



LAC 2004

**More major victories
for Namibia's only
public interest law firm**





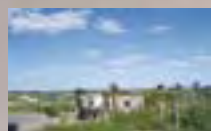
Contents



Foreword: LAC still a vital organisation	3
Overview of 2004: A year of challenge and change	4-5
Our mission and contact details	6



CHANGING LAWS, SAVING LIVES	
Activities of the AIDS Law Unit (ALU)	7



A LEADER IN LAND REFORM	
Activities of the Land, Environment and Development (LEAD) Project	11



DEVELOPING THE NATION BY EMPOWERING WOMEN	
Activities of the Gender Research and Advocacy Project (GR&AP)	15



RIGHTING WRONGS IN NAMIBIAN LAW	
Activities of the Human Rights and Constitutional Unit (Huricon)	21



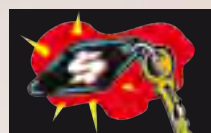
EMPOWERING BY EDUCATING	
Activities of the Legal Education Unit (LEU)	25



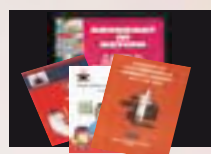
GIVING CHILD OFFENDERS A CHOICE	
Activities of the Child Justice Project (CJP)	29



RECORDING NAMIBIAN LEGAL HISTORY	
Brief update on <i>The Namibian Law Report</i> for 2002, 2003 and 2004	32



LAC FUNDING BASE EXPANDING	
A summarised financial report	33



INFORMING THROUGH WRITING	
A glance at the LAC publications of 2004	35

“The LAC really is there for the grassroots and marginalised people. It really does achieve its aims and objectives. The LAC does a very good job and has achieved a lot. If the LAC should ever close, the Namibian people will be lost. They do not know their constitutional rights and can't afford to pay lawyers. The LAC teaches people about the law and helps many with legal problems free of charge. The LAC is a great help to Namibians.”

– **Joey Swart**, founding member of the Namibian Paralegal Association, in an interview for this report.

LAC still a vital organisation

Another year in the life and work of the Legal Assistance Centre is described in this detailed report. The wide-ranging activities undertaken and pursued over this year are in accordance with the principles which govern the founding and existence of the Legal Assistance Centre. Those who are acquainted with the Centre in its early days will note the differing nature of the activities set out in this report from those originally engaged in. Indeed, the breadth and scope of the work of the Centre in 2004 demonstrates the broadening of the approach which has occurred over time in the changing circumstances of an independent Namibia.

Despite being in the fifteenth year of our nation's independence, the pressing need for law reform in several areas and the disappointing lack of progress in these respects are highlighted in this report. An important component of the work of most of the units of the Centre involves advocacy and supporting Government initiatives to address the dire need for law reform in these different respects. In addressing this, the Centre has assisted in preparing legislative drafts and with the formulation of policy. These activities involve co-operation with Government. This has occurred on a continuous basis and has also at times been acknowledged, as is indicated in this report.

But as a human rights organisation, the Centre has also been required to raise issues which are often perceived as adverse to the Government. This typically occurs when the Centre is obliged to assert the rights of those at the receiving end of governmental action or neglected by the lack of it. For instance, there are the cases of torture of treason trial defendants and the work on behalf of marginalised communities such as the Himba and San people affected by government action or, at times, inaction. This work, as well as standing up for others whose rights are threatened, has at times resulted in tension with some members of Government. This is graphically illustrated in the quotation on page 16 of the report (from an article by Graham Hopwood in Insight).

Despite differences with Government and the occasional tension which arises, it would seem that, as part of the process of developing as a nation after independence, there is growing appreciation of the role of civil society and organisations such as the Centre as being compatible with and part of our constitutional democracy. In this sense, the Centre plays a vital role, together with the independent media and our independent Court system in furthering this appreciation and understanding. These institutions must, by their very nature if they function properly, encounter some tension with the executive branch of Government. That is inherent in their respective roles in a democratic society. The growing realisation of this fundamental feature of our constitutional democracy and for the need for a vibrant civil society are encouraging.

The Director and staff are to be congratulated for their continued commitment as represented by their activities and hard work illustrated in this report. On behalf of my fellow trustees, I also extend our warm gratitude to our donors. Without their generous and continued support, the Centre would not be able to operate. Finally, my thanks go to my fellow trustees who generously give up their time in their support for the work of the Centre.

David Smuts



Hon. Ben Ulenga



Hon. Wilfried Emvula



Hon. Nico Hosea Kaiyamo



Dr Sakeus Akweenda



Adv. Bience Gawanas



Ms Gida Nakazibwe-Sekandi



Adv. David Smuts, Chairperson of the Legal Assistance Trust which oversees the work of the LAC.

Dr Sakeus Akweenda, a legal practitioner, is General Manager of the Regulatory and Legal Business Unit of the Namibia Power Corporation (NAMPOWER)

Mr Hosea Angula is a practising lawyer and senior partner at a Windhoek-based law firm, Lorentz & Bone.

Mr Clement Daniels, Director of the LAC until June 2004, is now a practising lawyer in Windhoek.

Hon. Wilfried Emvula is Namibia's Ambassador to France.

Adv. Bience Gawanas, formerly Namibia's Ombudswoman, is now the African Union Commissioner for Social Affairs.

Nico Hosea Kaiyamo, formerly a member of Namibia's Parliament, is now a businessman in northern Namibia.

Ms Gida Nakazibwe-Sekandi is a Senior Manager at Bank Windhoek.

Adv. Dave Smuts is a full-time practising advocate at the Windhoek Bar.

Mr Norman Tjombe is the current Director of the LAC.

Dr Teopolina Tueumuna is a medical doctor practising in Windhoek.

Hon. Ben Ulenga is the President of the Congress of Democrats (CoD) and a member of Namibia's Parliament.



Dr Teopolina Tueumuna



Mr Hosea Angula



Mr Clement Daniels



Mr Norman Tjombe

After working with the Legal Assistance Centre for many years, it was a real honour for me to be appointed as the Centre's Director and to take on both the rewards and challenges of this demanding post.

This year I also had the privilege of accepting the prestigious Freedom of Expression Award for 2004 on behalf of the Legal Assistance Centre, and in many ways this award serves as an apt symbol of our work.

Much of our work this year has focused on speaking out about injustices – through the courts and through the media – as well as speaking out in favour of law and policy reforms which can help to make social justice a reality for all Namibians. But even more importantly, much of our work has focused on empowering Namibians to speak out for themselves, by training communities in advocacy skills and embarking on programmes to empower the most marginalised communities with information and skills. For example:

- ▶ Our Aids Law Unit initiated a broad-based treatment literacy campaign which is assisting those living with HIV/AIDS to understand and assert their rights in this regard.
- ▶ Our Land, Environment and Development Unit and our Legal Education Unit are working jointly on a San capacity-building campaign which reaches out to some of the most economically disadvantaged people in some of the most isolated rural areas in Namibia.
- ▶ The Legal Education Unit also spearheaded a Civic and Voter Education Project designed to enhance the public's capacity to understand and participate in Namibia's democratic processes, thereby strengthening Namibia's young democracy.
- ▶ The Gender Research and Advocacy Project launched an advocacy manual entitled *Advocacy in Action: A guide to influencing decision-making in Namibia*, which will be used as a textbook for training people at grassroots level to make their opinions known more effectively at local, regional and national level.
- ▶ Huricon, our Human Rights and Constitutional Unit, instituted litigation about issues such as unlawful arrest and the torture of prisoners in detention, which speaks volumes about the role of Namibia's independent courts in protecting those who are most vulnerable.

"The commission would further like to put on record its thanks and appreciation to all Namibian organizations and individuals who take the need for law reform to heart and who assisted the Commission in its tasks in various ways, even constructive criticism. They are many, but the Commission would like to mention in particular the Legal Assistance Centre and Professor Hinz of the Law Faculty of the University of Namibia."

– Law Reform and Development Commission,
Annual Report 2004.

A year of challenge and change



Bidding farewell to a long-time colleague and friend. Clement Daniels stepped down as LAC Director in May 2004 to go into private law practice in Windhoek. He remains a trustee of the Legal Assistance Trust.

- The Child Justice Project is helping young people to take a stand against crime, through diversion programmes for children who commit minor crimes and also through incorporating a crime education module into the school curricula on life skills, in an effort to instill positive values in the youth as a preventative measure.

Thus, in many ways, our work is driven by, and made possible by, the freedom of expression.

Perhaps this freedom was most significantly exercised in Namibia in November 2004, when Namibians went to the polls to vote in our fourth national elections. Namibia successfully negotiated a crucial stage in its political development when SWAPO as the ruling party put forward Hon. Hifikipunya Pohamba as its presidential candidate, after some heated debate within the party. This step constituted a somewhat bumpy but ultimately peaceful transfer of political power, as Founding Father Sam Nujoma has served as Namibia's only President since independence in 1990. The elections proved to be as free and fair as in past years, and Hon. Pohamba will take office as Namibia's new President in March 2005. It appears that Namibia may be entering a new era of deepening political discussion and debate which will ultimately makes us a stronger democracy.

For the Legal Assistance Centre, these political changes present an opportunity. As a young country, Namibia is still in the process of re-modeling its legal system to reflect the new set of values adopted in our Constitution. More and more Namibians are embracing the idea that they have both a power and a duty to speak out so that they can play an active role in shaping the nation and its laws. We believe that the advocacy, education and training in which we are engaged will help Namibia's citizenry to make a more effective and informed contribution to the political process, thereby ensuring that Namibia grows into a nation based securely on a culture of human rights.

I would like to thank the Trustees of the Legal Assistance Trust for the support which they have given me in my new post as Director. It would be a daunting task without their guidance. I would also like to thank our committed staff. It is gratifying to see that there continue to be lawyers who are prepared to forego the income which they could earn in private practice because of their commitment to advancing human rights. I would also like to thank the many donors who make the work of the Legal Assistance Centre possible. Funding for human rights work in Namibia is becoming increasingly difficult to attract, and this makes us doubly appreciative of those donors who continue to believe in the value of our work.

The real reward for the work we do comes from the communities with whom we work. We find that Namibians in both urban and rural areas are hungry for information about law and human rights, and eager to acquire new skills which can equip them to assert their rights. The demand for our educational materials and training always far exceeds our ability to respond. It is the citizenry of Namibia with their interest and enthusiasm which is the real strength of Namibia as a nation, and we pledge to continue to serve the communities of Namibia as effectively as possible. We will continue to try to encourage informed discussion and debate on human rights, as the cornerstone of a vibrant democracy.

Norman Tjombe
LAC Director



Previous LAC Director Clement Daniels and SIDA representative Goran Hadrebo signing a new funding agreement.



Norman Tjombe (centre), LAC Director as from June 2004, receiving the Media Institute of Southern Africa (MISA) Freedom of Expression Award for 2004 on the LAC's behalf.



Demonstrators in the 10 Days of Human Rights campaign, one of many highlights for the LAC in 2004.



As in the past, LAC education and training on women's and children's rights was extensive in 2004.



Our mission and contact details



Clement Daniels



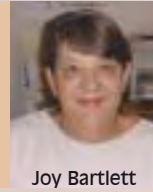
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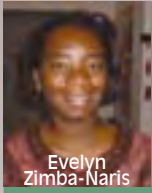
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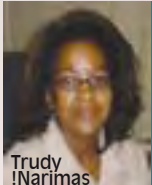
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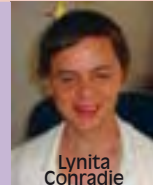
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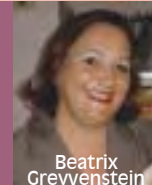
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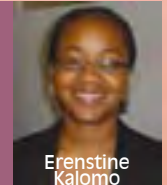
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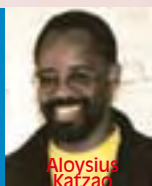
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MISSION STATEMENT

The LAC is a non-profit public interest law centre in Namibia, southern Africa, committed to creating a human rights culture and promoting access to justice in Namibia. The LAC focuses primarily on constitutional and human rights cases that we anticipate will have a broader impact on Namibian society. Apart from general human rights cases, the LAC deals with cases involving discrimination against people living with HIV and AIDS, and cases involving land and housing disputes. The LAC litigates only in the public interest: where a case is likely to have an impact beyond the people directly involved. It acts for people who cannot afford legal fees.

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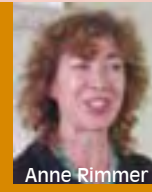
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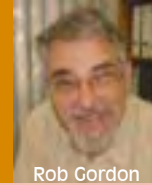
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Changing laws, saving lives

The LAC established its AIDS Law Unit in 1998 to help promote and protect the human rights of people in Namibia infected with and affected by HIV/AIDS, most particularly those living in poverty. The unit has since played a key role in the country's extensive national HIV/AIDS control programme.





Preventing mother-to-child transmission of HIV

The ALU completed research in 2004 on the right to health as contained in the Namibian Constitution and international agreements to which Namibia is a party. This research was undertaken to help the unit decide whether to launch a test case challenging the constitutionality of government's failure to provide access to affordable medication to prevent mother-to-child transmission of HIV. But when government undertook in 2004 to roll out this medication as well as Highly Active Antiretroviral Therapy (HAART) throughout the country, the unit elected not to pursue this litigation.

Providing access to essential medicines

The ALU has undertaken research and monitoring of developments regarding access to essential medicines in the context of health as a human right and the trade negotiations underway at the World Trade Organisation (WTO). Since the Doha Declaration of 2001, WTO members have been deliberating and negotiating to give meaning to paragraph 6 empowering developing countries to set aside their international trade commitments to give citizens access to essential medicines.

The ALU sent a briefing based on its research to the Namibian negotiators at the WTO to inform them and hopefully ensure that an empowering interpretation of paragraph 6 is achieved, which would allow Namibia to make use of parallel importation of ARVs rather than rely on compulsory licensing (which would not solve Namibia's problems in this context). The Ministry of Trade and Industry indicated that the negotiators found the briefing paper very useful.

Helping orphans and vulnerable children (OVC)

The ALU has played a key role in Namibia's National OVC Programme. In 2004 the unit completed research on the grants and social services available to OVC and their caregivers. The findings form the basis of a pamphlet on the rights of OVC and their caregivers to be published in 2005.

Stopping discrimination of people with HIV/AIDS

The ALU intern undertook comparative research on anti-discrimination legislation in Southern Africa, to form the basis of ALU proposals for the adoption of broad anti-discrimination legislation for the country.

Formulating policy on HIV/AIDS

The ALU engages in HIV/AIDS policy development at both workplace and national level.

The unit has helped many corporate, governmental and non-governmental organisations to develop their workplace policies, examples being the Walvis Bay Corridor Group, the Namibian Association of CBNRM* Support Organisations (NACSO), the Government Institutions Pension Fund, the Namibian Non-Governmental Organisations Forum, the Polytechnic of Namibia, the Ministry of Mines and Energy, the Ministry of Regional

and Local Government and Housing, the City of Windhoek, the Construction Industry Federation, the Namibian Agricultural Union and the holding company Ohlthaver and List.

At national level the ALU is represented on the OVC National Task Force and chairs a subcommittee on Human Rights and Child Protection. The Ministry of Women Affairs and Child Welfare asked the unit to assist with finalising the national policy. Cabinet adopted the policy in 2004 and the Minister of Women Affairs and Child Welfare



Namibia's Prime Minister, Theo Ben-Gurirab, launching the ALU guide on HIV/AIDS treatment with ALU staff in December 2004.

will launch it in February 2005 at the Third National Conference on OVC.

The ALU is also working with the Office of the Prime Minister to develop an HIV/AIDS Charter for the public service sector and has won a Ministry of Health and Social Services tender to draft the overall national policy on HIV/AIDS in the first half of 2005.

Law reform to protect people with HIV/AIDS

Namibia's new Labour Bill was tabled in 2004. This was an ideal opportunity for discrimination in the workplace on the basis of HIV/AIDS to be addressed in legislation, but the bill failed to address the issue at all.

The ALU made written submissions to the Speaker of the National Assembly on the need for the bill to include HIV as a prohibited ground of discrimination. The submissions, endorsed by several organisations, were handed to the Speaker after a march to Parliament on 10 March 2004. The National Assembly did not acknowledge receipt of the submissions, nor did it appear influenced by them as it referred the bill unchanged to the National Council. The same submissions were made to the National Council, which then referred the bill to the National Standing Committee on Legal and Constitutional Affairs. With support from many other organisations, the ALU made submissions to this committee too. They were well received, whereafter the Ministry of Labour and National Assembly both approved the bill's inclusion of HIV as a prohibited ground of discrimination.

The LAC Gender Research and Advocacy Project lobbied jointly with the ALU to get the bill changed.

* Community-based Natural Resource Management



Images of some ALU initiatives mentioned in this report (from left): the march to Parliament on 10 March; Delme Cupido of the ALU and the ALU AIDS ribbon on World Aids Day; and school children at an event that formed part of the ALU birthday celebrations in 2004.



ALU LITIGATION AND LEGAL ADVICE

Legal aid clinic for people infected with and affected by HIV/AIDS

The ALU runs a legal advice clinic for people infected and affected by HIV/AIDS, at the office of Catholic AIDS Action in Katutura every Thursday from 10h00 to 11h30. Attendance is fairly consistent and the clinic deals mainly with drafting of wills, inheritance issues, maintenance and social security claims, insurance, unprofessional conduct of medical practitioners (including breach of confidentiality) and adoption. The clinic also serves as an important referral agency for problems not of a legal nature.

The ALU legal practitioners litigated on the following issues in 2004, among others (see box for details of some cases):

- ▶ Testing without informed consent and breach of confidentiality
- ▶ Breach of confidentiality
- ▶ Exclusion from employment on the basis of HIV status

Apart from the cases, the clinic advised the Namibia Food and Allied Workers Union (NAFAU) on the right to confidentiality and the rights of HIV-positive employees in the workplace. The ALU developed a questionnaire to help the union document violations of members' workplace rights.

The clinic also helped a learner orphaned by AIDS to open a trust account with the Guardian's Fund.



ALU ADVOCACY

The ALU initiated a treatment literacy campaign to raise awareness and improve understanding of HIV/AIDS treatment as a human right. This has taken the form of production and distribution of T-shirts, posters and a booklet on treatment, and production of a radio programme series on access to treatment for broadcast on NBC radio. The Prime Minister launched the booklet in December 2004.

The Treatment Action Forum (TAF) – an ALU initiative consisting of a number of AIDS Service Organisations, civil society groups and interested individuals and activists – comments actively through the media on the rolling out of affordable access to antiretroviral (ARV) medicines. This campaign bore its first fruits when the Minister of Health and Social Services announced in late 2003 that the Ministry was rolling out ARV treatment at 6 sites for a start. By the end of 2004 there were 13 sites.

An art collection entitled *Breaking the Silence*, focusing on HIV and human rights, which the ALU acquired with funding from Standard Bank, was displayed at various venues in 2004 to raise awareness of the connection between HIV and human rights.

As already reported, the ALU also engaged in advocacy for the inclusion of HIV/AIDS as a prohibited ground of discrimination in the Labour Bill.

CASE 1

A large number of lodge workers were tested for HIV without their knowledge or consent, and their employer was told the results. Settlement negotiations broke down after the ALU issued a High Court summons to both the employer who requested the testing and the doctor who breached confidentiality, and the matter was set down for trial.

CASE 2

A complaint lodged with the Medical Council in respect of a medical practitioner's conduct was rejected. The council decision is being reviewed. The ALU is pursuing this case in the hope that it will encourage medical practitioners to give appropriate pre- and post-test counseling, and to give the results to the person tested rather than to a third party. Despite there being guidelines stating otherwise and a constitutional provision guaranteeing a right to confidentiality, there are still practitioners who do not respect the need for doctor-patient confidentiality.

CASE 3

Cases 2 and 3 involve the same client. In this second case was excluded from recruitment into the Namibian Defence Force (NDF) due to his HIV status. The ALU launched a civil claim for damages for breach of confidentiality since the medical practitioner had disclosed the client's status to a third party without the client's consent. The unit in 2004 also challenged the constitutionality of a Defence Act amendment that the NDF is relying on to exclude people living with HIV/AIDS.

CASE 4

As provided for in the Combating of Domestic Violence Act, the ALU obtained an interim protection order for a client whose long-time partner threatened her with serious physical abuse due to her HIV status.

CASE 5

An HIV-positive man was assaulted and verbally abused due to his HIV status. He asked the ALU to assist him with laying a charge at the police station, as the officers on duty had refused to do so. Pending receipt of a medical report reflecting the physical damages suffered by the client, the unit will also claim civil damages for him.

CASE 6

A domestic worker was unfairly dismissed due to her HIV status. A medical officer at Katutura Hospital's HAART programme referred her to the ALU. A letter of demand was issued, and failing compliance with the client's demands, a formal complaint will be lodged with the Ministry of Labour.

"HIV and AIDS pose the biggest single threat to enjoying all human rights and freedoms enshrined in various international treaties and Namibia's Constitution."

– LAC Director **Norman Tjombe**, speaking at the launch of the "10 Days of Human Rights" campaign on 1 December 2004.



Reaching all corners of the country

The ALU was very active in education and awareness-raising in 2004 – nearly 60 sessions on different topics with groups in all sectors. The topics included HIV/AIDS and legal issues; will writing; workplace legal and policy issues; the media, HIV and ethics; counselling in the context of Voluntary Counselling and Testing (VCT); HIV's socio-economic impact; and HIV/AIDS workplace programmes. The groups served are too numerous to list, but they include health care managers, a number of ministries, the police, trade unions, counsellors, the Polytechnic, NBC reporters, USAID volunteers and the Social Marketing Association.

The unit makes extensive use of radio, in 2004 for a series of programmes on HIV/AIDS and rights, and several talk shows.

The unit ran regional workshops in eight regions in 2004 and will do so in the remaining five in 2005.

For its birthday celebration the unit engaged in a number of activities aimed at raising awareness about HIV/AIDS, with the theme 'vulnerability to HIV'. The activities included dispensing information and a range of materials from a stand in the city centre, a talk on Good Morning Namibia, free testing in co-operation with the New Start Centres, and a mural-painting competition.

The ALU also conducted a needs assessment among people living with HIV/AIDS in two localities with a view to designing a training programme for them on HIV and human rights in conjunction with the Social Marketing Association.

The unit undertook site visits to two ARV clinics to give health care providers basic information on HIV and human rights.

The unit delivered presentations to, among others, youth volunteers, peer trainers and labour inspectors on topics relevant to them.

Making materials available

The ALU produced several items in 2004 to help people living with HIV/AIDS, their caregivers, employers and others needing information about the disease.

The unit's poster and pamphlet campaign on access to treatment won the designers' DV8 award (one of the prestigious Gecko Awards).

The ALU booklet entitled *HIV/AIDS in the Workplace* proved so popular that a second print run of 5 000 copies was ordered.

A paralegal training manual has been drafted for publication in 2005.

Pamphlets on gender, HIV and the right to health are being finalised for printing in 2005.

The ALU updated its booklet on access to treatment, and the Prime Minister launched the new version, *Treatment for HIV/AIDS: A Guide*, in December 2004.

Educating internationally

The ALU facilitated training for and gave presentations to a number of African and international fora deliberating on different aspects of HIV/AIDS, such as drugs pricing, scaling up ARV treatment in Africa and the disease's link to poverty.



ARASA

AIDS and Rights Alliance for Southern Africa

ARASA was established at a meeting in Windhoek in 2002 for organisations working on HIV/AIDS and human rights in the SADC region. The meeting was co-hosted by the ALU and the AIDS Law Project of South Africa.

ARASA was formed to:

- ▶ facilitate sharing of information materials and expertise among members;
- ▶ act as a regional alert network to respond to human rights infringements in the region;
- ▶ organise and facilitate training opportunities on HIV/AIDS and human rights for members;
- ▶ disseminate information on regional developments with HIV/AIDS and human rights; and
- ▶ organise annual regional meetings on HIV/AIDS and human rights.

The ALU was elected to host the ARASA network. An advisory board composed of representatives of the AIDS Law Project (South Africa), the AIDS Law Unit (Namibia), Women and Law in Southern Africa (Swaziland), SAFAIDS (Zimbabwe), ZARAN (Zambia), Lironga Eparu (Namibia) and Programa de Direitos Humanos (Angola) was put in place to guide and oversee the network's activities, and a regional office co-ordinator was appointed to co-ordinate network activities. For countries not represented on the board, focal persons were nominated to serve as liaison points between the regional office and country.

As host of the regional office, the ALU is tasked to:

- ▶ develop and maintain an electronic database of members and their activities as well as information and publications identified as being of potential use to members;
- ▶ receive information from members on current issues and activities around HIV/AIDS and human rights, and disseminate this information by way of a quarterly publication for regional distribution;
- ▶ facilitate the planning and organisation of training workshops;
- ▶ facilitate placing of interns and help members identify appropriate expertise within the region as required; and
- ▶ lead lobbying and advocacy efforts in the region on issues identified by members.

The ARASA funders in 2004 were Development Co-operation Ireland, the Embassy of Sweden in Namibia and the Centre for Applied Legal Studies at Wits University in South Africa.

ALU Staff and Donors 2004

Michaela Clayton – Co-ordinator
Delme Cupido – Project Lawyer
Monica Nganjone – Paralegal and Legal Educator
Amon Ngavetene – Paralegal and Legal Educator
Maggie Amweelo – Project Assistant
Mickie Mailey – Intern from Columbia University

Ford Foundation

United States Agency for International Development (USAID)
 through Family Health International (FHI)



A leader in land reform

The LAC launched the LEAD Project in 1997 in recognition of the potential for human rights violations due to decisions on and competition over ownership and development of land and other natural resources in Namibia's land reform process. Over the years the project has undertaken extensive research, advocacy, litigation and community outreach on different aspects of the process, with the main aim of securing land and housing rights for landless, homeless and destitute citizens, taking into consideration the need to balance issues of equity, production and preservation of the natural resource base.



Helping people dispossessed of inheritance rights

Under its Land Rights Programme LEAD helps people dispossessed of their customary law right to inherit from a deceased family member. Mostly it is women and children who fall prey to this dispossession, but men do too. Though found unconstitutional, the Native Administrative Proclamation of 1928 dealing with administration of black people's estates still applies. The High Court has ordered Parliament to remedy this situation by June 2005.

Maladministration of deceased estates is another problem people face, due to magistrates being responsible for appointing executors and only the High Court being able to remove an executor and take over an estate's administration. LEAD has challenged the constitutionality of magistrates appointing estate executors.

A relatively common problem for children is a deceased parent's estate being claimed by a spouse or relative having no legal right to it. A good example in 2004 was a case of siblings whose stepfather not only tried to have them disinherited upon their mother's death, but also had no intention of supporting them any further (see Case Study 2).

Many adults also fall prey to such 'property grabbing' by relatives. In 2004 LEAD assisted a man disinherited by his deceased wife's sisters and their spouses, and a woman whose uncle tricked her out of her inheritance (Case Studies 3 & 4).

Helping people claim urban land rights

LEAD has taken on several cases involving abuses of land rights in urban areas. For example, the Rundu Town Council in 2004 decided to sue 22 residents of Rundu for outstanding debt and appointed a debt collector. Instead of collecting payment the debt collector issued summons in his own name. LEAD brought an application to have the summons set aside as the debt collector is not a legal practitioner and therefore cannot issue summons on the council's behalf. This case will be heard in early 2005.

Building San community capacity

LEAD and the LAC Legal Education Unit are jointly implementing a San Capacity-building Programme entailing running four legal advice offices, located in Gobabis (east), Outjo (north-west), Tsumkwe (north-east) and Omega One (far north), staffed by San paralegals and serving San communities in these parts of Namibia. LEAD lawyers assist the offices as the need arises. LEAD lawyers oversee the Gobabis and Outjo offices and LAC Huricon Unit lawyers the Tsumkwe and Omega offices. A needs assessment was carried out in 2004 for each office.

Gobabis deals a lot with abuse of San farm workers and harassment of San by members of other ethnic groups. One case in 2004 involved several Herero farmers assaulting residents of two San villages, Donkerbos and Sonnerblom, on the grounds that they had killed a cow belonging to the Herero. LEAD lawyers and advice office paralegals obtained statements in the villages and drafted summons.

The Outjo office deals mainly with cases involving San farm workers.

The paralegals are trained to deal with a range of legal matters.



The Drimiopsis Resettlement Project for San in Omaheke Region (left) and the San of Tsintsabis in Omaheke were two of the San communities assisted by LEAD in 2004.

CASE STUDY 1

The magistrate had issued a letter of executorship to the second wife of the deceased, to whom the deceased had been illegally married as he was still married to his first wife. The executrix claimed death benefits from the Social Security Commission and attempted to claim a 'surviving spouse's salary' from the deceased's pension. LEAD filed a High Court application for an order to declare the second marriage null and void, and to declare invalid both executorship appointments issued to the deceased's brother and his second wife, and to rule for the Master of the High Court to take over the administration of the estate.

CASE STUDY 2

The children's stepfather was appointed executor of their deceased mother's estate. As intestate heirs, none of the children were consulted about the liquidation and distribution of the estate. The stepfather wanted to evict the children from the house that their mother had bought and owned. The stepfather had endorsed his name on the deed of transfer and wanted to sell the house. In October 2004 the house was attached to be auctioned by Agribank to make up for a debt jointly undertaken by the deceased, two of her children and three of the stepfather's children. LEAD conducted a search at the Registrar of the High Court which confirmed that the stepfather had never divorced his first wife. A High Court application was filed to declare his marriage to the deceased null and void, and his appointment as executor invalid. The matter is set down for hearing in early 2005.

CASE STUDY 3

The client's deceased wife's sisters and their spouses removed all property from both houses of the deceased and tricked Mr Nghikefelwa into withdrawing N\$50 000 from the deceased's account ostensibly to cover funeral expenses. LEAD has instituted a claim for damages.

CASE STUDY 4

The deceased's wife was appointed executrix of the estate, but a LEAD investigation found that the magistrate had also appointed the deceased's uncle as executor. The uncle tricked the executrix into signing a power of attorney enabling him to transfer a farm into his own name. He then sold the livestock on the farm and took all the money left in the deceased's bank accounts. LEAD is helping the executrix to institute a claim for damages.



LEAD travelled around Namibia in 2004 to meet with and interview communities, traditional leaders and regional governments, run workshops for different target groups and address various fora on the Communal Land Reform Act and other land and housing issues.



One LEAD aim is to help people living in adverse conditions in urban informal settlements to acquire land and housing rights with secure tenure. One of several grassroots organisations LEAD assists is the Shack Dwellers Federation of Namibia (SDFN) based in Katutura (bottom photo).



LEAD SERVICES TO CONSERVANCIES

L EAD has been closely involved from the outset in the development of conservancies in Namibia. Most of those that approached LEAD in 2004 needed advice on amending their constitutions which no longer reflected how the conservancy operate in practice. LEAD facilitated workshops to discuss and clarify provisions of the constitutions, and worked with the conservancy committees and regional officials of the Ministry of Environment and Tourism to amend them.

One conservancy approached LEAD for a legal opinion on a leasehold title that the traditional authority of the area had granted to an individual.

The Namibia Conservancy Association Formation and Constitution Drafting Forum on 16-19 August 2004 decided to form regional conservancy associations and then a national association. LEAD will give input into the drafting of the association constitutions.

LEAD has observed that there are big gaps in people's understanding of how conservancies operate, and confusion about the future of existing and emerging conservancies. LEAD will strategise with partners to deal with these problems.

The conservancies served by LEAD in 2004:

- ▶ **Kavango Region:** Shamagaigai, Joseph Mbambangandu, Muduva Nyangana and George Mukoya Conservancies
- ▶ **West Caprivi:** Kyaramachan Trust Conservancy
- ▶ **Erongo Region:** Tsiseb, /Audi, Ohungu and Sorres Sorres Conservancies
- ▶ **Northern Region:** King Nehale and Sheya Shuusona Conservancies
- ▶ **Southern Region:** Southern United Conservancy



LEAD RESEARCH

Reviewing the land reform **policy** framework

The aim of this review was to make recommendations to the Permanent Technical Team on Land Reform (PTT) on an appropriate and flexible policy and legal framework for land reform that would enable this reform to contribute as envisaged to the general developmental goals set out in Namibia's National Development Plans and Vision 2030.

The review focused on five general policy areas: (1) The existing and proposed policy framework on land; (2) The policy framework for natural resource management and decentralisation vis-à-vis land policies; (3) Policy bottlenecks that might contribute to the slow pace of land reform; (4) Expropriation of foreign-owned land specifically and expropriation in general as a policy tool, and its potential political and economic impacts; and (5) policy on peri-urban land.

The PTT has to make recommendations for speeding up land delivery. Options under consideration are amending existing policies, introducing new ones, and decentralising responsibility for land acquisition and allocation.

Assessing the impact of land reform on **farm workers**

LEAD collaborated in 2004 with the Institute for Public Policy Research (IPPR) and Hamman & Schumann Consultants for PTT-commissioned consultancy to assess the impact of land reform on farm workers and make concrete recommendations for preventing a negative impact on these workers, integrating them into resettlement and rural development programmes or otherwise compensating displaced farm workers, and generally improving farm worker livelihood.

Reviewing **law** on land reform

The UN Habitat Law and Land Reform Review involves reviewing and updating the laws and policies on land, housing, inheritance, marital property and poverty reduction of a cluster of four Southern African countries identified by UN Habitat, i.e. Namibia, Lesotho, Mozambique and Zambia. Similar studies are underway in Asia and South America. UN Habitat appointed the LAC to



"If it weren't for the LAC, we would have no home today"

Christina Xoagus and Magrieta Garises are respectively the Chairperson and Vice-Chairperson of the Goreangab Community Action Committee in Katutura.

The committee was formed in 2004 in response to mass housing evictions from the Goreangab informal settlement area due to residents not being able to pay their municipal bills. Most were jobless. The residents had heard and read a lot about the LAC and the services it renders to the poor, so they approached the centre for help to stop the evictions. The LAC took the case to the High Court. The case is still on hold, and the Municipality has refused to write off the debts, but the LAC action enabled most of the residents to remain in their houses while they pursue another option.

The committee launched a Build Together Housing Scheme, and is raising funds by various means to purchase a serviced block of land on which to build houses. Secure tenure is a key objective. The LAC helped the committee to write a constitution and open a bank account for the scheme. The 75 committee members meet each month. They hope to save enough to purchase a block by December 2005, and to arrange to pay off the municipal debt over time along with the housing construction costs.

Christina and Magrieta noted in the interview for this report that the LAC also helped the committee to bury one of its members, and LAC staff used their own vehicles to transport the children of the deceased to school until an alternative was found.

The LAC will continue to assist this group, as well as the Katutura-based Shack Dwellers Federation of Namibia and other similar groups around the country that approach the centre for legal assistance.

conduct the research in Namibia and write the country report on legislation and policies applying to urban land reform.

The research covered innovative tenure types that work best for the urban poor, particularly women, and land management structures. The study outcomes are: documentation of best law and policy practices; specific recommendations for law and policy reform; an identification of law and policy implementation gaps and strategies to improve implementation; and recommendations for covering rural-urban land issues and gender issues in the Namibian Poverty Reduction Strategy Plans.

The research findings and recommendations will form a basis for the development of tools to secure land tenure, for use by all stakeholders (governments, global and regional partners, NGOs, CBOs, researchers, UN organisations, etc.). They will also form the basis for further action under the UN-Habitat Campaign for Secure Tenure, and for UN-Habitat technical advice provision. The regional nature of this research will contribute to exchanges of approach and experience that improve security of tenure for all.

Gathering information on communal land rights

The LEAD researchers spent time throughout 2004 gathering background information for the Communal Land Rights Research Project. LEAD anticipates that most of its research in 2005 will focus on communal land rights and specific provisions of the Communal Land Reform Act 5 of 2002, e.g. LEAD will evaluate the Communal Land Boards established by the Act. Related research topics in 2005 will be illegal fencing in communal areas and women's inheritance rights under customary law.

Addressing property rights in Africa

LEAD attended the 2nd Africa Resource Bank Meeting on the theme 'Property Rights in the African Context' in Kenya in November 2004. The former white-ruled colonies of Southern and East Africa share a history of expropriation of land from indigenous people. This practice typically resulted in an agricultural dualism

consisting of black subsistence agriculture on the one hand and white commercial farming on the other. Further, their shared post-colonial constitutional and legal framework ('willing seller, willing buyer') shaped their ability to address the skewed land distribution patterns – the notable exception being Zimbabwe's 'fast-tracked' land reform programme.

Namibia's land redistribution instruments are government purchasing of commercial farms for resettling landless communities, and Affirmative Action Loans enabling previously disadvantaged people to

purchase commercial farms.

The meeting provided an excellent opportunity for sharing LEAD experiences with land and property rights in Namibia, and gave LEAD much-needed insight into other countries' experiences in these areas.

"We are asking the court to stop the municipality's practice of summarily terminating water supply to the poor, and to declare unconstitutional the eviction of poor people from their houses."

– LAC Director **Norman Tjombe**, referring to the Goreangab eviction case reported on above, quoted in *The Namibian* on 28 June 2004, see full story at http://www.queensu.ca/msp/pages/In_The_News/2004/June/Namibia.htm

LEAD Staff and Donors 2004

Evelyn Zimba – Co-ordinator
Linda Dumba – Project Lawyer
Willem Odendaal – Legal Researcher
Shadrack Tjiramba – Research Assistant
Ilda Lomba – Project Assistant
Zeka Alberto – Consultant on Land Rights Training
Kishi Shakumu – Candidate Legal Practitioner

Evangelische Entwicklungsdienst (EED)
HORIZONT3000
Humanist Institute for Co-operation with Developing Countries (HIVOS)
Namibia Nature Foundation (NNF) with a grant from the Swedish International Development Agency (SIDA)



Developing the nation by empowering **women**

The Gender Research and Advocacy Project (GR&AP) has been a key contributor to the reform and development of Namibian law – not only to improve the situation of women, but also that of children, workers and other groups. The project has undertaken a great deal of research and legal drafting over the years, and has always remained a prolific publisher of research reports, commentaries on legislation, information and training materials, simplified guides to legislation and other documentation.





The GR&AP is involved in several ongoing research initiatives, and in 2004 produced or commenced work on a few major research reports. These will be mentioned elsewhere in this section of the report.



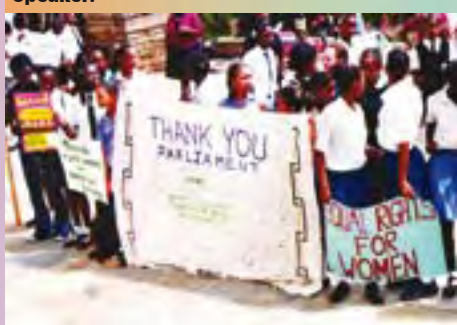
In terms of advocacy, 2004 was a groundbreaking year for the GR&AP. The project was especially influential in shaping the Children's Status Bill and the new Labour Bill, and it played a major role in bringing the issues these laws deal with to the public's attention. It was the GR&AP that placed sexual harassment, pregnancy discrimination and family responsibility leave on the agenda for the Labour Bill. The bill might not otherwise have dealt with these crucial issues. The project also lobbied successfully with the LAC AIDS Law Unit for the Labour Bill's inclusion of HIV as a prohibited ground of discrimination.

"The Legal Assistance Centre (LAC) appears to have been one of only a handful of NGOs that have been both lambasted by ruling party figures and successful in co-operating with government. In 1998 the President accused the LAC of 'disturbing the peace' and 'dividing the nation' over its work for people affected by the planned Epupa Dam. Others bristled over the LAC's condemnation of torture in the Caprivi in 1999 and its defence of human rights for all in the face of verbal attacks on the gay and lesbian community. Yet at the same time the LAC has worked on developing an important raft of gender-related legislation including the Combating of Rape Act, the Domestic Violence Act and the Maintenance Act."

– **Graham Hopwood**, "Avoiding the issues", *Insight*, October 2004.



The GR&AP helped organise several activities in 2004 to promote women's and children's rights, including a march to Parliament and presentation of an open letter to the Deputy Speaker.



GR&AP helps get Children's Status Bill to Parliament

This legislation has been a GR&AP advocacy focus since 1995. GR&AP newspaper articles and lobbying materials distributed to parliamentarians were instrumental in getting the bill referred to a National Assembly committee.

The committee conducted hearings throughout the country in mid 2004. The GR&AP and LAC AIDS Law Unit hosted a workshop involving women from all over the country, to equip grassroots groups to lobby more effectively in the hearings. The draft LAC submissions on the bill were worked through in the workshop to produce a joint submission by a large section of the NGO community.

The GR&AP employed many other methods in its advocacy on this bill in 2004, including: briefings for members of the Multi-Media Campaign on Violence Against Women and Children and Namibia Women's Voice; live television and radio panel discussions and interviews; collaboration with other NGOs to organise a march to Parliament and presentation of an open letter to the Deputy Speaker; presentations for grassroots groups such as the Women's Manifesto Network; and distribution of a list of hearing dates, times and venues to NGOs to inform people who missed the government announcements.

Labour Bill amended to incorporate GR&AP recommendations

In commenting on the new Labour Bill, the GR&AP recommended provisions on sexual harassment, pregnancy and other gender issues. Other GR&AP advocacy on this bill included: circulating the comments to NGOs and the National Union of Namibian Workers (NUNW); a newspaper article; a brief research report on family responsibility leave for distribution in the lobbying package; alerting groups focusing on gay and lesbian rights to the removal of protection from discrimination on the grounds of sexual orientation; lobbying the National Assembly on gender issues in the bill; and briefing the National Council on the bill. The NUNW, Namibian Men for Change and other NGOs strongly supported the GR&AP recommendations.

Lobbying of the National Assembly on these points was initially unsuccessful, but the submissions to a committee of the National Council were well received, and it was clear from the questions posed in subsequent hearings that the project input was significant in shaping the debate.

The committee's report recommended amendments to incorporate the GR&AP's key recommendations, i.e. on sexual harassment, pregnancy discrimination, HIV discrimination and family responsibility leave. The committee recommendations were accepted by the full National Council,

and Parliament in October 2004 amended the bill to address these issues. The cumulative increase in types of leave has drawn criticism from employer organisations, and it is hoped this will not result in a reduction or removal of family responsibility leave from the bill.

Criminal Procedure Bill under GR&AP microscope

Parliament passed a new Criminal Procedure Bill in 2004, in record time with very little debate.

The GR&AP examined the bill to ensure that the criminal procedure provisions in the laws on rape, domestic violence and vulnerable witnesses had been re-enacted. Though the substance of the key provisions had been re-enacted, the GR&AP found technical drafting problems which it conveyed to the Ministry of Justice for consideration.

Of greater concern are the bill's draconian minimum sentences for rape. They leave no room for judicial discretion, unlike the minimum sentences in the Combating of Rape Act, and the harsh sentences apply even to child offenders over the age of 16. Women's groups did not lobby for such outrageous sentences and were satisfied with the minimums in the rape law. The new framework is likely to be found unconstitutional due to its inflexibility. On the other hand, it is praiseworthy that this bill gives increased attention to the rights of victims.

The LAC was shocked that such a substantial bill was passed so quickly, without referral to committee or consultation with the legal profession. Lobbying on the issues of concern will continue in 2005, depending on political developments before the bill comes into force.

Commission publishes Divorce Bill based on GR&AP research

The draft Divorce Bill recently published by the Law Reform and Development Commission is based on a GR&AP research report published in 2000. In 2004 the project helped the commission to finalise the draft and prepare the accompanying explanatory memorandum. By the end of 2004 the draft had been approved by the full commission, and it is reasonable to assume that this bill will move forward in 2005.

GR&AP stimulating public debate on Child Care and Protection Bill

This bill is expected to be introduced into Parliament in 2005.

Referring to the policy decisions taken by a Task Force assembled by the Ministry of Women Affairs and Child Welfare (for which the GR&AP provided the agenda and research), the project drafted information sheets to be used to alert the public to key aspects of this bulky bill. The sheets will be finalised when the ministry completes the bill, for use as necessary in future advocacy campaigns.

The GR&AP undertook comparative research on the issue of banning corporal punishment by parents, expected to be among the more controversial issues surrounding the bill. This research will be published in 2005 with the aim of stimulating informed debate.

GR&AP Customary Law Project reaps benefits regionally

Mercedes Ovis joined the LAC in 2004 as a customary law trainee. As part of her training, she spent three months on an internship programme under the guidance of Likhapha Mbatha, senior researcher in customary law at the Gender Research Project, Centre of Applied Legal Studies (CALS), Wits University, Johannesburg, South Africa. This internship flowed from co-operation between CALS and the LAC focusing on the gender aspects of customary law in the region.

Researching inheritance issues

In 2004 the GR&AP completed its planning for a major research project on inheritance to be undertaken in 2005.



"The LAC is a driving force behind gender law reform and has created several programmes [to promote] women's and children's rights, such as the Gender Research and Advocacy Project."

– **Debie LeBeau** and **Eunice Ilpinge**, "Namibia's Progress towards Gender Equality: Post-Beijing Policies and Programmes", in Justine Hunter (ed.), *Beijing +10 – The Way Forward: An introduction to gender issues in Namibia*, Namibia Institute for Democracy, 2004.



Advocacy in Action as a regional model

After two years of preparation, the GR&AP in June 2004 launched a full-colour 340-page manual entitled *Advocacy in Action: A guide to influencing decision-making in Namibia*.

The GR&AP gave input at a workshop on SADC Parliamentary Best Practices hosted in Windhoek in 2004 by the South African Institute for International Affairs (SAIIR). The SAIIR is expected to highlight *Advocacy in Action* as a best practice example.

Women's Legal Campaign International arranged for launching the manual as a regional model in Gaborone, Botswana, and will fund women's groups in five other Southern African countries intending to adapt parts of the manual for use in their countries.

Advocacy training for grassroots groups

Advocacy in Action has served as the basis for several advocacy training workshops for the main LAC target group, i.e. the most disempowered members of society, with an emphasis on grassroots groups. Workshops were run for Women's Action for Development, Namibian Women's Voice and the Namibian Women's Manifesto Network. The project also designed and facilitated a training of trainers course on post-election advocacy for the Namibia Women's Network, the Namibian Girl-Child Organisation and the Working Group on Indigenous Minorities in Southern Africa (WIMSA), a San organisation. The National Federation of People with Disabilities was unable to participate but the GR&AP will work with this organisation in 2005.

The training conducted has been evaluated extremely positively. The following quote was a typical comment.

"There can't be a better way [to train] than you've done it. I really learnt a lot and I'm going to share my knowledge with the people of Rehoboth. Everything was absolutely wonderful."

– GR&AP workshop participant answering the question of how the training could have been improved.



The GR&AP's Anne Rimmer introducing the *Guide to the Domestic Violence Act* in a workshop for Namibian school girls. (Photo: The Namibian)



OTHER GR&AP EDUCATION AND TRAINING

Using *Advocacy in Action* as a manual, the GR&AP undertook a significant amount of training in 2004, with participative exercises complementing lectures on the new domestic violence and maintenance laws for service providers.

In addition to this manual-based training, the project provided training to a range of target groups on a range of topics. The target groups were magistrates, staff of the Namibian Police's Women and Child Protection Units, social workers and counsellors, church groups, NGOs and members of the public. The magistrates, police staff, social workers and counsellors received training on one or more of the new laws on maintenance, domestic violence and rape, and on the Children's Status Bill and protection of vulnerable witnesses. The church groups received training on human rights. NGOs and other members of the public received training on torture and police brutality, maintenance and domestic violence.

The GR&AP worked with the LAC's Legal Education Unit to provide interactive training to paralegals, focusing on gender issues and the new laws on rape, domestic violence and maintenance.

San fight for exemption from fees

• LINDSAY DENTLINGER

IN their ongoing battle to obtain their true identity, the San community are lobbying Government to exempt them from paying the N\$800 fee to change their names.

Yesterday their representatives were seated at the launch of a new book, 'Advocacy in Action', aimed at assisting Namibians in advocating for their rights and to influence decision-making in Namibia.

The manual, which explains how Government leaders work at different levels to assist people in approaching them to make their voices heard, was launched



Photo: Lindsay Dentlinger
READY TO LOBBY ... Swap MP Royal Auliso received his copy of the manual 'Advocacy in Action', a guide to helping civil society influence decision-making, from LAC Director Norman Tjombe.

ADVOCACY WORK WITH SAN PARALEGALS

To illustrate the practical nature of *Advocacy in Action*, the GR&AP decided, as part of the manual launch activities, to ask a group of San paralegals to test some of the content.

An issue of concern to them was that many San have been 'given' surnames by farmers and adopted families, which do not relate to their culture and identity. The fundamental right to a name is guaranteed in Namibia's Constitution. The cost to San wishing to change their surname is N\$800 – a price well beyond their means. The aim of the advocacy was to obtain payment exemption for San wishing to change their surname.

Another concern raised by the paralegals was that birth dates on San ID documents are incorrect, with the result that some elderly people are deprived of their old-age pension. This problem is due to dating in the past being articulated with reference to events (such as droughts) which do not translate well into the government dating systems. The LAC will help the San address this problem, and has commenced with back-ground research on the legal issues to guide a plan of action.



Simple guides to legislation

The GR&AP extended its warmly received collection of simple guides on legislation with a *Guide to the Combating of Domestic Violence Act* for service providers, and a companion *Summary of the Domestic Violence Act* for community members.

A similar set of guides on the new Maintenance Act was almost ready to go to press as 2004 drew to a close. The field research for these guides included collecting legal opinions from lawyers, magistrates, maintenance officers, clerks of court and legal aid staff to test different understandings of the new procedures. The field research brought to light (alarmingly) that many lawyers and officials are simply ignoring the new act and “using the old law” due to feeling more comfortable with it.

The GR&AP Guide and Summary on the Married Persons Equality Act were translated into Afrikaans, Oshiwambo, Otjiherero, Nama/Damara, Rukwangali and Silozi. Such translations are necessary to promote legal literacy in Namibian communities, especially in rural areas where few people understand English well.



Illustrations from the booklets on the Domestic Violence Act.



Illustrations from Advocacy in Action.



Other publications

Advocacy in Action has been discussed.

The GR&AP's *Namibia Sexual Abuse and Domestic Violence Service Directory* first published in 1999 was updated in 2004.

A publication entitled *International Human Rights Law and Gender* was produced to serve as a reference manual for decision-makers. It contains the actual text of key international treaties and protocols, as well as introductory and explanatory information.

“Her research on issues such as affirmative action, maintenance, violence against women, family law and commercial sex work has been published extensively.”

– **Graham Hopwood**, referring to GR&AP Co-ordinator Dianne Hubbard, in *Guide to Namibian Politics*, Institute for Public Policy Research and Namibian Institute for Democracy, 2004.



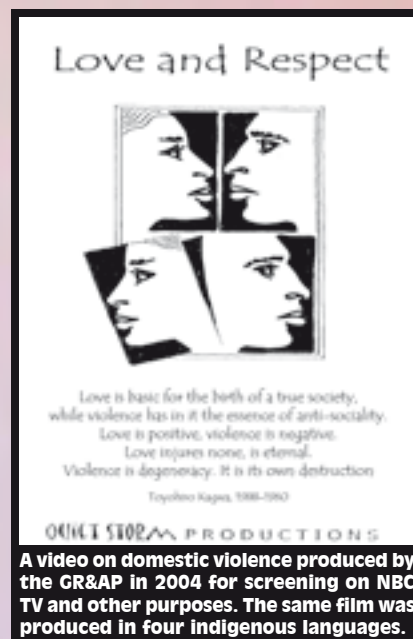
Television

The GR&AP persuaded the National Advisory Committee on Gender-Based Violence that there is a need for a popular TV series on rape, domestic violence and vulnerable witnesses. The Ministry of Women Affairs and Child Welfare asked the GR&AP to work with its staff on this project as a form of skills transfer. The project helped the ministry draft a funding proposal and terms of reference for the film-makers, and filming will get underway in early 2005.

Radio

The GR&AP arranged for and presented on Katutura Community Radio three one-hour gender-oriented programmes on domestic violence, maintenance and the project's work.

As part of the media blitz on violence during the “16 Days” campaign on violence in 2004, the GR&AP arranged for radio dramas on domestic violence, produced by the LAC in 2000, to be aired in indigenous languages on the various NBC language services.





Wilma Maasdorp

Dedicated development worker finds LAC "a tremendous help and inspiration"

Wilma Maasdorp is the Co-ordinator of Women's Action for Development (WAD) in Hardap Region. WAD is a self-help organisation that aims to improve the socio-economic and socio-political situation of women in the country, primarily in rural areas. Established in 1994, WAD today is active in 6 regions and plans to expand to all 13.

WAD and the LAC have co-operated for some time either directly or as members of fora such as the Multimedia Campaign on Violence Against Women and Children. The LAC has trained WAD staff on laws, policies and issues relevant to WAD members. WAD members in the regions have established "Women's Voice bodies" tasked to address social problems and meet community needs by working through government, community leaders, etc.

Wilma, born and raised in Walvis Bay, moved to Rehoboth in 2003 to take up the post of Hardap Regional Co-ordinator. She participated in LAC training in 2004. Asked for comment on the training and the LAC in general, Wilma had the following to say:

"The LAC has been a tremendous help and inspiration to WAD. Through the training and other information received from the LAC, we have been informed of our human rights and how the law and our constituencies protect us. The LAC crew are great trainers. They 'steal' your whole mind, and when you learn a lot, you feel good. The LAC is an organisation whose phone lines are open 24 hours a day. If a Women's Voice body needs information, I phone the LAC and they always assist. We can overcome many constraints we face due to the knowledge we have gained from the LAC. We hope to connect again in 2005."

The trained WAD staff pass the knowledge on through workshops with community groups in the regions: "We share the information with people on the ground. We don't take the training for granted; we come back to our communities and teach people."

Asked how she copes with being away from her family, Wilma, a mother and grandmother, says this work "is of the utmost importance for the country and grassroots people, so I tend to my home in between, and my children support my choice to make this sacrifice ... It is wonderful to do something worthwhile."



The GR&AP represents the LAC on the National Advisory Committee on Gender-based Violence, Sexual Harassment and Legal Affairs set up by the Ministry of Women Affairs and Child Welfare with a Cabinet mandate. The project advised on the group's terms of reference, and hopes it will be a forum for improving communications between government and NGOs on the issues it deals with. In 2004 the GR&AP used this forum to raise concerns about the implementation of the Combating of Domestic Violence Act, which prompted the Ministry of Justice to move ahead with designing a training package for court officials, a project receiving GR&AP input.

The GR&AP sits on the Advisory Committee of the Namibian Police's Women and Child Protection Units. Issues addressed by the committee in 2004 include intensified training for police personnel on the new domestic violence law, and making HIV post-exposure prophylaxis (PEP) available to rape victims.

The GR&AP continues to participate in the Multi-Media Campaign on Violence Against Women and Children.

The GR&AP took the lead in organising the LAC stand for the Civil Society Expo coinciding with the opening of Parliament.

GR&AP gender materials are consistently in great demand. Materials on rape, domestic violence, vulnerable witnesses, maintenance and the Married Persons Equality Act were distributed to numerous interested individuals and groups in 2004.

The GR&AP networked with many other organisations and individuals in 2004, for example the National



Launches of LAC publications usually involve senior government officials as keynote speakers.

Institute for Democracy, Women's Solidarity, the National AIDS Control Programme, the University of Namibia's Gender Training and Research Programme, the UN Committee on Poverty and Harvard Law School's Black Lawyers Association.



The GR&AP provided legal information and advice to clients in 2004 on: maintenance; domestic violence; the rights of parents in respect of children born outside marriage; abortion for a rape victim; marriage contracts; custody; adoption by non-Namibian citizens; pregnancy and the labour law; and sexual abuse of a student by a school principal.

GR&AP Staff and Donors 2004	PERMANENT STAFF Dianne Hubbard – Co-ordinator Naomi Kisting – Project Assistant	INTERNS AND VOLUNTEERS Delia Ramsbotham Steffie van Lokven Matthew Burnett Sarah Field Hilary Blain	North-South Institute
	CIIR-FUNDED POST Anne Rimmer	CONSULTANTS Beth Terry; Nicky Marais; Perri Caplan	Swedish International Development Agency (SIDA)
	CONTRACT STAFF Mercedes Ovis		United Nations Children's Fund (UNICEF)
			Catholic Institute for International Relations (CIIR)



Righting wrongs in Namibian law

Despite severe human and financial resource constraints, 2004 proved a favourable year for Huricon litigation. Though many wide-ranging public interest matters needed attention, the unit had to devote most resources to litigation and only some to training, research and other activities. Huricon has played a central and crucial role in constitutional rights litigation in Namibia, not least in 2004.

Second treason trial heads to the High Court

• WERNER MENGES
IN MARIENTAL
BRIEF

once on a charge of high treason
in the High Court in Windhoek
on June 16.
It is understood

who appeared in the Mariental
Magistrate's
court ap-
pears were

Judgement gives hope to sacked workers

• WERNER MENGES

Supreme Court settles law on termination vs dismissal

WERNER MENGES

last year, the interpretation of
the words "dismissal" and "ter-
mination" as they are used in the
Labour Act is a matter with a price
tag of N\$13 000.
That is the amount that High
Court Judge Gerhard Maritz or-
dered the employer to pay to the
workers in a key passage

not the same as a "dismissal" for
a reason such as incompetence or
misconduct, for example.
Both the High Court and
now the Supreme Court bench,
made up of Acting Chief Justice
Simpson Mubhumba, Judge
of Appeal Pheko and Acting
Judge of Appeal Pheko.

San take farmers to court



Claim brutal treatment

• THINGEN AMUPHONI

OVER a dozen members of the San community in
the Otjozharo Region are to sue the
farmers who allegedly drove
them a mile, using a car with
rolling stones.
They also allegedly threw another man into a
river and killed him.
The lawsuit for the group, Nkomatjara of the
Legal Assistance Centre (LAC), said the incident
took place in December.



To give the reader a useful overview of the types of public interest matters Huricon deals with, this section outlines some key cases that required litigation, though some were settled before court proceedings. Many cases were finalised in 2004 while others are still ongoing.

Caprivi detainees arrested for secession attempt

Huricon continued dealing with the cases of 135 people instituting civil action against the security forces (Minister of Home Affairs and Minister of Defence) for assault and/or unlawful arrest and detention and/or denial of medical treatment. The unit was ready in 2004 to proceed in all cases to pre-trial conferences and trial, but the criminal trials involving clients have commenced and it is impossible for the clients and their witnesses to be in two places at the same time. Some cases were settled out of court and others were set down for trial in 2005 and beyond.

Caprivi detainees assaulted in prison

At the end of 2004 Huricon settled the cases of 12 Caprivi secessionist detainees assaulted by the authorities in prison.

Caprivi detainees unfairly dismissed

At least five Caprivi detainees previously employed as police officers were unfairly dismissed after their arrest. Though the LAC does not deal with labour matters and the police are not governed by the Labour Act, this is another way in which the Caprivi detainees' human rights and dignity are infringed while they are in prison and vulnerable, so the case was taken on.

Labour case sets precedent

After three years, judgement was finally handed down in this precedent-setting case. It is a very important judgement for employees in Namibia. In essence, the court ruled that an employer may not furnish notice to an employee without further ado in terms of section 47 of the Labour Act. Employers henceforth must have a reason for furnishing notice, and should the employee not accept the notice, proper disciplinary proceedings must follow, failing which the employer will be guilty of an unfair dismissal in terms of section 45. The Respondent appealed the decision and the matter was argued in the Supreme Court in October 2004. The Court dismissed the appeal.

Corporal punishers challenged

The mother of a primary school pupil instructed Huricon to institute a claim against the Ministry of Basic Education, Sport and Culture for a teacher's severe assault of her son with a plastic pipe. Namibia's Constitution outlaws corporal punishment, but it appears that some teachers all over the country still inflict it. This situation can no longer be ignored and the LAC will institute civil action in future on behalf of pupils subjected to corporal punishment.

Access to children for unwed father

A man instructed Huricon in 2002 to apply for custody of his daughter born outside marriage, who had been placed in the foster care of her maternal grandparents, without any consultation with the father, after her mother died in a car accident. The current Children's Act and common law provisions dealing with children born outside marriage clearly discriminate against the fathers of these children and the children themselves, thus they are unconstitutional. In this case Huricon advised the man first to seek reasonable access to the child through the grandparents. Even this proved difficult to obtain, and the case is ongoing.

Child custody for unwed father

A man sought custody for his child born outside marriage. At the time of the birth, the mother intended giving the child up for adoption. Although the relationship had ended, the father did not want an adoption and elected to care for the girl himself, which he did for 11 years when suddenly the mother decided to take the child away from him. Before Huricon's urgent application reached the High Court, the parties reached a settlement entailing that the mother would return the child but have access to her, and the man would undergo a paternity test. The test proved him not to be the biological father, but a psychologist's report recommended leaving the girl with the man who had cared for her from birth. The mother had always refused to contribute anything to the child's maintenance and continued to do so, therefore Huricon instituted an action against her for arrear and future maintenance.



Unlawful arrest and detention, and torture in detention

Huricon has always dealt with cases of unlawful arrest and detention, many involving maltreatment or actual torture of detainees by prison and police authorities. Some in 2004 were settled with the Ministry of Home Affairs before proceeding to trial.

A man arrested on suspicion of being involved in a robbery was handcuffed to a bed in the police mortuary for four hours, then assaulted and electrically shocked on his genitals. He has suffered severe repercussions both physical and mental.

While resting on a public lawn after shopping in Windhoek, a pensioner from Rehoboth, his daughter and an old acquaintance were all arrested on suspicion of trading in illegal substances. In prison the pensioner was sodomised repeatedly for five days. He lost consciousness and awoke some time later in Katutura State Hospital. Huricon is suing the government for unlawful arrest and for failing to ensure the safety of an awaiting-trial prisoner. The client, severely traumatised by the event, now suffers from epileptic fits and other ailments.

"Very friendly, helpful and professional people" win precedent-setting labour case

The case of Pieter Meintjies set a very important labour precedent in Namibia. Pieter sought LAC assistance when the owner of the restaurant he had managed for three years terminated his employment on the grounds that their "employment relationship has deteriorated" (court document). The owner had always been Pieter's friend and mentor, and Pieter was unaware of this deterioration, though he did feel unsure of his position as manager because the owner had brought other friends into the business without any explanation. At the same time Pieter was falsely accused of stealing money from the restaurant and of having the owner beaten up. He knew something about labour law and decided to seek justice.

The LAC took the case to court on the grounds that the "termination" of employment amounted to an unfair dismissal. The respondent argued that the Labour Act treats "termination" and "dismissal" differently and this was a "termination" of employment, not a dismissal. The High Court found for the plaintiff, awarding N\$33 000 in damages, and the respondent appealed. On appeal the Supreme Court confirmed the High Court ruling, setting a precedent that notice to terminate employment must be given fairly and in accordance with the procedure set down in the Labour Act. If this is not done, the termination can be considered an unfair dismissal and the dismissed employee can claim severance pay and compensation for lost earnings.

After losing his job Pieter was out of work for a year and a half. He says many people in Namibia suffer similar unfair treatment but few know there is somewhere they can go for help. He is very grateful to the LAC, which he says is "a great organisation, with very friendly, helpful and professional people". Pieter is now a chef-in-training at the Polytechnic of Namibia.



Pieter Meintjies

In another case, three inmates of Windhoek Prison were severely assaulted by fellow prisoners using broomsticks, sharpened spoons, wheelbarrows and iron bars. They were beaten and stabbed all over their bodies. Both hands of one inmate were broken, while another suffered temporary paralysis in one hand. The assaults took place in full view of 11 prison officers who did nothing to stop them despite the victims' pleas for their help.

Another client in custody was beaten with a baton, tree branch and sjambok, then cuffed with metal handcuffs, hands behind his back, and attached to a metal hook suspended from the roof for further beating and kicking. He was deprived of food and water, and prevented from using the ablution facilities for seven days.

Another case involved a prisoner being kept in leg irons, which Namibian law prohibits.

Irresponsible shooting by police

From time to time Huricon deals with cases of police shooting people while on duty, either intentionally or not. One such case in 2004 involved a police officer shooting a woman in the leg while the officer was trying to break up a fight in which the woman was involved. The damage to the woman's leg is permanent and debilitating. In another case, a woman walking down the street was shot by a police officer chasing an offender.

Responsibility for prisoners outside the prison

This interesting Huricon case involves determining who is responsible for prison inmates' safety while they are

on work duty outside the prison. A farmer assaulted an inmate working outside. Huricon's view is that the ministry responsible for prisons is vicariously responsible for inmates' safety, while government contends that inmates outside are in the custody of independent contractors so government cannot be liable. Huricon finds this stance untenable and issued summons against the ministry and farmer.

Soldiers abuse males wearing earrings

Late in 2003 Namibian Defence Force members took it upon themselves to harass and assault male persons wearing earrings. Victims informed Huricon of this, but the relevant ministry acted immediately on its own accord to compensate victims.

State President's Patients (SPDs)

The SPD issue is an ongoing one. SPDs are persons placed under special care after committing an offence because they are either mentally unable to stand trial, or unable to appreciate or act in accordance with such appreciation of the wrongfulness of their actions at the time of the offence. Many SPDs ready for release are kept incarcerated for inordinately long periods due to the absence of an acceptable review process. It appears that the Huricon recommendations for updating the relevant legislation submitted to government two years ago will not be dealt with for some time yet.

Huricon's intervention in 2004 resulted in two SPDs being redesignated as people in "normal" mental health, while another five approached the unit for assistance.

Immigration and citizenship

A number of citizenship and immigration matters were settled positively with the Minister of Home Affairs.

Intestate inheritance rights

Huricon continued working on a long-standing case relating to the right of children born outside marriage to inherit intestate from their biological father. In this case a Namibian child whose biological father never married his mother is claiming half of the estate left by his father, despite not being so entitled under current Namibian law. This case is further complicated by the claim of the deceased's other child that the client is not

"The LAC is the only clinic of its kind in Namibia, and thus plays an important role in Namibian society. Its mandate is to create a human rights culture in Namibia, and it is a very involved and vocal organization. ... The LAC was a wonderful host for interns. ... There were a lot of young lawyers with whom I forged friendships. They were amazing lawyers with passion for their jobs."

– **Susan Taylor**, LAC intern, "Intern Experiences and Reports", http://www.claihr.org/claihr_new/n_intern_taylor.html.

her step-brother, and by the contention that the will signed by the deceased under German law is also valid in Namibia. The High Court is considering the latter question and the answer will determine the course of this matter.

Disabled child abducted from hostel and raped

A minor girl with a disability residing in a school hostel due to severe financial constraints at home was taken by a member of the hostel kitchen staff to Katutura for a weekend without the girl's family authorising her removal from the hostel. In Katutura, a teacher from her school raped her. She suffered severe damages and requires long-term psychological and medical treatment.

Amicus curiae appeals

The Registrar of the High Court asked the LAC to help three accused persons to appeal their sentences. To avoid conflict of interest, three Huricon lawyers acted separately for the three appellants, respectively found guilty of assault with intent to do grievous bodily harm, crimen iniuria and attempted rape. One appeal was dismissed while the other two were partly successful in that the appellants were given the option of paying fines in lieu of imprisonment.

Medical negligence on the rise

Since deciding to take on cases of medical negligence, ever-increasing in number, Huricon has been flooded with requests for assistance, and the unit worked on numerous cases in 2004. As medical negligence requires specialised litigation, Huricon's in-house counsel prepared a comprehensive memorandum on medical negligence to assist the unit lawyers.

In one case a man impregnated his wife after she had been "sterilised". The unwanted child presented major problems for the already large and struggling family.

In another case, a woman who underwent goitre surgery found that her vocal cords had been cut during the operation. Further surgery led to further physical deterioration until eventually she was unable to work, her house was repossessed and debt collectors sued her.

Cases not requiring litigation

Matters in which Huricon assisted without any need for litigation are too numerous to outline in this report, but to give an indication, many people claiming to be refugees sought Huricon's assistance, as did a group of pensioners, a man seeking foster care for his infant son, and a man needing help with an insurance claim after being declared unfit to work.

Screening cases – a crucial step

Throughout the year and on a daily basis, different LAC units screen people to identify the important public interest cases and the most needy clients. Though a time-consuming and sometimes frustrating task, the screening affords needy people a listening ear, which helps them even if the only action taken by the LAC is referral to another office that can assist. A general advice service is made available during the screening. The screening is crucial in that the LAC is the only public interest law firm in Namibia and thus is obliged to keep abreast of infringements of constitutional law.

Huricon Staff and Donors 2004

LEGAL PRACTITIONERS

Toni Hancox – Co-ordinator
Beatrix Greyvenstein – Senior Legal Practitioner
Erenstine Kalomo – Junior Legal Practitioner
Lynita Conradie – part-time in-house counsel

CANDIDATE LEGAL PRACTITIONERS: Damoline Muroko; Kishi Shakumu

INTERNS: Steffie van Lokven; Kristin Janson; Katharina Stamm

Open Society Initiative for Southern Africa (OSISA)

International Commission of Jurists (ICJ) Kenya (African Human Rights and Access to Justice Programme)



HURICON TRAINING ACTIVITIES

Huricon continues to recruit and train candidate legal practitioners, on a part-time basis in that they also work for the LEAD Project and AIDS Law Unit. Their training entails much support and assistance from all Huricon staff, and constant supervision by the admitted practitioners. The candidates have to complete a one-year course at the University of Namibia's Justice Training Centre and then get practical training with the unit. Pleadings drafted by the candidates must be signed by admitted practitioners.

Home Affairs officials' misinterpretation of law continues to harm innocent citizens. There will have to be substantial engagement in this regard. Huricon training for these officials will be considered should the ministry desire it and if resources permit.

Huricon continued training police officers taking the Advanced Criminal Investigation Course at the Patrick Iyambo Police College.



OTHER HURICON ACTIVITIES

Huricon's other ongoing activities are research, supporting the work of several other organisations and representing the LAC in various forums.

The organisations and entities supported in 2004 include the Hoofbeats Trust, Archillen Gawanab Trust and Maria Geelbooi Trust, the Professional Arbitration and Mediation Association of Namibia and the Interministerial Committee on Human Rights.

As a member of Namibia's ad hoc committee on torture composed of representatives of NGOs and government, Huricon in 2004 helped to organise an essay competition on the topic of torture, as well as a workshop, a newspaper supplement and talks on national television and radio.

As a representative of the Human Rights and Democracy Sector of the Namibia Non-Governmental Organisations' Forum (NANGOF), Huricon finalised a flier on NGOs in 2004.

Empowering by educating

The Legal Education Unit (LEU) was initiated in 1990 to teach citizens about the law and their rights in newly independent Namibia. Today the LEU focuses on raising awareness of problematic issues in Namibian society and runs projects to help resolve them. The unit is guided by its vision of building a strong, vibrant, active and truly democratic civil society, and by doing so, increasing communication between the elected and electorate to enhance popular participation at all levels of governance.





The LEU worked primarily on its three major long-term projects, i.e. the Civic and Voter Education (CVE) Project, Community Paralegal Volunteer (CPVT) Project and Legal Education Project (LEP). But due to serious funding constraints in the latter two as well as elections in 2004, the unit focused mainly on the CVE Project. It also worked on a couple of short-term projects with other organisations.

Teaching Namibians about **voting and governance**

The Civic and Voter Education (CVE) Project is the LAC contribution to a broader and longer-term programme supported by several governments and involving a number of NGOs.

The LEU was delighted with the positive findings of an external evaluation of the CVE Project in early 2004, which recommended further funding for its continuation. The donor supported the evaluator's view that terminating the project directly after the 2004 elections as initially planned would be counter-productive to the project objectives, and it was sensible and necessary to maintain momentum by extending the duration of the civic education component. This consists of pre- and post-election education, with the latter focusing on good governance and socio-economic rights. The new funding period ends in August 2005. The LEU must help address the very big demand for civic education in rural areas.

The LEU attributes the project's success to the civic and voter educators' dedication and unity of purpose, and to the project's non-partisan approach being generally accepted as such by the political elite and electorate. The Electoral Commission of Namibia (ECN) recognised the project's effectiveness and drew on the dedication and presence of the educators in the regions, especially to reach rural areas. The ECN also asked the LAC to provide the bulk of people to be trained as trainers of trainers on the use of tactile ballot papers introduced for all elections in 2004.

The unit believes that this project contributed to the record voter turnout in the national voter re-registration process, the supplementary registration process and the various elections in 2004. Over 30 000 people benefited from the project in 2004, mostly women, young people and people with disabilities. The unit also believes that its input will have a lasting impact on the country's democratic and political processes.

However, the project aims were not achieved in Karas, Hardap and Erongo Regions, due to a lack of commitment on the part of the CVE educators. The

LEU legal educators tried by various means to motivate them, and even replaced some, but to no avail. All these regions recorded a low voter turnout for the 2004 local authority elections, and this was due in part to a lack of civic and voter education in these regions.

Making **legal services** accessible countrywide

The main aim of the LEU Community Paralegal Volunteer (CPVT) Project is to invest in human resource development to help ensure that the country's poor and marginalised people have access to justice. The trained paralegals provide free legal services, for no pay. The communities select the trainees. A total of 280 paralegals

in all 13 regions were trained under the project in 2004. The communities seem to take their legal and social development very seriously, e.g. they helped to equip the paralegal offices and to set up service points.

The CPVT received only 40% of the funding pledged for it in 2004, so a number of activities could not be carried out as planned.

The project undertook a needs assessment in early 2004 to determine each locality's social and legal needs. This revealed that all the paralegals needed more training on labour law, criminal and civil procedure, domestic violence, maintenance and new legislation. It also brought to light many logistical problems, such as paralegals lacking technology for co-ordinating and networking, and the

problem of several paralegals lacking commitment due to this being voluntary rather than paid work.

There are many challenges to overcome in the second project phase starting in 2005, especially those of setting up easily accessible service points for paralegal services, building their capacity to provide an efficient service, and lobbying for local resources to enable the communities to take ownership of their social and legal development. The second phase will also involve lobbying and advocacy for government, private sector and public recognition and support of paralegal work in Namibia.

The CPVT helped the Namibia Paralegal Association (NPA) in 2004 to find a full-time co-ordinator, tasked to attend to the concerns of paralegals in Namibia and co-ordinate the association's activities. Paralegals are formally registered with this body, and efforts are made to build their capacity and that of the association as a whole. In time the NPA will have regional and district committees. The LAC is responsible for the NPA's overall management and disbursement of funds.

The CPVT Project's sustainability depends chiefly on community capacity to sustain it on the ground.

"The LAC succeeded in carrying out its CVE project ... according to plan. The CVEs are well motivated and eager to expand their functions beyond the present level."

– Paavo Pitkanen, Civic and Voter Education Consortium, Assessment Report, February 2004.



A group of CVE educator training graduates.

Educating community interest groups

The three LEU offices (Katutura, Keetmanshoop and Ongwediva) run workshops on numerous issues of law and human rights for many target groups, whether on request, in collaboration with other organisations, or on their own initiative where they perceive a need for education. LEP activities took a back seat in 2004 due to the need for civic and voter education, and due to a lack of human and financial resources, but each office did run a few LEP workshops in 2004.



Veteran LEU Legal Educator Aloysius Katzao facilitated numerous training workshops in the southern regions in 2004.

OTHER LEU ACTIVITIES

Reaching the people by radio

As radio is a very popular medium countrywide for information exchange, all LEU offices frequently use radio services to reach communities.

The Windhoek-based CVE educators made extensive use of the LAC's weekly one-hour 'magazine' slot on Katutura Community Radio (KCR), Your Rights Today, one of KCR's most popular programmes. The LEU co-ordinator was elected to the KCR board of directors in 2004.

Training for women cancelled due to 'politics'

The LAC, Women's Action for Development (WAD), Namibia Women's Network (NWN) and Sister Namibia applied jointly in 2004 for funding under a Women's Campaign International (WCI) project to train women to take up political leadership positions. WCI is a US-based NGO working to increase women's participation in political and democratic processes. The LAC saw the WCI project to be an excellent opportunity to extend its own civic and voter education project. All partners welcomed the idea of providing to women leaders practical, specialised training on leadership, organising, using media, advocacy and campaigning. The project's main aim was to prepare aspiring women candidates for the 2004 regional council elections.

A lot of preparatory work was done for the project, but just after its commencement in April 2004, the US Ambassador announced its termination due to political discord in certain quarters. The partners were very disappointed. They considered the project relevant, necessary and unique. But women were of course the biggest losers.



An LEU paralegal training session.



The LAC stall in Windhoek on Human Rights Day 2004, stocked with free education materials.

THE LEU IN THE REGIONS

The LEU's regional offices serve as education centres but also as legal advice centres. Where a case requires legal action by a lawyer, it is referred to the relevant LAC unit in Windhoek. These offices work closely with all the LAC units. Regional office staff attend training workshops run by the units to be able to support the units' activities in the regions. Regional office staff also participate in training workshops organised by other organisations, so they keep abreast of a wide spectrum of issues.

Katutura Regional Office

The LEU co-ordinator is based at this office. Situated at the main 'entrance' to Katutura, this office is easily accessible to those it primarily means to serve. This office serves the central regions of Namibia, i.e. Khomas, Erongo, Kunene, Otjozondjupa and Omaheke. This narrative has already described what kept this office busy in 2004 apart from case work, and further detail is unnecessary.

Keetmanshoop Regional Office

The Keetmanshoop office (south) serves Namibia's two largest but most sparsely populated regions, Hardap and Karas, where a highly dispersed population, long distances and gravel roads make it difficult to conduct a lot of workshops.

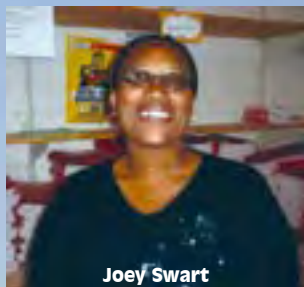
Adding to these problems in 2004 was a low level of co-operation from community volunteer paralegals in these regions. This prevented outreach to many outlying rural areas that should have been reached in 2004, and it reduced workshop attendance. It appears that most of the paralegals



The reception room at the Katutura Regional Office, where LAC education and information materials can be obtained.



The Katutura office is easily accessible on the Red Cross premises at the main 'entrance' to Katutura.



Joey Swart

"I GIVE AS MUCH TIME AS EACH PERSON NEEDS" A word about a 'model' LAC community paralegal volunteer

Joey Swart is an old friend of the LAC. She first made contact with the LAC in 1988 through her friend and fellow Katutura community activist, Rosa Namises, then Co-ordinator of the LAC's Legal Education Project (today a parliamentarian). For many years she travelled frequently with

Rosa to run workshops for grassroots women's groups all over the country. She received some LAC paralegal training in those years, but certificates were not issued to paralegals then and the LAC employed only a few full-time paralegals who received regular in-house training and worked closely with the lawyers. In 1999, upon closing some of its regional offices due to funding constraints, the LAC invited interested members of the public to undergo paralegal training so as to establish a cadre of paralegals in the regions to take over the functions of the regional offices. Joey came forward for this training, and for advanced training, and has served as a volunteer community paralegal for Khomas Region ever since. Thirty-five paralegals were trained for this region.

Joey is simultaneously the Chairperson of the Namibian Catholic Women's Movement, a founding member of the Namibian Paralegal Association and member of its outreach committee, a

self-employed caterer and a mother of four. Yet she finds time to be very devoted to her paralegal work, for which she earns no money. She gives as much time to a case as a client needs, making referrals to lawyers, pastors and others where necessary, and does not stop working on a case until she knows that "the client has been properly assisted and is satisfied with the outcome". Where necessary she uses her own money to get a client to a clinic or government authority, and accompanies clients to these places.

Joey and other paralegals hire office space on the premises of the Council of Churches in Namibia (CCN), but she often receives clients at her home. She sees 4-5 clients a week, sometimes more. Most clients have problems with maintenance, domestic violence, marriage and eviction. She also assists people living with HIV/AIDS. Labour cases she generally refers to a paralegal colleague or to inspectors in the Ministry of Labour who work with the paralegals.

Joey also convenes information meetings on different laws and human rights with community groups, mainly youth and women. She contacts people through the churches and they gather at her house. Members of the Catholic Women's Movement also invite her to speak at their meetings.

Joey is a very active and committed paralegal, and is featured in this report as a paralegal programme 'model'. The LAC much appreciates her selfless contribution and wishes her every success in her many pursuits.

were not willing to continue serving their communities in a voluntary capacity. This problem will have to be addressed for the LEU paralegal programme to survive, as it is not feasible to keep training new people who then opt out.

This office devoted much of its time to civic and voter education during the build-up to the regional elections, and believes its input did in fact increase voter participation. A few other workshops on different topics were run for community interest groups on request.

Ongwediva Regional Office

The Ongwediva Regional Office serves almost half of Namibia's population in a vast area encompassing four northern and two north-eastern regions, i.e. Oshana, Omusati, Oshikoto, Ohangwena, Kavango and Caprivi. Most people (65%) in these regions live in rural areas.



Materials used by the educators in the LEU's Civic and Voter Education Project.

Adding to the difficulty of serving so vast an area and so many communities, a car accident incapacitated one of the staff educators, which proved a major setback for the office's training activities.

This office nonetheless gave a lot of attention in 2004 to civic and voter education in all regions it serves, and slotted community volunteer paralegal training into the CVE workshop schedule to save time and costs. The office collaborated with the Namibian Non-Governmental Organisations Forum (NANGOF) to run a workshop for election monitors under a broader NANGOF project to prepare Namibians for the elections.

At the request of the Namibian Defence Force (NDF), this office also conducted workshops on international humanitarian law for two groups of NDF members due to leave for Liberia as Namibia's peacekeeping force. The office ran a few other workshops for community interest groups on different topics on request.

LEU Staff and Donors 2004

KATUTURA OFFICE

John Nakuta – LEU Co-ordinator
Senorita Gases – CPVT Co-ordinator and Legal Educator
Trudi Narimas – Legal Educator
Joshua Vaendwanawa – Legal Educator
Julia Shuuya – Project Assistant
Anitha van Wyk – Part-time Office Assistant

KEETMANSHOOP OFFICE

Aloysius Katzao – Co-ordinator and Legal Educator
Dora Isaack – Administrative Assistant
Sofia Witbooi – Office Assistant
Eddie Goliath – Resident Volunteer Paralegal

ONGWEDIVA OFFICE

Ruth Hekandjo – Regional Co-ordinator and Legal Educator
Ester Kambalala – Project Assistant
Joshua Dumeni – Office Assistant

SIDA – Civic and Voter Education Project
EED – Community Paralegal Volunteer Training Project



"I learnt to understand what crime is and also to take responsibility for my life and my actions. Will I do it again? No. And did I learn from the experience? Definitely yes!"

– Life Skills Programme divertee
quoted in "Juvenile Delinquents Or
Cries For Help We Don't Hear?",
The Namibian, 12 November 2004.

Giving child offenders a choice

In 1990 the Namibian Government ratified the UN Convention on the Rights of the Child and associated international legal instruments such as the UN Standard Minimum Rules for the Administration of Juvenile Justice. The LAC introduced its Child Justice Project (CJP) in 1995 to help develop a child justice system in Namibia conforming to these laws. Through the CJP the LAC has been a key contributor to the system development. The CJP is one of three NGO members of the Interministerial Committee for Child Justice (IMC) that oversees the Child Justice Programme of Namibia. Though the Child Justice Bill has not yet been passed, piloting and implementation of system components has been ongoing for a few years, and full national implementation will come with the passing of the Bill. The system accords with the principles of restorative justice.

The CJP was to have been phased out by the end of 2004, but the government was not yet in a position to take over all of the project's services as planned, so the LAC sought additional funding to continue the project. Three staff members left during 2004 due to the project's uncertain future, hence for much of the year it was staffed only by the co-ordinator and a social work intern.



CJP PREVENTING YOUTH CRIME

Crime prevention workshops at primary schools

The CJP ran crime prevention workshops at primary schools focusing on the rights and responsibilities of children under Namibian law, the rights of children in the child justice system, the consequences of a criminal record and crime prevention strategies. Guidance teachers joined the training to be able to support the children's future prevention efforts. The AIDS clubs at some of these schools plan to take up crime awareness programmes as an additional activity.

Crime education included in school curricula

The CJP asked the National Institute for Educational Development (NIED) to consider introducing a crime education module in school curricula. NIED was then revising the life skills curricula and welcomed the idea of including this topic. The CJP drafted the module content for Grades 5-10 and will assist with drafting an accompanying guide for teachers.



CJP MONITORING CHILDREN ARRESTED

Visiting cells reserved for children

The weekly CJP cell visits in Windhoek serve to remind the police constantly of the rights of children in their custody. The CJP determines whether international rules are being complied with. For example: children must be separated from adults; all children arrested must be assessed by a social worker as soon as possible; cell conditions must be suitable for children; law enforcement agencies must treat children in a certain manner; every child's parents/guardian must be informed as soon as possible of the arrest; a child must be released into parental care wherever possible; and children in need of medical treatment must be referred for it. The CJP takes up problems with the relevant authorities.

While visiting other towns to run training workshops, the CJP also visits the cells there and reports back to the Ministry of Home Affairs and the IMC. In 2004 the CJP was a member of a subcommittee tasked to assess the situation of children detained at 11 police stations in central and northern Namibia, and the Elizabeth Nepemba Juvenile Centre (a prison) near Rundu. (In the south cell visits are undertaken by another NGO member of the IMC, The Bridge in Mariental.)

Assessing the treatment of children awaiting trial

The IMC has a subcommittee to deal with the treatment of children awaiting trial. The CJP co-ordinates its activities, and the subcommittee works with child justice service providers to solve problems and improve services. Issues addressed by the subcommittee in 2004 were the quality of assessment, tracing of parents, treatment of children in the cells, facilitation of diversion programmes and the court process for children.

Child Justice Fora

In terms of the Child Justice Bill, each region in the country will have a Child Justice Forum composed of child justice service providers and chaired by a magistrate, to oversee regional child justice activities, solve problems and generally improve services in the regions. The CJP is a member of the Khomas forum.

"Thanks to the pioneering work of the LAC in raising awareness in Namibia on the rights and treatment of children, including those who conflict with the law, the country's child justice programme is on a firm foundation."

- Dr Tunguru Huaraka,
Chairperson of the Interministerial
Committee on Child Justice



The Journey Programme, Weekend Camp and Life Skills Programme have proved to be very effective diversion options in Namibia.



Child justice service providers in training.



The CJP monitors and keeps statistics on child justice assessment and diversion activities in Windhoek, and through the IMC keeps abreast of these activities elsewhere in the country.

Assessing personal circumstances – a crucial step

A professional assessment of a child by a social worker as soon as possible after arrest is seen as a crucial step in dealing with child crime. The assessor evaluates the child's personal circumstances as well as those surrounding the offence, and recommends to the court a restorative course of action (a 'diversion') appropriate not only for the offender but also for the victim.

Assessment is currently the sole responsibility of social workers in the Ministry of Health and Social Services. This setup has proved problematic for the quality of assessment (they are overstretched) and for continuity in implementing the system (e.g. trained social workers move out of the system, and some towns have no social worker so cases are delayed and children are detained unnecessarily for long periods). The CJP social workers assisted with assessment in 2004 when called upon.

The 'developmental approach' to assessment is being piloted for child justice in Namibia and the CJP is assisting in this initiative. This approach facilitates long-term aftercare services for child offenders.

Diverting children from a life of crime

For a serious offence a child will be sentenced to a term of imprisonment or a suspended sentence, but for less serious offences the goal is to divert children from the criminal justice process, keep them out of prison and use appropriate means to rehabilitate them and reintegrate them into society, and thereby steer them away from a life of crime.

The diversion options piloted or already on offer in Namibia, but not yet in all regions, are the Life Skills Programme and Weekend Camp, the Journey Programme, Wilderness Therapy, Pre-trial Community Service, Counselling, Victim-Offender Mediation, Family Group Conferencing, Formal Apology, Compensation and Payment of a Fine. Other options may be introduced in future. In some cases the court orders a combination of diversions. Charges are withdrawn only when a child has met all the diversion conditions set by the court.



From left: Maria, Bianca and Ndapelwa

Diverted children who "will never go back to crime"

Bianca (16), Maria (18) and Ndapelwa (21*) from Katutura were all arrested for petty offences and diverted to the Life Skills and Journey Programmes.

All say that the programmes really have helped them to stay away from crime and to get ahead in life. They all feel better able to cope with problems, and say the programmes taught them to trust in themselves and their own abilities, and to take responsibility for their actions. They would recommend these programmes for all child offenders. Asked what activities they found most beneficial, they all said without hesitation that it was the time they spent "solo" (alone in silence) thinking about their lives, and the opportunities to speak openly about their lives to social workers, programme facilitators and other children.

Maria, now a computer trainee, says the programmes helped a lot to prepare her for this training. Bianca is enrolling in the Namibian College of Open Learning (NAMCOL) to finish her schooling, and Ndapelwa wants more than anything to work with children who have conflicted with the law. She says the child justice system should make use of successful divertees.

All three were adamant that they "will never go back to crime".

* 18 at the time of the offence.

"Most children are taken in for shoplifting [or on] theft charges, but they have started [committing] serious crimes [In 2004], 10 child rapists were arrested, two children were arrested for attempted murder, five for common assault, one for attempted rape, 34 for serious robbery and 60 for housebreaking and theft."

– CJP Co-ordinator **Celeste Zaahl**, quoted in "Juvenile Delinquents Or Cries For Help We Don't Hear?", *The Namibian*, 12 November 2004.

TWO DIVERSION OPTIONS COMMONLY RECOMMENDED FOR CHILD OFFENDERS IN NAMIBIA

Wilderness Therapy

The Wilderness Therapy course is an experiential learning process used to promote personal, educational and leadership development. It builds 'soft skills' and 'hard skills'. Soft skills are built through group and solo activities, and situations designed by the facilitator involving problem-solving and self-reflection. Hard skills are built through challenging adventure activities involving competition, vigorous exercise and risk, such as hiking, rock-climbing and abseiling. The programme for girls has been changed a number of times to better meet their needs, as the success rate for girls was not as high as the rate for boys. The abseiling and other solo exercises have proven to reduce girls' fears and increase their willingness to take responsibility for their own lives.

Pre-trial Community Service

Community service is one way to 'compensate' the community for the crime committed. Diversion is based on 'restoration' (of harmony), meaning that child offenders must 'right the wrong' done to the community.

The success rate of this diversion in 2004 was higher for boys than for girls. The CJP social work intern who counselled the girls found them uncommitted and usually unavailable. The girls needed constant encouragement, and many dropped out of the programme during the pre-trial community service phase.

For the vocational skills training component, the boys were enrolled for joinery and cabinet-making at the Windhoek Vocational Training Centre. They were transported to and from the centre for these evening courses. The girls were enrolled with Khomas Women in Development for office and restaurant skills training.

All who completed vocational training courses receive a certificate of attendance or completion.

The CJP will continue helping the IMC to develop and monitor diversion programmes. For example, the Ministry of Prisons and Correctional Services is planning to pilot community service in Rundu, Katima Mulilo, Opuwo and Oshakati, and has asked the CJP to assist.

A task force initiated by the CJP met regularly in 2004 to plan for implementing and evaluating the Journey Programme, and for compiling a life skills manual based on the core values of the developmental approach to assessment (mastery, independence, responsibility and generosity).



The CJP offers presentations and training workshops on the different aspects of child justice for different target groups. The groups in 2004 were the Omaheke San Trust Legal Unit, third-year Social Work students at the University of Namibia, and groups of child justice service providers including court officials, police officials, social workers and youth workers.

Project staff also attended several workshops on children's rights facilitated by other organisations.



The CJP held meetings with many child justice service providers in 2004 to discuss and seek solutions to service delivery problems, of which there are many in the fledging system. Station commanders, for example, have ongoing problems with transporting child offenders, especially to and from outlying areas, as children should not be transported together with adult offenders and transport for police work is in any case lacking. Another ongoing problem is frequent government staff rotation and consequent loss of staff trained in child justice.

The CJP attends the regular meetings of the IMC, which in 2004 focused largely on the next phase of system implementation, entailing further development of administrative structures and system components in readiness for the enactment of the Child Justice Bill.

As a member of several NGO and government committees dealing with children, the CJP is able to provide valuable information to assist the IMC.

The CJP has used the media to inform the public about child justice. In 2004 project staff were interviewed on radio, and the project helped compile a newspaper feature article on diversion including interviews with children who had been diverted.

The project also worked briefly in 2004 with a group of students from Chicago, USA, on a comparative study of child justice in Namibia and Botswana.

CJP Staff and Donors 2004

Celeste Zaahl – Co-ordinator
 Amelia Musukubili – Social Worker
 Mona-Lisa Zatzirua – Social Worker
 Vilyo Ndapopiwa – Social Worker
 Ilda dos Santos – Social Worker
 Ndafu Hambira – Social Work Intern

North-South Institute



The Namibian Law Report

LAC helping to record Namibian legal history

The LAC has housed the editorial office of The Namibian Law Report since 1995. Adv. Lynita Conradie has been responsible for the editing work from the outset. The report is published and distributed by Juta & Co. in South Africa.

Adv. Conradie is responsible for most of the work of producing the report, but a management committee and editorial board assist with various tasks, such as reading judgements to assess which are reportable.

Publication of the reports for 2002 and 2003 was delayed by circumstances beyond the LAC's control. The report for 2002 came out in late 2004 and the report for 2003 is likely to be published in early 2005. Work on the 2004 report is progressing on schedule.

Adv. Conradie also serves as an LAC in-house counsel, especially for the Huricon lawyers, and as a litigator for selected cases. In addition to litigation work in 2004 she undertook research to produce a memorandum on medical negligence for Huricon lawyers, as the unit has been receiving an ever-increasing number of such cases and this area of law requires specialised litigation.

Adv. Conradie also serves as a part-time member of the Namibian Law Reform and Development Commission.



Financial report

LAC FUNDING BASE EXPANDING

The 2004 consolidated financial statement of the LAC's independent auditor, **Stier Henke Associates Chartered Accountants**, is posted on the LAC website: www.lac.org.na

DONORS

2003

AND

2004



Total income from donors in 2004:
N\$12 033 476

CONSOLIDATED BALANCE SHEET as at December 2004

ASSETS	2004 (N\$)	2003 (N\$)
NON-CURRENT ASSETS		
Property, motor vehicles and equipment	2 449 793	2 560 211
CURRENT ASSETS		
Donations receivable	56 427	-
Trade and other receivables	179 678	420 646
Cash and cash equivalents	1 231 392	2 045 322
	1 467 497	2 465 968
TOTAL ASSETS	3 917 290	5 026 179
FUNDS AND LIABILITIES		
FUNDS AND RESERVES		
Accumulated funds	2 518 581	3 536 502
CURRENT LIABILITIES		
Bank overdraft	428 255	28 150
Trade and other payables	571 138	918 815
Donations received in advance	399 316	542 712
	1 398 709	1 489 677
TOTAL FUNDS AND LIABILITIES	3 917 290	5 026 179

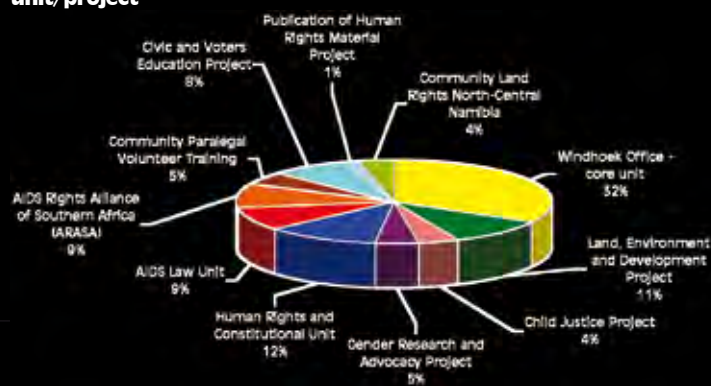
INCOME – DONATIONS AND OTHER SOURCES

DONATIONS	2004 (N\$)	2003 (N\$)
Agency de Francais	-	7 230
ARASA	-	150 000
Australian Agency for International Development	-	137 631
Bischöfliches Hilfswerk Misereor	-	337 383
Business Connection Africa	1 000	-
Catholic AIDS Action	-	500
Development Orporation Ireland	1 170 504	517 153
EED	-	20 012
Electoral Institute of Southern Africa	44 962	-
Embassy of Finland	400 000	406 700
Embassy of France	80 000	50 000
Embassy of Germany	-	10 000
Embassy of Sweden	1 966 142	2 717 359
E S January	1 000	-
Evangelischer Entwicklungsdienst	659 513	894 871
FAHAMU	-	21 927
Family Health International	612 859	490 636
Ford Foundation	585 200	1 323 853
Friedrich Naumann Foundation	-	5 099
Gender	-	1 000
GTZ Support	-	27 200
HIVOS	542 712	-
HORIZONT3000	-	1 056 974
IBIS	51 623	-
International Commission of Jurists	88 062	-
J van der Merwe	1 000	-
Legal Assistance Trust (of the LAC)	996 255	2 564 147
Medical Research Council	-	40 637
NAMAS	32 484	-
Namibia Nature Foundation	95 098	236 521
NDI	48 950	-
NID Advocacy	25 340	289 097

CONSOLIDATED INCOME STATEMENT for the year ending 31 December 2004

INCOME	2004 (N\$)	2003 (N\$)
Windhoek Office – core unit	3 843 987	5 560 455
EXPENDITURE		
Windhoek Office – core unit	(4 981 555)	(7 156 116)
DEFICIT FOR THE YEAR	(1 137 568)	(1 595 661)
PROJECT DEFICIT TRANSFERRED TO LAC WINDHOEK	-	(175 866)
ACCUMULATED FUNDS AT BEGINNING OF YEAR	1 846 611	3 618 138
ACCUMULATED FUNDS AT END OF YEAR	709 043	1 846 611
ACCUMULATED SURPLUS – PROJECTS	1 809 538	1 689 891
CONSOLIDATED ACCUMULATED SURPLUS AT END OF YEAR	2 518 581	3 536 502

EXPENDITURE 2004 – as proportion of total LAC funds spent by each unit/project



NG Church of Namibia	500	-
North-South Institute for Development	2 097 158	333 536
Open Society Initiative for Southern Africa (OSISA)	652 150	-
Population Service	6 000	-
Pupkewitz Holdings	1 500	1 000
RBC Canadian HIV/AIDS	15 694	-
Royal Netherlands Embassy	24 960	100 130
SAFAIDS	-	15 690
SALSLEP	-	441 987
SIDA	1 579 671	1 023 342
SWAPO Khomas	-	600
UNESCO	-	4 400
UNICEF	-	70 000
USAID	62 168	-
US Embassy – International Day Against Torture	-	28 000
WIMSA	103 773	-
Womens Action for Development	3 000	-
World Health Organisation – Domestic Violence	29 728	32 116
Other donations	54 470	503 362
Sub-total donations	12 033 476	13 702 863
OTHER INCOME – 15 th Anniversary expenses recovered; bookkeeping and management fees; human rights publication costs recovered; insurance claims; interest received; Labour Manuals, booklets and other manuals; legal fees recovered; photocopy income; profit on sale of motor vehicles and equipment; rent received; sundry income.		
	1 485 872	1 617 928
TOTAL INCOME	13 519 348	15 320 791

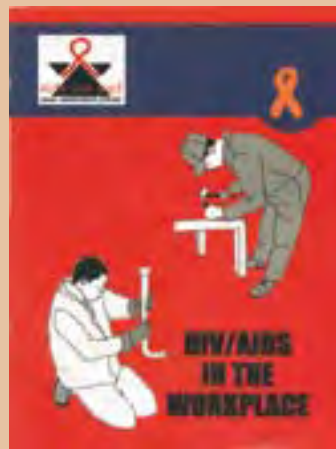


LAC publications of 2004

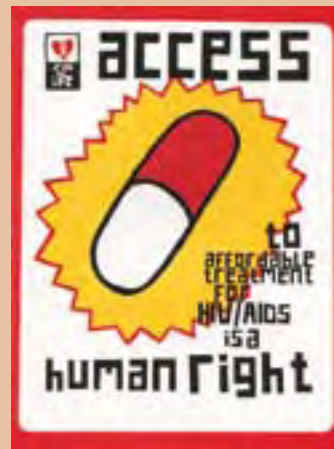
INFORMING THROUGH WRITING



A brief, simple and user-friendly guide intended to answer many questions people ask about treating HIV/AIDS, including where to go for affordable treatment.



A simple guide to addressing HIV/AIDS in the workplace, for employer and employee. It covers basic facts about HIV/AIDS, related workplace issues and universal precautions for preventing HIV transmission in the workplace.

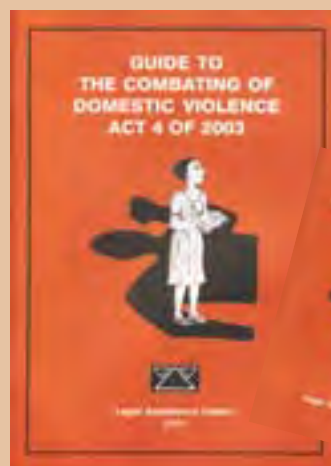
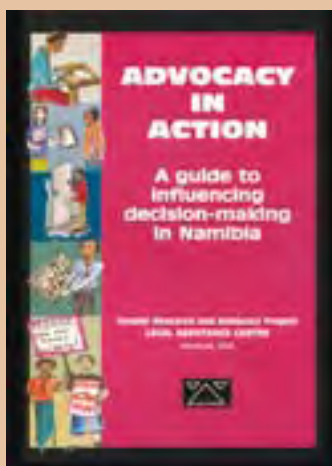


This booklet provides information on important issues concerning access to treatment for HIV/AIDS. It is intended to clarify many of the confusing issues surrounding HIV/AIDS treatment, and treatment in Namibia specifically.



The LAC publishes a quarterly newsletter to keep the public informed of legal and human rights developments in the country and the LAC's activities.

This 340-page full-colour and richly illustrated manual on human rights advocacy and lobbying in Namibia may be deemed a regional model for best practice, and several countries intend adapting it. It is an invaluable, user-friendly resource for anyone wishing to engage in advocacy in Namibia. Broadly, it covers advocacy methods, Namibian history and constitutional law, and how the Government of Namibia functions today. It contains tips from experts, historic case studies, real-life examples of letters written, petitions circulated, etc., and vital information not readily accessible to most people, such as information on using the media and computer technology; information on how laws are made and parliamentary procedures; and the contact details of government personnel and offices that deal with different issues. As stocks of this publication were quickly depleted and the government structure changed substantially after the presidential elections in March 2005, the LAC will seek funding for a new print-run of the guide with the necessary changes.



The *Guide to the Combating of Domestic Violence Act* (A4 booklet) and accompanying *Summary of the Domestic Violence Act* (A5) simplify the Act to make it accessible to the people it seeks to protect. The A4 Guide also contains photocopyable versions of the forms people have to complete to stop domestic violence through the law courts.



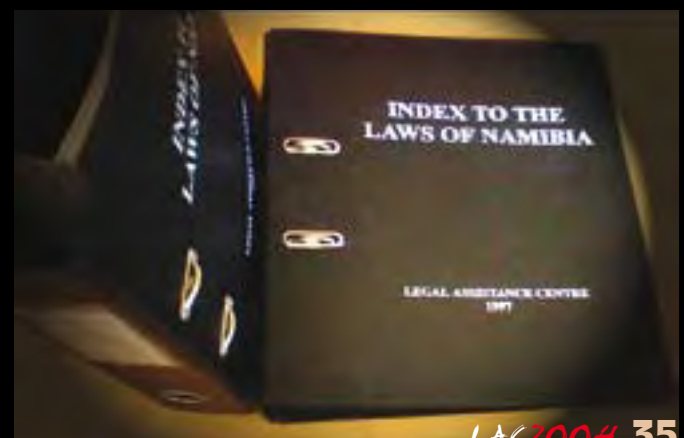
This publication of 1999 was updated in 2004. It provides comprehensive background information on domestic violence and sexual abuse in Namibia, and detailed information on the many services available to people abused.

NAMLEX

The purpose of this publication is to make the law more accessible to the public. Its starting point was the *Index to the Laws of Namibia* compiled by the NAMLAW Project under the direction of the late Advocate Anton Lubowski in the late 1980s. Dianne Hubbard, Co-ordinator of the LAC's Gender Research and Advocacy Project, has been the chief author of NAMLEX since its inception, with other LAC staff contributing. Initial funding for the project was provided by the National Democratic Institute for International Affairs with support from the United States Agency for International Development (USAID). USAID funded the 1999 update, and since then NAMLEX has been without funding. NAMLEX has been praised by numerous subscribers.

NAMLEX contains: an alphabetical list of all the statutes in force in Namibia; individual statutes in each index category listed chronologically, starting with the oldest statute; transfer proclamations; a brief legal history of Namibia; and the legal background of specific areas in the country. The current issue includes: laws and regulations up to *Government Gazette* 3008 (30 June 2003); law report cases through 2001; Namibian cases in *The South African Law Reports* up

to 30 June 2003; Namibian Labour Court opinions available as of 31 October 2001; and multilateral treaties signed or ratified as of 30 June 2003.



The LAC: 16 years of promoting human rights

AIDS man scorned and beaten

On Friday, the Legal Assistance Centre

tal, Opiyo and Kaituma

landscape in which the

first ever four elections

Taking Care of Children Born out of Marriage

Juvenile Delinquents Or Cries For Help We Don't Hear?

Public hearings reshape Child Status Bill

What happens when a parent dies?

What the Children's Status Bill says

Supreme Court settles law on termination vs dismissal

Making the Labour Bill more gender-sensitive

House sold to recover N\$168

Is Namibia Prepared For Paternity Leave?

Maintenance revolution

Children don't belong in jail

LAC raps stricter stock theft terms

Kamho family dispute throws spotlight on race law remnant

Beware! Criminals getting more daring

Government details charges against 12 Caprivi suspects

Ruling leaves State reeling

Caprivi 13 hearing starts

Caprivi treason case postponed to August

Human Rights - Tolerance the Key

Human rights: 10 days of activism

40 year jail sentence for rapist of 8-year-old girls

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Caprivi 13 hearing starts

Human Rights - Tolerance the Key

"The work of the LAC is indispensable in instilling democratic concepts in hearts and minds in a country where civil society remains weak."

- Gwen Lister, Editor of The Namibian newspaper.

Access, Custody and Guardianship in the Children's Status Bill

Law to protect rights of out-of-wedlock children

Judgement gives hope to sacked workers

Torture - what do you think?

Where Lies the Solution For Our Land Reform?

Women lobby parliament on key laws

Temper flare in NA over rape

San take farmers to court

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Human rights: 10 days of activism



SAAL WITTEBOER

WITTEBOER is a reporter for the Namibian newspaper.

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