



REPUBLIC OF NAMIBIA

**MINISTRY OF GENDER EQUALITY, POVERTY ERADICATION
AND SOCIAL WELFARE**

Parliamentary Statement on the Rape amendment Bill

By

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^{Deputy}
Honourable Speaker,

Honourable Members of this August House,

ie am not sure should stop emphasizing the effects of rape on society, especially for the survivors and propose stringent sentences
I don't think
Rape is a cruel thing that can happen to any person. Rape takes away dignity from the victim and somehow the victim feels like part of her othis life is taken away. Most of the time victims of rape becomes suicidal and do not have hope. They even develop a mistrust of the opposite sex of the person who violated them.

^{Deputy}
Honourable Speaker

It is imperative that all persons in all spheres of our society ensure to be in the frontline in addressing issues pertaining to rape. The dissemination of information regarding rape should be done in all languages so, as to put forth a clear message that there is zero tolerance for rape in our society and that it is not welcomed.

Although, a lengthy sentence may not deter perpetrators, we are of the notion that, perpetrators are more prone to change if they are given longer sentences, and they will be rehabilitated. Some of them are released too soon and they repeat the same acts again. Subsequently, during incarceration, there should be mandatory rehabilitation programmes offered to the sex offenders.

I therefore suggest that the sentence for a first conviction of rape under Section 3(1) (a) (i) of the Combating of Rape Act, 2000; an increase from minimum of 5 years to 15 years and in subsection 3(1)(a)(ii), where the rape is committed under coercive circumstances, the sentence should be increased from a minimum of 10 to 20 years.

looking at Section 3(1)(a)(ii) cc and (dd) it speaks about (See Amendment) the Perpetrators under these Sections / sub-sections cannot be treated the same as ~~under~~ any other Perpetrator. The imprisonment is a mere 20 yrs for these Perpetrators.

Apart from sentencing the culprit, I suggest that there should be provision for compensation for damages towards the victim, either in monetary value or in kind (movable and immovable assets) should be considered, to cover for medical expenses, professional counselling, ^{and} long-term trauma ^{treatment} for the victim.

Where a minor is raped this should really be looked into. ^{If} the person is not found mentally ill, the punishment must be harsh.

We also hear rape happening in families, especially to the young girls, which means young girls and boys are not even safe with their own family members and relatives.

As we amend the Combating of Rape Act, 2000, ^(Act 8 of 2000) these issues should be looked into and be well covered.



Therefore, there is a concern regarding the provision of Sec. 14 (c) (ii) of the Combating of Rape Amendment Bill; **which states 'is not married to such a child** (whether under the general law or customary law)'. ~~The~~ ^{I am} ~~is~~ ^{is} of the opinion that this **provision be removed from the Combating of Rape Amendment Bill.** ^{modified to} ~~removed from the~~ ^{Reflect the position as} ~~stated~~ ^{stated} in the Child Care + Protection Act.

General comment/observation

The **Child Care and Protection Act (CCPA), Act 3 of 2015, Sec 131 (1)(f)** identifies a child below the age of 18 and involved in a criminal matter as a **child in need of protective services.**

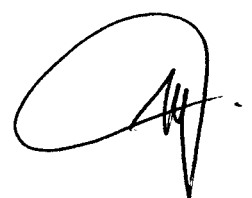
Honourable Members,

These are some questions for us to consider;

1. Will the Court deal differently with a child perpetrator?
 - 1.1 Will there be other bail conditions for children alleged or accused of rape?
 - 1.2 Are there any exceptions to be considered during sentencing of minor perpetrators?
2. Does the minimum sentence apply to child perpetrators?

Lastly I support the victim support and victim/witness friendly courts that the Ministry of Justice put as one of their priorities.

With these few points, I support the Bill ^{with the hope}



Honourable Deputy Speaker, Honourable Members

On Child Marriage, the MGEPEWSW conducted a Formative study on Child Marriage in Namibia and does not support any marriages of children at all. It is a crime to give a child out in marriage or engagement as per Section 226 (2) of the Child Care and Protection Act, 2015 (Act No.3 of 2015). Child marriage is one of the cultural practices of concern in many Namibian Communities.

The Child Care and Protection Act, 2015 (Act No.3 of 2015) has made a new rule about the age of consent to marry. The Law sets the minimum age for marriage at 18 years. Setting the minimum age for all marriages at 18, gives equal protection to children who live under customary law and those who do not, and also bringing Namibia in line with the African Charter which requires States to prohibit marriages for children under the age of 18. However, although the age of majority has been changed to 18, there is one exception to the rule that persons under the age 21 need the consent of a parent or guardian in order to marry, unless such a person has been married or emancipated by an order of Court. This means, Hon. Speaker, Hon. Members Child Marriages are prohibited.



