

GENDER-BASED VIOLENCE IN NAMIBIA: TREATING THE PERPETRATOR AS AN INDIVIDUAL

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I. INTRODUCTION

On the 29th of January 1998, John Lukas¹ got sentenced to life imprisonment for murder. According to the court roll, the offender stabbed the victim at least twenty times and slit her throat. The victim was 21 years old and a girlfriend to the offender. John, a first-time offender, was 27 years old at the time of the offence.

According to his version, on the 4th of December 1996, he went to his girlfriend's house. They were not on good terms at the time, because she was involved in an affair. He was accompanied by police officers as he did not want any problems to develop, yet wanted to talk to her. This visit followed two earlier unsuccessful attempts to get the police to assist him to return his girlfriend to him so they could discuss the matter together with their families.

After finding the girlfriend home, she admitted that she was involved with someone else and identified John as her ex. She claimed to no longer be interested in marrying him. This brought John to the decision to just gather his belongings and leave. The police concluded that there was nothing it could do about the domestic affair and left the house. Following the police's departure, John apparently started gathering his belongings following which the girlfriend and her sister attempted to prevent him from leaving as they did not want him to remove any of his belongings from the house. He clarified that the girlfriend felt entitled to his belongings despite being involved with someone else as she asserted that he had no right to his belongings as he had also been involved in affairs himself before.

He narrated that as the victim's sister then started tugging at his bag, he shoved her into the room and locked her in to prevent her from interfering in his plan of removing his belongings. He then entered the living room at which point the victim entered the room with a kitchen knife. The victim apparently then stabbed him on the hand, after which he grabbed the knife from her. They stumbled on the couch then she grabbed his private parts leading to him stabbing her continuously as she failed to loosen her grip on him. According to him, he only realized the extent of the stabbing at the end of the process. He concluded that he was enraged by the girlfriend's actions and felt disrespected by her and the sister.

This paper provides an account of John's experiences under the guardianship of the Namibian Correctional Service. The aim of the case study is to practically highlight how the Namibian Correctional Service treats perpetrators of violence against women and children (gender-based violence) with the aim of reducing their opportunities for recidivism.

II. NAMIBIA'S APPROACH TO THE REHABILITATION OF PERPETRATORS OF GENDER-BASED VIOLENCE

In terms of the Correctional Service Act, 2012 (Act No. 9 of 2012), offences are classified as either scheduled or non-scheduled, with the former referring to the following offences and the latter constituting any other offence not included here: 1. Assault, when a dangerous wound is inflicted; 2. Treason; 3. Murder; 4. Rape; 5. Robbery; 6. Offences relating to the illicit possession, conveyance or supply of dependence-producing drugs; 7. An offence under the Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975) for unlawful hunting of specially protected game where the value involved in the offence exceeds N\$ 5000-00; 8. An offence under the Controlled Game Products Proclamation, 1980 (Proclamation No. 42 of 1980) for the

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¹ Not his real name.

unlawful dealing in any controlled game where the value involved in the offence exceeds N\$ 5000-00; 9. An offence relating to money-laundering; and 10. An offence relating to illicit dealing in or smuggling of ammunition, firearms, explosive or armament.

The correctional service's electronic database for capturing offender information, the Offender Management System, further categorizes offences under the following labels: 1. Murder; 2. Any sexual offence involving a child; 3. Attempted murder; 4. Assault with intent to cause grievous bodily harm; 5. Attempted rape; 6. Rape; 7. Robbery with aggravating circumstances; 8. Culpable homicide; 9. Indecent assault; 10. Robbery without aggravating circumstances; 11. Attempted robbery; 12. Ill treatment of Children; 13. Assault by threat; 14. Common assault; 15. *Crimen injuria*; and 16. Domestic violence.

Because perpetrators of gender-based violence can fall into a number of the above categories, there is no single designation of a category inclusive of all acts that could be related to violence committed against women and children. In the same fashion, the Namibian Correctional Service does also not provide interventions to offenders in terms of the offences they have committed. The rationale for this is simple: The Namibian Correctional Service does not believe in a "one size fits all" approach in terms of offender rehabilitation and reintegration.

In fact, it abides by the conviction that each and every offender is unique in terms of the factors that may have predisposed them to offending, in terms of the factors that have precipitated their offending, and in terms of the factors that may perpetuate their offending behaviour, even if they may have committed the exact same offence.

Predisposing factors relate to the factors that would have put the perpetrator at risk of engaging in gender-based violence, the precipitating factors refer to specific events that would have triggered the act, while perpetuating factors are those that maintain the problem once it has become established.

The position of the Namibian Correctional Service is, thus, that different offenders have different risk factors for offending and that the way to reduce their risk of recidivism is through the identification of their individual risk factors and the subsequent addressing of their individual criminogenic factors, i.e. the dynamic risk factors related to their offending. This is in line with the principles of the Risk-Need-Responsivity framework.

The first one, the risk principle, identifies the need to match the services provided to offenders to their individual levels of risk, ensuring that the offenders with the highest risk of offending not only receive the most intensive treatments, but also that they should be prioritized in the delivery of services. The second principle, the needs principle, speaks to what the focus of treatment programmes should be on and stresses the relevance of attending to those aspects that are changeable, i.e. the dynamic risk factors. Finally, the responsivity principle concerns ensuring that interventions provided to offenders are able to be impactful and that is achieved through attending to factors that could affect their motivation to participate in such interventions at the individual level, but also through creating environments that foster change.²

The Offender Risk Management Correctional Strategy essentially recognizes the individuality of each offender in terms of the factors that may have precipitated their offending, the risks they may present for future offending, needs that they may have to address their criminogenic factors, and in terms of their motivation to address their needs and work towards changing their lifestyles.

Through the Offender Risk Management Correctional Strategy, which is the approach adopted by the Namibian Correctional Service to guide its operations and rehabilitation and reintegration efforts with offenders, the initial focus of the correctional service would be to attempt to identify John's individual risk and needs as a means to direct his treatment plan.

Typically, like any other offender admitted to any of Namibia's correctional facilities where the Offender Risk Management Correctional Strategy has been implemented, a perpetrator of gender-based violence

² Bonta, J. & Andrews, D. A. (2007). Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation. *Rehabilitation*, 6: 1-22.

would start their journey by being admitted in a Reception and Assessment Unit.

The Reception and Assessment Unit aims to provide a smooth and effective introduction of offenders to the correctional system in terms of facility rules, their entitlements within the correctional system, the general procedures for risk management that the Namibian Correctional Service follows, the services and/or programmes they can access, and the expectations for appropriate behaviour that will be enforced by correctional staff.

However, the central aim of the Reception and Assessment process is to begin to gather relevant information related to the risk and needs of the offenders as well as to classify them in terms of their escape risk, institutional management risk and in terms of their risk to public safety. (In Namibia, offenders are accommodated in living units of different security levels in terms of their security classification.)

The maximum three month stay in the unit is occupied by assessments to identify offenders' immediate needs, including physical and mental health and personal safety concerns. Furthermore, they are assessed objectively and consistently in terms of their criminal and social history in order to determine the most appropriate security level for their initial placement in the correctional facility. To provide information required to feed into their individualized treatment plans, offenders' criminogenic needs, including their education levels are also assessed.

These initial assessments culminate in the development of the following documents, among others:

- i. Admission Profile
The Admission Profile notes both basic identification information on the offender such as name, nationality, last address, physical description, scars or tattoos, and known address of next-of-kin, as well as any particularly noteworthy security risk factors, such as notoriety of the offence, gang or terrorist related involvement, any history of arson, deportation status, etc.
- ii. Assessment of Offender Risk Factors and Inventory of Offender Needs and Reintegration Concerns
This assessment is completed in order to determine the offender's most significant needs, concerns and risk factors that relate to their offending and that should be addressed before release. The assessment is conducted with an interview that follows a set of guidelines to explore the nature of the offender's issues and concerns in relation to the following twelve life areas:
 1. Intimate partner (spouse, girlfriend or boyfriend), children and other relatives
 2. Friends and acquaintances
 3. Employment and financial situation
 4. Education and training
 5. Health and any medical issues
 6. Hobbies, pastimes, and recreation
 7. Alcohol or drug use
 8. Accommodation, home and household matters
 9. Self-changes
 10. Love, intimacy and sexual matters
 11. Spiritual beliefs and feelings about their offence
 12. Life in incarceration

The level of risk for the following seven major dynamic risk factors is also assessed:

1. Education, training and employability
2. Family relationships
3. Lifestyle, associates and criminal attitudes
4. Alcohol and drug use
5. Personality and thinking
6. Emotional well-being
7. Pattern of criminal offending

This assessment of risk and needs is intended to provide a comprehensive picture of the offender's usual motives for offending and the areas of need that should be dealt with for safe reintegration. The Assessment of Offender Risk Factors and Inventory of Offender Needs and Reintegration Concerns is a crucial document which begins to inform the appropriate case management of the offender, including development of the Offender Sentence Plan.

iii. Criminal Profile Report

This report is produced after a structured interview is conducted with the offender. The interview follows a set of guidelines to explore the nature of the offence, factors that may have led to the offence (both external and internal), criminal history and patterns of offending, social and employment/education background, relationships, use of leisure time, drug and alcohol use, etc. The report is intended to provide a comprehensive picture of the extent of criminal involvement of the offender, degree of stability or instability in their lives, and usual motives for offending. The Criminal Profile Report is a crucial document which begins to inform the appropriate case management of the offender, including the initial Security Classification placement of that offender.

iv. Offender Reception Observation Report

There is an opportunity to carefully observe offenders during the Reception and Assessment Process, so correctional officers note the early adjustment of offenders in terms of their attitude, mood and emotional state, level of cooperation, behaviour in the unit, acceptance of their sentence, patterns of interaction with other offenders and with correctional staff, etc. The Offender Reception Observation Report is a brief checklist which guides correctional staff to note particular factors or indicators as they observe the offenders.

v. Offender Self-Assessment

This refers to a brief 'checklist' that offenders are asked to complete in order to record their views about what they believe might help them to stop offending, the kinds of problems they perceive or are willing to admit to, and in what areas or for what kinds of concerns they wish to receive some help. Though this is clearly a subjective document, it provides a useful starting point for further discussion with the offenders about the kinds of needs they might wish to address during their period of incarceration.

vi. Offender Sentence Plan

This form presents an overall rehabilitation plan of an offender by outlining factors that have significantly contributed to their offending. These factors get translated into specific goals in the Correctional Treatment Plan that will be addressed at various stages of the offender's incarceration.

vii. Initial Security Classification

Security classification refers to the objective assessment of custody and supervision requirements during the period of incarceration. Security classification requirements are assessed with the relevant instruments designed for this purpose, and completion of these instruments is thorough, accurate and is based on structured guidelines.

Following conclusion of the Reception and Assessment processes, offenders are transferred to their living units according to their security classifications (either maximum, medium, low-medium, minimum). Once in the living units, the actual work to assist the offender to transform begins. Through the case management process, which aims to help offenders address their needs based on their Correctional Treatment Plan, offenders get referred to the necessary interventions. The provision of evidence-based programmes that have a meaningful impact on reducing reoffending is central to the Namibian Correctional Service.

The above describes the journey travelled by our case study, John, in attempting to address the factors that have contributed to the murder of his girlfriend.

III. JOHN'S RISK FACTORS AND HIS RESPONSE TO REHABILITATION EFFORTS

Among other interventions, John participated in the *Thinking and Living Skills for Reintegration* programme as part of efforts to rehabilitate him. The programme provides offenders with the cognitive skills required for adequate social and emotional adjustment. The programme takes a psycho-educational and cognitive-behavioural approach, in order to impart knowledge and skills that will ultimately aid in offenders adopting more pro-social behaviour and attitudes.

The programme aims to replace the maladaptive thinking patterns of offenders with cognitive skills that can promote pro-social behavioural choices. Offenders are taught to become more reflective rather than

reactive, more anticipatory in their responses to potential problems, and more playful in their responses to potential problems, thus resulting in them learning to be more deliberate in their thinking.

The *Thinking and Living Skills for Reintegration* programme is delivered in a series of group sessions designed to build cognitive skills in a progressive manner. The programme is conducted over a period of about four to six months with group meetings being run two times per week. In addition to the group meetings, individual sessions are conducted with the offenders at regular intervals to assess their progress and assist them with their problem areas as well as help set up intervention and re-integration goals for them.

Before participating in the programme a pre-programme assessment was conducted, which helped to identify the following contributing factors to John's offending:

The motive of his offence appeared to be retaliation. The need to retaliate was instigated by the rage he reported to have experienced after he interpreted the girlfriend's attempt to stab him as a sign of disrespect, lack of recognition for him and provocation. The perceived provocation was only the final trigger leading to the offence. It was established that his rage got activated much earlier by perceptions of betrayal when he finally realized that his girlfriend was serious about ending their relationship. The rage also developed as a second emotion following feelings of embarrassment and humiliation when the girlfriend publicly denied their involvement.

It was, thus, identified that John showed some evidence of poor problem-solving skills when it was discovered that there was a history of problems with his girlfriend, which he failed to attend to until matters rose out of hand. It was also found that John had a fear of failure or lack of faith in his ability to succeed, both economically as well as romantically, which influenced his need to cling onto his girlfriend. Additionally, it was found that John had a tendency to overgeneralize as well as make arbitrary references (deriving the absolute worst scenario and outcomes for a given situation), which also influenced the development of his fears about his future in relation to his girlfriend ending their relationship.

These personality dispositions, along with his tendency to interpret ambiguous situations as intentionally provocative towards him (provocative intentional bias), and his strong expectations of others' behaviours relating to what he perceives as acceptable or unacceptable behaviour (such as his attitude towards betrayal, infidelity, etc.) were further recognized to have contributed to the offence. Low social-perspective taking, as derived from his failure to consider the viewpoints of others when trying to interpret events occurring around him also could have contributed to his offending.

In line with his risk areas, the *Thinking and Living Skills for Reintegration* programme focused on teaching John self- and emotional-control skills, conflict management skills, cognitive skills, inter-personal skills, as well as general problem-solving skills. In relation to emotional control, the programme helped him gain understanding of the foundation of his emotions, particularly those of anger, fear and shame. John also seemed to have recognized the significance of refraining from solving problems while he is emotionally aroused, as he was able to assent to the idea that his emotions at the time of the offence had affected his ability to effectively solve his problem.

The realization that he failed to positively manage conflict, as he let problems in his life escalate before attempting to solve them, brought him to the understanding that he needed to become more tuned into the feelings, perceptions and needs of other people to minimise opportunities for conflict to develop. He seemed to comprehend that the ability to truly understand others would likely decrease the intensity of his negative emotions, thereby also decreasing opportunities for conflict to arise.

Although other examples of how John seems to have benefitted from the programme can be shared, the most significant impact the programme seems to have had on John was to modify his style of rigid thinking that greatly created the risk of problems arising in his life. Some changes in his thinking related to expectations he had of people, particularly the ones he had of his girlfriend (the victim) and her sister, and his philosophy on how he should be treated by other people. To illustrate, his view of life was that he generally must be respected and acknowledged or appreciated and that people he treats well should treat him well in return. Another dogmatic thinking style that John had was that people should be loyal to each other and the

programme assisted John to recognize that he tended to entertain such destructive thoughts.

Although it was initially a struggle, he eventually seemed to have accepted, to some degree at least, that he had some unrealistic and unhelpful expectations of others and that those expectations may have extensively influenced his perception of the events leading to the offence as intolerable and provocative, which in turn could have promoted his violent reactivity.

John's risk factors may not be that different from those of many perpetrators of gender-based violence in Namibia, particularly as far as far as cultural beliefs about how women are expected to conduct themselves are concerned!

IV. THE OUTCOME FOR JOHN

John ended up being released on full parole a few years ago. In Namibia, offenders can be released on full parole after having served a half of their sentence under confinement. Such release is subject to having displayed meritorious conduct, self-discipline, responsibility and industry during the period served. Also it must be perceived that the offender will not, by reoffending, present an undue risk to society before the expiration of the sentence he or she is serving and that the release of the offender will contribute to the reintegration of the offender into society as a law abiding citizen.

When he got released into the community, John was classified as requiring intensive community supervision, which is the most intensive supervision level. In terms of the Namibian Correctional Service's community supervision framework, three different supervision streams exist, based on the premise that community supervision should also be risk driven.

Although all ex-offenders are at risk of reoffending, certain groups of offenders may be more likely to reoffend while on Community Supervision compared to others. Bearing this in mind, it is imperative to target limited community corrections resources on the offenders who either pose the greatest risk to the community (as based on risk assessment tools) or who are the most likely to benefit from the provision of interventions.

While in the community, John attends scheduled face-to-face supervision sessions with his Community Supervision Officer. Telephone contact and house visits are also a common feature of community supervision. The aim of these supervision modalities is to provide the necessary support to offenders to promote their desistance.