

Violence is not our culture



**Women
claiming
their
rights
in
Caprivi
Region**

**Women's
Leadership
Centre**

About the Women's Leadership Centre

The Women's Leadership Centre is a feminist organisation based in Windhoek, Namibia. Our core activity is supporting and publishing women's writing as a form of resistance, with the aim of developing feminist activism in Namibia. We envision a society in which all women actively engage in shaping the politics, practices and values of both public and private spaces.

In 2005 the Women's Leadership Centre started the Caprivi for Women's Rights Project, training women and young women on their human rights and providing them with research skills in order to interrogate their cultures on issues of gender inequality and violence against women. The contents of this booklet are based on field research conducted by the Women's Leadership Centre with women and girls across the region over the past six years.

We thank the Caprivi Regional Governor as well as the Mafwe, Mashi, Masubia and Mayeyi Traditional Authorities for their support for this project.

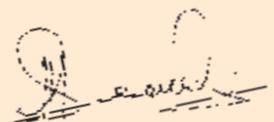
Message from the Caprivi Regional Governor

All human beings are born free and equal in dignity and rights. Yet the dignity and rights of women, young women and girls in our region are violated in many ways, in particular through harmful cultural practices still prevalent in some of our communities.

The time has come to break the silences and taboos on all forms of violence perpetrated in the name of culture. All forms and acts of violence against women, young women and girls must be brought to light, and the survivors must be fully supported to access justice according to the laws of our state.

The whole region must engage in dialogue on these issues in order to change discriminatory customary laws, stop harmful cultural practices and build a new culture of true respect based on full equality between women and men.

Leonard Mwilima



About this booklet

This booklet is written from the perspectives of those who are on the margins of our society: poor women, rural women and young women who are affected by and living with HIV and Aids in the Caprivi Region. It is based on the life experiences of many young women and women from various parts of this region, and aims to strengthen their voice and engagement with policy makers on violence perpetrated against women, young women and girls in the name of culture.

We thank the women and girls who courageously broke the silence and taboos to share their stories, as well as the women who collected their stories. We believe that their voices must urgently be heard!

The aims of this booklet are:

- To create awareness on violence committed in the name of culture (harmful cultural practices)
- To educate individuals and communities on women's human rights and the laws that protect them against harmful cultural practices and violence
- To strengthen women's voices and participation in policy making around culture and women's rights
- To make policy recommendations by women on urgent actions needed to protect women and girls from harmful cultural practices
- To advocate and lobby for the full implementation of women's human rights in the Caprivi Region.

This booklet is written for everyone in the Caprivi Region: women and young women, young men and men, traditional and community leaders, local and regional government leaders, church leaders, health care providers, traditional healers, law enforcement officers, members of community groups and civil society organisations, parents, teachers, social workers and youth workers.



The role of culture in perpetrating violence against women

What is culture?

We understand culture as the product of human imagination and creativity, through which we shape and give meaning to the practices of our everyday lives in relation to our physical environment. Through culture we define our relationships to one another as people - in families, communities and society. Culture is dynamic and evolving; it is shaped differently in each ethnic group, and changes through struggles over power and resources between different groups of people within communities, as well as through contact with other ethnic groups and environments.

The oppression of women through culture

Within each ethnic group, norms and rules are developed that regulate the way people relate to one another. It is often men who make and enforce these rules, for example as traditional leaders, officials in traditional courts and heads of households. And it is often the interests of men that are served by these norms and rules, for example regarding the ownership of property, or the right to marry more than one wife, while women may not marry more than one husband and often cannot own land or other property in their own name.

The Namibian Constitution and many other laws guarantee equal human rights to all our citizens, such as the right to equality between women and men in the family and before the law. However, in many ethnic groups in our country, cultural norms and practices are used to treat women as inferior to men, and give men power over girls and women as fathers, uncles, husbands and traditional leaders. Boys are raised to become leaders, to dominate and assert power in their relationships with girls and women, while girls are raised to become submissive and obedient wives. This unequal power relationship between men and women is the basis for violence against women, young women and girls. It gives men the “right” to beat and abuse women who make their own choices and assert their rights.



Violence in the name of culture

Namibia has passed laws to combat domestic violence and rape, and many women are now accessing justice through these laws when their rights have been violated. However, as long as there is inequality between women and men, with men being allowed to assert power and control over women, all forms of violence against women will continue.

At the same time, there are still many hidden forms of violence in various cultural practices that women and girls are forced to endure in silence. In some Caprivi communities, the initiation practice *sikenge* is used to teach girls to become submissive and obedient wives to their future husbands, polygamy gives men power and control over many women, and *lobola* can trap some women in unhappy and violent marriages. These are just three examples of the many harmful cultural practices discussed in this booklet.

Women themselves may perpetrate harmful cultural practices on the younger women in their families. This gives them status in communities ruled by men in the interests of men. The human rights of women do not feature in these practices, although girls are raised to believe in them. However, there is also resistance, especially among younger women, against many of these practices, showing that culture is not fixed but can change as women emerge from the private spaces of the family into the public arena to claim their rights as equal citizens and human beings.

Culture can deny women their sexual and reproductive rights

All people, including women, young women and girls have the right to **dignity**, which means to be treated with respect as individuals, and to be free from torture, humiliating and degrading treatment. They have the right to **bodily integrity**, which means to protect their bodies from harm. They have the right to the best possible state of health and well-being, including freedom from sexual violence, HIV and Aids. They have the right to **sexual and reproductive autonomy and choice**, which means to freely and independently choose when and with whom they want to engage with sexually, to choose their partner in marriage or stay single, and to choose whether and when to have children.



Cultural practices that violate the rights of girls and women in Caprivi Region

In the following we describe harmful cultural practices reported by some young women and women living in various communities in the Caprivi Region. We are well aware that these practices are not experienced by all women living in the region, and that they are not practised in all communities. However, even if only a small number of women and girls are subjected to these practices in a few communities, this is reason enough to raise awareness and find ways to provide redress for survivors of these practices and prevent further violence against women and girls.

The project of the women and young women who speak out through this booklet is to re-shape and transform their cultures to create more equal and mutually respectful relations between women and men, and to build communities that respect, protect and fulfil the human rights of all their members.

Subordination of women through beating

Some cultural and religious teachings support men's control over women and justify women's subordinate position in society.

In our culture a man has the right to discipline his wife by beating her.

Our culture says that men are superior to women. Even the bible says that no woman can be equal to a man.

When I told my husband that I am HIV positive he beat me and chased me away from our home.

Paying lobola allows a man to beat his wife or mistreat her. This is because it is like she was bought and she has no right to complain. If she runs to her parents or the Kwakuta she will be brought back to her husband.

Even traditional leaders sometimes beat their wives.



Physical violence in the family (beating, slapping, kicking) is usually perpetrated by men against women and children, and is a serious violation of their human rights. Gender inequality is the major cause of violence against women, as it gives men power over women. Many forms of domestic violence, including physical, economic and emotional abuse, can be the basis for protection orders under the Combating of Domestic Violence Act.

What needs to be done?

- All communities should be made aware of the protections and provisions against violence in the Combating of Domestic Violence Act and the Combating of Rape Act.
- The state should review the implementation of these Acts in order to make them accessible to rural women.
- Traditional leaders, community leaders, teachers, religious leaders and civil society should speak out against violence against women, and assist women who are being battered.
- Traditional leaders, community leaders, teachers, religious leaders and civil society should promote awareness of women's rights and challenge the gender norms that give men power over women.

Coerced initiation into 'womanhood' - *Sikenge*

In some communities, the initiation ritual for girls and young women – called *sikenge* – commences with their first menstruation, and serves to teach them to accept their gender role as wives and daughters-in-law who are submissive and obedient to their elders, their future husbands and their in-laws.

Violence and humiliation enforce submission and obedience

The training was a hard time for me because every woman there beat me when I did something wrong.

During sikenge, I was beaten by old women taking their revenge, saying that I have never respected them.



When a girl begins to menstruate, she is often isolated from the community in order to be initiated into ‘womanhood’. During the initiation period, *sikenge*, she is taught to ‘respect’ her elders as well as her future husband and his family members at all times, regardless of how disrespectfully or abusively they may treat her. Girls are taught this kind of ‘respect’ by their grandmothers and other women, who give them many tasks to do under strict supervision, which must be completed to their satisfaction and without any complaint. The girls may be humiliated and beaten to enforce obedience and submission to their elders.

A good woman is thus seen as one who is submissive and endures all forms of abuse in silence.

Isolating and humiliating girls are forms of emotional violence, while beating is physical violence. No-one has to accept violence in silence. If you are suffering from abuse you can seek help. You could speak to a friend, pastor, teacher, social worker or police officer.

Preparation for sex and sexual readiness testing - *Kutamunwa*

During *sikenge* in some communities, girls and young women are also taught by the older women how to “dance” – to move their bodies during sex in order to please a male partner.

They will train you in many things, some of which you will not accept to do because you are shy. They want you to dance while they are looking at you and you have to show them how to dance when you are sleeping with a man. So that time was not good. It’s like an insult.

After sikenge, my grandmother told my uncle to test me and see if I was a woman, so he told me to have sex with him. He then went to my grandmother and told her that I knew everything in bed and so I should just get married. I feel bad whenever I think that I had sex with my uncle because I never knew whether he was HIV positive or not.

Sometimes the testing is done without the knowledge of the girl or young woman, through the practice of *mulaleka* – having sex with a person who is in a dream state, drugged or through witchcraft

My grandfather came to visit. We prepared a place for him to sleep, and he was the last to go to bed. Then he woke me up and came to me in the form of



mulaleka. *I had visions of him naked and having medicine with him. While my grandfather was the one having sex with me it felt as if it was my boyfriend whom I was engaging in sex with. The next morning he told me what he had done to me, saying that he was just testing me as to whether I am a good woman.*

I was told that I can never refuse sex with my husband. Our bodies are always available for men.

Preparing girls for sexual intercourse and marriage at the time of their first menstruation is no longer appropriate in our society today, which aims to promote access to secondary and tertiary education for young women, and to delay the age of sexual début due to the high risk of contracting HIV and Aids. The legal age of consent to sex is 16 years in Namibia, and the legal age for consent to marriage is 18 years. Anyone who wants to get married under the age of 18 must have permission from her or his parents and from the government.

Sexual readiness testing by grandfathers, uncles or fathers is **incest**, which is a common law crime in Namibia. It is **rape** where a sexual act takes place under coercive circumstances. It is also **rape** where sex takes place between someone under the age of 14 and the other person is more than three years older, even if both people agree to have sex. It is a **sexual offence**, but not necessarily rape, to have sexual contact with someone under the age of 16 when the other person is more than three years older, even if both people agree. Rape is a serious crime and is punishable by a prison sentence that can start at 5, 10 or 15 years.

Many girls become pregnant after sikenge, or are preyed on by men who are looking for virgins to seduce.

Sexual readiness testing also exposes girls and young women to the risks of early and unwanted pregnancy, as well as sexually transmitted diseases including HIV and Aids, and may lead to unsafe abortion. Many girls who leave school due to pregnancy do not return to complete their education. This exposes them to poverty and dependency on men, which can lead to further violence.

Some young women resist *sikenge* by not telling their mothers or grandmothers when they have begun to menstruate, or by keeping out of their reach:



I was away from home to attend secondary school when I started with menstruation, and made sure that I stayed away during the holidays as well so they couldn't catch me and force me to go through sikenge.

What needs to be done?

- Provide information and training to communities about domestic violence and rape, and how some practices can be against the law.
- Provide information and training to teachers, health care workers and civil society organisations about how they can work towards preventing violence associated with *sikenge*.
- Provide information to young women about how they can get help or report situations of coercion and violence if *sikenge* practices violate their rights.

Shaping women's bodies to please men

Cutting and scarring young women's bodies - Kupaza

Another practice that is used to prepare young women for sexual relationships and marriage in some communities is the creating of scars on their back, waist and arms through cutting.

I was cut by my grandmother on my back and my arm. This was to make my back stronger so that even if I have to sleep with an older man, I'll be able to defeat him in moving fast and carrying his weight. The cut on the arm is to make my boyfriend not forget about me wherever he goes, and also to make my body hot.

Some women reported having up to one hundred scars on their backs and around their waists, as well as some on their arms. Girls and young women are taught that these cuts are necessary in order to attract and keep a husband. Herbs are rubbed into the cuts, creating scars that are said to keep boyfriends and husbands sexually interested and therefore faithful to their partners.

This practice changes the skin of a person and, in most cases it was forcing issues without your will...



Any cutting of a young woman's body against her will is a violation of her right to bodily integrity. Further, the use of unhygienic instruments and herbs may lead to infections and the transmission of HIV and Aids.

Drying out the vagina for 'dry sex' - Kuomisa busali

Men prefer women whose vaginas are dry. If a man comes to you and he discovers that your vagina is wet, he will leave you and go for another woman who is dry.

Lubrication (wetness) inside the vagina is a natural process that occurs when a woman is sexually aroused and ready for sexual intercourse. However, girls and young women are taught that they must practice dry sex in order to give pleasure to the man and prevent him from leaving for another woman. Many women agree that having sex with a dry and tight vagina is painful and may lead to sores and infections.

There is a certain medicine that we insert in the vagina. It is like salt and once you put it in the vagina, you will become swollen. They will then tell you that even if you are swollen, you must just leave it because that's how it makes the vagina tight, but somehow it's painful.

Such medicines can lead to sores around the private parts, itchiness and infection. A woman can get cervical cancer or perhaps contract HIV and other STDs.

We once had to take my friend to the hospital after she put a corrosive substance in her vagina.

When we were growing up we were told what to use so that a man could feel good when you have sex. But dry sex is not good. If you are dry and the man tries to enter, he will force himself through and in that way, he can easily tear your vagina and infect you with HIV.

If you are practicing dry sex, he will enjoy it very much but you won't and that's not good.



Drying out the vagina with herbs, stones, salt, baby powder, chemicals, pieces of cloth or in any other way makes sexual penetration painful for women. It is often violent because the man has to use force, and this causes damage to the vagina wall, leading to tearing, bleeding and soreness. The substances used for dry sex can suppress the vagina's natural bacteria. Also, a male condom cannot be used during dry sex, exposing women to sexually transmitted diseases including HIV.

Coerced stretching of the labia minora - *Malebe*

A few years before their first menstruation, girls in some communities are taught to start with the practice of *malebe*, stretching their labia minora - the inner lips covering their vagina. It is usually the grandmothers who supervise this practice, telling the girls that they will not find a husband without having long labia.

I'm 12 years old. I was told by my grandmother that at my age I'm supposed to pull my labia up to the length of my little finger. She gave me some herbs and some sticks to use when pulling my labia. I went into the bush with my friend at sunset. My friend pulled me and I started to pull her. I used three sticks to stretch my labia and my friend did the same. Later we went to the village with those sticks and I slept with them. I did not sleep well because my vagina was swollen. My grandmother encouraged me to continue with the pulling, even though I could not walk properly, but I refused because I could not bear the pain. I feel that the issue of pulling the labia is not good because of the pain that one experiences. It should be banned.

When a man makes love to you, if he sees that your labia are not long, then he will leave you and go to somebody who has something which is long. These things are there to hold the penis of the man and if you don't have them, then you will be considered not to be a woman, but abnormal, and that you won't be sweet. If you don't have long labia you will be sent back to your grandmother for further lessons.



The practices of forced or coerced modification of the bodies of girls, young women and women in order to sexually please men – **scarring, dry sex and stretching of the labia minora** - are not only painful, but can lead to all kinds of infection through the sores and wounds that are created. They may well be among the causes of the high HIV prevalence rate in Caprivi Region which is the highest of all regions in Namibia. In addition, these coerced practices violate girls' and young women's rights to dignity, bodily integrity, physical and mental health and well-being, as well as sexual pleasure.

What needs to be done?

- Teachers, health care workers and civil society should educate communities about the dangers of cutting, stretching of labia minora and dry sex to the physical and mental health and well-being of women and girls.
- Men and boys should be provided with information about women's rights to sexual health and pleasure, as well as with information about the dangers associated with dry sex and sexual modification practices.
- Girls and young women should be provided with information about their sexual and reproductive health and rights, and that they have the right to resist any cultural practices that violate their right to dignity, bodily integrity, health and well being, as well as sexual pleasure.

Treating women's bodies as dangerous

Isolation of women during menstruation and after giving birth

In some communities, girls and women are kept in isolation, or away from spaces occupied by men, during certain times at which their bodies are considered to be 'unclean' and therefore dangerous to men.

When you are having a monthly period, you shouldn't touch anything. If you go and sleep with a man while you are menstruating, then that man will be infected with kahomo.



After the birth of my child I was told not to touch anything in the house, or to sit on chairs used by males until one month after the birth. I couldn't cook because I was told not to touch or share the pots. It was very hard for me because I felt very lonely at the time. I would like to advise the elders that they must reduce the number of days that one has to stay inside after giving birth because there are many problems of thinking alone and no one to share your thoughts with.

Women's and young women's bodies are considered to be unclean - and dangerous to males - during menstruation, after having a miscarriage or an abortion, and after giving birth. Motherhood is highly valued, yet women and young women are socially isolated and stigmatised because of the reproductive functions of their bodies. There is a widespread belief that sexual contact with an 'unclean' girl or woman can cause an illness called *kahomo* in men. The symptoms of this illness are described as similar to the symptoms of having Aids, and are believed to cause men to die.

Isolating women and treating them as 'unclean' and 'dangerous to men' is a violation of women's right to dignity, bodily integrity, physical and mental health and well-being. Through this practice women and young women are denied freedom of movement and association, they become 'prisoners' held alone in dark places for the 'crime' of having a body that bleeds as part of its capacity to bear children. The belief in *kahomo* may prevent men from getting tested and treated for HIV and Aids, and places the blame for illness and death among men firmly onto women.

Cutting of mothers to heal children - *Sijabana*

In some communities, women's bodies are also seen as dangerous to their children. When a child becomes ill, the mother will be checked for 'growths' - *sijabana* - around her anus or vagina, which will be removed. It is believed that the child will die if this is not done. Sometimes fathers are also cut.

I was cut - sijabana - by my aunt and the time it was done, there was also another girl who had to be cut. She was the one to be cut first, I was the second. My aunt used the same blade, and the medicine that she used was from the same container. She never used gloves when she was cutting.



I was cut very badly. I was in a lot of pain because I was bleeding heavily. I had to put on pads like someone who is on her monthly period. Even now, if I just take two or three days before visiting the toilet, blood will come out from that place where I was cut.

Sijabana is an invasion of women's privacy and bodily integrity, causing unnecessary pain, infections and possible exposure to HIV and Aids. The belief in curing a sick child through cutting a parent may prevent children from receiving proper medical treatment.

What needs to be done?

Health care workers should educate parents and traditional healers on the need to stop the practice of *sijabana*, and that children who are sick and require treatment should be taken to see a registered doctor or nurse.

Widow cleansing - Kufwamena

In some communities, when a woman becomes a widow, her body has to be cleansed to remove the spirit of her deceased husband. This involves a period of isolation, and washing her body with herbs. The 'cleansing' may also involve forced sexual intercourse with a man. There is a belief that without this practice, bad luck will come to the family.

It happened to my cousin last year. When her husband died, she was clothed in black because that's what they (used to) do to every widow. There was something I didn't agree with because at the time of the rituals and cleansing, they took her and put her in a small hut. After some time, they brought in a man to have sex with her, and after that she was told that the man she had sex with will be her husband so that he can take care of her children.

What they do during cleansing is that they use young girls and boys to sleep with them. You will find widows in shebeens just buying alcohol for young boys. When they are drunk, then they sleep together and that's something that will just happen for one day. The man won't know anything but that woman's reason is that she just wanted to be cleansed. The same applies to men because they won't take older women but rather go for school girls.



The practice of widow cleansing isolates women from their family and community at a time when they may need emotional support, and violates their rights to dignity, bodily integrity, sexual and reproductive autonomy and choice, exposing them to the risks of unwanted pregnancy and sexually transmitted diseases including HIV and Aids.

What needs to be done?

Traditional and community leaders should educate their communities on the right of all women to dignity, privacy, bodily integrity and sexual autonomy, including widows, and on the dangers of widow cleansing. Widows should be given information about their right to refuse this practice.

Treating women as the property of men and their families

Arranged and forced marriage

An arranged and forced marriage, often to a man who was much older and already married, was a common experience for many of the women who shared their stories.

After sikenge the elders will encourage you to marry, even force you in marriage to a man who is old. This man may not be your own choice, but he will marry you because your family likes him or maybe because he is rich or just wants another young wife. Your family wants to enjoy the wealth of your husband.

In our culture, parents prefer to choose husbands for their daughters, which is not good at all. I have a cousin who was forced to marry a 53-year-old man. She got engaged to the man when she was just 16 years old and at that time she was very much in love with another young man. Her parents believed that their daughter should not marry someone from a poor family.

We should not get married to men just because we think that it's a must and that we have to do it. We should not feel obliged to do so because at the end of the day you will be married but unhappy. We should follow what our hearts are telling us.



Article 14(2) of the Namibian Constitution states that marriage can only be entered into “with the free and full consent of the intending spouses”. Young women and women have the right to freely choose their own partners or husbands, and whether they want to marry or not.

Bride price - *Malobolo*

In some communities, women’s capacity for reproduction and work is given to her husband’s family through marriage in return for bride price - *malobolo*.

Malobolo is something good for our parents and also for inheritance. If a woman is in that situation, she will know that she will be under the control of that man because he has paid with the aim that she should obey whatever he asks of her. A woman can get infected with HIV because she is under the control of the man. She has no say in the relationship and so the man can have as many girlfriends as he wants. He will end up having unprotected sex with them and when he comes home he will force his wife to have unprotected sex with him. You cannot refuse or say no. Even when you think of divorcing him, you cannot do that because you are already paid for, and your children belong to his family.

Many women reported suffering depression and experiencing sexual, physical and psychological abuse from their husbands and in-laws.

Malobolo can be a contributing factor to domestic violence. It is a common belief that with the payment of *malobolo*, women are effectively purchased by their husbands who are therefore entitled to control and ‘discipline’ their wives as they think necessary. At the same time it is difficult for women to leave abusive marriages, as the *malobolo* would have to be repaid to the husband, which their families may be unable or unwilling to do. *Malobolo* can thus trap women in violent and abusive marriages.

What needs to be done?

- Communities should review the practice of *malobolo* and its impact on women's freedom to protect themselves from violence and to leave an unhappy and abusive marriage.
- Couples could resist the payment of *malobolo*.

Polygamy - *Libali*

In many communities, customary laws allow men to marry many wives, while women may only marry one husband. Polygamy can be a cause of much unhappiness and violence in women's lives, and increase their risk of infection with HIV and Aids.

My husband never told me that he was having another wife. He never used to beat me, but ever since that woman came into our house I end up fighting with my husband.

Polygamy is not good, because if a man is having two or three wives he cannot share his love equally with his wives. Polygamy may even lead to our deaths because you are many women sharing the same husband, so even HIV is transferred to each other. Women must see what is happening and come up against polygamy in order to stop it.

It seems that I got infected when I met my boyfriend, who I married later. I only found out that he was already married when I was four months pregnant. I wanted to divorce him but it was too late, I was already pregnant with his child. I was told by others that his first wife has the same symptoms as me. But he did not tell me anything.

Young women may be coerced into marrying polygamous men, because single women or women who do not have children are not respected in the community. Sometimes a younger sister is given into the marriage as well, to produce children in case the wife proves to be infertile.

A woman without a child is nothing according to the cultural beliefs in our society.



Forced marriage through widow inheritance

In some communities, forced marriage also takes place through widow inheritance. A widow is forced to marry a brother or other male relative of her deceased husband in order to keep her children and stay in her home in the village of her in-laws, where she has lived since her marriage.

If a husband dies, then his relatives will have to take the widow to the husband's family where they'll make the decision of giving her away to his brother. They believe that by doing this there'll be at least someone who will have to take care of the wife and children.

I have decided to stay with my children and will choose the man who will make me feel good and accept me for whom I am so I can become the best I can be. Choosing a man for somebody that she does not like is really wrong because you don't know his manners and his behaviour.

Losing property through property grabbing and divorce

If a widow does not marry a relative of her deceased husband, she may lose all the property she shared with her husband during their marriage through property grabbing by her husband's family.

The very same day that my husband died the family came together for mourning and to cover the widow with a blanket. They also came to inform me to give them the bob (debit) card and all insurance policy contracts. They then went to the mortuary and removed the clothes that my husband was wearing at the time of his death. They then returned home to divide the rest of his clothes and furniture. I and my children could not say anything, and we were left with nothing.

A woman may also lose the property she shared with her husband in a case of divorce.

He divorced me by a written letter. I was not given any proper reasons. I was evicted from the marital house and he refused to give me anything. When the indunas asked him to give me something he refused, saying that I was not working and that there was no way that he could give me his goods.



Treating women as the property of their husbands and in-laws through **arranged and forced marriage**, the payment of **malobolo**, **widow inheritance** and **property grabbing** violates their right to choose their marriage partner freely, and to enjoy equal rights in marriage, at divorce and in widowhood. Women can suffer trauma, humiliation, poverty, destitution and ill health through these practices.

What needs to be done?

The Namibian government should speedily promote law reform on civil and customary marriage and divorce, marital property and inheritance to provide for respect and dignity for women who are already married under customary law, including in polygamous marriages, and to protect the rights of women facing divorce, as well as widows.

HIV and Aids is fuelled by violence against women and girls

Gender inequality, expressed and maintained through the many harmful cultural practices that women, young women and girls are subjected to in the Caprivi Region, is a contributing factor towards the high rate of infection with HIV and Aids.

I've got a friend who is HIV positive. The husband is always refusing to go to the hospital for a test and he's refusing to use a condom during sex. My friend then told me that the doctor advised her to use condoms because her husband was not on treatment. The husband beats her up and tells her that if it's about condoms, then he will go out and have sex without one. That woman is suffering in such a manner.

We as women were supposed to challenge men but we don't, even if that will cost us our lives! In many cases, women and girls do the things that their husbands or boyfriends want them to do, even if they know that certain things are bad for them, because the cultures and the societies that we are coming from are teaching us to obey men.

Caprivi Region has by far the highest HIV prevalence rate among women in Namibia: over 46 percent of women aged 25 to 49 years tested HIV positive in 2010, compared to the national average of 20 percent. One contributing factor is the highly unequal power relations between women and men with regard to sexual and reproductive choices, created and sustained through the many harmful cultural practices that women and young women have had to endure.

What needs to be done?

The harmful cultural practices that create and sustain gender inequality and violence against women in Caprivi Region must be addressed by all stakeholders with great urgency if women and young women are to survive the HIV and Aids pandemic in the region.

Caprivi Region at a glance

Indicator	Caprivi	Namibia
Life expectancy at birth	Women: 43 years Men: 41 years	50 years 48 years
Human Poverty Index	36 per cent	24.7 per cent
Married under customary law	34 per cent	9 per cent
Pregnancy and motherhood among women under 20 years	30 per cent	15 per cent
HIV prevalence among women aged 15 – 24 years (2010)	23.1 per cent	10.3 per cent
HIV prevalence among women aged 25 – 49 years (2010)	46.6 per cent	26.4 per cent

Sources: Caprivi Regional Poverty Profile, National Planning Commission 2004
Report on the 2010 National HIV Sentinel Survey, MoHSS



Protect women, young women and girls from all forms of violence, including harmful cultural practices!

...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace...

Preamble to the Constitution of Namibia

It is the obligation of the Namibian state to respect, protect and fulfil the human rights of all people in Namibia. This includes the right of women to full equality in all spheres of life, and the right of women, young women and girls to be free from harmful cultural practices and violence.

- **Review and modify customary laws and practices**

Article 66 (1) of the Namibian Constitution allows customary law to exist, provided that it does not conflict with the Constitution or any civil laws. Greater discussion and review of customary laws and practices is needed for all regions of Namibia, with participation from both women and men, in order to identify areas where such conflicts exist. Beyond this, more research is needed on harmful practices that are not part of written customary law.

- **Prioritise law reform promoting women's and children's rights**

Law reform in the area of civil and customary marriage and divorce, marital property and inheritance, as well as the Child Care and Protection Bill, is long overdue and should be prioritised by Government.

- **Improve the operation of the Combating of Domestic Violence Act and the Combating of Rape Act**

All women and men, girls and boys need to be educated on their rights under these laws, and how harmful cultural practices can be in conflict with these laws. Community members and service providers should support survivors of violence in accessing protection and justice under these laws.



- **Accelerate the implementation of the National Gender Policy**

The National Gender Policy states that customary and traditional practices should not contradict the promotion and protection of women's rights and gender equality. It calls for the alignment of Customary Law with the Namibian Constitution by removing all components that discriminate against women. The policy calls for research to establish the magnitude of violence and cultural discrimination against girls, and promotes campaigns that focus on educating the public on the importance of girls' health as well as the need to eliminate harmful cultural practices against the girl child. The policy further promotes equality and justice for women in customary and traditional courts.

- **Improve the implementation of the National Policy on HIV and Aids**

This policy states that "Traditional leaders shall be sensitised on the dangers of customary practices like death cleansing, forced sex for young girls and boys coming of age, and dry sex, which may lead to HIV infection; Traditional initiation counsellors shall incorporate sound and appropriate sexual and reproductive health education into traditional and cultural rites of passage and initiation processes; Traditional leaders shall stop or modify unsafe customary practices in order to prevent HIV transmission, or shall promote alternative practices which do not place people at risk of HIV infection."

- **Implement the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

This convention was adopted by the Namibian state in 1993, which thereby agreed to take all appropriate steps including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

- **Improve the implementation of the Protocol on the Rights of Women in Africa**

The African Union Protocol on the Rights of Women in Africa says that states that have ratified the protocol "shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards." It calls for protection of women who are at risk of being subjected to harmful practices, and for support to victims of such practices through health services, counselling and legal support.



Organisations supporting the aims of this booklet:
Tutengo to tu lumelelana ni milelo ya bukanyana ye:

AIDS Care Trust · Alliance of Mayors and Municipal leaders Initiative for Community Action on AIDS at Local Level (AMMICAALL) · AIDS and Rights Alliance for Southern Africa (ARASA) · Bicycling Empowerment Network Namibia · Caprivi Hope for Life · Caprivi United Women Support Group · Evangelical Lutheran Church Aids Programme · Forum for the Future · Human Rights and Documentation Centre, University of Namibia · Integrated Rural Development and Nature Conservation · Namibia Girl Child Organisation · Namibia Institute for Democracy · Namibia Network of AIDS Service Organisations (NANASO) · Namibia Planned Parenthood Association · Namibia Red Cross Society · Namibia Women's Association · Namibia Women's Health Network · NAMRIGHTS (National Society for Human Rights) · Namibia NGO Forum (NANGOF Trust) · Ombetja Yehinga Organisation · PACT Namibia · PEACE Centre · Philippi Trust Namibia · Positive Vibes · Pots of Hope · Project HOPE · Sister Namibia · Women's Institute for Leadership Development · Women's Leadership Centre · Women's Solidarity Namibia

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