

Understanding the perpetrators of violent crimes against children

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Introduction

Shortly after the Namibian Government took office in 1990, it started forwarding inputs for formalising the Convention on the Rights of the Child (CRC), when world leaders decided that children's rights should be incorporated into a special convention dedicated to such rights.

The CRC became the first legally binding international instrument which detailed all human rights, namely civil, cultural, economic, political and social rights. Children's rights would, therefore, also be recognised as human rights and would encapsulate –

- the right to survival
- the right to develop to the fullest
- the right to protection from harmful influences, abuse and exploitation, and
- the right to participate fully in family, cultural and social life.

The CRC further spelled out four core principles:

- Non-discrimination
- Devotion to the best interest of the child
- The right to life, survival and development, and
- Respect for the views of the child.

Since Namibia has ratified the CRC, the Namibian Government has pledged to honour and adhere to this universally agreed set of non-negotiable standards and obligations. In particular, this pledge challenges the Namibian Government to respect the dignity and worth of each individual – irrespective of race, colour, gender, language, religion, political or other opinion, origin, wealth, birth status, or ability. It is important to note that these standards are interdependent and indivisible, which implies that certain rights are not recognised at the expense of others.

As far back as the early 1960s, there was a global trend for researchers in the field of family violence to focus on physical violence against children. Referring to this type of child abuse, Kempe used the term “battered child syndrome” for the first time in 1962.¹ Gradually, the study of child abuse broadened beyond the early limited conceptualisation

1 Kempe & Helfer (1972).

of physical abuse, to include studying the extent of violent behaviour towards children, contributing factors, and other forms of maltreatment of children, including neglect.

During an assessment of the Women and Child Protection Units in Namibia, commissioned by the United Nations Children's Fund and The Ministry of Safety and Security in 2006, a social worker at one such Unit observed as follows:²³

Back in better days, one could trust the family, but today they will beat the children and abuse them physically, emotionally, or even sexually, because too many children are already being dumped on the extended family.

In people's minds there still is the hope that traditional rules and practices would bind families to take care of the children after the parent's death, but in reality, the traditional way of life does not exist any more.

In a study commissioned by Women's Action for Development (WAD) and the University of Namibia in 2006 to understand the perceptions of male perpetrators and the reasons for committing violent crimes against women and girls in Namibia, the following was noted:³

The escalating violent crimes committed against women and girls in Namibia pose a serious threat to the basic fabric of the Namibian society, as this is just the tip of the iceberg, reflecting the country's social health in terms of: *the cultural aspects of our patriarchal society; and our violent colonial past that is perpetuated in post-independent Namibia*. The newly acquired freedom of basic human rights seems not to be applicable to all Namibian Citizens, especially women and girls, as male counterparts seemingly struggle to perceive that human rights issues are inclusive of women's rights as well.

Within this situation, inequality between males and females is embedded in our society and it has created an environment where violence against women and children does not only flourish and grow, but is often condoned and accepted by society.

Towards an understanding of crimes against children

Generally speaking, there are four recognised areas of child abuse, as follows:

- **Physical abuse:** A person in a position of power and authority abuses this position through deliberate and malicious acts of physical violence, such as –
 - beating
 - biting
 - arm twisting
 - hair pulling
 - shaking, and
 - burning.

2 UNICEF et al. (2006:203).

3 WAD et al. (2006:xiii).

- **Neglect:** The failure to provide for a child's basic physical and social needs and rights, such as –
 - food and water
 - hygiene and adequate supervision
 - education and social contact, and
 - a safe, stable home environment.
- **Emotional abuse:** Repeatedly depriving a child of love and affection may involve –
 - ridiculing, teasing, shouting at, or belittling a child, and
 - making unrealistic demands on him or her.
- **Sexual abuse:** This is any sexual contact between a child under the legal age of consent and an adult, or between a child and any other older child, when threats or bribes are used. Such abuse takes many forms, including –
 - rape, sodomy and incest
 - pornography and exposure
 - sexual fondling, and
 - inappropriately intimate touching.

The Combating of Rape Act⁴ states that the age of consent for the crime of rape is 14 for both boys and girls, and even if there was no coercion or force, a rape has been committed if a complainant is under 14 years old, and the perpetrator is more than three years older.

The World Health Organisation expands on the definition of child sexual abuse by stating that an adult is guilty of this type of offence when he or she uses the child for sexual purposes, whether consent is alleged to have been given or not.⁵

A study done on child sexual abuse in South Africa and Namibia mapped the nature of this offence. Figure 1 on the following page shows the main forms of this type of abuse mentioned by respondents during personal interviews.

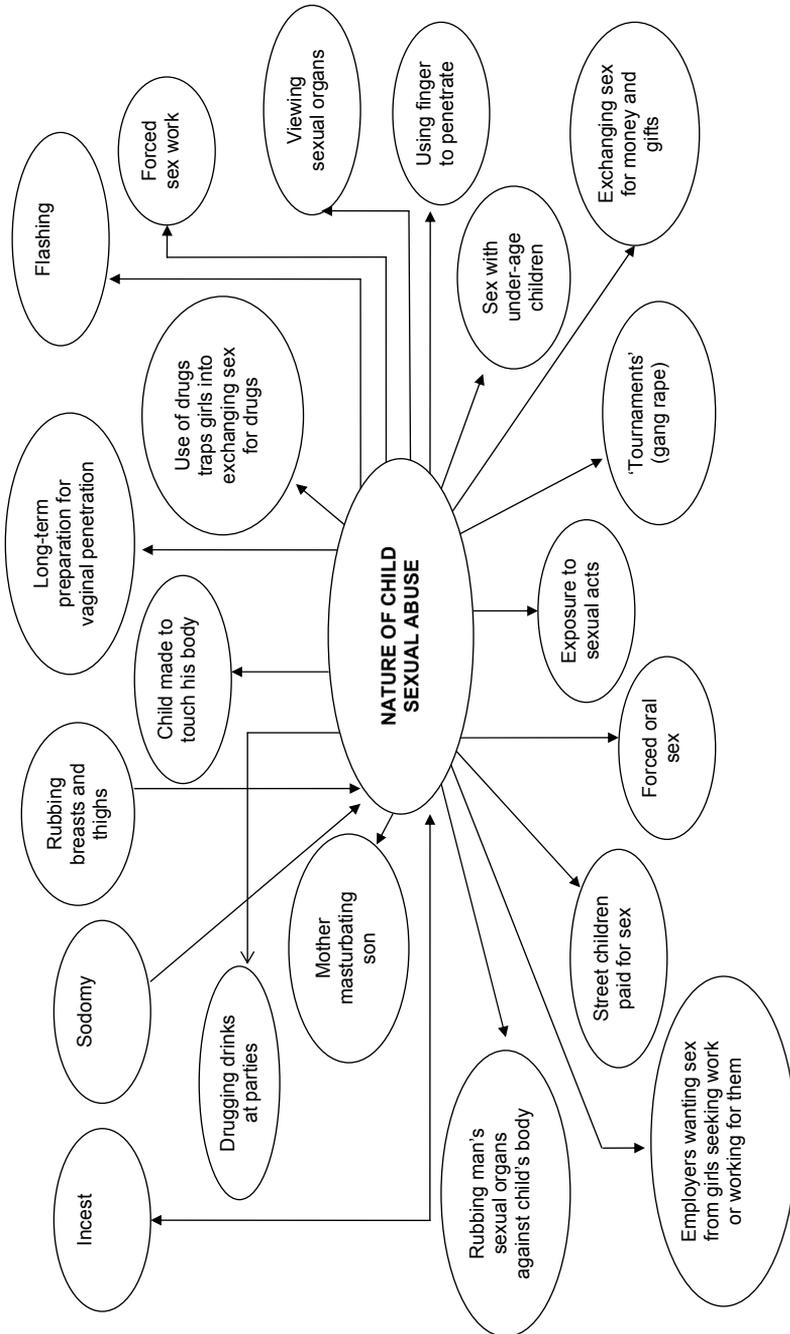
Identification of the perpetrators

In 2006, UNICEF commissioned an investigation into the functioning of Women and Child Protection Units in Namibia. Figure 2 on the following page presents a visual mapping of perpetrators of violence as identified during that investigation. These include perpetrators in general, but also specifically those who offended against children.

4 No. 8 of 2000.

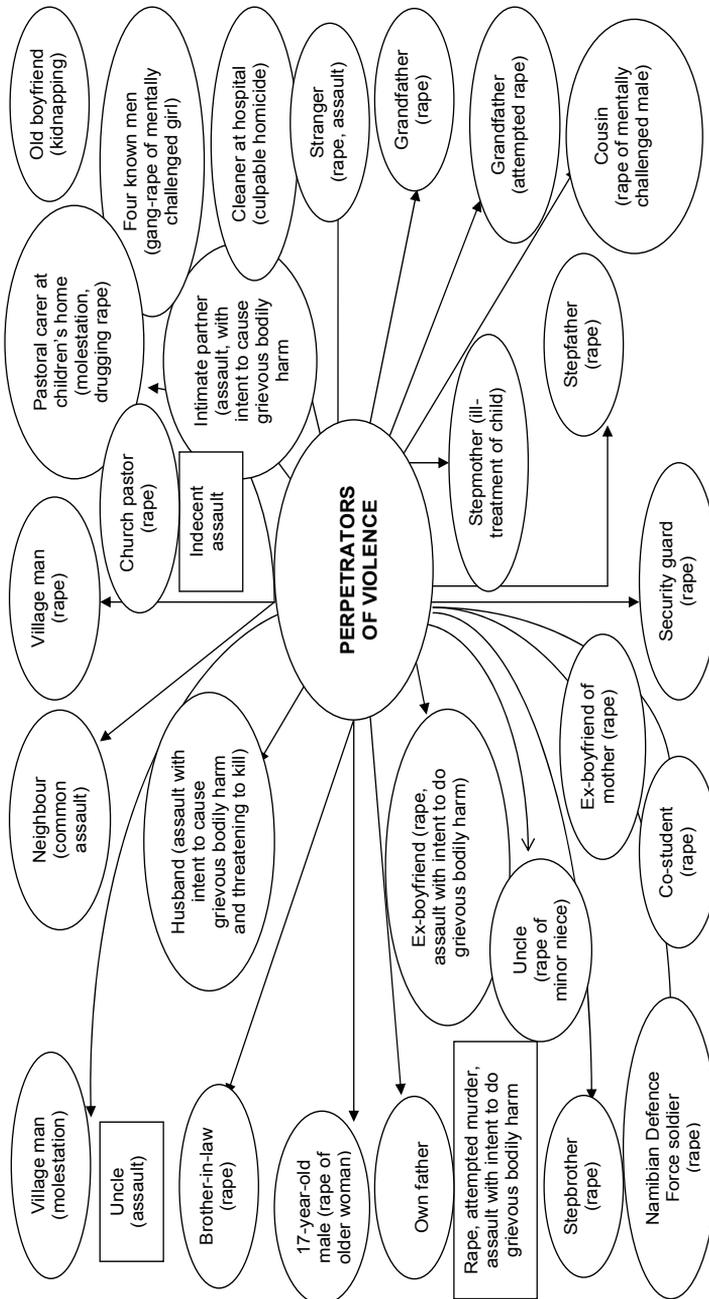
5 WHO (1999).

Figure 1: A visual mapping of the nature of child sexual abuse⁶



6 Jewkes et al. (2003:58).

Figure 2: Perpetrators of violence, as reported at police stations and Women and Child Protection Units⁷



7 UNICEF et al. (2003:133).

Important observations from Figures 1 and 2 are that, although males are commonly singled out as the violent family member, females also perpetrate violence within the family; and that the majority of abusers are either closely related to or known by the victim of violence.

The Namibian situation

Any evaluation of the degree to which the Namibian Government, on the one hand, and the citizenry, on the other, have succeeded in fully honouring and applying all the rights of a child some 20 years after endorsing the CRC needs to be done against the backdrop of conditions which prevailed prior to Independence, and certain cultural traditions, some of which are in stark contrast to the rights of the child as embodied in the CRC.

Although some critics may argue that two decades are long enough for the government and other stakeholders to have corrected the old order during which the rights of a child were not pertinently recognised, it is impossible to have wiped out this malaise of the past century in 20 years. The generation which had a very different view about children and their rights is still alive and well, and since any law has to be internalised and practised by conviction by parents to be effective, it can safely be assumed that the rights of a child will only be fully recognised and honoured by parents of a new generation. This is true of parents, school teachers and the community at large, especially with regard to the indigenous peoples of Namibia. For example, according to a teacher, many of the older teachers in schools who are no longer allowed to apply corporal punishment for even minor misdemeanours ascribe the breakdown of discipline in numerous secondary schools to 'an overemphasis of the rights of a child'. Such teachers feel that the right of teachers to perform their teaching duties effectively are seriously infringed by senior learners who exploit the perceived 'powerless' situation of teachers. The unfortunate spin-off of this situation in many senior schools is that teachers claim to merely tolerate the state of affairs for the sake of their salary, while they are constantly on the look-out for other employment.

It is clear from the attitude of these teachers that the emphasis on the rights of the child more or less neutralised their authority to demand specific levels of performance from learners. The teachers further maintained that learners also refused to execute alternative punitive measures in the form of extra homework, detention classes and the like. Moreover, if performed, such measures impacted on the teacher as well, since s/he had to mark or monitor the students thus punished. From discussions with teachers, one is led to believe that matters in some senior schools leave much to be desired. Needless to say, the entire scenario gives cause for concern with regard to the future.⁸

The older generation parents still maintain their stance that, for as long as their children are in the parental home and are cared for by their parents, their children are required to

8 MGECW (2009b).

submit to their parents' will and the rules of the house, unconditionally. No scope is left for a child's opinion or viewpoint on a matter at hand.⁹

As is the case with the contents of several Namibian laws, the existence as well as the contents of the CRC may be totally unknown to parents. Although ignorance is no excuse for contravening a law, it precludes the introduction of any change in traditional parent-child relationships.

Long-standing cultural traditions among the indigenous Namibian population do not provide for special rights for children. Parents are perceived as having the responsibility to provide for a child's need of food, clothing, protection, education, etc., rather than it being a child's right to have those needs fulfilled. The consequence of this widely held and long-standing assumption is that parents all too often renege on their responsibility and take decisions in the best interest of themselves rather than the child. A case in point is the non-enrolment of girls in schools, or their early withdrawal from school to assist parents with domestic chores. The right of a child to education, therefore, is superseded by what is in the best interest of the parent. It should be mentioned at this point that Namibia has made good progress on this particular front: 20 years after Independence, Primary school enrolment stands at 95% of all school-ready learners.

Although Primary education is compulsory in Namibia, the law is not strictly enforced for a variety of practical considerations. The welcome stance of the Namibian Government on the non-obligatory payment of school fees by learners as well as the wearing of school uniforms have contributed to the high Primary school attendance. Nonetheless, schools do exert pressure on learners to pay their fees and wear uniforms; however, the extent to which such pressure denies learners their right to education is not known.

Education authorities recognise the value of parents' contributions in the way of school fees, but they expressly forbid a child being denied the right to attend school, or a child being discriminated against because his/her parents are too poor to pay school fees or buy a school uniform.

With its ongoing school-building programme, the Namibian Government is clearly striving to honour its commitment to the 1990 United Nations' declaration to provide education for all by the year 2015, by which date all children should enjoy free and compulsory education of good quality.¹⁰

The impact of poverty

Poverty has a severe impact on the life and human rights of a child in Namibia.

9 (ibid.).

10 Office of the President (2004).

Children living on streets, or 'street kids', as they are often referred to, is a phenomenon which has grown in prevalence in recent times and manifests a cyclic nature.¹¹

Although other factors add to the occurrence of children living on streets in Namibia, poverty plays a major role in driving young children of both sexes onto the streets to make a living. This inevitably leads to prostitution to earn money for food, shelter and other needs, such as school fees for some who still try to get education.

With the high prevalence rate of HIV/AIDS in Namibia,¹² street children run a very high risk of being infected with HIV. The problem of malnutrition in Namibia is equally serious, as can be judged by the latest statistics: 8% of Namibian children below the age of 5 (i.e. 19,298) as being malnourished.¹³ Moreover, up to 69,956 children in Namibia suffer from dwarfing or retarded growth due to continued malnutrition.¹⁴

The above picture is rather bleak, although the Namibian Government does as much as it can with the means at its disposal, as is also clear from the recently published Ministry of Gender Equality and Child Welfare handbook.¹⁵ This handbook will ensure that the rights of children with regard to safety, proper care, nutrition, etc. are honoured, although much still needs to be done regarding the hordes of young children in various Namibian towns who have taken to life on the street. Since these children have neither a place to call home nor an adult to take responsibility for them, none of their rights in terms of the CRC is honoured.

This problem is exacerbated in Namibia by the high incidence of HIV/AIDS. The country has the fifth highest infection rate in the world¹⁶ and, as can be expected, a substantial number of AIDS orphans. Although statistics of the latter are not kept by the Ministry of Health and Social Services, a gestimate points at over 200,000 orphaned and other vulnerable children of whom only about 180,260 benefit from allowances paid by the state.

Other phenomena infringing on the rights of a child in Namibia

Very many children in Namibia are exposed to a host of other factors which impact on their lives and rights to a greater or lesser degree. These include –

- a lack of financial maintenance by fathers
- deprivation of inheritance

11 Jewkes et al. (1993).

12 MHSS (2007).

13 MHSS (2008).

14 (ibid.).

15 MGECW (2009a).

16 MHSS (2007).

- domestic violence, and
- child labour.

These factors will be addressed individually below.

Lack of financial maintenance by fathers

It is an unfortunate reality in Namibia that many men father children with one or several women without paying maintenance for the general care of their offspring. It often happens that such fathers disappear without a trace and, therefore, cannot be compelled to pay maintenance. Often, however, they have no form of income due to unemployment, and are thus also unable to contribute towards maintenance – even when compelled to do so by a court order.

In an apparently desperate bid to find a father and someone to help care for all her children, women often have children from different men, mostly only to experience the last man to abscond after the arrival of his addition to the family.

Such children grow up without a father's love or a male parental role model. Children from such homes usually grow up with a need for love and acceptance, which gang life offers in the form of admiration for the execution of ruthless crimes. The following example taken from the evidence given by a converted criminal bears brutal testimony to what the consequences of an unfulfilled search for love can be:¹⁷

If I could only receive a pat on the shoulder from a father after performing well, like the adoration when I brutally raped a girl in front of my gang mates, I would not have landed up among them.

However, there is also evidence of Namibian men who scandalously desert their partners and children, without paying maintenance, only in order to team up with another girlfriend – who is similarly entertained and dumped after the arrival of a baby. The irony is that, although many such men are prosperous in business and can afford to pay maintenance, they simply refuse to.

Deprivation of inheritance

Cultural marriages are recognised as valid under the Namibian Constitution. However, many couples in such marriages often do not have the documentation to prove their state. This becomes a decisive factor when the husband dies and the wife finds herself without written proof of the union. It happens regularly that wives in traditional marriages are chased off their land or out of their homes with their children by in-laws after their husband's death. This not only robs families of their inheritance, it also deprives children of a home and possibly even the continuation of their education.

¹⁷ Personal testimony of former convicted perpetrator at WAD conference.

Namibian law forbids the disinheritance of widows and children. However, unless widows take recourse to the police, which might be discouraged by threats of witchcraft, the culprits get away with it.

Domestic violence

The scientific study of domestic violence really only began at the beginning of the 1960s, but there is no shortage of attempts to understand and explain the tragic problems of wife abuse, child abuse, elder abuse, and intra-family violence in general.

The emotions that are stirred by descriptions and photographs of victims of family violence cry out for answers to the question “Why?,” or “Who could have done something so horrible?” Many have tried to answer these questions, but there remains precious little theory in the way of answering them.

A survey commissioned by WAD and executed by the University of Namibia on the root causes of violence against women and children among convicted perpetrators in Namibian prisons indicated the extent of the problem.¹⁸ Apart from the profound psychological consequences which domestic violence can have on a child, it can sow the seeds of replication of similar forms of violence to settle differences in a child's future life.¹⁹

Towards a definition of *family violence*

The World Health Organisation (WHO) defines *family violence* as being physical violence between family members by way of –²⁰

... the intentional use of physical force, with the potential to cause death, injury or harm. Physical violence includes, but is not limited to, scratching; pushing; shoving; grabbing; biting; choking; shaking; hair-pulling; slapping; punching; hitting; burning; the use of restraints, or one's body size or strength against another person; and the use (or threat of use) of a weapon, whether a gun, knife or other object.

Psychological/emotional violence

The Legal Assistance Centre, in its *Guide to the Domestic Violence Act 4 of 2003*, explains *psychological* or *emotional* abuse as follows:²¹

This requires a pattern of seriously “degrading” or “humiliating” behaviour towards the complainant, a family member, or a dependent of the complainant, such as:

18 WAD et al. (2006).

19 (ibid.).

20 MHSS (2004:2).

21 LAC (2004:12).

- repeated insults or causing emotional pain. An example is a husband requiring his wife to accept his girlfriend sleeping in the married couple's bed.
- repeated and serious exhibition of obsessively jealous or possessive behaviour towards the complainant, the complainant's dependents or family. An example is a man who insists that a teenage sister-in-law, who lives with him and his wife, may not visit any friends, or be visited by them.

Child labour in Namibia counts as one of the many causes of children dropping out of school at an early age. Other important causes include poverty, illiterate parents who do not value education, and poor scholastic performance. This makes children vulnerable to falling victim to exploitative employers as cheap labour.

Although a recent case of foreigners who employed children in the building trade in northern Namibia provided government with the opportunity to act and endorse the law on child labour, child labour is difficult to police in general, in especially far-flung rural areas. Young children are usually withdrawn from school to herd the family's livestock and, in that way, their talents are wasted and their future ruined.

Identified characteristics of perpetrators of child abuse

In a recent in Namibia looking into the nature of perpetrators of violent crimes against women and girls, some of the main findings indicated that –²²

... cultural factors, alcohol consumption, low levels of education, and poor socialization, were all contributing factors that underlie the violent crimes against women and girls.

The family violence perpetrator is described by researchers as a man who exhibits a public image of a peaceful human being, but he may be a dangerous and violent husband and father in the domestic sphere.²³

According to Justice and Justice, who did a study on personality profiles of abusive parents, authoritarian personalities, alcohol dependency and emotional immaturity, were common characteristics of abusers in the family situation. These characteristics of family violence abusers were confirmed in two more recent studies in Namibia.²⁴

One of the most consistent findings from research on physical violence against children is the so-called intergenerational transmission of violence. This proposition simply states that children who have been physically abused, or witnessed such abuse in their families, tend to grow up to be abusive adults. This theory has been viewed by researchers as an overstated hypothesis, and Hampton and others concluded that –²⁵

22 WAD et al. (2006:xiii).

23 Fineman & Mykitiuk (1994).

24 Rose-Junius et al. (1998); Jewkes et al. (2003).

25 Hampton et al. (1993:15).

[T]he intergenerational transmission theory is often simplistically presented and viewed as a single-cause explanation for abuse. A more sophisticated, multi-dimensional model of abuse is needed to explain child abuse.

Briggs and others presented a model of a sexual assault cycle, which offers valuable information about the sexual offender of children.²⁶ The cycle starts with the abuser's anticipation and rehearsal. Most abusers are said to think about their behaviour before they approach the victim. The perpetrator may fantasise about the abusive behaviour in his/her mind, and that makes the action seem more acceptable when it is eventually performed. The next step is to target the victim. It is common practice for a child sexual abuser to target vulnerable victims. Some develop a fetish for boys; others prefer girls, while some do not care about the gender – as long as it is a child. Vulnerable families may be targeted to gain access to children, or the offender will seek employment in an institution where children are cared for, for the same reason.

Other studies have found that the abuser targets victims whom s/he perceives as vulnerable, such as a lonely, attention-seeking child, or one who seems less likely to tell.²⁷ It has also been noted that men may start abusing their children sexually when they are unemployed, or have suffered some other setback in their lives, which leaves them feeling vulnerable and powerless.²⁸

Grooming is a term used to refer to the abuser's tactics to gradually test the victim's level of resistance, and it is a means of securing the victim's trust, privacy, and secrecy for the abusive actions. Grooming strategies may include watching pornography with the victim, intimate touching between the abuser and the child, as well as stroking and kissing.

Men who groom in institutions like schools or children's homes are often well regarded, and make themselves indispensable in their positions.²⁹

Some theories to explain domestic violence

Gelles and Straus mention two theories in an attempt to explain violence within the family.³⁰ The first is the exchange theory, which suggests that human interaction is guided by the pursuit of rewards and the avoidance of punishment and costs. Thus, if one or more family members are committed to providing reward services (care, support, education, etc.) to another, the second member is expected to respond with some benefits like gratitude, achievements, etc. If such reciprocal exchange of rewards occurs, the interaction will continue. If not, the interaction may be broken. It is not always possible

26 Briggs et al. (1998).

27 Dunkerly et al. (1994).

28 Jewkes et al. (2003).

29 (ibid.).

30 Gelles & Straus (1998).

to break relations with family members, even if there is no reciprocity. When the principle of retributive justice is violated, there can be increased anger and resentment, and conflict and violence can erupt.

Gelles and Straus (1998) proceed to explain that exchange theorists see the infliction of hurt on someone who has injured you, as rewarding.³¹ The idea of ‘revenge being sweet’ can be useful to explain why wives respond with extreme violence to a husband who has abused her for many years, even to the extent of killing him. It can also be used to explain why a parent would severely beat a child who has been crying non-stop, or does the same to an older child who has been extremely demanding, especially if the parent is overstressed for other reasons as well.

Parents or carers who abuse teenage children (and risk being hit back), verbally abuse them, or emotionally alienate them as a method of punishment, may do so because they feel that their investment in rearing the child/children has yielded disappointing results.

Parents or carers who overestimate their child’s ability and capabilities may abuse them because they have expected more from the child than they receive, and experience it as a form of rejection by the child.

The second theory offered in an attempt to explain violence within the family is the social control model. According to this model, family violence is more common when non-nuclear family members such as relatives or friends are unavailable, unable, or unwilling to become involved and are, therefore, not around to serve as agents of social control. According to the social control model, people hit and abuse other family members because they can.³²

Concluding notes

In their 2002 *World Report on Violence and Health*, WHO states that, throughout the world, children are abused and neglected by their parents and other caregivers. WHO also note that violence against children includes physical, sexual, and emotional abuse, as well as neglect.

With regard to physical violence, the report states that homicides are more prevalent under children between the ages of 0 to 4. The most common causes of death are head and abdominal injuries, or intentional suffocation. Further disturbing information in the report is the following:³³

In most places boys are the victims of beatings and physical punishment more often than girls, while girls are at higher risk of infanticide, sexual abuse, neglect and being sold into prostitution.

31 (ibid.).

32 (ibid.).

33 WHO (2002:16).

Although violence against children, like wife and elder abuse in families, is generally regarded as the strong acting against the weak, some people with clinical experience often find this an ironic description. They report that many perpetrators of abuse actually exhibit a pathetic and ineffective psycho-social profile – not always people who would be described as socially powerful.³⁴

Reflecting a similar theme, it has been observed that the physical abuse of children tends to start with a feeling of parental incompetence. Even mothers may resort to violence when they sense that they have lost control of their children and of their own lives.

These are examples of the use of violence to compensate for a perceived loss of power and control. This may be an important feature of the power dynamics in family violence that should receive greater theoretical attention.

Irrespective of government policy, the rights of a child are infringed upon in many ways in Namibia. These acts border on criminality because of the hopes that are pinned on our country's children to take Namibia into the future.

To stop the abuse of children's rights, a concerted information campaign by all stakeholders should be launched to educate the public and schools about the contents of the CRC. With the cooperation of law enforcement and the judiciary, the rights of a child in Namibia can be realised in the not too distant future.

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34 Rose-Junius et al. (1998).

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