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## **FOREWORD**

**Honourable Netumbo Nandi-Ndaitwah  
Minister of Women Affairs and Child Welfare**

In southern Africa today, as is the case in other parts of the world, the majority of women are still vulnerable and marginalised. The causes of this can be found in the legacy of colonial history, widespread poverty and tradition. It will be some time before women are able fully to enjoy their constitutionally guaranteed equality with men and have equal access to services and resources. Before Namibia's Independence, the law treated married women as minors. Since then, women's legal rights and social status have undergone radical change for the better. In the era of globalisation, however, many of the hard-won gains ensuing from women's struggle for equality are being jeopardised all over the world. It is therefore all the more important that southern African women continue to strive for equality in political, economic, educational and other spheres.

Rural women have traditionally been managers and users of natural resources, and in taking decisions regarding such resources have always shown themselves to be responsible and capable custodians. Of course, this is not enough: they must increase their decision-making powers at all levels of the society, and the Ministry of Women Affairs and Child Welfare is actively involved in driving this process. Significant advances have already been made: whereas in Europe, for example, between 13 and 14 percent of parliamentarians are women, some 28 percent of Namibia's Members of Parliament are women. Furthermore, women are well represented in local government structures, and they are also increasingly being appointed in managerial positions in parastatals and the private sector.

The liberation struggle was not only aimed at ending colonial occupation and apartheid; social transformation was always one of its primary goals. Men and women stood together as freedom fighters, equals in sacrifice and vision. Now that independence has been won, it is incumbent on us all to continue to be guided by the spirit of equality and mutual respect. Since 1990, as the party with a parliamentary majority, SWAPO Party has initiated

legal reforms aimed at ensuring social justice, a goal which necessarily entails the enhancement of women's social and economic status. SWAPO has also introduced the Zebra List (woman, man, woman, man...) for local authority elections, with the result that 40 percent of representatives on these bodies are women.

These transformations are a natural consequence of the spirit of integration and human liberation that has pervaded the country since 1990, in no small measure as a result of SWAPO's philosophy and dominant position in Namibia's political life. A comparison of countries that have experienced liberation struggles with those that have not, as well as of countries that have been inspired by a socialist ideology with those dominated by capitalism, makes it abundantly clear that gender-mainstreaming programmes are more successful and easier to implement in countries that have emerged from liberation struggles and adhered to socialist principles.

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# **NAMIBIA'S PROGRESS TOWARDS GENDER EQUALITY: POST-BEIJING POLICIES AND PROGRAMMES**

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## **OVERVIEW**

Amongst the most important areas in which there has been progress in gender equality in Namibia since the 1995 Beijing Conference is that of government policies and programmes which incorporate international documents and national policies, together with gender-related law reform. In this paper we first examine women's status under colonialism and how the Namibian Constitution protects women. Thereafter we examine Namibia's record with international gender conventions, national and local NGO gender policies and programmes, Namibia's post-Beijing law reforms, and women in various positions of power.

## **BACKGROUND**

### **Women under Colonialism**

Namibia has a long history of many types of social inequality including gender inequality. Many challenges women face in Namibia today have been "influenced by the historical imbalance of power between women and men, social structural factors such as poverty, unemployment and related social problems" (UNDP 2001:67).

In some pre-colonial societies in Namibia, women held positions of power. Minimally, the social status of women in many Namibian pre-colonial societies derived from their relationships to men (Becker 1993:67). In pre-colonial African societies, women

exerted pressure on men both as mothers and as wives. In addition, in some cultures, such as those of the Nama, Kavango and Owambo, women were traditional leaders and chiefs (LeBeau 2001:191). Nevertheless, the social, political and economic organisation of these cultures was, and still is, centred on male dominance (Iipinge et al. 2003).

Although women in most pre-colonial societies were subject to male dominance, the imposition of colonialism, including its manifestation as apartheid, further disempowered them (Becker 1993:115). When Western missionaries and colonial administrators came to Namibia, they insisted on talking with men in positions of power and refused to deal with women, even in cases where women were leaders. So, in many traditional societies, female leaders allowed their male relatives to act as leaders when dealing with Westerners (LeBeau 2001:192). Soon, however, these men took power away from their female relatives. This led to women losing any social position they might have had. Furthermore, many customary laws, whether or not they discriminated against women, were influenced by colonial authorities and used to advance colonial government policies (ibid.:193). Many customary laws were profoundly reinterpreted and manipulated by colonial rule. These changes in customary law frequently included Western ideas of male dominance and resulted in discrimination against women.

LeBeau (2001:193) states that women under Western colonialism had lower legal and social status than under any other social or political dispensation that has existed in Namibia. During the colonial period, both civil and customary laws defined women as minors. This meant that a woman could not legally make decisions without the permission of a man such as her husband or father. Although legal, social and economic standards are changing, women in Namibia today have not yet obtained full equality with men.

## **NAMIBIA'S CONSTITUTION**

Adopted at independence in 1990, Namibia's Constitution makes provision for the family as a basic human right, and for equal rights in marriage and divorce (GRN 1990: Article 14). The Constitution further commits Namibia to terminating all

discriminatory practices based on criteria such as sex and race. Since the abolition of apartheid and the establishment of a democratic government, women's equality has been protected by the Constitution, which decrees that discrimination based on sex is illegal. Furthermore, the Constitution recognises the previously disadvantaged position of women and encourages affirmative action for the advancement of women within society (ibid.: Articles 10 and 23). The Constitution also requires the promulgation of laws that give women equal opportunities and provide for equal pay for men and women, as well as for maternity leave and other benefits for women (ibid.: Article 95). The Namibian Constitution thus explicitly affirms the equality of women and men in social, legal and economic life (Iipinge and LeBeau 2003).

Namibia is lucky to have a government that believes in and actively promotes gender equality in all areas of political, social and economic life. In accordance with the Constitution's prohibition of discrimination based on sex, the government has signed several international agreements and national policies aimed at the promotion of gender equality (ibid.).

In addition to the adoption of national policies and programmes that indicate national political will, Namibia is committed to the advancement of gender equality at the highest levels of government. The President of the Republic of Namibia expressed his commitment to gender equality when he said that "the Government is committed to the principle of gender integration and to the implementation of activities aimed at achieving gender equality" (DWA 1997b:3).

As will be discussed later, however, despite the support of the President and the best efforts of gender advocates, there are still negative attitudes towards gender equality, at both local and national levels (Iipinge and LeBeau 2003). Discriminatory attitudes and behaviour on the part of decision-makers are a serious challenge to the implementation of gender policies and programmes (Iipinge et al. 2003: 20).



## INTERNATIONAL AGREEMENTS

Namibia has signed several international gender agreements, including the United Nations' *Convention on the Elimination of All forms of Discrimination Against Women* (CEDAW), which Parliament approved in 1992; the *CEDAW Optional Protocol*, approved in 2000; the *SADC Declaration on Gender and Development*; the *Beijing Platform for Action*; and the *African Regional Platform for Action*. All of these support the principle of gender equality (Tadria 2003:3, 5; Ipinge and Mwandangi 2001:7; WCI 2003:1). These international documents have contributed to the Namibian national plan for gender equality and provided guidelines for all national gender programmes (Tadria 2003:5).

The 1995 *Beijing Platform for Action* and the UN CEDAW form the basis for current gender policies and programmes in Namibia. The Department of Women Affairs (DWA), and thereafter the Ministry of Women Affairs and Child Welfare (MWACW), have been guided by the *National Communication Strategy in Support of the UN CEDAW*, and it has been their task to implement the UN CEDAW. Many of the provisions in the UN CEDAW, for example the definition of discrimination, policy measures to stop sex discrimination and affirmative action provisions, resonate with and reinforce those found in Namibia's Constitution. The implementation of the UN CEDAW document occurred at the same time as the introduction of the *Beijing Platform for Action*, which was adopted at the 4<sup>th</sup> World Conference on Women (DWA 1995:15).

## NATIONAL POLICIES AND DOCUMENTS

Two national documents and several gender policies and programmes guide Namibia in addressing gender issues. The National Gender Policy (NGP) sets out the reasoning underlying the government's gender policy, while the National Gender Plan of Action (NGPA) sets out the methods the government employs for achieving a gender balance in power and decision-making.

## **National Gender Policy**

The NGP, which was approved by cabinet in 1997 and adopted by parliament in 1999, recognises and addresses the needs of women, identifies actions that will increase women's access to resources and ensures women's participation in decision-making. The NGP identifies ten areas of concern in which improvement is considered to be a national gender goal. These also serve as a guide for ending gender inequalities and discriminatory practices based on sex, while focusing mainly on women due to their past disadvantaged position (DWA 1997a). The ten areas of concern are:

- gender, poverty and rural development;
- gender balance in education and training;
- gender and reproductive health;
- violence against women and children;
- gender economic empowerment;
- information, education and communication;
- gender balance in power and decision-making;
- gender and management of the environment;
- gender and legal affairs; and
- equality for girls.

The NGP also includes a list of priority areas for law reform, such as maintenance (passed by parliament), rape (now law), customary laws on marriage and inheritance (under review), children's rights (law reform is in process), divorce (law under review), domestic violence (now law), affirmative action (now law) and abortion (issue still under discussion).

## **National Gender Programme of Action**

The NGPA, which was adopted in 1998, is a five-year plan for putting into place the NGP. The NGPA links each of the above-mentioned areas of concern with National Gender Goals, such as objectives, planned activities, role players and ways of reaching these goals (DWA 1998). The strategies include:

- taking action to achieve the goal of a gender balance in government;
- ensuring that there are more women in regional councils;
- getting political parties to include women as candidates;
- getting women into decision-making positions in ministries, the private sector and other organisations; and
- monitoring government policies for their impact on gender issues before they are implemented (Iipinge and Mwandangi 2001:8).

### **Other National-level Documents**

There also are several national-level documents that describe the government's gender aims and objectives. For example, the Second National Development Plan (NDP2), for the time period 2001/2002 until 2005/2006, identifies gender and development as an issue to be addressed in Namibia's political, economic and social sectors (NPC 2001:609). Specific areas identified include the situation of women; early childhood development, especially for girls; community development; and government commitment (Iipinge et al. 2003).

Namibia Vision 2030 also identifies long-term national development plans. A stated aim of Vision 2030 is "To mainstream gender in development, to ensure that women and men are equally heard and given equal opportunities and treatments to exercise their skills and abilities in all aspects of life" (GRN 2003:63). Vision 2030 deals with monitoring and evaluating progress on gender issues; involving traditional leaders in gender-sensitive programmes; addressing misunderstandings regarding gender; working harder to implement gender policies; analysing data on gender; and building the capacity of researchers, trainers and planners in gender research (ibid.:63-64).

## **NATIONAL STRUCTURAL DEVELOPMENTS<sup>1</sup>**

### **Ministry of Women Affairs and Child Welfare (MWACW)**

The establishment of the Women's Desk, which later became the Department of Women Affairs (DWA) in the Office of the President, was an important step for women's issues in Namibia (Iipinge et al. 2003). The Women's Desk was formed in 1990 and was promoted to the DWA in 1997. In 2000 the DWA became the Ministry of Women Affairs and Child Welfare (MWACW). The MWACW is the national lead office for organising national activities to protect women and promote gender equality. Although the MWACW is the main ministry for national gender programmes and advocacy, it is supported by other government institutions, NGOs, donors, parastatals, political parties and civil society (ibid.).

The MWACW's purpose is to make gender programmes and laws, and to coordinate gender activities at the national and international levels (ibid.). As we will discuss in the next section, the MWACW also trains Gender Focal Points (GFPs) who are appointed within all government ministries and whose job it is to promote gender within all ministries (Niikondo 2001:2-3). In addition, the Gender Mainstreaming Division within the MWACW organises nationwide gender activities on a daily basis through regular communication with its Regional Offices and Gender Sectoral Committees (GSCs) (ibid.:4). The MWACW has as its mission to:

Promote gender equity 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 of progress so as to ensure that women and men can participate equally in the political, economic, social and cultural development of the nation (DWA 1998:5).

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<sup>1</sup> Some information in this section comes from consultative meetings, key informant interviews and a questionnaire for a report on the National Gender Machinery (NGM) prepared for the MWACW by Iipinge et al. 2003.

## **Gender Focal Points**

The establishment of Gender Focal Points (GFPs) in all ministries is another important development within the government (Ipinge et al. 2003). A Cabinet decision (No. 21 of 1998) gave the MWACW permission to appoint GFPs in every ministry and government organisation (Niikondo 2001:6). Ministries selected members of their staff to receive gender training and to promote gender issues within their respective ministries. Responsibilities of the GFPs include raising gender awareness within their ministries, assisting their ministries to review policies and programmes from a gender-sensitive viewpoint, reporting to the MWACW and drawing up an annual gender budget for their ministries (ibid.:6-7).

## **Other Government Agencies**

All government ministries were instructed to address past gender imbalances by reviewing their policies and programmes for gender sensitivity, and to introduce gender as a matter requiring consideration in all their activities (Ipinge et al. 2003). Ministries that specifically tackle gender issues include the Ministry of Justice, which drafts gender-related laws; the Ministry of Basic Education, Sport and Culture, which provides gender-sensitive education; the Ministry of Health and Social Services, which deals with women's health issues; the Ministry of Labour, which ensures women's participation in the workforce; the Ministry of Finance, which is responsible for budgeting for gender-sensitive policies for other ministries; and the Ministry of Defence, which has a Gender Plan of Action in place (ibid.). The Ministry of Higher Education, Training and Employment Creation through its Directorate of Youth has established a Gender Desk in order to focus on gender and poverty, rural development and a gender balance in all social, economic and political arenas (MHETEC 2002:9).

The Ministry of Information and Broadcasting's Multi-Media Campaign on Violence Against Women and Children (MMC on VAWC) is particularly important in the task of stopping violence against women and children. The MMC on VAWC is supposed to disseminate information about violence against women and children on television and radio, and in the printed media. Research that will be discussed in the next paper shows that many people,

even in remote rural areas, have heard about gender law reforms through these information campaigns.

Parastatals are directly answerable to government ministries. Some parastatals have also contributed to the advancement of women's issues in Namibia. The University of Namibia (UNAM) has GFPs and the Gender Training and Research Programme (GTRP), and several of UNAM's departments, such as Sociology, Law and Education, offer courses on gender. The Polytechnic also offers courses which focus on gender. Although UNAM is in the process of putting together a gender policy, neither UNAM nor the Polytechnic currently have gender mentioned in their mission statements (UNAM 2003:4). However, the GTRP at UNAM includes among its aims to teach courses on gender and development; to make sure UNAM students come to understand how to undertake gender research; to provide post-graduate gender training; to promote awareness of gender issues; and to improve gender-related teaching and research (GTRP 1999). The Polytechnic states in its mission that it aims to provide an education of high quality to all people, regardless of race, colour, gender, etc. (Polytechnic 2002:v). Since its inception in 1994, the GTRP has held gender training workshops, made the first national gender survey and participated in many other gender-related research activities (GTRP 1999).

Since independence, the NBC, which has a Gender Policy in place, has made major progress in providing access to television (from 20% to 40% of the total population) and radio (from 65% to 90% of the total population) (NBC 2000:1). This is important for informing people about gender equality.

### **Gender-related NGO Initiatives**

Since independence, non-governmental organisations (NGOs) have also helped to develop gender awareness by tackling many gender issues. Many NGOs have aggressively put into place their gender policies and programmes. For example, Sister Namibia Collective has changed its mission from being a media institution to being an organisation dealing with women's rights, HIV/AIDS, sexual rights and women in politics. The Namibian National Women's Organisation (NANAWO) addresses reproductive health, HIV/AIDS and inheritance issues (Ipinge et al. 2003). The Legal Assistance Centre (LAC) is a driving force behind gender law reform

and has created several programmes aimed at women's and children's rights, such as the Gender Research and Advocacy Project.

Other NGOs that focus on gender issues have only come into existence over the last ten years. For example, although the Namibian Women's Association (NAWA) has been in existence since 1985, it only started its programme for girls in 2002 (ibid.). Namibian Men for Change (NAMEC), which was only founded in 2000, is important because it is one of the first male programmes to address gender issues in Namibia. In addition, the National Early Childhood Development (NECD) NGO Association was founded in 1997 and the Namibia National Association of Women in Business (NNAWIB) in 1996. Many gender-related NGOs began as local or regional organisations but have developed into national organisations. For example, Women's Action for Development (WAD) started in 1994 in Okakarara to train rural women, but now includes the political empowerment of women in its activities and has established Women's Voice, which campaigns for women's issues (ibid.).

In addition to dealing with other social issues, several NGOs specifically address gender issues (ibid.:21). For example, NAWA has as its mission to help advance affirmative action for girls and aims to help in attaining equal rights and opportunities for women (ibid.). NANAWO, formed in 1990, aims to promote respect and collaboration among women, uplift women by changing discriminatory laws, promote women's involvement in all areas of economic and social life, and maintain a close relationship with other women's organisations (NANAWO 1993:3-4). Sister Namibia Collective has as its aim the elimination of male dominance and the encouragement of gender equality (ibid.). It also aims to address gender through the media and to promote human sexual rights. The NECD programme is aimed at raising awareness regarding the needs of children, including girls. WAD serves, supports and encourages disadvantaged women in Namibia through women's self-help groups by motivating, training and promoting income-generating activities. NAMEC has been specifically formed to encourage men and boys to end violence against women and children by changing abusive behaviours and sexist attitudes. Other NGOs do not have any specific directive for dealing with gender issues, but many of them do in effect deal with gender issues in the broader context of focusing on human rights.

## **CURRENT LAW REFORMS ON GENDER**

Law reform is the first step in changing a society that discriminates against women. Tapscott and Hubbard (1991:4) report that at independence there were thirteen laws that favoured men over women. Many of these laws have been changed, but not without resistance from male lawmakers and men from Namibian communities.

There are currently both civil and customary laws in Namibia that affect women's rights. As already mentioned, following the abolition of apartheid and the establishment of a constitutional government, women's rights have been guaranteed by the Namibian Constitution (LeBeau et al. 2003:iv), and the government has been struggling to give effect to this constitutional guarantee.

Discrimination against women by the law itself leads to discrimination in other areas of life, and leaves women with no means of addressing social inequalities. Namibian law is therefore undergoing reforms aimed at redressing historical gender discrimination. Several new acts and bills being put into place to protect women are important in this regard. These, together with attempts at improving law enforcement and court responses to violations of women's rights, have gone a long way towards guaranteeing women greater protection in Namibia. Widespread violence against women, sexual exploitation and forced sexual risk-taking must be seen in the context of legal change and its effect on women's lack of decision-making power within society (Tapscott and Hubbard 1991:6).

### **Married Persons Equality Act (No. 1 of 1996)**

At independence, civil law allowed a husband to acquire power over his wife and her property through marriage. This meant that a husband had absolute power over his wife and all property within the marriage, even if the wife had obtained the property before getting married. The wife could not make decisions regarding property without her husband's permission. For example, she could not buy a house or a car, get a bank loan or sign a contract without her husband's consent. Conversely, a husband could make any decision, acquire any property or enter into any contract he wanted to, without his wife's consent. In terms of the



Married Persons' Equality Act, the husband and wife are equal within marriage, and the legal definition of the man as the head of the household has been scrapped. The Act also provides women married in community of property with equal access to bank loans and determines that property such as a house should be registered in both parties' names. The Act further offers options to couples intending to marry that allow for equality in power relations.

### **Combating of Domestic Violence Act (No. 4 of 2003)**

The Combating of Domestic Violence Act explicitly defines domestic violence as a crime, and provides a broad definition of domestic violence that includes physical abuse, sexual abuse, economic abuse, intimidation, harassment and serious emotional, verbal or psychological abuse (UNDP 2001:128). The determination of domestic violence as a specific crime should make people aware that violence within the home or family is not a private matter, and is not tolerated in Namibia (ibid.). The Combating of Domestic Violence Act identifies a domestic relationship as one between people who are in a civil or customary marriage, which is deemed to continue for two years after the relationship has ended.

Children are considered to be in a domestic relationship if the adult is the biological or adoptive parent, a family member (either by birth or adoption) or a person who shares a home with the child. A domestic relationship exists throughout the lifetime of the child. Any person interested in the well-being of a child under 18 years old (as well as the child himself or herself) can lay a complaint and request legal protection on behalf of the child. In addition, the Combating of Domestic Violence Act makes it possible for the offender to have to move out of the home, thereby rendering the situation less traumatic for children in the home. Acts defined as domestic violence include assault, contraventions of the Combating of Immoral Practices Act, kidnapping, murder, rape and indecent assault. Violations of the Combating of Immoral Practices Act include sexual exploitation of children, where violence is used to force children to perform sexual acts against their will. The Act also puts mechanisms in place for the protection of children, especially girls.

### **Combating of Rape Act (No. 8 of 2000)**

The Combating of Rape Act is one of the most advanced laws on rape in the world. The previous law on rape in Namibia contributed to marital rape (a man raping his wife) and rape of people other than women, because these crimes were legally defined not as rape, but as indecent assault (Iipinge and LeBeau 1997:80). For example, newspapers reported a case in which a man was found guilty of indecent assault on a 7-year-old girl because there was no evidence that sexual intercourse had taken place, even though it was proven that he had sexually molested her (*The Namibian* 16 October 1997). With the passing of the Combating of Rape Act, many sexual acts that do not involve actual sexual intercourse are defined as rape. In the example given above, this man would have been found guilty of rape.

Under the previous law, rape was defined as “unlawful sexual intercourse with a woman without her consent”. There are some problems with this definition, which led to rapists going free because cases did not meet the legal definition of rape (Hubbard 1991:9). There were two basic problems with the old rape law: firstly, it excluded all forms of sexual assault except for penis-to-vagina contact; and secondly, it excluded the rape of young boys or men (ibid.:14). The new Combating of Rape Act thus gives greater protection against rape to young girls and boys, and provides for longer minimum sentences for rapists (UNDP 2001:122).

Another problem with the old rape law was the phrase ‘unlawful sexual intercourse’. Since it was seen as a husband’s right to have sex with his wife, marital rape was not considered a crime. Because the old law did not make marital rape illegal, it reinforced the notion that a wife is the property of her husband. The new Combating of Rape Act defines a man having sex with his wife against her will as the crime of marital rape. This lets men know that they cannot force their wives to have sexual intercourse with them.

### **Affirmative Action Act (AAA) (No. 28 of 1998)**

As previously mentioned, the Constitution makes it illegal to discriminate against a person on the basis of their sex, but also recognises the previously disadvantaged position of women by encouraging affirmative action with an emphasis on women (GRN

1990: Articles 10 and 23). The general provisions regarding affirmative action are strengthened by the chapter of the Constitution that defines the principles of state policy. In keeping with the Constitution's stated goal of affirmative action, the Affirmative Action Act (AAA) (No. 28 of 1998) spotlights disadvantaged groups, including women and people with disabilities (Iipinge and Mwandangi 2001:2). The Act defines affirmative action as measures designed to ensure that people from all groups have equal access to employment and are equally represented in the workforce. These groups include the racially disadvantaged, women and the disabled (Tadria 2003:18). The AAA further makes provision for the establishment of the Employment Equity Commission (EEC), the main function of which is overseeing the implementation of the AAA.

## **PROPOSED LAW REFORMS**

Given Namibia's lack of human and financial resources, as well as the short time that has elapsed since independence, some law reforms on gender-related issues in Namibia are still being developed. There are therefore several laws that lag behind with respect to the eradication of discriminatory practices. In order to rectify this state of affairs, there are also several proposed law reforms that may impact on gender issues which have yet to be passed by Parliament or gazetted ([www.parliament.gov.na](http://www.parliament.gov.na)).

### **Maintenance Act (No. 9 of 2003)**

The Maintenance Act (recently gazetted) determines that parents have a legal duty to maintain their children who are unable to support themselves. Both parents are responsible for the support of children, regardless of whether the children's parents were married or not, and whether or not parents are subject to any other customary laws that may not recognise one or both parents' responsibilities with respect to the child. The Maintenance Act is important because it will provide relief for women who are most often left to take care of children (LeBeau and Iipinge 2003:18).

### **Labour Bill (B.32 of 2002)**

The Labour Bill, which has been passed by parliament, will provide new protections for people who have previously been disadvantaged, including women and children ([www.parliament.gov.na](http://www.parliament.gov.na)). The new Labour Bill will enable the Ministry of Labour to set conditions applicable to the employment of children, and includes the provisions that children under 14 years of age may not work, and that children between 14 and 16 years old may not be employed between the hours of 20h00 and 07h00. This new bill aimed at preventing child labour will provide protection for many children, including girls, who are currently working in Namibia.

The new Labour Bill specifically addresses discrimination in employment: "A person must not discriminate in any employment practice, directly or indirectly, against any individual on one or more of the following grounds ... sex, sexual orientation, marital status or family responsibilities." The Labour Bill further states that it is not discrimination "to take any affirmative action measure to ensure that ... women ... enjoy employment opportunities at all levels of employment" (ibid.). In addition, the new bill makes provision for leave with pay, including 12 weeks' maternity leave for pregnant employees.

### **Vulnerable Witnesses Bill**

The Vulnerable Witnesses Bill, which has yet to be presented to parliament, makes the court process less upsetting for victims of crime and other vulnerable witnesses, especially in cases of sexual abuse (UNDP 2001:127). In such cases, vulnerable witnesses may not have to testify in front of the accused, but may be able to testify in front of a video camera. Other provisions in this bill relate to the handling of traumatised victims and witnesses, especially in rape and domestic violence cases. This bill will help in preventing victims from being doubly victimised – first by the accused and thereafter by the legal system. This bill will make it easier for children to testify against those accused of sexual abuse and child trafficking.

### **Inheritance Bill**

Laws on women's rights to property and inheritance are probably the most blatantly racist still on the Namibian law books. Because

of the influence of Namibia's apartheid history, the default position regarding marital property is different for some black people in Namibia (LeBeau et al. 2003:37). The Native Administration Proclamation of 1928, which is still law in post-independence Namibia, establishes different rules for civil marriages which take place after 1 August 1950 between "natives" north of the old "Police Zone".<sup>2</sup> The Native Administration Proclamation is clearly a violation of the Constitution's prohibition of discrimination based on race. The High Court has recently ruled that this law is unconstitutional, and has ordered that Namibia reform this law before 2005 (*The Namibian* 2003).

Although the Inheritance Bill has not yet been made public, the Ministry of Justice is in the process of reviewing laws relating to inheritance and drafting the bill with a view to establishing a uniform system of inheritance for all Namibians. The Communal Land Reform Act (No. 5 of 2002) will also address some issues relating to women's rights to land in the communal areas. The current draft of this law makes men and women equally eligible for communal land. It will thus hopefully put an end to the practice of evicting widows from communal lands after the deaths of their husbands (Hubbard and Cassidy 2002:16). In terms of this Act, communal land must be re-allocated to a surviving spouse upon the death of the spouse in whose name the land was held, and the right to remain on the land is not affected by re-marriage (Hubbard and Kamba in LeBeau et al. 2003:27). If there is no surviving spouse, or if the surviving spouse does not wish to remain on the land, then the land goes to "such child of the deceased person as the Chief or Traditional Authority determines to be entitled to the allocation of the right in accordance with customary law" (ibid.).

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<sup>2</sup> See Proclamation 67 of 1954 (Application of Certain Provisions in Chapter IV of Proclamation 15 of 1928 to the Area Outside the Police Zone). The Police Zone is defined in the First Schedule to the Prohibited Areas Proclamation 26 of 1928.

## **PRESSING AREAS FOR LAW REFORM**

The government and various NGOs have identified several areas that need immediate attention for gender-related law reform. Of urgent importance is law reform on divorce, because divorce in Namibia is currently decided on the basis of who is at fault, and it is all too often simply assumed that the woman is at fault where a marriage fails. Unlike most countries in the world, Namibia does not allow divorce on the grounds of “irreconcilable differences”, where for whatever reasons, the couple simply cannot get along (Hubbard and Cassidy 2002:21).

Although the Communal Land Reform Bill offers protection for some widows who would otherwise be evicted from their land, it does not address various other discriminatory traditional inheritance practices, such as the deceased man’s family taking possession of all of the marital assets. An Inheritance Act is therefore a pressing issue.

There are also several outstanding law reform issues relating to women’s and children’s rights. For example, children born outside of marriage are still discriminated against under both civil and customary law, because these children are often not able to inherit from their fathers’ estates (ibid.:20).

## **POLITICAL POWER-SHARING**

In addition to government policies, programmes and law reform efforts, there have been many initiatives aimed at increasing the number of women in political positions. As will be discussed below, the number of women in politics has increased, although women are still far from having 50% representation in higher political positions.

At the national level, there are several programmes aimed at improving women’s representation in political structures. The most vocal of these is the 50/50 Campaign, begun by the Namibian Women’s Manifesto, which aims for 50% of candidates for all elections to be women. The method advocated by the 50/50 Campaign is “zebra” style lists, whereby political parties would

draw up lists that alternate female and male candidates for all elections (Namibian Women's Manifesto Network 2003).

### **People's Perceptions of Political Power Sharing**

Research was conducted in 2002 to determine community-level interest and understanding of political issues, including community members' attitudes regarding women in politics. Almost three-quarters of Namibians who were interviewed felt that Namibia needs more women in positions of power (Keulder 2003:6-7; Thiel 2003:1). As can be expected, women were slightly more likely than men to espouse this position. Thiel (*ibid.*:4) and Keulder (*ibid.*:13) found that there is no difference in people's attitudes regarding this issue based on where they live or their level of education.

Research also established that women and men are participating in the political arena in about equal numbers, a finding that goes against generally accepted beliefs that men are more interested in politics than women (Keulder 2003:1; Thiel 2003:1). Thiel (*ibid.*:5-6) reports no difference between men's and women's attendance at political meetings and rallies, their contact with elected representatives, or their interest in politics. Men were found to be only slightly more likely than women to regularly discuss political issues with each other.

However, the research results indicate that what men and women talk about differs: men are more interested in issues relating to war and national defence, while women prefer to discuss children's issues (*ibid.*). Most community members feel that male MPs should deal with war, national defence, crime, land reform, agriculture and water, international relations and job creation; while women MPs were said to be best suited for addressing children's rights, human rights and health care (*ibid.*:8-9). Indeed, community members' attitudes regarding the gender-based division of labour in politics follows the gender-based division of the portfolios of MPs in Namibia: women are typically ministers of traditionally stereotyped women's issues. Thus, the research shows that although community members support greater participation on the part of women in politics and that both men and women are equally interested in politics, standard gender stereotypes of "women's roles" still persist.

Both Keulder (2003:1) and Thiel (2003:2) argue that if Namibians were in general opposed to greater involvement in politics on the part of women, it could be argued that cultural beliefs would account for such attitudes. However, given the abovementioned information, it would seem that structural and/or institutional attributes of society (such as male dominance) are more likely to explain women's low rate of political participation.

In a different vein, WCI (2003:9) argues that a larger number of women being elected would not necessarily mean that gender issues would be addressed: women in political positions act no differently from their male counterparts, it is argued, because the number of women in political positions of power has not reached a "critical mass" of strong women willing to speak out on gender issues. A critical mass would be reached where there are enough women in positions of power for them no longer to feel threatened by their male counterparts, with the result that they would be willing to speak out on gender issues, even in the face of opposition from their male counterparts. Until such a critical mass is reached, women in political positions of power will remain quiet on gender issues (ibid.).

### **Voting**

Prior to independence, only the whites in Namibia could vote; all other people were disenfranchised. However, the Namibian Constitution guarantees that all citizens who are 18 years of age or older have the right to vote, and that all citizens who are 21 years of age or older have the right to be elected to public office, with the exception of the President. To be elected President, the candidate must be a Namibian citizen by birth or descent and be at least 35 years of age (GRN 1990: Articles 17 and 28). The Constitution further guarantees that all citizens, male and female, have a constitutional right "to participate in peaceful activity intended to influence the composition and policies of the Government. ... to form and join political parties. ... [and] ... subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely-chosen representatives" (ibid.: Article 17).

Women and men take part equally in voting. However, women tend to be influenced by husbands, boyfriends and relatives as to



how they should vote. Research shows that both men and women think that it is their duty to vote and feel that it is wrong for people not to vote, no matter where they live. This general feeling of responsibility ensures that women also take part in the voting process, but they are less likely to run for public office. There is, however, a general trend in Namibia for lower voter turnouts, especially for regional and local elections.

### **Women in Political Parties<sup>3</sup>**

Political parties have also been active in advocating for women's rights, especially in the area of political power sharing. The SWAPO Party, the current ruling party, has a SWAPO Party Women's Council (SPWC). This branch of SWAPO has been active since before independence (Ipinge et al. 2003). The SPWC has been working for the advancement of equality for women and wants women's full participation in the struggle for economic, cultural and social empowerment. The Democratic Turnhalle Alliance (DTA) also has a Women's League and an Executive Secretary for the Women's League. The DTA does not, however, foreground any gender-related activities within its organisation. Another active political party in Namibia, the United Democratic Front (UDF), does not have a women's wing. Although the Congress of Democrats (CoD) currently does not have a functioning women's wing, its constitution makes provision for a Women's Organisation, and it has a gender mandate which encourages women's equal participation in government (ibid.).

Most political parties do not have gender issues listed in their mandates (ibid.). The stated task of SWAPO, through its Women's Council, is to ensure gender-balanced representation in government and to advance women in order to address the issue of their previously disadvantaged position (ibid.). The aims of the SPWC are: to achieve equality for women and their full participation in economic, cultural and social life; to develop a political understanding among women; to assure women's full partici-

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<sup>3</sup> Much of this section is derived from Ipinge et al. 2003 and is utilised with the authors' full consent. Some information for this section comes from consultative meetings, key informant interviews and a questionnaire for a report on the National Gender Machinery (NGM) prepared for the MWACW by Ipinge et al. 2003.

pation in employment and education; to promote international liaisons for women; and to promote gender awareness among Namibian women (SWAPO 2001:3). In addition, SWAPO has been given the task of ensuring a 50% gender balance for regional delegations and 30% women in its Central Committee (SWAPO 2002:6). The CoD also addresses gender in its constitution, which commits the party to striving for gender balance in all of its structures and political activities. The CoD's constitution includes a provision for a gender balance in line with current international agreements (CoD 2001:5, 27).

Progress within political parties varies greatly, but the SWAPO Women's Council has advanced women's participation in politics and has progressively worked towards its stated gender goals, while the CoD has 47.3% women in its Central Committee and 13% women in its National Committee (Iipinge et al. 2003).

### **Women in Politics**

An Inter-Parliamentary Union report (Thiel 2003:2) shows that in 2002, Namibia ranked twenty-third in the world for women representatives in parliament. In Africa, only Mozambique (ranked 10<sup>th</sup>), South Africa (ranked 11<sup>th</sup>) and Rwanda (ranked 21<sup>st</sup>) outperformed Namibia with respect to the number of women represented in parliament. In 2002, 18 out of the 72 National Assembly members were women. These figures indicate that although Namibia is in good standing as far as Africa is concerned, Namibian women are still under-represented at most levels of government (ibid.).

Only three out of a total of 19 ministries are led by women. Furthermore, two of the three women hold gender-stereotyped positions, namely the Minister of Women Affairs and Child Welfare and the Minister of Health and Social Services. Only the Minister of Finance does not hold a traditionally gender-stereotyped position (Iipinge and LeBeau 2003).

In the National Assembly, women constitute only 23% of the Members. In the National Council, only two of the 26 members are women (7.7%). In the judiciary, only one of the five High Court judges is a woman, while only 17 out of the 51 magistrates in the country are women (Iipinge and Mwandangi 2001:2-3). In addition to the recent appointment of a woman as the Minister of Finance,

the Attorney-General for Namibia is also a woman (Iipingé and LeBeau 2003).

Within local authorities and regional councils, women are also under-represented. In regional councils, 5% of representatives are women, while 23.3% of mayors are women. Women are, however, more adequately represented as deputy mayors (66.7%) and local authority councillors (43.8%). It is clear from these figures that men continue to hold the higher positions, while women occupy lower positions.

### **Women in Parastatals**

Women are also under-represented in parastatals, and only one of the 12 parastatals in the country has a female chief executive officer (CEO) (8.3%). In addition, only 10.9% of senior managers in parastatals and 15.6% of middle-level managers are women (Iipingé and Mwandingi 2001:19). In the Namibian Defence Force and Special Field Force, there are no women in top positions, and there is only one woman in a senior position within the Namibian police force (Iipingé and LeBeau 2003).

Educational parastatals in Namibia seem to have a better record for women in management. In the case of UNAM, 34.4% of management staff are women. At the Polytechnic, 38.7% of management staff, and at the College of Education, 48.8% of management staff, are women. At UNAM, almost 50% of the total administrative staff are women (UNAM 2003:11). However, men dominate top management positions at all three institutions (ibid.:4).

### **Women in Political Parties**

There is no political party headed by a woman and only the CoD has a woman serving as deputy. Women are also under-represented in political parties at the national, regional and local levels (Iipingé and LeBeau 2003). In the case of SWAPO, three out of 13 (23%) regional coordinators, 14.5% of the Central Committee and only 20% of the National Executive Committee members are women (Iipingé and Mwandingi 2001:17). In the case of the CoD, 47.3% of the Central Committee members are women, but only 13% of the National Executive Committee members are women

(ibid.), while in the DTA, 18.8% of Central Committee members and 19.2% of National Executive Committee members are women.

## CONCLUSION

This paper has focused on Namibia's progress in implementing policies and programmes identified at the Beijing Conference. The Namibian Government's commitment to gender equality is confirmed by the significant number of international agreements Namibia has entered into, the number of national gender policies and programmes the Government has initiated, and national-level progress that has been made towards reforms aimed at making men and women equal before the law.

NGOs have also shown progress in advancing women's rights since the Beijing Conference. There are now many new NGOs working on gender issues, and some of the more established NGOs have had considerable success in reaching their gender goals.

In politics, women participate in voting and are politically active. One area that still needs to be addressed, however, is the low number of women in political positions of power. For gender issues to be more effectively addressed, the government needs enough women in positions of power to form a "critical mass" so that they can overcome male dominance and speak freely on women's issues.

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# **COMMUNITY PERCEPTIONS ON LAW REFORM: PEOPLE SPEAKING OUT**

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## **OVERVIEW**

This paper focuses on how national-level laws are interpreted by local community members. Interviews with women and men who live in Katutura, Khomasdal and Windhoek,<sup>4</sup> together with interviews with people living in Namibia's northern rural areas, show that most women and men have good knowledge about gender issues and law reform, especially on topics such as violence against women. The information shows that both men and women have heard about many of these laws, although their understanding of what the laws mean and how they affect gender relations is not always correct.

Both women and men say their information comes from multi-media sources such as radio and newspapers, although men are also more likely to have heard about such gender issues from other men. Men's and women's respective understandings of the concept of "gender equality" are, however, very different. Men often view women's rights in a negative light and often talk about how "women's rights" have caused problems, or how they feel that "women's rights" have diminished "men's rights".

This paper shows that law reform is only the first step to women's equality, and that changing laws and government policies alone does not guarantee the protection of women's human rights or remove gender discrimination from all levels of society (SARDC

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<sup>4</sup> In the text, people from Katutura, Khomasdal and Windhoek are referred to as coming from the urban area, whereas people from the north are referred to as coming from the rural area.



1999:32). This is not to say that law reform should not be undertaken because it is not effective, but that law reform alone cannot change the realities within which women live. Education and information campaigns can make people aware of changing ways of viewing men's rights.

## **KNOWLEDGE OF LAW REFORM**

### **General Knowledge of Law Reform**

Respondents (both men and women) were asked what laws they have heard of that are intended to make men and women equal or to protect women. Respondents were not asked about any specific law, but were required to name the laws themselves. This question was intended to establish what laws people know about, without giving them any help in identifying specific laws.

Women in the Windhoek area have some general knowledge about several laws that promote gender equality, but when asked, they did not know what the laws "say", or what specific benefits many of these laws hold for themselves and other women. Rural women's knowledge of gender-related laws is less comprehensive than that of their urban counterparts. When asked about laws that protect women, many rural women stated that they did not know anything about such laws, or they incorrectly identified a law that allows women to inherit their husbands' property. However, urban women correctly identified gender-related human rights laws (Married Persons Equality Act), or laws that prevent rape (Combating of Rape Act) and laws that address violence against women (Combating of Domestic Violence Act).

Many women do not know of any specific gender-related laws, but most women do know that such laws exist. Some of the "laws" mentioned by women, especially rural women, do not exist, however, which suggests that their knowledge about laws is sometimes incomplete or inaccurate. Urban women recognise their own lack of knowledge about accessing and understanding these laws, as is evident in the words of Sandra (48 years old):

The problem we [women] have is that we do not know our rights. Therefore, most of the time you find women

who raise children by themselves, without claiming maintenance. I think women need to be educated about the laws of this land.

Some rural women mention government and NGO attempts to educate rural women about their rights. Nangula (a 50-year-old Owambo woman), like several other rural women, indicated that people from the Ministry of Regional and Local Government and Housing (MRLGH) have come to their villages and told women that if their husband dies, they have the right to inherit their houses. The custom of disinheriting widows has been identified by the government as a form of discrimination against women that contributes to their low economic status. The MRLGH's education campaign is therefore important for rural women.<sup>5</sup> Significantly, most urban women are aware of the fact that there is some type of legal recourse if they find themselves confronted with a violation of their rights.

Men from the Windhoek area are well aware of gender-related laws, while rural men's knowledge and understanding is lower than that of their urban counterparts. Urban men referred to "laws that make women equal to men in marriage" (Married Persons Equality Act); laws against rape (Combating of Rape Act); and the Namibian Constitution, which "makes it clear ... that every woman is protected", while rural men mentioned laws that protect women against rape and "being beaten up", as well as a law that says that "widows should no longer be forced to abandon their houses". None of the rural men mentioned the Married Persons Equality Act.

In both the urban and the rural areas, only a few men do not know of any gender-related laws, although some men believe that there are certain gender equality laws that in fact do not exist. For example, men identified "the human rights law"; laws that say that "men must help women with household activities"; and laws that "stipulate [that] men must respect and help women".

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<sup>5</sup> Although there is no particular law in this regard, the practice of disinheriting widows has been found by the High Court to be unconstitutional because it discriminates against women on the basis of their sex.

Many men feel that these laws discriminate against men in favour of women, because “men and women should have equal laws”, but they feel that “the law protects women mostly”. Thomas (a 44-year-old Herero man from Katutura) complains that “the maintenance law against men only protects and helps women.” (In fact, maintenance is paid for children. It is only given to parents who are awarded custody of children, and in most instances this is the woman.)

Some men feel that gender equality laws will not protect women and that women put themselves at risk because they do not listen to their husbands, while other men think that the Married Persons Equality Act is not effective because “the law is dependent upon evidence and women are afraid to give evidence [against their husbands]”.

Many rural men do not feel that women need laws to protect them. Kondjeni (a 46-year-old rural Owambo man) wonders, “Why do women need to be protected? Protected from what? Women are safe.” Shilongo (48 years old) agrees with Kondjeni, and concludes that “they don’t need any laws to protect them”.

Rural men also feel that many of these laws do not apply to them. Lew (48 years old) says, “There is a law that protects women from being beaten up by their husbands. But this law is not applicable in our village.” Other men say that if there are gender-related laws that protect women, such laws are currently not in use. However, some men correctly indicate that “women have more rights now than in the past”.

In many instances, these men’s knowledge and interpretation of laws is wrong. For example, the purpose of child maintenance is to protect children, not women; the Married Persons Equality Act has nothing to do with women testifying against their husbands; and there is no specific law that deals with widows’ rights of inheritance. In addition, many of the laws mentioned by men do not exist. Although these men’s knowledge of laws relating to gender equality is superficial – and many men are opposed to the principle of gender equality – men do have a general understanding of the idea that women are supposed to be equal to men and should be legally protected against violence.

Information in this section was gathered with a view to evaluating women's and men's unprompted knowledge and understanding of laws aimed at protecting human rights. Although knowledge levels regarding legal rights are high among urban women and men, this knowledge is superficial because many people do not fully understand laws aimed at gender equality. In addition, many rural women may be prevented by their male counterparts from accessing these laws when they are needed. The important point to note, however, is that most people have a general idea that there are certain laws that promote gender equality and protect women's rights.

### **“The Law that Protects Married Women”**

The Married Persons Equality Act is intended to give people within marriage more equal legal rights, such as the right to enter into contracts without being treated as a minor in the eyes of the law (Ipinge and LeBeau 1997:32). Women and men from both rural and urban areas are asked if they have ever heard of this Act and, if so, what the Act actually “says”. The following section looks at men's and women's knowledge and understanding of this law.

Interestingly, many women said they have heard of this Act, but then gave incorrect information regarding its content. Some women, who might have been guessing, thought that “maybe it is a law to protect women against their husbands”; or that it gives women a bigger share of property in divorce; or that it tells men to cook and clean (which Owambo women say is not going to work because their men will never cook or clean).

However, the majority of women who guessed at the content of the Act thought it means that “if a man passes away his wife and not his family must inherit the house”. Although this is a good guess, the law does not dictate terms of inheritance. One woman even claims to know of a woman who has used this Act to stop her husband's relatives from taking property after his death. In the case of urban women who know about the Act, their knowledge of its content is somewhat limited. The best understanding of the Act was found in Dolly, who at 23 years old is one of the youngest urban women interviewed:

The Married Persons Equality Act is the Act that promotes equality between married couples. This is

equality in terms of owning properties ... When the husband is alive it helps a woman to have rights even to open her own business or buy a house without her husband's approval.

Urban women who know about the Act have heard about it from radio, television and the newspapers. They also tend to be younger than those who have not heard of it, indicating that younger women may have better access to information and thus may have a better understanding about their rights than older women. Rural women are less likely to have heard of or know the content of this Act than their urban counterparts. Only two rural women said they have heard of this Act, and they both incorrectly guessed that the Act prohibits a woman's in-laws from taking property after her husband's death.

The majority of men from the Windhoek area have heard of the Married Persons Equality Act. More urban men than women know the content of the Act, although men living in the rural areas know about the Married Persons Equality Act, but have less information about its content than their urban counterparts. Men say they have heard about this Act through talking with their male colleagues; through public debates that took place prior to the passing of the Act; and through announcements in the mass media that the Act had been passed by parliament. Many men – both lawmakers and community members – tried to prevent the Married Persons Equality Act from being passed into law, and this seems to have led to a high level of awareness, especially among men.

Nevertheless, several interpretations given by men – probably guesses – regarding what the Act “says” are not correct, such as the idea that a man can decide whether or not the Act applies to his wife, or that the Act “is for young, educated people”. Men also say that the Act “gives all men and women property equally”, or that it lays down terms of inheritance, or that “during a divorce case the man must move out of the house”. The majority of rural men simply stated that the Act gives equality to men and women within marriage with little explanation, while several rural men admitted that “most of us do not understand this Act”.

As with so many other gender-related law reform issues, most men do not agree with the content of the Act, and several men “blame” the Married Persons Equality Act for causing social and

marital problems, as evinced by the response that “this Act brings problems between couples who were initially living together well”; some men also say women “misuse” the Act to take men’s property, and that “The Act mostly disadvantages men ... that is why men continue to cause domestic violence.” Tomas (a 43-year-old Owambo man) sums up the feelings of many men when he says:

This Act says a man and a woman in a family should be equal. They share things equally in their marriage. This Act, to me, seems as if it is there to make men feel inferior to women. This Act is more for women than men. I feel that we men are no longer valued as we were in the past. They say it is equality in marriage but this Act is more one-sided.

Even men who agree with the Act do not fully understand it and think that it disadvantages men. For example, Illonga (a 53-year-old Owambo man) agrees that men need to change, but states: “The fact of a woman sitting in front and the man at the back, it is very painful.” Some men state that although the Act is a law, they do not think men, especially in the rural areas, will obey it. Simon (a 31-year-old Owambo man) explained:

Very few people put this Act into practice. Say for example in the rural areas, do people really make use of this Act? I don’t think so. There is no one to make people understand this Act well! It is true that traditional customs and beliefs affect this Act in many aspects, but they will not listen.

Rural men who have an idea of what the Act means do not like it. Lew (48 years old) exclaims, “The law affects men because it goes against some of our customs. A man is regarded as head of the household but the law says it is incorrect.” In fact, several men say that rural men “will not follow such an Act”.

Interestingly, far more men than women in both the rural and urban areas know about the Married Persons Equality Act, and many have found out about it through other men, particularly because of its contentious nature. So, although men are not happy about the Act, they know that legally, women should have equal rights within marriage. The Married Persons Equality Act is an important step towards creating a legal basis for gender equality.

### **“If she says ‘No’, let it be ‘No’”**

On the issue of violence against women, especially rape and domestic violence, both women and men know that these actions are illegal and hurt women. The majority of people think that the incidence of rape has increased since independence. The Namibia UNDP report (2001:98-99) confirms the steady increase in reported cases of rape and attempted rape from 1991 (564 cases) to 1998 (714 cases), but questions whether it is the incidence or the reporting of rape since independence that has increased. A few women believe that the percentage of rapes that are reported has increased since independence because “now we are not afraid of the *boeres* [whites]”, while men agree, and ascribe this tendency to women being more aware of their rights. The UNDP report (*ibid.*) indicates that “every day at least two people in Namibia are at risk of being sexually assaulted”. The report also claims, however, that only one out of every twenty rapes is reported. These are shocking figures for a country with only 1.8 million people. In response to the seriousness of this situation, Namibia passed the Combating of Rape Act in 2000, although no studies have been conducted to determine what effect this Act is actually having on the incidence of rape in Namibia.

For both women and men, evidence that rape has escalated in Namibia includes the fact that “men even rape small children”. One common myth is that if a man rapes a baby, small child or virgin, he will be cured of HIV/AIDS. Although some community members believe that traditional healers tell HIV-positive men to rape babies or small children, the Namibia UNDP report (2001:103) indicates that there is no evidence that this claim is true. Some people, puzzled by why a man might rape a baby or small child – according to the UNDP report (*ibid.*:101), children as young as 17 months old have been raped – say that they think these men are either going crazy, are bewitched, are using drugs or think they will be cured of HIV/AIDS.

Some people are so confused about why men rape (whether the victim is a child or a woman) that they feel the only possible explanations are that these men are “crazy”, emotionally disturbed or possessed by the devil. Given that most men are not rapists by nature, many men in particular cannot understand the thinking of a rapist. Women and men give several explanations as to why

men rape, many of which are related to male dominance. Dolly (23 years old) says rape occurs because “men regard themselves as powerful and in control of everything”. Given that men feel they should have control over sexuality, it is not surprising that some men think of women as “sexual property”. Many women attribute rape to men’s lack of respect for women, which in turn is a consequence of women’s low social status and male dominance. Selma (67 years old) has the following to say about rape:

I think rape is like death. It is something evil. I do not know how women can protect themselves from being raped because men rape women even in their houses. I think men rape women because most men today have got different attitudes of not respecting women.

Wolfgang (a 30-year-old German man) recognises women’s having lower social status than men as being a contributing factor to the incidence of rape when he says, “Men do not treat women as equals; that is why rape has worsened.” The majority of women and men identify legal and judicial factors contributing to rape as: courts that let rapists go free; sentences that are too light; and poor law enforcement. Other social factors that people think contribute to rape include unemployment, which leaves men idle; alcohol abuse; people from different cultures “mixing, which causes problems”; and a loss of the sense of community.

Several women “blame” men for uncontrolled sexuality because “men like sex and cannot control themselves”, and accuse them of wanting to spread HIV. Men, in turn, account for rape on the basis of “the fashions [women] wear”; “women who drink too much alcohol”; and women “wanting to get rich”, who use men to get money. Many men have the mistaken idea that women do not really try to stop rape because they think a woman can avoid being raped by screaming and fighting off her attacker, talking to the man to “calm him down” or seeking the help of the police.

All men know that rape is wrong and against the law. Peter (a 44-year-old Owambo man) expressed the feelings of some men when he stated:

Women have rights to be respected. If she says “no”, let it be “no”. And again, they have really to enjoy their rights as humans. They do not have to be seen as sexual tools.



In fact, many men say that rape is like murder, because it takes something away from the survivor forever. Immanuel (a 54-year-old Herero man) partly explains men's disgust at rape because "rape is something that is not in our tradition". However, Illonga (a 53-year-old man) thinks that maybe the courts favour women and prosecute men for rape with little or no evidence other than the woman's testimony.

Although people know that the Combating of Rape Act has come into effect and that rape is a crime, many are unsure if it is illegal for a man to have forced sex with his wife, even though the Act defines this as rape. While urban men are divided as to whether or not a man can be said to have raped his wife, the majority of urban women say that this is possible, but that most wives do not report such rape because they are married to the perpetrator. Sophia (35 years old) passionately exclaims that "as long as it's against the woman's will, it is rape".

Most rural women and men do not believe that a man can be considered to have raped his wife. Namene (51 years old) expresses her traditional belief in saying, "It is not possible for a man to rape his wife. The wife knows that her husband, if he wants sex, there is no way she can say 'no' unless she is sick." Rural men are more likely to say that married people have the ability to talk things out before they reach a "critical stage". Most women identify a man's desire for power and control, and a man's belief that his wife is his property, as reasons why some men rape their wives. Sandra (48 years old) explains how she feels about marital rape:

I think a man can rape his wife. Men feel good if they are in control. This makes them to see themselves as powerful people and they do what they want. They are the ones to decide when to have sex. If they want sex, they don't ask women's permission because they are married to them.

Marital rape has been the topic of heated debate in the light of the Combating of Rape Act, which defines marital rape as an offence punishable by law (UNDP 2001:123). At the centre of the debate is the question of whether or not a man has the right to sex with his wife. Previous research has found that customary laws in many Namibian societies, as well as law that applied in Namibia prior to independence, did not recognise forced sexual intercourse between husband and wife as rape (Hubbard and Wise 1998; LeBeau 1997).

Many women, such as Mbari (45 years old) and Dolly (a 23-year-old Coloured woman from Khomasdal), say that no matter what the reason, rape is unacceptable and that it is time for women to stand up for their rights. Mbari ponders the issue, expressing a mix of confusion about why rape occurs with the certainty that it must stop:

Previously, there were rape cases, but not like today. Today men rape even smaller children. This is really confusing. ... I think to protect ourselves from rape, women should stand up and demonstrate so that they can be helped by the law, because it is really difficult; women are being raped and killed at the same time. We have to do something.

Most women and men know that people will be imprisoned for rape, although some people feel that the sentences are not long enough. Some people suggest punishments for rapists that include “losing their manhood”; publishing their names in the newspapers; the death sentence (because rape is like death to women); life imprisonment; and requiring the man to pay a fine to the woman he has raped or to her family.

Both women and men have obtained information about rape and the Combating of Rape Act from the Multimedia Campaign on Violence Against Women and Children through the radio (particularly the indigenous language services<sup>6</sup>), television and newspapers. However, one of the main sources of information about rape is people’s family and friends. Several men explained that “men are giving information to each other”. As with the Married Persons Equality Act, the controversial nature of law reform on rape is the very reason for widespread awareness of the content of the Act. This factor favours law reform efforts in that although people do not always agree with the content, they are aware that these laws exist.

Information obtained from interviews shows that people are struggling to understand the increasing incidence of rape in

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<sup>6</sup> The Namibian Broadcasting Corporation (NBC) has a number of stations that broadcast in indigenous languages. These language services are very popular, especially in the rural areas.

Namibia, especially the rape of small children. Although women and men tend to have different opinions regarding the causes of rape, social factors such as gender inequality and male dominance are felt to contribute to the problems faced by Namibia as it attempts to reduce violence against women, including rape.

### **“Men are not Supposed to Beat their Women”**

Most people correctly identify domestic violence as violence that occurs within families or households. The two most common types of domestic violence are physical abuse, described by community members as a man “inflicting pain on the body [of a woman] in order to extract obedience”, and psychological abuse, described as yelling at or insulting another person. Mewater (46 years old) identifies as a type of domestic violence “constructing desertion”, where the husband makes the wife’s life so awful that she leaves him and then he files for divorce on the grounds of desertion, and is able, under Namibian law today, to claim more of the marital property. Some men also use violence against women to force them to move out of the home. A few women include marital rape in their definition of domestic violence. The fact that domestic violence can be fatal for the abuser as well as for the abused person is also mentioned by several women.

Only a few men wrongly define domestic violence as strangers who rape women; strangers who enter the house to murder family members; or any assault in a public place. However, some men feel that only “an assault where the woman is badly injured” constitutes domestic violence. These men therefore think that men can beat their wives as long as the beatings are not too bad. Although all women and most men think that domestic violence is unacceptable, a few men think that domestic violence is acceptable. Richard (a 42-year-old Coloured man from the urban area) explains his thinking thus:

The man has to show the house how to live according to his rules – to show everybody what is right and what is wrong. She [the wife] just has to try to live a good life. If you do not want to listen, you have to feel. If you do not want to listen, you have to take punishment.

Some people, especially from the rural areas, are unclear about whether or not domestic violence is a specific crime. Whereas

Kako (a 45-year-old Herero woman) believes that the law “says men are not supposed to beat their women”, rural women are more likely than their urban counterparts to say that they do not know if there is any specific law against domestic violence. Whether or not domestic violence is identified as a specific crime, all urban women and most rural women indicated that it is illegal for a man to beat his wife. For example, Mewater (a 46-year-old Herero woman) states that “the law says nobody has the right to touch another person”. Some women indicate that domestic violence is “the same as assault; it is just done by a family member”.

Men are more likely than women to think that domestic violence is not illegal. Nevertheless, Peter (44 years old) agrees with Mewater when he states that, “Any kind of violence, being domestic or not, is against the law.” Some people believe that the law requires women to report acts of domestic violence, while others think that only killing or seriously injuring someone is against the law.

Some people, while saying that domestic violence is a crime, state that Namibia’s laws on domestic violence are not strict enough. Several rural women made the observation that domestic violence occurs in their villages, but no one interferes because it is either regarded as normal, not illegal or a family issue, or the man is regarded as having the right to beat his wife. The above information indicates that people’s knowledge of domestic violence laws is inconsistent and frequently not accurate.

Domestic violence is attributed to various social problems such as unemployment, poverty, women’s low social and economic status and alcohol abuse. Most women and several men feel that domestic violence is a result of men not respecting women; men wanting to control women; or men financially supporting women and therefore feeling that they have the right to control them. For example, Dolly (23 years old) explained:

Men beat their wives or partners because they regard them as their properties. They think that they own them, therefore some men cannot cope if a woman dumps him. They even go to the extent of killing the woman.

Several people also recognise that the changing social status of men and women can be a trigger for men to commit domestic

violence (LeBeau 2001:205). These people say that domestic violence occurs because men are intimidated by women's increasing social status. For example, John (a 51-year-old Coloured man) says "unemployment [is also a cause] because men feel they are useless especially when a woman works and the man does not work". Jo (a 28-year-old Owambo man) says that domestic violence happens when "the woman is more educated than he is or he cannot provide for the family's needs". As will be mentioned below in the discussion of men's attitudes regarding law reform, some men believe that an improvement in women's social status automatically means a decrease in men's social status.

Although some people say that there is more domestic violence in Namibia today than in the past, others say that the amount of violence within the home is about the same, while yet others say that the situation has improved because women are more free to report cases of domestic violence to the police. Most women who think that the number of domestic violence cases has increased attribute this increase to aspects of modern life such as higher levels of unemployment and alcohol abuse, as well as to discrimination against women on the part of lawyers and police officers who can be bribed, and a lack of adequate laws against domestic violence.

Dolly (23 years old) thinks that domestic violence is worse today because men do not want women to have equal rights and use violence to keep women lower than themselves. She explains:

Domestic violence against women has gotten worse because you read in the newspapers, news and on radio or television women are beaten up by their husbands, killed and humiliated. You think men become jealous because most women now are educated and have rights to do a lot of things that they never did before. For example, some are police officers, lawyers, doctors [and] politicians.

Claiming that women's rights have caused more domestic violence, men support Dolly's statement that men do not want women to be equal. Some men claim that women now think that they are the head of the household, which causes their husbands to have to "put them back in their place". Men also say that women's rights have caused confusion and disagreements between couples, and that new laws give women too much freedom.

Several people feel that domestic violence has not escalated since independence, but that women today are just more aware of their rights and now have laws at their disposal to protect these rights. Some women indicate that currently, even in villages in the rural areas, wives know that their husbands cannot abuse them; that people are talking openly about issues; and that village women are beginning to report cases of domestic violence to the authorities. For example, Ndapewa (32 years old) explained:

I think cases of domestic violence against women are about the same as ten years ago. The reason is that after independence people started talking and reporting about domestic violence, before independence domestic violence cases were not reported, but they were there. [Previously] women were beaten up by their husbands but no one talked about it.

As with other law reform efforts, most women and men identify the media, such as newspapers, radio (especially the indigenous language services) and television, as sources of information about issues relating to domestic violence. Mbari (a 45-year-old Herero woman) explained: "There is a law ... this law protects both women and children from abuse. I even heard something like that on the radio." Archie (a 31-year-old Herero woman) specifically stated that she has heard about domestic violence on the Otjiherero radio service. In fact, the radio is the most frequently cited source of information on domestic violence. However, people also get their information from printed media. Sarafina (a 33-year-old Nama woman from Khomasdal) mentions that she learned about domestic violence from *Die Republikein* and *The Namibian* newspapers.

As with other law reform efforts currently being undertaken in Namibia, several people have heard about domestic violence through discussions with their friends, neighbours and family members. In addition, several people assert that they have learned about domestic violence by witnessing domestic violence within households, their communities and the country at large. Information from interviews indicates that mass media campaigns aimed at informing the public about domestic violence are, in fact, reaching the target population, and that people are discussing the issue among themselves.

Both women and men have opinions regarding how domestic violence can be stopped. Men are more likely than women to think that domestic violence can be solved by the couple sitting together and talking through the problem. Some women said that if they were to be victims of domestic violence, they would consult a church leader; talk to family or friends; contact Lifeline/Childline; or go to the police's Women and Child Protection Units or "any kind of women's organisation". Some women say that survivors of domestic violence should report men to the police, even the first time the violence takes place. These women recognise that "if it happened once, it will happen again". Namene (34 years old) feels that women are too "softhearted" on their partners: "The problem with us women is that we wait until we are beaten to death." However, other women recognise the problems associated with reporting a partner to the police, such as making the man angrier or, if a man who is a breadwinner is arrested, leaving the family without any income.

Some people feel that education programmes are the best way to put an end to violence against women. These community members suggest educating women about their rights and convincing men that domestic violence is wrong, while other people believe that the example of women who use contemporary laws aimed at ensuring gender equality can help stem the tide of domestic violence. For example, Peter (a 39-year-old Herero man) said, "A woman can use her women's rights to protect herself [from domestic violence]."

Although the social and legal status of women has improved since independence, women still experience gender-based violence from within their communities and families, especially the possibility of domestic violence and rape. Most women recognise these problems and have a basic understanding of their right to freedom from violence.

Men's and women's opinions regarding domestic violence and its causes may differ, but one conclusion cannot be overlooked: people today know that men are not supposed to commit acts of violence against women. Men, although not generally happy about women's improving social status, are nonetheless aware of the fact that their violent actions against women are no longer

acceptable. This knowledge may lead to a decrease in gender-based violence because, as Shilongo (a 48-year-old Owambo man) says:

You will end up in jail. Men are a bit afraid. Okay, some [men] are still doing it [domestic violence] but we men, we now have some fear!

## **PERCEPTIONS OF LAW REFORMS**

### **Women Accessing their Rights**

In Namibia, law enforcement and court responses to violence against women, especially domestic violence and rape, have left a lot to be desired (LeBeau 1997; Hubbard 1999; UNDP 2001:129-132). Women indicate that they face many problems when going to the police when they are victims of violence, or when they attempt to enforce their legal rights. Many women report that the police do not take them seriously and may even blame them for the violence perpetrated against them. Some women have reportedly been told by the police who are reluctant to take statements from them that domestic violence is not a public matter for them to handle.

Women who were asked what they would do and who they would go to if they were to find themselves victims of violence frequently responded that they would go to the police for protection. However, they also acknowledge problems with this approach. For example, Mbari (a 45-year-old Herero woman living in Katutura) explained:

If a woman is raped or beaten up they go to the police but the police do not really help. Some of the police are not serious about their work. When they are given money [bribed], they drop the case. ... but these police, they do not punish rapists. They give them a few years in prison.

Other women have different ideas about what to do. Many women know about national-level organisations where they say they can go to for help. These include the Women and Child Protection Units (sometimes bitterly referred to by women as the “Department of Child and Women Abuse”); the Legal Assistance Centre; and the Ministry of Women Affairs and Child Welfare. However, most women said that they would first go to the police. Sandra (48 years old) said:



If I was a victim of rape, I go to the police or the hospital. ... If I was a victim of domestic violence, I would first talk to my partner. If [the situation does] not improve, I call someone to talk to us. If the case is very serious, like beating me very often, I have to report to the Child and Women Protection Unit.

Other problems identified with the police include a long response time, which allows the offender to leave the scene; a lack of follow-up on cases; and a failure to collect all of the evidence required for court.

When women were asked about the legal system and the prospect of going to the courts, however, it emerged that most women do not know how to lay a charge against someone or how to gain access to the courts. Namene (29 years old) stated that women “lack knowledge about the court itself. They don’t know what to report and what not.” Mankosi (73 years old) indicated that a woman who tries to lay a charge against an abusive husband could end up in a worse situation. She explained:

The problems women face with regard to the court and law is when women report men, when they go to court the man is just quiet, but back home the man asks why the woman reported him and starts beating her.

It is widely agreed among women that they experience difficulties with regard to accessing the courts and legal processes. Obstacles women identified include male dominance of the judicial system, inadequate knowledge on the part of women regarding how courts work, and the fact that women do not know their legal rights. For example, Dolly (23 years old) stated:

The problem women face with the court and law is that not all women understand how the law works. You even find some of the educated women who do not understand the law. Some report cases to the police but they leave some of the evidence and the person will not be punished because there is not enough evidence. I think women in this country need to be educated about the courts and laws.

Kako (45 years old) further explained some of the social and legal problems associated with trying to redress violations of human rights:

There are laws to protect and help women; the problem is that women are in problems, especially those who got children and they are not working. It is difficult to report their husbands; they depend on them for money. I read in some of the books that are talking about women's rights. It says women have got rights to do whatever they want. For example, to open a business, to drive a car and to own properties. What I have found wrong is that although we have got such a law, lawyers do not put this law into practice.

Many women identify lawyers and their financial demands as barriers to the protection that might be afforded by the court system. Kanderi, 37 years old, said that because women do not have money, they cannot afford lawyers, while men have lawyers who defend them because the men are able to pay lawyers' fees. However, Selma suggested female lawyers as a possible solution to the inadequate access to the law experienced by women on account of male dominance:

We need more female lawyers. Men are not good; they are favouring themselves [other men] and put the blame on us women. I think that with domestic violence we should have women lawyers. ... We need more female lawyers because men look at us as if we are stupid and put the blame on us.

Time delays also scupper attempts by women to obtain child maintenance for their children: "It takes many years to take a man to court ... [then] ... these magistrates take the side of the men and by so doing, discourage mothers." Women's inability to obtain child maintenance further reduces their capacity to become financially independent of men, while financial dependence in turn reinforces male dominance. Other women feel that the public nature of courts and the slow pace of the legal process are obstacles in the paths of women who would otherwise report cases of rape.

As with many other aspects of women's rights, rural women are less aware of how to enforce their rights than their urban counterparts. Some problems specific to rural women include high rates of illiteracy, which lead to women not being able to read court and legal documents; a lack of knowledge about their legal rights; fear of the police and courts; a lack of access to courts due

to long distances involved; and a lack of money to pay for lawyers and “court costs”.

Because of their inability to use formal court structures, many rural women say they would go to their husbands’ families if they were victims of domestic violence, but that the beatings would have to be severe enough to warrant such action. Out of fear of humiliation and reprisal, however, most rural women who are victims of domestic violence or rape tend not to report such cases to anyone.

### **Women’s Perceptions of Gender Reforms**

Most urban women say that they recognise that the government “has a lot of other important things to do”, but that they nevertheless feel that it is working for the empowerment of women. Rural women, however, believe they have been left out of government efforts, as demonstrated by the following comment: “The government should also remember that there are women at rural areas.” Urban women feel that the government has contributed significantly toward the improvement of the socio-economic status of women. For example, Mbari (45 years old) attributed many advances in women’s rights to government initiatives:

The government helps women. For example, today there is equality between some men and women. Some men take care of the children and cook. This never happened before. In addition, the government helps poor women to do small businesses. Some women sell *okapana* [cooked meat] to survive. Myself, I sell bread, but if I have no money, I have to borrow money from the government.

Many urban women and a few rural women know about the Ministry of Women Affairs and Child Welfare (MWACW) and understand that there are many organisations that have been set up to help women. Ndapewa (32-year-old Herero woman from the urban area) declared:

I know about Women and Child Protection Unit at Katutura Hospital and human rights that protect women. Again, we have the new ministry for women and children that represents us women and educates us about our rights. ... with the establishment of the women’s ministry one can see that there is progress.

Several women say that they have heard about organisations and efforts aimed at the advancement of women's rights through television, newspapers and the radio. Sandra (48 years old) explained: "I will go to the police department that deals with women and child abuse ... I heard this on the radio." It would therefore appear that education campaigns aimed at informing women of their rights are reaching women in both rural and urban areas. Women also say that because there are women who are now working in the government, they feel as though they also have a voice within the government. Women feel that other women working in the government will protect women's rights, because such women "know politics". Many women from both rural and urban areas point to women serving in the government as ministers and directors as evidence that women's social status has improved.

Although some urban women feel that things are about the same for them as before independence, most urban women feel that their social and economic situation has improved. On the other hand, many rural women feel that although urban women's status has improved, there has been little or no change for rural women.

The most frequently cited areas in which the circumstances of all women can be said to have improved are women's basic freedoms; basic literacy; improvements in health care; greater equality with men; and better employment opportunities. However, many urban women also mention a sense of freedom which they had not previously experienced. Mankosi (73 years old) commented that women now have freedom of expression: "They talk and people know what they want." Mbari (45 years old) summed up many women's feelings about these improvements thus:

Women today are better off compared to the time before independence because they are equal to men ... [poor] women in Katutura have chances to have small business like selling *okapana* or making bread.

Although some women, such as Kako (45 years old), say that these improvements in the social and economic status of women are enjoyed by most women today, other women recognise that it is urban women who benefit most from such improvements. Regardless of where they live, women attribute improvements directly to governmental efforts to help them. In the words of Kako:

I am doing my own work; I am free. Nobody stops me. I thank the government for that. This means today a lot of Namibian women in Katutura and other parts of the country have a good life compared to the past ten years ago because they have freedom.

Some women identify specific areas of life in which the government has helped women with income-generating activities such as “providing sewing machines ... and introducing agricultural projects whereby women work and earn money”. Areas where government initiatives have positively influenced rural women’s lives include literacy training programmes and bread-making/selling schemes. In addition, some women make suggestions for ways in which the government could further women’s interests. These include better education; factories for uneducated women to gain employment; income-generating projects; skills training; introducing offices of the MWACW countrywide so that rural women can benefit; and financial assistance for women to start small businesses. Most of the income-generating activities mentioned are in stereotypical women’s domains such as basket weaving and sewing projects, and small-scale food production such as cooking *okapana*.

Nevertheless, many rural women do not know about and have not benefited from government efforts to help women. Some rural women suggest initiatives aimed specifically at helping rural women. Namene (51 years old) feels that “it is time to stop concentrating only on educated and urban women”. This statement implies that rural women do not experience the effects of government initiatives aimed at empowering women.

### **Men’s Perceptions of Gender Reforms**

Most men, while indicating that their own economic position has not changed much over the past ten years, think that women are better off now than they were prior to independence. Men most often identify economic factors when speaking of women’s social advancement. Some men look to women’s ownership levels, referring to cash in hand, cars and houses, while other men focus on women’s employment. Tomas (43 years old) put it thus: “Women are better off than in the past. They have their own properties. They make money by selling products. They have businesses.

Most women are now employed in government sectors”. The fact that women now have greater access to finance and can get bank loans is also considered an indication that they enjoy a better standard of living than they did prior to independence.

Men also recognise that in general it is the more educated and urbanised women who have benefited, because these women are able to get higher paying and more prestigious jobs. Peter (a 44-year-old Owambo man) noted that there are now female ministers, directors of businesses and inspectors in schools, citing these as examples of women’s progress in employment.

A few men see women’s more equal social status as an indication of improvements in their lives. Some men note that women “have their own rights”, and that women are no longer financially dependent on men. Several rural men say that it is urban women who are more likely to be employed, and, surprisingly, lobby for their rural counterparts also to benefit from employment schemes. This is interesting given that these employment schemes are generally meant to reduce women’s financial dependence on men, and thereby reduce male dominance.

Several men – still complaining about gender equality – feel that women are worse off because, as one respondent put it, “they lack the value of being a mother to children”. Some men complain that women now enjoy better positions than men: as Johannes (a 44-year-old Herero man) put it, “Men no longer have rights now. Our rights as men are now getting worse. I think this situation should be corrected.” Other men, in the mistaken belief that the government is giving women cattle, complain that women are being treated better than men by the government.

### **Men’s Perceptions of Gender Equality**

Most men are not happy about the current trend in Namibia for the empowering of women to be fast-tracked. Wolfgang (a 30-year-old German man from the urban area) identifies men’s resistance to gender equality as a problem faced by women: “Men in general do not like the idea of women’s rights but that is the fact that we have to live with.” Men are frequently frightened by the rising status of women and see this as a direct threat to their own social position. They go so far as to blame the women’s rights movement for causing problems in Namibia.

The most frequently mentioned concern is that men and women are confused as to which rights are women's, and which are men's. Men in Namibia do not seem to understand the concept of 'women's rights', often believing that the right to take care of the house and family constitutes the sum total of such rights, and that protecting the family and being the head of the household are men's rights. In addition, many men think that the advancement of women's rights can only occur at the cost of a reduction in men's rights.

Some men feel that women's rights have caused a problem because now "everyone wants to be in the leadership position"; and that some men and women are now fighting each other for leadership. Joseph (a 49-year-old Herero man) blames the women's rights movement for causing confusion: "There is no clear limit to rights and it causes confusions between men and women." The opinion that some rights are in conflict with traditional beliefs and are therefore not acceptable is also frequently expressed. Mistrust between women and men is also held to be a consequence of women's rights.

Peter (44-year-old Owambo man) feels that women now see men as their enemies and fail to consider men in their struggle for women's rights, thereby creating a "vacuum" in men's social position. Amuste (a 39-year-old man) thinks that women use women's rights to undermine men. It is further a commonly held position among men, especially from the rural areas, that women do not understand women's rights and misuse the concept to discriminate against men.

On the other hand, some women feel that men are threatened by gender equality and therefore "undermine women's attempts to achieve equality ... some men are against the equality idea". Many men are strongly opposed to gender equality and use a variety of excuses when arguing for the maintenance of male dominance. Tomas (43 years old) expressed the feelings of many men when he said:

This has been too much for us men! Everywhere you go they talk about women's rights. I think it is being overemphasised now! Yes very much! Women's rights cause problems between families. Because women are now just fighting for their own rights, they no longer

recognise us. I do not agree with women being equal to men. I think men should remain as heads of households. Again if we refer to the Bible story, a man, Adam, was created first by God and he was given the power to rule everything on earth! My wife should not have equal rights to me. I remain the head of the household and that's all!

Many men also think that women should be satisfied with their rights because they “get enough rights through their men”. These men do not think society should get in the way of what they consider to be a private matter between a husband and his wife, and argue that there should not be gender equality because women and men each have their own rights, and that it is therefore not fair for women to have both men's and women's rights.

Other men think that women have misunderstood the concept of women's rights by taking them to mean that women should be equal to men, whereas the implication is actually only that men should not abuse women. However, Sophia (a 35-year-old Owambo woman from Katutura) demonstrated her clear understanding of women's rights when she explained, “It's not that we want to overthrow the men but we first want to be equally treated, and we want the same status as men and equal job opportunities so we fight for equal rights.”

There are a few men who agree with gender equality, even though they feel that men are being left behind. One reason given by these men for agreeing with the concept of gender equality is the need for women to have a fair chance to “build up a better future for themselves”. Since women's rights are not just for their own partners, but apply to other women in their lives as well, some men want to see their female relatives also enjoying equal rights.

The information given above indicates that a serious problem women face is men's negative attitudes towards the current gender equality movement. Many men, having become accustomed to their privileged positions, want to maintain the status quo. On a positive note, however, there is no one who has not heard of the women's rights movement, and all respondents – men and women alike – have some knowledge regarding what gender equality entails.



## **CONCLUSION**

Both men and women have a general understanding of basic human rights, especially as these rights relate to women. This increased awareness is due to the high-profile Multimedia Campaign on Violence Against Women and Children, which has been very active in recent years in educating women and men about such rights. Government initiatives and information campaigns of recent years have not been in vain. Women, especially urban women, have heard the message and many are prepared to “stand up for their rights” – and have indeed begun to do so.

One of the greatest problems faced by women, however, is the negative attitude of men regarding gender equality and women’s rights. Many men have outdated ideas about women’s rights and feel that because men have been dominant in the past, they should continue to be so for all time. Many men in Namibia are threatened by the rising legal and social status of women and do not agree with gender equality. Many men use the argument that women and men have different social agendas now as a result of gender equality movements, and that this has caused social and family problems that did not exist before the movement started. Men also use the excuse of perceived hardships they must endure to justify continuing discrimination and violence against women, and to validate their belief in supposed failings on the part of the gender equality movement.

Nevertheless, one important fact is abundantly clear: both men and women are aware of the changing legal and social status of women, and although men are not generally happy about this reality, they know that reforms aimed at bringing about gender equality are indeed taking place.

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