

Celebrating 20 years of progress towards gender equality

In a speech on 17 March as part of a lecture series to mark Namibia's 20th anniversary, Dianne Hubbard of the Legal Assistance Centre's Gender Research & Advocacy Project celebrated Namibia's advancement towards gender equality in the last 20 years. Read about some of the achievements that she highlighted.

- The **Namibian Constitution** explicitly forbids sex discrimination and explicitly covers affirmative action for women.
- Sex discrimination in the **tax laws** was removed by the first Namibian Parliament.
- The Labour Act 6 of 1992 prohibited **discrimination in any aspect of employment** on the basis of sex, marital status, family responsibilities and sexual orientation. This Act was superseded by the 2007 Labour Act which further provides for maternity leave and compassionate leave and prohibits sexual harassment in the workplace.
- The **Local Authorities Act 23** of 1992 requires that more than 30% of the people on every party list for local elections must be women. According to Hubbard, this law has worked extremely well in practice. At the moment, 42% of local council members are women. Regional Councils, where there is no legal requirement for affirmative action, currently consist of only 11% women.
- Following the 2004 elections, women constituted over 30% of **Namibia's Parliament**. This percentage has decreased somewhat in the newest Parliament, but women have nevertheless made great progress here: Namibia's first full Parliament, after both the National Assembly and the National Council had taken their seats, had only 6% women.
- The **Traditional Authorities Act 17** of 1995 also requires traditional authorities to promote women "to positions of leadership."

Does a young girl born in Namibia today have better chances in life than one born 20 years ago?

"I believe so", says Dianne Hubbard. "Even against the backdrop of serious problems like the rise in maternal mortality rates, the impact of the HIV pandemic and the disproportionate impact of poverty on women, there are some bright spots for women."

- The **fertility rate** has declined since Independence. This, according to Hubbard, almost always accompanies a rise in women's education and empowerment. The total fertility rate at Independence was about 5.4, and is currently down to 3.6 children per woman on average – a rate which is lower than that of many countries in southern Africa.
- Another bright spot is the successful roll-out of medication to prevent **mother-to-child-transmission of HIV**. When UNICEF recently reported on the 20 countries in the world with the highest rates of HIV infection, to see if they were on course to meet the target of providing about half of all HIV-positive pregnant women with this treatment, only four of these countries passed the test. Namibia was one of them.
- It is also great cause for celebration to see that **female school enrolment** has showed consistent improvement over the years. For many years, boys outnumbered girls in Grades 11-12, but that trend has been reversed in the last few years.
- Girls are also more likely to remain in school since Cabinet recently approved a new, flexible **policy on learner pregnancy** with a double emphasis: on prevention and on sensitive management of learner pregnancies, with a focus on encouraging learner parents to complete their education.
- Today there are more women than men at both **The University of Namibia and the Polytech**, with women roughly equalling or outnumbering men in 2007 in most subjects, except engineering, information technology & natural resources.





The victories of campaigns by women's groups

In her speech Dianne Hubbard also stressed the achievements of advocacy and lobbying efforts of women's groups from the early days of independence until today.

- **Maternity leave:** In 1994, the provision of three months maternity leave for any woman who had been employed for at least one year by the same employer was supplemented by maternity benefits. The Social Security Act 34 of 1994 represents one of the earliest lobbying successes for the women's movement, which successfully advocated for identical maternity benefits for every child regardless of the number of children in the family.
- **The Combating of Rape Act 8 of 2000** is hailed as one of the most progressive laws on rape in the world. It was the result of years of concerted lobbying by a coalition of women's groups.

For example, the Multi-Media Campaign on Violence Against Women and Children led a protest action in Windhoek after the rape of a 2-year-old girl in Tsumeb in 1997, with protesters gathering at lunchtime every Thursday for a month at the kudu statue.

The new law contains a broad, gender-neutral definition of rape and ensures that the rape survivor is not treated as if she were the one on trial. The law also sets stiff minimum sentences for rape.

BUT: More than 1100 cases of rape and attempted rape are reported to the police annually. These numbers more than doubled from Independence to 2005, during a period when the population increased by only about 8%. We don't know if this is due to an increase in the number of rapes being committed, or an increase in the number of crimes which are being reported, or a mixture of these two factors.

- The **Combating of Domestic Violence Act 4 of 2003** was also the result of intense advocacy by a wide grouping of women. For example, some 250 people demanded a law on this topic at the opening of Parliament in February 2003. To help put these laws into action, Namibia has

created 15 Woman and Child Protection Units, covering every region in the nation.

- **Rights of married women:** Before Independence, married women were not allowed to buy or sell their own property, register land in their own names, take out a loan or be a director of a company or a trustee without the consent of their husbands. This was changed by the Married Persons Equality Act 1 of 1996 (MPEA) which eliminated the discriminatory concept of marital power that placed wives in a similar position as minors, while husbands had the right to administer the property of both spouses.
- **Who is head of household?** The most contentious provision in the MPEA was the one which abolished the automatic position of the husband as head of the household. The law which made this change was passed only after an intensive advocacy campaign by Namibia's women's movement, including a demonstration on the steps of the Parliament building.
- **Maintenance:** Intensive advocacy by women's groups for many years, including a nation-wide lobbying campaign in 1998, led to the Maintenance Act 9 of 2003. The law provides for the sharing of expenses incurred during pregnancy. It also makes clear that all children must be treated equally – whether born in or out of marriage and no matter what the order of birth. It also provides new methods of enforcement to use when maintenance orders are not obeyed, and it penalises failure to use maintenance money for the child's benefit. ♀