



**Republic of Namibia**

**RESPONSE TO ISSUES RAISED IN THE GBV PETITION**

**BY**

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## **1. INTRODUCTION**

I stand to provide an update on how government is dealing with issues raised in the petition on SGBV that was handed to this august House on 08 October 2020. I wish to reiterate at the onset, that SGBV is a human right violation, and it calls for urgent, bold, consistent and coordinated efforts to address.

Our government considers the GBV situation in our country a grave national concern and has adopted Laws, policies and action plans to deal with it. These include the Domestic Violence Act and the GBV action plan. Our Country is also Party to international protocols and conventions that are aimed at promoting the protection and empowerment of women and children, and we have prioritized the implementation of these frameworks.

Since receiving the petition on SGBV, we have been working around the clock to review the petition and consider the measures to deal with them and to assess other areas that we would need to review to strengthen our actions to prevent and fight against SGBV.

I had, on Saturday 11 October 2020, issued a press release assure the public of our commitment to deal with the scourge of SGBV, to appeal for calm and cooperation of every one. I reiterate that today.

I wish to now give an update on issues raised in the petition as follows:

### **LEGALASPECTS**

The Government reiterates the seriousness of Sex and Gender-based violence. The current legal and policy environment shall be strengthened to deal with the GBV matters:

Sexual Offenders' Register: The Government has already commenced the research on the establishment of the Register. The ongoing work in this regard include considering the modalities for implementation of the registry within the context of the Law. This process will be pursued with expediency. Currently, the registry is provided for under the Domestic Violence act in respect of sex offenders in cases involving victims below the age of 18 years.

Establishment of Sexual and GBV Offences Courts: Establishment of such Courts has been agreed upon. Existing Court infrastructures will be used in this regard, and where space is a constraint within the sector, arrangements will be made to use other available infrastructures.

Review of sentencing laws for sex offenders: Indeed the seriousness of SGBV justifies that the punishment reflects that. The current Law provides for sentences for convicted SGBV offenders of up to 37 and a half years, which is equal to 2/3 of a life sentence. A convicted person must serve 25 years before eligible for parole. We in the Executive shall continue to work to ensure capacity for efficient and effective investigations to support effective holding to account of SGBV perpetrators by the Courts.

Expedition of current murder and sexual offences: Measures are ongoing in this regard and they include to:

- i. Compile a data base of all active cases on the court rolls;
- ii. Undertake a joint investigation into why investigations are not finalized in pending cases;
- iii. Prioritise cases according to age of victims, age of case, and complexity of investigations;

- iv. Contact the victim/family of victims in each pending case to update them on the status of the case; and
- v. Provide psycho-social support to victims and witnesses and prepare them for trial

Review current prisoners in the correctional services system and separate known repeat-offenders: This is already being implemented. Offenders who are serving sentences of 18 months and longer are kept at different 8 correctional facilities, where they are kept according to a classification which considers factors such as current offence, offence history, sentence length and age at offending. This classification allows the prison authorities to discharge relevant correctional and rehabilitation to offenders in accordance with their classification.

Revoke the bail of current trial awaiting persons who are accused of sex offences or murder: The Courts can and do revoke bail on application brought and supported by evidence. Also the Criminal Procedures Act gives Presiding Officers at the Courts the discretion to refuse bail in the public interest.

### **CRIME PREVENTION ASPECTS**

Institute 24/7 armed patrols: The operations of the Namibian Police are conducted which include patrols, on 24/7. Special operations are also instituted. Currently, the Operation Namib Desert is in operation, which comprise of the joint operations of the Namibian Defence Force, the Namibian Police and the Namibian Correctional Service.

Government will continue to mobilise more financial and logistical resources to enable the law enforcement agencies to conduct more operations and patrols as part of crime prevention and SGBV across the country.

Disallow the withdrawal of SGBV cases: The current Law is geared towards ensuring that filed cases of SGBV are taken to conclusion, and it goes an extra mile to mitigate against withdrawals by requiring strict procedures before this is allowed.

Unfortunately, there are instances where in spite of these efforts, lodged cases are withdrawn by victims. While the State has the authority to continue to pursue cases even when withdrawn, and does make strenuous efforts to do so, the conclusion of such cases become difficult, as cases rely on witnesses for conclusion. Prosecution need cooperation from victims and witnesses to give evidence.

The victims are offered counselling and education in such cases, including sensitization to not withdraw cases. Communities are also encouraged to support victims and not to exert pressure on victims to withdraw cases.

Strengthen the capacity of the GBV Protection Units: Government will ensure capacity in the GBV Unit. The Namibian Police will identify candidates to fill the vacancies at GBV Protection Units (159) as a matter of urgency and train GBV investigators.

Capacitate Forensic Investigators and experts: The recruitment and training of personnel in the areas of biological trace identification is prioritised starting this financial year.

Mandate the 24/7 operation of the GBV Protection Unit: The GBV Units in the Namibian Police are components of the Nampol operations which operates on 24/7 basis. Although the GBV Unit operate 08h00 -17h00, Monday to Friday, there are provisions made for personnel to be on standby to attend to

emergency GBV cases after such hours, during weekends and on public holidays. This will be strengthened.

The provision of remote and mobile GBV Protection Unit: The GBV Units at police stations level are integrated in mainstream police activities. Such integration does not negate on the seriousness of Nampol to deal with GBV cases, and special GBV expertise are provided to each case. The patrols will also deal with SGBV cases.

## **EDUCATION ASPECTS**

Curriculum development and implementation of SGBV prevention program: Education sector has a programme that equips educators and learners with the appropriate skills, knowledge and attitudes.

The following immediate actions will be taken or are being undertaken under the auspices of the Ministry of Education, Arts and Culture:

- i. Draw up a circular reinforcing Safe Schools Framework;
- ii. Develop a communications strategy (weekly messaging) and advocacy to strengthen all existing measures and programmes;
- iii. Release summative report on the re-enforced response strategies
- iv. Host a multi-media new/ press conference and Knowledge fair to showcase all strategies;
- v. Continue and diversify capacity building of Regional School Counsellors and race coordinators.
- vi. Liaise with CSO's and SGBV experts: There are existing training plans on the matter. We shall continue with efforts to mobilize more resources to implement this training plan.

- vii. Review of all school rules to promote the fight against SGBV: The Education sector has a School Self-evaluation against the National Standards and Performance Indicators and the Ministry responsible shall undertake the necessary reviews to monitor implementation.
- viii. Release any teacher in employment with sexual relationships with learners: A policy in this regard is already in place, and it is being implemented. Those expelled on this offence are barred from re-employment for at least 8 years.
- ix. The institutions of high learning also adopted similar measures to curb such unethical conduct, as part of the code of conducts, and as already indicated above, public and private high education institutions have codes of conduct to deal with the issue.

## **CONCLUSION**

As I indicated in my earlier statement, we share in the repugnance of the Namibian public at the situation of SGBV and are in full agreement with the public that this situation cannot be allowed to continue. We assure the Namibian people that the measures announced as requested for implementation will be implemented with expediency and commitment. Cabinet has approved the measures.