

WE WANT ACTION

Extracted from IPPR Paper by Ndapwa Alweendo, Rakkell Andreas and Deanna Raflla-Yuan

The Institute for Public Policy Research recently released their latest Democracy Report, titled, “Landscaping Gender-Based Violence in Namibia”. In this piece, Sister Namibia has extracted the recommended improvements and amendments to the legal system, which advocates fighting GBV should seek action on.

We no longer need to debate the “causes” of gender-based violence (GBV). Power is its root cause. For this reason, we can stop talking and

way exhaustive, they are correct to note that the suggestions are some of the most urgent priorities. To follow are the recommendations of the paper:

Improve the Protection Order System

- Shortening the servicing time of protection orders and related documents would ensure that victims are able to rely on official and lawful protection sooner, which is crucial especially in situations where danger is immediate. Suggested servicing times are within 48 hours for interim orders, and within 30 days for the conversion of interim orders into final protection orders.
- Ensuring proactive police protection after the protection order is issued, and the effective follow up of complainant’s safety if the final order is not pursued are necessary to

constitute a commitment to engaging with perpetrators, and take a step towards better understanding the societal norms that contribute to GBV.

Amend the Divorce Act

Amending the Divorce Act to ease the conditions for divorce would reduce the number of people trapped in dangerous marriages. Currently, divorce law in the country requires the spouse requesting the divorce to prove wrongdoing on the part of their partner. Putting the burden of proof on the person requesting the divorce, as well as the complexity and financial cost of current divorce proceedings, makes this legal solution inaccessible to many people, including those in abusive marriages. A draft bill by the Law Reform and Development Commission (LRDC) in 2004 suggests detailed amendments to make divorce law more accessible and effective, but has yet to move forward.

Improve legislation on online safety

- The Electronic Transactions and Cybercrime Bill45 (which has not moved in two years) would be the optimal piece of legislation to deal with the potential for violence and exploitation in online spaces. At present, as outlined above, there is a massive legal gap in terms of protecting children from online sexual abuse and exploitation.

Other improvements to legislation

- Instituting a law against coercive compensation would help to prevent perpetrators or anyone else from intimidating complainants into withdrawing cases
- Developing a law to prohibit stalking is necessary, as it is not adequately catered for by existing criminal legislation.

Facilitating improved implementation of existing laws and services should increase people’s confidence in the functionality. Literature shows that communities that trust the protection system (inclusive of the response -, social-, and legal services) are more likely to experience less violence because perpetrators know that there are consequences for their acts of violence and survivors feel safe enough to report and testify. ♀

Source: https://ippr.org.na/wp-content/uploads/2018/11/GBV_WEB.pdf



focus on action. Until women and men are understood as true equals and the attitudes and beliefs that maintain these power structures (including the norms that keep men as the unquestioned ‘decision makers’, ‘discipliners’, and ‘heads’ and women as ‘subservient’, ‘docile’ and ‘obedient’ (the servers of men) are unlearned and dismantled, GBV will continue.

Given the economic climate in Namibia it is more reasonable to improve – or finally implement – existing measures instead of calling for new actions. It befits advocates fighting GBV to call for the revision of existing policies and resource distribution in order to see improvement in Namibia’s GBV response. While IPPR acknowledges that the list is in no

ensure that protection orders are effective, and are considered a real resource by victims.

Amend the Maintenance Act

- Strengthening timely compliance with maintenance orders would help to reduce financial dependency on dangerous and unhealthy relationships.

Institute Compulsory Counselling

- Both the Combating Rape and Combating Domestic Violence Acts could be amended to institute compulsory counselling for those served with protection orders and subjects (perpetrators) of GBV cases (including those that have been withdrawn). Doing so would