

August 11, 2009

CSW Communications Procedure
Women's Rights Section / Division for the Advancement of Women
Department of Economic and Social Affairs, United Nations
DC2, 12th Floor, New York, NY 10017

Dear Sir or Madam,

Violence against women is one of the most serious forms of human rights violations. It deprives women of their ability to enjoy fundamental freedoms and represents a serious obstacle to equality between women and men. Gender-based violence is of serious concern in sub-Saharan Africa as a whole. World attention has been drawn to heinous crimes against civilian women by militant forces in the Democratic Republic of Congo and the Sudan, among others. Namibia does not often receive this same level of attention, as it is, relative to many of its neighbors, a politically stable country with functional rule of law.

Over the past ten years, Namibia has made strides in terms of the law regarding women's rights and protection. Parliament enacted one of the most progressive rape laws in the world in 2000 with the Combating of Rape Act, and in 2003 it passed the Combating of Domestic Violence Act. Significant gaps, however, remain in terms of the implementation of these laws, and so domestic violence remains a serious threat to women's well-being in Namibia.

Namibia has alarmingly high rates of physical and sexual violence against women. According to the Eighth UN Survey of Crime and Criminal Justice Systems (2001-2002), Namibia had the third-highest rate of reported rapes out of 53 countries responding to the survey. Rape is primarily a domestic crime; Namibia's Legal Assistance Centre has reported that over two-thirds of rapes are committed by someone known to the victim, including family members and intimate partners. Likewise, domestic violence occurs often in Namibian society. The WHO Multi-Country Study on Women's Health and Domestic Violence against Women of 2005 showed that fully one-third (36%) of women in Windhoek who had ever been in a relationship had experienced either physical or sexual violence, or both, at the hands of a partner. Even more alarmingly, these crime rates have been steadily rising. At the June 2007 National Conference on Gender-Based Violence in Windhoek, for example, it was noted that there were 50 rapes per 100,000 of the population in 2002, while current estimates stood at 60 rapes per 100,000.

For women affected by domestic violence, fear often serves as a control mechanism that inhibits escape and blocks potential avenues for help. When domestic violence aggressors possess firearms, this mechanism is exacerbated considerably. Many people do not realise that the greatest threat of gun violence to women around the world is not on the streets, or battlefield, but in their own home. Women are three times more likely to die violently if there is a gun in the house, yet they are statistically a small fraction of the owners of such weapons.

When a woman is killed in the home, it is her partner or male relative who is most likely to be the murderer, often with a prior record of domestic abuse. Gun violence can be part of the cycle

of intimidation and aggression that many women experience from an intimate partner. For every woman killed or physically injured by firearms, many more are threatened.

Breaking the Wall of Silence (BWS), a Namibian NGO that leads civil-society efforts against gun violence nation-wide, recently launched the Disarm Domestic Violence campaign in partnership with the International Action Network on Small Arms. As part of the campaign it is conducting interviews with survivors of domestic abuse involving guns. One such story is presented here to illustrate the problem:

Mr. Erastus Nekuta met BWS staff to talk about his niece, Selma Shaimemanya, who was shot and killed by her abusive husband, Lazarus Shaduka, on July 13, 2008. Shaduka started abusing her immediately after the marriage and the situation deteriorated quickly. He often threatened to kill her. Despite intervention by various family members, the abuse did not stop. At one point, after he had threatened her with his gun, she went to the police to get a protection order. However, she was pressured to withdraw her application by Shaduka's family, and so she did not go through with the order. The police confiscated his gun when she took out the order but he was able to retrieve it immediately after the case was withdrawn. Soon after that, just one year after the wedding, he killed her with it, shooting her in the presence of their 8-month-old daughter. She was 33. Later on he drove the body to a clinic and claimed that Selma had committed suicide, but it was clear to police from the scene at the house that he had murdered her. He is still waiting for trial.

This story is unfortunately not an unusual one. One study referenced in the 2000-2001 Human Development Report for Namibia showed that 58% of women experiencing domestic physical violence have been threatened with a "dangerous object" (p 96). Statistics on domestic violence murder cases are not easy to find in Namibia, but newspapers have reported the murders of at least 9 women by their partners since January 2008. Besides Selma, these include the murder of Paulina Kenamuni and her mother, Elfrieda Kenamuni, by Paulina's boyfriend Julius "Namab" Dausab on June 3, 2009. Paulina had left Namab because he was abusing her, but he had convinced her and her family that the violence would stop, and so they reconciled. That same night, he shot and killed her and her mother with a hunting rifle. He shot Elfrieda through a locked door. It is unlikely that he would have been able to kill her without a gun.

Of course, guns are involved in abusive situations long before there is an actual murder. In another interview, "Nora" (her name has been changed to protect her, as she is still in danger), whose husband beats her in front of their two young sons and has threatened to kill her repeatedly, reveals how a gun can be used to instill fear into a victim:

...[H]e grabbed a gun and then he pointed the gun in my face and then he said that we have to leave.... When we drove off my sister called the cops. By the time the cops arrived we [had] passed the road blocks.... and while we were on our way, he stopped the car and then he dragged me out of the car and then he pointed the gun to me and said he was going to kill me while the little boys were watching – they were also present in the car.... I had to run and he was running after me but luckily he didn't shoot me.... There were lot of events where he was using the gun, not shooting me, but he was threatening to kill me. So I don't know when the day is gonna come that he is actually gonna do it.... [H]e's very aggressive, sometimes I think he's gonna lose it, he's gonna do it.... In most

cases when you read the newspapers, when you hear people talking, you hear that they first talk about it – they're gonna do it, they're gonna do it – and at the end, they finally [do] it, so I think it's gonna happen, soon if I don't take action against it and if I don't seek for help.... then it might be too late for me.

The Disarm Domestic Violence campaign is the first international campaign to protect women from gun violence in the home. The main goal is to ensure that anyone with a history of domestic abuse is denied access to a firearm, and have their license revoked. The law can help. Australia, Canada, South Africa and Trinidad & Tobago are among the handful of countries that have harmonised their legal frameworks on gun licensing and on domestic violence. This means the gun law prohibits ownership by domestic violence offenders, and the domestic violence law requires the removal of guns. In addition to strengthening gun control legislation, domestic violence legislation may include prohibitions against perpetrators of domestic violence from purchasing or possessing a firearm when it poses a threat to the victim.

In fact, such a prohibition is included in the 1996 United Nations recommendations of the Special Rapporteur on Violence Against Women for legislation on domestic violence. In 2008, an Expert Group organized by the United Nations Division for the Advancement of Women recommended that prohibiting the purchase of a firearm be included in protection orders for victims of domestic violence.

Namibia has started to implement measures to protect women from violence and to create avenues to report domestic violence. However much more needs to be done to raise awareness of armed domestic violence and to remove guns from perpetrators of domestic violence. The Arms and Ammunition Act of 1996 should be amended to require that weapons be taken not only from convicted abusers, but those with a protection order against them. Likewise, the Combating of Domestic Violence Act should be amended; currently, section 23 allows for police seizures of weapons upon responding to a call, but does not require it. This loophole should be closed. In addition, police should be required to consult the spouse or former spouse before approving a gun license application. This is crucial because in many cases, the man who kills a woman has previously threatened or committed violence, without coming to the notice of police.

Thank you for this opportunity to call to your attention some of the ways women's rights and security are being threatened in Namibia. With your help Namibian women can be safer, healthier, and more free.

Yours faithfully,

Pauline Dempers
National Coordinator
Breaking the Wall of Silence
PO Box 40587
Ausspannplatz, Windhoek, Namibia
+264 61 256227
paulinedempers@yahoo.com