with the belief that gender business is 'nonsense' and must not be encouraged.
- The category of males whose reaction is deadly. They are seen as frustrated, confused men, who are increasingly becoming extremely violent – raping, murdering and in many cases abusing women, (Adei, 2000:95)

Is the National Gender Policy really effective in changing the categories of males placing them into a group that is more responsible and free of violence? With reference to various perspectives and views from the literature review, this research has found its way of departure to evaluate the effectiveness of the National Gender Policy in a society of cultural and traditional diversity.

Definition of Major Terms / Concepts

a) Child abuse

This concept has connotations similar to those of women abuse. Both women and children suffer the same physical and emotional abuse. However, child abuse differs slightly from women abuse in the sense that women are just abused by men, while a child can be a victim of abuse from both men and women. Gillis (1994:142) defines child abuse as:

‘The intentional infliction of physical injury or emotional harm to a child, or the intentional hindering of a child’s optimal development by a parent or custodian, by failing to provide the necessary conditions for this development.’

Child abuse in this regard includes, rape, battering, starvation, prevention from schooling, and molestation.

b) Gender

'A culturally shaped group of attitudes and behaviors given to the female or to the male.' (Humm; 1995:106).

c) Injunction

An "injunction" is a judicial order retaining a person from an act or compelling redress to an injured part (Thompson; 1995:700).

d) Matrilineal

"Based on kinship with the mother or the female line," (It's opposite 'patrilineal'). (Thompson; 1995:841).

e) Patriarchy

"A system of male authority which oppresses women through its social, political and economic institutions,"(Humm; 1995:200).

f) Polygamy

"Having more than one wife or husband at the same time," (Thompson; 1995:1059).

g) Rape

According to Grandison et al (1993:1108) 'rape' refers to "the offence of forcing a person, especially a woman, to submit to sexual intercourse against that person's will." Ussher et al (1993: 176) define rape in four major examples as follows:

- i) *Compensatory*: Here the motivation for the offence is primarily sex. The offender is just looking for sexual gratification from the victim and generally only uses as much force as he can to achieve that goal. Offenders of that type might have social / sexual relationship difficulties, which have resulted in normal sexual relationships being difficult for them to achieve.
- ii) *Displaced aggression*: in this context the offender is motivated by anger or hatred, the sexual aspect of the offence being simply a means of hurting or degrading the victim.

- iii) *Sadistic*: The motivation for the offence here is sexual however the offender derives sexual gratification by inflicting pain and fear on the victim. The offender uses more violence to achieve sexual acts.
- iv) *Impulsive / opportunistic*: These offenders have histories typical of various forms of anti-social behaviors to obtain sex by force. This is another example of a generally impulsive and delinquent life-style. Sex offences are often committed during some other activity such as burglary or non-sexual violence.

h) Sex

“The feminist theory defines ‘sex’ only as the biology of a person whether he or she is anatomically male or female,” (Humm; 1995:265)

i) Violence against women and children

This concept refers to women and child abuse and its definition is exactly similar to that of the concepts "women and child abuse" discussed above.

j). Women abuse

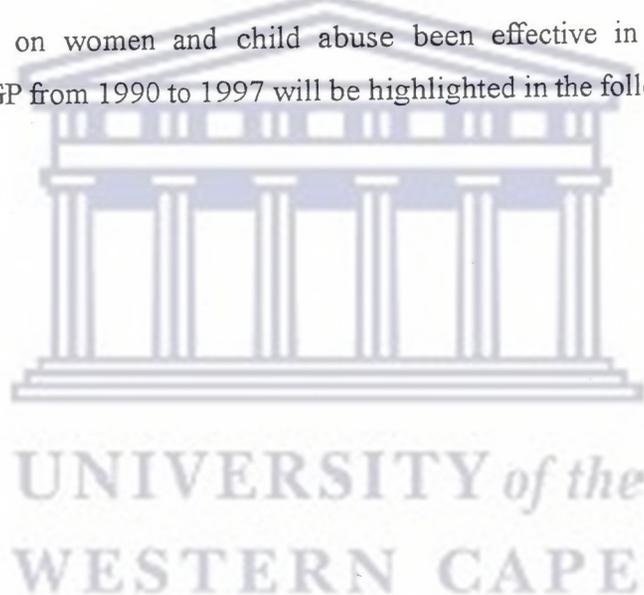
The concept women abuse refers to all physical and psychological violence against women by men. Hanmer et al (as quoted by Stanko & Radford; 1996:66) defined the concept ‘women abuse’ in a form of any men’s violence, sexual violence, rape, incest sexual abuse of women and children, women battering, woman slaughter, women killing, sexual terrorism, outrage, unspeakable horror etc.

k) Women's emancipation

According to Humm (1995:77) “ the theories of emancipation depend on a belief that the position of women can change within the existing framework of society, where theories of women’s liberation involve transforming the social framework itself.”

Summary

This chapter introduces the general background to the problem pertaining to women and child abuse in Namibia. It reflects the statement of the problem and the research question that induces the necessity for research of this nature, particularly for this research. Terms of references and scope were given, the objectives of the study, research methodology, significance of the study as well as the definitions of major terms/concepts were highlighted. The unit of analysis for this research report was introduced as the National Gender Policy (NGP) of 1997 and the research question or hypothesis being: To what extent has the NGP on women and child abuse been effective in Namibia? The background to the NGP from 1990 to 1997 will be highlighted in the following chapter.



CHAPTER II

BACKGROUND TO THE NATIONAL GENDER POLICY

The National Gender Policy is a major component of the government's endeavor geared to address gender related issues in Namibia. Most of the outrageous gender issues in Namibia are products of a disgraceful colonial history characterised by abhorrent practices of racial, sexual, social and economic discrimination. Democracy, as part of Namibia's history, was born just after independence in 1990. The Constitution of Namibia is now amongst the most democratic and liberal constitutions in the world. Fortunately, the new government has not taken this glory for granted as an ultimate achievement, but it has also taken into account measures of introducing various strategies, policies and laws that would redress the imbalances. One of the major challenges that the government has been faced with since independence is the alleviation of gender inequalities and women's inferiority within the Namibian communities. It is therefore against this background that the government had introduced a National Gender Policy (NGP) embedded in the sphere of influence of international, regional and national instruments to be discussed in the following subheadings.

International instruments

At an international level the National Gender Policy framework and strategy has been largely influenced by: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Beijing Platform of Action.

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

The United Nations General Assembly adopted CEDAW on 18 December 1979 and it came into force as an International Treaty on 3 September 1989. It was unanimously approved by all member states of the United Nations Organisation. Namibia ratified this

convention in 1992 in accordance with the constitution, which involves in its provisions the principles of equality between men and women. As the constitution is a broad document, the government had introduced the National Gender Policy to break down the CEDAW model into the Namibian context. According to article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (1979: 5)

State parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and immediately a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.
- e) To take all appropriate measures to eliminate discrimination against women by any person organization or enterprise.
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women.
- g) To repeal all national penal provisions which constitute discrimination against women.”

The CEDAW principles have revitalised and consolidated government efforts intended to undo the inherited situation of discrimination and violence against women and children in Namibia. Women were treated as minors and their role in society was one of subordination or servitude. Their human rights were neither protected nor recognised by previous laws and policies and thus they became more vulnerable to any violence perpetrated against them by men. Colonial, apartheid laws and policies were supplemented by cultural and traditional norms, which could encourage women abuse

and other domestic violence as a normal practice. Seymour (1970:204) explains that 'in original Bantu law, a woman was in a state of perpetual tutelage. Before her marriage, her father or heir was her guardian, and after her marriage, her husband became her guardian and she did not have the right to inherit the common kraal if the husband died unless she became the ward of her husband's heir.'

Most cases of violence against women were heard in Traditional courts presided by headmen and never headwomen. Abused women were on most occasions forced or convinced through the verdict of the Traditional Courts to accept evil actions of violence perpetrated against them by male partners. These practices have caused women in Namibia to distrust any court of law and conditioned them to stomach crimes perpetrated against them. Therefore, the government has intervened by incorporating gender sensitivity measures into an overall National Gender Policy geared for facilitating optimum implementation of the CEDAW set principles at all levels of public and private institutions.

The Beijing Platform of Action

The Beijing Platform of Action was a milestone in the development of the National Gender Policy in Namibia. It is upon this framework that the National Gender Policy and National Gender Plan of Action have been structured. The Beijing Platform for Action was an outcome of the Fourth World Conference on women held in Beijing in 1995, to identify international gender areas of concern and to globalise solutions for gender related issues. Namibia sent a substantial delegation of 30⁴ women from public, private and NGO institutions to the conference and they brought back constructive opinions and interpretations of the Beijing Platform of Action. This eventually resulted in the introduction of the National Gender Policy and National Gender Plan of Action. The Department of Women Affairs, which by then was only in its infancy, had nevertheless played a practical role in this regard.

⁴ According to Ms Shilunga: Regional Coordinator, MWACW, Oshakati/Oshana Region, date: 22 August 2000.

Regional instruments

Regional instruments that influenced the introduction of the National Gender Policy in Namibia are:

1. The Declaration on Gender and Development by SADC heads of state, and
2. The Prevention and Eradication of violence Against Women and Children

The Declaration on Gender and Development by SADC heads of state

Namibia is an active member of the Southern African Development Community (SADC) and thus participates in most activities of the region. In 1997 the 17th SADC Summit was held on 8 September in Blantyre, Malawi. Important regional decisions were taken aimed at driving the community into a new shape of an integrated agenda. One of the decisions worth mentioning here is the signing of the historic Declaration on Gender and Development by SADC heads of state. According to the Engendering, the Agenda of the South African Department of Trade and Industry (1998: 5), the Declaration expects the SADC member states to commit themselves to the following decisions:

- Ensuring that by the year 2005 at least 30 % of persons included in political and decision-making structures are women.
- Promoting women's full access and control over productive resources to reduce the level of poverty among women.
- Repealing and reforming all laws, amending constitutions and changing social practices still subjecting women to discrimination.
- Taking urgent measures to prevent and deal with the increasing levels of violence against women.

The Prevention and Eradication of violence Against Women and Children.

On the 14 September 1998 the SADC heads of state also signed an addendum entitled 'The Prevention and Eradication of Violence against Women and Children' which includes the following elements:

- Recognition that violence against women and children is a violation of fundamental human rights.
- Identification of the various forms of violence against women and children.
- Concern that various forms of violence against women and children in SADC countries had increased, and the recognition that existing measures were inadequate.
- Recommendations for the adoption of measures in a number of areas.

Ratification by Namibia of the abovementioned agreements attests to the country's full commitment to the conditions of gender balance and women's emancipation. Intellectuals in developing countries describe African leaders as good policy makers, but poor implementers. That perspective may revitalise political and executive circles in Namibia to safeguard mere white-elephant rhetorical discourses, the principles of the United Nations Convention on the Elimination of All Discrimination Against Women (CEDAW); the Beijing Platform of Action; the SADC Declaration on Gender and Development; the Prevention and Eradication of Violence against Women and Children and moreover, the National Gender Policy and other national instruments from the state.

Namibian National Instruments and Mechanisms

It is clear that the National Gender Policy is an offspring of the abovementioned international and regional instruments. The government had simply interwoven existing gender policies in Namibia, the ingredients of the national gender instruments and mechanisms as well as the themes of international and regional instruments to mould what is hitherto known as the overall "National Gender Policy". It is therefore worthwhile to highlight the following national instruments and mechanisms disclosing their relevance and contributions as prima facie premises of the National Gender Policy: The Constitution of the Republic of Namibia 1990; Women and Child Protection Units; and Department of Women Affairs.

The constitution of Namibia

Article 23 (2) of the constitution of the Republic of Namibia of 1990 stipulates that:

Nothing contained in Article 10 hereof shall prevent parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibia society arising out of the past discriminatory laws or practices or for achieving a balanced structuring of the public service the defence force, the police and prison services.

Namibia's Constitution has been hailed as one of the most democratic and liberal constitutions in the world for, among other things, its inclusion of gender equality and children's rights. Most importantly, Schedule 8 of the constitution effects the repeal of all laws that subjected women to discrimination including the South West Africa Constitution Act N0 38 of 1968. Article 10 (4) of the constitution of the Republic of Namibia 1990 stipulates that "no person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status."

As indicated also, Article 23 of the 1990 constitution makes provision for Affirmative Action which benefit women:

“In the enactment of legislation and the application of any policies and practices contemplated by sub Article (2) hereof it shall be permissible to have regard to the fact that women in Namibia have suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.”

The constitutional provisions on Affirmative Action are fully consistent with Article one of CEDAW, which stipulates that:

“For the purposes of the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, culture, civil or any other field.”

There are also many laws emanating from the constitution designed to effect changes on the situation of inequalities amongst the Namibian society, for example, the Labour Act No 6 of 1992 has included in its provisions the principles of Affirmative Action and complaints in relation to unfair discrimination or harassment. According to section 107 (3) of the Labour Act No 6 of 1992:

“A person shall be regarded to have been or about to be unfairly discriminated against on the grounds of sex, if in terms of any term and condition contained in a contract of employment entered into with an employer, such a person is by virtue of his or her employment entitled to any condition of employment which is less favourable than in condition of employment to which any other person of opposite sex is entitled for work of equal value.”

Although the government has managed to supplement the constitutional provisions with subsidiary laws, the practical implementation of these laws was not quite realistic. Laws were continuously promulgated, repealed and amended and so discrimination and violence against women and children was increasing concurrently. Therefore, the ideal change has never been achieved to any significant extent. Endless debates with regard to the effectiveness of the constitutional provisions continue to date.

Most women and children in Namibia are barely informed, if ever, regarding their own inalienable rights, as well as the legally prescribed procedures through which one may

approach the courts of law once his or her rights have been violated. Quite amazingly, the concept of 'rights' remains uncommon among them, more especially, among rural area dwellers. Also other terms such as "magistrate", "court", "police", are still frightening terms within most communities in Namibia due to a legacy of distrust that they have of the old colonial legal system. Gwaunza referred to a similar situation in Zimbabwe:

“A number of laws have been passed in Zimbabwe to ensure that women are no longer prevented from participating in decision making at various levels of society. Nonetheless, the passing of laws does not automatically lead to social justice. Perfect and appropriate laws may be rendered ineffective if people, who are meant to benefit from them, are not informed of them. This is also the case if the laws are not matched by appropriate and accessible administrative structures or if negative attitudes continue to interfere with the administration of justice,” (Gwaunza; 1995:178)

Obligated to the principles of the “rule of law” and the democratic stipulations of the Constitution, the government went to some lengths to ensure that all people understand the ways and procedures applicable to take perpetrators of violence against women and children to book. It was in this context that the government introduced the Women and Child Protection Units in Namibia.

Women and Child Protection Units

As stated above, the Women and Child Protection Units are national sanctuaries for abused women and children. Without intending to flatter this movement, it is the only one of its kind in Africa. The brainpower behind the establishment of these units derives from a combination of inputs from the government, Namibian Police, UNICEF and members of the general public. The first Women and Child Protection Unit was established at the Katutura Hospital in Windhoek in 1993. This unit has been designed to assist victims of rape and other forms of abuse, e.g. domestic violence and child abuse, with information and ways of taking the perpetrators to book. It assists victims to lay a charge with specially trained police officers, to undergo a medical examination and be counseled by a social worker. Other WCPUs were also established in Keetmanshoop and Oshakati in 1994.

According to the first Country Report on the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW (1995: 33):

“During 1994, the Windhoek Centre (unit) dealt with a total of 238 cases, 121 of which involved children under the age of 18. These cases included 152 rapes, 22 cases of indecent assault and 38 assaults. During the first 10 months of 1995, the Windhoek centre (unit) handled 213 criminal cases, 113 of which involved children. During this period, the centre (unit) cases included 148 rapes and attempted rapes, 21 cases of indecent assault against women and children (including sodomy with children) and 2 assaults. There were 221 general inquiries during this period including 28 inquiries about domestic problems and 37 enquiries about assault or battering.”

Unfortunately, the Women and Child Protection Units alone could not manage this arduous task to undo a situation, which has been in existence for hundreds of years. The government has, consequently, taken full steps, which were evident in establishment of the Department of Women Affairs (DWA), whose role and mission statement will be discussed in the following section.

Department of Women Affairs

During 1994 the Department of Women Affairs (DWA) was established in the office of the president, and was converted into a Ministry of Women Affairs and Child Welfare in March 2000. The DWA was a national entity structurally intended to act as a bridge between women's communities and the government, at all levels of society. The DWA was also mandated to promote, facilitate, coordinate, monitor and evaluate measures ultimately stipulated for women's empowerment and gender development, in order to realise the government's goals of gender equality in Namibia. However, various underlying issues undermined the institution's progress, for example, department offices are limited to regional levels only. In some instances one office may represent three regions such as the office in the Oshakati and Oshana region which represents all four of the “O” regions⁵ in the north of Namibia, for this purpose the office is manned only by a staff of two officials. This can therefore hamper the institution's ability to reach success in its objectives.

⁵ “O” Regions are four regions on the north of Namibia with names starting with ‘O’, which are: Oshana, Oshikoto, Omusati and Ohangwena. Also refer to the map of Namibia in the appendices.

There is a negative correlation between the vision of the DWA and the perceptions of men in general. Though the vision of the DWA has explicitly been set out to promote full political and social commitment as well as equal participation of both men and women in decision-making, this was not the case in the minds and perceptions of the majority of men in Namibia. As noted in the case study,⁶ a large number of men in Namibia have been misinformed with regard to the vision of the DWA and have subsequently become disillusioned with its role. They regard the DWA as a threat established to downgrade the traditional status of men and force them under the control of women.

According to the Namibian National Progress Report on the implementation of the Beijing Platform for Action (1999: 1) the mission statement of the DWA is:

“To promote gender equality by empowering women through the dissemination of information, coordination and networking with stakeholders, mainstreaming of gender issues, promotion of law and policy reform and monitoring progress to ensure that women and men can participate equally in the political economic, social and cultural development of the nation.”

The Department of Women Affairs conducted a study to understand the pattern of gender relations in society and considered ways to integrate gender policy into society. The DWA has carried out effective gender awareness campaigns, gender sensitisation, training in Basic and Advanced Business management skills, capacity building and leadership training that facilitates the acquisition of reliable information on gender related issues from all thirteen political regions.

In its evaluation and study of gender inequalities in Namibia, the DWA has concluded that the dysfunction was rooted in colonial rule, characterised by its nature of dispossession, national oppression and poverty. It also exposed the fact that women in Namibia were subjected to cultural and traditional discrimination based on gender. Following the Beijing conference and the SADC Declaration on Gender and Development, the DWA was mandated to play a leading role in preparing the Namibian

⁶ See views of the respondents in the case study: Oshikoto region, chapter V.

National Gender Policy. Hence, the NGP was launched in November 1997 and subsequently adopted by Parliament in 1999.

Summary

The background and events, which led to the inception of the NGP, have been discussed. This covers the period from the date of Namibia's independence from 1990 to 1997, when the NGP was adopted as the government's positive intervention in alleviating the alarming situation of violence and other discriminations and intimidations perpetrated against women and children in Namibia. The NGP stemmed from the ratification of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the SADC Declaration on Gender and Development, Prevention and Eradication of Violence Against Women and Children in the SADC region and the Constitution of the Republic of Namibia of 1990. Contributions of major role players such as the Department of Women Affairs and the Women and Child Protection Units were highlighted as significant to the establishment of the NGP. Gender imbalances from the colonial regime as well as its gender laws and above all, the alarming increase of incidences of women and child abuse in Namibia were some of the important factors that compelled the new government to initiate the NGP. The following chapter will therefore, analyse and summarise the contents and advocacy strategies of the NGP.

CHAPTER III

THE NATIONAL GENDER POLICY

With equal rights between women and men guaranteed by the constitution and the enactment of this policy it is my hope that women will be able to play a dynamic role in the development of our country. (Source: Sam Nujoma, President of the Republic of Namibia. National Gender Policy. 1997. Foreword. Windhoek).

Vision and mission

The basic vision of the National Gender Policy (NGP) is derived from the 1990 constitution, which provides for human dignity, the realisation of equality and promotion of human rights and freedom. Moreover, the NGP is based on the vision of a society in which men and women are enabled to achieve their full potential and participate as equal partners in creating a just and prosperous society for all.

In support of this vision, the mission of the NGP is to establish an effective and enabling framework. This framework is to provide necessary guidance to the process of developing laws, policies, procedures and practices geared to maintain equal rights and opportunities for both men and women in every sector and structure of government, in the workplace, in the community and at family level.

Areas of concern

Emanating from the vision of the objectives of the 1990 Constitution, the First National Development Plan (NDP 1), the Beijing Platform for Action, the SADC Gender Programme of Action and the objectives of the Department of Women Affairs, the National Gender Policy has been created to address the following areas of concern:

- ❖ Gender, Poverty and Rural Development;
- ❖ The Gender Balance in Education and Training;
- ❖ Gender and Reproductive Health;

- ❖ Violence Against Women and Children;
- ❖ Gender and Economic Empowerment;
- ❖ The Gender Balance in Power and Decision Making;
- ❖ Information, Education and Communication;
- ❖ Gender and the Management of the environment;
- ❖ The Girl Child;
- ❖ Gender and Legal Affairs; and
- ❖ Monitoring Mechanisms.

As this research is purposely designed to look into the effectiveness of the NGP on women and child abuse, it is worthwhile to analysing the above-mentioned critical areas and prescribed strategies, which the government is entitled to pursue in alleviating the situation of discrimination and violence against women and children in Namibia.

Gender, Poverty and Rural Development

“According to official sources in Namibia, women are not discriminated against if they wish to buy land in commercial areas. However, because women in general are the poorest in terms of cash and resources they are unlikely to benefit at all from the proposed resettling of large communal farmers in commercial land areas. Even more problematic for smaller less resource endowed farmers, is that wealthier communal farmers have recently begun to privatize this land illegally by fencing it off.” (Thompson; 1998:81).

Thompson’s arguments hint at the point this research refers to as “subtle or economic violence” against women. It is hereby termed ‘subtle’ because in layman’s terms, social psychology simply expects physical violence to be termed violence. Most of the wealthier farmers (referred to by Thompson) in Namibia are men while women are mainly confined to agricultural production for domestic consumption and other tasks essential for household survival, for example fetching water. Cleaver et al (1990:16) share the same sentiments that “women in Namibia are subjected to restricted alternatives in their life: employment at starvation wages, unemployment in the townships, or subsistence farming in the reserves”. In this sense, men deprive women of their right for access to land and other economic resources. Depriving someone of his or her right is in itself tantamount to a gross violence against humanity.

In Namibia, the matrix of race, class, rural/urban, age, marital status, language, culture, mediates women's poverty and other divides. Yet, overall women in the country, particularly in rural areas, are as, Thompson put it above, still among the poorest of the poor and the most marginalised from social and economic advancement. Moreover, they are the majority of the homeless, landless, the unemployed and the violated.

The National Gender Policy (NGP) came into being as saviour and rescuer. It embraces strategies that guide both public and private organisations to carry out their affirmative action plans constitutionally. In this chapter short summaries of the strategies prescribed in the NGP are highlighted (not all the prescribed strategies, however, will be covered).

According to the NGP (1990:8) sections (3.5), (3.3) and (3.7) the government is obliged to keep tabs on the following strategies in order to promote gender equality in Namibia.

a) Strategies to address the needs and efforts of Women and Men in Poverty.

In this respect the government is expected to:

- Evaluate all policies and programmes in the context of gender and their impact on poverty and inequality, more especially on women.
- Ensure full and equal participation of women in its macro and micro economic policies as well as in social policies geared to address the needs and efforts of women in poverty.
- Ensure that the public budget allocations involve enhancement and promotion of women's economic opportunities and could provide equal access to productive resources.
- Introduce measures that enable successful integration of men and women living in poverty as well as all socially marginalised groups into productive employment and the economic mainstream.

a) *Strategies to revise laws and other practices to ensure equal rights and access to economic resources to eradicate poverty.*

Most people in Namibia, particularly women, have little background knowledge with regard to the meaning of the concepts 'equal rights' and 'economic issues.' This has resulted from colonial education system, which paid little attention to economic aspects and, more so on legal restrictions toward women's full participation in economic activities in Namibia. According to Hubbard et al (1992:14), "figures from the 1988 'Manpower Survey' demonstrate the limited extent of women's participation in formal sector. Only 33% of female employees were accounted for in 1988, 46% of them were classified as service or domestic workers."

Prior to and following independence, politicians and news media frequently echoed similar opinions that Namibia's deposit of natural resources is adequate to satisfy the inhabitants of the tiny nation. Interesting words such as 'Namibia's natural resources are for the Namibian people and every Namibian can have unhindered access to them' was used consistently, perhaps to impress the people, breed patriotism or attract political support. Ironically, the majority of people who read newspapers or attend political rallies have always been unaware in which manner Namibia's wealth really belongs to them.

Adding to the aforementioned uncertainties, women's eagerness in seeking access to economic resources is in most occasions discouraged due to the perception that women at all levels of society are physically and mentally weak. Ndaitwah (1999) puts it that "women in general are not considered intelligent enough by society."⁷ Men are continuously clinging to the traditional stereotypes, advocating women's incapability to independently think of, for instance, managing a diamond mine or starting a successful economic project without the involvement of men. Ipinge et al (2000:14) cited a relevant example of the Kwanyama⁸ belief that a "woman is a child that never grows up and without a man a woman will never lead a complete and independent life."

⁷ From the speech of the Minister of Women Affairs and Child Welfare Hon. Ndaitwa at the MOD-NDF and Coordination members Awareness Workshop Training, 9 June 1999.

⁸ 'Kwanyama' refers to one ethnic group of Owambo tribe in northern Namibia.

Kethusegile et al (2000:47) explain, “in general, women in the SADC region do not enjoy freedom of thought and action, conducive to personal growth, due to the fact that traditionally they are perceived as subordinate to men.” Most women in Namibia, particularly with lower education standards, perceive sentiments of that nature as a law of nature, which is worth anybody’s while to accept as is.

That question constitutes the nucleus theme of the NGP strategies meant to revive laws and other practices, ensuring equal rights and access to economic resources and to eradicate poverty.

According to the NGP (1997:9) the government shall:

- Enhance and ensure access to free or low cost legal services, including legal literature, especially designed and simplified to reach women living in poverty.
- Lodge legal literature programs, particularly at grass-root level of society, in order to make gender equality a reality.

b) *Strategies to Provide Access to savings and Credit Facilities*

To a large number of women, particularly, those living in rural areas, access to credit facilities is limited. Hubbard et al (1992:16) put it that “where women’s decision-making power is limited by traditional gender roles, their utilisation of improved services such as credit facilities, extension training, input supply and marketing facilities will be similarly limited, and the real impact of such benefits reduced. This hampers the women’s efforts to establish, for example, small-scale businesses”. Kethusegile et al (2000:96) explains that ‘other factors that may limit access to small-scale credit are the time constraints common to rural women, limited technical skills or managerial capacity and moreover, limited market outlets.’ Consequently, most women in Namibia today, are engaged in informal businesses such as hawking sweets, vegetables or other small items on street pavements. Mostly these businesses belong either to their husbands, male partners or relatives. This status has often placed women in awkward or risky situations that induce violence. They can be beaten, insulted and humiliated, sometimes publicly by male

superiors should a small deficit occur with money. The NGP is, by virtue of these strategies enabling women to understand the grounds of economic self-sufficiency. According to the NGP (1997:10) the government through its various organs shall:

- Promote both men and women's access, including women entrepreneurs in rural and remote urban areas, to financial services by strengthening links between the formal banks and intermediary lending organizations and agencies in favour of rural communities.
- Engage in purposeful training for women entrepreneurs and establish intermediary institutions with a view to mobilize capital for those institutions and increase the availability of credit to women.
- Encourage all financial institutions to make use of effective methods to reach men and women living in poverty, particularly by developing innovations that reduce the burden of banking bureaucracies and transaction costs.
- Establish a special Gender Development Fund that facilitates the development of sustainable gender sensitivities to eradicate poverty.

The NGP is well endowed with convincing strategies meant to eradicate poverty within communities for woman in Namibia. Ironically however, the process to change seems to be progressing at a snail's pace, as more than 50% of women in Namibia remain below the poverty line. According to Ipinge et al (2000:38) "the household category that perceives itself to be slightly poor to very poor is firstly a female centred household (58%) followed by male centred households (52%). Symptoms of poverty among them are basically identified by the manner in which they dress and what they eat. Women and children reside in rural areas in homes comprising of little else than a basic shelter. These homes are erected in one day and have no plumbing or sewerage systems and there is no access to running water. The nearest electricity or telecommunication facilities are as far as the nearest town.

Despite well-designed strategies in the NGP to combat poverty and economic violence in Namibia, the situation has seemingly deteriorated. Like war and other natural disasters such as floods, poverty continues to displace women and children making them refugees in their own country. It spurs them to leave their homes in rural areas to join their husbands employed in urban areas and in some instances find their husbands cohabiting with other women, a phenomenon equal to psychological abuse. To substantiate this fact, a certain woman interviewed by Ipinge et al (1999:55) in Walvis Bay stated that 'she had a relationship with a man with which she thought only death would part them. However, their relationship simply lasted one and half years. The problem started when she had been away for a visit in Otjiwarongo (other town) for a month. When she returned to Walvis Bay her husband told her that he involved in a relationship with another woman. He then told her to pack up her belongings and leave.' Ironically (more particularly black men), husbands can often not find employment that provides a living wage, which results that their wives and children are forced to live in shacks, often facing destitution.

Unmarried women also flock to towns where they can earn a living as prostitutes or street hawkers. They stay in informal settlements such as Okangwena/Oluno in the Oshana region. Poverty and violence against women and child abuse in these places is the order of the day. There are no schools or day-care centres for children and which is in line with Gillis (1994:143) definition of 'neglect of physical needs' is a form of child abuse that, "failure to establish adequate provision for normal growth, health and happiness, through malnutrition, water deprivation, inadequate hygiene, lack of medical care etc. for children is equivalent to child abuse." Another notorious tragedy of abuse that may cause an everlasting trauma to both children and mothers is evident in women being consistently beaten by unscrupulous male partners once they (male partners) have had too much to drink or glasses of tombo (home brewed African beer).

Poverty being the main source of violence in these settlements is evident in a variety of forms. Often old drums are used as ovens or water containers and cut-up iron sheets to erect dwellings. Any old nail, wire or piece of scrap is used to build or fix shacks. Under these conditions happiness within a community comes and goes and the gravity of depression descends upon women and children.

Past discriminatory civil and traditional laws have considerably contributed to the coming into being of that situation. Hubbard argues that:

“The most serious site of continuing gender inequality is the civil and customary law on marriage and inheritance; despite the Constitutional guarantee that “all men and women of full age” shall be entitled to equal rights “as to marriage, during marriage and at its dissolution”, married women are generally in virtually in the same position as minors,” (Hubbard et al; 1992:6).

In the past women were denied access to ownership of houses and to important employment. During the colonial era women were not responsible for jobs like farming, mining, business and carpentry, to mention but a few. According to Christie (1991:263) “an incidence of marital power which is relevant today is that a wife subjected under the marital power cannot enter into any contracts without her husband’s consent.” Based on certain traditional myths some communities believe and discourage women from participating in this type of work. A valid example in this regard is in Northern Namibia, where all women of ages ranging from 15 to 45⁹ were prohibited to touch cows, as the community believed that their hands were contaminated with a “bad omen” that could cause the animals to die. These myths destroyed women’s interests in animal husbandry and turned their attention to the cultivation and grinding of millets, respectively.

Though changes have obviously been observed following the institution of the NGP and the Ministry of Women Affairs and Child Welfare, girls are still brought up imitating their mothers’ work and activities such as grinding Omahangu millets or taking care of the house and young ones. Ipinge explains the roles and responsibilities of a woman as:

“A woman is traditionally taken to be responsible for taking care of the family in terms of health and nutrition, sending children to school and other domestic chores such as cleaning the home and attending to visitors as she is regarded the owner of the house but not the head of the household,” (Ipinge et al; 2000:4).

Hubbard et al (1992:9) also put it that ‘socialisation of women in Namibia still emphasises their identity as child bearers and mothers.’ Boys on the other hand, are reared imitating the behaviour and work of their fathers like keeping herds of cattle,

⁹ According to a 62 year- old woman, peasant, married, Onantsi village, Oshana Region, date: 26 August 2000.

hunting and when they are old enough they have to leave their wives and children to seek employment in towns or cities. Ipinge et al (2000:14) further explains that 'boys are socialised to look after livestock, hunt and build houses.' This way they are already prepared to become economically more powerful than their female contemporaries. This also attributes to men's persistent status as sole provider in families. Subsequently, women remain economic dependent on men.

This scenario is not merely confined within the realms of employment and traditional upbringing of children, but it spills over into education and training in Namibia. Government endeavours to introduce a system of "Education for All" remains illusory. Gender violation with regard to education, undermines the effect of the system. The strategies embedded in the NGP's potential for effecting change in this regard will be discussed in the following section.

Gender Balance in Education and Training And the Girl Child

Namibia's adult literacy rate, the percentage of people aged 15 and over who can read and write, is put at 78 % male and 74% female in areas of the country where no accurate date is available. For primary school attendance percentages are: 74% male and 79% female Maletsky (1999: 3).

The NGP indicated that Education and Training is an important tool to effect change and bring equality in society. However, discrimination against girls in education remains persistently visible to date, and is reflected in traditional attitudes, early marriages, unwanted or unplanned pregnancies, gender bias in teaching and curricula materials as well as sexual harassment. The NGP has therefore emphasised the importance of ensuring access for, and retention of girls and women at all levels of education as well as in all academic sectors.

The NGP has stipulated further that equal participation in the economy is only achievable if women are given open access to education and health facilities. It has (1997:1&28) outlined the following strategies enabling the government to ensure gender balance in education and training, and the girl child:

a) *Strategies to Ensure Equal Access to Education*

By addressing disparities in the existing access and insufficiency in educational opportunities for females the government shall:

- Ensure that access and maintenance of female participation rates in primary, secondary and tertiary education, particularly for previously disadvantaged groups, are granted.
- Eliminate all gender disparities in providing access to all areas of secondary education in the sense that both men and women, boys and girls are made aware of procedures that could be followed to obtain benefits of career counseling, training and bursaries.
- Provide necessary opportunities for gender sensitization within the lower level of communities, schools and workplaces through seminars, workshops and campaigns through the media, in order to solicit support of parents and alternatively make them aware of the importance of girls and women's access to education.

b) *Strategies to Eradicate Illiteracy*

The NGP has commended the government for establishing the Directorate of Adult Basic Education, which is geared to eradicate illiteracy in Namibia. In maintaining this important achievement reached thus far, the government shall:

- Continue supporting existing efforts leading to the improvement of the implementation of the literacy program.
- Continue supporting existing efforts intended to eradicate gender bias in literacy materials and promoting those endeavors of producing literacy material free from gender prejudices.

- Encourage adult and families to be involved in learning activities in order to promote total literacy of all Namibians.
- c) *Strategies to Improve Women's Access to Vocational Training, Science and Technology*

At this juncture the government shall:

- In conjunction and consultation with all stake holders strive to give information to girls and women regarding the availability and benefits of vocational training, training programs as well as training opportunities that are available in Namibia.
- Financially educate and assist men and women for to provide them with knowledge and skills that can improve and broaden their employment chances, moreover to enable them to achieve self-employment independence.
- Develop policies and programs, which can enable and ensure that women and men participate equally in all available apprenticeship programs.

d) *Strategies to develop non discriminatory education and training*

In this regard, the government is obliged to:

- Ensure all teaching material and documents are gender free with no gender biased and stereotyped references, illustrations or examples are to be furnished.
- Develop training programmes on gender sensitization for students, teachers and school principals.
- In cooperation with all education stakeholders, remove all legal and social barriers toward sexual and reproductive health education.

- Support gender studies and research aimed at contributing to the improvement of school material that may cause women and girls to leave school prematurely.

The Girl Child

(a) *Strategies for eliminating discrimination against girls*

The government is hereby expected to:

- Meet its obligation for implementing the conditions of the Convention on the Rights of the Child through promulgation of relevant legislations and introduction of possible administrative measures that promote and encourage full respect for the right of children.
- Consolidate existing maintenance laws in order to make sure that the biological parents support their children psychologically, socially, and financially.
- Introduce policies that support girls to acquire necessary knowledge, self-confidence as well as learn to be responsible for their own destiny.
- Ensure that the general public, at all levels, are well informed concerning the importance of physical and mental well-being of girls and the disadvantages of other factors that cause harm to the mental and physical health of both boys and girls, e.g. malnutrition.
- Persuade various institutions to engage in research programs that could determine the reality of the situation of girls, moreover that research findings could be used in modifying, developing and amending laws and policies to incorporate the interest of the girl child in development.

The strategies provided in the NGP provide little impact to the situation in question. Education still remains unfairly accessible to girls in Namibia, due to their lower status in

families. Resulting in most women in the country to be less educated, occupy lower positions in employment and above all be easily exposed to all forms of violence and abuse. Other factors that obscure women's access to education in Namibia range from domestic responsibilities, sexual harassments, abuse and pregnancies to mention but a few. Abrahams (2000:39) indicates that when the family is unable to send all their children to school or college, boys receive preference over girls in a family. Fathers usually defend this decision by saying that, "what is the use of spending good money on a girl's education?" She will only end up bearing children anyway.' In fact there was a man with these kinds of opinions that got involved in cases of impregnating girls and abandoning them. Ndaitwah (1999:4) puts it that "today there are many teenage pregnancies occurring and the consequences are enormous for girls because men run away from their responsibilities of taking care of these children."

Hubbard et al (1992:11) acknowledges that "it is evident that a significant number of girls drop out of school due to pregnancy, due to a number of factors." More and more parents, especially the elderly, do not have sufficient funds to support their children at school therefore high dropouts rates, especially among girls, have been experienced over past years. Kethusegile et al (2000:247) explains this trend as "in Namibia, drop-out rates for boys are higher at the lower grades (grade 1 to 4) with the tide turning as female students reach puberty (from grade 5), the figure increases as one rises up the education ladder." Young as well as middle-aged men lure young girls with money into unplanned and unwanted sex and pregnancies often resulting in the contraction of sexually transmitted diseases such as HIV/AIDS. There is still no effective law that rehabilitates abusers of this nature; therefore NGP strategies ensuring equal access to education could hardly be implemented without strong support of the law.

Apart from pregnancies, financial implications among parents also impede young girls to study. Girls, particularly in ethnic groups that are still living according to primitive mentalities, such as Khoekhoe in the west of the Caprivi region as well as the Mboloka community in the east of the Ohangwena region, could be forced to leave school to get married. This can be done for various substantiating reasons namely parents choose to get rid of them as there is no money and food to sustain them, sometimes to receive a dowry (which the potential son-in-law has to pay) and sometimes to gain high esteem

within the community. In their study on women in Southern Africa, Kethusgile et al confirm the same reality that:

“ In most rural areas in southern Africa, it is normal for a girl to be married soon after puberty, or even younger, whereas boys will not marry before their late teens. The girl child can be given away as compensation to appease avenging spirits or through lineage marriages as a means of raising financial resources for the family,” (Kethusgile et al; 2000:196).

On the other side of the coin, in urban areas and modern villages, girls are especially forced out of school to engage in income generating ventures to supplement the family income. A large number of street vendors are either middle-aged women or teenage girls. In every town they are found selling whatever bric-a-brac including Omahangu and Sorghum flour, wild fruits, citrus fruits, meat etc. at Omatala (open markets). What kind of future is one to expect for these women? Over the long-term it is usually a vicious circle as they are also expected to bring up their children in the same manner.

The situation of ignorance due to a lack of proper education among the female community in Namibia described above is the main source of the perpetual evil of violence and uncleanness. For example, conditional marriages imposed on young girls by parents may not last long or the husbands may end up forcing their wives into a catastrophic reproductive health situation by demanding more children within short intervals without considering their wives condition of health. In the subsequent section, strategies on gender and reproductive health are to be discussed as reflected in the NGP.

Gender and Reproductive Health

Enactment of legislation to ensure that the health and strength of the workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength. Source: Article 95 (b) of the Constitution of the Republic of Namibia 1990.

The Constitution has explicitly outlined the national constitutional expectations with regard to enactment of legislations and policies focusing on maintenance of health of every individual in Namibia. In support of this view the NGP, being peculiarly

constituted to imbue the whole nation with a spirit of gender equity, equality, non-bias and non violence in terms of social or familial patriarchy, explains it otherwise that women in Namibia, including those with disabilities do not have full control of their reproductive health. Therefore, according to the NGP (1997:14) section (5.8) the following strategies are meant to subside the severity of the status quo:

(a) Strategies to Address Issues Related to Women and Health

Through the NGP the government shall:

- Ensure protection and promotion of women and girl's rights to have physical, social, and mental health by amending and reviewing the existing legislation to involve these rights.
- Ensure that men and women in Namibia have equal access to health facilities, more especially to institutions that provide information with regard to family planning, control and transmission of sexually transmitted diseases such as HIV / AIDS.
- Ensure that both men and women understand the disadvantages of unsafe abortions. Seminars and workshops in this respect should be persistently conducted in order to achieve the objectives of the NGP.
- Collaborate with other stakeholders in assisting everyone in the society to understand and accept the natural change of aging.
- Disseminate information that promotes interest in breast-feeding in order to improve primary health care programs in Namibia.
- Develop mechanisms suitable for coordinating and implementing strategies for health as stated above.

The strategies provided above reflect a background of interesting oration however the question remains; will it successfully reach into the hearts and minds of every fellow countryman and woman deep in the thickets of the western Okavango? The answer to that question may be affirmative however the practical effort required to disseminate the information to the people is huge. People dwelling in the rural areas of Namibia are still at a primitive level of or in a slave development mode. NGP strategies are modeled at an advanced stage. For example, men and women of the Uukwanyama ethnic group believe in having as many children as possible in order to gain popularity in the community. Sometimes men even compete to see who can have the most children, in a prescribed period of time.

According to Amathila, in other instances (2000:60), “the reproductive health problems affecting women in Namibia include a preference for male children in traditional societies, which is a heavy burden on women, who continue to have children until they produce a male child.” If, for instance, a particular man is not able to have boys he may force his wife to try as many times as possible to achieve this objective. However, she refuses to comply with the husband’s demands he starts – beating, kicking or even killing an innocent woman in cold blood. A woman’s admission to these demands may lead to, “women having children too close to one another and causes adverse reproduction impacts on the health of women,” (Amathila; 2000:60). Hubbard et al (1999:9) explain that fertility patterns in Namibia are heavily influenced by wide spread preferences of large families. This stereotyped attitude manifests itself in widespread violence against women despite, the positive attempts that have been made to change the mindset of people.

Violence Against Women and Children

In present day Namibia, rape and domestic violence have become a serious problem of tragic proportions affecting the lives of many Namibians. An increasing number of women, children and elderly people fall victim to male violence. (Maletsky; 1999: 3).

Maletsky’s point of view above is of course short but weighs much in respect of violence against women and children in Namibia. It is obvious that the definition of

“women abuse” or “violence against women” is the subject of much debate. According to DeKeseredy et al:

“Most researchers use operational definitions that include only one, or sometimes both of the following behaviors: physical assault and sexual abuse. Psychological or emotional mistreatment (e.g. public humiliation, put downs, etc) is typically given short shrift, and thus a substantial number of fear-inducing events are ignored,” (DeKeseredy; 1998:16).

DeKeseredy et al (1998:26) further defined women abuse as “any physical, sexual, or psychological assault on a female by a male partner.” In Namibia most people fail to recognize that psychological abuse is just as severe as physical violence. “It is very hard for anyone’s health to be beaten up physically and not to be emotionally battered simultaneously. Physical battering is emotional battering” (DeKeseredy et al; 1998:17). It goes without saying that violence against women and children in Namibia is primarily inherent, forming an inseparable part with harmful cultural and traditional practices, where language or religion undermines women’s status at every level of society.

The gravity of violence against women and children in Namibia is greatly soured by social pressure, women's lack of knowledge regarding legal information, aid or protection as well as a lenient legal system. Finally the NGP is regarded as the “messiah” that delivers women and children from the current bonds of perpetual violence. This research considers briefly the relevance of the strategies reflected in the NGP (1997:17), to the tangible situation of violence on the ground.

a) *Strategies to Address Violence against Women and Children:*

It is through the National Gender Policy that the government must:

- Introduce laws such as the Domestic Violence Act that could prescribe effective punishment to those men who commit women and child abuse.
- Implement, monitor and review legislations to ensure that it is sufficiently effective to practically eradicate violence against women and children and

moreover, ensure that offenders are prosecuted accordingly and are denied opportunities to escape the forces of law.

- Increase promotion of distinct policies, specifically designed to mainstream gender perspectives in all regimes and programs that deal with violence against women and children.
- Deny bail to perpetrators and, in lieu of that, impose heavy fines and sentences on them.
- Conduct seminars, campaigns, and draft relevant programs that enable people at grass-root level to understand and be aware of the existing legal mechanisms in place that can rescue them from situations of violence and abuse.
- Put in place and continue supporting mechanisms that enable women and girls to report with confidence, and within a confidential environment, all acts of violence against them without fear of possible reprisal.
- Support initiatives and endeavors such as the media that promote non-stereotype images, for men and women as well as any other efforts aimed at eliminating violence against women and children.

In accomplishing its obligation as stated in the NGP policy strategies above, the government has taken major step towards uprooting all acts of domestic violence. According to Kethusegile et al:

“Domestic violence implies use of force within the home or at least between persons who live together and are intimately involved, or perhaps have recently lived together, as when a former or estranged husband beats his former or estranged wife,” (Kethusegile et al; 2000:155).

A Draft Domestic Violence Bill is now due and if it becomes law, the victims of violence will benefit in such a way that all cases involving domestic violence could primarily be granted priority on court schedules and be heard in a closed court. The court could give

temporary protection orders whereby the perpetrator's presence during court procedures is not allowed. Most importantly, the draft bill provides for any interested person to lay a charge of domestic violence against a perpetrator on behalf of the victim and the police are to be empowered to apprehend a suspect without a warrant for arrest.

The Draft Domestic Violence Bill will just reinforce the existing Married Persons Equality Act of 1995. However that cannot be hailed as enough in proportion with the current magnitude of violence perpetrated against women and children in Namibia. Women and children are living in constant fear and depression. Previously women refrained from walking alone at night afraid of perhaps running into "ghosts", lions, tigers or hyenas. Today women and children in Namibia refrain from walking alone at night afraid to run into men. Should she be walking and suddenly something appeared she could run away to safety – for it could quite possibly be a rapist, a murderer or a robber. For this argument, Goosen et al (1996:86) listed tactics that women of all ages said they used to avoid being hassled or harassed by men when going out:

- While walking always be observant and on alert. Do not walk with your eyes down, lost in thought and remain in well-lit areas. Also avoid to go through underpasses and walk fast;
- If some one comes up to you, try to show you are not afraid;
- If someone in a car asks you for directions do not go close you might get pulled inside;
- Never accept a lift from a stranger;
- When using a taxi, a bus or train, do not take the taxi or a bus if are the only passenger, if the other passengers are men;
- Do not sit in an empty coach or a coach where there are only men
- If you are in a taxi, a bus or a train and you do not feel safe, trust your intuition and get off.
- When driving, always lock the doors and keep the windows rolled up
- Hind your bag or purse;
- Never pick up hitchhikers;
- Another important things: Dress smartly;

- Don't talk to anyone
- Do not answer back

It is not likely that men need to consider their appearance, modify their dress, plan their routes in advance, keep their heads down and their ears open for fear of women. The question arises as to what else the government of Namibia must do to attain its objective of women's emancipation? Certainly, economic empowerment for women can be a possible remedy. This could create a trend of independence, self-reliance and self-efficacy for women. The NGP has outlined strategies to be discussed briefly discussed the following section on gender and economic empowerment.

Gender and Economic Empowerment

Enactment of legislation to ensure equality of opportunity for women, to enable them to participate fully in all spheres of the Namibia society, in particular, the government shall ensure the implementation of the principle of non-discrimination in remuneration of men and women. Article 95 of the constitution of the Republic of Namibia of 1990

Although the Constitution stipulates otherwise, women in Namibia still have little, if any control or access to economic resources in the country compared to their male counterparts. Most women spend their entire life working in subsistence farming in rural areas without remuneration. They constantly depend on their male counterparts' income and properties for survival. In most households men are the breadwinners and they use this status to intimidate women. Frank (n.d: 14)¹⁰ explains, "in the formal sector, women are concentrated in careers such as teaching, nursing, secretarial and clerical work." While men on the other hand, are involved in successful businesses, Bank Managers, high ranking army and police officers, farmers, mayors of important towns and cities, governors, judges etc. Hubbard et al (1992:14), substantiates the reality that "from trends within the tertiary education sector, women employees in Namibia tend to be grouped into a narrow range of gender stereotyped professions."

¹⁰ This information is quoted from a booklet, "Words into Action. The Namibian Women's Manifesto" edited by Liz Frank but no publication date is given.

Based on tradition, women cannot inherit livestock or clan property, as they are considered too weak to maintain them. Therefore, parents do not provide their daughters with valuable properties when they plan for marriage because they believe that women should depend on their husbands in all respects. However contrary, sons are always provided with everything before and after marriage enabling them to be economically stronger than their wives. To ensure gender balance in Namibia, the NGP (1997:20) has provided the following strategies:

(a) *Strategies to promote equal economic rights and independence.*

In that regard the government will:

- Introduce laws that enable women to acquire access to economic resources without difficulty, including the rights to and ownership of land and other properties, credit, natural resources and appropriate technologies equal to men.
- Analyze existing laws, policies and their impact on the economy and equality with regard to women.
- Provide finance and training for trainers and facilitators working to promote women entrepreneurs, more especially at grass-root level.
- Review and introduce mechanisms that enable women to participate equally in the formulation of economic policies and definition of structures through institutions such as the Ministries of Finance, Trade and Industries and the National Planning Commission thereby incorporating women fully in National Development.
- Restructure and plan for optional allocation of government funds in the ways that promote women's economic opportunities and provide equal access to productive resources.

- Introduce and enact economic policies that influence positively the employment and income of women employees in both the formal and informal sector.
- Give encouragement to all financial institutions to extend their financial help to women in poverty in order to reduce unnecessary banking bureaucracy and transactions costs.
- Enable and encourage women's participation and joint ownership in the decision making of institutions that provide credit and financial assistance.

Though the government is convincingly eager to pursue these strategies to the letter, it is evident in various development projects and programmes that clear-cut frameworks are still lacking within the economic sector that reflect maximum commitment to gender equality. The Ministry of Labour, for example, has still not initiated explicit programmes and policies that would serve as determinant guidelines for gender regulation in both public and private organisations. The existing Labour Act of 1992 does not serve its purpose fully, as the majority of people (mostly women), are still not aware about it and on that ground employers exploit the advantage of the opportunity to intimidate, harass and abuse female employees. In addition, during this time of globalisation it is not abundantly clear that a thorough consideration is really made on the impact of transnational trade agreements on women in Namibia.

Apart from that, Namibia's farming sector, which is divided into commercial and communal, farming, is characterised by its high degree of women abuse and discrimination. At this point in time, the research question arises as to who are actually the owners of these farms and who cultivates them? Men control a large portion of both commercial and communal farms, and a woman's role is simply to plough and cultivate the land. Generally, farm workers are the lowest paid in Namibia, therefore in this respect women are the worse off. Hubbard et al (1992:16) explains that " for rural

women in Namibia, control over land and live stock remains a major constraint to advancement.” Positives, of course so far have been made (for example, through the Traditional Authority Act) to improve disadvantaged positions of women with regard to access to fertile communal land.

One of the contributive factors to instability of gender and economic empowerment in Namibia is poor representation in decision-making. Despite constructive strategies in the NGP, women are sparingly represented at all strategic levels of the society. As the saying suggests, “one who is on board of a sinking ship will swallow water”. In the following section strategies reflected in the NGP with regard to gender balance in power and decision- making will be covered.

Gender Balance in Power and Decision Making

“At no level of society do [women] have equal rights with men. At the beginning of the century, women had virtually no rights at all. They were the chattels of their fathers and husbands. They were bought and sold in marriage. They could not vote. They could not sign contracts. When married they could not own property. They had no rights over their children and no control over their own bodies. Their husbands could rape and beat them without fear of legal reprisal. When they were not confined to the home, they were forced by growing industrialization to join the lowest levels of the labor force.” (Mitchell; 1996:381).

Mitchell et al above reflects the position of women as a social group in relation to men as another in the history of Britain. The whole scenario has a lot in common with the women of Namibia. According to Ndaitwah, (1999.1) “women in Namibia are more often exposed to pressures as they combine public work and family responsibilities. In addition to outside employment a woman retains her domestic duties with little or no support from her male counterpart.” Ndaitwah’s point of view necessitates another research quest to disclose factors discrediting the reputation of women intelligence in society. It is, therefore quite imperative at this stage to view this concept in depth based on the household, community and national perspective.

As Mitchell et al expressed above, women in Namibia are living bleak lives in their homes. It does not matter how educated they may be. There are some women in Namibia that are employed in well paying jobs, have their own homes and cars however are still being abused by husbands or cohabitant male partners that are unemployed. Based on

patriarchal misconceptions, husbands or male cohabitant partners usually misuse common property even though the sole contributors are their wives or female cohabitants. For instance, the husband may make use of the car, ironically bought by his wife, to conduct extramarital affairs – transporting their girlfriends while their wives are hitchhiking for lifts or going to work on foot. Sometimes being unemployed, he may misuse the common home, also bought by his wife, to have an affair with the house servant while his wife is at work. All these are, but a few, examples of psychological abuse originating from men's domination of power and decision-making in households.

At community level, women in Namibia have limited power to influence decision making on matters pertaining to community affairs. A practical example is this; no women are allowed to attend the Ondonga traditional authority meetings¹¹ as well as judging matters in traditional courts. All decisions are left in the domain of (Omalenga) headmen and the role of women in this respect is to obediently accept and adhere, no matter how negatively these decisions could affect their lives.

Politically, women in Namibia are sparingly represented at local, regional and national levels. According to *Women in Politics*:

“There is always a close reciprocal relationship between the general advancement of women and the participation of women in decision-making. Women's political participation will be enhanced if social and economic support structures exist, legal discrimination is eliminated and negative stereotypes are banished from education and the media,” (No author; 1992:XI).

There are various barriers that deter women to enter politics. *Women in Politics* (1992:34) further explains that, ‘these obstacles include, structural and situational barriers. In general the structural barriers refer to educational levels, professional experience and sometimes level of income.’ Education plays an immense role for change in women's lives as it influences their capacity to exercise their legal and political rights and their chances in obtaining political power. As most women in Namibia have lower education levels their participation in politics and decision-making is also restricted.

According to the Women in Politics, situational barriers that hamper women's participation in political and decision making in general are factors such as, (1992:37) 'the circumstances in which women find themselves. Things like becoming wives and mothers, the age at which they marry and begin childbearing etc. may have great impact on their social status, health, economic position and political participation.' Therefore, although women are the majority in the long queues to the polling booths, they will be the minority in the houses of parliament, regional and local councils.

Men dominate managerial positions in various public and private organisations. Frank (n.d: 6) indicates, 'participation of women at all levels of decision-making in all spheres of society is crucial for development, democracy and realisation of women's human rights which is not the case in Namibia.' It seems women are not always entrusted with high managerial positions at all. Classical examples in this regard are positions of Director Generals and Managing Directors of all institutions such as Telecom, Namport, Transnamib and the Namibian Broadcasting Corporation (NBC) to mention but a few, are mostly men. In addition to this, none of the Trade Unions in Namibia have ever been under the leadership of a female Secretary General. Therefore, one may expect that plights of women be not always considered to absolute optimum.

The NGP also echoes similar sentiments that women in Namibia are currently under-represented in different hierarchies of state institutions. That a small proportion of women in economic and political decision making levels example at community, district, regional and National levels, have greater structural and other barriers necessitating the following NGP strategies (NGP; 1997:25):

(a) *Strategies to increase Women's Empowerment, Access and Participation in Decision Making.*

In this respect the NGP obliged the government to:

- Establish mechanisms that enable the electoral systems of Namibia to persuade political parties to include women in elective and non-elective

¹¹ See the case study, page 88.

public positions so that the objectives towards gender balance can be achieved.

- Ensure that women and men are equally represented at every economic and social sector of the society.
- Ensure that women are given equal opportunities to participate in all forums that concern democracy, security and peace making missions.
- Introduce mechanisms capable of monitoring and evaluating women's access to senior levels of decision making.
- Make sure that before policy decisions are taken their potential result should be well analyzed and evaluated with regard to women.
- Identify and authorize research, which produces qualitative and quantitative information about the effectiveness of the role of women in the national economy.

An essential paradigm shift will only be achievable if mechanisms to change the mind-set of a number of elite men, in different managerial positions are initiated to inform, train and educate them. Existing media and communication mechanisms whereupon the whole society relies, are already infected with a male dominated environment. In the following section strategies reflected in the NGP on information, education and communication as well as the barriers that hinder proper dissemination of information will be discussed.

Information Education and Communication

The National Goal is to increase access to information as an integral part of all programs. (Source: National Gender Plan of Action 1998 - 2003)

Although the national goal is to increase access to information, current levels of information dissemination are not up to standard. This has therefore, contributed to the

ignorance concerning the expectations of the NGP among Namibian women, mainly those who reside in rural areas. Perhaps the reason why men cling to traditional behaviours such as treating women like objects could otherwise be viewed as a lack of information amongst them.

Day and night radios are broadcasting with regard to the abhorrence of women and child abuse, articles on the subject appear in newspapers on a daily basis, and preachers hardly ever omit these same issues during church services, however trends of women and child abuse remain. Presumably this could be attributed to the short-range of reception of the Namibian Broadcasting Corporation radio and television services, which fail to cover the entire country. For example, far West of the Kavango, television is still not known and radio signals are not always received. No editor would risk sending a newspaper to these areas, as the area is not conducive for literature markets due to a high degree of illiteracy among the inhabitants.

Most women in Namibia do not have access to the media except when announcing obituaries of their loved ones. The NBC has introduced phone-in radio programmes and talks of the nation's television programmes as open forums that are being used by most people for advice and to air their grievances. Impoverished women living in the hills and mountains of Opuwo cannot really afford to enjoy these privileges due to the unavailability of telecommunication facilities as well as radio signals. This access to the media is in fact available mostly to urban dwellers only. Kethusegile et al (2000:264) outlined the following barriers of women's access to both expressions through media and information:

- Women's absence in positions of formal authority or decision-making
- Low literacy rate among women
- Traditional and cultural expectations
- Heavy work loads
- Low purchasing power
- Outreach of the media within the country
- Patriarchal structures

- Affordability of the media

These barriers are indeed similar to the deprivation of various rights in Namibia. In this regard the NGP has stated that although many women in Namibia are involved in careers in the communication systems of Namibia, only a few of them have successfully occupied positions in decision making levels or are included in governing boards and bodies that could influence media policies. It is therefore against this background that, according to the NGP (1999:23), the following strategies on information education and communication are set:

a. Strategies to increase the participation and access of women to expression and decision making in media and new technology of communication

In this regard the government will:

- Render necessary support and encouragement to education, training and employment that promote and ensure women's equal access to all areas and levels of the media.
- Ensure gender balance in appointing men and women to all advisory, management and monitoring bodies of media at all levels.
- Ensure that media programs are designed to impartially address the needs of both men and women.
- Consider and fully support, in accordance with the constitutional provisions of freedom of expression, skilled individual women or women's groups engaged in all media and communication systems in Namibia.
- Allow and promote the use of the media to launch campaigns throughout the country aimed at disseminating information regarding the awareness of the rights of women.
- Ensure the support and promotion of resources, as well as the implementation of programs aimed at portraying women in a positive and constructive manner in terms of the National Development Plan.

These strategies are relevant and may strike the target once implemented carefully and appropriately. Another important factor that draws most women into a pit of poverty, abuse and harassment is a lack of information concerning the management of the environment. For example, land reform or land issues appear as headlines in most of the local media, however most women conceive it to be men's issues and therefore are not always interested. In the following section more is to be discussed with regard to NGP strategies on gender and management of the environment.

Gender and Management of the Environment

The National goal is to render National Development of a sustainable ecological system through the equal contribution of men and women. Source: National Gender Plan of Action 1998 – 2003

Many women in Namibia have direct contact with their natural environment as they collect various important items for their daily needs from the surroundings. Frank confirms, "the majority of women in Namibia live in rural areas where they are dependent on sustainable natural resources for their daily life," (n.d: 18). The closest relatives of women in Namibia are trees and the forest. Women collect various products for consumption from trees and plants and these products give them, as it is the case in other developing countries in the world, the basic qualities of the three 'Fs' namely fuel, food and fodder.'

In Namibia women's environmental knowledge is restricted to the natural features in the proximity of their surroundings. To them the forest is important because it provides wood for fuel and water. Men perceive the forest from commercial perspectives i.e. for hunting wild animals to sell meat or collect wood for carving and then selling these products to tourists or other interested locals. Well-known experts in woodcarving in Namibia are from the Okavango region and their biggest market, known as Kavango Wood Carving is found in Okahandja town. There are also women at this market however their role is only to collect firewood, cook and do washing for the carvers.

The most tiring and arduous task that women in Namibia have to undertake everyday is collecting water. Water scarcity is in fact one of the main environmental issues that

Namibia, as the driest country in Southern Africa, faces every year. For instance impoverished women in rural areas, have to cover more or less 15 to 20 kilometres a day, relying on their bare feet to collect water. Some women may carry 20-litre containers of water, balanced on their heads and children strapped on their backs. Men regard this function as solely for women. Women sometimes leave them at home doing no work except wait for them (women) to bring water for them to bath and drink. Often should a woman fail to collect water or perhaps does it too late problems arise and she could be beaten and insulted by her spouse. As men dominate the whole spectrum of decision- and policy making in Namibia, environmental policies such as resource management is often neglected or gender sensitized, as most men do not directly experience the level of water scarcity.

Section 10.4 of the NGP discloses that women in Namibia continued to be under-represented, at all levels of policy formulation and decision making in natural resources and environmental development, conservation and rehabilitation programmes such as forestation and water management. Women are hardly, if ever trained as professional natural resource managers and therefore only a small number of them can participate as land use planners and agriculturalists. The NGP (1997:26) provides the following strategies destined to facilitate government efforts in the eradication of inequalities in the management of the environment:

a) *Strategies to involve and integrate women in the management of natural resources and the environment*

In utilizing its mechanisms the government will:

- Offer necessary opportunities enabling women to obtain access to relevant information as well as an education that broadens their horizons and qualifies them to participate in decision-making and management of the environment.
- Protect both men and women from environmental hazards caused by industrial development through appropriate measures and laws.

- Encourage research programs designed specifically to evaluate the magnitude of potential environmental hazards, which might affect women in poverty, in both the rural and urban areas in Namibia.
- Financially support proposed research that could generate required information on the role that women in Namibia play in for one producing food and storing it, soil conservation, irrigation, sanitation, pest management and control, water storage, etc.

Despite these strategies of the NGP, which have been in place for almost five years now, women still do not seem to play a part in the management of the natural environment conservation scene. Instead they are often perceived to be part of the problem and hardly are ever given the opportunity to be part of the solution. Apart from development programmes the government must implement that include training and education of women on the significance of the environment, great emphasis is drastically required on the promulgation of relevant laws and policies in this regard. The final strategy to be discussed, as prescribed in the NGP, is on gender and legal affairs. This will affect the entire summary of strategies discussed in this chapter as major loopholes are found in the legal system of the country for women and child abuse.

Gender and Legal Affairs

The state shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at a legal system seeking to promote justice on the basis of equal opportunity by providing free legal aid in defined cases with regard to resources of the state. (Source: Article 95 (h) of the Constitution of the Republic of Namibia 1990).

The legal history of Namibia stretches back to the colonial era. During that time even black men had no access to legal mechanisms. Few women studied law except up to a certain level. Female legal practitioners, especially among black women, were rare.

The same situation extends into the current legal system in Namibia. Though some changes are gradually developing, especially referring to the recent appointment of a female Attorney General (the first woman to occupy that portfolio in SDAC countries) as well as the existing Ombudswoman, this cannot be claimed as an ultimate achievement.

Legislation plays a gigantic role in re-framing the legal system of any country. Once control over or influence on legislature and its resulting enactments is based on the hegemonic power of one sex, in this case men, then it is always assumed that iniquity and prejudice cannot be rooted out entirely.

As such men wholly dominate the legislation process in Namibia and therefore gender bias can easily sneak in. The NGP is therefore designed to reveal iniquities in the position of women as legal subjects and to introduce strategies conducive to redress these iniquities. According to the NGP (1997:31) the following strategies can enable the government to ensure equal gender representation in the legal systems of Namibia:

a) *Strategies to address women's involvement in the law making process*

- The government is required, via the NGP, to commit itself to thoroughly incorporate women in the law making process by ensuring that any proposed legislation is not gender biased.

b) *Strategies to speed up the pace of law reform on issues of special concern to women.*

- Prepare enough human- and financial resources to the Law Reform and Development Commission.
- Where necessary, ensure that law reform can be implemented to eliminate all forms of discrimination.

c) *Strategies to improve women's access to the legal system and legal services.*

- Ensure that law enforcement agents, legal practitioners, medical staff and any other role players in the society are provided with adequate gender sensitization training.

- Ensure that legal aid services are available and are both readily available for both women and men in Namibia.

These strategies prescribed in the NGP are considered as standard guidelines for the government's long term plans toward equality and development. This paper does not cover all the strategies prescribed in the NGP however, the researcher has chosen to single out certain strategic issues. Before considering the implementation role of the NGP, it is worthwhile to briefly explain the monitoring mechanisms as prescribed in the NGP.

Monitoring Mechanism

The success of the National Gender Policy depends largely on attitudinal change. A change in attitudes also depends on the level of gender awareness campaigns and training being given to the people throughout the country. This objective is achievable once the monitoring mechanisms and structural set up is well in place. Section 13.0 of the NGP (1997:32) reflects existing monitoring mechanisms responsible to ensure successful implementation of the NGP strategies as follows:

- a) **Department of Women Affairs (Now the Ministry of Women Affairs and Child Welfare)** is obliged by the policy to oversee the implementation of the policy. This Ministry is the overall body with the secretariat to the Gender Sectoral Committee and Gender Commission.
- b) **Gender Commission** is appointed by the president of the Republic of Namibia and will be the legal body that enforces the implementation of the National Gender Policy:
 - The commission consists of personnel with legal background, gender experts and members of the community with good reputations in women affairs.

- Annual commission reports to the president on developments made to date regarding the implementation of the policy.
- c) **National Information Forum** is a forum that meets twice a year to evaluate progress made on the implementation of the National Gender Policy.
 - d) **Gender Sectoral Committees** are designed to advise the Ministry of Women Affairs and Child Welfare regarding issues related to their areas of responsibilities.
 - e) **Gender Focal Points:** these are people appointed in various government departments to oversee that policies and programmes developed at the central, executive departments, regional and local governments are gender sensitive.

The monitoring mechanisms in place are still not appropriately placed, for example, the regional office of the Ministry of Women Affairs and Child Welfare in the north is placed in Oshakati town to serve all four regions, these are the most populated regions in Namibia. In addition to this the office has a staff of two people only. It remains questionable whether they are really able to render optimum services to such a large area. The effect of the functions of the Gender Commission is not tangibly observable within the general public and some ministries still do not have Focal Points.

Summary

The vision of the NGP is to level a playing field where men and women are able to achieve their full potential as well as participate as equal partners in creating a just and prosperous society for all. Its mission is to establish an effective and enabling framework. This framework should in turn provide the necessary guidance to the process of developing laws, policies, procedures and practices intended to uphold equal rights and opportunities for both men and women in every sector and structure of the government, workplace, in the community and at family level. This is basically in line with Chapter 3 of the Constitution of Namibia, which is protecting the fundamental rights of the all the

people of Namibia. Therefore, violence against women and children such as rape is tantamount to a brutal attack of the privacy and dignity of women provided in Article 8 and 13 of the Constitution.



CHAPTER IV

IMPLEMENTATION OF THE NATIONAL GENDER POLICY

The National Gender Policy is aimed at redressing the inequalities between women and men. It provides a vision to improve women's living conditions including practical and forward looking guidelines and strategies for the implementation, monitoring and evaluation of the Constitutional provisions for gender equality. His Excellency Dr Sam Nujoma, president of the Republic of Namibia. Source: National Gender Policy 1997.

The adoption of the National Gender Policy in December 1997 was subsequently followed with the adoption by the Cabinet of the National Gender Plan of Action (NGPA) in 1998. The NGPA has put into action the potential machinery for practical implementation of the National Gender Policy. The National Gender Plan of Action is treated as a legal document that facilitates the smooth implementation of the NGP and the realisation of the goals and objectives prescribed therein. These documents are, therefore, inseparable during the implementation of the National Gender Policy.

Legal Status of the National Gender Policy

Article 10 of the constitution of the Republic of Namibia of 1990 provides 'equality and freedom from all discrimination on the grounds of sex, race, colour, ethnic, origin, creed or social and economic status. However, the effect of this provision, in terms of gender perspective, is still questionable in Namibia. The constitution has now been in place for more than ten years however high incidences of discrimination and violence against women and children in the country remains. The government's intervention to promulgate various laws and encourage full implementation of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) also seems to have failed to institute changes for the better.

Various obstacles exist that may hamper effective implementation of the NGP and laws aimed at addressing gender inequality in Namibia. One of the known major obstacles is

apathy within the entire nation, which is rooted, in the old colonial legal system. Most of the adult population in Namibia grew up under a colonial and apartheid system, to the extent that they still do not know what the concept of "rights" mean to them. In addition, they hardly understand the fact that "law" is a body instituted to protect them from any crime or violence being perpetrated against them. Instead, they perceive the law as a government tool to imprison them. During the colonial era the legal system maintained oppressive laws.

According to Duncan (1971:5) the Bantu Laws Amendment Act 42 of 1964 a new section 29 of the Bantu Urban Areas Consolidation Act was substituted for the original much amended one. This facilitated, among other things, that all unemployed Africans though in possession of a pass or permit could be judged as an "idle or disorderly element. Allowing any police officer, without a warrant for arrest bring the native before the magistrate or commissioner who, in turn, could dismiss him/her out of urban areas or subject him / her to severe fines or imprisonment."

Furthermore, according to Rudolph (1984:14) the Terrorism Act of 1967 authorised a police officer of or above the rank of Lieutenant Colonel to arrest or cause the arrest (without a warrant) of any person he suspected to be a terrorist. Under these laws many people, mostly Africans were tortured and killed under the pretext of terrorism subversion. These laws caused a mounting wave of fear, panic and confusion amongst the people of Namibia with regard to legal mechanisms and instruments.

These oppressive colonial laws equally affected women and men. Moreover these laws, particularly in rural areas, indirectly affected women. Nevertheless, the sad side of the story following court verdicts reached them through friends and relatives, particularly with regard to male urban workers. Following independence, many people held on to the same distrust. They cannot draw a proper distinction between the old and the new legal system. This often results in violated women refraining to report cases to the police. In some instances once a case is reported to the police the complainant (woman) withdraws it immediately. Hubbard (1999:37) in a table gives the following reasons for withdrawal:

- The complainant "forgives" the accused;

- The matter is settled by relatives;
- The complainant cannot be traced;
- The complainant is concerned of the effects on accused;
- The accused compensates the complainant, and
- The matter is referred to the traditional court.

These reasons may be based on the community's negative perceptions remaining from the colonial era as stated above.

The Role of the Department of Women Affairs (DWA)

Soon after independence in 1990 a department of women affairs, (now the Ministry of Women Affairs and Child Welfare) was established in the office of the president to act as a bridge between the government and women. The main reason behind its inception was to create a legitimate body within the government structure that could identify priorities for action in respect of sexual equality in Namibia. Since its inception, however, the DWA has already played a distinct role in gender sensitisation workshops, seminars and training through which much information based on diverse cultural and traditional behaviour, reflecting gender related issues was accumulated from all thirteen regions.

Being a brainchild of the DWA, the NGP had also become its yardstick to measure the potential magnitude of gender inequalities in Namibia and to seek possible influential measures, be it legal or social, to address the status quo. In its recognition of the fact that the meaningful implementation of the NGP could not be achievable without strong support of other laws, the DWA proposed the enactment of various laws that involved provisions, which could make the provisions of the policy strong in action.

Apart from implementing the NGP, the DWA spearheaded the popularisation campaign of the NGP by, for example, distributing copies to various ministries and NGOs and moreover, interpreting it into various indigenous languages so that it could be understood by the majority of people in Namibia.

During March 2000 before its conversion into the Ministry of Women Affairs and Child Welfare the DWA had established decentralised structures for the smooth implementation of the NGP. The Ministry fitted into those structures and pursued the goals and objectives of the DWA for implementing the National Gender Policy. The report now turns to the implementation of the NGP based on the gender issues of national concern, prescribed in the NGP as follows:

- Gender poverty and rural development
- Gender and economic empowerment
- Gender and the management of the environment
- Gender balance in education and training
- Information education and communication
- Gender balance on power and decision-making
- Gender and reproductive health
- Violence against women and children
- The girl child
- Gender and legal affairs

Practical implementation of the National Gender Policy

At this point it is worthwhile to evaluate the implementation process of the NGP, considering developments made so far by government intervention as per each area of concern.

a) Gender, poverty and rural development

The NGP provides strategies guiding the government to act proactively in eradicating poverty within the Namibian society. In so doing the government has already put in place specific programs to address the matter. Government bodies mandated to play an important role in alleviating poverty in Namibia are, the Ministry of Agriculture, Water and Rural Development (MAWRD), the Ministry of Regional & Local Government and Housing and Ministry of Land, Resettlement and Rehabilitation.

The Ministry of Agriculture, Water and Rural Development has in conjunction with the Food and Agricultural Organization (FAO) and other NGOs implemented various measures geared to enhance the agricultural extension capacity of communal farmers. Extension officers have been selected and are instrumental particularly in implementing policy provisions on information and communication. They received special training through workshops and seminars on how to carry out this task. The MAWRD has furthermore established twelve Agricultural and Rural Development Centres to ensure the efficiency and effectiveness of the extension services.

The MAWRD has also had the responsibility of addressing issues related to food security and malnutrition in Namibia. It was for that purpose that some special programmes such as the Namibia School Funding Programme (NSFP) were constituted and subsequently the number of children in school as well as attendance rates, particularly in rural areas, has increased considerably.

Apart from this the government has introduced the drought relief program. This programme was entrusted to the joint management of the MAWRD, Food and Agricultural Organization (FAO), the International Labour Organization (ILO) and the Council of Churches in Namibia (CCN), (Department of Women Affairs Progress Report 1999:17).

b) Gender and Economic Empowerment

The government has introduced several programmes to economically empower people in rural areas, particularly women and those with disabilities. The Ministry of Land, Resettlement and Rehabilitation carried out this responsibility. The Ministry adopted the Community Based Rehabilitation strategy in 1996 to combat imbalances between urban and rural resettlements. Through that strategy many people, particularly women, had benefited a lot from training programmes that had been initiated for capacity building for staff in the public sector and NGOs.

The onus of initiating a Resettlement Programme was not only on the Ministry of Lands, Resettlement and Rehabilitation alone but involved the Ministry of Agriculture, Ministry of Health, NGOs and other local and international organisations. However, the Division of Resettlement in the Ministry of Lands, Resettlement and Rehabilitation was restructured to include in its structure certain units such as Agricultural, Primary Health Care and Home Economics Units. According to the Department of Women Affairs Report (1999:17) "these units are specifically intended to target disadvantaged groups, mainly women." In addition, various projects were also initiated under the then Department of Women Affairs, funded through the National Development budget located through the National Planning Commission.

Although some projects had succeeded, some had fail dismally due to various factors that include lack of adequate management and business skills. Other contributing factors are the unaffordable fees of the Child Care or Pre-school Programmes in the country. This is an obstacle that deters poor women to employment or stipulated training and economic projects. Women, for example, with young children under the age of six still require to stay home looking after the children as they cannot afford to pay for the pre-school facilities to take care for their children while they are away for in-service training or busy with other employment oriented projects.

Blau et al (1986:139) put it that "the most emotionally charged issue is the question of the effect of maternal employment on children." As this has a direct influence, he questions parental employment in general, where fathers though working cannot do much to compensate for the reduced time at home of the mother. In this situation mothers are bound to lonely childcare and may remain within the same status quo unless positive efforts are made to subsidise childcare. This will increase women's economic advantage in the long run as mothers will be able to accept jobs that offer valuable experience and opportunities.

c) Gender Balance in Education and Training

In line with the NGP strategies of ensuring equal access to education, and in line with Article 20 (2) of the Constitution of the Republic of Namibia of 1990 which stipulates that:

“Primary education shall be compulsory and the state shall provide reasonable facilities to render effective this right for every resident within Namibia by establishing and maintaining state schools at which primary education will be provided free of charge.”

The government has through the Ministry of Basic Education and Culture declared the plights of educationally marginalised children a matter of primary concern. On 30 June 1998 the Intersectoral Task Force on Education endorsed the National Policy Options, specially intended to cater for the plights of those children. Furthermore, the government has put into action six mobile schools endeavoring to reach the most marginalised children, particularly among the Ovahimba communities in the Kunene region. Although Ovahimba people still live in primitive conditions, this programme has lessened the state of affairs and many children can now be found within a schooling environment.

In pursuit of its national goals towards equality, equity and access to education the government has:

- Implemented Supporting Education through the School Community Involvement and Training (SCIT) project within three circuits of the Ondangwa West Educational Region funded by UNICEF and implemented by the World Education Agency (NEA).
- Introduced the Early Childhood Development (ECD) training activities, which had been executed through different resource centers in Namibia as from 1996 to 1998. ECD trainees received rehearsal training sponsored by UNICEF.
- Established the Namibian School Feeding Program (NSFP), which yielded increased nutritional supply and enabled a considerable number of children from rural areas to attend school.

- Instituted two new special education schools to cater for the needs of learners with different disabilities, for example, hearing and vision, physical, emotional and mental disabilities. The National Institute for Special Education (NISE) supported the special education schools particularly for those children with hearing impairments and the mentally disabled.

d) The Girl-Child

The plights of the girl child were addressed through the replication of the Forum for African Women Educationalists (FAWE) chapter in Namibia, which was known as the Forum for African Women Educationalists in Namibia (FAWENA). This Forum includes in its objectives initiatives of policy debate on female education and training. It had also engaged in activities that promote female education, mobilise resources to render assistance to female education and solicit support from NGOs for the promotion of female education in Namibia.

Though the government has been more serious in instituting various programmes aimed at putting all children on an equal footing in terms of education, there are also some critiques about the government's failure in its implementation of the NGP. One of the main constraints that hampered the successful implementation of the NGP is the long delayed promulgation of the Education Act. This has impaired the legal basis of the administration of schools. The provision of the NGP on education could not be completely binding in the absence of the Education Act.

e) Information Education and Communication

Information and training is the only effective mechanism available for the government to increase public awareness on dignity and gender issues. Various instruments for information dissemination were put in place for example the state funded 'New Era', a bi-weekly newspaper. This newspaper includes in its columns aspects on traditions and culture, highlighting gender biased traditional and cultural norms.

The strategies of information and education focused greatly on campaigns against HIV/AIDS. These strategies have also influenced government departments to engage in specific programmes for educating staff on the danger of this terminal disease. The Ministry of Health and Social Services has been obliged to spearhead dissemination campaigns of this information. Some parastatals and organisations such as churches, United Nations Children's Fund (UNICEF) and the United Nations Food Programme Agency (FPA) have also rendered a helpful support to the Ministry's efforts.

Some ministries request assistance from the University of Namibia Gender Research Department to streamline perspectives of gender equality and the need to increase participation of women in decision-making and capacity building through workshops. A classical example in this regard is the Awareness Workshop Training held in June 1999 at the Ministry of Defense (MOD) Bastion one in Windhoek. This has been executed in line with the government programme of the outreach gender sensitisation and awareness campaign. In different scenarios men and women have been successfully trained including members of Parliament, National Council, Permanent Secretaries, Senior Officers from the private sectors, NGOs, church leaders, traditional and community leaders and youth groups.

f) Gender Balance in Power and Decision Making

According to the United Nations Blue Books "despite their educational advances women still face major obstacles to assuming decision-making positions in the societies," (UN; 1996:50). With reference to these general perspectives of the United Nations Blue Books, little has so far been done with regard to gender balance in power and decision-making in Namibia. Women continue to be highly underrepresented in decision making at almost every level of the government. This can be illustrated in the following tables:

Table 2: Lecturing staff at colleges of Education as per Academic Year 1998/99

College	Male	Female	Total
Caprivi College of Education	18	6	24
Rundu College of Education	17	10	27
Ongwediva College of Education	31	28	59
Windhoek College of Education	17	35	52
Total	83	77	162

Source: Namibia National Progress Report on the implementation of the Beijing Platform for Action for 1999.

According to Table 2, the Windhoek College of Education is extraordinary among others, as it employs more female lecturers than males. In addition, Table 3 below depicts the scenario of the positions held by females and males in school management in Namibia.

Table 3: Gender Disaggregated data on school management

Positions	Total	Male	Female
Principals	1382	930	452
Deputy Principals	287	167	120
Head of Department	1200	580	620
Teachers	13971	4969	9002
Total	16840	66646	10194

Source: Namibia National Progress Report on the implementation of the Beijing Platform for Action for 1999.

Though female teachers in Namibia are the majority i.e. 10194 compared to 6646 males, only 450 of them hold positions of school principals and 120 positions of Heads of Departments while 9002 of them are ordinary teachers. This implies that more gender sensitization workshops should be conducted in the Ministry of Basic Education and Culture to sensitize the management staff in gender related issues to eradicate gender inequalities in its workforce. Tables 4 and 5 below depict gender representation in the political arena of Namibia.

Table 4: National Assembly

Positions	Total	Male	Female
Speaker: National Assembly	1	1	0
Deputy Speaker: National Assembly	1	1	0
Members	76	61	15
Total	78	63	15

Source: Namibia National Progress Report on the implementation of the Beijing platform for Action for 1999.

Table 5: National Council

Positions	Total	Male	Female
Chairperson: National Council	1	1	0
Deputy Chairperson: National Council	1	0	1
Members	24	23	1
Total	26	24	2

Source: Namibia National Progress Report on the implementation of the Beijing Platform for Action for 1999.

According to *Women in Politics* (1999:8) “the obvious place to look for women in decision-making at national level is in Parliaments.” With reference to Tables 3 and 4 above, women were poorly represented in both the National Assembly and National Council. Out of the total number of members (78) only 15 of them are women. While out of the total number (26) of the National Council, only two (2) of them were women. Some reasons given in defence of these political disparities include the fact that women are not really interested in politics and therefore only a few of them were active enough to participate in political activities in Namibia.

Frank (n.d: 4) states that “political parties tend to blame women for not coming forward as candidates.” However, these reasons lack a scientific dimension because there have never been any social and behavioural studies conducted to prove that reality. This practice just like all other discriminatory practices is an offspring of male domination conditioned by cultural and traditional stereotypes. And this is inconsistent with the NGP strategies to increase women's power, access and participation in decision-making whereby the government is expected to:

- strive, in line with Article 23 (3) of the Constitution, to establish, mechanisms for attaining the goal of gender balance in governmental bodies and committees, public administration, judiciary and any other decision-making organisations;
- take measures that shall encourage affirmative action in implementing Article 69 (1) of the Constitution which states that the National Council shall consist of two (2) members from each region referred to Article 102 hereof to be elected from amongst their members by the Regional Council for such a region. This policy seeks to encourage gender balance in the membership of the Regional Council and in particular the National Council.

Frank (n.d: 6) praises the government's local level where women's representation is currently 41 percent. At this level the government exceeds the target of at least 30 percent women prescribed in the addendum of the 1997 SADC Declaration on Gender

and Development. However this may not always be taken for granted as the norm. Women in Politics (n.d:57) explains that “the effect of women on political decision-making cannot be assessed by merely quantifying their representation in elected assemblies.” This connotes that women’s participation in both the political executive and the higher ranks of service must also be considered. This is quite imperative to understand, as Women in Politics (n.d:57) explain “...not all ministers are of equal importance and, again, it is necessary to look beyond the statistics of women’s participation to the relative significance of the portfolios they hold.”

g) Gender and Reproductive Health

Prior to the inception of the National Gender policy, the government through the Ministry of Health and Social Services introduced a Primary Health Care (PHC) strategy aimed at improving the health status of all people in Namibia. This strategy outlines necessary preventive, curative and rehabilitation health services, which are accessible and affordable to the Namibian citizens. Collaborating with other partners such as: WHO, UNICEF and NGOs, the Ministry of Health and Social Services have successfully implemented strategies at grass-root level of the community.

The objectives of the Primary Health Care strategy correspond with the provisions of the NGP. Therefore the provisions of the NGP on gender and reproductive health seem to be the extension of similar existing provisions of the Primary Health Care strategy. The government executes the strategies provided by the NGP concurrently with the strategies of the Primary Health Care (PHC). The PHC strategy has in addition provided services to women such as health delivery services, maternal and child health care, which include contraception, antenatal care, and immunisation, nutrition and education services with an emphasis on sexually transmitted diseases such as HIV/AIDS. However notwithstanding that the struggle on legal termination of pregnancies had deadlocked in the parliament. According to Frank:

“The Sterilization and Termination of the Pregnancy Bill of 1996 was dropped by the government in 1999 without any research on the extent of unwanted pregnancies and unsafe abortions in Namibia and their effects on women’s lives. While women who can afford it can now secure safe

abortions in clinics in South Africa, poor women in Namibia continue to subject themselves to having unsafe abortions or bearing unwanted children, leading to the practice of infanticide in case where women feel they cannot cope with the burden of raising a child in an unsupportive way," (Frank; n.d: 12).

With reference to Frank's argument, this research considers the confounding that may deviate the government's efforts to pass the Sterilisation and Termination of Pregnancy Law. The failure relies heavily on moral and traditional values. Strong objections from some traditional and religious groups contributed adversely to this process. The government opted not to compromise its democratic ethics and hence, decided to drop the Bill altogether.

The HIV/AIDS epidemic is increasing at an alarming rate in Namibia. According to Epidemiological Report on HIV/AIDS for the year 1999:

"In 1999 a total of 14,886 new HIV infections were reported by the Laboratory Services of the MOHSS. This is an increase of more or less 2,100 compared to the 12,701 new infections reported in 1998. This brings the total number of HIV positive diagnoses to 68,196 by the end of 1999.

A high number of women than men were diagnosed with HIV in 1990. Women account for 54% of all reported new HIV cases. Women are also diagnosed at a young age: the median age of HIV diagnoses is 30 years for women and 35 years for men," (Otaala; 2000:13)

The aforementioned Epidemiological Report reveals that, there is a relationship between gender and the spread of HIV/AIDS in Namibia. Women are more affected than men. The government had promptly responded to the issue by establishing a Five-year National Strategic Plan to deal with HIV/AIDS for the period 1998 - 2003. The Cabinet had also approved a National Aids Coordination Program (NACOP) with the broad objectives of providing a comprehensive and inclusive national policy on HIV/AIDS and, moreover, providing political commitments, which include guidance to the AIDS Control functions. However, these efforts never catalysed for a tangible effect on ground level due to various undermining factors such as women abuse¹².

h) Violence Against Women and Children

Violence against women and children forms the central part of this paper. Sufficient details about this are covered in the case study of the Oshana and Oshikoto regions.¹² Nonetheless, it is worthwhile at this point to consider the government's commitments in its implementation of the NGP.

The government has primarily taken into account the high costs of legal representations in Namibia, which prevents many poor people, particularly, women from gaining access to support. It constituted the Legal Aid Service under the Directorate of Legal Aid (DLA) in the Ministry of Justice and within the legal milieu of the Legal Aid Act of 1990 to render legal assistance to the people who could hardly afford to seek legal representation on their own. This Directorate has so far played a vital role in assisting abused women and children throughout the country. The assistance includes: the protection of widows and divorced women, and claims for maintenance payment for ignored children.

A Gender Research Project (GRP) was also introduced in the Legal Assistance Center to assist the government in gender and law related research. The GRP works hand in hand with the Multi-Media Campaign on violence against women and children in streamlining awareness on violence against women and children, focusing primarily on domestic violence. The Combating of Rape and the Domestic Violence Bills proposed to combat violence against women and child are still debated in parliament. The combating of the rape bill includes in its provision the prescription of a minimum sentence imposed on perpetrators of rape – crimes namely six years imprisonment.

The Women and Child Protection Unit (WCAPU) was established in the Namibian Police as a potential sanctuary for abused women and children. However, the NGP put it broadly that though the name of the Unit involves only women and children, abused men should also feel free to channel their grievances via these units. Other institutions serving in collaboration with WCAPU are: the Women and Law Committee, the Gender Research

¹² See Frank, L. (n.d.) Words into Action. The Namibian Women's Manifesto.

¹³ See chapter 5

Project, Sister Namibia and the Multi-Media Campaign on violence against women and children.

i) Gender and Legal Affairs

In implementing the National Gender Policy to address women's involvement in the law making process; speed up the pace of law reform on issues of special concern to women and improve women's access to the legal system and legal services, the government has made use of the already established Law Reform and Development Commission (LRDC). The LRDC has furthermore established in its structures the Women and Law Committee (WLC), which focuses on the law reform in Namibia to address gender related legal gaps between men and women.

Supporting the NGP stipulation the government has introduced and promulgated the following Acts and policies:

- The Legal Practitioners Act of 1995
- The Married Persons Equality Act No.1 of 1996
- The Mainstreaming Gender in Namibia's National Budget 1998
- The Affirmative Action Act No. 29 of 1998

The Legal Practitioners Act emphasised the provision of greater and equal access to the legal profession and legal representation for every one in the society. It is through this Act that women and children could obtain legal help from the Legal Aid.

The Married Persons Act on the other hand makes an important provision worth mentioning here, by prescribing 18 years as the normal age for one to concede to civil marriage for both men and women. This Act has also provided marital powers, which were previously vested in men alone. It eventually outlines equal status and power to all spouses married in community of property such as, control of their assets by jointly entering into credit contracts with liability of the joint estate and many more rights concerning contracts.

The Mainstreaming Gender in Namibia National Budget of 1998, which analyses the National Budget in the context of gender, was launched by DWA, the UNAM, and SIDA. The analysis made so far exhumed important methods usable for the smooth evaluation of the National State Budget. The Ministry of Finance as well as other government departments has hailed this initiative.

In 1998 the government promulgated the affirmative Action Act to address the wrongs of the past, including gender inequalities and other forms of existing discriminations. In addition, the Act also involves in its provisions the plights of disabled people and provides that these people must be treated in the exact way that people with healthy bodies are treated in terms of employment opportunities. The effectiveness of these laws and the NGP on violence against women and children will be experimented in a case study of the Oshana and Oshikoto region in the following chapter.

Summary

The implementation of the NGP was based on its legal status embedded in the Constitution of the Republic of Namibia of 1990. The stereotypes and stigma originated from the laws of the previous government and the customary laws are reflected as some of the stumbling blocks to the optimal implementation of the NGP. The roles of the main role players in the implementation of the NGP such as the Department of Women Affairs were covered in line with the areas of concern prescribed in the NGP. The Ministry of Lands, Resettlement and Rehabilitation, The Ministry of Agriculture, Water and Rural Development, The Ministry of Regional, Local Government and Housing are among others tasked by the government to play an immense role in implementing government strategies prescribed in the NGP, especially to eradicate poverty, the main source of violence against women and children. There are also many NGOs that assisted the government in implementing various programmes intended to change the current situation of gender imbalances, discrimination and abuse. These include UNICEF and the United Nations Food Programme Agency (FPA). However this report concluded, referring to various gender disaggregated data provided through the progress report on the implementation of the Beijing Platform of Action, that the proportion of women

represented at various levels of management has room for improvement. This trend is a major contributing factor to gender biased decision-making processes with negative impact on women's lives. The following chapter will take the situation on ground level to determine how women and children survive in a world of daily abuse despite the existence of a well-planned NGP. A case study of the Oshana and Oshikoto regions is applied.



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CHAPTER V

WOMEN AND CHILD ABUSE IN NAMIBIA: A CASE STUDY OF OSHANA AND OSHIKOTO REGIONS

Incidence of violence in Namibia is among the highest in the world. We regularly read of cases where a man has stabbed his friend, his brother or his wife in a random case of violence. Often the cause is minor, like an argument about a cigarette, mostly the incidents happen after a lot of drinking. (Multi. Media Campaign on violence against women and children 2000.7)

Forms of violence

The United Nations Blue Books (1996:55) explains that “violence against women takes many forms which are now recognised as major impediments to the rights of women to participate fully in society.” While DeKeseredy on the other hand explains that ‘abuse’ or ‘violence’ can be distinguished into two main categories, which are physical and mental violence. Physical violence includes the rape of women and children, sodomy, domestic violence such as wife battering, child abuse, sexual assault and beatings. Mental or emotional abuse includes verbal abuse, intimidation, humiliation, neglect, psychological torture and economic exploitation. The latter forms of violence are described as the more harmful than physical violence. The victims of psychological violence usually show symptoms of anxiety, nervousness, depression and stress.

Excessive alcohol consumption is always a scapegoat of all forms of violence in Namibia. That is of course an undeniable fact, however more studies are required to exhume other sources of violence supplementing the already known alcohol misuse. Hubbard et al (1992:7) identifies that “the relative position and decision-making power of men and women too must be seen in the context of widespread violence against women.”

While men are widely believed to be the perpetrators of violence against women and children, rare cases of violence perpetrated by women against women were also recorded. For example, a horrific case of a 20 year-old female student in the University of Namibia who killed her aunt placed her body into a metal drum and burnt it. After burning it she cut off the hands and feet, legs and arms, put it into a suitcase and confiscated it a distance away from home. There are also other cases of violence reported against women and children committed by reputable people whom the communities never suspect would commit. For example, the case of a 61-year-old pastor of the Marinata church of Usakos currently serving 4 years imprisonment after his conviction in September 1999 on a charge of having sex with a minor girl of 11 years of age. According to Hubbard et al (1992:7), "the number of reported cases of violence against women and children in Namibia are rising steadily each year. Rape cases for example, increased by 352 in 1988, 384 in 1989, 419 in 1990, and 445 in 1992, only a small amount of all rape cases that occur are definitely reported to the police. There is also evidence that physical and sexual abuse of children; almost one-third (33 out of 104) of the rapes reported to the police in early 1991 involved girls under the age of 16..." Hubbard et al's study was carried before the NGP. The case study of Oshana and Oshikoto regions explores the community's current mindset towards gender sensitivity after the policy.

Case Study: Oshana Region

Situated in Owamboland in the north of Namibia, Oshana region is dominated by Kwambi and Ndonga speaking ethnic groups. These groups have a lot in common since they belong to one umbrella Owambo tribe that comprises seven ethnic groups talking almost the same language. The traditional and cultural behaviours are similar and the people are extensively inter-married. Common forms of violence against women and children within this tribe are women battering, rape, heritage problems, verbal abuse and humiliation.

In compilation of this paper the researcher consulted various stakeholders in Oshana region such as the Women and Child Protection Unit in Oshakati, the Ondonga Traditional Authority, Legal Assistance Centre in Ongwediva and individuals from

diverse villages. During the consultation with Ondonga Traditional Authority the headmen from Oshuushe, Ongenga, Ombili and Oshitayi villages in Oshana regions furnished constructive and useful information to this research with regard to violence against women and children.

Views of the respondents: Oshana Region

Three men interviewed in Oshitayi village have expressed their point of views in the manner that promotes and preserves the integrity of manhood (see Annex B for the interview questions). They believe current laws and policies are disputing their traditional norms, which subject women to a life of servitude and inferior positions in society. To them the dream of equality between women and men is something, which contravenes the law of nature. Naturally, they believe that women could not be treated equally to men, as they were created only as helpers for men. Verses were cited from the Holy Bible to substantiate these arguments that God used soil to create a man and decided that it is not good for a man to live alone and subsequently created a suitable companion to assist him. He made a woman from the man's body and the man named her a "woman."

They interpreted these versions as a natural mandate vested in men to rule everything on earth from which women are not exempted. They claimed that woman today as being insolent and uncooperative unlike in the traditional ways. In the past the sky was the limit to polygamy and men, including Solomon in the Bible, could marry as many women as they pleased and squabbles over marital affairs were very rare. "Woman today may eat you alive if you simply spend one night out of bed" one man said. "Women seem to forget that we buy them from their parents to become part of our personal wealth" another man concluded.¹⁴

It is traditional custom, particularly in Ondonga ethnic group that a bridegroom must pay a compulsory dowry and some additional payments in the form of livestock or money to the family before marriage. This trend makes some families consider their daughters as an investment for the future. Should the girl become pregnant before marriage, the first

man responsible for the pregnancy has to pay N\$1200.00 or two heads of cattle to her parents. The other man who will eventually marry the same girl will also pay dowry and some heads of cattle. This puts heavy and negative repercussions on the shoulders of the wives. For example, according to Abrahams (2000:41), the Herero tribe in Namibia is also practicing the same system of paying lobola (dowry) whereby a man pays a certain number of cattle or a stipulated sum of money to the family of the bride. Once he has done so he regards his wife as a commodity that he has bought i.e. an extension of his property. If they get into differences or quarrel the husband does not hesitate to say to his wife, "you are mine because you were bought and paid for, so you must do whatever I tell you." SWAPO of Namibia also quotes one man in Namibia who has the same opinion; "I pay lobola for a woman according to tradition. Therefore she becomes my possession. I am her boss and she is my property. You don't expect me to be submissive to my own shirt, so why should I treat her differently?" (SWAPO; 1987:285).

Other women approached for this research in Onantsi village/Oshana region told their stories with eyes filled with tears.¹⁵ They expressed that if traditional customs had not deprived them of their rights to choose men of their own choice they would not have been subjected to such tortures in marriages. Ondonga and Kwambi ethnic customs do not allow a woman to propose to a man. If she does, this proposed man goes around spreading the story and the pertaining woman's relatives will take her to traditional healers to rid her of "bad omen".

This situation confines women to a domain of torture and degradation. For example, there are women who have been left by their husbands for no apparent reason, sometimes heading three houses in the vicinity of Onantsi village. These women live their lives in fear and hunger. They cannot move out of the common home, as they fear that people will discuss them or insult them by calling them names such as 'prostitutes' etc. They cannot afford costs for divorce, and they have no right to propose to the man of their choice.

¹⁴Village men aged between 45 and 55 peasants, Oshitayi village/Oshana Region date interview 25 August 2000.

¹⁵Unemployed women, aged between 30 and 40, Onantsi village, date: 27 August 2000.

As Christianity suppresses polygamy in Namibia, most husbands in Oshana region shift to subtle or sometimes open extramarital affairs. Adultery is common among the male community in this region. This places the wives at risk of contracting HIV/AIDS and other sexually transmitted diseases (STD). According to the interviewed married women, "it is senseless to compare the world of today with ancient primitive societies when terminal diseases such as HIV/AIDS were not experienced." For them it is not advisable to keep traditional and immoral customs such as polygamy in the current society as this can contribute to the spread of diseases.

On the contrary, one unmarried woman argued that women in Namibia outnumber men, and if all men could have been married to one woman and adultery is totally dead, then hundreds of women will remain without male partners or else they should leave Namibia to find men from neighbouring countries. This statement contravenes moral values and many people, particularly, women perceive it to be unacceptable as it lacks credibility within the society.

Apart from beatings, both men and women interviewed for this research in Oshana region agreed that rapes are the commonest incidents of violence in the region. Previously rape in a marriage was not viewed as a crime. This perspective is apparently rooted in the traditional masculine belief that 'a woman is bought with a dowry for the men to use her as he pleases with other inanimate and animate things in his possession.' Most men in Namibia, (not only in Oshana region), even lawmakers have a serious problem with the concept of "rape in marriage." Becker (2000: 19) quotes one politician's contribution to the debate on the tabled rape bill in the Parliament:

"With regard to the so-called raping of wives by their husbands right in their bedrooms, I have a serious problem with that. When the wife dashes out of the bedroom and rushes to report to the Police is it at the point when separation and eventual divorce of the couple commences"
(The Namibian; June, 6 1999).

Though the rape bill is now at its final stage in Parliament, men at every level of society are still clinging to the traditional belief that rape cannot happen between married couples. They could not understand the reason why wives may deny sex to their husbands. "This is one reason that forces us out of our homes" one man confirmed by

referring to certain women who entirely refuse to have sex with their husbands without any valid reason.

However, some women counter argued that it is their right to deny sex to their husbands who might behave randomly with regard to sex. They do so to protect themselves from sexually transmitted diseases including HIV/AIDS. On many occasions, husbands with such behaviour refuse to use protective measures and if the wife stubbornly refuses to have sex with him, he may force her and the possibility is always high for that woman to contract HIV/AIDS or other sexually transmitted diseases. According to the Students Dictionary (1996: 793) the term 'rape' "is a crime of forcing someone to have sex against his or her will, usually committed by a man against a woman". This explanation does not discriminate between married or unmarried women. Therefore rape in marriage is possible.

One man from Ombili village revealed that women could sometimes attract men to rape them. He argued that most women, particularly, younger ones arouse men's sexual desire by roaming the streets dressing in short skirts or revealing dresses sometimes displaying their private parts. For a man, a highly effective trigger for sexual arousal is vision. Bare flesh and revealing clothes can quickly arouse a man sexually. Therefore any woman behaving in that way is at risk of rape. He further explained that there are also some women who use rape as an effective way to destroy men or to cast them behind bars for many years. This type of women can enter into sexual relations with male partners under certain conditions. If therefore the male partner does not meet the requirements of these conditions the woman rushes to the police to lay a charge of rape. Women's organisation and protection units will instantly start with campaigns to solicit support for the woman or to convince the court to impose severe punishment on the man. This type of action is indeed tantamount to the destruction of an innocent," he concluded.¹⁶

However, the reason given that revealing clothes attracts most of men, was dismissed by some female teachers from the Okashandja Primary School. They could not understand why then do Ovahimba women, who dress in revealing traditional attire not raped? This question remains a riddle. Rape and sodomy are deliberate crimes that men commit every

weekday. It raises eyebrows to hear that an adult man of say 25 or 50 years sodomised a 10-month-old infant or raped a one-year-old toddler. Some men attempting to shed light on this type of incident blamed the issue onto traditional witchcraft. They explained that some people who experience chronic diseases or intend to become rich quickly go to witchdoctors for advice. The treatment prescribed by witchdoctors for someone to become rich or to be cured from a terminal disease, such as HIV/AIDS could include having sex with virgin girls or boys. However the point of witchdoctors' advice is ludicrous, as the very same witchdoctors who promise good fortune for others are themselves the poorest citizens in the country.

Women and Child Protection Units in Oshana Region

Women in the Oshana region are gradually learning about their rights and stipulated mechanisms to protect those rights, for example the Women and Child Protection Units and the Legal Assistance Centres. Table 5 below indicates statistical data provided by the Oshakati Women and Child Protection Unit.

Table 6: Crime statistics since September 1994 to July 2000.

Crime	1994	1995	1996	1997	1998	1999	2000	Total
Rape on adults	25	35	54	30	30	27	28	229
Rape on minors	13	29	60	41	47	30	30	250
Incest	8	12	4	5	3	3	5	40
Attempted rape	10	19	13	16	10	13	8	89
Sodomy	3	2	4	5	2	3	3	22
Indecent assault on adults	9	10	7	6	5	3	5	45
Indecent assault on minors	6	5	18	5	16	8	4	62
Assault on adults	10	15	15	14	11	14	19	92
Assault minors	14	19	12	12	18	19	6	105
Kidnapping	10	5	6	13	8	6	13	50
Child neglect	4	6	13	12	16	13		74
Total	112	157	206	159	166	139		1058

Source: Women and Child Abuse Protection Unit Oshakati

¹⁶ Headmen of Ombili village/Oshana region, aged 60, pensioners, and date interviewed 24 August 2000.

Table 6 above depicts that the rape of children dominates the statistics on violence against women and children. By 1997 alone 13 cases were reported in the region however in 1995 the numbers increased while it seemed to have decreased in 1999. Just in the first half of the year 2000, 30 cases of rape of children have already been reported. This increase is not necessarily included in the crime rate but in the amount of reports made to the police or Women and Child Protection Units. It is clear that the statistics shown in table 6 above were low in 1997 because at that time the protection units were not popular in the community and many cases were not reported. It is apparent that in ten years to come the number of crimes to be reported should increase, as more people will make use of the stipulated mechanisms to seek protection from violence. According to the WCPU statistics, 65 percent of all the suspects of crimes of violence against women and children depicted in table 6 above were arrested and brought before a court.

According to the latest report of the Law Reform and Development Commission, sentencing patterns in Namibia are the same with regard to domestic offences and other violent crimes. For particularly domestic offences imprisonment is a common punishment. Fines can also be imposed if the accused admits guilty. "However in domestic violence cases these fines range from N\$ 50-N\$100 as compared to with a range from N\$30-N\$300 for other types of violent crimes," (Law Reform and Development Commission Report, 1999:42)

Inheritance problems in Oshana Region

Owambo ethnic groups of which, the Ondonga and Kwambi are cases in point, are adhering to very traditional inheritance. Many wives and children in Oshana region have been made homeless by relatives of their spouses following the husband's death. The origin of this problem can be traced as follows: The Owambo tribe consists basically of seven different ethnic groups: Ndonga, Kwanyama, Kwambi, Kwaluudhi, Mbalantu, Kolonkadhi and Ngandjera. The ethnic groups are subdivided into clans based on the fundamental rules of matrilineal descents.

These clans are regarded as families and each family is specially named after any object or activity it likes or does most. For example, a clan that likes growing more *Iilya* (millets and sorghums) is called the “*Kwaniilya*” (which means a Family of the Millets and sorghums). While the clan with people who prefer walking after sunset like a *Mukuusinda* (snake), is called (the Family of the Snake). Again the family with strong people like *onime* (lion) is called *Mukwaanime* (the Family of the Lion). If therefore a man from, say the Mukwaanime clan is married to a woman from the Kwaniilya clan then all members of the Mukwaanime clan (of e.g. hundred members) will be eager to inherit everything, regardless of the wife and children, should the husband die.

These Clan or family divisions promote violence against women and children in various ways. According to the traditional family custom of the Ndonga and Kwambi ethnic groups in the Oshana region, every child born belongs to its mother's family. The father is merely a donor while the mother is a beneficiary. Fathers sometimes pay little attention to their own children and instead lavish a lot of attention on their sister's children in terms of assistance, whom they perceive as their family or genuine relatives. If for example his own son breaks a window glass of the neighbor's house the mother and her family must be responsible for compensation.

A greater problem occurs once the husband dies. His brothers, sisters and other members of his family clan often claim the inheritance by force, they take everything including food and livestock leaving the wife and children, who actually produced the food or reared the livestock, to a life of poverty and destitution. This fact can be tangibly reflected in a true story of a widow, Josefina Iilende from Omuthitu-gwarwani in Oshana region who was left roofless after relatives of her late husband destroyed her homestead and stole her belongings including food. According to Nampa:

Iilende who is 49 and her husband Simon were married in 1974 and have six children. After Simon died on 18 April 1997 the relatives had been trying to get their hands on the family's possessions. One day while the widow was away the late husband's relative led by Nangombe, sister of Iitende's late husband arrived at the homestead. They chased the children outside and proceeded to dismantle her home and removed everything, from food and belongings to beans, poles and even dismantled pieces of zinc from the house destroying storerooms. A 4x4 Toyota was also taken

away. The relatives were said to have traveled more or less 20 kilometers away." (The Namibian; 22 August 2000).

Worse, it is widely recognized that women in the region instigate problems over inheritance. In fact, in most inheritance cases women are virtually believed to be the cause of the problem. However, this has a long story behind it. Briefly it can occur in the following way:

- Firstly the married women teach their children about the structures of the family (clans) on the matrilineal basis.
- Secondly children are taught that their maternal uncles are part of their family, (no matter how far they are in the extended family relationship) and everything they have belongs to them and not to their biological children.
- Thirdly if their uncles die their maternal relatives are entitled to inherit all the possessions including land and food.

These instigations cause havoc. Widows and their children are insulted and dubbed 'witches'. It is a custom in Owambo tribe in general and Ondonga and Kwambi ethnic groups in particular that no husband dies a natural death but that their wives cause every husband's death. Ironically, some women who used to push their relatives to inherit the possessions of their deceased brothers and to leave widows and children in destitution could also be married. If their husbands die they protest against inheritance and in most occasions rush to the Women and Child Protection Unit to seek protection if the relatives of their husbands threaten to inherit everything. The reports received by the Oshakati Protection Unit on miscellaneous incidents of violence against women and children between 1994 and July 2000 reflects that:

Marital disputes	113
Maintenance	99
Emotional abuse	96
Alleged child neglect	75

Inheritance	72
Undisciplined children	69
Alleged assault	61
Alleged sexual abuse	55
Assault through threatening	54
Missing children	45

Based on the statistics provided by the WCPU above inheritance is among the topmost causes of violence against women and children following marital disputes, maintenance, and emotional as well as alleged child neglect in the Oshana region. It appears that many women are much less likely to report having been abused. Dekeseredy et al (1997:51) identify the following major factors that contribute to underreporting:

- Embarrassment,
- Fear of reprisal,
- Deception,
- The belief that some events are too trivial (not important) or inconsequential to report,
- Reverse telescoping (fear of creating problems when they will do the same, for example, in inheritance issues),
- The reluctance to recall traumatic events.

From these few comments it is evident that this study has left much unsaid with regard to the incidence of women and child abuse in the Oshana region. To build a strong case, therefore, the study examines similar incidents in the Oshikoto region.

Case Study: Oshikoto Region

The Oshikoto region adjoins Oshana in the East. Although there are some Damara, Hereros, Kavango and Sans speaking people in the region, Ondonga and Kwanyama ethnic groups dominate the population of this region. There are about 80 traditional villages in the region and each village covers 4 to 5 square kilometers. There are also 4 small towns in the region (Tsumeb, omuthiya, Oniipa and Oshigambo) of which Tsumeb

is the largest and the regional capital. A large number of people live in the rural areas formed by the aforementioned traditional villages. Omuthiya is the regional commercial capital, which accommodates people from diverse tribes, and ethnic groups who came to town for business purposes. Most of them are women and sometimes girls under the age of 16. The villages in both Oshana and Oshikoto regions are under the Ondonga Traditional Authority and thus the village headmen are entitled to participate in the Ondonga traditional authority meetings.

Views of the respondents: Oshikoto Region

(a) Headmen:

For this research, the headmen of the following villages: Ehangano, Onalulago and Oneputa were interviewed during the Ondonga Traditional Authority Consultive Routine Meeting held in the Ondonga Traditional Authority Headquarters in Oluno township on 24 August 2000. The question of why violence against women and children in their villages increased alarmingly was too difficult for them to answer. Based on their experiences, they termed the phenomenon a 'mystery' of the current epoch. They argue that through their 50 to 60 years of extensive experience with regard to social life in Namibia, rape cases were rare and mostly committed between two adults. The current incidents, for example, an adult raping a 2-year-old toddler has just erupted and escalated following independence in 1990. To them the end of the world predicted in the Holy Bible is certainly near. However, headmen of the Ehangano village blamed women, particularly middle-aged women for seeking rape. According to him, "these women exceedingly consume alcohol and sleep in the veld. As a result young men, hungry for sexual relations may discover and consequently rape them," he said.

(b) Individuals:

Few individuals interviewed¹⁷ indicated that the greatest problems of violence against women and children in the Oshikoto region are wife battering as well as eviction from a communal home when the husband dies. According to the interviewees, Kwanyama men

abide by the traditional customs of beating wives. These customs encourage husbands to beat up their wives as a token of love. Traditionally the Kwanyama Community did not consider wife battering as a serious crime against humanity. Women in the Uukwanyama community are conditioned from a traditional perspective to accept beatings and other domestic tortures as part of their life. If a tortured woman divorces her husband and returns to her parents home, her own mother will force her back to the intolerable marriage on the reasoning that she also had to survive the same fate. The constitutional provisions such as Article 8, which provided for respect of human dignity is not known in remote areas of the Oshikoto region, neither the constitution itself as a booklet and let alone the NGP.

Two male callers from the Oshikoto region that participated in a NBC Oshiwambo Service call-in radio program 'Natuthikeni-ngaa-pamwe' (Gender Equality on 19 August 2000) argued that wives equally abuse most married men. Men simply sweep their plights under the carpet due to the stigma attached to the traditional integrity of manhood that a man beaten by his wife is a coward. "You can find a man with a nasty bruise on his forehead where he was hit by his wife. If you ask him what happened he would reply with a lie claiming that he bumped himself against an object while he was chasing a donkey in the dark or while he was drunk" one man concluded.

The same callers went on saying that the establishment of the Department of Women Affairs or Ministry of Women Affairs and Child Welfare is a big threat to men. They believe this Ministry has been established to protect and promote women and children's interests only and thereby suppressing men's dignity. "We do not understand why that Ministry is called the Ministry of Women Affairs and Child Welfare, though it claims to promote gender equality? In what capacity can an abused man raise his grievances with this Ministry since he is neither a woman nor child? Similarly, how can a man of normal intellect take his complaints to the institution entitled, Women and Child Protection Unit?" They asked.

¹⁷ These interviewees were from Oniipa village/Oshikoto region, aged 50 –60, unemployed and date interviewed: 2 September 2000.

Child abuse in Oshikoto region

According to Hester et al (1996:89), there are three issues concerning parents, children and domestic violence being important to discuss viz:

- Ideologies of mothering and fathering and their influence on current laws and state response,
- The links between domestic violence and the abuse of children,
- The fact that violence does not stop when the parents are separated, and thus arrangements made following the separation or divorce have important implications for the safety of both women and children.

Many women in Oshana and Oshikoto region experience systematic violence when they are pregnant or while the children are small, which is precisely the time that they are emotionally and economically more dependent on their male partners or husbands. In addition, it is because of the children that women are more reluctant to terminate the relationship although they are being terribly abused. It is easier for the women to leave their violent partners when the children are also directly affected by the violence, for example, raped by a husband or male partner. However should the violence be directed to themselves as mothers, women refrain from leaving thinking about the financial and material implications toward the children following a separation from the abused fathers whom often are the sole providers. This situation forces abused women to remain in their troubled relationships. However alternatively, it badly affects the children's emotional and physical health.

Moreover, unlike women, both men and women equally abuse children. This is tangibly illustrated by the following cases: '(a) a 25-year-old man at Omuthiya constituency raped a 2- year old girl. The toddler suffered long lasting mental trauma as a result of that rape, (b) a 3-year- old toddler has its hands impaired after its stepmother burnt it beyond treatment, and (c) and several huge number of infants are usually born alive but are

instantly thrown into toilets, dustbins or in open places by their mothers.¹⁸ This is possible when both partners never conceded for that pregnancy or when the potential father refused the responsibility of that pregnancy.¹⁹

Nowadays illegitimate children are the most affected by domestic violence in the Oshikoto region. Currently most men have children prior to marriage. These children then become illegitimate following marriage to a different mother. Fathers may be willing to let them stay with them unfortunately the wives can hardly be expected to accept illegitimate children. Contrary, the natural mothers of these same children may also be reluctant to allow their children to be adopted by their stepmothers because they believe that the stepmothers will bewitch or maltreat them.

This situation places the father in a predicament. He may yearn to stay with his children but the wife does not want this. Or the children's mother, who might be receiving a maintenance payment, also does not want this. Eventually, these children turn into street children or delinquents and their fathers will be regarded as irresponsible. Men and women therefore jointly cause the sufferings of these children.²⁰

Women Abuse and the Legal System

Following the inception of the Legal Assistance Centre and the Women as well as the Child Protection Units, the situation of women and children abuse has declined drastically in the Oshikoto region. According to the Warrant Officer in charge of the WCPU regional office in Oshakati, women started to know their rights and protectors. Statistics provided by the Legal Assistance Centre reflect a combination of the reported cases of maintenance, inheritance, labour maltreatments and evictions as follows:

¹⁸ The author obtained this information through informal conversations with the residents of Okangwena informal settlement in Oluno Township/Oshana region, on 10 September 2000. Three women aged, 29 – 39, self-employed and two men, aged 35 – 42, employed were involved.

¹⁹ The author acquired this information from an interview conducted at Omuthiya Constituency on 9 September 2000, and the respondent required anonymity.

²⁰ This information was obtained from an interviewed businessman, aged 37, who demanded anonymity, at Etambo village/Oshikoto region on 27 August 2000.

1997	(350 cases)
1998	(320 cases)
1999	(300 cases)
2000 up to July	(150 cases)

According to the official report of the Legal Assistance Centre, eviction of women from their field or homesteads by sometimes-traditional authorities dominates the figures of the reported cases each year. The number of reported cases to the Legal Assistance Centre was high during 1997 and declined to 300 in 1999. Prior to the establishment of the women and child abuse protection units in 1992 all cases were referred to the Legal Assistance Centre. When the protection units became popular the number of cases reported to the LAC declined.

However, only some cases had been tackled successfully through the Legal Assistance Centres. Some abused women are still discontent with the help of the centers and the legal system of the country as a whole. For example, a man was married to a particular woman in community of property in the Onambutu village/ Oshikoto region whom he left and subsequently married another woman in Tsumeb (another town in Oshikoto region). When the woman whom he was married to first realized what her husband had done, she approached the Legal Assistance Centre for legal aid. This attempt did not help her at all due to the existing conflicts between the Constitutional provision and the Criminal Procedures Act No 51 of 1977. Article 140 (1) of the Constitution of the Republic of Namibia of 1990 stipulates that:

“Subject to the provisions of this Constitution, all laws, which were in force immediately before the date of independence, shall remain in force until they are declared unconstitutional by a competent court.”

The Namibian Criminal Procedures Act No 51 of 1977, which is still not repealed or amended by the Parliament provided that black people outside of the redline (Police Zone) must sign an additional contract if they intend to marry in community of property. The couple mentioned above has been married in community of property but they did not sign this additional contract. As a result the woman lost the case and she

had to return home to a life of destitution with her children. This example²¹ has disclosed some ineffectiveness of current laws, which dilutes the provisions of the Constitution and the National Gender Policy.

Access to justice in both regions

It is important to note that abused women and children in Namibia have limited access to judicial services. This is mostly due to a lack of police stations and magistrate courts in the Oshana and Oshikoto regions where this report was conducted. For example in the Oshana region, police stations and magistrate courts are found only in Ondangwa and Oshakati towns respectively. People living in rural villages such as Eheke, Uukwiyu, Okatyali have to travel 20 – 30 kilometers to reach the nearest police station or magistrate's court. The same applies to the people living in Onyaanya, Omuthiya, Onankali and Omutsegonime villages in the Oshikoto region. The nearest police station or magistrate court to them is either in Tsumeb or Ondangwa, and they have to travel more or less 150 km to these towns. This makes it very difficult for abused women to seek immediate legal assistance as most cases of violence against women and children occur during the nighttime.²²

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Summary

The case study of Oshana and Oshikoto regions disclosed many incidences of women and child abuse in these regions. Common forms of violence experienced are physical and mental abuse. Physical abuse or violence includes rape of women and children, sodomy, domestic violence such as wife battering, child abuse, sexual assault and beatings. Mental or emotional abuse includes verbal abuse, intimidation, humiliation, neglect, psychological torture and economic exploitation. Various examples of incidences were cited to support the validity of the report findings. Women and men in both regions were indeed open and they gave their views and sentiments freely.

²¹ The information reflected in this example was obtained during the interview with the victim on 11 September 2000. She was a 33 year-old schoolteacher and her husband's age was not recorded but he was a mineworker in Tsumeb.

²² This information was acquired through observation.

Women respondents sometimes held their tears when explaining things done to them by men. They do not understand why they are raped, killed, humiliated and economically exploited. They claimed that in the world of today it does not help to be married, as men are frequently womanisers. They marry today and leave their wives and children tomorrow. They associate with all types of woman bringing home Sexually Transmitted Diseases (STD) such as HIV/AIDS. To the contrary, men felt that the women of today are insolent and disobedient. They compare the current generations with past generations, when their masculinity used to be a fringe benefit. Their main literal reference was the Holy Bible, which they perceive allows them to have women as their subjects. Other institutions responsible for women and children's protection such as the Women and Child Protection Unit in Oshakati, the Legal Assistance Centre at Ongwediva and the Regional Office of the Ministry of Women Affairs and Child welfare were consulted, confirming that men are the main abusers. Children are often subjected to a double abusive fate i.e. abused by both men and women. They are heavily beaten up, burnt with fire or hot water by their guardians or stepmothers and even aborted and abandoned in toilets or rubbish bins by their own mothers. In addition to this, women in this region experience insecurity with regard to the existing laws. This implies that current laws that remain in conflict with the Constitution hamper the successful implementation of the National Gender Policy. Abused women sometimes lose their cases in favour of their abusers because the very law that is supposed to defend them is not amended to also protect them based on the Constitution.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

This paper has examined the background of the National Gender Policy before 1997, its inception and implementation. The case study of Oshana and Oshikoto regions was conducted to evaluate the effectiveness of the National Gender Policy on ground level. The final conclusions, which presuppose recommendations, have been drawn as follows below.

Conclusions

The research concludes that the situation of social, economic and cultural inequalities, which the new government has inherited from the colonial apartheid regime, is extremely delicate and takes time and much effort to deal with. This induces the government to plan for the initiation of the National Gender Policy based on the principles of the international, regional and national instruments such as: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) the Beijing Platform for Action, the SADC Declaration on Gender and Development, the SADC Prevention and Eradication of Violence and the Constitution of the Republic of Namibia of 1990. In this endeavour, the government also introduced some instruments and mechanisms, which include laws, Women and Child Protection Units and the Department of Women Affairs, prior to the inception of the National Gender Policy to deal with gender, related issues including women and child abuse.

Although the vision and mission of the National Gender Policy is well articulated, it appears that this is not fully understood within the society, hence men and women in Namibia never achieve their full potential and participation as equal partners in creating a just and prosperous society. This is particularly evident in the fact that women in Namibia are still either unemployed, casually or informally employed in jobs that cannot offer job security and benefits. Many women, particularly in rural areas, are still not aware of the availability of credit facilities. Moreover, their abilities to manipulate

natural resources end in making pottery, baskets and other bric-a-brac, which is not profitable.

Although the government has put more efforts into transforming the education system in Namibia, the following factors continue to contribute to the high dropout rates and poor secondary school pass rate for girls:

- Girls' education is usually cut short or interrupted by pregnancies caused by either schoolmates or other employed men.
- Unlike boys, girls particularly in rural areas used to be overloaded with domestic work such as cooking, fetching water, firewood, grinding millet etc, after school. This encourages absenteeism and a high rate of failure among female students.
- Raped girls suffer long lasting mental trauma that impairs their learning capacity.
- Adult education, which contributes to the improvement of women's lives, has been understaffed and under-resourced.
- Though women are the majority in the University and Technikon, they are mainly found in underpaid professions such as teaching, nursing and clerical work.
- Delay on promulgation of the Education Act impairs education activities and objectives towards equality.

Other existing symptoms of gender inequalities include low representation of women in strategic positions in employment and in the Houses of Parliament. This would reduce women's influence on new legislation to involve women's interests. In addition, despite well-formulated strategies of the NGP on reproductive health, most women in Namibia, including those with disabilities have no control over their reproductive health. Women, particularly in rural areas have no equal access to health facilities, for example, provision

of information on family planning, control and transmission of sexually transmitted diseases such as HIV/AIDS etc.

It is equally true that both men and women in some parts of Namibia (for example in the far north) are still clinging to traditional customs that include battering of women as a token of love. This subjects most women and children particularly in rural areas to constant violence such as rape, beatings, harassments and abuse.

There are also some severe legal implications that cripple the implementation of the NGP. These include, amongst other things, the fact that the law making process is still male dominated with only a few women who are lawyers and only one women judge in Namibia. Also there are some colonial laws, (example the criminal procedures Act No 51 of 1977) which are still in effect in Namibia despite the fact that some of their provisions are in conflict with the constitutional provisions on gender equality. In addition, most women, particularly in rural areas are still legally illiterate to take legal action against abusers.

Empirical information provided in the case study reflects some sources of women and children abuse in case regions (this does not necessarily mean that this information represent the whole country). Alcohol abuse is the major source of all forms of violence in these regions. However, there are also some mysteries around the causal factors of some incidents of violence against women and children believed not to have originated from alcohol abuse. Presumably because most men, particularly in remote areas perceive women as their slaves or commodities that they buy through dowries. Conversely, there is still a large number of men severely abused by their female partners or wives however, due to a stigma attached to their manhood that a man beaten up by a woman is a coward, they do not reveal these plights. Another factor that contributes to this stigma is that, most of the men perceive the Ministry of Women Affairs and Child Welfare or the Women and Children Protection Units as exclusive for women and children only and men in their totality are excluded and discriminated against.

It also transpired that most men, particularly in these regions in the case study commit adultery and consequently, risk the lives of their wives to HIV/AIDS, and other sexually transmitted diseases. Women who are sceptical about the behaviours of their husbands or partners are not free to refuse them sex; hence this relationship may end up in a rape. Although both men and women interviewed agreed that rape is the most common act of violence perpetrated against women and children in these regions, men are still unwilling to accept the fact that rape can also take place in marriages.

The point of rape became more contentious during the research interviews. Most men believe that women attract men to rape them by dressing in revealing clothes, short skirts or by excessively consuming alcohol and sleeping in public places. Moreover, women also use false accusations of rape to take their male partners into a legal battle following a difference that has erupted between them. On the contrary, Some men are misled through traditional and scientifically unconfirmed assumptions that having sex with a virgin girl can cure HIV/AIDS and this perception motivates them to rape infants.

The issue of inheritance is also a major form of violence in these regions perpetrated against women and children based on family as well as a clan's cultural and traditional structures and practices. Family / clan structures in Owambo tribes as a whole, also contribute a lot to inheritance problems. These structures depict the matrilineal relationship of clans whereby a child relates to the side of the mother. The problem occurs when the father dies his relatives would inherit everything and leave the widow and children to destitute.

In summary, the main problem discovered by this research regarding the effectiveness of the National Gender Policy on women and child abuse in Namibia is: That current laws are not strong or adequate enough to prevent women and child abuse in Namibia.

RECOMMENDATIONS

From the conclusions above it is hereby recommended that the aim of the NGP should be viewed and interpreted as not for transforming women but rather for changing the conditions in which they are fighting to emancipate themselves from any kind of violence or discrimination. In order to achieve this ambition the laws of the country should be strengthened to effect severe punishment to anyone involved in violent crime against women and children (if found guilty). The chances of bail for perpetrators of violence against women and children must be limited and all laws in conflict with the constitutional provisions must also be amended. All traditional and cultural customs in conflict with the constitutional provisions should be declared by an Act of parliament as illegal and punishable by law.

It is imperative that the legal system should initiate injunctions to prohibit further violence thus strengthening existing powers of arrest in cases of violence or injunctions. There must be pre-marriage counseling by a qualified social worker or counseling official from the Ministry of Women Affairs and Child Welfare to acquaint the potential couple with marriage issues and their implications to children if they become worse.

The Women and Child Protection Units should be decentralised further and brought closer to the people, particularly in rural areas thus enabling abused women and children in remote rural areas to report their cases promptly. However, both men and women in urban and rural areas should be well informed and educated concerning their rights and procedures available for reporting their cases when abused.

More funds should be made available for the Ministry of Women Affairs and Child Welfare and other women's organisations to enable them to carry out successful campaigns on violence against women and children.

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Interviews

As this research involves sensitive information such as rape and other cases of violence against women and children, most interviewees preferred to remain anonymous.



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Annex - B

INTERVIEW QUESTIONS

RESEARCH QUESTION: To what Degree has the National Gender Policy on Women and Child Abuse been effective in Namibia?

Topic: Women and Child Abuse in Namibia: The case study of Oshana and Oshikoto Regions.

Namibian Police

- a. Please could you provide me with statistics on cases of women and child abuse reported at this station since 1997 to date?
- b. How many arrests have been made so far?
- c. Have the culprits ever been dealt with legally? If yes how?
- d. Were there some cases withdrawn? Reasons why?

Women and children protection units

- a. How many cases of violence against women and children have been brought to your attention since 1997 to date?
- b. Are there many cases of this nature not being reported to you or to the Police?
- c. If yes, could you please tell me what the reason might be?
- d. What are common reasons that perpetrators give for violence against women and children?
- e. Please provide statistics that you recorded on abused women and children since 1997? (Who sought your legal assistance)
- f. What reasons do the culprits often give in courts of law?
- g. How effective are current laws with regard to women and child abuse in Namibia?

- h. What are you suggesting could be done on the current national gender policy?

Departmental focal points

- a. Are there cases of women abuse at your work place?
- b. What type of abuse takes place at your work place?
- c. How are these cases channeled in your department?
- d. Do you report cases of this nature to the police?



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