

Legal Framework Namibia

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1. Legal Framework Namibia - In order to compact GBV in Namibia, the Namibian judiciary established Fast Tack Courts to handle GBV cases. How many courts has been established?
 - **Namibia has established its first-ever specialised Gender-Based-Violence court at the Katutura Magistrates' Court.**
2. Legal Framework Namibia -In which two provinces are the Fast Track Courts for GBV based?
 - **It would appear only 1 specialised Gender-Based-Violence court has been established at the Katutura Magistrates' Court.**
3. Legal Framework Namibia-In order to receive free medical treatment GBV victims need to report their case to the Namibian Police.
 - **Once at the Women and Child Protection Unit (WACPU) / Gender-Based Violence Investigation Unit (GBVIU), survivors are given the opportunity to meet with a WACPU Police Officer to give a sworn statement of the event and are advised about possibilities of opening a police docket for investigation, or beginning the process of applying for a protection order. Survivors are also able to begin accessing social and health services at the WACPU centres.**
 - **Before seeking health services, victims are expected to first report cases of GBV to the police or the (WACPU) / (GBVIU) where they are provided with a medico-legal examination form and referred to the relevant health provider. A GBV survivor is apparently not able to receive health care by state practitioners without producing this form from the police.**
4. Legal Framework Namibia-The Anti-Gender-Based-Committee established the Anti-Gender-Based-Violence-Act to provide the protection of victims of GBV.
 - **There is the Standing Committee on Gender Equality, Social Development & Family Affairs.**
 - **There is the Combating of Domestic Violence Act 4 of 2003 and the Combating of Rape Act of 2000 to address GBV.**

5. Legal Framework Namibia-What act defines GBV as "any physical, mental, social or economic abuse against a person because of that persons gender?
 - **In Namibia, Combating of Domestic Violence Act 4 of 2003 provides for a definition of GBV that includes physical abuse, sexual abuse, economic abuse, intimidation, harassment and serious emotional, verbal or psychological abuse in a variety of relationship categories.**

6. Legal Framework Namibia-What does the Anti-Gender-Based -Violence Act no 1 of 2011 specifically provide for?
 - **The Combating of Domestic Violence Act 4 of 2003 in Namibia provides several important protections and remedies for victims of domestic violence. Some key provisions of the act include:**
 - **Protection Orders;**
 - **Reporting Obligations; and**
 - **Criminal Offenses.**

7. Legal Framework Namibia-In addition to the Anti-Gender based violence Act 1 of 2011 the Namibian government has reviewed several laws such as the Pernal Code and the National Gender Policy 2014 to increase protection of women and children who suffered from sexual violence.
 - **The are the following Acts:**
 - **Combating of Rape Act 8 of 2000;**
 - **Combating of Domestic Violence Act 4 of 2003;**
 - **Child Care and Protection Act 3 of 2015; and**
 - **Criminal Procedure Act 51 of 1977.**

8. Legal Framework Namibia-To make the process for GBV victims easier, One-Stop-Centres(OSCs) were established in Namibia. What kind of services do these centres provide?
 - **Namibia has established Woman and Child Protection Units (WCPUs) / Gender-Based Violence Investigation Unit (GBVIU) which are specialised police centres.**
 - **WCPUs / GBVIU provides a coordinated multi-sectoral approach to detecting, investigating and preventing gender-based violence (GBV) in Namibia.**
 - **Each Unit is intended to provide victim-friendly services that give survivors of GBV access to the services of a police officer who will investigate their case and take statements, a medical doctor who will examine them after they have been assaulted to collect forensic evidence and treat their injuries, and a social worker to provide counselling and support.**

9. Legal Framework Namibia-How many OSC-Centres have been established in Namibia?
 - **There are 17 WCPUs in 13 different regions of Namibia.**

10. Legal Framework Namibia-What are the key priorities the Namibian Ministry of Gender has outlined to promote zero tolerance against GBV?
 - **There is the Ministry of Gender Equality Poverty Eradication and Social Welfare.**

- **Its mandate is to advance gender equality and socio-economic development of women and men and the well-being of children in Namibia. In line with this mandate, it has established a national coordination mechanism for gender equality and women empowerment that oversees the coordination, monitoring (implementation) and evaluation of the National Gender Policy and National Gender Plan of Action 2010 - 2020 (NGPA) and the accompanying National Plan of Action on Gender Based Violence (NPAGBV).**
- **Some key priorities include:**
 - **reduced GBV as a result of prevention initiatives;**
 - **improved services for survivors of GBV;**
 - **increased understanding of GBV in Namibia;**
 - **more efficient interventions as a result of improved coordination and monitoring;**
 - **Conduct national campaigns and initiatives aimed at preventing gender-based violence;**
 - **Refine and improve the relevant legal and policy framework;**
 - **Improve and expand data collection mechanisms to improve availability of data to inform effective programming and monitoring; and**
 - **strengthening and expanding social protection services.**

11. **Legal Framework Namibia-**In an effort to curb GBV in Namibia, the country's government has implemented a 2030 Vision plan to focus on social and economic empowerment of women. In addition, GBV is listed as a binding constraint to social-economic transformation and national development in the 7th National Development Plan.

- **Namibia has published the Namibia Vision 2030 and its 5th National Development Plan with gender equality as a key priority.**
- **Namibia's Ministry of Gender Equality, Poverty Eradication and Social Welfare has also published its Strategic Plan 2020-2025 with a focus on GBV and women empowerment.**

12. **Legal Framework Namibia-** What concrete actions have been taken to provide adequate protection and accountability mechanisms for victims at risk GBV?

- **Publication of the Prioritised National Plan of Action on Gender Based Violence 2019-2023 and the Namibia National Action Plan On Women Peace And Security 2019-2024**
- **Legal reform: Introduction of Combating of Rape Act and the Combating of Domestic Violence Act.**
- **Trained Police Units: Establishment of Women and Child Protection Unit (WACPU) / Gender-Based Violence Investigation Unit (GBVIU).**
- **Specialized Courts: The government has established specialized Court to handle GBV cases.**

13. Legal Framework Namibia-What are the persisting challenges and gaps in eliminating GBV in Namibia?

- **Historical economic injustices resulting in enduring poverty among women;**
- **Education;**
- **Underreporting;**
- **Inadequate Response;**
- **Resource Constraints;**
- **Socio-Cultural Factors and Gender Norms; and**
- **Alcohol Consumption.**

14. Legal Framework Namibia-What are the core functions of the Ministry of Gender in Namibia?

- **The mandate of the Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPEWSW) is established to create and promote sustainable socio-economic development opportunities for the attainment of gender equality and well-being of children. This Ministry is further required to ensure gender equality and equitable socio-economic development of women and men and the wellbeing of children.**

15. Legal Framework Namibia-What measures have been implemented by the Namibian Ministry of Gender to ensure equality in children?

- **Policy Development aimed at enhancing the well-being of children and elderly people, ensuring equality and women's empowerment, as well as uplifting marginalised communities and people with disabilities.**
- **Strengthening and expanding social protection services, improving children's well-being through effective policy and legislative frameworks, programme implementation, integration of management systems to enhance programming and efficient service provision.**
- **Commitment to the promotion of children's well-being, protection of targeted communities' and reduction of GBV cases, poverty, and inequality.**
- **Develop programmes to protect livelihoods of targeted communities, welfare of children and to reduce GBV cases, poverty, and inequality.**
- **Establishment of Woman and Child Protection Unit.**
- **Provide school-going youth with a comprehensive orientation to gender based violence issues as part of the official school curriculum, starting from pre-school.**
- **Gender-based violence incorporated into school curriculum.**

16. Legal Framework Namibia-It is estimated that 47% of Namibian women have experienced gender-based violence at least once in their lifetimes.

- **The Namibia Demographic Health Survey (2013) indicates that 33 % of ever married women aged 15-49 years have experienced physical, sexual, and/or emotional violence from their partner. Thirty 32% of adolescent girls aged 15-19 and 35% of young girls aged 20-24 have experienced physical violence from a partner.**

17. Legal Framework Namibia- Which topic(s) has been added to the Section 3 (1) of the Anti-GBV-Act (Abuse of cultural/customary rights and practices)?
18. Legal Framework Namibia- What is the minimum sentence for perpetrators of sexual offence in Namibia?
- **In Namibia, the minimum sentence for perpetrators of sexual offenses varies depending on the specific offense and the circumstances of the case.**
 - **One example is that the Combating of Rape Act in Namibia provides for the minimum sentence for a first offence is five, ten or fifteen years and depending on the circumstances of the rape.**
19. "Legal Framework Namibia-In order to address challenges experienced on issues of violence and harassment against women and girls, the Namibian Ministry of Gender will continue to play the following roles:
- **Advance the principle of zero-tolerance for gender-based violence at all levels.**
 - **Reduce the prevalence of gender-based violence and increase protection for women and girls.**
 - **Continue with law and policy reforms prohibiting all forms of gender based violence and sexual exploitation in homes, work places, schools and communities, and increase implementation and enforcement efforts under existing legislation.**
 - **Monitor legislation to ensure its effectiveness in eliminating violence against women and children, particularly with respect to the Combating of Domestic Violence Act and the Combating of Rape Act.**
 - **Ensure that perpetrators of gender-based violence and sexual exploitation, including domestic violence, stalking, femicide, sexual harassment and rape, are adequately and fairly prosecuted and tried by a court of competent jurisdiction.**
 - **Increase the number of shelters and places of safety and ensure that adequate support services are provided, such as medical, psychological, free counselling and legal support for women and children who have been subjected to violence, in order to enable them to recover and live normal life.**
 - **Support WCPUs / GBVIU with adequate funding to facilitate their work, and provide appropriate training to enable them to attend to GBV cases with compassion and professionally. Ensure that WCPUs/ GBVIU are welcoming places for women and children.**
 - **Raise awareness of women's right to be protected from violence and sexual exploitation through education and awareness campaigns.**
 - **Strengthen data-collection mechanisms to improve availability and access to data for purposes of effective programming and monitoring of all types of GBV.**
20. Legal Framework Namibia-What challenge(s) does the Namibian Ministry of Gender face in enabling to execute the activities to prevent/reduce GBV?
- **Limited resources;**
 - **Coordination and collaboration;**
 - **Cultural and traditional beliefs;**

- **Data collection and monitoring; and**
- **Legal and policy gaps.**

21. Legal Framework Namibia- What challenge(s) do the victims of GBV face?

- **Women's financial dependence on men exacerbates abuse by discouraging reporting.**
- **General social acceptance of violence against women is still high which encourage perpetrators and hinder efforts to prevent and redress the problem.**
- **Traditional culture can represent a significant hurdle to eliminating GBV.**
- **Inadequate service provisions and are insufficient to allow for a prompt and thorough response to allegations of GBV, particularly in rural areas.**
- **WCPUs / GBVIU have limited capacity to provide an adequate response, and there is an absence of standard operating procedures to ensure that victims of violence are provided with integrated services.**
- **Inadequate coordination and communication among key role-players from different ministries and other stakeholders**

22. Legal Framework Namibia-What are the law enforcement agencies doing to assist in the prevention of GBV in Namibia?

- **Some of the initiatives and actions include:**
 - **Specialized GBV Units – investigation and prosecution;**
 - **Integrated services to respond more sensibly and more effectively to cases of GBV;**
 - **Victim Support; and**
 - **Education and Awareness Campaigns and Community Engagement.**

23. Legal Framework Namibia-In order to spearhead community response to GBV issues, the Namibian Ministry of Gender has been establishing District GBV-Taskforces across the country as part of the District Development Coordinating Committees (DDCCS).

- **There are the Establishment of Women and Child Protection Unit (WACPU) / Gender-Based Violence Investigation Unit (GBVIU).**

24. Legal Framework Namibia-How many GBV-Taskforces have been established across Namibia?

- **There are 17 Gender-based Violence Protection Unitz.**