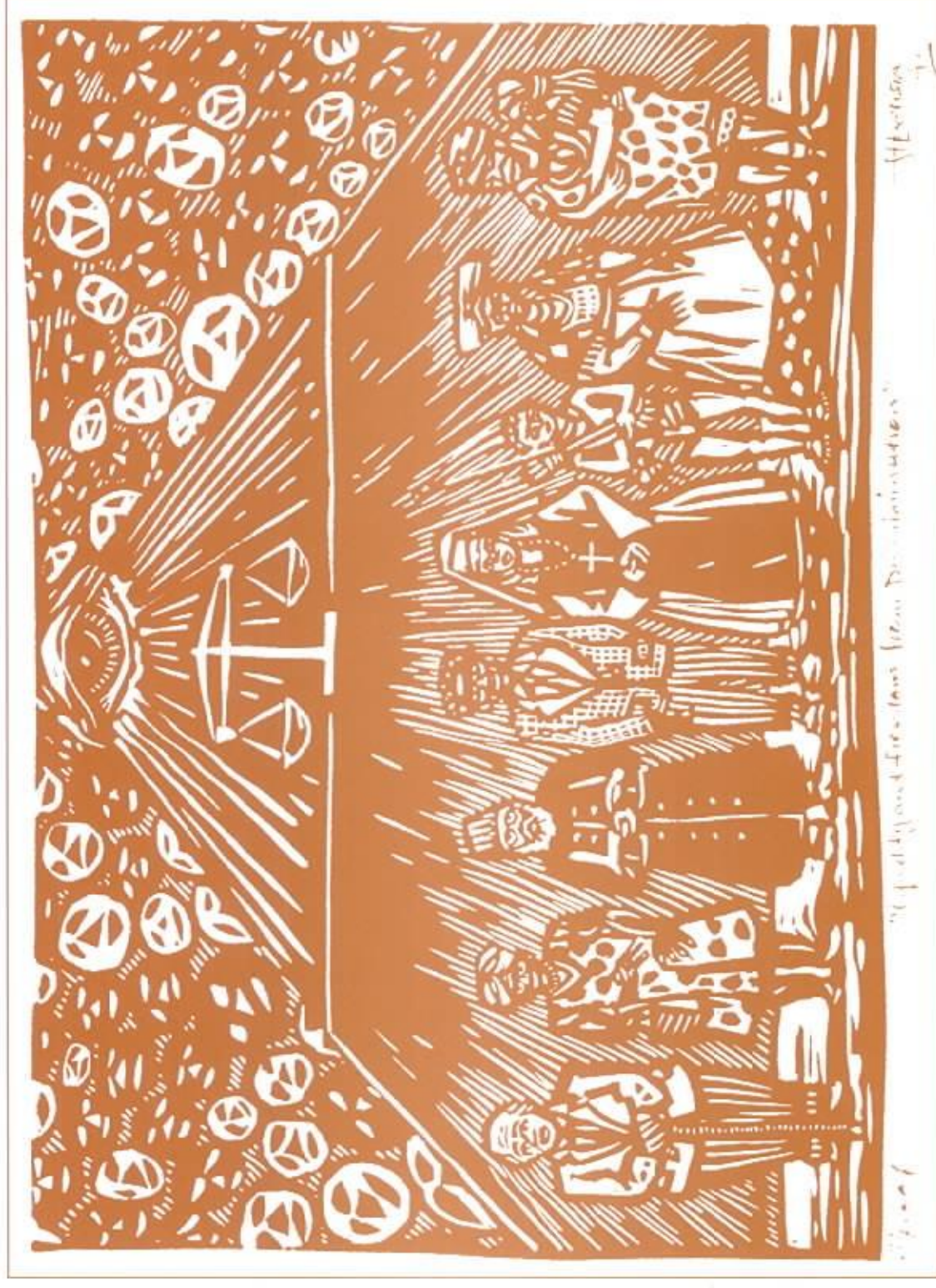


LEGAL ASSISTANCE TRUST AND HUMAN RIGHTS TRUST



ANNUAL REPORT
JANUARY TO DECEMBER 1999

foreword

The summary of activities contained in this report reflects, I believe, that 1999 has been a highly successful year for the Legal Assistance Centre and its advice offices. Into the second decade of our existence as an organisation it is fair to say that there is much to be proud of – our programmes continue to evolve to cater for the considerable demands placed on the organisation from communities and other non-governmental organisations in all 13 regions of the country. All this gives us a sense that there is a continuing momentum to nurture and build on the human rights culture that was consolidated by the adoption of our democratic constitution in 1990.

The thousands of individuals and the numerous communities we have assisted over the past year also bear testimony to the fact that in a developing country such as ours, despite the efforts made by government to provide state-funded legal aid, there is still a massive need for free legal services to be provided to poor communities. In October a client of the Centre echoed this sentiment in a letter to a newspaper, when he wrote '... people should cherish and defend the existence of organisations that strive for the dignity of a person. There is no such thing as a democratic state without institutions capable of ensuring that basic human rights are observed, protected or enforced. Very often the vicious and despotic attitude of those in power is directed to the most vulnerable sectors of any society: the poor, and illiterate, the displaced, the minority groups, etc.'

Providing legal advice and litigation services for the poor and marginalised will, I am confident, always be a cornerstone of the range of services offered by the Centre. Fortunately, since independence government has on the whole adhered to the Constitution and the Bill of Rights and this has given the Centre the space to expand its services into specialised areas of need. These have ranged from educational programmes with rural communities, parliament, women, youth, workers, community organisations and churches, trying to understand the law and legal processes; the struggles of trade unions and workers to improve conditions at the workplace; women battling to force fathers of their children to pay maintenance; diversion programmes for children to keep them out of prison, to monitor the conditions of those incarcerated and provide after-care; the production of law reports and

Andrew Corbett,
LAC Director
1992-1999



a legal index, the training of law students, candidate legal practitioners and police; research, lobbying for law reform and, together with government, the drafting of legislation on women, children and the environment; constitutional litigation to give content to the Bill of Rights and to protect individuals against arbitrary state action; research, education and litigation in support of those living with HIV or AIDS; and programmes around land and the environment, particularly land dispossession, community based natural resource management and the protection of the tenure rights of indigenous minorities.

The focus of the Centre's work has accordingly over the years shifted from the narrow one of primarily redressing the effects of gross human rights violations to a wider one embracing a range of programmes that we believe are essential to broadening democracy and facilitating developmental processes in our country. This is an exciting and demanding area of work. Nevertheless, we are constantly reminded that the advent of Namibia's hard fought for democracy has been no guarantee that the Bill of Rights will be the guiding force of government and citizens alike nor that the rule of law will prevail. This fact was emphatically brought home by the chilling reminder of unlawful state action in the systematic physical abuse of detainees at the hands of the security forces in the Caprivi in August 1999. It was with a sense of profound horror that we as an organisation, almost ten years into our independence, were now investigating and taking legal steps to protect the rights of detainees tortured using substantially the same methods we had witnessed when acting for many hundreds of civilians who had been brutalised

foreword

and tortured by the then South African security forces and the notoriously vicious Koevoet unit. We did so in the conviction that after independence this sad chapter of our history would be closed forever. However, although the Centre categorically condemned the attempt by certain people to attempt to subvert democracy by engaging in military action to pursue secessionist goals and the attendant tragic loss of life, we stand firm on the principle that our Constitution must guide state action, even where there are serious threats to public safety, and the use of torture or other degrading treatment on detainees cannot be tolerated.

We believe that the work of the Centre still has great relevance in Namibian society. However, in order to respond to future challenges, the Centre has to take stock not only of the prevailing socio-political environment but also of how it confronts the reality of shrinking donor financial support to the NGO sector in Namibia. We tackled this issue head on during the course of 1999 and have embarked on a restructuring exercise.

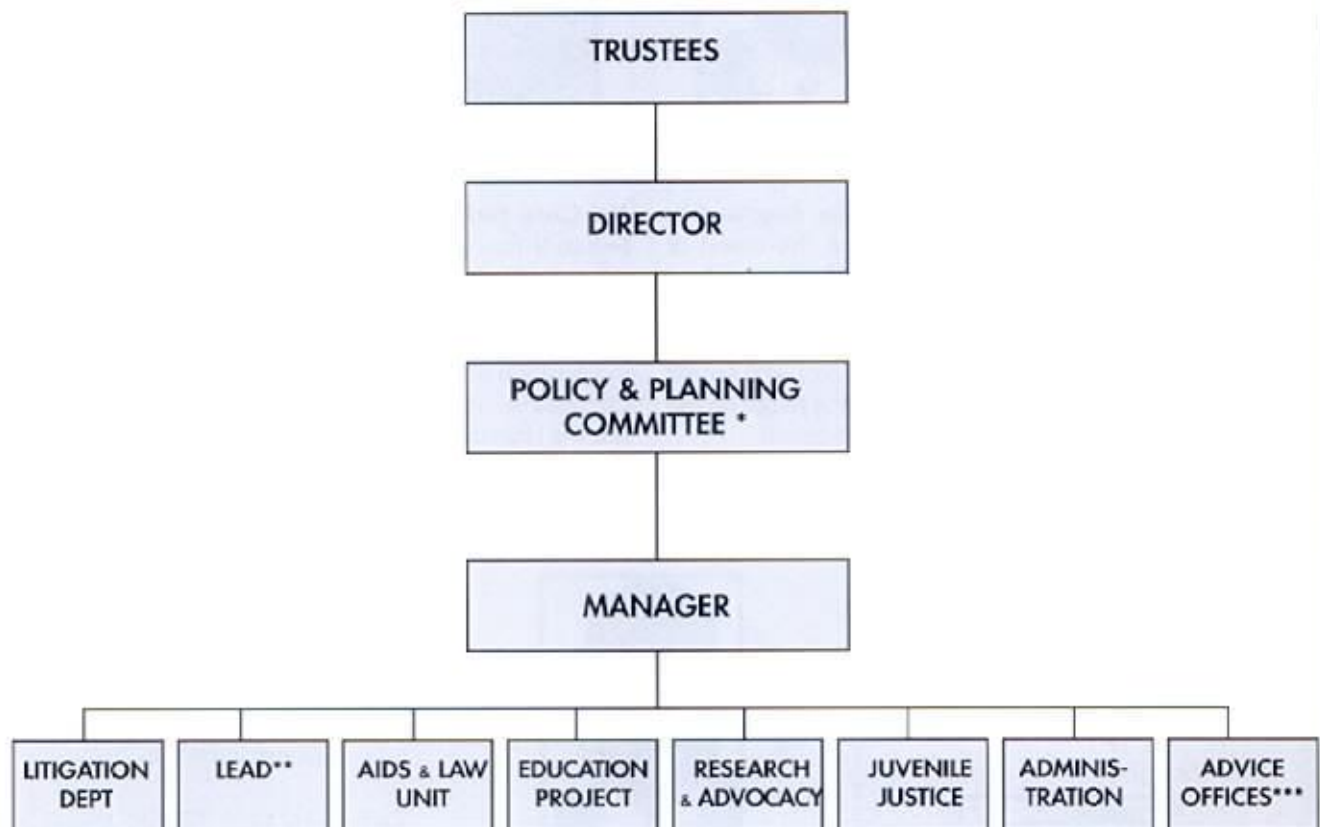
In summary, the long-term vision for the Centre is that it will continue to provide legal services to indigent people in Namibia for many years to come. However, the range of services provided and the geographical coverage of such services will become narrower and more focused. The Centre will employ dynamic innovative project leaders and staff who are able to provide a quality service and ensure that project funds are put to good use. Steps will be taken to enhance job security and to retain key staff members. The advice offices operating as general advice bureaux will be phased out over time, and where possible, will be replaced by programmes and projects operating at national or regional level. The launching of the AIDS Law Unit during the year was an example of an innovative programme looking to

address a major social issue. The implications of the process of restructuring will be fully discussed with client communities in the regions where existing advice offices operate with a view to looking at ways that the community can take responsibility for the provision of paralegal services. This could take the form of the training of volunteers in civic organisations, churches, women's and youth groups and trade unions to fulfil paralegal functions within their communities. We are confident that the net result of this difficult process will be a more resilient and effective organisation with a clearer vision and one able to attract and retain the necessary resources to continue with its work for many decades to come.

I have also 'restructured' my life. I step down as Director of the Centre with effect from the end of 1999. This is motivated in part from a personal desire to move away from management and back again into the practice of law and also with a belief that in the new Director, Clement Daniels, we have someone with the necessary skills and experience to do an excellent job in his new capacity. I have during my more than 11 years with the Centre been extremely privileged to work with wonderful people from all walks of life in a fascinating period of transition in Namibia. They have ranged from interactions at governmental or judicial level to all manner of meetings at community level, whether in the forests at Salambala in east Caprivi or in the villages in northern Kunene. I have learnt an enormous amount from these interactions and the cultural diversity they represent. In conclusion, in all I have done at the Centre I am conscious that it would not have been possible without the tremendous support and assistance of many – ranging from the trustees and staff of the Centre, colleagues and friends in the NGO sector, the legal profession and the judiciary as well as sectors within government, the international donor community, and very importantly my family. My sincere thanks to all of you.

Andrew Corbett

structure of the legal assistance trust



* Consists of all the Coordinators of Departments and Projects

** Land, Environment & Development Unit

*** Advice Offices are situated in Ongwediva, Rundu, Walvis Bay, Katutura, Keetmanshoop and Mariental

trustees of the legal assistance trust



Advocate David Smuts (Chairperson) is a founding trustee of the Legal Assistance Trust. He served as founding director of the LAC until stepping down in 1992 to practise full-time as an advocate at the Windhoek Bar. He remained a trustee, and took over as chairperson in 1996 following the death of Justice Kenneth Bethune who had chaired the trust since 1988.



Mr Hosea Angula has served on the board of the Legal Assistance Trust since 1989. He is a legal practitioner with a Windhoek law firm, and served as an acting judge on the Namibian bench.



Ms Gida Nakazibwe-Sekandi has served on the board of the Legal Assistance Trust since 1996. She currently holds the position of Manager: Corporate Affairs at Rössing Uranium Limited.



The Honourable Wilfried Emvula has served on the board of the Legal Assistance Trust since 1996. He joined the LAC as Walvis Bay Advice Office coordinator when the office opened in 1989, and served in that capacity until his appointment to the National Council in 1993. He was subsequently appointed as Deputy Minister of Trade and Industry, and at present serves as Namibian High Commissioner in France.



The Honourable Ben Ulenga first joined the board of the Legal Assistance Trust in 1994. He resigned in 1996 but resumed his membership in 1998 at the trust's request. He is a former Secretary General of the Mineworker's Union of Namibia, SWAPO Central Committee member, Deputy Minister of Environment and Tourism, and Namibian High Commissioner to the United Kingdom. He resigned from his last post in London in 1998 and launched a new political party, the Congress of Democrats (CoD).



Dr Teopolina Tueumuna has served on the board of the Legal Assistance Trust since 1989. She has worked as a medical doctor at the Oshakati State Hospital for many years and is currently based in Oranjemund.



Andrew Corbett has been with the LAC since 1988 and served as Director from 1992 until December 1999. Clement Daniels took over as Director of the LAC in January 2000.

departments

administration department

Staff

Eva Weitz – Manager
Joy Bartlett – Receptionist/Secretary
Roadine Willemse – Secretary
Collette Campher – Secretary
Maggy van Rooi – Secretary
Priscilla Malgas – Accountant
Patricia Claasen – Bookkeeper
Festus Hamukwaya – Materials
Development Officer
Romy Zwirner – Librarian
Joseph Kahuika – Office Assistant
Beverley Roman – Cleaner
Silas Shishiveni – Gardener/Cleaner



Eva Weitz - Manager

The Administration Department provides administrative support and management to all the staff and projects of the LAC. The department is responsible for secretarial support, bookkeeping, financial administration, human resource management and cleaning and messenger duties. The LAC has been very fortunate in recruiting Ms Eva Weitz who started her duties as Manager in February 1999.

Human Resources

The following staff movements took place in 1999 in comparison with the previous year:

	1999	1998
Appointments	9	1
Resignations	6	5
Retirements	0	2
Dismissals		
Retrenchments	3	0

Due to ongoing financial constraints, especially with regard to the core funding and future restructuring of the Centre, it was necessary to downsize the staff complement.

Assistance was given to four staff members under the Staff Development Scheme to further their studies.

Visits to Advice Offices

The manager and some of the legal practitioners visited the advice offices once during 1999. There was, however, good interaction with staff who regularly visited the head office in Windhoek.

administration department



Festus Hamukwaya,
Materials Development
Officer



Joy Bartlett, Receptionist



Priscilla Malgas,
Accountant

Funding

Funding remains one of our major concerns. We are, however, fortunate that the majority of our advice offices and projects have sufficient funding until the end of 2000.

We are in the process of establishing longer-term cooperation agreements with donors and we trust that the restructuring process will substantially reduce our overhead costs.

Our major donors during 1999 were the following international organisations and government offices:

Institutional support (Windhoek Office)

Rundu Advice Office

Human Rights Centre, Ongwediva

Walvis Bay Advice Office

Katutura Advice Office

Keetmanshoop Advice Office

Mariental Advice Office

Juvenile Justice Project

Gender Research & Education Project

Aids Law Unit

Land, Environment & Development Unit

Law Reports Project

Swedish International Development Coordination
Agency (SIDA)

Katholische Zentralstelle für Entwicklungshilfe (KZE)

Evangelische Zentralstelle für Entwicklungshilfe
(EZE)

Joseph Rowntree Charitable Trust

Embassy of Finland in Windhoek

Open Society Initiative for Southern Africa

Namibia Association of Norway

Austrian Institute for International Cooperation (IIZ)

Austria North-South Institute

Austria North-South Institute

Ford Foundation

United States Embassy

Evangelische Zentralstelle für Entwicklungshilfe
(EZE)

Humanist Institute for Cooperation with Developing
Countries (Hivos)

Legal Practitioner's Fidelity Fund of Namibia

juvenile justice project

Staff

Jonnah Kamwanyah – Coordinator
Senorita Gases – Social Worker (diversion options)
Ricardo Mukonda – Social Worker (research and monitoring)
Celeste Zaahl – Social Worker (assessment and referral services)
Sophie van Wyk – Receptionist/Secretary
Mutumwa Nyambe – Social Work Intern



Jonnah Kamwanyah – Coordinator of the Juvenile Justice Project

Activities

The Juvenile Justice Project's activities comprise four main components:

- Crime prevention
- Direct service delivery
- Research and training
- Advocacy and networking

The direction and outcome of project activities have been influenced by three major factors. Firstly, the findings of the evaluation study on the Juvenile Justice Project conducted early this year culminated in the identification of a broader range of activities to improve the project's existing services. Secondly, the process to decentralise the juvenile justice programme to the regions called for the intensive training of role-players and the establishment of support structures to build capacity and strengthen the services in the regions. Thirdly, lack of a national policy on juvenile justice supported by legislation prompted advocates of juvenile justice to develop a structured three-year child/juvenile justice programme description. This programme clearly defines, identifies and describes the problems, possible pilot projects and the necessary measures to be taken in the process to create a comprehensive and sustainable model of juvenile justice in Namibia.

Crime Prevention

Crime prevention is one of the essential components of any juvenile justice programme. However, crime prevention is broad and cuts across a range of activities. The reality suggests that most crime prevention activities (specifically youth crime prevention) in Namibia are scattered and uncoordinated.

The Juvenile Justice Project in conjunction with other role-players (Ministry of Youth and Sport, Namibian police and Change of Life Styles Home Project) has set up a steering committee to coordinate and identify strategies for effective youth crime prevention. A two-day workshop on crime prevention was conducted for 50 secondary school learners and teachers in Windhoek. The workshop came up with concrete recommendations to effect a youth crime prevention programme in Namibia, including the establishment of a national council on youth crime prevention.

Peer counselling programme

Peer counselling is a programme developed to equip young people with values, skills and knowledge, especially on how to cope with the demands of adolescence.

The Young Women's Christian Association (YWCA) runs the programme in schools throughout Namibia.

juvenile justice project

The Juvenile Justice Project provides training to prospective peer counsellors on topics such as self-awareness, crime awareness and the rights of children.

This year the programme trained 110 peer counsellors. The peer counsellors also participated in various activities such as the Day of the African Child (16 June), International Narcotics Day (25-26 June), Peer Counselling Awareness Day, as well as a peer counselling conference facilitated by the YWCA and JJP staff held at the Shalom Centre from 17-19 September 1999.

Direct service delivery

Direct service delivery entails measures to keep children from becoming more involved in juvenile crime. These consist of screening, pre-trial diversion options, monitoring and after-care services, the protection of children's rights and facilitation of diversion programmes to children.

Screening/assessment of children at courts

Screening determines the appropriate course of action to be taken (serving as a gate-keeping function) as far as a particular child is concerned.

Social workers from the Ministry of Health and Social Services and the Juvenile Justice Project conduct screening daily at the Windhoek magistrate's court. In the regions, social workers and youth officers are responsible for screening. However, the extent of screening varies from region to region.

Currently, the screening service takes place in 16 of the 33 magistrate's courts in Namibia. These are: Windhoek, Mariental, Keetmanshoop, Rehoboth, Otjiwarongo, Tsumeb, Grootfontein, Oshakati, Eenhana, Opuwo, Okakarara, Swakopmund, Walvis Bay, Gobabis, Karasberg and Lüderitz.

However, there are many more police stations than magistrate's courts in Namibia. By implication, not all children who are in conflict with the law in Namibia benefit from the juvenile justice service.

Despite the fact that screening is taking place in certain part of the country, there is no established national policy to back up the process in terms of any possible abuses. The Juvenile Justice Project has set up temporary measures to assist screeners, e.g. screening forms and report back and referral mechanisms between key players.

Pre-trial diversion

Pre-trial diversion options are essential because diverted children should be matched with suitable resources to meet their varying needs.

Currently, children diverted from court are referred either to the Life Skills Programme, pre-trial community service and for individual counselling by social workers. Pre-trial community service is still in its pilot phase and few children have been referred to this option.

The life skills programme is gaining in popularity, but is difficult to implement in rural areas due to a lack of human resource and the vast distances to be covered. Sixty-four juveniles, 25 females and 39 males,

participated in the Life Skills Programme in Windhoek. Most female participants had been charged with petty offences such as shoplifting, while male participants had been charged with offences ranging from petty to serious crime such as robbery, assault GBH (with grievous bodily harm) and housebreaking.

The return rate of children diverted to the life skills programme is two out of ten.

Monitoring of awaiting trial and sentenced juveniles

A monitoring system has been set up in Windhoek to monitor the treatment and conditions of children in police cells and prisons. The Juvenile Justice Project, Ministry of Youth and Sport, Change of Life Styles Homes Project, the Namibian police and volunteers are responsible for the monitoring process. Members of juvenile justice forums in the regions are allowed to visit any police cells for monitoring purposes.

In conjunction with the inter-ministerial committee on juvenile justice, the project has managed to secure the support of the National Planning Commission (Central Bureau of Statistics) to compile a database of all children detained countrywide.

Legal representation

Many children who are in conflict with the law and their parents are unable to afford legal representation. To alleviate this situation, the project encourages screeners to make sure that a criminal trial is the last resort. In Windhoek, the Legal Assistance Centre's lawyers and the government Legal Aid Board handle some of the cases.

After care and referral

After-care service forms an integral part of any juvenile justice programme to ensure successful support and reintegration. All children who are in need of this service are referred to the Ministry of Health and Social Services for counselling and individualised service. However, this arrangement is not satisfactory due to the fact that the system of report-back from the social workers is lengthy.

juvenile justice project

Research and training

Research

Research and statistical information is intrinsic to planning, review, evaluation and monitoring of project activities. The Juvenile Justice Project has introduced a computerised database system in Windhoek to give basic statistical information on children arrested in Windhoek. The database is built on the two sets of information collection systems:

- Juvenile Justice Monitoring, which is a detailed assessment of the treatment of juveniles at arrest and awaiting trial phase
- Juvenile Justice Case Information, which is a detailed assessment of juvenile cases before trial for the purpose of diversion.

The Juvenile Justice Project analyses the collected information and shares it with partners and the public at large. Efforts are being made to include information from other regions.

Research reports

- The Project has collected data from children's court cases at the Windhoek magistrate's court during the period 1995-1998 for statistical review. The data are in the process of being coded and analysed.
- There is an unpublished report on juveniles assessed at the Windhoek magistrate's court in 1998. The report has been collated, but not yet analysed.
- A study on the emotional support of children in conflict with the law has been completed. This is a mini research carried out by the social work intern for her academic requirement.

Juvenile Justice Draft Pamphlets

The project has developed the following draft information pamphlets:

- Pre-trial diversion, which gives basic information about the pre-trial diversion programme
- General information on the juvenile justice project
- Youth crime prevention, which aims to inform, educate and sensitise youths about the effect of crime on the perpetrator, the victim and the community
- Posters on life skill sessions to be used during the presentation of life skills programme
- A draft training manual for peer counselling, which includes a session on crime awareness and the rights of single mothers

Training

There is a lack of capacity reflected at all levels. It is imperative that people who are working with children in conflict with law have the relevant level of knowledge, skills and attitudes to instill a sense of professionalism in the field.

The project has engaged in a number of training workshops throughout the country to support the decentralisation of the juvenile justice process. The training has been mainly aimed at police officers, social workers, youth officers, prosecutors, magistrates, teachers, paralegals, volunteers and community members. Training and follow-up workshops were conducted in Windhoek, Keetmanshoop, Mariental, Rehoboth, Karasberg, Lüderitz, Opuwo, Oshakati, Gobabis, Otjiwarongo, Okakarara, Eenhana and at the Divundu Rehabilitation Centre.

Training workshops conducted covered the following aspects:

Screening

This training targets social workers, prosecutors and magistrates who are involved in the screening process at courts. It covers what screening entails, types of recommendations, the basis for diversion and the framework for screening and diversion.

Diversion options

This training is offered to facilitators of life skills programmes, pre-trial community services and counselling. These are mainly youth officers, volunteers and social workers.

Juvenile justice training to law enforcement officers

The aim is to promote a culture of human rights amongst law enforcement officers. It mainly focuses on how to treat children during arrest, detention and in prison.

Juvenile justice training workshop to role-players and partners

General training is given on the various components of the Juvenile Justice Programme, which covers issues such as the legal framework, international instruments, guiding principles and crime prevention. The targets include parents, teachers, volunteers, police officers, justice personnel, youth and the community at large.

juvenile justice project

School visits

The Juvenile Justice Project initiated a discussion programme with schools to discuss issues such as child delinquency, crime prevention and child rights and duties. The purpose of the school visits is to educate, inform and debate the pressing issue of child delinquency.

Secondary schools visited in Windhoek were A Shipena, Augustenium, David Bezuidenhout, Ella du Plessis, Shifidi, Jan Jonker Afrikaner, Goreangab and Concordia College.

In addition, the project was invited to facilitate two sessions at the Student Representative Seminar organised by the Augustenium Secondary School.

Advocacy and networking

The project has successfully engaged in advocacy work through lobbying and networking with state and NGO partners. Support structures have been set up in various regions such as the Inter-Ministerial Committee (IMC), the Family Life Empowerment Programme (FLEP), the Working Group on Disparity, the National Working Group for Street Children, Juvenile Justice Forums, the Arrest and Awaiting Committee, and the Tracing of Parents Volunteers and Crime Prevention Committee. However the level of functioning varies greatly from region to region and depends on who or which institution takes the lead in a particular region.

Research of other systems

Ricardo Mukonda was placed at NICRO-Cape Town from 5-13 April for orientation in diversion programmes.

Jonah Kamwanyah visited Wynberg (Cape Town) and the Stepping Stones Juvenile Assessment Centre from 16-21 May under the IMC delegation. This was a fact-finding mission and was funded by UNICEF.

Celeste Zaahl visited Pittsburgh, Pennsylvania from 7-16 July 1999 to research and observe how their programmes and institutions respond to juvenile justice issues.

International Seminars

Jonah Kamwanyah attended a seminar on alternative sentencing in Mozambique from 27-31 October. He delivered a paper on 'Juvenile Justice: A case for Namibia'.

Ricardo Mukonda attended a seminar on Juvenile Justice in Malawi from 23-25 November. He delivered a paper on pre-trial diversion.



Evaluation of the Juvenile Justice Project

The Austrian Development Cooperation through the North-South Institute for Development Cooperation commissioned an evaluation study on the Juvenile Justice Project of the Legal Assistance Centre. Two consultants conducted the evaluation in the Windhoek and Keetmanshoop areas.

The findings of the evaluation study were presented to the role-players and public in a workshop held in Windhoek on 9 June.

juvenile justice project

Problems identified

- Lack of material and human resources throughout the country
- There is a lack of diversion options to cater for the varying needs of children who come into contact with the criminal justice system
- Lack of proper legislation and national policy to protect juveniles in conflict with the law
- Absence of meaningful statistics or national records on children in conflict with the law
- Lack of facilities for juveniles awaiting trial
- Lack of youth crime prevention programmes
- Not all children who come into contact with the criminal justice system receive the same treatment
- Lack of policies and guidelines
- Implementation of screening and pre-trial diversion in the regions is too slow
- Lack of programmes for serious and repeat offenders

Participants of a Life Skills workshop organised by the JJP near Windhoek in a relaxed mood



Plan of action for 2000

- To continue with the decentralisation of the juvenile justice process to the regions
- To pilot a programme for repeat offenders
- To continue to deliver the screening service and pre-trial diversions
- To pilot possible projects to address the gaps identified by the findings of the evaluation study as well as issues raised in the juvenile justice discussion document
- To explore and expand the diversion options and to strengthen pre-trial diversion
- To train role-players to build capacity to support and sustain the regional structures
- To set up provisional guidelines and measures
- To give priority attention to law reform

litigation department

Staff

Clinton Light – Coordinator
Johann Malan – Legal Practitioner
Norman Tjombe – Legal Practitioner
Valmary van Rooi – Candidate Legal Practitioner
Yvonne Dausab – Candidate Legal Practitioner
Delme Cupido – Candidate Legal Practitioner
Ruusa Shipiki – Candidate Legal Practitioner
Lynita Conradie – Legal Practitioner/Law Reports Editor



Clinton Light – Coordinator of the Litigation Department

The major focus in the Litigation Department is the litigation of constitutional, human rights and other cases of public interest. The department also provides training to candidate legal practitioners from disadvantaged backgrounds, legal education to community organisations and public institutions, input on policy matters and supervises the casework of the six advice offices.

The department finalised 372 cases during the period under review. This represents 59 more cases than for the same period in 1998. Only the more significant or interesting cases are highlighted here.

Litigation

Constitutional rights/human rights

A significant event during the period was the proclamation on 2 August 1999 of the first state of emergency since independence in the Caprivi region. This followed an attack by secessionist rebels on the regional office of the Namibian Broadcasting Corporation, the Katima Mulilo police station and the Mpacha military base at Katima Mulilo.

After the attack, a number of concerned relatives and friends of persons who had been detained by the security forces approached the Centre. There were disturbing allegations that many detainees had been seriously tortured by members of the security forces. As a result, Norman, Andrew and Johann went to Katima Mulilo on 17 August to interview the detainees. They interviewed sixteen detainees. All except one of the detainees had been tortured.

Clinton interviewed another detainee, Geoffrey Mwilima, a former DTA Member of Parliament, on 19 August. Mr Mwilima had been transferred to Windhoek by the Minister of Defence, who was so shocked by Mr Mwilima's condition following his

torture by members of the Namibian Police that he arranged for him to be flown to Windhoek. Clinton took photographs of Mr Mwilima during the consultation. The photographs were published in all the Namibian newspapers the next day and caused an enormous outcry countrywide around the treatment of Caprivi detainees.

The Centre is at present acting for 40 persons who were tortured while in the custody of the security forces. Civil actions for damages have been instituted.

The Supreme Court ruled on 9 July 1999 that the chaining of prisoners in leg irons or chains is unconstitutional. The Centre acted on behalf of five prisoners who were placed in leg chains or irons by prison officials at the Windhoek Prison for escaping from prison or attempting to escape from prison. They were held in leg chains for about four months until they were released as a result of an application brought on their behalf by the Centre. Mr Namunjepo and the other applicants argued that this treatment was inhuman and degrading in violation of the Namibian bill of rights.

litigation department

The Centre has also instituted civil claims on behalf of sixteen prisoners claiming damages for being placed in leg chains or irons. A total amount of N\$2 875 000.00 is claimed on behalf of our clients. This victory means that only the amount of damages can now be disputed, not whether the Minister of Prisons and Correctional Services is liable.

The first sex equality case to be heard by both the High Court and the Supreme Court unfortunately ended in defeat for our client, Michael Muller. Michael Muller had applied to the High Court for an order authorising him to assume his wife's surname (Engelhard) without complying with any formalities. It is possible under Namibian law for a wife to change her surname to her husband's surname on marriage without any formalities. A man, on the other hand,

has to seek the permission of the Minister of Home Affairs, advertise his intention to change his surname in a newspaper and pay a fee to the Ministry of Home Affairs. Mr Muller therefore contended that he was being unfairly discriminated against on the basis of his sex, i.e. as a man, which is prohibited under the Namibian bill of rights. The Supreme Court held that Mr Muller had not been discriminated against.

Mr Muller and his wife have now made a communication to the Human Rights Committee under the International Covenant on Civil and Political Rights. The Human Rights Committee will decide whether the Namibian law is contrary to the equality provision of the International Covenant on Civil and Political Rights. This is only the second communication submitted against Namibia.

Labour

In a case concerning the dismissal of a client from her employment for being HIV positive, the district labour court in Lüderitz ordered a fishing processing company, Novanam, to reinstate our client. The court also ordered her employer to pay her compensation for the 28 months that she had been without work. Novanam has not appealed, has reinstated our client and paid her salary for this period.

The long-running case of Willie Poolman and 150 other train drivers and their assistants against their employer, Transnamib Ltd, has ended in victory for our clients in the Supreme Court. The decision means that the way is now clear for our clients to proceed with their claims against their employer for the underpayment of overtime and other remuneration, which may amount to as much as N\$4 000 000.00.

We have instituted review proceedings against the Inspector General of the Namibian Police after he decided earlier this year to transfer various members of the Namibian Police from their duty station at Katima Mulilo on the basis of their alleged involvement with the secessionist activities in the Caprivi. He took this decision in February 1999, long before the actual secessionist events took place in August.

Immigration, citizenship and refugees

Liz Frank's application to the High Court against the refusal of the Immigration Selection Board of the Ministry of Home Affairs was successful in the High Court. Liz Frank, who is a German national, has lived and worked in Namibia for nine years. Ms Frank took her case to court after two applications for permanent residence had been rejected without reasons. Ms Frank's application was based on her professional qualifications, but also her long-standing lesbian relationship with her Namibian partner. In her affidavit, Frank pointed out that if she was involved in a heterosexual relationship with a Namibian citizen she would have been able to marry and thereby gain the constitutional right to reside in Namibia. Because of her sexual orientation this was not possible. We argued that the Immigration Selection Board's decision was unreasonable and unfair, but also that the Board had violated a number of Ms Frank's constitutional rights by not taking her sexual orientation into account.

After hearing argument on 4 June 1999, Mr Justice Levy issued an order on 24 June that the Immigration

Selection Board should issue a permanent residence permit to Ms Frank. Mr Justice Levy was highly critical in his judgement of the failure by the Immigration Selection Board to consider Ms Frank's impressive qualifications and contribution to Namibia, while taking into account irrelevant considerations.

The government has appealed against the ruling. This appeal appears to be motivated more by political considerations than by legal merits.

An interesting test case brought on behalf of Elizabeth Tihoro concerns the question whether a person who wants to become a naturalised Namibian need renounce her or his existing citizenship before becoming a Namibian citizen. We argue that the Constitution regulates the position and that the provisions of the Citizenship Act that purport to introduce a requirement that an applicant must first renounce his or her existing citizenship are not authorised by the Constitution. The government has, not surprisingly, opposed the application. The case will be argued during August 2000.

litigation department

Some of the successes during this period were the High Court ordering the Ministry to issue a student's permit to the foreign spouse of a Namibian national (Teklu Adamu); the High Court ordering the Ministry to issue a student's permit to a young Tanzanian orphan, Mwanamkuu Hussein Mwakembeu, living with her brother, Abdallah Hussein Mwakembeu, who was appointed as her guardian; the High Court ordering the Ministry to deliver a permanent residence permit to an Austrian married to a Namibia, after the Ministry's immigration officers took it upon themselves to 'cancel' our client's immigration permit (Klaus Mattle); the High Court ordering the Ministry to issue an employment permit to a Belgian national married to a Namibian citizen (Jurgen Severi); and the Ministry returning a dual national's Namibian passport to him, after confiscating it because he was also in possession of a South African passport (Eugene Grobbelaar).

We are trying to cut down on the bias towards immigration cases. The Centre is now well known for its work in this area. The problem with our success is that we receive numerous requests for assistance. Only a few of these cases have strategic significance and most require an enormous investment of time due to the incompetence and intransigence of officials of the Ministry of Home Affairs.

We stopped screening refugees for the Ministry of Home Affairs during March 1999. This was for a variety of reasons, principally because of a lack of seriousness and commitment from the Centre's staff, but also because the amount paid by the United Nations High Commissioner for Refugees was so little that this activity was not economically viable.

HIV/AIDS-related work

Johann has received a few complaints regarding the refusal of insurers to honour their contractual obligations as a result of the HIV status of the deceased.

Johann is dealing with one case where a person was dismissed from work as a result of her HIV status, after the employer forced her to undergo an HIV test.



Andrew Corbett, Norman Tjombe, Clinton Light and Lynita Conradie are all smiles during the admission of Norman Tjombe as a Legal Practitioner of the High Court of Namibia

Interventions that have not resulted in litigation

We acted for a group of black girls who are attending a former white school. These girls were unhappy or uncomfortable with a requirement that all the girls should only wear bras that match their skin colour. After a letter was written, the school principal's response was that because the school shirts were white, the school wanted girls to wear bras that matched their skin colour and therefore did not show through the shirt.

While the issue was handled insensitively by the school, it was not possible to proceed with the case because it did not seem to be racially discriminatory.

We are also acting on behalf of a coloured woman in a further incident of racial discrimination. Our client responded to an advertisement in *Die Republikein* offering accommodation for rent. The only persons invited to respond in the advertisement were whites. When our client telephoned the advertiser she told her that because she had dogs that did not like black people she was only offering the accommodation to whites. Our client has laid a criminal charge against the owner. The matter has been referred to the Prosecutor General for a decision on whether to prosecute in terms of the Racial Discrimination Prohibition Amendment Act, Act no 26 of 1991.

Ruusa acted on behalf of a group of seventeen old Single Quarters residents (Katutura), who were threatened with eviction by the Ministry of Local Government and Housing. The intention was to resettle them at a place some thirty kilometres away from their present homes, at which most of them run small businesses. The Ministry has agreed to build our clients new homes near their existing homes after our intervention.

Cases finalised during the period 1 January – 31 December 1999

Labour	123
Other	58
Human rights	57
Consumer	34
Family-related	32
Pension/Insurance	21
NGO/Development support	16
Land/Housing/Environment	12
Criminal	9
TOTAL	372

litigation department

Lectures, workshops and other activities

Workshops, seminars and lectures presented

	Date	Group	Topic
Clinton	Various dates	Students, Faculty of Law, University of Namibia	The law of evidence
	4/3/99	Trainee detectives, Namibian Police Training College	The role of the defence lawyer and human rights in the criminal process
	18/3/99	Conference organised by Penal Reform International, Kampala, Uganda	Access to Justice: Namibia
	24/5/99	Justice Review, NBC National Radio	Changing one's surname
	28/10/99	Trainee detectives, Namibian Police Training College	The role of the defence lawyer and human rights in the criminal process
Johann	21 - 24/1/99	Conference organised by Commonwealth Human Rights Initiative	Constitution drafting and Freedom of Information
	17/3/99	Paralegal training	Rights of gays and lesbians and Affirmative Action (Employment) Act
	26/5/99	NBC National Radio	HIV testing and the right to confidentiality
	7/6/99	Panel Discussion at De Duine Secondary School	Rights of gays and lesbians
	19/6/99	The Rainbow Project: Gay and Lesbian Youth Workshop	Homosexuality and the law
	23/6/99	9 th Round Table Discussion on FES and Labour Law	Labour Relations and HIV/AIDS:
	Various dates	Candidate legal practitioners, JTC	Constitutional Practice and Human Rights
	11/08/99	NBC: National Radio	HIV/AIDS and the Law
	01/09/99	Catholic AIDS Action: Conference of Hope	HIV/AIDS and employment, insurance and wills
	06/09/99	Windhoek Lion's Club	AIDS Law Unit, NANASO
	10/09/99	Ministry of Health and Social Services Training Centre	The human rights of persons with disabilities
	28/10/99	NBC: Afrikaans Service	HIV/AIDS, testing and confidentiality
	27/09/99-22/10/99	Raoul Wallenberg Institute, Lund, Sweden	The equal status of women
	03/11/99	HIV/AIDS Conference, Windhoek	HIV/AIDS and Employment Law
	22/11/99	NBC National Radio	The rights of gays and lesbians
Delme	24/11/99	Radio Energy	The rights of gays and lesbians
	25/11/99	NBC: Afrikaans service	The rights of gays and lesbians
	07/05/99	FES/MISA media representatives	Telecommunications guidelines
Ruusa	16/07/99	NDI - parliamentary staff	Bill analysis and the legislative process
	18/11/99	King Kauluma Project	Conservancy and Traditional Authority Legislation
Norman	16 -18/03/99	LAC Paralegals	Affirmative action, rights of gay and lesbians, gender rights, children's rights and juvenile justice
	11-14/05/99	Network of Legal Aid NGOs in Southern Africa	Strategic planning
	21-22/05/99	NUNW shopstewards, Continuation Committee of African	Labour law
	28- 30/06/99	Human Rights Defenders, Dakar, Senegal	Strategic Planning of the Continuation Committee
	30/07-02/08/99	World Commission on Dams, Geneva, Switzerland	Presentation on construction of the Epupa Hydroelectric Dam
	06-08/08/99 09-12/11/99	NUNW shopstewards, Tsumeb Network of Legal Aid NGOs in Southern Africa, Johannesburg, South Africa	Labour law Various activities of the Network

litigation department

Bill summaries

The Legal Assistance Centre produces bill summaries for members of Parliament and other interested organisations and individuals on behalf of the National Democratic Institute.

Delme
Cupido,
Candidate
Legal
Practitioner



Ruusa
Shipiki,
Candidate
Legal
Practitioner



Norman Tjombe consults a client in the LAC library

Non-governmental organisations, development support and organisational involvement

During 1998, the Minister of Justice appointed Clinton as a member of the committee on estates of the Law Reform and Development Commission. The committee is required to consider the reform of laws relating to the administration of estates, particularly racially discriminatory laws that are still law in Namibia. Clinton served on a sub-committee of the committee during this period, which worked on a draft bill. The draft bill has now been finalised and submitted to the Law Reform and Development Commission for consideration.

Johann is working with the Nyae Nyae Conservancy on controlling access to the Conservancy. A 4 x 4 route has been opened through the conservancy by an outside operator that not only detrimentally affects the ecologically sensitive area, but also does not take into account the wishes of the community. In terms of applicable legislation, the conservancy cannot regulate access to the conservancy, nor can they indicate which routes visitors and tour operators

should follow. It would appear that there is a loophole in the legislation regarding tourism activities. Conservancies can only utilise wildlife on a sustainable basis to generate income. Tourism as such is not dealt with in the Act, despite the fact that the policy on conservancies provides for the tapping of the tourism potential of an area to generate income for the members of a particular conservancy.

Johann is the secretary of the Network of Namibian AIDS Service Organisations (NANASO) and The Rainbow Project. Johann is also involved with the AIDS Law Unit, where he is assisting in drafting an HIV/AIDS Charter of Rights.

Deeds of trust were drafted for the Onankali Project, a nursery project initiated by the Africa Groups of Sweden, which the Africa Groups of Sweden wants to hand over to the local community, and for the Namibia Housing Action Group, an NGO providing technical support to shack dwellers to build their own houses by way of savings and loan schemes.

litigation department

Conclusion

A funding proposal for a much larger Constitutional and Human Rights Unit has been submitted to the European Commission and has now been approved in principle. The larger unit will mean a fundamental change in the activities of most of the members of the department. The funding proposal commits the Unit to achieving a number of measurable outputs. Litigation is also restricted to cases that concern a violation of a constitutional right or of a right guaranteed under an international human rights treaty binding on Namibia.

Because most of the litigation department will be in the Unit, this will have an effect on the cases that can be taken on referral from the advice offices to the Centre.

Namibian law reports



Lynita Conradie, Editor of the
Namibian Law Reports

Lynita is the editor of the Namibian Law Reports. During February she completed the 1997 Namibian Law Reports which were published in May 1999. In October she completed the manuscript for the 1998 Law Reports that will be published soon. Unfortunately there were once again long delays in receiving the 1998 judgements from the court. This caused a disruption in her work plans.

During December Lynita started compiling the Cumulative Index for the Namibian Law Reports from 1990–1998, which will be published in 2000.

gender research and advocacy project

Staff

Dianne Hubbard – Legal Researcher

Laura Tjihero – Trainee Researcher

Willem Odendaal – Researcher/Programme
Administrator

Johann Malan – Legal Practitioner

Collette Campher – Programme Assistant



Dianne Hubbard – Coordinator
of the Gender Research and
Advocacy Project

The Gender Research and Advocacy Project is a Legal Assistance Centre programme that focuses on two main areas, namely research and advocacy work on gender in Namibia. The ultimate aim of the project is to make well-informed contributions to national policy formulation and the law reform process in the country.

The capacity of the department was expanded during the year by consultants John Ford, Perri Caplan and Christ Schier, student David Bigge from the Harvard Law School Human Rights Programme, and volunteer lawyer Elizabeth Cassidy.

Overview of project accomplishments

This has been the most successful year ever for the Project. Our relationship with relevant government institutions is particularly strong, and we engaged in a range of successful lobbying efforts during the year. Significant progress was made on law reforms relating to violence against women. The work of the Project also received praise from local and International bodies during this period

Major areas of research and advocacy NAMLEX

A 1999 update to Namlex (the index of laws in force in Namibia) was completed in April 1999 (current to the end of March 1999). It includes a substantial new section on international law and a list of multilateral treaties to which Namibia is a party.

Rape

Much of the year has been devoted to lobbying and behind-the-scenes consultations concerning the Combating of Rape Bill. This process has involved additional research on a few specific issues, such as evidentiary rules, as well as the drafting of a number of information and lobbying materials.

gender research and advocacy project

Domestic violence

Draft domestic violence bill

The Gender Research & Advocacy Project convened a workshop in February 1999 to get feedback from local experts on the draft proposals prepared for the Law Reform and Development Commission (LRDC) last year. The discussion was very fruitful, and the outcome was summarised and presented to the LRDC.

The LRDC subsequently appointed Dianne to a new subcommittee on domestic violence. This subcommittee met throughout the year, every four to six weeks, using as its starting point the draft bill produced by LAC in 1998. Dianne prepared a series of five revised draft bills incorporating feedback from the workshop and other revisions requested by the LRDC or suggested by additional research.

A research paper entitled 'Mediation and Court-Ordered Treatment in Domestic Violence Cases' was prepared for the subcommittee. This paper was instrumental in persuading the subcommittee to drop a proposal to require mediation in domestic violence cases.

The revised draft Domestic Violence Bill is now ready for presentation to the full LRDC. The Gender Research & Advocacy Project has been asked to draft an explanatory memorandum to accompany the draft, which will be a good lobbying opportunity.

Networking

We continue to be involved in the Multi-Media Campaign on Violence Against Women and Children and the Domestic Violence Action Group convened by the Deputy Minister of Prisons. We also network internationally by means of an Internet 'end-violence' discussion group and numerous e-mail contacts.

We have contacted the UN Special Rapporteur on Violence against Women to suggest that she schedule a visit to Namibia in the near future to lend support to the law reforms on rape and domestic violence. She has requested additional information, which we provided, and the request for a visit is still under consideration.

At the invitation of the Police Training College, Dianne facilitated a training session on the handling of domestic violence cases for potential personnel of Woman Child Protection Units.

We were consulted by a grassroots group, Namibia Women's Network, about a participatory research programme on domestic violence. We have agreed to provide all possible assistance. As of the end of 1999, the planned data collection by the Namibia Women's Network had not yet taken place. We are presently awaiting further contact from the organisation.

Research papers

LAC's 1998 research paper on domestic violence received a highly favourable mention in the March 1999 report of the UN Special Rapporteur on Violence against Women: Namibia. The Special Rapporteur is encouraged to note that positive steps are being taken to remedy the government's reported failure to provide adequate remedies and support in cases of domestic violence. She notes with interest a discussion document published in November 1998, which contains proposals, based on the United Nations Framework for Model Domestic Violence Legislation. The Special Rapporteur encourages the government to take all steps to ensure the document assists the process of policy development and reform. (INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN, Violence against women in the family, E/CN.4/1999/68, paragraph 220)

A National Domestic Violence and Sexual Abuse Service Directory listing shelters and resources for those who work in the field has been compiled and published with the help of consultant Perri Caplan. This directory was launched in December.

The LAC completed a detailed analysis of questionnaires about domestic violence sent to the police by the LRDC, after technical problems forced the LRDC to abandon the programme. This paper, entitled 'Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response', will be published jointly by the LRDC and the LAC, with joint copyright, in an unprecedented manifestation of cooperative effort.

A brief analysis of one month of NBC television programming to assess the amount of violence and gender stereotyping is in draft form and will be published early in the new year. This programme was delayed by technical problems, but will soon complete the package of planned domestic violence research.

gender research and advocacy project

Organising Men Against Violence Against Women

Preparatory work has already begun on this programme, which is a joint initiative of the Gender Research & Advocacy Project and the Legal Education Project. As the issue of violence against women and children has received increasing attention in Namibia, the Legal Assistance Centre has been approached by several grassroots groups of men asking for ideas on how they can act more effectively on this issue. In response to this need, the Legal Assistance Centre is planning a national conference on this issue, to take place on 23-25 February 2000, for 250 male participants throughout Namibia. We plan to invite guest speakers from men's groups in Canada, South Africa, Botswana and Zimbabwe. It is hoped that the conference will result in the launch of a Namibian men's group that will take the lead in further mobilisation of men around the problem of violence.



Men attending consultative meeting 'Organising men against violence against women', Otjimbingwe



Registration of participants st group discussions held at Otjimbingwe

Advocacy campaign

The LAC was invited to submit a funding proposal for a domestic violence advocacy campaign to a British funder, DFID, in March, after the British Council's head office saw our domestic violence law reform proposals on the Internet. The proposed activities would involve national media initiatives - radio drama serials, videos in indigenous languages and billboards. Despite the fact that the proposal had the enthusiastic support of British Council Namibia and the British High Commissioner, it was rejected. The local partners did not accept this decision however, and encouraged us to reapply. A revised proposal was submitted to DFID in November. These programmes would be commissioned by LAC in the same way as the maintenance videos, and produced under LAC's supervision. If funding is obtained, we will implement this programme in conjunction with the Legal Education Project and AfriNature Films.

Marriage and divorce Customary marriage

Following the lead of the LRDC, the divorce research has been coupled with research on the recognition of customary marriages. This is necessary because one question that must be addressed is whether one divorce law will apply to all types of marriage in future.

With the assistance of a student intern from Harvard, David Bigge, we have published a background paper on customary marriage, based on comparative information from other countries. The paper is entitled 'Proposals for Law Reform on the Recognition of Customary Marriages'. This paper has been submitted to the appropriate subcommittee of the Law Reform & Development Commission, and will be distributed to interested parties.

gender research and advocacy project

Divorce

The divorce paper is now ready in draft form, with much help from volunteer lawyer Elizabeth Cassidy. The existing field research has been supplemented by new statistics compiled by Willem, and by court observations by Dianne, Willem and Elizabeth. The only missing component is interviews with divorce lawyers, court personnel, legal aid personnel and other professionals who deal with divorces. These will only be completed next year, due to the disruptions of the national election and holidays. The paper will be published in early 2000, which fits into the time frame of the relevant LRDC subcommittee.

Divorce mediation

John Ford, a consultant experienced in family mediation, spent three months at the LAC designing a pilot programme on family mediation. He held extensive interviews to test community opinion on divorce mediation, and to obtain support from the legal profession. We hosted a workshop on this topic in July 1999 in Windhoek, where the idea was enthusiastically endorsed. A background paper, entitled 'The Viability of Divorce Mediation in Namibia: An Analysis with Recommendations', was used as the basis for discussions.

Vulnerable witnesses

A report on vulnerable witnesses was submitted to the LRDC in 1998. This report appears to have had some influence on two provisions of the Combating of Rape Bill aimed at reducing the trauma of court testimony for child witnesses. We have also provided additional cases on certain aspects of the report, at the request of the LRDC. Lobbying for additional law reforms on vulnerable witnesses is continuing. This looks promising, particularly in light of the interest of the Office of the Prosecutor General, which recently acquired special equipment to set up more victim-friendly courts.

Maintenance

On 18 March, six short maintenance television spots were launched at the National Art Gallery with about 250 people in attendance. These videos were well received, and NBC has aired them frequently. (A record of the broadcasts has been maintained by NBC and will be provided to LAC.) A video containing all six spots has been made and distributed to NGOs and others who would like to use them in workshops. These spots have inspired much discussion and debate.

These television spots won a prestigious Gecko advertising award in October 1999, surpassing 11 other entries. The award technically went to

AfriNature, the media company that actually made the advertisements, but it provided good publicity for LAC and for the maintenance campaign.

The LAC continues to distribute maintenance posters in various Namibian languages, videos containing all six television spots, and educational material on this topic, to encourage lobbying and advocacy by a broad spectrum of organisations. We have received many letters of thanks indicating that this material has been useful.

Land

A memo regarding gender discrimination in the draft Communal Lands Bill (discriminatory treatment of widows) was sent to a range of NGOs and government leaders. This communication was acknowledged by the Chairperson of the LRDC and a representative of the DWA, both of whom pledged to see that the matter was corrected. The problem was indeed removed from the final bill. In 1998, we sent a memo to various policy makers appealing for affirmative action for women on land boards to be incorporated into the draft bill. This lobbying effort was also successful.

Biotechnology

We have held discussions with the Ministry of Environment about the possibility of a series of newspaper articles on genetic modification and biotrade, to inform public and policy makers about these issues before draft bills are introduced into Parliament (on the model of the Epupa Debate articles). These articles will include discussions of the various gender issues at stake. Background material has been obtained from the Ministry and collected from the Internet. This programme will move forward during 2000.

Abortion

The LAC has been approached by representatives of the Pro-Choice Alliance requesting a constitutional challenge to the existing abortion law. One strategy session has already been held on this topic, and we have contacted international groups that might be able to assist the LAC with this case. The Gender Research & Advocacy Programme will be working together with the Constitutional and Human Rights Unit on this case.

Women's manifesto

The Gender Research & Advocacy Project gave advice to Sister Namibia on the drafting of the Women's Manifesto, designed to highlight gender issues in Namibia's national elections, and is acknowledged in this publication.

gender research and advocacy project

Networking

International conferences

Dianne attended a one-week British Council seminar on violence against women in February in London. The content of the seminar was pitched too low for most of the participants, but the opportunities for networking were very useful. The British Council Namibia paid all of the costs except for travel.

Dianne attended a three-day workshop convened by the Royal Tropical Institute (KIT) in Amsterdam on gender and governance, attended by 60 delegates from some 20 countries in Africa and Asia, as well as many representatives of the international donor community. Dianne presented a paper on gender and law reform in Namibia. There is a possibility that KIT will fund gender research in Namibia in future. All costs were paid by KIT.

Committees & discussion groups

- member of the Multi-Media Campaign on Violence against Women and Children, which meets monthly
- member of the Domestic Violence Support Group, which meets monthly
- ongoing participation in UNIFEM-sponsored Internet discussion group on violence against women (since 1998)
- member of technical committee in support of MOHSS/WHO research programme on domestic violence
- member of technical committee in support of 1999 Human Development Report on alcoholism and its links to violence against women and children

Media

- preparation of a five-metre long banner acknowledging the Austrian Development Cooperation for display at all workshops and other events
- positive print and broadcast media coverage of the launch of the maintenance television spots and rape workshop for NGOs
- appearance on 'Talk of the Nation' and forthcoming 'Public Eye' on maintenance
- interview on domestic violence on NBC radio chat show
- interview on divorce mediation on Katutura Community Radio
- two newspaper articles on rape (discussed above), an article on gender, poverty and violence appeared in the International Women's Day supplement to The Namibian, and a special millennium version of the usual end-of-year Gender Scorecard

Laura
Tjihero,
Trainee
Legal
Researcher



Collette
Campher,
Project
Assistant



gender research and advocacy project

Publications

Research papers

Domestic Violence Cases Reported to the Namibian Police: Case Characteristics and Police Response (co-published with LRDC)

Proposals for Law Reform on the Recognition of Customary Marriages

National Domestic Violence and Sexual Abuse Service Directory

Mediation and Court-Ordered Treatment in Domestic Violence Cases

The Viability of Divorce Mediation in Namibia: An Analysis with Recommendations

1999 NAMLEX Update (update to the original 1997 NAMLEX, an index of the laws in force in Namibia)

Educational material

- Child Maintenance Video (six short spots aimed at fathers aired on national television and distributed on video for workshops, training sessions, etc.)
- Child Maintenance (set of four colour posters in all major Namibian languages)
- Organising Men Against Violence Against Women: Education Package for Namibian Men

Lobbying materials

Domestic Violence Bill: Explanatory Memorandum

The New Combating of Rape Bill: 10 Reasons Why It Is So Important

Summary of Combating of Rape Bill

Background Information on Rape in Namibia

Combating of Rape Bill: Group Submission to the Parliamentary Standing Committee on Human Resources

Conference papers

Gender and Law Reform in Namibia (presented at Royal Tropical Institute, Amsterdam)

Media

Newspaper articles on:

- Using the Law to Help Women fight Poverty and Violence
- Making Rape in Marriage Illegal
- An Overview of the Combating of Rape Bill
- Gender and the Law: The Millennium Scorecard.

legal education project

Staff

Rosa Namises
Milly Jafta



Rosa Namises



Milly Jafta

In line with the mission statement of the Legal Assistance Centre the Legal Education Project, through legal education, aims to make the law accessible to those with least access in order to create and maintain a culture of human rights in Namibia.

The overall objective of the Project is to provide and facilitate legal education in support of creating and maintaining a culture of human rights in Namibia with particular emphasis on gender equality. The Project performed the following functions in order to achieve its objectives:

- the planning, coordinating and conducting of human rights, legal and gender education and training
- the creating and raising of awareness on existing and new laws, amendments, draft bills and public hearings on law-related issues with regard to human rights and gender
- the identifying and channelling of topics and target groups for further human rights, legal and gender education and training
- the mobilising and lobbying on human rights and gender law reform issues
- the supporting and facilitating of capacity building of advice office staff regarding human rights, legal and gender education and training

During the year the Project experienced a number of setbacks relating to the staffing of the office. The previous coordinator, Silas Kishi Shakumu, resigned and was transferred to the Walvis Bay Advice Office in December 1998. Rosa Namises, the Training Officer, acted as coordinator, until Milly Jafta filled the post on 1 November 1999.

The LEP is supported by the staff of the advice offices, who execute education and training programmes in the areas resorting under them. Currently the LAC has advice offices in Katutura, Keetmanshoop, Mariental, Walvis Bay, Ongwediva and Rundu. The outreach programmes of the advice offices target mostly rural communities.

legal education project

Legal education

Legal Education and awareness raising is currently conducted through:

- workshops, both planned and on request from communities
- volunteer training programmes
- human rights training in educational institutions
- mass media outreach programmes
- celebration of special days

Workshops

The Project supported workshops and other training conducted by different advice offices. The following is a summary of workshops presented by the advice offices:

- The Katutura Advice Office conducted forty-one workshops and outreach programmes during 1999. The topics that were covered included domestic violence, maintenance, prisoners' rights, gender and human rights.
- The Rundu Advice Office conducted six workshops and outreach programmes in 1999. The topics covered were human rights, maintenance, labour law and the role of the LAC.
- The Mariental Advice Office conducted fourteen workshops in 1999. These workshops dealt mostly with gender issues namely domestic violence, rape and maintenance, but other topics such as labour rights and social security were also addressed. On invitation from the Mariental Journal Club, the office made presentations and disseminated information on HIV/AIDS: the issue of confidentiality and the right to informed consent, as well as domestic violence: why it is a criminal offence and the proposed Domestic Violence Draft Bill.
- The Ongwediva Human Rights Centre held eleven workshops in 1999. The topics covered included human rights and gender awareness, children's rights and domestic violence. Approximately 800 participants attended these workshops.
- The Keetmanshoop Advice Office conducted fourteen workshops on human rights, maintenance, labour law and the role of the LAC.
- The Walvis Bay Advice Office conducted twenty-four workshops in different towns in the Erongo region. The following topics were covered: human rights, labour law, marriage and divorce, rights of gays and lesbians, rape and domestic violence and the rights of prisoners.
- Rosa conducted the following workshops with the following groups on invitation during 1999:
 - Lutheran Church Men's Circle - The topics covered were human rights, violence against women and children, maintenance and the Married Person's Equality Act, 1996 (Act 1 of 1996)
 - Grootfontein Community Group - The following topics were covered: violence against women and children, gender, human rights and the role of the police in the community
 - Lutheran Church Women's Desk - Human rights and domestic violence were covered
 - Church women leaders in Stampriet - Violence against women was covered
 - 'Stop-the-Violence' Women's Group - Ongoing training on laws and human rights
 - Volunteer Service Overseas (VSO), United States Information Service (UNIS) and Peace Corp Volunteers - gender orientation sessions
 - Namibian National Farmers Union on Advocacy and Lobbying for identified members of their union. The purpose of the workshop was to build the capacity of the union members to do advocacy and lobbying on issues of concern to them as farmers

legal education project

Ruhaan Diergaardt of the Windhoek United Reform Church at the Volunteer Graduation Ceremony, with LAC Manager Eva Weitz



Volunteer training programme

During the first half of 1999, the Volunteer Training Programme (VTP) aimed mainly at grassroots women, was initiated by the LAC's advice offices in Ongwediva (Human Rights Centre) and Katutura. Seventeen training sessions were conducted, of which thirteen dealt with gender issues, while the remaining four sessions dealt with general law concepts and the work of the LAC.

- The Human Rights Centre conducted their first VT Workshop on 10 to 12 May and the second one in June. The topics covered were the concept of human rights, the AIDS epidemic in Namibia and the rights of gays and lesbians.
- The Katutura Advice Office conducted workshops on 11 to 13 June and 16 to 17 October 1999. Participants were from fifteen different churches and community groups. Topics included human rights, adult training, introduction to the Legal Assistance Centre and its Advice Offices, the Constitution, human rights, the rights of single mothers, domestic violence, the rights of children, family law, the Labour Act and maintenance.

Legal education on human rights and gender issues in education institutions

In 1998 the Project started a pilot project with teacher trainers at different colleges in the country. In 1999 the Unit conducted training at three schools and the College of Education in Windhoek.

The Rundu Advice Office held a workshop from 9 to 11 April 1999 with teaching and non-teaching staff from eight different schools at the Pupa Malaria Research Camp. The workshop covered the following topics: introduction to the work of the LAC, concepts and definitions of human rights, how laws are made and human rights lobbying. Thirty-seven people attended the workshop.

Mass media and other outreach programmes

- Rosa took part in regular radio broadcasts on gender issues from March to June 1999.
- During May 1999, the Katutura Advice Office made presentations on Katutura Community Radio and NBC Radio discussing women and law.
- The Rundu Advice Office made extensive use of local NBC radio programmes to discuss issues of human and legal rights throughout the year.
- The Mariental Advice Office together with social workers from the Ministry of Health and Social Services disseminated information during September 1999 on HIV/AIDS regarding the right to informed consent, confidentiality, the right of privacy, discrimination, equality and the vulnerability of women. The rural villages of Kalkrand, Aranos, Maltahöhe, Gibeon, Stampriet, Gochas and the town of Rehoboth were visited and 368 people, mostly women, were reached.
- The Walvis Bay Advice Office held awareness-raising workshops and panel discussions in seven schools in the region on the human rights of minority groups. The discussions were mostly attended by learners from these schools.

legal education project

Celebration of special days and participation in national programmes

The Project, through its participation in the celebration of special international and national days, like Women's Day (8 March), Children's Day (16 June), Human Rights Day (10 December), uses these occasions to raise awareness on human rights and gender issues, show support for national and international efforts and lobby government on relevant issues.

The Rundu Advice Office gave input on 'How do laws contribute in reducing crime?' in a crime prevention workshop facilitated by the Ministry of Youth and Sport on the Day of the African Child on 16 June 1999 at Mukwe.

Training and capacity building

All the gender officers and paralegals attended a three day training workshop in March 1999 on the following topics: child maintenance, domestic violence, rape, affirmative action in employment, children's rights, gay rights and juvenile justice.

Conclusion

The Project faced many constraints during 1999. It was without a coordinator for ten months and lost the services of its longest serving staff member in November 1999.

The staff at the advice offices were overloaded with ad hoc advice services on especially labour and maintenance issues. This resulted in them executing their planned programmes under difficult circumstances. The Walvis Bay Advice Office is currently investigating suitable and practical solutions, like allocating certain days for specific responsibilities. Once a suitable model is found, it could be tested at the other advice offices. However in spite of these constraints, the advice offices have succeeded in executing their planned activities.

The Project works closely with the Gender Research and Advocacy Programme of the LAC in the execution of their activities. The two projects are working together to facilitate the holding of a National Conference on Men against Violence against Women from 23 to 25 February 2000 in Windhoek. The purpose of this workshop is to raise greater awareness about this human rights violation, bring men together to discuss the issue and to decide on the way forward.

The two projects will also be working closely together in 2000 to educate communities on the provisions of the Combating of Rape Bill, which is expected to be passed by Parliament early in 2000. Furthermore the two projects will work jointly to raise greater awareness on provisions on domestic violence and the customary marriages bills as well as lobbying and advocating for its passing. The two projects will also be working together in the training of other service providers to execute their duties in a gender sensitive manner with regard to the implementation of the Combating of Rape Bill.

AIDS law unit

Staff

Michaela Figueira – Coordinator
Johann Malan – Legal Practitioner
Willem Odendaal – Project Researcher
Mona Malherbe – Project Assistant



Michaela Figueira –
Coordinator of the AIDS Law
Unit

The AIDS Law Unit was established by the Legal Assistance Centre in August 1999 and is located at the offices of the Legal Assistance Centre in Windhoek. The Unit addresses issues of discrimination on the basis of HIV status and provides an avenue for remedies for people with HIV or AIDS who have been discriminated against on the basis of their HIV status. This is accomplished:

- Firstly, by conducting research into existing and emerging discrimination issues as well as into appropriate policy and legal responses
- Secondly, by working on the formulation and drafting of appropriate policies and legislation to address issues of discrimination on the basis of HIV status
- Thirdly, by providing a legal advice and litigation service for people living with or affected by HIV or AIDS
- Fourthly, by engaging in advocacy on behalf of people living with HIV or AIDS for the adoption of appropriate policies on HIV/AIDS and by developing programmes with people living with HIV or AIDS designed to develop advocacy skills in organisations (CBOs and NGOs) representing people living with HIV or AIDS
- Fifthly, by designing and facilitating appropriate education and training programmes and materials on HIV/AIDS and discrimination
- And finally, by networking with organisations doing similar work in the SADC region with a view to sharing ideas, strategies and expertise

Funding for the activities of the Unit has been secured from two sources, namely the Ford Foundation and the American Embassy in the amounts of N\$1.2 million and N\$120 000.00 respectively.

Research, policy formulation and law reform

The researcher has commenced a research project aimed at gathering data on existing policies in place relating to HIV/AIDS in both the public and private sectors. This data will be used to compile a baseline review of existing policies on HIV/AIDS in Namibia. A further component of this research project will be to gauge public opinion on HIV/AIDS in the workplace.

The coordinator and the legal practitioner are currently working on the development of draft policy on HIV/AIDS notification, reporting and confidentiality for presentation to the Ministry of Health and Social Services, on their request. This policy formulation has been preceded by an extensive consultative process and it is anticipated that this draft policy will inform any proposed amendments to public health legislation in respect of notification and reporting.

AIDS law unit

Litigation and legal advice

The Unit is currently dealing with several cases relating to discrimination on the basis of HIV/AIDS in respect of access to employment and to insurance. The most significant of these is a matter in which the applicant is challenging the Namibia Defence Force's policy of pre-employment testing and of excluding people with HIV from employment in the NDF in the Labour Court. This matter has been set down for hearing in the Labour Court on 1, 2 and 3 February 2000 and will be a significant test case in the area of HIV/AIDS and employment law.

In addition, the Unit is running an advice clinic for people living with and affected by HIV/AIDS at the offices of the AIDS Care Trust of Namibia on a weekly basis.

Advocacy

The Unit has coordinated an extensive consultation process on the issue of HIV/AIDS notification and reporting. This process was prompted by the announcement of the Minister of Health and Social Services in April 1999 that HIV/AIDS was to be made a notifiable disease. Following this announcement, Positive Nation, a self help group of people living with HIV/AIDS, requested the coordinator to facilitate a meeting between the Minister and Positive Nation to afford their members an opportunity to voice their concerns about the negative impacts that this proposal would have. Discussions took place between the Minister and Positive Nation and it was agreed that Positive Nation would develop guidelines on notification, reporting and confidentiality and revert to the Minister.

The project assisted in this process by co-hosting, with Positive Nation, a workshop on HIV/AIDS reporting, notification and confidentiality in August 1999, to afford stakeholders an opportunity to discuss this issue and to provide input on the draft guidelines compiled by Positive Nation.

On 19 October 1999, the Unit organised a second workshop on notification, reporting and confidentiality to afford stakeholders a further opportunity to discuss this issue and to come up with recommendations for presentation to the Ministry of Health and Social Services. This workshop was co-hosted by the project and the Ministry of Health and Social Services and was organised in response by the Unit to a request from the Ministry to assist with the formulation of recommendations for new policy on this issue. As mentioned above, the Unit has been requested by the Ministry to prepare a draft policy on notification and reporting on the basis of input received at these workshops. Work on this draft has been completed and the policy was finalised and adopted at a meeting

held on 27 March 2000. The policy will now be taken to Cabinet by the Minister of Health and Social Services and gazetted. The adoption of this policy is a crucial step as it underlines the need for a rights-based approach to HIV/AIDS.

On 2 and 3 November 1999, the Unit hosted a conference on HIV/AIDS and Human Rights at the Safari Conference Centre. The objective of the conference was to consider the importance of a rights-based approach to HIV/AIDS and concentrated on rights issues in the context of employment, access to social benefits and health care and on strategies for combating discrimination on the basis of HIV at a community level. The conference was well attended by representatives of both the public and private sectors and the conference resolved that an HIV/AIDS Charter of Rights for Namibia be developed and adopted. A task force was elected to develop a first draft of the Charter and the Unit was requested to coordinate this task force. The first draft was distributed to stakeholders for comment in December. A workshop was held on 30 March 2000 at which the Charter was finalised. Once amendments made at his workshop have been incorporated, the Charter will be formally launched.



Johann Malan – Legal Practitioner

Education and training

The Unit is collaborating with the AIDS Care Trust of Namibia in providing training on the legal and rights aspects of HIV/AIDS in the workplace to top and middle management. Training has already commenced at the Ministry of Works, Transport and Communication and will commence shortly at Nampower and Namwater.

AIDS law unit

Regional Networking

Meetings have taken place between staff of the Unit and staff from the AIDS Law Project in Johannesburg to discuss ongoing collaboration. We are currently sharing information on issues relating to HIV and the military and other related topics.

Willem
Odendaal,
Project
Researcher



Other activities

- From 4 to 6 August, the coordinator participated in a WHO/UNAIDS Consultative Meeting on HIV/AIDS Notification and Reporting at the Safari Conference Centre as a member of the Namibian delegation. The purpose of this meeting was to develop recommendations on notification and reporting
- From 20 to 22nd October, the coordinator was invited to participate in a UNAIDS/WHO Consultation Meeting on HIV/AIDS reporting and disclosure in Geneva. The purpose of this meeting was to develop United Nations policy on HIV/AIDS reporting and disclosure
- The coordinator represents the project on the USAID HIV/AIDS Technical Advisory Group that has been constituted to advise USAID on the development of their HIV/AIDS programme in Namibia
- Both the coordinator and the legal practitioner were elected as members of the National Executive Committee of NANASO in July. The coordinator holds the portfolio of vice-chair, whilst the legal practitioner holds the portfolio of secretary
- On 23 June the legal practitioner presented a paper on HIV/AIDS and employment law at a round table discussion on HIV/AIDS convened by the Friedrich Ebert Foundation
- On 12 October the coordinator presented a paper on HIV/AIDS and the media at a Commonwealth Media Union Health Reporting Workshop in Windhoek
- On 22 September the coordinator was invited to attend a meeting organised by DFID in Johannesburg as a member of the Namibian delegation to discuss DFID funding for HIV/AIDS work in the region
- During the period under review the coordinator and the legal practitioner have participated in radio and television programmes on HIV/AIDS related issues including insurance, decriminalisation of commercial sex work and HIV/AIDS and human rights

Conclusion

The establishment of the Unit was long overdue and is welcomed by Namibians due to the crucial role it plays in the protection and promotion of the rights of people living with HIV and AIDS. Due to the hard work and dedication of the staff the Unit has achieved great successes in a few months. The Unit will continue to build on the positive relationships established with other service organisations working in this area and with the relevant government Ministries.

land, environment and development project (lead)

Staff

Andrew Corbett – Legal Practitioner (Coordinator)
Michaela Figueira – Legal Practitioner
Kenneth Siambango – Legal Practitioner
Norman Tjombe – Legal Practitioner
Napoleon Uutoni – Paralegal



Andrew Corbett – Coordinator
of the LEAD Project

The Land, Environment and Development Project (LEAD) is a Legal Assistance Centre initiative. The main objective of the project is to provide legal assistance to rural communities and non-governmental organisations working with such communities in the areas of land, environmental and developmental challenges affecting them.

The Project suffered a few setbacks during the year. Abel Augustinio, of our Opuwo Advice Office, who was very active in support to the Himba community, resigned with effect from 1 January 1999. In the light of his resignation and the fact that there were few LEAD issues coming to that office besides the Epupa matter, we decided not to continue with the advice office. In February Kenneth Siambango, a legal practitioner who was destined to work actively within the programme in the Caprivi region, was arrested for the attempted theft of one of our vehicles and subsequently dismissed. This was a big blow to the project, since it is very difficult to find lawyers with the appropriate skills and background to work in these issues. In December Andrew Corbett resigned from the Legal Assistance Centre. His services are however not lost to the project since he has agreed to provide assistance to the new coordinator and to continue his involvement in some of the long-standing matters that he has dealt with.

We had planned to do more policy and educational work on the Communal Land Reform Bill, since we believed that the Bill would be passed during 1999. This turned out not to be the case and although the Bill has been tabled in Parliament we anticipate that it will only be passed in the first quarter of 2000.

Despite these setbacks the project had a number of very important achievements. We have done some important work around making policy proposals to the parliamentary standing committee on natural resources concerning the Communal Land Reform Bill and drafted amendments to the Bill.

The Project lawyers actively assisted the Ovahimba in preparing submissions to the World Commission on Dams concerning the Epupa issue and these submissions were presented at conferences in Geneva, Cape Town and Cairo. Papers on community based natural resource management (CBNRM) issues, such as land tenure and water management, were prepared and presented at various conferences both locally and within the region.

We have successfully defended an attempt by a small minority of farmers to jeopardise the establishment of the Salambala Conservancy by defending a court application brought by them. We have also successfully defended the rights of the Kxoe community in West Caprivi and are currently in substantial negotiations with government concerning the proposed promulgation of the Babwata National Park.

The Project played an important role in the establishment of a national community based natural resource management association (called CAN), which brings together all the stakeholders from government and non-governmental organisations to coordinate the national programme. Andrew Corbett has been elected as chairperson of the association.

land, environment and development unit (lead)

Activities

Over the past year the Project continued with core activities similar to those undertaken in 1998, but substantial progress has been made in certain areas.

Research, lobbying and law reform

The long-awaited Communal Land Reform Bill was tabled in Parliament in June 1999. The NGO Working Committee on Land Reform has mandated the Project to do an extensive review of the Bill and to propose amendments, where necessary. The proposals were made to the parliamentary standing committee on natural resources and were well received. Our draft amendments to the Bill were forwarded to the legal drafters.

The Environmental Legislation Project (where the Centre seconds a lawyer, Michaela Figueira, to manage the project in the Directorate of Environmental Affairs) has made considerable progress, particularly with the second draft of the Pollution Control and Waste Management Bill, a Wildlife Production and Utilisation Policy for Namibia, and policy on Access to Genetic Resources and the Protection of Associated Traditional Knowledge.

Despite enormous problems experienced obtaining a work visa for Dr James Suzman, the manager of the sub-regional project entitled 'A Situational Analysis of the San Peoples in Southern Africa', and a delay in receiving funds from the European Union, significant progress has been made on the research in Botswana, South Africa, Zambia, Zimbabwe and Namibia. Draft reports relating to these countries were completed at the end of the year.

Training

Andrew attended a workshop as a resource person in Arusha, Tanzania in January, organised by a Tanzanian NGO forum for indigenous people and a Danish indigenous minorities organisation, IWGIA. The topic of the workshop was 'Indigenous People and Land Tenure' and brought together a fascinating collection of people from central, eastern and southern Africa, such as the Masai, Hadzabee, San, Khoi, Batwa and Himba to discuss ways of better protecting land rights for pastoralists and hunter-gatherers.

In January Kenneth assisted in facilitating a workshop on land rights with the Kxoe of West Caprivi, together with the Working Group on Indigenous Minorities in Southern Africa (WIMSA).

In June Andrew attended a workshop in Maputo, Mozambique on 'Natural Resources and Dispute Resolution' and delivered a paper on the Epupa issue. The workshop was hosted by a Finnish NGO and participants from eastern and southern Africa presented case studies on conflicts within the water, forestry, mining, pollution control and wildlife and tourism sectors.

Norman continued with extensive training of the Himba community on the setting up of a developmental organisation.

In August Norman, Andrew and a Himba representative made a presentation at a consultative meeting in Geneva on 'Dams, Indigenous Peoples and Ethnic Minorities' sponsored by the World Commission on Dams and the Forest Peoples Project.

Clement presented a paper in August on 'Land Reform in Namibia' at a Conference organised by the Forum for the Future focusing on Nine Years after Independence.

In September Andrew delivered a paper entitled 'Land Tenure and Water Management in Namibia' at a conference on 'Land Tenure Models for 21st Century Africa' hosted by the African Studies Centre in The Hague.

In October Clement and Andrew attended a workshop on land rights and the role of traditional authorities organised by the Land and Housing Unit of the Legal Resources Centre on Robben Island.

In November Andrew and a Himba representative delivered a presentation at a meeting of the Southern African Hearings of Dam Affected Communities in Cape Town.

land, environment and development unit (lead)

Legal Advice and Litigation

The Project has given advice to numerous communities concerning land and environmental rights, as well as development options including tourism and hunting enterprises on communal land, including:

- Representing the Epupa community in negotiations with government over the proposal by government to build a hydropower scheme on the Kunene River. The representation of the community has involved discussion of strategy, an intensive review of the final feasibility study report published at the end of 1998 and liaising generally with the clients.
- Representing the communities of Torra, Purros, Sesfontein, Dorra Nabis, Grootberg and Epupa in Kunene; Salambala, Wuparo, Muyoni and Kwandu in Caprivi and Nyae Nyae in Eastern Bushmanland in obtaining conservancy and tourism and hunting rights in these areas. This has involved legal assistance in setting up conservancy constitutions, negotiating hunting and tourism rights, setting up development trusts and renegotiating a concession agreement.
- Our representation of the Haikom community in a claim for resettlement on alternative land, together with certain concession rights to run tourism enterprises in the southeastern part of Etosha National Park, has been delayed due to leadership problems within the community.
- The High Court application of Chief Kipi George and the Kxoe community in which they challenge government's attempt to close down their community based campsite in West Caprivi to make way for the extension of prison facilities was successful. The government backed down and rescinded their decisions. At present we are still negotiating to set up a commission of enquiry to look into the Kxoe's land rights. The finalisation of this issue has been delayed by the flight of Chief George and approximately 1 500 of his followers to Botswana out of fear of reprisals by the Namibian Defence Force in August 1998.
- In the meantime we have held a number of meetings with the Kxoe to develop a strategic response to the government's proposal to establish the Babwata National Park in West Caprivi. This case involves complicated issues of customary tenure, land rights in general, environmental policy, the jurisdiction of traditional authorities and the rights of indigenous minorities.
- We are also representing the Kxoe leadership in challenging the government's decision not to recognise the Kxoe traditional leadership in terms of the Traditional Authorities Act. This matter has also not been finalised since the Council of Traditional Leaders is currently investigating the situation and has yet to release its report.
- Representing the Masubia Chief and the Salambala Conservancy Committee in a land dispute where the community has set up a conservancy, but four families are refusing to move out of the core wildlife area and are jeopardising the whole enterprise. In this matter we have successfully opposed a High Court spoliation application by the families and proceedings are currently being instituted to evict the families from the area.
- We are assisting the Sesfontein Conservancy in renegotiating a concession agreement signed with a tourism operator with a view to opening up approximately one million hectares of prime tourism country to community based tourism enterprises and to allow for sustainable hunting in the area. This matter is still ongoing.
- The Project was deeply involved in setting up the legal institutions to manage the national CBNRM programme in the future. Stakeholders have elected Andrew as chairperson of the national association, known as CAN.
- We continued to give general advice to the Namibian Community Based Tourism Association (NACOBTA) on issues affecting their members.
- The Project worked closely with Integrated Rural Development and Nature Conservation (IRDNC), an organisation that works closely with rural community based projects in the Kunene and Caprivi regions. The project assisted them with the drafting of deeds of trust, constitutions and other agreements, giving general advice and providing legal support to CBNRM activities in the field.
- We also supported the Working Group for Indigenous Minorities in Southern Africa (WIMSA) with legal advice on a number of issues related to indigenous minorities in Namibia.
- The Human Rights Centre, which is an advice office of the LAC, dealt with 24 land dispute cases. Most of these cases relate to the dispossession of surviving female spouses, eviction without fair compensation due to the extension of town boundaries by local authorities, lack of commitment on the part of traditional leaders to solve land disputes, illegal fencing by rich people from outside the area, uncontrollable overgrazing on the land and demarcation boundary disputes.

land, environment and development unit (lead)

Education Materials

Nothing was done in respect of educational materials, but since the Communal Land Reform Bill has been tabled in Parliament, it is envisaged that booklets on the Bill will be produced in early 2000.

Priorities for 2000

The following have been identified as priorities for the year 2000:

- Rethinking on the LEAD project, the impact of restructuring on it and the staffing needs to strengthen it
- Completing the review, together with other NGOs of the Communal Land Reform Bill and continuing to lobby the standing committee on natural resources for appropriate changes
- Production of educational materials in respect of the Bill
- An investigation as to the viability of introducing a project to provide capacity within the national CBNRM programme for the resolution of conflict over the use of natural resources
- A continued focus on the Epupa community in respect of the Epupa Hydropower Scheme, particularly since a final decision could be made shortly
- The final resolution of the West Caprivi dispute, the presentation of evidence to a Presidential Commission of Enquiry concerning the land rights of the Kxoe and assisting the Kxoe to develop a strategic response to the Babwata proposal
- Networking in the region concerning land reform and environmental protection
- An investigation of the issue of illegal fencing, specially in the four 'O' regions
- Continued training of staff and the communities on LEAD issues
- Fundraising to support the above activities

Funding

In 1999 the Humanistic Institute for Cooperation with Developing Countries (HIVOS), Evangelische Zentralstelle für Entwicklungshilfe (EZE) and the Ford Foundation funded the LEAD project. With the restructuring process of the Legal Assistance Centre and a greater focus on the Communal Land Bill there is a need for further fundraising in 2000. The project has submitted a funding proposal to the Austrian Institute for International Cooperation (IIZ) for a project in the northern regions of Namibia.



Napoleon Uutoni (Human Rights Centre) attending consultations on the Land Reform Process in Oshakati

Conclusion

Despite the delays in the Communal Land Reform Bill the Project has had considerable success in the completion of most of its activities. Relationships between the Project and partner organisations should be strengthened to ensure the effective use of resources. Staffing needs should be reviewed to ensure that the Project is capable of effectively fulfilling its mandate in future.

advice offices

human rights centre

Staff

Erastus Shamena – Office Manager
Ruth Hekanjo – Paralegal/Gender Educator
Napoleon Uutoni – Paralegal
Ben Ausiku – Paralegal
Rita Mukwilongo – Secretary/Administrator
Tusnelda Nangolo – Cleaner



The Human Rights Centre in Ongwediva in the northern part of Namibia provides legal services to the people of the Oshana, Ohangwena, Oshikoto and Omusati regions. These four regions are the most populous in the country with a total population of approximately 800 000 people, or 60 percent of the total population of Namibia.

The Centre forms an integral part of the Legal Assistance Centre and apart from the general legal advice it provides to communities it is also responsible for the implementation of national programmes such as gender and human rights education and land rights and environmental awareness programmes in the northern regions. The Legal Assistance Centre is responsible for the financial and administrative management of the Human Rights Centre.

The Centre had a staff component of six people during the year under review. Erastus Shamena resigned at the beginning of November to participate actively in national politics.

During 1999 the office was partly funded by the Joseph Rowntree Foundation, Evangelische Zentralstelle für Entwicklungshilfe and the Austria North-South Institute for Development Cooperation.

refer them to the relevant institutions. The legal practitioners at the Legal Assistance Centre supervise the case work of the paralegals and provide training on new laws and legal developments.

A total of 274 cases was dealt with in 1999 compared to the 333 cases dealt with in 1998. The main categories of cases dealt with are:

Legal advice and statistics on cases

As a result of the lack of legal practitioners and the absence of an effective government-sponsored legal aid service in the northern regions, the major focus of the Centre's work is the provision of direct legal advice to communities. The Centre provides an effective service in labour, maintenance and pension claims, but in other cases, such as criminal and divorce matters, can only assist clients with legal advice and

	1998	1999
Labour related matters	92	57
Divorce and marital complaints	4	40
Maintenance	14	87
Inheritance and estates	19	63
Assaults	4	0
Land disputes	24	6
Pension & insurance claims	23	57
Advice & referrals	94	23
Total	274	333

Land, environment and development work

The four regions in which the Centre operates are comprised of communal land. Since no ownership and formal tenure rights exist on communal land the system is open to abuse by powerful members of the community and institutions. Even the traditional authorities responsible for the fair allocation of land are sometimes accused of corruption and self-enrichment. The Centre dealt with numerous disputes relating to such abuse and continues to advise individuals and communities on their rights in respect of communal land.

The Centre is very active in the national Land, Environment and Development (LEAD) project of the Legal Assistance Centre. The main aim of the project is to create a legal framework to provide legal advice and litigation to marginalised people:

- ♦ who are still exploited and oppressed by current land and environmental practices
- ♦ who are not acquainted with the Constitution and their rights due to their low level of formal and informal education
- ♦ who have little or no access to legal advice and legal redress due to their economic situation, and the vast distances in rural areas where often there are no public transport facilities or such facilities are too expensive

The Centre dealt with 24 land dispute cases. Most of these cases relate to dispossession of surviving female spouses, eviction without fair compensation due to the extension of town boundaries by local authorities, lack of commitment on the part of traditional leaders to solve land disputes, illegal fencing by rich people from outside the area, uncontrollable overgrazing on the land and demarcation boundary disputes.

The paralegals assisted clients by information dissemination at workshops and information meetings, legal advice, representing them at traditional hearings, mediating in disputes and negotiating with local authorities for fair compensation.

Legal education programme (LEP)

During the course of 1999, the office increased its legal education capacity and most of the staff participated in the organisation and presentation of community workshops on various topics. The office organised and presented eleven training workshops in different villages and towns in the northern regions. The workshops primarily focused on the rights of women and violence against women and children. Although most workshops were well attended we experienced problems in certain areas and some workshops were cancelled due to lack of interest.

Approximately 800 people attended and benefited from our workshops. The table on the next page indicates the training workshops conducted during 1999.

Ben Ausiku of the Human Rights Centre in consultation with a client concerning a labour problem



human rights centre

Date	Town/Place	Target Group/Attendance	Topic
27 March	Oshaala Combined School	110 learners	Gender awareness
14 May	Onesi Community Hall	86 community members	Inheritance & maintenance
10-12 May	Human Rights Centre	16 volunteers	Human rights & violence against women
03 June	Okathitu Community	18 volunteers	Human rights & violence against women
05 June	Okalongo	27 traditional/community leaders	Gender awareness
09 June	Eunda	94 community members	Inheritance & maintenance
16 June	Olupaka Combined School	240 learners	Children's rights
6 November	Elcin Centre	45 women	Human rights & inheritance
13 November	Outapi	65 women	Children's rights, marriage, divorce
18 November	Ongwediva College	38 final-year teacher trainers	Human rights & gender awareness
20 November	Eenhana Community	55 women	Domestic violence & human rights

Conclusion

The advice office enjoyed stronger links and better cooperation with the staff and management of the Legal Assistance Centre during the period under review. We received a number of visits from management and the supervising lawyers.

It is clear that the Centre continues to provide vital legal services to the community in general and to marginalised groups in particular. There was, however, a decrease in the number of cases dealt with by our office, which could be attributed to the success of our education programmes and the fact that land disputes took longer to be resolved since these required intensive research and investigation.

The Legal Assistance Centre is currently undergoing a restructuring process, which will affect the general legal services provided by our office. We are, however, confident that with proper support and guidance, the community and church organisations identified to take over responsibility for general legal services will be in a position to continue with this important service.

During the year 2000 we will continue with our education programmes and will focus primarily on the involvement of men in the fight against violence against women and girls. We will also play an important role in the transfer of general legal services from the advice office to identified community and church organisations. We foresee that the Centre will be involved in extensive educational and information campaigns regarding the Communal Land Reform Bill that is currently before parliament.

Finally, we wish to thank our donors for their generous support and our clients for asserting their rights and for their trust in our services.

katutura advice office

Staff

Yvonne Dausab – Coordinator/Candidate Legal Practitioner

Monica Ngaione – Paralegal/Legal Educator

Ono Angula – Paralegal

Karen Mvula – Secretary/Receptionist



Yvonne Dausab – Coordinator
Katutura Advice Office

The Katutura Advice Office serves the population of Windhoek and the surrounding areas. The main objective of the office is to bring justice to the people we serve, through the provision of legal advice and educational services. As a continued reminder of our role, we are constantly faced with problems that are recurring in our communities, such as maintenance, labour, pension matters, domestic violence, inheritance, housing and marital problems. The effect of these problems on the living conditions of the communities is debilitating and impacts on their social strata and peaceful coexistence.

The recent change of direction by the Legal Assistance Centre has made us realise the magnitude and importance of our work and the need to focus not only on what sells to donors, but more on how to make an impact as a whole. The question arises why we have not had a positive impact on the attitudes of employers and other individuals if we have successfully fought over 2000 labour cases, and continue to write letters and represent people at the maintenance courts. We therefore have to change our focus and strategy and challenge existing structures such as unions, maintenance courts, the Ministry of Labour and other similar institutions to play their role to the maximum.

As part of our vision to build a self-reliant community, our legal education project has been successful in completing four volunteer training workshops, with participants graduating after successfully completing the training during the course of 1999. Our main objective now is to monitor and evaluate the impact

and infiltration of the trainers through workshops due to be held in their respective communities. Innately, this process has its problems, in that even those that we want to entrust with the task of 'taking over' do not have a good track record with society and it is therefore incumbent upon us to build credibility in these institutions.

The number of files open is not a true reflection of the massive amount of telephonic and one-to-one advice provided on a daily basis. There is no doubt that the office has taken root in this community; it now remains for us to sustain it and make it more valuable to those whom it serves.

The Katutura Advice Office forms an integral part of the LAC and is responsible for the implementation of national programmes, such as gender and human rights education and advocacy work in the Khomas region. The LAC is responsible for the financial and administrative management of the advice office.

katutura advice office

Legal advice and case statistics

The main focus of our work remains the provision of direct legal advice to clients. We have seen a total of 472 clients and opened a total of 221 files. The office finalised a total of 135 cases of which 85 were successfully resolved, whilst some were referred, had poor merits, or clients did not respond.

Assault	8
Arrest, unlawful detention	12
Criminal matters	3
Contract matters	2
Civil matters	1
Consumer	1
Constitution	1
Discrimination	1
Dispute resolution	4
Drafting of wills	1
Domestic violence	1
Estate matters	2
Eviction	1
Inheritance	4
General advice & referrals	231
Housing	3
Labour matters	105
Maintenance	64
Marital problems	4
Social security	5
Paternity dispute	1
Pension matters	14
Prison assault	2
Refugees	1
Total	

472

Monica
Nganjone,
Paralegal



Interesting cases

Jorhenv Lipilaelo versus Gamsberg Macmillan Publishers

Afronet, a human rights NGO based in Lusaka, Zambia approached our office to assist Mr Jorhenv Lipilaelo. The client is the author of two books currently being used as resource books in Namibian schools. His main complaint is infringement of copyright, and a non-payment of royalties on the sale and use of the books. His predicament is that he is currently living in Lusaka and cannot afford to travel to Namibia. This case raises the fundamental question of access to justice and the affordability of legal services in the region.

Refugees

Immigration officers arrested twelve refugees who were travelling to Windhoek from Otjiwarongo without proper documentation. They were detained at the Katutura police cells. It took two weeks of negotiations with officials before documents and transport were ready for the refugees to be taken back to Osire Refugee Centre.

Labour

Mrs A Doeses felt insulted by her employer because he said, 'You must go and throw things around like

that in Katutura, not here.' Yvonne phoned the employer and informed him that our client felt offended by his remarks. The employer said he realised his mistake and he promised to apologise to the client. Our client called the next day to inform us that the employer had called her in to apologise. This is the kind of result one would like to see when making an intervention.

Police Assault

Abiud Katjingsiua is currently serving an 11-year prison sentence at the Windhoek Central Prison. His left-hand thumb was injured, and he lost part of that digit, when one of the wardens slammed a metal door. His instructions were to recover certain damages for loss of amenities of life. We instituted proceedings against the Ministry of Prisons and Correctional Services and the matter is pending.

Bail Action

Yvonne made a formal bail application at the Otjiwarongo Magistrate's Court on behalf of Johannes Horaeb, who is a schoolgoing juvenile currently in jail. Although she lost the application, an appeal was noted against the refusal of bail. The appeal hearing has been set down for 3 April 2000.

katutura advice office

Networking

The nature of our work has made it imperative that we interact with other institutions and NGOs. Yvonne is a management committee member of the Southern African Human Rights NGO Network, which is a SADC-based human rights watchdog. The Namibian chapter of the Network continues to play a significant role in making other countries aware of the status and progress of the human rights standard in Namibia. We are currently looking at having a desk at our office to have more impact on human rights issues in the region.

Ono attended a meeting of the Southern African Legal Assistance Network. This Network holds regular review meetings where valuable information is shared on work done on a daily basis, such as police brutality and maintenance, and the regional dimension to these issues.

We continue to work very closely with Sister Namibia on particularly the Namibia Women's Manifesto and on the election project. Monica is heavily involved with training, monitoring and evaluation, as part of NANGOF.

Yvonne has been nominated to serve on a task team that will produce an election report at the end of the electoral process. We were invited to participate in an information-sharing workshop under the auspices of the Department of Women Affairs. We continue to work closely with the Namibia Women's Association, the Working Group for Indigenous Minorities in Southern Africa, the Naye Naye Development Foundation and other similarly situated organisations.

We regard networking not only to be beneficial for tapping information for purposes of lobbying and advocacy, but as a stepping-stone for collective activism. It is a resource pool for common strategies and the building of capacity. Hence our relations with the Red Cross, the Katutura Community Radio and The Republikein 2000 have been very useful.

Educational activities

The legal education department has been very successful in the training of volunteers in the year under review. Four workshops were held and the volunteers graduated in November 1999. Monica was the focal person for legal education and other staff members either assisted as co-facilitators or resource persons at these workshops.

A number of successful training workshops on the communal land bill, gender and the law, divorce and maintenance and human rights in Namibia were held. These were mostly conducted at the requests of organisations and/or communities. The workshops enabled us to build a positive image of the advice offices and popularise our services to the community.

Ono Angula,
Paralegal





Children demonstrating in support of children's rights at a function organised by the Katutura Advice Office in Gobabis on the Day of the African Child

Conclusion

The main objective of our mission statement is to serve the most vulnerable members in our society. We have maintained a culture of making the law accessible to those with least access. As part of our drive to implement and practicalise this vision we have introduced educational programmes such as the workshops for volunteers, unions and other entities that we have identified to be in a position to make a broader impact in our communities.

Our ultimate aim is to sustain a human rights culture in Namibia, whether through educating communities about their basic rights and how to claim them, or by assisting them via the Constitution to measure the performance of those responsible for their welfare. However, we also remain an information centre for people in need of assistance. In keeping with this, while there will be a decrease in the number of individual labour, pension and maintenance cases, there will be ongoing lobbying and advocacy to pass laws on maintenance and childcare, the review of the Labour Act and advocacy on the inheritance laws.

The office was financially supported by the Open Society during 1999.

keetmanshoop advice office

Staff

Aloysius Katzao – Advice Office Coordinator
Trudy Bock – Paralegal and Gender Officer
Wilma Isaacs – Secretary/Receptionist
Sophia Witbooi – Cleaner



Aloysius Katzao – Coordinator
Keetmanshoop Advice Office

The Keetmanshoop Advice Office is situated in the south of Namibia and is responsible for the Karas region. The office functions as an integral part of the Legal Assistance Centre and apart from the general legal advice it provides to communities it is also responsible for the implementation of national programmes, such as gender and human rights education and land rights and environmental awareness programmes in the region. The Legal Assistance Centre is responsible for the financial and administrative management of the advice office.

There was an increase in legal education and outreach activities as well as the number of people who attended our activities during the year. The office managed to reach areas in the region that had not previously been visited.

The Namibia Association of Norway financially supported the work and activities of the office during 1999, while the Austria North-South Institute sponsored the salary of the Gender Officer/Paralegal.

Legal advice and statistics on cases

The primary function of the office is the provision of legal advice to the community. People approach the office for legal advice on a variety of legal problems, which include labour matters, criminal matters, domestic violence, issues of family law, children's rights and civil claims. More than five hundred people approached the office for legal advice during the year under review. Most of them were referred to the appropriate government agencies and other institutions for assistance.

A total of 179 cases were reported to the office in 1999, compared to the 236 cases dealt with during the same period in 1998. There are a number of reasons for this decrease, the most important being the effectiveness of our previous education programmes on issues such as civil debts and labour law. The office also worked very closely with trade union officials to build their capacity and to refer potential clients to the unions for assistance.

The following gives an indication of the number and categories of cases the office dealt with.

Labour related	63
Divorce & marital	36
Maintenance	35
Civil debtors	8
Inheritance & estates	11
Pension/social security	25
Assaults	1
Total	<u>179</u>

keetmanshoop advice office

Legal education

The legal education and training programme is a very important part of the office activities. Through workshops, seminars and information meetings, the office reaches a broad spectrum of communities in the region. Most of the activities are done at the request of communities, but the office also cooperates with the Legal Education Unit of the Legal Assistance Centre for the implementation of national programmes and campaigns. The office is now engaged in a national programme to organise men against violence against women.

In the past we have experienced a lack of attendance and participation from communities, but the situation has improved. This can be attributed to the serious efforts of the staff and the realisation by the people of the benefits gained when they are empowered with knowledge about their rights. During the period under review 14 workshops about selected topics were held through out the region.

Training workshops conducted during 1999 were as follows:

Date	Place	No. of Participants	Topic
06/03	Berseba	20	Introduction to the LAC
09/03	Warmbad	18	Constitutional rights and freedoms
14/04	#Gabis	45	Social security, Labour Act regarding domestic and farmworkers
11/06	Bethanie	28	Domestic violence, Combating of Rape Bill
13/06	Berseba	64	Children's rights, juvenile justice
10/07	Bethanie	89	Introduction to the LAC, human rights, violence against women and children
16/07	Keetmanshoop	38	Maintenance
21-22/08	Lüderitz	13	Maintenance & children's rights
14/10	Aroab	60	Introduction to the LAC & human rights
23/10	Berseba	30	Women's rights & domestic violence

Trudy Bock,
Paralegal



Wilma
Isaacs,
Secretary/
Receptionist



keetmanshoop advice office

Juvenile justice project

The advice office has always been active in the protection of children in trouble with the law and juvenile justice issues in the local communities. The office works closely with the Juvenile Justice Project of the Legal Assistance Centre on issues affecting children in trouble with the law and is a member of the local Juvenile Justice Forum in Keetmanshoop.

The Juvenile Justice Forum consists of various stakeholders, including government departments, community organisations and churches. During the year under review we had several meetings to discuss the proper functioning of the forum and have identified

volunteers for the screening of juvenile delinquents. Community pastors have agreed to visit police and prison cells and to monitor the detention of juveniles.

Members of the forum received regular training and have been doing screening at the courts for the past few years. Screening is done every week, but during October there was no screening due to a reduction in juvenile cases. This is very positive and a great achievement for the programme.

The first Life Skills Training Programme was conducted in July. The purpose of Life Skills Training is to teach juveniles to become responsible citizens and to provide them with various options in life.

Conclusion

The office continues to enjoy the support of various communities in the region and the need for its services will continue. The office established good working relationships with local organisations, government departments, the churches and the trade unions, which all act as referral points for our clients.

The Legal Assistance Centre is at present undergoing a restructuring process, which will affect the general legal services provided by our office. We are, however, confident that with proper support and guidance, the identified community and church organisations to whom we will transfer responsibility for legal advice will be in a position to continue with this important service beyond 2000.

We would like to thank our donors for their generous support of our work. We will continue to strive for a better and more efficient service to the communities we serve.

mariental advice office

Staff

Alec Boois – Coordinator/Paralegal



Alec Boois – Coordinator
Mariental Advice Office

The Mariental Advice Office is situated in the south of the country. The office provides legal services to communities in the Hardap region, which covers an area of 110 382 km² and has a total population of 66 495, of whom 56% reside in rural areas.

The advice office was established in 1998 and is a unique cooperation project between the Bridge, an organisation that provides support and rehabilitation programmes to prison inmates at the Hardap Prison, and the Legal Assistance Centre. The Austrian Institute for International Cooperation (IIZ) funds the activities of the office. Alec Boois, a paralegal, is the only staff member and the Bridge provides office space and other logistical support. The Legal Assistance Centre employs legal practitioners who support and supervise the casework of the advice office.

Legal advice and statistics on cases

The primary function of the office is the provision of legal advice to the community. People approach the office for legal advice on a variety of legal problems, which include labour and criminal matters, domestic violence, issues of family law, children's rights and civil claims. More than 500 people approached the office for legal advice during 1999. Most of them were referred to the appropriate government agencies and other institutions for assistance.

The advice office only opens case files where further investigation and the representation of clients are required.

During the period January to December 1999 a total of 121 clients were seen for advice and 38 claims were instituted, while 24 compensation claims were successfully completed.

Juvenile justice project

The office forms part of the Mariental Juvenile Justice Forum. As a member of the Arrest and Awaiting Trial Sub-committee, cell visits are conducted at the Mariental Police cells as well as police stations outside Mariental. The office has a good working relationship with the police. The Bridge has appointed a social worker who is solely responsible for the development of juvenile justice in the region.

mariental advice office

Legal education programme

The legal education and training programme is a very important part of the office activities. Through workshops, seminars and information meetings the office reaches a broad spectrum of communities in the region. Most of the activities are done on request from communities and in cooperation with government institutions. The office was very active in campaigns concerning the rights of people living with HIV/AIDS and is now engaged in a national programme to organise men against violence against women.

On invitation from the Mariental Journal Club, the advice office made presentations and disseminated information on HIV/AIDS concerning the issue of confidentiality and the right to informed consent, domestic violence and why it is a criminal offence and the proposed Domestic Violence Draft Bill. The participants, mostly professional men and women, confirmed that professionals too are victims and perpetrators of domestic violence. The advice office will follow up on a proposal from participants that traditional and community leaders be trained as community counsellors to intervene in cases of domestic violence.

The advice office, together with social workers from the Ministry of Health and Social Services, disseminated information during September 1999 on HIV/AIDS in the rural villages of Kalkrand, Aranos, Maltahöhe, Gibeon, Stampriet and Gochas and a total of 266 people were reached, of whom the majority were women. The office held an awareness-raising workshop on HIV/AIDS in Rehoboth and 102 people of whom the majority were women attended the workshop. Fourteen other workshops on selected topics such as human rights, maintenance, the Labour Act and juvenile justice were held throughout the region.

Date	Town	Activity	Target-group
02/99	Mariental	Domestic violence	Women's groups
02/99	Gochas	Constitution	Community
03/99	Gibeon	Labour Act	Community
04/99	Aranos	Juvenile justice	Community
05/99	Stampriet	Labour Act & social security	Community
05/99	Hoachanas	Human rights	Community
06/99	Mariental	Constitution	Community
07/99	Kalkrand	Domestic violence	Community
07/99	Gochas	Labour Act	Community
08/99	Maltahöhe	Human rights	Community
09/99	Aranos	Conditions of employment	Domestic workers
10/99	Gibeon	Maintenance	Women's groups
11/99	Gochas	Human rights	Community
12/99	Aranos	Human rights	Community

Conclusion

The advice office has a good working relationship with the Legal Assistance Centre and has achieved better cooperation with staff and management. In terms of other networking activities the advice office works closely with the Bridge, the Hardap Regional Council, the Ministry of Health and Social Services and the Namibia Women's Network. We believe that we have achieved our objectives for the year.

We would like to thank our donors for their generous support of our work. We will strive to render a better and more efficient service to the communities we serve with the continued support and assistance of our donors.

rundu advice office

Staff

Ambrosius Makongwa – Advice Office Coordinator
Maria Kavanze – Gender Officer/Paralegal
Paulina Kalola – Secretary/Receptionist
Mathew Sinonge – Office Assistant/Cleaner



Ambrosius Makongwa – Coordinator
Rundu Advice Office

The Rundu Advice Office is situated in the regional capital of the Kavango Region in northeastern Namibia, which according to the official census of 1991 has a population of 116 830 people. The primary aim of the advice office is to provide legal advice and assistance to the people in the region.

The office forms an integral part of the Legal Assistance Centre and apart from general legal advice it provides to communities it is also responsible for the implementation of national programmes, such as gender and human rights education and land rights and environmental awareness programmes. The Legal Assistance Centre is responsible for the financial and administrative management of the advice office.

The advice office staff has remained unchanged since last year.

The Katholische Zentralstelle für Entwicklungshilfe have financially supported the work and activities of the office since April 1997, while the Austria North-South Institute supports the salary of the Gender Officer/Paralegal.

Legal advice and statistics on cases

As a result of the lack of legal practitioners and the absence of an effective government-sponsored legal aid service in the northern regions, the major focus of the advice office is the provision of direct legal advice to communities. The office provides an effective service in labour, maintenance and pension claims, but in other cases, such as criminal and divorce matters the paralegals only assist clients with legal advice and refer them to the relevant institutions. The legal practitioners at the Legal Assistance Centre supervise the casework of the paralegals and provide training on new laws and legal developments.

A total of 276 cases was dealt with in 1999 compared to the 248 cases dealt with in 1998.

	<u>1999</u>	<u>1998</u>
Labour related matters	95	42
Pension & insurance claims	81	90
Inheritance and estates	25	28
Divorce and marital complaints	17	17
Maintenance	10	16
Assaults & detention	6	6
Other	42	49
Total	<u>276</u>	<u>248</u>

A total of 99 females and 177 males approached the office for advice and assistance. On the next page is a brief summary of the two major categories of cases dealt with by the office.

rundu advice office

Labour-related matters

Most of the cases dealt with by the office were labour-related matters. The lack of trade unions and the high level of unemployment have led to severe exploitation of workers in the area. Many of the complaints are from shop assistants and domestic workers whose rights are continuously being abused by employers. These cases include unfair dismissals, retrenchments, unfair labour practices and the refusal of salary payments or granting of certain basic benefits to workers. The paralegals successfully represented a number of complainants in the District Labour Courts, while most of the other matters were settled through negotiations.

Pension and insurance claims

Due to the isolation of the area and the lack of adequate communication channels, people of the region struggle to finalise pension and insurance claims. These cases mostly relate to the payment of pension benefits to dismissed or retired employees and include pension claims, pension delays, pension stoppages as well as lost pension cheques. Cases of insurance claims relate to the payment of life insurance claims to dependants of deceased workers. Pension institutions and insurance companies are negligent, resulting in cheques being cashed by unknown persons before they reach the rightful recipients. The community depends heavily on the services of the advice office to obtain their payments, which are a vital source of income to many members of the community.

Legal education programme

The Legal Education Programme is an integral part of the office's activities and it has conducted outreach workshops and information meetings since 1990. Educational material compiled by the Legal Assistance Centre is distributed at the workshops. During the course of 1999, the office increased its outreach and legal education activities. There was, however, a significant decrease in the number of community workshops, since the office decided to concentrate more on the development and presentation of radio programmes on various legal topics. The office joined forces with the local radio station and addressed the following legal topics: human rights, family law and divorce, how laws are made, juvenile justice, children's rights and violence against women. The office plans to increase its participation in radio programmes due to the extremely positive feedback it has received from a very broad audience.

The education programmes have a positive impact in the empowerment of people to deal with their own problems. There is also a keen interest among the youth and students to discuss issues concerning human rights. These are clear indications that the workshops and radio programmes make a difference.

Legal Education workshops conducted by the Rundu Advice Office, 1999:

Date	Town	Target group	Topic
February	Nyangana	Youth and students	Human rights
April	Mukwe	Teachers and students	Human rights, and community participation in lawmaking
June	Rucara	Mostly women	Human rights, maintenance & social security
July	Mashare	Mostly women	Family law & maintenance
October	Rundu	Shopstewards	Labour laws
November	Katima Mulilo	Shopstewards	Labour laws

Paulina Kalola, Secretary
Maria Kavanze, Paralegal
Mathew Sinonge, Office
Assistant
Ambrosius Makongwa,
Coordinator



rundu advice office



Participants of a children's rights workshop near Rundu. The workshop was conducted by the paralegal at the Rundu advice office

Juvenile justice forum

The advice office works closely with the Juvenile Justice Project of the Legal Assistance Centre on issues affecting children in trouble with the law. Due to the isolation of our region it is common practice for juveniles to be detained for lengthy periods since no attempts are made to trace parents or relatives. Our undertaking to visit police and prison cells in the region and the lobbying and advocacy by Project staff have resulted in the establishment of a Juvenile Justice Forum in the region.

The Juvenile Justice Forum consists of various stakeholders, including government departments, community organisations and churches. This year we had several meetings to discuss the proper functioning of the forum and have identified volunteers for the screening of juvenile delinquents. Pastors in the region have agreed to visit police and prison cells and to monitor the detention of juveniles.

Project staff conducted two training workshops for forum members on the screening of juveniles and diversion options. These were very well received and had a positive impact on the operations and effectiveness of the forum.

Conclusion

During the period under review the advice office enjoyed an increase in cooperation with the staff and management of the Legal Assistance Centre. We received a number of visits from management and the supervising lawyers. It is clear that the Centre, through its advice offices, continues to provide vital legal services to communities in general and to marginalised groups in particular. There was an increase in the number of cases dealt with by our office, which could be attributed to the success of our radio programmes.

The Legal Assistance Centre is currently undergoing a restructuring process, which will affect the general legal services provided by our office. We are, however, confident that with proper support and guidance the identified community and church organisations to whom we will transfer responsibility for legal advice will be in a position to continue with this important service beyond 2000.

During 2000 we will continue with our education programmes and will focus primarily on the involvement of men in the fight against violence against women and girls. We will also play an important role in the transfer of general legal services from the advice office to identified community and church organisations. We foresee that the office will be involved in extensive educational and information campaigns regarding the Communal Land Reform Bill that is at present before parliament.

The staff is very concerned about the escalation of armed conflict and human rights abuses as a result of the deployment of Angolan forces in the Kavango and Caprivi regions. Since this deployment in December last year, we have received various reports of UNITA attacks on civilians and are investigating a number of killings and other human rights abuses in the region.

Finally we wish to thank our donors for their generous support and our clients for asserting their rights and for their trust in our services.

walvis bay advice office

Staff

Tania Pietersen – Advice Office Coordinator
Silas Kishi Shakumu – Paralegal
Mina Hangula – Secretary/Receptionist
Martin Nekale – Cleaner/Messenger



Tania Pietersen – Coordinator
Walvis Bay Advice Office

The Walvis Bay Advice office was established in 1989 in this coastal town in western Namibia. The advice office forms an integral part of the Legal Assistance Centre and provides legal services to the people of the Erongo region. It is responsible for the implementation of national programmes, such as gender and human rights education and advocacy work in the region. The Legal Assistance Centre is responsible for the financial and administrative management of the advice office.

The Finnish Embassy in Windhoek provided 80% of the financial assistance required by the office, while the Austria North-South Institute for Development Cooperation provided the rest.

Legal advice and statistics on cases

The primary function of the office is the provision of legal advice to the community. People approach the office for legal advice on a variety of legal problems, which include labour and criminal matters, domestic violence, issues of family law, children's rights and civil claims. During the course of the year more than 500 people approached the office for legal advice. Most of them were referred to the appropriate government agencies and other institutions for assistance.

The advice office only opens case files where further investigation and the representation of clients are required. During the period of January to December 1999 a total of 31 new case files were opened, while 18 cases were finalised.

Silas Kishi
Shakumu,
Paralegal



The following is a breakdown of cases dealt with in 1999.

Labour related matters	30
Divorce and marital complaints	2
Maintenance	5
Assault	2
Pension claims	4
<u>Total</u>	<u>43</u>

walvis bay advice office

Legal education programme

During the year under review the office increased its legal education capacity and most of the staff participated in the organisation and presentation of community workshops on different topics. Twenty-four training workshops were organised and presented in all the major towns of the Erongo region.

The workshops primarily focused on the rights of women and violence against women and children. Although most workshops were well attended, problems were experienced in certain areas. Approximately 1000 people attended and benefited from the workshops.

Workshops Conducted by the Walvis Bay Advice Office during 1999

Date	Place	Target group	Topic
10 April	Kuisebmond	Casual Workers and general public	Labour - casual workers
11 April	Tamariskia	Casual Workers and general public	Labour- casual workers
May	Tamariskia	Rössing Foundation Youth Group	Marriage/divorce
21 April	Walvis Bay	Church groups	Marriage/divorce
10 May	Kuisebmond	Church groups	Marriage and the Church
11 May	Kuisebmond	Public	Marriage and the Church
12 May	Narraville	Public	Rights of gays and lesbian
3 June	Kuisebmond	Students and public	Rights of gays and lesbians
7 June	Narraville	Students and public	Rights of gays and lesbians
29 June	Okombahe	MLH School	Rights of gays and lesbians
30 June	Omaruru	Omaruru Secondary School	Rights of gays and lesbians
1 July	Uis	Petrus Caneb	Rights of gays and lesbians
13 July	Walvis Bay	Duneside School (Grade 10)	Rights of gays and lesbians
16 July	Walvis Bay	Duneside School (Grade 10)	Rights of gays and lesbians
16 July	Walvis Bay	Duneside School (Grade 12)	Human rights, rape and maintenance
16 Sept	Kuisebmond	Literacy group - Help Yourself Project	Rape
20 Sept	Walvis Bay Prison	Prisoners	Rape
21 Sept	Walvis Bay Prison	Prisoners	Rape
3 Sept	Walvis Bay Prison	Prisoners	Rape
23 Sept	Narraville	Church groups/engaged couples	Marriage
19 Sept	Kuisebmond	Domestic workers	Domestic workers and the law
04 - 05 Dec	Omaruru	Youth, Church, AIDS workers, librarian and public	Human rights, Constitution, rape, domestic violence
20 Sept		Public & workers, HR managers, social workers	Gender conference

Conclusion

The advice office continues to provide vital services to the community of Erongo in general and in particular to the marginalised groups in the region. There was, however, a major decrease in the number of cases dealt with by our office, which could be attributed to the success of our education programmes and the intensive training provided to trade union officials and leaders in previous years.

The Legal Assistance Centre is undergoing a restructuring process, which will affect the general legal services provided by our office. We are, however, confident that with the proper support and guidance the identified community and church organisations identified to undertake responsibility for legal advice will be in a position to continue with this important service.


During the year 2000 we will continue with our education programmes and will focus primarily on the involvement of men in the fight against violence against women and girls. We will also play an important role in the transfer of general legal services from the advice office to identified community and church organisations.

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THE LEGAL ASSISTANCE TRUST OF NAMIBIA

CONSOLIDATED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 1999



STATEMENT BY THE TRUSTEES

The consolidated annual financial statements set out on pages 52 to 54 have been approved by the Board of Trustees and are signed on their behalf by:



**C DANIELS
WINDHOEK
6 March 2000**



D F SMUTS

REPORT OF THE INDEPENDENT AUDITORS

To the trustees of

THE LEGAL ASSISTANCE TRUST OF NAMIBIA

Introduction

We have audited the consolidated annual financial statements set out on pages 52 to 54. These financial statements are the responsibility of the Board of Trustees while our responsibility is to report thereon.

Scope

We conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

Audit opinion

In our opinion the consolidated annual financial statements referred to above fairly present the financial position of the trust at 31 December 1999 and the results of its operations and cash flow information for the year then ended in conformity with generally accepted accounting practice.



**STIER HENKE ASSOCIATES
CHARTERED ACCOUNTANTS
WINDHOEK
6 March 2000**

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THE LEGAL ASSISTANCE TRUST OF NAMIBIA CONSOLIDATED BALANCE SHEET AS AT 31 DECEMBER 1999

	<u>1999</u>	<u>1998</u>
	N\$	N\$
<u>ASSETS</u>		
NON-CURRENT ASSETS		
Property, motor vehicles and equipment	<u>2 102 899</u>	<u>2 180 388</u>
CURRENT ASSETS		
Amount owing by The Human Rights Trust of Namibia	177 096	483 597
Trade and other receivables	71 224	103 919
Cash and cash equivalents	<u>1 009 396</u>	<u>1 728 478</u>
	<u>1 257 716</u>	<u>2 315 994</u>
TOTAL ASSETS	<u>3 360 615</u>	<u>4 496 382</u>
<u>EQUITY AND LIABILITIES</u>		
CAPITAL AND RESERVES		
Accumulated funds	<u>2 009 926</u>	<u>3 913 447</u>
CURRENT LIABILITIES		
Trade and other payables	302 799	203 719
Amount owed to The Human Rights Trust of Namibia	86 485	-
Donations received in advance	<u>961 405</u>	<u>379 216</u>
	<u>1 350 689</u>	<u>582 935</u>
TOTAL EQUITY AND LIABILITIES	<u>3 360 615</u>	<u>4 496 382</u>
INCOME		
Windhoek Office	1 290 853	3 635 242
Walvis Bay Advice Office	456 659	48 680
Keetmanshoop Advice Office	249 123	254 557
Katutura Advice Office	213 452	77 021
Gobabis Advice Office	<u>707</u>	<u>64</u>
	<u>2 210 794</u>	<u>4 015 564</u>
EXPENDITURE		
Windhoek Office	2 608 026	2 530 832
Walvis Bay Advice Office	223 440	203 447
Keetmanshoop Advice office	269 116	248 092
Katutura Advice Office	268 220	234 248
Gobabis Advice Office	<u>55</u>	<u>175 709</u>
	<u>3 368 857</u>	<u>3 392 328</u>

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	<u>1999</u>	<u>1998</u>
	<u>N\$</u>	<u>N\$</u>
(DEFICIT)/SURPLUS FOR THE YEAR	(1 158 063)	623 236
PROJECT DEFICIT WRITTEN OFF	(602 306)	(161 870)
ACCUMULATED FUNDS AT THE BEGINNING OF THE YEAR	<u>3 176 187</u>	<u>2 714 821</u>
ACCUMULATED FUNDS AT THE END OF THE YEAR	1 415 819	3 176 187
ACCUMULATED SURPLUS - PROJECTS	<u>594 108</u>	<u>737 260</u>
CONSOLIDATED ACCUMULATED SURPLUS AT THE END OF THE YEAR	<u>2 009 926</u>	<u>3 913 447</u>
 CASH FLOWS FROM OPERATING ACTIVITIES		
(Deficit)/surplus for the year	(1 158 063)	623 236
Adjusted for:		
Depreciation	390 690	274 691
Profit on disposal of motor vehicles and equipment	(3 381)	(30 088)
Deficit from projects	(745 458)	(389 026)
Interest received	(94 795)	(78 201)
Interest paid	<u>3 317</u>	<u>3 699</u>
 Operating (loss)/income before working capital changes	(1 607 690)	404 311
 Working capital changes		
Decrease/(increase) in amount owing by The Human Rights Trust	392 986	(53 780)
Decrease in accounts receivable	32 695	36 270
Increase/(decrease) in donations received in advance	582 189	(153 267)
Increase in accounts payable	<u>99 080</u>	<u>17 384</u>
 Cash (utilised)/generated in operations	(500 740)	250 918
 Interest received	94 795	78 201
Interest paid	<u>(3 317)</u>	<u>(3 699)</u>
 Net cash (outflow)/inflow from operating activities	<u>(409 262)</u>	<u>325 420</u>
 CASH FLOWS FROM INVESTING ACTIVITIES		
Acquisition of motor vehicles and equipment	(313 219)	(300 558)
Proceeds on disposal of motor vehicles and equipment	<u>3 399</u>	<u>53 715</u>
Net cash outflow from investing activities	<u>(309 820)</u>	<u>(246 843)</u>
NET (UTILISATION)/GENERATION OF CASH AND CASH EQUIVALENTS	(719 082)	78 577
CASH AND CASH EQUIVALENTS AT THE BEGINNING OF THE YEAR	<u>1 728 478</u>	<u>1 649 901</u>
CASH AND CASH EQUIVALENTS AT THE END OF THE YEAR	<u>1 009 396</u>	<u>1 728 478</u>

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THE HUMAN RIGHTS TRUST OF NAMIBIA

CONSOLIDATED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 1999

Trustees: C Daniels (appointed 1 January 2000) Rt Rev J H Kauluma
Rt Rev K Dumeni D F Smuts
Rt Rev B Haushiku A Corbett
Director: C Daniels

STATEMENT BY THE TRUSTEES

The consolidated annual financial statements set out on pages 55 to 56 have been approved by the Board of Trustees and are signed on their behalf by:



C DANIELS
WINDHOEK
6 March 2000



D F SMUTS

REPORT OF THE INDEPENDENT AUDITORS

To the trustees of

THE HUMAN RIGHTS TRUST OF NAMIBIA

Introduction

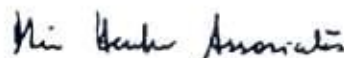
We have audited the consolidated annual financial statements set out on pages 55 to 56. These financial statements are the responsibility of the Board of Trustees of the Human Rights Trust while our responsibility is to report thereon.

Scope

We conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

Audit opinion

In our opinion the financial statements referred to above fairly present the financial position of the Trust at 31 December 1999 and the results of its operations and cash flow information for the year then ended in accordance with generally accepted accounting practice.



STIER HENKE ASSOCIATES
CHARTERED ACCOUNTANTS
WINDHOEK
6 March 2000

financial reports

THE HUMAN RIGHTS TRUST OF NAMIBIA CONSOLIDATED BALANCE SHEET AT 31 DECEMBER 1999

	<u>1999</u> N\$	<u>1998</u> N\$
ASSETS		
NON-CURRENT ASSETS		
Property, motor vehicles and equipment	<u>419 784</u>	<u>496 330</u>
CURRENT ASSETS		
Amounts owed by Legal Assistance Trust of Namibia	86 485	-
Trade and other receivables	11 161	15 628
<u>Cash and cash equivalents</u>	<u>7 089</u>	<u>111 846</u>
	<u>104 735</u>	<u>127 174</u>
TOTAL ASSETS	<u>524 519</u>	<u>623 804</u>
EQUITY AND LIABILITIES		
CAPITAL AND RESERVES		
Accumulated funds	<u>115 502</u>	<u>106 411</u>
CURRENT LIABILITIES		
Amount owing to Legal Assistance Trust of Namibia	177 096	483 597
Trade and other payables	219 254	33 796
Bank overdraft	<u>12 667</u>	-
	<u>409 017</u>	<u>517 393</u>
TOTAL EQUITY AND LIABILITIES	<u>524 519</u>	<u>623 804</u>
INCOME		
Advice Office - Rundu	309 829	334 001
Human Rights Centre - Ongwediva	<u>610 327</u>	<u>481 969</u>
	<u>920 156</u>	<u>815 970</u>
EXPENDITURE		
Advice Office - Rundu	300 738	274 494
Human Rights Centre - Ongwediva	<u>610 327</u>	<u>486 739</u>
	<u>911 065</u>	<u>761 233</u>
SURPLUS FOR THE YEAR	9 091	54 737
SURPLUS AT THE BEGINNING OF THE YEAR	<u>106 411</u>	<u>51 674</u>
SURPLUS AT THE END OF THE YEAR	<u>115 502</u>	<u>106 411</u>