PART B

GENDER AND VIOLENCE
IN NAMIBIA

Chapter Four

OVERVIEW OF VIOLENCE AND GENDER

4.1 HISTORY OF VIOLENCE AGAINST WOMEN

A global overview of violence will help to place the Namibian situation in a proper context. The emphasis is on collective violence and individual violent behaviour. Forms of violence and attitudes toward violence vary from country to country and culture to culture. Systematic data for cross-cultural comparisons are rare at best and are subject to questions of reliability, accuracy and completeness. Different motives may produce over or under reporting of various crimes. Too often certain types of violence are not recorded, for instance marital rape. Cultures define behaviour differently, creating situations where accepted violence in one place, is not considered proper conduct in another place. Nevertheless, several dimensions of violent activity are symptomatic of conditions and trends within the limits of available information.

4.1.1 Military and Official Dimensions of Violence

The prevalence of military conflict, usually the most destructive form of collective violence, varies greatly worldwide. Collective responses to international security are common from the Gulf War to Kosovo and numerous UN peacekeeping operations. In earlier decades interstate or “hot wars” dominated conflict globally, such as Vietnam, Afghanistan, Central America and Palestine. Recent trends have moved to ethnic and identity conflicts within states. These conflicts can be over control of the state on possession of regional spaces and religion. These are often based on ethnic or political strife. Examples of these are Northern Ireland, Sri Lanka, East Timor and Angola. Other conflicts are over the control of economic assets, such as drug production, diamond areas, rain forests and fishing rights.

A major study commissioned by the Carnegie Commission indicates that the twentieth century was the most violent with over 100 million victims of armed conflict and a further 170 million victims of political violence. The 'peace dividend' of the past decade, resulting from the end of the Cold War, has reversed worldwide, including on the African continent (1997:11).

The Carnegie study summarised the global military experience as follows, “Since the fall of the Berlin Wall (in 1989), over four million people have been killed in violent conflicts. In January 1997, there were over 35 million refugees and internally displaced persons around the world” (1997:3). The study attributes much of this violence to intentional “political calculations and decisions” of the participants.

In 1999 the International Institute on Strategies Studies (IISS), a major research centre on military and conflict issues, reported over 27 internal and nine international conflicts. According to IISS, “At least 100 000 deaths have been directly caused by armed conflict ... with 60% of them in Sub-Saharan Africa.” SIPRI, another international research centre, recorded 14 conflicts with more than a thousand casualties each. Seven of these occurred in Sub-Saharan Africa (Internet site:/majorarmedconflicts/html).

Most wars involve official use of state resources. The amount of the world's military spending is very substantial and is particularly burdensome to the poorer countries, where access to shelter, health care, safe drinking water, food and other necessities of life are in short supply. Besides this expenditure, there are the costs caused by the resulting violence. Wars and their aftermath have devastating impacts on civilian populations.

The military spending has increased in recent years after a decade of reduction on the order of 30%. The big spenders are developed and oil producing countries. The top 15 countries account for 80% of the total military spending. The United States of America alone is responsible for 36% of the world's spending on military activities. Other developed economies with big military-industrial economic bases include France, Japan, Germany, Italy, the United Kingdom, China and Russia.

Africa has witnessed a steady increase in military expenditure over the past three years, although comparatively much less than developed countries. Resources committed to military expenditures cannot be used for development or different applications that might reduce conflict and violence. The total expenditure of Sub-Saharan African countries is modest, although several countries spend more on military goods and services than on health or education. Some are war torn countries, others reflect the government priorities. This preference prevails in the face of escalating poverty and high indebtedness. Ethiopia demonstrated the extreme of this division in priorities by invading its neighbour, Eritrea, (an unusual occurrence in Africa) at the same time that several million of its citizens were facing starvation. International donors were understandably reluctant to rescue the situation while the Ethiopian government spent its own resources on an aggressive war.

In the case of Namibia, the government at independence set an example by committing the lion's share of its budget to much higher levels of spending on education and health than on defence. However, violence in the region has had destabilising repercussions domestically, resulting in an additional budget for the 2000/1 fiscal year tabled in November 2000 showing a 30% increase in defence spending to cover the commitment of troops in support of the government of the Democratic Republic of Congo against rebel insurgents backed and trained by other African governments. The use of Namibian territory by the Angolan army besides increasing Namibia's defence spending, has resulted in the escalation of violence against civilians in the Northeast of Namibia.

The intentional targeting of civilians through terror campaigns directed specifically at women and children has become a serious concern in global conflicts. In several cases civilians are the deliberate targets of brutal violence, including mutilation and rape on a systematic basis. Bosnia comes readily to mind, as does Rwanda. In some cases rebels kidnapped women and children for forced labour, sexual victims and new forced recruits. In other instances the terror campaign against the civilian population seemed to be an end in itself.

At the beginning of the twentieth century, civilian casualties of armed conflict were about 15% of total casualties. The annihilation and violations of the Second World War by the then Nazi German Government and the use of women as brides, among other things, are well documented.
By the end of the twentieth century civilian casualties may have been some nine times greater than military casualties.

The international community now recognises human rights violations in war or conflict situations as prosecutable offenses for ranking political figures in these conflicts. The detention of former Chilean

President Augusto Pinochet brought substantial attention to this new direction in the world's approach to official violence. Holding leaders accountable may be an effective measure for limiting some of the violence, even if it does not stop the onslaught.

Over the past few years, the world community has focused on the issue of child soldiers. Namibian Foreign Affairs Minister, Theo-Ben Gurirab, made the issue one of his UN General Assembly presidential priorities in 1999-2000. Human Rights Watch estimates that more than 300 000 child soldiers were used in 33 conflicts in 30 countries (Internet: humanrights.org).

The UN Convention on the Rights of the Child usually places the boundary for childhood at 18 years of age. However, in the matter of hostilities, Article 38 sets a lower standard of 15 years as the acceptable limit. Activists advocate that this provision be changed to 18 years, but face resistance from some powerful quarters such as the United States (not a serious violator of the 18-year-old provision) and the non-compliance of many forces engaged in conflict.

Children are prime targets for insurgent forces, because they can be easily ordered to comply with adults' commands (including extremely barbaric orders and activities). Child soldiers are easier to feed and supply, to hide, to train and they are considered expendable. Often, insurgent groups kidnap children to expand their armies or to use them for intelligence gathering, logistics or sexual exploitation. Early experiences from Cambodia and Mozambique's rebels have been repeated in other countries. Due to a lack of data, it is not clear whether this current practice is more widespread than in previous conflicts.

Militarisation specifically places women and children at risk of violence, and as survivors of war. Particularly disturbing in recent years has been the increasing civilisation of casualties, landmine casualties and traumatisation of child soldiers (UN Women in the peace making process, 2000).

The use of landmines by government and insurgent forces leads to devastating results for civilians, even many years after a war has ended. Despite the attention brought against the use of landmines by the Ban the Landmine Campaign, which was awarded a Nobel Peace Prize, the late Princess Diana of the United Kingdom and the rapid international ratification of the Ottawa Treaty banning the manufacture, use, sale, trade and transport of landmines, they continue to devastate many countries. Estimates in 1997 placed over 100 million mines in more than 64 countries worldwide. The vast majority of the world's 27 000 annual casualties from landmines live in Afghanistan, Angola and Cambodia. New conflicts and willing producers and distributors ensure a continued supply of these devices.

Mines indiscriminately kill large numbers of civilians, particularly women and children, long after conflicts have ended. In Sub-Saharan Africa alone over 12 000 people die from landmines each year (Carnegie 1997:17). The number of those maimed by the devices is much larger but unrecorded. Former combat areas such as Mozambique and Cambodia are especially hard hit, and even Namibia continues to record deaths and injuries each year from landmines and unexploded ordnance.

Namibia was well on its way to becoming a landmine free country after it had signed a humanitarian demining assistance agreement with the United States of America in 1994. Under this agreement, the US Army would train and assist the Namibian Defence Force to clear landmines from nine known mine fields around former South African military bases and around 470 electrical pylons in northern Namibia.

Although all the minefields were cleared and proofed, the hope of civilians no longer being exposed to the hidden threat was shattered in 1999 when the Angolan rebel movement UNITA launched rebel attacks against innocent Namibians in the Kavango Region and planted landmines around schools, churches and homes.

Since then, a large number of Namibian soldiers and civilians have been killed and maimed in the Kavango Region. Namibia, as a signatory to the treaty, has disclosure obligations with respect to joint operations in Angola and the DRC, due to allegations of mine use by Namibia's partners in these conflicts.

The Human Rights Watch Landmine Report 2000 reported progress in outlawing the use of landmines internationally, with over 137 signatories to the treaty which came into force on 1 March 1999. Incidences of new placements, production, shipment and purchase of mines have been reduced drastically in 1999 and 2000. The expense and difficulty of removal mean that civilians will remain at risk for years and even decades to come. Ironically, it costs only about US$1 to produce one landmine but some US$1 000 to clear it.

Terrorism is another form of collective violence involving organised attacks on the state and its citizens. Numerous cases of international and domestic terror dominated the world scene in recent decades, including highjackings, bombings, kidnappings and assassinations. Some of these are part of a larger struggle for political gain, others to strike a blow against particular targets. A recent addition to terrorist activities has been religious cult killings and suicides. Recent examples of cults turning violent against themselves or others surfaced in the US, Uganda and Japan.

A negative spin-off of war and terrorism is the widespread distribution and availability of military and other conventional weapons, especially small arms. This has led to a high and unacceptable incidence of gang and interpersonal violence, with many countries battling to implement measures for stricter control.

Another expression of violence is the retention by many states of the death penalty for capital crimes. Namibia is one of over half of the world's countries which have abolished the death penalty, following advocacy by human rights defenders worldwide. According to Amnesty International, only 87 countries retain and use capital punishment. An average of three countries has abolished the death penalty every year since 1990.

Despite these developments, in 1999, 1,831 prisoners were put to death in 31 countries, while 3,857 prisoners were condemned to death sentences in 64 countries, with China, Iran, the DRC, Saudi Arabia and the US accounting for 85% of the executions. China leads with over a thousand known executions in 1999. The US, with 13 cases since 1990, is foremost of six countries that execute minors under the age of 18. In this country, the US, which officially monitors human rights violations in other countries, 38 of its 50 states permit capital punishment.

A more spontaneous and episodic form of collective violence is group violence, which often conveys regular patterns of underlying causes. Some are organised criminal behaviour such as that of secret societies like the Mafia, cartels in China and the death squads of several South American countries. Death squads linked to military authorities have featured strongly in massive civilian deaths and disturbances worldwide. Namibia was not spared this, as was evidenced by witnesses to the Truth and Reconciliation Commission about the activities of the so-called Third Force and other secret groups within the security agencies of South Africa. Other forms of group violence are youth gangs, often involved in drug trafficking.

At the less organised end of the spectrum are soccer hooligans, riots at music festivals, protests at international economic institutions and labour strikes. Police behaviour or political actions often sparks such collective outbursts, for example the student protests in France in the sixties, China in the 1980s and Israel and Palestine on a regular basis.

4.1.2 Globalisation

With the advent of mass electronic media in the 1960s and information technology in the last two decades, the second half of the twentieth century witnessed a dramatic transformation of economic and social structures. While the term globalisation is usually restricted to economic relations of neo-liberalism, the transformation extends beyond that narrow focus. It has affected the social fabric of societies, including production, work and gender, finance, technology, migration and culture. These changes impact greatly on social stability and levels of violence.

From the end of the Second World War, the US attempted to create a so-called 'Pax Americana' that was extended through organisations such as the International Monetary Fund (IMF), the World Bank, the General Agreement on Trade and Tariffs (GATT), the World Trade Organisation (WTO) and other international bodies such as the United Nations Security Council, the Paris Club, the Group of Seven, and North Atlantic Treaty Organisation (NATO). America's multinational corporations dominated much of the world's economy. However, the Cold War produced rival blocs in terms of the Soviet Union and its allies and non-aligned countries.

By the 1980s the 'Washington Consensus' of neo-liberal economic solutions had become all but hegemonic. The US emerged triumphant from the ashes of the Cold War and the demise of the Soviet alternative despite economic challenges from Europe, Japan and Oil Producing and Export Countries (OPEC). Recent protests against this consensus have been symbolically dramatic, but no significant change has emerged. The protests focused on the powerful institutions and a residue of resentment against US dominance (for example attacks on McDonalds restaurants) while missing the broader transformations and power centres. Recognising the broader dimensions of the transformation helps to put the pace and patterns of unsettling change and instability into perspective.

The most significant feature of the world economy at the crossing of the millennial threshold, compared to mid-century, is the extent to which neo-liberalism has become a consensus rather than a hegemonic imposition. The long reign of conservative governments in the 1980s in the US, Canada, the United Kingdom, Germany, Japan and others created a consolidated pressure in one direction. The consensus reflected the relative decline of US dominance in shares of the world economy, accompanied by the recovery and economic miracles in Europe and Japan.

These global economic trends brought about changes in financial transactions, markets, production and labour markets of developing and developed countries. An important negative feature of the new international division of labour is the gender character of the new industrial workforce. The new workforce features mostly young women, particularly in textile, garment and electronics industries, such as the Mexican *maquiladoras*, Nike suppliers in Indonesia and Taiwanese computer factories. The consequences for social stability in terms of family, socialisation of children, male unemployment, population mobility and other factors that are associated with increasing crime and violence in other settings have not been fully recognised.

Globalisation vastly increased migration patterns across the globe. On the positive side, some countries' remittances from emigrant workers have become a major component in development, outpacing government investments in their economic impact. On the negative side are more profound changes in the social diversity of the recipient nations in terms of race, ethnicity and religion, particularly in countries where political changes after the Cold War made outsiders less welcome. In these countries, new migrants have been unpopular and older ones have also become targeted for abuse. Rivalries also occur between older immigrants and newer ones, often with violent and disastrous consequences.

The immigrant situation has resulted in stigmatisation, stereotyping, and discrimination against new immigrants, especially where unemployment is high. Anti-immigrant sentiments have caused violent reaction in developed countries as far apart as Germany, Australia, France, Italy and the US. Such anti-foreigner resentment and violence are found throughout the world, including China, Indonesia and South Africa. In West African states the violence is directed against foreigners and internal migrants, in Libya toward West Africans and in the Dominican Republic toward Haitians. Such animosity and violence toward immigrants are especially prevalent during times of high unemployment and of other major social transformations.

Societies in transformation can expect increases in the dimensions of violence due to the uncertainty of the rules, the values and the enforcement mechanisms. Countries that undergo dramatic political changes often find it necessary to introduce draconian measures to stem these practices. New regimes may use public demonstrations of state violence to re-establish some degree of order. Economic turmoil generates violence as reflected in the dramatic increases in suicide and homicide in Russia after the fall of the Soviet system.

Suicide is a form of individual violence. In most countries suicide rates are higher among men than among women. This crime seemed to have escalated during the rise of industrial societies in the nineteenth century. High rates of suicide occur in societies that are in some form of transformation, such as Russia today, as the social bonds and values break down and fail to provide stability and a clear place for individuals in the new social order.

Cultural transformations, brought about by mass media and globalisation, go beyond the familiar soft drinks and fast food symbols of mass consumption. Instantaneous communications via satellite, fax, phone and Internet compete with local control and stability of values, socialisation, customs and government preferences. Even isolated islands such as Cuba and East Timor, among others, are not immune to a globalised culture.

Attempts to prevent change seem absurd and trivial, in comparison with the technology and powerful emotions connected to cultural changes. For example, religious fundamentalists' attempts to block outside influences (such as in Afghanistan) obliges others to respond with substantial violence to secure a temporary compliance and runs the risk of creating international pariah states. Book and record burning and banning have shown little success in the United States, France or former apartheid South Africa. Trying to maintain a closed society has little likelihood of success in the contemporary scene.

The image of the Chinese People's Liberation Army owning a chain of discotheques illustrates how profound some of the culture changes have become in just one generation.

However, the social and economic instabilities resulting from, or associated with, the dimensions of the globalisation process impact greatly on the conditions and consequences of violence. Governments are far less capable of controlling economic and social change than in the recent past. Many of the policy and regulatory tools that states could exercise such as tariffs, interest rates, access and control to information technology are now beyond the control of the nation-state and are in the hands of regional bodies, such as the EU or SACU, global corporations, international financial institutions or cultural forces.

Experiences differ in the developed world and in developing states in trying to cope with these changes. In some cases the capacity of the state determines success, while in others it is the fundamental stability of society and culture that determine the effectiveness of dealing with such challenges.

4.1.2.1 Mass Media, Women and Violence

There is concern in many societies about the possible impact of the global modern mass media on human behaviour and in particular, the negative influence of on-screen violence on crime and aggression. Many studies have tried to measure and assess the effects of exposure to high and regular levels of violence on television. Belson (1978) examined this aspect, based on large-scale interviewing of young American males aged between 12 and 17 years. Belson's results generally concluded that groups who tended to watch a lot of violent television programmes were involved in 49% more violent acts, such as fighting assault or crime, than low exposure groups. Persistent watching of television violence, whether real, simulated or even in cartoon format, increases the degree to which boys engage in violence. Belson also pointed to the dangers of desensitisation that arise from regular exposure to imaginary screen violence. The concluding inference is that one loses the ability to be shocked, or even to be capable of forming proper social evaluation of aggressive acts, whether real or simulated.

After studying children's programmes for a month in December 1996, Winston and Woolf (2000) concluded that unsafe behaviours were depicted in 47% of programmes, unsafe behaviour being defined as actions and incidents that would normally lead to injury or death in everyday life. They observed that children were not being socialised sufficiently about the real consequences of violent behaviour or unsafe behaviour. It appears that television violence alone does not affect behaviour, but the general framework of attitudes and values in which violence is presented also affects how the child reacts to the violence (Hodge and Tripp 1986). Children tend to interpret what they see contextually. For example, if simulated violence is portrayed critically within a moral storyline, this may prove a deterrent and could be educational. However, if the violence is gratuitous, the child (or adult) may negatively read 'approval' for violent actions in a television programme. Hodge and Tripp concluded that the violent act was in itself less significant than how it was presented.

Concerns regarding violence in the media resurfaced in the US following a spate of mass killings by youths in a series of incidents, the most serious being the massacre of 12 pupils and a teacher by two armed students in Denver, Colorado in April 1999. The killers, who also died, were reportedly heavily influenced by violent movies and video games. Two major reports were written in response to the tragedies. The first, *Children, Violence and the Media* (US Senate Committee on the Judiciary, 14 September 1999), argues that media violence is a principal cause of rising youth violence in American society, citing the 2.8 million juvenile arrests in 1997 involving 2 500 murders and 121 000 other violent crimes. This figure was up 49% from 1988 statistics. By the age of 18, the American child will have seen 16 000 simulated murders and 200 000 acts of violence from various media forms.

The Report stated bluntly that the media, which today dominates the life of the child, was 'exceedingly violent'. The Committee cited evidence that violence in prime-time television had increased from on average five violent acts per hour in 1973 to 15 acts in 1994. Much of the simulated bloodshed tended to be glamorised, said the Committee. A great deal of television and movie material was directed at teenagers. The Report particularly scrutinised the high levels of violence in movies for teenagers and the aggressive lyrics and sounds of popular music, particularly rap.

Video games came in for particular criticism as a majority of the themes revolved around combat and conflict, with scoring usually being around a 'kill' tally. These killings were usually very graphical and visually real, which could confuse and desensitise children. The Report recommended that video games be taken as seriously as other media forms in terms of the damage they inflicted on a child's socialisation.

A follow-up report by the consumer protection-orientated US Federal Trade Commission (FTC) (12 September 2000) noted that:

> ... individual companies in each of the key media industries (film, music and video games) routinely market to children the very products that have the industries' own parental warnings or ratings with age restrictions due to their violent content. Indeed, for many of these products, the Commission found evidence of media and marketing plans that expressly target children under 17 (FTC 2000:2).

In terms of films showing violence or other material unsuitable for children (R-rated), 80% of those selected by the Commission had marketing and advertising strategies that were specifically aimed at the group aged 12 to 18 years. In terms of music with explicit and aggressive lyrical content, 27% directly identified these ages in industry documents, and the other 73% did this indirectly. Of the 118 video games labelled for 'mature' consumers reviewed by the FTC, 70% targeted under-17s, some as low as 6 years. Restricted violent video games were advertised during children's programmes.

The FTC noted parental concerns over media violence and recommended an expansion and improvement of labelling, industry compliance including sanctions for breach, better public understanding of restriction ratings in order to regulate the extraordinary degree to which young people today are immersed in the entertainment media and exposed to the less desirable impact. The report does not recommend interference with media content as this would conflict with the First Amendment of the US Constitution on media freedom. There is more caution here than from the more uncompromising and hostile report of the Senate Committee on the Judiciary the previous year.

The FTC stated, “exposure to violence in the entertainment media alone does not cause a child to commit a violent act ... it is not the sole or even necessarily the most important factor contributing to youth aggression, anti-social attitudes and violence. Nonetheless, there is widespread agreement that there is cause for concern” (FTC 2000:1).

The mass media also influences the behaviour of adults, and it is interesting that so few studies examine this. The social impact may be of a different and unforeseeable nature and form on societies that are only now exposed to modern global entertainment for the first time, compared to nations who have experience it for more than 40 years.

In terms of gender, much of the violence against women is based often on fairly rigid gender perceptions regarding how women and men should behave. This involves ideologies of what is considered masculine as opposed to what is feminine. The media mostly reflects and reinforces such stereotyping. As Thompson (1995) argued, the degree to which we draw upon the modern media for world-views today should not be ignored or under-estimated. Modern communication provides news, ideas, symbols and models in addition to general entertainment. Today they are a key element in the national and global social outlook, as well as being an intrinsic cultural part of the globalisation process itself (Thompson 1995).

The visual media provides negative or positive models of personality and behaviours. Gender roles are often presented narrowly and inflexibly in terms of acceptable behaviours. This is also found in other media such as books. A study of children's literature revealed strict divisions, with domestic themes for girls and active, even violent themes for boys. In the past there was considerable resistance from parents to allow their children access to other types of storybooks that reversed or countered such gendered preconceptions (Statham 1986). Signorielli showed that gender stereotyping on television was widespread in programmes and advertisements, with strong links between attractiveness, domesticity and women. Women are under-represented in action and crime series which remain largely the domain of men, or if present, are largely decorative, sensual and passive. Men, or even boys, are more likely to be the controlling or lead characters. They are also more likely to be independent, aggressive, or on the wrong side of the law. Women, however, are automatically law-abiding. Soaps, particularly in Namibia, tend to be conservative in gender presentation, as are music videos (Signorielli in Berry and Asamen 1993).

In societies such as Namibia where women are challenging rigid gender attitudes and stereotypes, men may see it as legitimate to use violence to restore the status quo. In this climate, inappropriate media images of women and violence against women, including excessively masculine themes, may be misread or taken to justify violent control of women. Films and television may be responsible for reinforcing male views that women do not have rights in the 'male domain'.

4.1.2.2 Interpersonal Violence

Violence as a social problem has its origins in the social institutions and history of a society. Social problems threaten social stability and have causes and consequences beyond the individuals involved. There is no simple explanation for the level and types of violence found in any given society, neither is there a simple solution (Scarpitti and Andersen 1992:3-5). Understanding violence and finding solutions to violence often require complex social policies and social change (LeBeau 1997:3).

Violence between two or more individuals is known as interpersonal violence, whereas LeBeau and Marais (1997:137) define violence of groups within society as intrapersonal violence. Violence ranges from murder and assault to threats and psychological abuse. There are no real statistics on the actual incidents of violence, since much of it goes unreported in any given society.

Aggression is not innate to human behaviour, but is linked to cultural values and patterns. Some societies encourage cooperation, while others value competition. To explain violence, one must consider socio-cultural factors which contribute to the expression of violence in a society (Lauer 1995:169). In Namibia, with many different cultures, there are differing beliefs about violence and acceptable cultural practices (LeBeau 1997:3). A large segment of Namibian children are taught that if someone hits you, you hit back. Older children, who act as child minders for younger siblings, frequently use violence as a means of control and punishment. These children are thus socialised into "the norms of physical punishment".

Norms and values of a society play a role in how violence is manifest in that society. In all societies some type and certain amount of violence is considered socially acceptable (LeBeau and Marais 1997:138). For example, parents frequently punish their children physically. The children thus learn that violence is intended to obtain a desired result (Lauer 1995:170).

Frustration, stress and emotional immaturity are contributing factors to violence within society. These often manifest themselves as human aggression. Frustration does not need to result in aggression, but can be channelled elsewhere through sport, business and physical labour. In Namibia, with the rapid social and political changes since independence, expectations for a demonstratively better standard of living have been high. However, due to inadequate investment in education and skills training for selected sectors of society by the previous administration, Namibia has large sectors of unskilled and unemployed people. The continued unemployment of many after independence, has lead to deeply felt frustration, which in many instances has evidenced itself as social aggression. Such expression of frustration manifests itself mainly in the home or immediate surroundings, in the form of violence against wife, children or close relatives.

Domestic violence has finally been recognised by the UN Commission on Women and other international instruments as a crime on its own. Domestic violence is directed mostly at women, children and the elderly in the home. Physical violence, sexual assault and rape are the leading crimes in the home. Children are further victimised by infanticide, pornography, selling of child brides, early marriage, prostitution and indentured servitude. The table below indicates percentage of women assaulted by an intimate partner.

Table 4.1 Domestic Violence around the World

Country	Year	%	County	Year	%
Bangladesh	1990	42.0[1]	New Zealand	1994	35.0
Australia	1995	8.0[1]	Nicaragua	1997	10.0[2]
Barbados	1990	30.0	Nigeria	1993[p]	31.4
Bolivia	1998	17.0[2]	Norway	1989[p]	18.0
Cambodia	1996[p]	16.0	Peru	1997[p]	30.9[2]
Canada	1993	29.0	South Africa	1998	13.0
Chile	1993[p]	26.0[1]	Switzerland	1994-95	12.6
Colombia	1995	19.0[1]	Turkey	1998	57.9
Ethiopia	1995	45.0	Uganda	1995-96	40.0
India	1999	38.0	United Kingdom	1993[p]	30.0
Kenya	1984-87[1]	42.0[1]	USA	1998	22.1
Mexico	1996	27.0	Uruguay	1997	10.0[2]
Moldava, Rep.	1997	14.0	Zimbabwe	1996	17.0
Netherlands	1989	20.5	Namibia*	2000	20.0

[1] In current relationship

[2] In the past 12 months

[p] Year of publication rather than year data were gathered

Source WHO databases, Wisrat, version 4: John Hopkins Population Information Programme, www.jhuccp.org/pr/111colum.com

*This 20.0 of cases reported to the police involving violence is considered a gross underestimation of the extent of violence against women in Namibia.

Political factors also influence violence in a society. In Namibia, violence was used as a political tool to control the population and enforce racial segregation or apartheid under the previous political regime (LeBeau and Marais 1997:138). When governments use violence as a means of control, individuals learn to use violence for personal control (Lauer 1995:171). Individual and social attitudes influence the incidence of violence in a society. If a person believes that violence is socially acceptable, that person is more likely to engage in violent behaviour (LeBeau and Marais 1997:138).

Significant social stratification and economic insecurity may also contribute to violence. Research from other countries indicates that children from poor families are more likely to engage in violence. The psychological stress associated with poverty, unemployment and food insecurity often leads to frustrations and hence acts of violence (Lauer 1995:177). This does not indicate that only poor people are violent, but that people from the lower socio-economic strata are, it would appear, more likely than more economically secure people to feel and express frustration at finding themselves powerless to resolve inequality.

However, if one looks at international reports on violence and psychological abuse among the rich and famous, such as Mike Tyson, it is clear that violence is found in all social and economic strata. Not all persons suffering poverty, frustration, anger or violence will resort to violence and many in fact resort to quietness. Much more targeted research and analyses are needed to understand why one person with the same social and cultural background will resort to violence and another not. In Namibia, although violence is more prevalent among the poor, it is also found among the more affluent and less challenged families, although it is more hidden in affluent homes.

4.1.3 Violence in Africa

Worldwide cultures are complex entities when it comes to violence. This is no less true for Africa taking into account its history of invasion and exploitation. Before colonial occupation, populations seemed to have preferred 'flight' rather than 'fight' in conflict situations. The long history of southward Bantu migration can be understood partly as avoidance of conflict, made easier by the relative abundance of land and the sparse population centuries ago.

Some cultures featured deeply imbedded rituals of wars, cattle and slave raids before, during and after the European colonial period. The exact nature of violence involved in these practises is not well recorded and must have varied greatly from culture to culture. Since most of the recorded history of pre-colonial Africa comes from the observations of early European travellers, explorers and missionaries, the records must be assessed with a degree of scepticism. Reports of violence were often used as an excuse for colonial intervention, and many reports may have been exaggerated to influence the government of the home country. On the other side, some historians and African traditions have romanticised the pre-colonial past as peaceful and in classless harmony.

Upon the arrival of Europeans, slave trade and conquest greatly accelerated the violence and left a damaged and more violence prone society in its aftermath. The option of flight was greatly reduced by population growth and new colonial borders. Thus violent resistance was a common response from Kenya's Mau-Mau, the Chimurenga Wars in Zimbabwe, and the Maji-Maji uprisings in Tanzania to more recent battles. The horrific experiences of hundreds of years of slave trade and extreme violence by colonial conquests and the maintenance of subjugation in places like the Belgian Congo (DRC) and Tanganyika (Tanzania) have left the continent scarred.

A lasting legacy of European colonialism is the arbitrary boundaries that were drawn at the Berlin Conference in the 1880s. As a consequence, borders divide many population groups in ways that produce instability. Other ethnic groups are forced to live within common state boundaries with their historical rivals of incompatible cultures. Much of the ethnic conflict in African countries can be traced to the origins of these state borders. Violent take-overs that have disrupted many African countries often resulted from this same source.

Social violence differed greatly in colonies on the eve of the new independence of African countries in the 1950s. After the Berlin Conference, colonisers used violence in varying degrees to subdue African populations, especially in the interior of the continent, indirect rule permitted a lessening of violence by colonial forces in some places, while in others major exterminations and brutal forced labour systems were imposed. Wars of liberation and the greater availability of weapons resulted in more violence in the 1990s compared to the early days of African independence in the 1960s, when the military had a near monopoly on modern weapons. Rebel groups rather than military *coups* have been the most frequent source of violent change in recent years.

Beyond collective violence, some evidence shows that African societies were relatively non-violent in terms of murder, assault and suicide. By the 1950s anthropologist Paul Bohannan (1960) had found some West African societies had a drastically lower homicide rate than in a Philadelphia study of African Americans at the same time. However, domestic violence in terms of wife beating was, and remains, a widely accepted cultural practice, just as it has been in much of the world until recent decades. One World Bank report found that at least a fourth of African women suffered from this form of abuse.

Other cultural values may have covered up violence in the family by virtue of common social approval of certain behaviour. For example, some African cultures practised infanticide in the case of the birth of twins (commonly seen as a bad omen). In others, girls who fell pregnant before marriage were put to death. Islamic responses to violations of rules such as adultery or theft could be quite violent. Female genital mutilation is still being practised in some African countries despite its condemnation in the Convention on the Elimination of all forms of Discrimination against Women.

Southern Africa was heavily influenced by the violent conquest and repeated wars of resistance of colonialism. South Africa alone experienced up to eight separate wars of subjugation by colonial regimes and settlers' land acquisition, from the original Cape populations to the massive Xhosa and Zulu wars fought by settlers and the state. Because many of the countries of the region were settler colonies, the contest for control and the extent of control was greater than experienced in other parts of Africa. Often the conflicts were about land and cattle as the new settler expanded their holdings at the expense of local peoples.

Five countries obtained independence through liberation wars: Angola and Mozambique from the Portuguese, Namibia from South African control, and South Africa and Zimbabwe from settler control. Besides prolonged fighting from outside and bases inside the various countries, local resistance also took the form of strikes, protests and confrontations with the state. Sharpville and Soweto were among the most famous sites of bloody repression in South Africa, though many others can be mentioned. The systematic nature of colonial repression and apartheid policies generally resulted in high levels of violence from the state and confrontations with the state.

The long duration of racial segregation and then formal apartheid in South Africa embedded routine violence into everyday life. Beyond the great collective battles of the state against Black resistance, there was the enforcement of racial oppression and the repression of the majority by the minority within the society. In the words of Allister Sparks in *The Mind of South Africa*, "Repression cannot exist without violence. Pervasive, everyday, institutionalised violence, built into the policy and made part of the law, is the essential element by which a minority can hold power over a majority, and it is fundamental to the apartheid system" (1990:219).

From the side of the state, this violence was pervasive in terms of police charges on crowds of protesters, in the prisons, jails and torture chambers, in forced removals and the arbitrary enforcement of various laws constructed to control the Black majority.

These violent relations carried over into personal and work settings, where bosses and bullies could impose extreme repression to maintain control. The rule by sjamboks (whips), beatings and murder to maintain superiority and dominance was motivated by fear and guilt, but gave rise to the acceptance of a culture of violence.

Fear of the reaction by the majority played an important part and guilt for the dehumanisation and anti-Christian behaviour that was required to maintain such a system also contributed to the intensity of the repression. This type of behaviour and values was so deeply entrenched that police and employers had no idea how to operate without routine violence. 'Inflicting pain' was standard procedure in schools, at work and in society for the regular operation of apartheid. Psychological abuse and berating of people helped to reinforce the regular violence of the system.

As in other transitional societies, the level of violence increases where repression is lessened but closure on the past is not complete. When a whole social system is responsible and change comes slowly and sporadically to rectify past discrimination, the targets of violence are likely to remain close at hand and vulnerable.

4.1.4 Violence in Namibia

In a previously defragmented society such as Namibia, one would have expected the violence to be racial instead of gender-based. However, Namibians are generally regarded as a peace-loving nation with obvious harmony among its people in the capital, towns and villages. Yet there seems to be a social breakdown in the family system, relationships and in norms and values. This is not limited to one social group, culture or area. Newspapers carry daily accounts of women and children being violated in all parts of the country, and the reported cases are only a fragment of violence against women. In most cases the perpetrators are known to the family, and more often a member of the family. In more than 90% of cases the victims are women. The theories and assumptions of violence examined so far require further examination and research.

Namibia under South African rule shared the history of apartheid and violence to enforce segregation. Before this, Namibia had centuries of cattle raids, trade and cooperation was interspersed with warfare and factionalism among the many ethnic groups that settled in Namibia long before the arrival of European colonisers.

The arrival of other groups, such as the Oorlams from South Africa in the early nineteenth century added to the violence and wars. Germany used the conflicts in the central highlands among the Nama, Oorlams and Herero to justify their colonial intrusion into the territory. These wars were among the most devastating in Africa in terms of the proportion of the population killed, especially the Herero and Nama populations. These wars, with the aim of attaining complete submission of the local population, had a genocidal character. Northern Namibia was only subdued after the First World War.

With the arrival of the South African Forces in 1915, a new era of subjugation and invasive policies started. Besides enforced apartheid, people were segregated into ethnic based homelands and townships. The movement of people was controlled through the issuing of kopkaarte (“head” identity cards, which were permits allowing restricted movement). The liberation struggle against South African colonialism was particularly prolonged and deadly. The armed struggle involving SWAPO's military wing, the People's Liberation Army of Namibia (PLAN), began on 26 August 1966 with the apparent failure of international diplomacy and petitions by SWAPO and SWANU to the United Nations. Although the diplomatic track was not abandoned, military images and language became more dominant in the culture of liberation, if not in actual practice.

Many thousands of Namibian exiles received military training and identity as combatants. Not surprisingly, a decade after the end of the liberation struggle, military rhetoric and symbols still play a large part in the political life of the country. The images and vocabulary of violence continue to receive significant attention. The names of the national soccer teams, the Brave Warriors and the Young Warriors, perpetuate images of violence in popular culture (The name of the one team originated from the national anthem *Namibia land of the brave*).

The trial of former South African terrorist and military doctor, Wouter Basson, in South Africa revealed systematic official violence of a horrific nature by the security forces of the apartheid government against the Namibian people. The massacre of civilians at Cassinga on 4 May 1978 and the killing of 200 SWAPO detainees and the dumping of their bodies in the Atlantic Ocean, are some of the most dramatic events. Systematic violence against the population of Namibia was widespread during colonial times and especially violent during the liberation struggle.

As in most conflicts, human rights abuses and violations were prevalent in both camps. SWAPO has been accused of torture and disappearances involving their own supporters. Although similar violations occurred in other liberation movements in the region, the allegations against SWAPO have been more public and durable.

Namibia, unlike South Africa, has not instituted a reconciliation process and so less information has come forward with respect to violence surrounding the liberation struggle. Much information about the horrific violence that marked this period in Namibia came to the fore in the South African hearings and trials. It is unlikely that soldiers from either side, as individuals, could leave the violence completely behind at the end of the war. Initial plans for a rehabilitation process of Namibian fighters after independence was never implemented, leaving many on both sides of the divide with deep scars, anger and even hatred.

Since independence, Namibia has experienced peace from war. Occasional incidences of external violence came from cross-border shootings by Botswana's armed forces and raids by remnants of UNITA, the Angolan rebel group.

Remnants of earlier practices by pre-independence police officials resurfaced in the fallout from an ill-fated cessation attempt in Caprivi on 2 August 1999. Although the actual attack lasted only a few hours, it claimed lives and broke the tranquillity of independent Namibia. The Namibian Defence Minister, defending the rights and activities of the State in maintaining law and order, admitted to formal charges of torture committed by the police but described them as 'mistakes'. The nature of the torture, albeit in response to insurrection and the killing of police colleagues, was reminiscent of past allegations against both sides before independence. A culture of extreme violence by state and rebels alike is hard to overcome because 'war' justifies violence.

Cultural practises also contribute to violence and its acceptance as a way of life. Namibia has always been considered as a frontier society. The prevalence of wildlife makes life more precarious. It is not uncommon to read of killings of people, especially children, by lions, elephants, crocodiles and hippos. As the 'Wild West', Namibia carries the same violent tendencies and images of similar places or times. For example, the Herero, like the Zulus in South Africa, retain significant military images and costumes in their cultural identity. The daily life of Namibians is riddled with military and violent images and language. To some extent these images serve to reinforce political power and sustain obedience among different sections of the population.

Another common feature of violence in Namibia that can be traced back into the last century is the strong drinking culture that has pervaded the country. This can in part be attributed to the harsh environment that faced European settlers, making alcohol consumption a major pastime. As in other oppressed cultures, alcohol becomes an escape from misery and social impotence. Alcohol and violence are inseparable in many societies around the globe, an association which is especially true in domestic violence and murders, where in a majority of cases the victims and perpetrators are family or friends, who have been drinking.

The increase of the South African forces in Namibian in the 1970s, introduced relatively cheap commercial alcohol among previously isolated communities, such as the Ovahimba in the Kunene (former Kaokoland) and San in Western Caprivi. This contributed to the social disintegration recognised as part of an armed struggle and the increase in domestic violence.

Some groups in Namibia have a long history of property inequality, theft, conquest, subjugation and violence. Having one of the most unequal distribution of wealth and incomes in the world, places a great burden on society to find ways to control the consequences of poverty amid plenty, while trying to eliminate it without reproducing the repression of the past. That such a large segment of the population lives so marginally in terms of economic survival, combines with the inequality and post-independence mobility to create a volatile mix for domestic violence. Many have nothing to lose. They are constantly faced with the elite consumption patterns and the affluence of the old and new dispensations. Living a marginal material existence may help to explain why the break-up of a romance or marriage evokes a violent response. In such cases, emotional investment in relationships can produce an extreme reaction, whereas people with more resources can displace some of the emotions onto material possessions.

Former combatants have demonstrated to State House (official residence of the Namibian president) to pressure the government for still being unemployed after ten years of independence. In response, the government provided several hundred jobs on short notice, but unemployment remains stubbornly above 30%.

Poverty and employment frustration do not explain similar violent and murderous reactions in the more affluent Namibian society however, where domestic violence often is not reported to the police, but to private doctors or not at all.

Namibia faces a daunting task to reduce the level of violence infusing the whole society. Suicides in the north are another concern, although incidents are not exclusive to that area. Hanging is a common method used, especially in rural areas. HIV/AIDS may be a factor. Additional sources of violence can be found in residues of the apartheid experience. Police, private security companies and many others continue to exhibit old dispensation behaviour toward the use of violence.

4.2 PERSPECTIVES ON VIOLENCE AGAINST WOMEN

Most human rights violations against women occur in the private sphere, whereas human rights law is framed in the public domain. According to the Beijing Platform for Action, the absence of gender-disaggregated data and statistics on the incidence of violence hinders efforts to design specific intervention strategies. This section gives an overview of the global perspective on violence against women, followed by a historical review of violence in South African and Namibia.

4.2.1 A Global Perspective

During the United Nations Decade for Women from 1976 to 1985, many institutions specifically devoted to the advancement of women were established at international, regional and national levels. These include the International Research and Training Unit of Women (INSTRAW), the United Nations Development Fund for Women (UNIFEM) and the committee to monitor the Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

The United Nations declaration on CEDAW defines violence against women as: “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in private or public life ... violence against women shall be understood to encompass, but not be limited to”:

- Physical, sexual and psychological violence occurring in the family, the community, including battery, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation;

- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

- Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

This definition covers an extensive range of abuses, and it is explicit about the gender of the survivors and victims of gender-based violence: they are female. The definition is not explicit about the gender of the perpetrators: they can be either male or female. The definition is implicit in the result of the violence, those who get hurt and who do the injury. Furthermore, the definition implies what kind of rationalisation allows the abuse to exist (Bennett 2000:4)

The UN Committee responsible for monitoring the implementation of the Convention in 1992 issued a general recommendation which identified violence against women as prohibited gender discrimination. It recommended that governments take effective legal measures, including penal sanctions, civil remedies and compulsory provisions to protect women against all kinds of violence, including violence and abuse in the family, sexual assault and sexual harassment at the work place.

In 1994, the UN General Assembly adopted a Declaration on the Elimination of Violence Against Women, projecting violence against women as a human rights issue. It called on states to condemn violence against women and not to invoke any customs, traditions or religious consideration to avoid their obligations with respect to its elimination (Article 4, Declaration on the Elimination of Violence against Women, UN General Assembly Resolution, February 1994).

At the Fourth World Conference for Women in Beijing, 1995, the Beijing Platform for Action identified violence against women as "... an obstacle to the achievement of the objectives of equality, development and peace, which prevents women from enjoying their basic human rights and fundamental freedoms" whilst at the same time, governments pledged to "eliminate all forms of discrimination against women" (Beijing Platform for Action, Para 119, Beijing 1995).

The Beijing +5 review in New York in 2000 indicated remarkable progress with regards to the human rights of women and the issue of violence against women. The outcome document expanded the framework of the discussion. It focused on the need for promoting an environment that does not tolerate violations of the rights of women and girls. It requested changes in legislation to remove discriminatory provisions by 2005 and the elimination of legislative gaps which leave women and girls without effective legal protection and recourse against gender-based discrimination. More specific provisions were introduced to address issues not directly mentioned in the Platform for Action, such as marital rape, crimes committed in the name of honour and passion, racism and racially motivated violence against women and girls.

Among new measures to combat violations of the human rights of women was the call for zero tolerance campaigns against violence, the requirement for laws and other measures to address negative traditional practices, including honour crimes, mainstreaming gender into national immigration policies in order to recognise gender-related persecution and violence as grounds for granting refugee status and asylum.

The outline document also put on the agenda the signing and ratifying of the Optional Protocol to CEDAW, adopted in 1999, and of the Rome Statute of the International Criminal Court. Namibia was one of the first five countries to sign the Optional Protocol, which is considered one of the greatest legislative achievements for the human rights of women since the Beijing Conference. The Rome Statute provides that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence are war crimes when committed in the context of armed conflict and, under defined circumstances, crimes against humanity.

The outcome document also suggested to set up a national rapporteur or an inter-agency body with the participation of civil society, including NGOs, to collect and exchange information and to report on data, root causes, factors and trends in violence against women, particularly trafficking. It also introduced the idea of not prosecuting women and girl victims of trafficking for illegal entry or residence in the country.

On 31 October 2000, the UN Security Council, after a special session initiated by Namibia, adopted its first resolution on women, peace and security. The resolution calls for the prosecution of crimes against women, increased protection of women and girls during war, appointing more women to UN peacekeeping operations and field missions, and ensuring that more women participate in decision making processes at national, regional and international level.

Despite the progress reported, research still reveals intolerably high rates of violence against women internationally. Worldwide, even at the end of second millennium, “staggering numbers of women are still slaves, spoils of war, sexually mutilated and, most of all, victims of abuse in its many brutal forms” (Wright 1995). Noleen Heyzer, Executive Director of UNIFEM, stated that, “women are the worst victims of war and hence the highest stakeholders of peace ... who have to fight to protect even their own bodies from abuse ... [and thus] are the ones who understand the full potential of what destruction means” (1995:26).

The UN has referred to these abuses as a global epidemic that knows no geographical, cultural or linguistic boundaries. It affects all women without regard to their level of income. Yet even with alarming records of gross violations of women's humanity all over the world, women's rights are not commonly classified as human rights (Bunch 1991).

The total breakdown of some societies in recent years has resulted in higher levels of violence against women. In places like the former Yugoslavia and Sierra Leone, women were frequent targets of revenge and symbolic devastation by enemy forces. In such instances society seems to be under attack rather than armies or individuals. Historical precedents can be found in the nineteenth century: American wars against indigenous populations, the Anglo-Boer war and the Japanese policy in China during the late 1930s. These acts of violence are frequently under reported. Victim surveys differ greatly from official statistics on these crimes, especially highly personal attacks, such as rape and domestic assault.

In 1995 a Human Rights Watch global report on women's human rights listed an extraordinary range of abuses perpetrated on women throughout the world, ranging from state and legally sanctioned acts of violence against women to acts by individuals. These acts largely go unpunished. The study documents the following international abuses against women (Fedler and Tanzer 1999):

- Rape as an instrument of war in Bosnia-Herzegovina, Somalia, India and Peru;
- Sexual assaults against refugee and displaced women in Bangladesh and Kenya;
- Trafficking and forced prostitution of women in Thailand and India;
- Exploitation and abuse of women's sexuality and reproduction in Turkey and Poland;
- Genital mutilation of over two million young girls throughout the African continent;
- Flogging or stoning to death of Iranian women for not complying with the Islamic dress code;

and

- Forced sterilisation of Chinese women who fall pregnant with a second child.

Wright in her article for the 1995 United Nations Women's Conference in Beijing, also reported devastating statistics of these international human rights abuses:

- In Peru, 70% of all reported crime involves women beaten by their partners;
- In Chile, Papua New Guinea, Sri Lanka, and Tanzania, at least 60% of women report being beaten or abused by a male family member or intimate;
- At least one in three women are beaten or abused in Malaysia, Mexico, South Korea and Zambia.

In India eight out of ten wives are victims of domestic violence, battering, dowry-related abuse or murder. In developed and developing countries, like Bangladesh, Canada, Kenya and Thailand, family members committed more than 50% of female homicides (Bunch 1991). While the cultures, tradition, politics, dominant religion and sociological development of these countries vary, the one risk factor of the global epidemic of domestic violence is that of being female.

The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and other relevant instruments needs to be reviewed and strengthened.

The use of women in international prostitution and trafficking networks has become a major focus of international organised crime. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV.

Wright concluded from The Global Report on Women's Rights that, “domestic violence is a leading cause of female injury in almost every country in the world and is typically ignored by the state, or only erratically punished” (1995:9).

International human rights activists have increasingly highlighted the “use” of rape as an instrument of war. Saban (2000) explains that rape is an age-old tactic of terror used during war:

> Throughout the history of warfare, scores of women have suffered rape at the hands of soldiers. Rape was a powerful strategy used during World War I and World War II by the Germans and Russians, respectively. Similarly, the Japanese soldiers raped thousands of Chinese women in the city of Nanking in 1937. This particular war was marked by sexual violence to such an extent, that it became known as the “rape of Nanking”.

Rape was a weapon of war in the battle between the Pakistani Army and Bangladesh in 1971, and the Vietnam wars when American GIs raped countless numbers of women (Olugic 1995 in Saban). More recently, the world watched as Serbian soldiers raped thousands of women in Bosnia. During the same period, thousands of women were also raped during the civil wars in Rwanda, Sudan and Cambodia when the levels of political violence escalated in the mid 1990s (Twagiramariya and Turshen 1998;

Halim 1998 in Saban). Similarly, many women and young girls were raped and tortured during the ongoing civil war in Kashmir as Indian troops marched through villages after the take-over in 1992 (Olugic 1992 in Saban).

These abuses are perpetrated systemically and with little regard to women's human rights. Although the nature, levels and extent of rape may appear to differ internationally, they share many fundamental features and objectives. Key characteristics can be found across situations of violence against women, especially as violence against women - in whatever form - is ultimately a direct result of the complete inequality of women in all spheres of life, be it political, social, economic or civil.

4.2.2 An African Perspective[1]

The abuse and violation of 'native' women has always had a special place in the lexicon of imperial tyranny. The mass rape of Herero women by Germans invading Namibia, the reservation of sex workers 'for white men only', the pathologisation of 'native' women in Zambia and Uganda, the exclusion of women from colonial cities and from formal sector employment illustrate the imperial perspective on colonised women, a sexually derogative perspective amplified through the trope of race.

One hoped that this 'imperial' derogation of African women would stop after the establishment of proud, new and rapidly modernising African states. Not only has the pattern of gender-based violence continued, but it has also evolved into modern, sometimes more pernicious forms. Violence, and its particular gender-based manifestation has become an integral feature of African post-colonial societies. This is true, not just in the war zones of Somalia, Rwanda, Liberia and Sierra Leone, but also in supposedly peaceful contexts, where the daily torture and abuse of women is not included in discussions of the continent's crisis. There is growing evidence that Africa's newest democracies, including South Africa and Nigeria, are particularly dangerous places for women. In both countries, gender-based violence appears to be accepted as a normal aspect of daily life, and the existing laws and policies have done little to address the matter in either country.

When looking for explanations for this, one has to remember that Africa's new leaders were men raised in the context of a colonialisation, which Fanon described as 'emptying the natives brain of all form and content'. Perhaps we should not be surprised that such men, no matter what their ideological persuasion, have not aimed to transform oppressive gender politics. No doubt, these fathers of the nation sought to use women in the national liberation struggle, and later to advance the national development agenda, assuming that this would be sufficient. Secondly, the post-colonial militarisation of the region has fomented high levels of communal violence in addition to the more obvious civil wars and conflicts. There is a clear link: violent societies are violent towards women, and militaristic forms of masculinity are strongly associated with rape and other manifestations of sexism.

Analyses of nationalism have shown how the first generation of African leaders adopted an ambivalent approach to independence. On the one hand, they saw it as an opportunity to embark on modernisation and on the other, they saw it as a chance to restore the traditional order which had been distorted, misrepresented and recast in an ossified colonial mould. Their political ambivalence explains the contradictory state of the present in which women are expected to uphold tradition and eschew 'western' influence, while men are expected to plunge into modernity, embracing equally 'western' technological and economic development.

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[1] This section and the one following Women's Resistance to violence, were excerpted, with permission, from the African Gender Institute Newsletter Volume, 6 May 2000

While some male leaders have argued that women must be involved in nation-building, others fantasize a past in which 'men were men and women were women' and seek a reinvention of this mythical golden age, with women mostly domesticated as wives and mothers. Nkrumah may have broken new ground by appointing women into his cabinet, but he also expected women to be 'mothers of the nation, the beauty that graced the homes and gentleness that soothed men's tempers'.

Independence has brought about a reassertion of certain 'traditional rights' regardless of whether they have been tampered with or even invented by colonial regimes. In the 1960s, one of the early actions of the typically male dominated Kenyan Parliament was to block efforts to overturn an old colonial law that entitled men to beat their wives. The rationale was that for Kenyans (that is: Kenyan men), beating wives was a 'traditional right'. Today 42% of Kenyan women are still beaten by their husbands.

Following Nigerian independence in 1960, the northern elite who inherited the mantle of leadership from the British refused to countenance the prospect of women voting and universal adult suffrage was delayed until 1976. While there are no systematic figures on wife beating, femicide or rape, crimes of violence (particularly armed robbery) are common and often include the rape of women victims. Media reports and the activities of women's organisations strongly suggest that gender-based violence is endemic and widely tolerated. In Algeria, once the French had been vanquished, women were judiciously restored to seclusion. Here too women's protestations were dismissed as signs of a corrupting 'western' influence.

If anything can be drawn from the track record of African governments, it is that they have systematically failed to address gender-based violence, overlooking the possibility that it might grow into a major obstacle to national development and democratisation. Yet this is exactly the situation that has arisen. It is evident in the complex linkages between gender-based violence and HIV/AIDS, the spread of which now poses a major demographic threat. These linkages have not been adequately explored. We can say, however, that it is significant to the epidemiology of any sexually transmitted disease that the vast majority of Africa's teenage girl-women are forced against their will into their first sexual experience.

Table 4.2 Prevalence of Forced First Intercourse (selected studies 1989-99)

Country and year (Ref. No.)	**Size**	**Type**	**Age**	**% with forced first intercourse**
Argentine 1998 (168)	201	Clinic-based	15-18	6 (41[a])
Central African Rep. 1989 (79)	1 307	National	15-50	21
Jamaica 1997 (226)	51[b]	School-based	8th grade	12
Kenya 1994 (334)	9 997	School-based	12-24	8 forced 6 "tricked"
Mozambique 1993-94 (112)	189	School-based	12-23	8
New Zealand 1993-94 (112)	458	National longitudinal	18 & 21	7 25[c]
Sierra Leone 1998[p] (87)	144	Convenience	Adult	31
South Africa 1999 (453)	544[b]	Match-case-control	<19	32 pregnant 18 not pregnant
United States of A 1992 (270)	1 663	National	18-59	4 (25[d])

[a] Unwanted but not forced
[b] Sexually active girls only
[c] Of those sexually active before age 14
[d] Of those sexually active before age 15
[p] Indicates year of publication not fieldwork dates
Compiled by the Centre for Health and Gender Equity (CHANGE) for Population Reports

Simultaneously straddling modernisation with masculinist memory and nostalgia, African governments have often created and sustained the sexual and economic conditions of gender inequality that facilitate the abuse of women. There is no reason for, or rationality to, this prolonging of gender-based abuse. African governments have made particular efforts to present themselves as concerned with the advancement of women, if not full gender equality.

They have by and large removed constitutional and legally enshrined discriminations, and ensured that a higher proportion of girls go to school in most African countries. Yet almost all African governments have maintained a deafening silence on the subject of gender-based violence. As a result of their silence, tolerance remains enshrined in legal, policing and medical policies and practises. Where there have been significant legislative innovations and policies, these have not been implemented, nor has their implementation been budgeted for.

In Aids-ridden Uganda of 1991 there was a concerted effort to bring the force of law to bear on the rising incidence of sexual crimes, particularly the rape of girl children. The Ugandan Immorality Act (nothing to do with interracial sex) offered life sentences for rape and a death sentence for the rape of a minor, back in 1991. However, to date not a single prosecution has made use of these provisions. South Africa's recent implementation of the Employment Equity

Act (1999) and the Domestic Violence Act (1999) has been widely welcomed. Sceptics point out that existing laws and policies are not being implemented or budgeted for and this administrative weakness undermines legal reform.

It is necessary to recognise that the abuse and violation of women has not been relegated to the bitter archives of the colonial past. One might have hoped that such atrocities would remain only in our collective memory, where they might serve to protect future generations from lapsing into the tyrannies that have been Africa's history. Rather, gender-based violence is an integral aspect of modern African life, an invidious social ill that forestalls development, nullifying all the talk about women's rights and human rights and shooting democracy in the foot.

4.2.2.1 Women's Resistance to Violence

We are often told that gender-based violence continues because African women are so accepting of this 'normal' practise. Because the vast majority of incidents go unreported and unrecorded, so that we do not have statistics for most countries, women worldwide endure, on average, as many as 39 beatings before they seek outside assistance, so this tolerance is not just an 'African thing'. Reporting violence is seldom useful to the individual survivor of violence, but this may be particularly so in African contexts. Very few reports culminate in legal action, and reporting can actually exacerbate the woman's vulnerability, or result in further trauma at the hands of inept and unsympathetic police and medical practitioners. Outside assistance from the authorities does not appear to ensure that the woman is protected, or that perpetrators are apprehended and treated in accordance with the law.

Women may not report incidences of violence, but there is ample evidence that generations of African women have struggled, both individually and collectively, to resist and overcome gender-based violence. Poems and myths extolling the virtues of good husbands make it clear that causing injury to a wife was disapproved of in most African traditions, constituting grounds for separation or repudiation in some. We are told that, in the past, women could ‘go on strike’ if their husbands abused them and that they would be joined by other women if no actions were taken to curtail unacceptable behaviour.

More recently, in August 1999, 250 survivors of violence from all over Africa testified before the newly established African Court for Women. Rwandan and Somali women told of gang rapes in the refugee camps. Ethiopian women told of child marriages and a Kenyan described being raped by a minister of religion when she was 13 years old. Many women displayed the scars of violence they had been subjected to by husbands (Mail and Guardian, 3 August 1999).

At the present time, many women activists all over Africa spend their lives supporting women (and children) who have survived violence. They run shelters, provide wholly voluntary counselling services and engage in anti-violence activism and advocacy. Women in Nigeria have been campaigning against woman abuse and child marriage since the 1980s and the Musasa project has spent over ten years supporting abused women in Zimbabwe.

Women engaged in this support work do so with limited assistance from government and often rely on international donors for financial aid. That anti-violence strategies are left to international donors is problematic. It enables African governments to pontificate at international meetings and return home to relegate gender issues of all times to the 'international' menu. It places the anti-violence movement entirely in the hands of foreign donor agencies whose own rationales and agendas inform their funding priorities. Donor-driven projects work against African people defining problems themselves and coming up with appropriate local solutions. It also feeds the oft-expressed view that challenging gender-based violence is a western rather than an African concern. This precaution pulls the rug from under the feet of African anti-violence activities.

That donor funding is available at all is due to women's advocacy, at the international level. An achievement of this advocacy was the declaration of violence against women as a key strategic issue for the African Region at the 1995 Beijing UN Conference. UNIFEM's subsequent year-long international campaign on violence against women in 1999, also helped the flow of funds and international focus on the issue.

4.2.2.2 Gender-based Violence in South Africa, a Regional Case Study.

The new South Africa is distinguishing itself in the annals of the continent's history in more ways than one. Heralded with great hope as a late entrant to the theatre of African democracy, brandishing a democratic constitution that some of Europe's older democracies could do well to emulate, the new South Africa is particularly acclaimed for its efforts towards the advancement of women. First on the list is the ANC government's commendable attainment of the Beijing target of at least 30% representation of women in parliament, an achievement in gender equity that places the country in the top ten of the world's democracies.

Yet South Africa is simultaneously topping another chart, as one of the world's most deadly environments for women. Statistical evidence tells us that post-apartheid South African women are more likely to be murdered, raped or mutilated than women anywhere else in the democratic world, including the rest of Africa. Their assailants are not foreign invading armies of 'other' racial and cultural groups in the still divided post-apartheid locales of the new nation. They are South African men, most often the very men with whom South African women live in intimate relationships.

Contemporary literary portrayals of sexual harassment and rape such as JM Coetzee's internationally acclaimed novel, ***Disgrace*** also suggest that gender-based violence is not taken seriously or contested effectively by members of society. South African television is extremely tolerant of sexually exploitative advertising. Yet, when the locally-born Hollywood actress Charlize Theron lent her persona to an anti-rape advertisement in October 1999, a small cabal of angry men had no difficulty in having it banned immediately. The Advertising Standards Authority found that it was offensive to their gender. Public protest from all led to a successful appeal against the banning. But by the time the advertisement was unbanned, the patriarchal culture protective of male power and privilege complicity in the media was once again on display.

The national and local media report a daily catalogue of crimes against women in South Africa. Particularly common are gruesome reports of abductions, rapes and/or murders of young girls, often by members of their own communities. If a shocking 25% of all South African women are likely to be beaten by their partners, it is all the more disturbing to find that 60% of all teenagers (as shown in a recent Cape Town study) are already enduring violence.

Research of the Africa Gender Institute of the University of Cape Town indicates the disturbing prevalence of sexual abuse in schools. Sexual crimes against elderly women, such as the rape of an aged mother by her son, feature frequently.

A great deal of sexual violence happens in the privacy of the home, in accordance with a definition of privacy that has protected male power and privilege since the days of feudalism. The media is less interested in the less sensational 'ordinary' side of violence. There is also a racist packaging in the media coverage. Linking violence to African cultural practises often occurs in reports of so-called *muti* (medicine) killings and black on white rape attracts far more attention than the much commoner intra-racial incidences.

There are other public sites where gender-based violence is downplayed by implicit patriarchal assumptions, incest, which elsewhere in the world provokes particular disgust, is trivialised in the South African courts. In November 1999, gender activists reacted with outrage when a High Court judge gave a minimal sentence to a man convicted of sexually molesting his daughter, a sentence justified on the basis that raping his daughter did not make him a 'threat to society'. When the Parliamentary Joint Monitoring Committee on the improvement of the Quality of Life and the Status of Women invited the judge to discuss the matter of his sentencing decision, the judiciary reacted defensively. Significantly, the issue sparked a public debate over the relationship between the judiciary and the legislature rather than over the fact that the rape of a young child was being treated with levity.

The Committee for the Improvement of the Quality of Life and Status of Women brought the subject back onto the agenda by holding public hearings in Parliament between 8 and 17 November 1999. The hearings were attended by leading women judges and lawyers and gave women's organisations, rape crisis centres and other concerned partisan groups an opportunity to catalogue the ineptitude of government and policy-makers regarding all forms of gender violence and women abuse. The evidence presented at these historically significant hearings presents a shocking reality in which woman abuse continues and neither the police nor the courts uphold the law.

If violence is not prevented or punished by the law, and legal protection are largely ineffective in preventing violence or protecting women, what happens when it comes to dealing with the after-effects: the deleterious short and long-term consequences of rape and violence? The horrific attacks on young girls have provoked various community organisations and development associations into joining gender activists to campaign against gender violence.

In a bid to make the government face up to the long-term consequences of gender-based violence, activists have resorted to making instrumental arguments. They have pointed out that wife battering costs the government millions of rand per annum in medical treatment, not to mention the pain and emotional distress endured, the lost working hours, or the toll on the children bearing witness to domestic violence.

Ultimately the issue of violence against women and children is one of irresponsibility. Surely the thought of even one woman beaten, rape or killed, or of just one child abused, is sufficient motivation for a more concerted local and national effort to combat this slow, ongoing horror. The continuation of violence against women poses a profound threat to our humanity and to the humanity of generations yet unborn.

4.2.2.3 South African Responses, a Contextual Reference.

The year 1994 marked numerous advancements in the development of democracy and human rights in South Africa: the end of apartheid, the first democratic elections, and the development of a new constitution that guarantees equality for all South Africans. Since the elections, several pieces of legislation and policies have been developed to aid victims of gender-based violence.

The South African government, like the Namibian government, has committed itself to international instruments such as CEDAW, ratified in 1995, and the adoption of Southern African Development Community's (SADC) Declaration on the Prevention and Eradication of Violence against Women and Children in 1998.

South Africa developed statutory and regulatory bodies within government to promote and protect gender equality in all spheres and to ensure that gender issues were formally mainstreamed into government practices and policies. These measures include the Commission on Gender Equality, the Office of the Status of Women and the Parliamentary Committee on the improvement of the Quality of Life and Status of Women. Policy developments include the National Crime Prevention Strategy, which prioritises addressing violence against women, and the Gender Policy Statement by the Department of Justice. The most notable legal reforms, however, are the new Domestic Violence Act (Act 116 of 1998) and the development of a South African Law Commission project committee tasked with redrafting South Africa's antiquated Sexual Offenses Act.

These commendable efforts are still not reaching a large number of South African women. Domestic violence is one of the most pervasive, yet least recognised, of human rights abuses in Southern Africa. Every day women are murdered, physically and sexually assaulted, threatened, and humiliated by their partners, within their own homes. The social, cultural and political structures and institutions, in countries like South Africa and Namibia seem to openly support gender inequality, despite political will and rhetoric to the contrary. Martin's suggestion that, “the economic and social structure of present society depend upon the degradation, subjugation, and exploitation of women,” is still a reality in the new millennium (Martin in Bersani and Chen 1988:73).

The World Bank report reiterates this contention, maintaining that:

> ... each society has mechanisms that legitimise, obscure, deny - and therefore perpetuate - violence. Even where a particular act of violence might be deplored, powerful social institutions - the state, families, normative systems that regulate gender relations - collude in maintaining the status quo (Wright 1995:9).

Patriarchal societies continue to view women as men's property. Traditional stereotypes repress women, and male domination is encouraged at an early age. Cultural and traditional beliefs have been instrumental in creating obstacles for women in development and in placing women in more subordinate positions within civil society (Sheikh Hashim 1992). This is true for most countries in Southern Africa, where a system of lobola or bride price is still in practice.

Margolin et al (1988) suggest that patriarchal society promotes economic and legal conditions that maintain violence against women. Women have been kept economically dependent through an unequal division of labour. As such, they have difficulty gathering the financial resources necessary to leave their abusive partners.

Georgina Ashworth, British activist and founder member of CHANGE, a UK based activist group, argued that while cultures and traditions were very different, they were man-made. “The exclusion of women from decision-making or governance of a society generally meant the consolidation of male ideas, beliefs values and knowledge.” Cultures are changing all the time due to economic development, technology, media and this offers an opportunity for oppressed women.

> By exchanging information about strategies and approaches and using internationally accepted standards of human rights, women - often with the help of men - are challenging negative values and behaviours, such as domestic violence itself and the immunity that social custom and law often give to the perpetrators.

Although there have been various attempts to determine the prevalence of violence against women in South Africa, the statistics reflect only a small portion of cases. Under reporting by abused women contributes to unreliable estimates. It is estimated that one out of every six women in South Africa are regularly beaten by their partners (Women's Health Project 1993; Rape Crisis 1993).

Reported rapes in South Africa have steadily increased over the past few years: by 1997, 52 159 rapes were reported to the South African Police Service (the highest ever) dropping to 49 280 by 1998. These figures are widely recognised as only a fraction of the number of attempted and actual rapes committed by both individuals and gangs. The National Institute for Crime Prevention and Rehabilitation of Offenders (1993) estimated that only one in twenty rapes in South Africa are reported to the police, bringing the national average to almost one million rapes per year.

A recent national study by the ISS, the Institute of Criminology (UCT) and the Centre for the Study of Violence and Reconciliation (1999) on violence against women in three metropolitan centres in South Africa found that:

- 90% of the women interviewed have experienced physical abuse, 71% sexual abuse; 58% economic abuse; and 42,5% all forms of abuse.
- Most abuse occurred in the confines of the home and was largely perpetrated by a lover, partner or spouse.
- 44% of survivors were abused in the presence of others.
- More sexual abuse survivors were abused in their youth (under 20 years of age) than survivors of other types of abuse.
- Only 47% of the women were satisfied with the treatment they received by the police.
- Women received medical attention in only 19% of cases.
- Police informed only 25% of the women of the legal options.

A study of violence against women in rural areas by Artz (1999), done in conjunction with Black Sash, a South African activist and lobby group, found that:

- 34% of survivors of domestic violence were told to *"stop wasting police time"*.
- 26% of survivors were accused of somehow provoking the violence.
- 39% of survivors were accused of lying or were treated with disbelief.
- 43% of survivors were told that they could not lay charges because of the lack of evidence provided by themselves.
- In 74% of the cases, the police would not take survivor's statements in their home language.
- In 20% of cases women were discouraged from taking further action.

The metropolitan study found that 24% of the abused women have attempted suicide and half (49%) have thought about taking their own lives after the worst incidents of abuse.

If brutal and persistent enough, violence against women can lead to a woman's death. What may start out as apparently minor acts can escalate in intensity and frequency (United Nations 1993 in Artz 1999). Vetten's (1996) research on femicide in South Africa is an example of the lethal nature and prevalence of violence against women. Vetten undertook an examination of all inquest dockets in the Johannesburg magisterial district in 1994 - including an examination of the relationship between the perpetrator and the victim. She identified 119 separate incidents of intimate femicide during 1993 and 1994. Based on these figures one woman was killed by her partner every six days during this two-year period. Vetten cautioned that the figure should be treated as an underestimate. Provocation was a recurrent mitigating factor identified by police officials, 'among others', for the deaths of the women in their study sample.

Regionally and internationally, women continue to live with and are immobilised by violence, despite legal and government reforms to address the problem. Men's domination of women remains unaffected by reforms, with the use of, or threat of violence maintaining this status quo. Men are equipped physically and economically to continue the abuse. This is a crucial factor in the subordination of women. The subordination results in a society which fosters laws and practices that implicitly and explicitly condones violence against women. It dismisses the seriousness of gender-based violence in political and public domains and only reluctantly intervenes by providing services. For many women in

Southern Africa, as elsewhere in the world, the home is the most common site of cruelty and torture.

4.2.3 A Namibian Perspective

Namibia on 9 February 1990 adopted one of the most gender friendly Constitutions in the world. The Constitution was enacted on Independence Day, 21 March 1990. The government has shown its commitment to address the problems facing women by establishing a Law Reform and Development Commission to reform discriminatory legislation. In 1996 Namibia adopted the Married Persons Equality Act, which equalised the status of men and women in a marriage. Before that, a married woman, even if she earned double her husband's salary, could not open a bank account, or enter into a financial contract without her husband's permission (See Chapter Seven on Namibia's legal framework).

The problem of violence against women in contemporary Namibian society is influenced by the historical imbalance of power between men and women, social structural factors such as poverty, unemployment, and related social problems, including alcoholism and drug abuse. In addition, socio-cultural attitudes contribute to violence against women. Most disturbing is the fact that in many Namibian communities some men view violence against women as an acceptable way of exerting control over women (Iipinge and LeBeau 1997:77).

Unresolved stress and frustrations stemming from repression of the apartheid years and the liberation struggle are among the factors contributing to a high level of violence against women and children in Namibia.

Widespread violence against women must also been seen in the context of rapid legal and social changes, which affect the relative position and decision-making power of men and women within society (Tapscott and Hubbard 1991:6). Namibia, as an emerging nation, is undergoing an unprecedented rate of social change. These include urbanisation, modernisation and changes in the political dispensation. The Namibia of today is very different from Namibia under apartheid rule. New laws and governmental decrees are being drafted and implemented daily while average Namibians are redefining their own status within society. As this evaluation and redefinition takes place previously held norms and values are becoming obsolete and new norms and values are being defined (LeBeau 1999).

As in South Africa, the general unequal social status of women vis-á-vis men is an important contributing factor in violence against women (Iipinge and LeBeau 1997:77). Although women's legal status has changed substantially since independence, women's social status remains relatively unchanged for many segments of the population (LeBeau 1999). This divergence between women's legal versus social status, especially in the case of marginalised women, contributes to violence against women.

As male dominance becomes threatened by the elevation of the legal status of women, some men become insecure about their social status and roles in society and may resort to violence in an attempt to reassert their position (LeBeau 1999). The threats to men's social status, exacerbated by factors such as poverty, unemployment and high rates of alcoholism, contribute to violence against women (Iipinge and LeBeau 1997:78). Thus, it is not surprising that since independence Namibia has experienced a dramatic increase in violence against women (DWA 1994:26). However, gender violence in Namibia is not restricted to the poor, it is found in every social and income group.

4.2.3.1 Historical Perspective on Gender and Sexuality

Historical-anthropological research in Namibia indicates that in the pre-colonial past certain women held much more political and social power and influence than one is commonly made to believe today. Contrary to current suppositions, women in many Namibian communities previously had access to property and were highly valued as agricultural producers. In the Owambo culture, where the economy was based on a mixed agricultural-pastoral system, the social value of men's production, for example cattle, was high because of its ritual significance. Women, however, contributed the bulk of subsistence through agriculture.

Oral history and oral traditions indicate that women played significant roles as traditional healers and in ritual and cultural performances, such as the ritual leaders (*ovapitifi*) of the traditional wedding (*efundula*) in OuKwanyama. Women were a majority among traditional rulers, but female leaders were not uncommon among the Kavango and Owambo cultural groups. Queens often ruled Kavango communities. For example, among the Uukwangali, the western most Kavango communities, about one-third of the leaders (*ovahompa*) between 1500 and 1960 were women (Gibson et al 1981:41-3). Male leaders may also not have been necessarily autocratic, virile rulers (Becker 1995; Becker in press).

Elements of the matrilineal system, which organises kinship responsibilities and succession through the mother's line, enhanced the position of women in matrilineal communities in the Owambo and Kavango cultures. The close relationship which women retained with their own extended families tempered the control a husband could evoke over his wife, or wives, and children.

Divorce was common and easy to obtain in the absence of any substantial material transfer at marriage. German Lutheran and Anglican missionaries working among the Kwanyama in the early twentieth century regularly commented on the frequency with which women left marriages they no longer deemed desirable. Remarriage of divorces was common, and Kwanyama women, for example, often married three or more times (Becker 1995:69-70).

The position of women in other Namibian communities may also have been stronger in the pre-colonial past than now. A member of the Hahn missionary family who had worked among the Herero from the 1840s described their gender relations as follows:

> Herero women are by no means oppressed but have a very free position, ... Herero women have little cause to complain; they are valuable helpmates and therefore enjoy much respect. Thus, power within marriage relies more on affection than on violence or [the pursuit of] interests. A Herero husband will hardly ever beat his wife, and if he does, she will run off and he will lose out (Hahn 1869:489).

Although no recent research on the relationship between Herero men and women has been published, contemporary relationships contradict Hahn's finding. There is strong evidence that the relationship is one of subordination, where the woman is considered the property of the man and as such is at his beck and call. An opposition politician from the Herero culture in the parliamentary debate on the Married Person's Equality Bill even went as far as comparing the ownership of women to that of cattle.

The Herero have several traditions about marriage that deny the woman's right to choice. If a man's wife dies it is not uncommon for the family to give a younger unmarried sister to take her place as “wife” and caretaker of the children. In the case of a man dying, the woman is expected to accept one of the brothers as her “husband”. A well-known Herero woman recently shocked the community when she refused to take one of her husband's family members but instead said her son would be the man of the house.

Another questionable practise is the bringing into womanhood of young girls by either the uncle or the cousin when she starts menstruating. Although denied even by Herero women, others have confirmed it at various fora dealing with violence against women and children, and particularly when harmful cultural practises are discussed. Although many families now refuse to allow this cultural practise, some still adhere to it. When asked how the mothers react to this practise, one women told a meeting:

> “They will tell the cousin you are in your room and show them the way. Even if you scream they will not come to help you.”

While definite conclusions on power and gender in the early history cannot be drawn, the current general assumption that women traditionally occupied an inferior position is highly disputable. No productive-public-male versus reproductive-private-female dichotomy existed in pre-colonial society. Women and men appeared to have lived large parts of their lives in fairly separate female and male spheres. Women and men were thus conceived of as inhabitants of different spheres in a complementary social duality rather than as beings ranked hierarchically according to gender (Becker 1995:77).

Norms concerning sexuality, particularly premarital sexuality, and the choice of a partner are indicators of gender relations and the probability of violence against women in a given culture and society. In the older Owambo culture a whole array of arrangements allowed for a margin of sexual liberty and a relatively strong position for young people of both genders in matters of social reproduction.

Elaborate legitimate forms of courtship and sexual relations between young men and women were common in Owambo communities until the 1970s when the state of emergency curfew regulations caused their disruption, if not discontinuation. This particularly affected the nocturnal dances (*oudano*). In many areas in the war zone, *oudano*, also known as the 'moon light dances' could no longer take place because of the curfew. *Oudano* had brought the female and male youth together for all-night outdoors singing and dancing. Some of the *oudano* songs sung by young girls were quite sexually explicit, and were used by young people to 'propose' to each other.

There were institutionalised forms of 'fondling' where young people of both sexes were allowed legitimate relationships which involved sexual elements (*ewilo*). Under ewilo, a young boy and girl, known as *eehonda*, could sleep together, without being allowed to have sexual intercourse. However, they could experience other forms of sexual activity, which have been described by elderly Owambo women as 'playing', 'holding hands' and 'touching' (LeBeau et al 1999:69-70).

These relationships gave young people an opportunity to explore the opposite sex in a rather playful, non-threatening manner. Indeed, forms of culturally institutionalised sexual relationships without actual intercourse were common in other Namibian cultures as well, including the Kavango and the San communities (Gibson et al 1981:115; Shostak 1982:68-69).

The most significant of the Owambo customs regulating sexuality and marriage were the initiation ceremonies for girls, known as *efundula*, *ohango* and *olufuko*. After a girl had gone through the ceremony, she was regarded as being married, although she was not necessarily married to a specific husband. Therefore, the ceremonies have been also known as 'traditional weddings'. From the time she had gone through the initiation, a young woman was entitled to a full sexual life, and any children born to her were regarded as legitimate. In the distant past, young women who fell pregnant before the initiation were apparently burnt to death in most Owambo communities. Therefore, the efundula, ohango or olufuko ceremonies can be regarded as the cornerstones of the definition of norms relating to female sexuality and reproduction (Becker 1998b:5).

In the distant past, the Owambo also practised male initiation and circumcision. For reasons which are still being researched by historians (McKittrick 1999), this custom was discontinued in the nineteenth century. For example, among the Oukwanyama the last circumcised king (*ohamba*) was Haimbili, who died in 1863.

The female initiation ceremonies involved a group of girls and took place only every two to five years. The long intervals indicate that the initiation was not a puberty rite. Most initiates were well past menarche, and as old as thirty. Although the initiation customs differed in the various Owambo communities, they generally involved continuous dancing and grain pounding. These were aimed at testing the endurance and 'virginity' of the young women, because a pregnant woman would not have the physical strength to pass these tests. The initiates further had to solemnly attest in ritual 'tests' that they were not pregnant (Becker 1998b:5-6). On the last day of the ceremony certain ritual acts allowed for a symbolic engagement with an individual man. The hopeful husband-to-be sent a male messenger (*ongeleka*) to put a palm ribbon around the omufuko's ('bride' or initiate's) arm. If she accepted his proposal for marriage she kept the bracelet. If she rejected him she tore it off (Becker 1998b:16).

The choice of marriage partners was mostly left to the discretion of the young people and followed an elaborate pattern of courtship starting before the initiation during which the groom had to present a series of gifts to his fiancée. The initiative to propose marriage rested with the young man, but a young woman could also express her wishes and could, at any point up until the formal 'engagement' during the initiation, reject the proposal (Becker 1995:69; Becker 1998b:16). Women from other Namibian communities did not necessarily enjoy the discretion Owambo women enjoyed in terms of choosing a mate. It appears, for example, that young Herero women had far less of a choice in this respect (Becker 1995:69).

4.2.4 Violence against Women as an Obstacle to Development

South African criminological circles over the past several years recognised that theoretical and applied criminology had not paid adequate attention to the role of violence in social development. Recent movements largely focused on legal remedies, policy reform and state interventions with a shift in debates from the sociology and politics of violence to legally or constitutionally-based discourses. Gender advocates and policy makers welcomed this move to promote women's interests, but often neglected the larger picture of institutionalised sexism and violence within Southern African societies.

While the debate focused on the impact of violence on women's lives, development policies and practices mostly failed to consider the relevance of violence against women in development (Bennett 2000). Links are often made between gender, poverty and violence. However, the development practice continued to be subject to criticisms of cultural imperialism and marginalising women's experiences of violence. In a review of South African development documents that include violence against women, Bennet concludes that, "... very few of these materials include vulnerability to gender based violence as a critical element of gender inequity for women" (2000:22). African development initiatives have not debated even the theoretical possibility of incorporating gender-specific indicators for development that include violence against women. The link between violence and development is indisputable.

> [violence against women] remains a steep barrier to securing human-centred development goals. It narrows women's options in almost every sphere of life, public and private - at home, at school, in the workplace, and in most community spaces. It limits their choices directly by destroying their health, disrupting their lives, and constricting the scope of the activity and indirectly by eroding their self-confidence and self-esteem. In all of these ways, violence hinders women's full participation in society, including participation in the full spectrum of development efforts (2000:60). Bennet.

Broad development perspectives in gender research and gender activism are important in understanding violence against women. Mainstream criminological circles have been reluctant to analyze violence against women as reflected in obvious traits of the gendered reality of crime, victimisation and crime control. Similarly, current development theory and models fall short in their acknowledgement of violence against women as an obstacle to development. The scope of gender-based interventions and research needs to include issues of access, development and women's socio-political status in developing a workable framework within which to analyze violence against women in Southern Africa.

This debate must advance beyond traditional (economic) development theory to view violence against women as a key inhibitor to development. The economic development or empowerment of women will not reduce violence against women unless development includes issues of equality and socio-political advancement in society. Similarly, criminological research on violence against women cannot make a pragmatic contribution without considering this more substantive definition of development in its analyses of violence against women.

Violence against women should be included in development issues Within the South African and Namibian contexts, where apartheid policies reinforced strict spatial segregation through influx control and regulations barring retail and industrial development in 'Black' areas resulting in the economic exclusion of Black communities, the imprint of underdevelopment continues to permeate communities. The perpetuation of inequity has not changed substantially and historical divisions remain. Within the current political climate South African women are met with other, more subtle forms of political economic and social exclusion, namely through 'tradition', patriarchy and the perpetuation of violence.

In the light of these inequalities, studies of gender violence require a critical reorientation. The role of criminological and legal research advancing women's equality and access to justice must be grounded in a sound understanding of women's socio-economic positions within these communities. This development position demands an in-depth assessment of women's economic, social and political status in order to define what is equitable and sustainable development. Until recently, criminological and legal work seems to have adopted a blanket approach to developmental ideology, presenting poor socio-economic conditions as mere factors that contribute to violence in communities. There is an urgent need to draw fundamental links between violence against women, development and criminal justice systems in Southern Africa.

Practitioners in the field of gender-based violence require a shift in thinking that acknowledges development as a key element in the equation of women's rights, safety and security as well as research on violence and development. Current, gender-neutral, crime prevention and development initiatives risk exploiting women even further by not recognising their specific needs. However, without challenging violence against women and its relationship to poverty, the feminisation of poverty and the cycles of violence will continue.

A review of the current gender development debate finds that women's development continues to fall into the trap of *economic determinism*. Consequently, it does not actively address violence against women and women's inability to access social, political and state structures that hamper women's development and substantive equality.

Over the past two decades the development debate has gone through many shifts including: human capital development; technological development; basic needs approach; women's participation in development and environmental development (Rathgerber 1991). There is a void in relation to women's oppression and violence as an obstacle to development. The first three approaches, in particular, see development as economic empowerment and are under the erroneous assumption that women's needs are identical to those of men and they respond similarly to create opportunities.

Whilst these models have shifted slightly to include the role of women in development, the emphasis remains on economic empowerment to the exclusion of social and political 'empowerment'. These models were designed to enable women to provide more effectively for their families' most fundamental needs by easing women's work burdens, enabling them to become more independent economically and to participate more actively in community affairs. While the basic needs approach attempts to alleviate familiar hardships, and has adopted a 'woman-centred' approach to development, it too buys into economic determinism. It ignores the issues of violence within communities and women's continued socio-political oppression. More importantly, the basic needs approach does not address the feminisation of poverty and maintains women's social standing as 'domestic workers' within the community domain.

In his address to the IDS International Workshop on Rule of Law and Development, Franz von Benda-Beckman refers to the new law and development movement:

> Its primary concern is instrumental use of legislation or other forms of legal regulation for redesigning political, economic and social institutions in order to engineer economic change. Law is an essential instrument, because law lays down blueprints for social, economic and political organisation; and at the same time provides the legitimisation of these organisational forms. It is especially important when the existing structure of rights, of legitimate positions of social, economic and political power is to be changed. So law is seen [as] an important causal force. One expects that the behaviour of people will follow the new legal blueprint, and by doing so contribute to new economical and social conditions (2000:2).

The role of violence in women's lives is peripheral to both macro- and micro-development strategies. Concepts such as social inequality, access, empowerment and gendered impact are repeatedly referred to but rarely put into practise. Baden (1998:8) explains that, “gender inequality and poverty ... are the result of distinct though interlocking, social relations and process,” and that “women's experience of poverty is mediated by social relations of gender”. She states that the weakness of state interventions, such as legal and policy reform, is attributed to the persistence of traditional roles and expectations of men and women which often undermine the rules and regulations set out to ensure equality.

The developmental and gender-based violence debates disciplines require a radical shift towards a model of gender empowerment which provides women with the opportunities to participate in male-dominated social, political and economic structures and one that sees women as agents in social change, rather than as passive recipients. Development in South African policy documents such as Growth, Employment And Redistribution (GEAR), the White Paper on Welfare and even the National Crime Prevention Strategy are defined narrowly in terms of economic growth and job creation. In order for development for women to be realised, it is crucial that power imbalances of both race and gender are addressed.

An example of the exclusion of real indicators of gender equality in government programmes is the macro-economic strategy of the South African Department of Finances, GEAR. In a report submitted to the Parliamentary Committee on the Improvement of the Quality of Life and Status of Women (1998), the Department of Finance stated that:[2]

> GEAR is the government's strategy for rebuilding and restructuring the economy in line with the goals set in the Reconstruction and Development Programme (RDP). The strategy aims to achieve rapid economic growth which is employment generating, income redistribution, access for all to health, education and other services and a safe and secure environment. This provides a framework within which poverty can be attacked and gender based inequality reduced in a context of sustainable growth.

The document, however, does not provide indicators or indexes for development and does not see violence as an obstacle for the development for South African society. Economic development programmes such as GEAR, fail to consider the role of violence as an inhibitor to sustainable growth and development within local communities. The current socio-economic status of women in South African areas, however, provides an important indicator of the ways in which the government prioritises its resources and more importantly, reflects its commitment to transformation and reconstruction. Nonetheless, by discounting gender-related indicators in national economic development strategies, the development of South African women cannot be adequately measured or realised.

4.2.4.1 New Approach to Violence and Development

Development practitioners such as Sen and Grown (1997) maintain that development is not possible without greater equity for, and participation by women. In practice, this means 'mainstreaming' gender into all government activities, instead of seeing gender as a separate component of the transitional state. In other words women's development should be seen as a fundamental development issue instead of a women's issue as such. They further argue that without redressing violence against women in development policies and initiatives, women will continue to be negatively affected by development strategies.

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[2] The South African Ministry of Finance's Report was presented to the Committee at a public hearing hosted by the Committee on 17 March 1998. The hearings focused on the impact of the government's macro-economic policy, budgetary reform and the budget on women in terms of their gendered roles and as the majority of the poor in South Africa.

Pandy et al (1997) argue that the development approach most suited to the conditions which South African women experience appears to be the women and development approach. The approach aims to create sustainable development that stresses empowerment and self-reliance. It argues for development designs that fit specific contexts and provides the groundwork for women to affect policy changes to serve the interest of women. The women and development approach stresses the importance of understanding unequal power relations between men and women and the extent to which violence in women's lives acts to impede development (Pandy et al 1997).

The goals of this approach include improving the standard of living for women, creating greater access to employment and education and breaking down barriers to government services (Friedman 1991). It further concentrates on the advancement of women in social, economic and political spheres by challenging the patriarchal architecture of these domains.

This approach emerges as the most appropriate for the Southern African context because the issues blocking access to justice for Southern African women are more complex than those set out in development approaches aimed primarily at economic empowerment. The more abstruse problems of alcoholism, issues related to culture and kinship, lack of access to education due to pregnancy and familial pressures, inadequate transport and women's traditional roles in communities, are recognised as contributors to violence against women and thus impediments to women's development.

Research in the rural Southern Cape, South Africa (Artz 1999) finds that access to justice for rural women (who experienced violence) is limited less by traditional factors and more by developmental ones that include:

- Limited access to state and private health, welfare and justice services results in systemic discrimination by the state in almost every area of rural women's lives.
- Women in rural areas lack nearby services, including development services.
- Distances to basic public services are great. This makes access to child care services, such as immunisation, difficult.
- There are no or limited public transport or taxi services and these are usually expensive.
- Transport cost decreases a woman's ability to leave violent situations or even seek information or assistance to deal with the problem.
- Women in small communities fear community gossip or alienation from their communities if they seek assistance.
- Women in rural areas have little option but to remain in the home with the offender because there are no safe houses or shelters.
- Women remain powerless to control alcoholism in their communities.
- Rural women remain in abusive relationships because they have little access to economic resources.
- The combined effects of poverty and violence for rural women in the Southern Cape create formidable barriers to women's equality, mental and physical health, and their full participation in civil society.

Ramphele (1990) found similar problems in her research on brick-making cooperatives in rural

Transvaal, concluding that central to the problem of women's development is the question of power. Inadequate attention to power relationships within social structures impoverishes development efforts. The studies illustrate that the combination of poverty, poor access to state services and facilities, underemployment and under-education places an enormous burden on women's potential for independence and development. It plays a significant role in the lacework of South African women's oppression and their risk to violence.

In addition to the lack of attention to violence against women as an obstacle to development, there is a critical gap in information relating to the cost of violence against women for economic, legal and social structures. The costs of violence against women, and specifically domestic violence in South Africa have, due to ineffective documentation of these incidents by health and criminal justice sectors, never been calculated. Even with loose indicators of the frequency and extent of violence against women, it can be seen that violence against women has a staggering economic impact on health, welfare, policing and justice resources. Despite the awareness that the costs of violence against women are great, there have been no systematic attempts to quantify such costs.

The costs of violence are private and public, covered by women and their families (such as for medical care, accommodation, travel, direct income, child care, serious injury, loss of property and non-monetary costs such as psychological stress and suffering), as well as their communities, non-governmental organisations and the state. More specifically, health costs to the state include doctors, nurses, emergency wards, clinics and mental health services. Justice costs include the police, courts and correctional service; and in the social services sector costs include welfare, housing and childcare. Employers also pay for violence against women in the form of higher absenteeism and lower productivity. With the high incidence of HIV and AIDS in Southern Africa these costs could increase drastically as women who are abused are more at risk to contract HIV than other women. Abused women are less likely to have the power to negotiate safe sex with a partner.

A growing body of research has emerged in recent years supporting the fact that the mental and physical consequences of violence against women places a burden on both health care and economic systems. In addition to the costs of trauma on women, women may experience one to five year “loss of life” due to violence in developing countries (World Bank 1997).

Another study undertaken by the Health Maintenance Organisation (HMO) found that women who had been raped or beaten had medical costs that are two and a half times higher than those women who were not victimised (Heise et al 1994). A similar study by Feletti found that among women enrolled in HMO plans, 22% of those who had a history of abuse or rape had visited a physician ten or more times a year (Feletti 1991 in Heise et al 1994). Other studies in Mexico, Papua New Guinea, India and Ethiopia found that women also learned to restrict their movements and behaviour (including the collection of firewood, water and food), as well as their participation in development projects because of the threat or fear of violence (Heise et al. 1994). These examples, which are far from isolated, illustrate the largely unrecognised effects that violence against women can have on women's functional abilities and social development.

Until the state undertakes to document violence against women more accurately, researchers can only begin to estimate these costs based on a series of assumptions. There are serious limitations in these estimates. Violence against women is under-reported, prenatal damage caused by the abuse of pregnant women is difficult to quantify, long-term consequences such as intergenerational transfers of violent behaviour cannot be accurately estimated, and private costs to women cannot be captured (Kerr and McLean 1996). Excess costs incurred by the state may include costs for medication, psychological intervention and undetected violence (such as poor treatment or referrals based on levels of disclosure provided by the victim about the violence to medical professionals as opposed to being based on the appropriate detection of violence) (Jacobs 1998).

It is important to consider Young's (1988) conceptual distinction between the condition and the position of women. The condition of women relates to their material state in terms of aspects such as education, access to credit, technology, health status and legal status. The position of women refers to more intangible factors inherent in the social relations of power between men and women. The position of women approach to understanding women's development provides a more pragmatic platform from which to speak of women's obstacles to development and reconstructs the scaffolding from which to assess the position of women. The women and development position must recognise the differential impact of measures on women and men according to their diverse life situations (including factors such as race, sexual orientation, disability and social class); the historical and current social context creating and sustaining inequality.