

Ending violence against women and girls in Eastern and Southern Africa



Namibia

Country context: Between April 2024 and February 2025, Namibian police recorded 4,405 GBV cases, of which 1,345 were rape incidents. In the 2023/24 financial year, there were 4,814 GBV cases nationwide.

Regional frameworks ratified/acceded/signed

- **African Charter on Human and Peoples' Rights** - 30 July 1992
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 11 August 2004
- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 23 July 2004
- **Southern African Development Community (SADC) Protocol on gender and development** - Signed on 17 August 2008; and Ratified on 20 October 2009

National legal framework

Constitution of Namibia, as amended in 2014

The Constitution provides a solid foundation for the protection and promotion of women's rights and the elimination of gender-based violence.

Key provisions

- Article 8 affirms human dignity and prohibits torture or inhuman and degrading treatment.
- Article 10 guarantees equality before the law and prohibits discrimination based on sex.
- Article 14 requires free and full consent from both parties for marriage and guarantees equal rights during and after marriage.

Marriage Act of Namibia (Act 5 of 1961)

Key provisions

- Section 24 prohibits marriage under age 21 without parental consent.
- Section 26 allows marriage under 18 years with ministerial permission.
- Section 23 allows objections to marriages, empowering third parties to intervene in potentially coercive or illegal unions.

Abortion and Sterilisation (Act 2 of 1975)

Permits access to abortion under narrow circumstances.

Key provisions

- Section 3 states that abortion is only lawful if there is risk to the woman's physical or mental health or life, fetal abnormality, or in cases of rape or incest. However, it requires written certification by two independent medical practitioners.
- Section 6 states that in cases of rape or incest, a magistrate's certificate is necessary to corroborate police reports or affidavits, which aim to substantiate the claims of "unlawful intercourse."

Criminal Procedure (Act No. 51 of 1977)

Key provisions

- Section 227A restricts the admissibility of evidence related to the complainants' sexual history.
- Section 158A authorises protective courtroom arrangements, such as the use of closed-circuit television, which support persons considered vulnerable survivors in helping them testify in a safe environment without fear of the alleged perpetrator or stigma.

2. Laws and policies on ending violence against women and girls in Eastern and Southern Africa

Combating of Rape Act, 2000

This Act enhances protection for survivors and imposes strict penalties on offences related to rape.

Key provisions

- Section 2 defines rape as intentionally committing or causing another person to commit a sexual act under coercive circumstances, which include use or threat of force, intimidation, abuse of power, detention, incapacity (due to age, disability, intoxication, or sleep), deception, or situations where the complainant is unable to give free and informed consent.
- Marriage or any other relationship between the perpetrator and the complainant is not a valid defence to a charge of rape.
- Under Section 3, the penalty for rape is a minimum sentence of 10 to 30 years' imprisonment, depending on aggravating factors such as the age of the victim or use of weapons during the commission of the offence.
- Section 62(2) imposes no-contact bail conditions to protect survivors.
- Section 154(2) protects survivors' identities from publication unless authorised by the courts.

Combating of Domestic Violence Act, 2003

A comprehensive legal tool prohibiting domestic violence.

Key provisions

- Section 2 defines domestic violence to include physical, sexual, emotional, verbal, psychological, economic abuse, intimidation, harassment, and technological abuse.
- Section 3 recognises spousal and intimate partner violence.
- Section 4 provides for the issuance of protection orders to protect survivors from domestic violence.
- Section 4(5) allows minors to apply for protection orders independently.
- Schedule 1 outlines specific offences related to domestic violence, which include common assault, assault with the intent to do grievous bodily harm, crimen injuria, kidnapping, malicious injury to property, murder or culpable homicide, indecent assault, and robbery with violence.
- Sections 26 to 28 mandate State agencies, including police, to report annually and maintain records of domestic violence cases.

Labour Act (No. 11 of 2007)

Addresses workplace GBV and ensures equality.

Key provisions

- Section 5 prohibits discrimination in the workplace.
- Section 5 (7) defines sexual harassment as unwelcome sexual conduct towards an employee that creates a barrier to equality at work.
- Section 5 (10) deems resignation due to sexual harassment as constructive dismissal, entitling the survivor to remedies such as reinstatement or financial compensation.

Child Care and Protection Act, 2015

Addresses child rights and prohibits harmful practices.

Key provisions

- Section 226 prohibits child marriage and harmful social or religious practices.
- Sections 6 to 7 guarantee the right to access to education, health, and protection from exploitation for children.
- Section 7 provides that the best interests of the child are paramount at all times.
- Section 67 provides for survivors of abuse and children living or working on the streets to have access to shelters.
- Sections 135 to 137 allow for the emergency removal of children from harmful environments.

Pending legislation

Marriage Act (Act No. 14 of 2024) – *Gazetted but not yet in force*

- Section 9 prohibits child marriage under 18.
- Regulates consent for marriages of individuals who have attained the age of 18 but are not yet 21 years old.

Support services and mechanisms

- **Women and Child Protection Units (WCPU):** provide safe spaces for reporting, medical care, psychosocial support, GBV awareness, and training for police and social workers.
- **The Ministry of Gender Equality and Child Welfare (MGEWCW):** coordinates gender programmes and manages shelters for survivors.
- **The Ministry of Health and Social Services:** provides doctors to conduct medical examinations and treat survivors, as well as social workers for counselling and welfare services to survivors.
- **The Legal Assistance Centre (LAC):** offers free legal aid to survivors

3. Laws and policies on ending violence against women and girls in Namibia

Legal gaps and implementation challenges

- Insufficient funding limits enforcement, shelter services, and investigative capacity of prosecutors and police for GBV cases.
- Low prosecution and conviction rates for GBV due to weak legal and investigative mechanisms.
- Rural women face barriers in accessing police and support services.
- Abortion law remains highly restrictive, limiting timely access to reproductive health services for survivors of rape or incest.
- Implementation of protective laws is inconsistent, often failing to translate into meaningful on-the-ground support for survivors.



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