



# LEGAL ASSISTANCE CENTRE ANNUAL REPORT 2008

# **MISSION STATEMENT**

WE, THE LEGAL ASSISTANCE
CENTRE, BEING A PUBLIC
INTEREST LAW CENTRE,
COLLECTIVELY STRIVE TO MAKE
THE LAW ACCESSIBLE TO THOSE
WITH THE LEAST ACCESS,
THROUGH EDUCATION, LAW
REFORM, RESEARCH, LITIGATION,
LEGAL ADVICE, REPRESENTATION
AND LOBBYING, WITH THE
ULTIMATE AIM OF CREATING AND
MAINTAINING A HUMAN RIGHTS
CULTURE IN NAMIBIA.



4 Körner Str, Windhoek • PO Box 604, Windhoek, Namibia • Tel: +264(0)61-223356 • Fax: +264(0)61-234953 Email: info@lac.org.na • Website: www.lac.org.na

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Cover Photo: Two children in the community of Otjivelo, a pilot site for Namibia's first social assistance grant. The Basic Income Grant project receives material support from LAC.

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Editorial coordination: Mark Nonkes · Photography: Mark Nonkes, Johannes Berndalen, Rachel Coomer, Werner Menges · Lay-out & design: Regine Gillmann

# INTRODUCTION

# BY ADV. DAVE SMUTS, FOUNDER OF THE LAC AND CHAIR OF THE LEGAL ASSISTANCE TRUST

# THIS WAS A YEAR OF ANNIVERSARIES

In 2008, celebrations marked important milestones: the 60th anniversary of Universal Declaration of Human Rights, the 20th year of the Legal Assistance Centre (LAC) and the 18th of the Namibian Constitution.

Each anniversary has been significant in its own right. We like to see them as interrelated.

Established in 1948, the Universal Declaration of Human Rights laid the foundation for the modernday human rights movement, enshrining the ideals of widespread dignity for all. The rights and liberties protected in these international instruments have formed the basis for many other human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These have been crucial in enabling governments, advocates and lawyers to promote respect for human rights everywhere, and take action when human rights are violated.

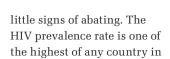
It was, after all, the gross violation of rights on the part of the Apartheid State which spurred the establishment of the LAC in 1988. Starting with small offices in the war ravaged northern Namibia and in Windhoek, the LAC dedicated itself to providing legal access and justice to people whose rights were violated at the hands of the South African rule. More than that, the organization committed itself to actively promote the protection of the rights and freedoms contained in the Universal Declaration of Human Rights to assist with the establishment of a human rights culture in Namibia. One of our first acts was in fact translating that instrument into indigenous languages in 1988.

In 1990, when Namibia achieved independence, our Constitution drafters drew on the Universal Declaration of Human Right for inspiration. Carefully crafting a document based on the freedoms and rights, Namibia's Constitution is considered one of the most progressive in the world. Many of the rights stipulated in the Universal Declaration of Human Rights were realized and enshrined in our Constitution. Certainly, a free and democratic Namibia enjoys most basic civil and political rights and education levels have improved. Institutionalized and systemic racism has ended. Torture declined dramatically and is officially disapproved.

Other rights and freedoms have however not yet been fully realized.

Namibia continues to be a society of gross economic inequalities, with wealth and income disparities persisting.

The powers continue to exploit the poor and marginalized. Gender based violence is rife and shows



the world. People accessing state-run facilities, including hospitals, schools and prisons, often report mistreatment. The land redistribution process has been slow and only a selected few benefit. Additionally, socio-economic rights, including the right to food, shelter and water, remain often unrealized.

For these reasons, the Legal Assistance Centre continues to operate.

Since the organization's founding 20 years ago, the LAC remains committed to its founding ideal that justice should be delivered to all. The LAC has moved from an almost exclusive focus on litigating on gross human rights violations, to a multi-functional organization - a policy think-tank, a training provider, a public interest law firm, an advice centre and an initiator of research for legal and social reform.

This report highlights another year in the life and work of the LAC. It shows the wide-ranging activities undertaken and pursued during 2008 to achieve the guiding principles of the LAC. The LAC continues to work with Parliament and government ministries, NGOs, rural communities, community-based organizations, women's groups, youth groups, professional organizations and businesses, educational institutions and individuals. It continues to mobilize and assist marginalized people including those affected by violence, people threatened with evictions and people living with HIV/AIDS.

Fortunately there is a growing appreciation and understanding for the role of human rights and for organizations like the LAC which are dedicated to assisting people in realizing their rights.

The trustees of the Legal Assistance Trust appreciate the sterling and focused work of LAC Director, Norman Tjombe who led the organization through this milestone anniversary year, and the energetic staff members are to be commended for their commitment and dedication during this 20th year.

Our deep gratitude is extended to our donor partners who continue to support the LAC. Their generous and continued support is greatly appreciated. It is through their efforts that the LAC can continue to contribute to the protection of human rights in Namibia.

Together, we work towards a country where the rights as outlined in the Namibian Constitution and the Universal Declaration of Human Rights become more fully realized and utilized.



# **20<sup>TH</sup> ANNIVERSARY**

# WHAT DOES 20 MEAN?

For the Legal Assistance Centre (LAC), 20 means two decades of standing on guard for human rights in Namibia

This milestone recognizes:

- 20 years of legal representation for people whose human rights have been violated,
- 20 years of human rights education to grassroots communities.
- 20 years of working with government to draft laws incorporate the values of human rights,
- 20 years of providing a population of 1.8 million with free legal advice,
- 20 years of groundbreaking research into various human rights issues,
- 20 years of advocating for change so that human rights become a focal point for the Namibian government, civil society, businesses and community members.

To celebrate this anniversary, the LAC organized a number of events in 2008. These included: a media campaign to raise awareness of the role of the LAC in Namibian society, a six-part panel discussion looking at various human rights issues that Namibia needs to still tackle, a gala dinner with a keynote address from Former Chief Justice of South Africa, Arthur Chaskalson and an art exhibition to celebrate the 60th anniversary of the Universal Declaration of Human Rights and to illustrate the work of Namibian human rights defenders.



Former South African Chief Justice Arthur Chaskalson and Drafter of the Namibian Constitution delivered the key note address at the LAC's 20th Anniversary Gala Dinner. With a life long commitment to human rights, Chief Justice Chaskalson was appointed by President Nelson Mandela to be the first President of South Africa's Constitutional Court, the country's highest court in constitutional matters.

# **GALA DINNER**

More than 250 people descended upon the Nampower Convention Centre for an evening of official celebration and to hear South Africa's former Chief Justice, Arthur Chaskalson, deliver a keynote address. During the celebration, Dave Smuts, founding director of the LAC, along with other key figures from the legal community, spoke about the importance of human rights and the work of the Legal Assistance Centre. In his speech, Arthur Chaskalson emphasised the importance of the rule of law and the significance of the Namibian Constitution.

# PANEL DISCUSSIONS

TOPICS INCLUDED: MANDATORY TESTING OF HIV IN THE UNIFORMED FORCES

South African lawyer, S'Khumbuzo Maphumulo of the AIDS Law Project in South Africa told a packed room how court action recently overturned the mandatory testing of the uniformed forces in South Africa. Calling mandatory HIV testing institutionalized discrimination, Maphumulo looked at the possibility of overturning current testing of the uniformed forces in Namibia.



Clive Kavendji of the Law Society of Namibia presents the JP Karnihe Human Rights Award for 2008 to Norman Tjombe



Isoldah Hijamutiti, the LAC's Finance Manager and Mark Nonkes, a Communication Consultant at the LAC, at the 20th anniversary Gala Dinner



LAC staff members Martha Ruider and William Magenya celebrate the LAC's 20th Anniversary with Patricia Williams

# THE RIGHT TO KNOW – ACCESS TO INFORMATION

LAC Director Norman Tjombe and MISA Namibia Director Matthew Haikali urged Namibians to call on government to enact Access to Information legislation to create greater transparency in governance. Access to Information laws could also help Namibia move one step closer to a truly democratic nation and further avoid corruption.

# THE WORK OF HUMAN RIGHTS DEFENDERS

Lucia Matimbenga, a trade union leader from Zimbabwe and a human rights activist, told her story of routine arrests, brutality and intimidation at the hands of government forces in Zimbabwe. The evening discussion, co-facilitated by Paul Hesloot of Amnesty International, created further awareness of the human rights crisis in Zimbabwe. (For more information on the LAC's role in raising awareness on the human rights situation in Zimbabwe, turn to page 35)

# THE RIGHT TO WATER

Norman Tjombe, director of the LAC and Viviane Kinyaga from the Desert Research Foundation looked at how Namibia could provide free water to all citizens. Declaring water as a human right is a growing movement around the world yet, in Namibia, fees are charged to access water. The negative and positive affects of implementing free water to all was explored.

# MR & MRS GENDER EQUALITY

Four well known Namibian couples fought for the title of Mr. and Mrs. Gender equality in the first pageant of its kind. Through a series of on-the-spot questions from host Rachel Coomer and from the audience, the couples were asked how equality was illustrated through their relationship. In the end, DJ Lomo from Radio Energy and his partner were crowned the champions of this heated contest.

# FARMERS - NEW VS. OLD

The film Land Matters was presented to delve into the issue of land reform in Namibia. The film explores the issues of new, affirmative action farmers returning to the land along with looking at the perceptions from existing German and Afrikaaner land owners and the affirmative action farmers and farm labourers.

### ART EXHIBITION

To celebrate the organization's anniversary and to mark the 60th Anniversary of the Universal Declaration of Human Rights, the LAC partnered with the United Nations in Namibia, and the Delegation of the European Commission to Namibia to create a poster exhibition on human rights in Namibia. The exhibition was launched by a keynote address by the Honorable Minister Madame Pendukeni Iivula-Ithana (Minister of Justice), Mr. Simon Nhongo, UN Resident Coordinator, and Dr Elisabeth Pape of the European Commission, with Mr. Norman Tjombe of the LAC presiding as the Director of Ceremonies.



A South African lawyer from the AIDS Law Project presents a discussion on mandatory testing on HIV, among the uniformed force

Matthew Haikali urges for further access to information on a panel discussion

Ngamane and Umbi Karuaihe-Upi compete for the title of Mr. and Mrs. Gender Equality

# **LAC STAFF & VOLUNTEERS 2008**

# LEGAL ASSISTANCE TRUST (LAT) TRUSTEES



- Adv. Dave Smuts, Chairman
- Mr. Clement Daniels
- Mr. Norman Tjombe
- Hon. Wilfried Emvula
- Hon. Ben Ulenga
- Adv. Bience Gawanas
- Mr. Nico Kaiyamo
- Dr. Sakeus Akweenda
- Mr. Hosea Angula
- Dr. Teopolina Tueumuna

**HUMAN RIGHTS &** 

**CONSTITUTIONAL UNIT (HURICON)** 

# LAND, ENVIRONMENT & DEVELOPMENT (LEAD) PROJECT

















• Willem Odendaal - Coordinator • Zeka Alberto - Project Lawyer • Roswitha Gomachas - Project Lawyer (until September 2008) • Dr Ute Diekmann - Consultant • John Hazam - Consultant • Joseph Kahuika - Paralegal & Client Screener • Shadrack Tjiramba - Researcher • Wolfgang Werner - Consultant

# GENDER RESEARCH & ADVOCACY PROJECT (GR&AP)







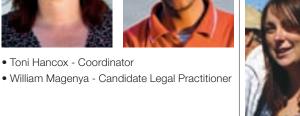


















• Dianne Hubbard - Coordinator • Rachel Coomer - Public Outreach Officer • Sophie van Wyk - Project Assistant shared with LEAD

Interns & volunteers 2008: • Allison de Smet • Julie Holt • Elena Maria Coyle • Kate Barth • Esther Pun • Rachel Thompson • Dr Suzanne La Font • Rebecca Stubbs • Tessa Harris

# AIDS LAW UNIT (ALU)



• Amon Ngavetene - Coordinator • Linda Dumba-Chicalu - Project Lawyer • Victor Mutumbulwa - Legal Educator • Gabes Augustus - Legal Educator • Tonderai Bhatasara - HIV & Human-Rights Education Officer • Basilia Ngairo - Project Assistant • Martha Ruider - OVC Legal Protection Consultant • Florence Shivute - OVC Project Officer • Immanuel lita - Training Officer, Ongwediva Office • Harmandine Kaisimuti - Project Assistant, Ongwediva Office • Aloysius Katzao - Training Officer, Keetmanshoop Office • Emmerentia Helu - Project Assistant, Keetmanshoop Office • Megan Karsh, Intern & Volunteer (photo not available)

# **WINDHOEK CORE OFFICE**



• Norman Tjombe - Director • Isoldah Hijamutiti - Finance Manager (from August '08) • Joy Bartlett - Receptionist • Ilda dos Santos - Legal Secretary & Administrative Assistant • Rudolf Gabriel - Messenger • Shorain Gaoses - Accounts Clerk • Sylvanus Kadhila - Accounts Technician • Romy Noeske - Librarian & IT Administrator • Mark Nonkes - Communication Consultant • Amalia Shipingana - Housekeeper • Silas Shishiveni - Casual Maintenance Worker

# WINDHOEK CORE OFFICE INTERNS & VOLUNTEERS







NAMIBIAN LAW REPORT

• Adv. Lynita Conradie - In-House Counsel & Editor of The Namibian Law Report



• Johannes Berndalen • Belinda Hamburee • Jeske Luijendijk • Owen Perry

# **AIDS LAW UNIT**



Young people perform a drama at a conference about OVC rights, hosted by ALU and PACT Namibia

# BRINGING A HUMAN RIGHTS APPROACH TO THE HIV PANDEMIC

The objective of the project is to promote a human rights based approach to HIV/AIDS in Namibia, focusing on both the infringement of civil and political rights on the basis of HIV status and the denial of socio-economic rights that contribute to vulnerability to HIV and negatively impacts on health outcomes.

The project addresses discrimination and other rights issues pertaining to HIV/AIDS on a number of levels through litigation, research, policy formulation, education and advocacy.

# POLICY FORMULATION AND LAW

For the period under review, the Unit engaged in both formal and informal consultations with relevant stakeholders and partners.

# HIV IN PRISONS

The aim of the consultations was to initiate debate on issues of prison and HIV/AIDS, especially the prevention of HIV/AIDS in prison. It is believed that the effort of dealing with HIV/AIDS in Namibian prison is being hampered by common law provision criminalising sodomy. This makes it impossible for AIDS Organisations to distribute condoms in prison as part of comprehensive package of responding to HIV/AIDS. As a result, the Unit has consulted various members of parliament which led to the tabling of motion in parliament for distribution of condoms in

prison. The motion has been referred to Parliamentary Standing Committee. It is envisage that this may ultimately lead to change in law and policy including the de-criminalisation of sodomy.

# HIV DISCRIMINATION IN INSURANCE INDUSTRY

The Unit made a submission to Parliamentary Standing Committee on insurance with the purpose of raising discriminatory practices by insurance industries, especially with the exclusion of people on the basis of their HIV status and the refusal to settle claims if the insured died as a result of HIV/AIDS related illnesses.

# HIV DISCRIMINATION IN THE MINISTRY OF DEFENCE

The Unit wrote a letter to the Ministry of Defence objecting the continuous HIV pre-employment testing

before recruitment. The Unit indicated to the Ministry that such practices are unconstitutional and should be abolished. In response, the Ministry indicated that their practice is not unconstitutional as they were acting in accordance with the Defence Act. The Unit is currently hoping to receive clients who are affected and to challenge the provisions of the Defence Act.

# 2 CONSULTATION, LEGAL ADVICE PROVISION AND LITIGATION

The Unit has used legal instruments to ensure that People Living With HIV/AIDS (PLWHA) and those affected continue to enjoy their human rights. The project ensured this through consultation, providing legal advice and litigation as reviewed below:

# A) CONSULTATION

The Unit consulted and provided legal advice to clients with regard to various issues as tabulated below:

Nature of Cases	ure of Cases Description	
Treatment and Breach of Confidentiality	<ul> <li>An inmate complained that the police neglected to take him to the hospital and also that his health passport was being handled by anyone.</li> <li>The Unit also consulted with a client who complained that her employer disclosed her HIV status without her consent. The Unit issued a letter of demand.</li> <li>A client needed assistance in instructing his previous employer from disclosing his status to his future potential employer.</li> <li>The Unit has consulted with an inmate who complained that the nurse disclosed his status to prison official without his consent.</li> </ul>	
2. Nutrition	An inmate complained about the lack of nutritious food for HIV positive inmates.	
3. Discrimination	Represented a client to the Australian High Commission after he was denied a study visa on the ground of her HIV status.	
4. National Documents	A client has been struggling to register her child for social grants because she could not get the death certificate of her spouse due to family refusal.	
5. Defamation, assault and harassment	The Unit provided advice to a client who was assaulted and harassed due to her HIV status.	
6. Inheritance	A client and her five (5) siblings claimed that they were excluded on their father's will. A client was married in customary law. However, the wife was disinherited when her husband got married to a second wife in terms of civil law. Upon the husband's death, the second wife is claiming everything to the exclusion of the first wife.	
7. Insurance	An insurance company refused to pay out claims stating that the client's daughter died as a result of an HIV/AIDS related illness, a fact which was not disclosed to them. The Unit wrote letters to the insurer to demand for more information.	
8. Willful Infection	A client claimed that his girlfriend had willfully infected him. He wanted her to be sued and criminally prosecuted. The Unit has demanded more information from the client.	

# B) LITIGATION

The project has been undertaking litigation on various matters as indicated below:

Nature of Cases	Description	
1. Insurance	The Unit settled a matter with insurance company when it refused to pay client's claim on assuming that the client's daughter died of HIV related ailments. In the end, the client was paid her claims.	
2. Breach of Confidentiality	The Unit is assisting a client to sue a health care worker who disclosed the client's status. The case is ongoing.	
3. Unfair Dismissal	The Unit successfully settled a case in which the employee was retrenched on the ground of her HIV status. The matter was settled and the employee was re-employed on the same condition.	
4. Eviction	The Unit has taken a case in which a woman living positive was evicted from the house by her husband. The husband then sold the house to his brother. The Unit has instituted legal action to challenge the sale. The case is ongoing.	

5. Testing	The Unit is still proceeding with a case between 22 employees and their employer at a lodge in which the employees were tested without consent. The hearing date for the case has been set on 14 July 2008.
6. Forced Sterilization	The Unit consulted with women who were forcibly sterilized due to their HIV status. There are 12 potential cases and summons has been issued on some cases.

# EMPOWERMENT OF PEOPLE LIVING WITH HIV/AID

ALU is providing training and legal advice to support groups established by Social Marketing Association on HIV/AIDS and Human rights. ALU also visits the groups on monthly basis for consultation and legal advice. For the period under review, the Unit provided training and legal advice as indicated below:

Support Group	Total Number	Gender		
		M	F	
Oshakati	40	29	11	
Rundu	58	12	46	
Katima Mulilo	20	17	3	
Windhoek				
Walvis Bay	40	12	28	
Okahandja	20	2	18	

The project is also consulting with clients on monthly basis to provide advice and assist them with litigation. There are currently 55 cases from these groups of which the exact nature can be provided on request.

3 HUMAN RIGHTS TRAINING
The Unit has been conducting training on HIV/ AIDS and Human Rights for HIV/AIDS Regional Coordinators in all 13 political regions. The HIV/AIDS Regional Coordinators were government regional structures responsible for coordinating government responses to HIV/AIDS. It consists of Constituency Councilors, Governors, traditional leaders, church leaders, CBO's and NGO's. The training focuses on various human rights issues related to HIV/AIDS such as discrimination, right to treatment, testing, confidentiality, respect for dignity of PLWHA, inheritance etc. For the period under review, the Unit has conducted this training in six regions reaching out to 128 HIV/AIDS Regional Coordinators.

HIV/AIDS IN THE WORKPLACE HIV/AIDS is deemed as having a negative impact in the workplace. It is also one of the places in which

stigma and discrimination is profound. On this basis, the Unit started addressing HIV/AIDS in the workplace through training to management, peer educators and trade unionist. The Unit has provided training to 214 managers, supervisors, trade unionist etc. on policy development and has developed five policies so far.

### RESEARCH

# A) HIV/AIDS AND HUMAN RIGHTS IN NAMIBIAN PRISON SYSTEM

In partnership with Wyoming University, the Unit conducted research on HIV/AIDS and Prisoner's Rights in Namibia. The research found that there is no standardized, formal health policy for the care of visibly ill detainees and infrequent and unreliable transport of sick detainees to local hospitals. It also found that detention facilities constitute a serious risk to defendants' health and safety and are a potential infection point for diseases, including HIV/AIDS and tuberculosis. Testing and counselling are not readily accessible to inmates; some wardens are indifferent to inmates with HIV and others are openly hostile; discrimination against HIV-positive inmates by other inmates and wardens occurs, forcing many to forego testing to avoid the stigmatization faced by those who are HIV positive; and accessing anti-retroviral (ARV) medication or seeing a doctor could sometimes take

days, weeks or even months.

# B) OVC SITUATIONAL **ANALYSIS**

The Unit conducted a situational analysis to assess rights violations and challenges faced by orphans and vulnerable children (OVC). The study was conducted in five regions namely Khomas, Karas, Omusati, Kavango and Caprivi targeting 500 OVCs ranging from the age of 9-16. One of the most important findings of the study was that most OVC's



OVC monitors are dedicated to making sure children's rights are protected. The first LAC OVC monitors were: Timothy Kavita, Magdalena Shigwedha, Muriel Fisch, Magreth Hange and Michael Hochobeb



Participants at Joy Centre, a partner of LAC and beneficiary of the OVC programme

were still being denied access to public services. They are still exposed to sexual and economic exploitation including physical and emotional abuse.

### **ADVOCACY**

# During the period under review, the Unit has been engaging in various advocacy activities.

Press Release on the state of health care: The Unit has written articles in newspaper on contemporary issues around HIV/AIDS and human rights. The Unit also drafted and issued press releases on variety of issues. For example, the Unit hosted a press conference that received a wide coverage to raise its concern on the deteriorating state of health care in the country. Within a few weeks the President raised his concern about the state of health care.

Press Release on budget allocation to health sector: The Unit also issued a press release on the budget allocation to the health sector which fell short of state obligation in accordance with African Union declaration that the country should allocate at least 15% of its total budget to health care. The Namibian government has only allocated around 12.5%. The Unit has also protested to the Ministry of Health and Social Welfare on the deteriorating health care and the unprofessional conduct of health care. This culminated in various meetings between the Unit and Ministry of Health to address the issue.

Scholarship and HIV/AIDS: The Unit wrote a letter to Czech Republic Consulate based in Pretoria to protest the scholarship advert which was placed in local newspaper. The advert invited potential students wishing to study in Czech Republic on the condition that the students must be willing to go for HIV test and such test must be negative.

Even though the Unit was not happy with the response of the Consulate, there is little the Unit could do obviously due to jurisdictional issues.

*Prisoner's Rights Booklet:* The Unit has developed a small, easy to read handbook outlining prisoners' rights.

### **OVC PROGRAMME**

The unit introduced the OVC project last year (2007) aimed at creating a balance between practical actions on OVC rights violations and gaps in service provision; strengthening system, structures and mechanism. The overarching goal of this program is to improve the quality of life of OVC in Namibia.

Furthermore, the program is aimed at promoting the realization of rights of children particularly OVC in the context of HIV/AIDS and to contribute to the formulation and promotion of strategies, laws and policies to combat the spread and mitigate the impact of HIV/AIDS in five political regions (Karas, Khomas, Kavango, Caprivi and Omusati).

### CHILDREN RIGHT WORKSHOP

**6 workshops** were conducted. The first workshop was provided to five OVC rights monitors from five different communities. The workshop focused on preparing the monitors to be able to identify children's rights violations in the community and to have an information session with children.

The next five workshops were targeted to school principals, social workers and regional school counsellors. The main objectives of the workshops were to empower principals and relevant stakeholders to promote and protect the rights of OVC. In total 134 caregivers were trained.

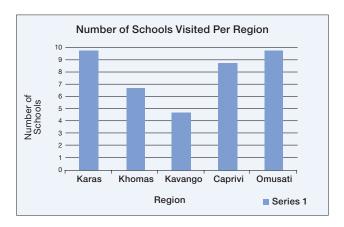
REALISATION OF RIGHTS, SAFETY AND SECURITY OF OVC IN FIVE TARGETED REGIONS, LEADING TO IMPROVED QUALITY OF LIFE



### SCHOOL PRINCIPALS TRAINED

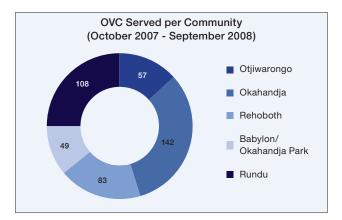
Forty-one out of 112 Schools were visited. It is evident from the visits that in schools where principals were trained by the LAC, information was shared with the rest of the staff members (teachers) and in minor cases children were also briefed on their rights.

LAC also took time to speak with the learners during their school visits, aimed at assessing how well they were informed about their rights and responsibilities.



### OVC RIGHT WATCH MONITORS

Five monitors were identified and trained to help OVC in five communities (Rehoboth, Okahandja, Babylon, Otjiwarongo and Rundu). Through these monitors children with rights violation cases were identified and received services or referred to relevant authorities. To date 439 OVC were supported by the OVC rights Monitors.



# SUCCESS STORY OF THE OVC PROGRAMME

# By \*Josephine, 16 YEARS OLD

"My parents are both HIV positive I didn't know how it has started and they tried to hide it away from me. One day I was cleaning the house I saw my mother's passport (health card) and I took it and something got up to my mind and it was to look inside it so I opened the passport that's when I have saw it. Every time she got drunk she used to shout and say I'm HIV positive and it was hurting me I thought what will others say about her and what will my friends say about me, I was very worried and I was always crying when she said those words. I even tried to stop her from smoking and drinking alcohol but she didn't listen to me I was so hurt. My parents were fighting every day and I have to cry. Sometimes I sat down and thought about what to do. Must I kill myself before they die or what? Sometimes I sat down and thought about what will happen to me and my little brother and sister. My mother's big sister and family don't like her and chased her away, they didn't want my mother and us near them. The time when my mother lie down in bed she was very sick I didn't even sleep, I went to look for food on the dumping place and came to feed her and my little brother and sister my life was so difficult. Now I'm happy that my mother is normal as she was."

Josephine is currently in grade 8 and stays in Otjiwarongo. Josephine has a close relationship with OVC Rights Monitor Muriel Fisch. According to the Otjiwarongo Multi Purpose Centre, Josephine is very vulnerable and depressed and had suicidal thoughts. Muriel counseled her and prayed for her, and now her results have improved. Muriel has also conducted several Rights Information Sessions with the children at Joy Centre.

\* name changed to protect minor's identity



OVC Right Monitors attend the first training session with the ALU's OVC Project Officer Florence Shivute

# YELULA / U-KHAI PROJECT

# **FOCUS AREA OF THE PROJECT**

Activities carried out by Legal Assistance Centre include provision of information on legislative and policy environment on the protection and promotion of rights.



COMMUNITY BASED ORGANISATIONS (CBOS)
PROMOTING AND PROVIDING SUPPORT TO
HOUSEHOLDS AND INDIVIDUALS AFFECTED BY
HIV/AIDS

### 15 events, 333 people reached

Community groups engaged in PLWHA support, Home Based Care, OVC support are provided with information on human rights and HIV/AIDS, HIV/AIDS and the law and will writing. These includes rights to education, marry and found a family, highest attainable standard of mental and physical health, ARV treatment, counselling and testing, confidentiality and informed consent, rights to work, rights to non-discrimination, rights to bodily integrity and security of a person, rights to dignity, rights to privacy, rights to social security, reproductive and health rights, women's rights, children's rights, etc. These empowerment training are provided through existing structures such as diverse target groups, including PLWHA, young people, rural women, traditional communities, treatment advocacy forums, Home Based Care forums, OVC forums, RACE and the Total Control of Epidemic Group (TCE).

NGOS, CBOS AND CIVIL SOCIETY NETWORKS
IN FIVE REGIONS OF NAMIBIA COORDINATE
ACTIVITIES, ARTICULATE CRITICAL ISSUES
RELATING TO HIV/AIDS, AND PROMOTE RIGHTS
AND EVOLVING PRIORITIES FROM A COMMUNITYCENTRED PERSPECTIVE AND RELATE TO
REGIONAL GOVERNMENT STRUCTURES

5 events, reaching 127 people

SUPPORT FOR CBOS AND NGOS TO SHARE EXPERIENCES AND DEVELOP LEARNING

5 events, reaching 127 beneficiaries

VULNERABLE GROUPS AND INDIVIDUALS
AFFECTED BY HIV/AIDS ARE BETTER ABLE TO
ENJOY THE RIGHTS AND SERVICES PROVIDED FOR
IN NAMIBIAN POLICY, LAW, AND PROGRAMMES.

32 events, 324 people

PROVISION OF LEGAL ASSISTANCE AND RIGHTS AWARENESS TO INDIVIDUALS AFFECTED BY HIV/ AIDS IN 20 COMMUNITIES ACROSS FIVE TARGET REGIONS ANNUALLY

17 events were conducted, 198 people reached

LAC trained Community Information Coordinators (CICs) in various remote areas to ensure communities have access to legal services and protection. CICs are trained in 20 communities (14 in the north and six in the south). These are volunteers with a community development background who are trained on HIV/AIDS and human rights, relevant laws protecting the rights of PLWHA, and government services related to uplift the living standards of PLWHA. Regional offices provide administrative and support service to these CICs.

ADVOCACY SUPPORT PROVIDED TO GROUPS AND INDIVIDUALS EXPRESSING AND ASSERTING THEIR RIGHTS

12 events

# FOCUS AREAS OF THE GLOBAL FUND

# **BACKGROUND**

The aim of the workplace programs, with the help of some stakeholders including Namibia Business Coalition on Aids (NABCOA) is to help employers and employees develop HIV workplace policy and implement the policy. The HIV workplace policy can be implemented in line with workplace programs in every workplace. To achieve this, the Aids Law Unit has identified five sectors to help these sectors to develop HIV workplace policy and programs.

The five sectors identified were, 1) retail and hospitality, 2) mining sector, 3) transport sector, 4) education sector, 5) public sector and non-governmental and community based organisations.

# STAKEHOLDERS TRAINING

### NON-GOVERNMENTAL ORGANISATION

Workplace policy development and implementation training was held in 6 communities: Walvis Bay, Ongwediva, Otjiwarongo, Okahandja, Katutura & Windhoek. Participants in these workshops were from the following sectors: the fishing sector, government, non-governmental organizations, community based organizations, municipal workers, small business owners & workers and the union representing chemical, energy, mines and general workers.

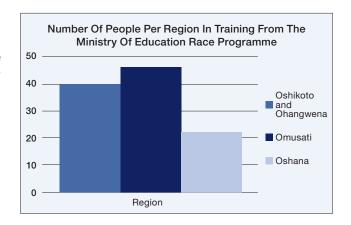
In November 2008, The International Federation of chemicals, energy, mines and general workers union requested ALU to provide training for their southern and eastern sub regional HIV/AIDS workshop. The topic covered was the "Impact of HIV/AIDS to the youth, women and venerable groups". Participants were from Zambia, Uganda, South Africa, Botswana, Tanzania and Namibia as a host country.

# MINING

The Mine Workers Union of Namibia and the Chambers of Mine were identified as partners for the mining sectors training. Managers, peer educators and coordinators attended training sessions in Swakopmund and Otjiwarongo. The training was conducted in partnership with occupational health and safety program of the Chambers of Mine.

# **EDUCATION SECTOR**

The AIDS Law Unit works with the Ministry of Education's Regional Aids Committee for Education (RACE) offices in Oshikoto, Ohangwena, Oshana and Omusati. The education sector trainings targeted school inspectors, cluster centre principals, peer educators, advisory teachers and HIV wellness coordinators.



### AWARENESS CAMPAIGNS

# POSTERS AND BOOKLETS

Workplace booklets and posters were developed by the Aids Law Unit in order to address several HIV workplace issues in the workplace. The workplace booklet addresses HIV/AIDS human rights and the laws.

The posters were developed on four themes believed to be the most violated rights in workplaces: HIV preemployment and testing, discrimination, confidentiality and occupational benefits.

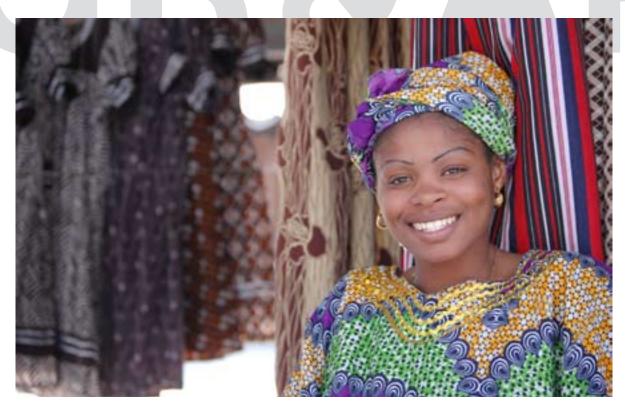
The Aids Law Unit assisted the National Union of Namibian Workers in organizing the World Aids day on 1 December 2008. The Unit availed its workplace discrimination poster to be re-designed for the world AIDS day. The idea was to create more awareness to workers and the employers so that the curb of the spread of the HIV virus is tackled from all areas.

Audiovisual materials were also finalized during December 2008 and it will be distributed beginning of January 2009 after some lengthy efforts.





# GENDER RESEARCH AND ADVOCACY PROJECT



# PROMOTING GENDER EQUALITY AND EMPOWERING WOMEN

# MISSION STATEMENT

THE GENDER
RESEARCH &
ADVOCACY
PROJECT SEEKS
TO PROMOTE
GENDER EQUALITY
AND THE
EMPOWERMENT
OF WOMEN
THROUGH LEGAL
RESEARCH,
LAW REFORM
AND RELATED
ADVOCACY WORK.

During 2008, GRA&P conducted research and advocacy on a range of areas including school policy on learner pregnancy, baby-dumping, marital property, stalking, sex work, the law on underage drinking and the reasons why rape victims so often withdraw their cases. We assisted government with development of regulations to accompany the Children's Status Act, analysed data on the implementation of the Domestic Violence Act and piloted research to assess the implementation of the Maintenance Act. We also helped a client bring Namibia's first sexual harassment case to court. We produced a total of 19 publications, translated many of them into indigenous languages and distributed thousands of copies to government, NGOs and members of the public. We organised or facilitated over 50 workshops, focus group discussions and meetings at which over 1000 community members, service providers and members of NGOs received information on gender issues.

**GR&AP ORGANISED** OR FACILITATED **OVER 50** WORKSHOPS, **FOCUS GROUP** DISCUSSIONS AND MEETINGS AT WHICH OVER 1000 COMMUNITY MEMBERS, SERVICE **PROVIDERS AND MEMBERS OF** NGOS RECEIVED **INFORMATION ON GENDER ISSUES** 

# **ADVOCACY**

# LEARNER PREGNANCY POLICY FOR THE EDUCATION SECTOR

The problem of teenage pregnancy among school girls is a major concern in most African countries. Teenage pregnancy has been cited as a constraint in the elimination of gender disparities in education, and in the achievement of the Millennium Development Goals of universal primary education and gender equality in education by 2015. The most recent demographic and health survey shows that over 15% of teenagers have begun childbearing.

# IN 2007 ALONE, THERE WERE 1465 PREGNANCY-RELATED SCHOOL DROP-OUTS IN NAMIBIA.

At the start of 2008, GR&AP was approached by the Ministry of Education to assist with the development of a policy on learner pregnancy. Problems with the current guidelines are that they are punitive in nature and are often inconsistently implemented between schools. To develop the policy, GR&AP undertook an extensive background review and facilitated regional and national consultations in Mariental, Oshakati, Katima and Windhoek. The draft policy was revised after each consultation to incorporate suggestions and to respond to concerns raised. The final draft reflects the needs of the learner-parents as well as the needs of the child, and promotes the retention of the pregnant learner/learner-mother in the education system whilst ensuring that the baby receives appropriate care and attention. Following the national meeting, the policy was presented to the Ministry of Education's Ministerial Planning and Coordinating Committee (MPCC) for approval. The policy will be discussed in more detail at a second MPCC meeting in March 2009 and it is hoped that at this point the policy will be finalised. Once the policy is formally accepted, GR&AP will endeavour to support the Ministry of Education in its awareness-raising and implementation plans.



A focus group discusses the learner pregnancy policy

# PERCENTAGE OF TEENAGERS WHO HAVE BEGUN CHILDBEARING

includes both mothers and those pregnant with first child at time of survey

Age at time of DHS survey	1992 survey	2000 survey	2006-07 survey
15	1.3	2.2	2.7
16	6.3	5.8	5.5
17	18.7	16.0	13.9
18	36.0	27.6	21.6
19	45.4	39.3	34.7
Total	21.5	17.6	15.4

Source: Namibia Demographic and Health Surveys 1992, 2000, 2006-07

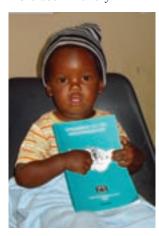
# OTHER AREAS OF ADVOCACY WERE

# BABY-DUMPING AND INFANTICIDE

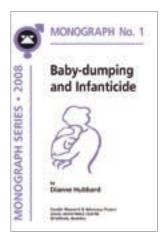
Baby-dumping and infanticide are crimes, but they are also cries for help. GR&AP presented ideas for law reform on these issues to the Parliamentary Committee on Human Resources in April 2008. Additional information was presented in a monograph which was distributed to policy-makers and other stakeholders and through the use of radio.

# CHILDREN'S STATUS ACT

The regulations that accompany a statute are crucial for its successful implementation. GR&AP consulted with legal drafters to help improve the regulations for the Children's Status Act in an effort to make the law more user-friendly.



Even children have rights
– a child holding the Guide
to the Maintenance Act at a
workshop in Gobabis



# CHILD CARE AND PROTECTION BILL

Law reform in Namibia has proved to be a long and complex process, particularly on family law issues. GR&AP lobbied the Ministry of Gender and Child Welfare (MGECW) and UNICEF to support an intensive consultation process around this important draft bill, as a mechanism for raising public awareness of children's rights and involving more people in law reform. In 2009, GR&AP will assist the MGECW with a broadbased and intensive process to refine and develop this bill.

# GENDER-BASED VIOLENCE

GR&AP is a member of the High-level Strategic Inter-ministerial Committee on Domestic Violence and Violence in General. This Committee was inaugurated by the President of Namibia on 25<sup>th</sup> November 2008, and is intended to provide advice to Cabinet on how to prevent and respond to gender-based violence in Namibia.



Gender-based violence was also the topic of a nationwide programme of focus group discussions held in 2008.

### SEXUAL HARASSMENT

GR&AP and Hurricon concluded the first court case on sexual harassment in the workplace. The case was settled favourably to LAC's client, although this meant that the question of liability for the harassment was not reached by the court. Nevertheless, in an innovative move, we were able to include a provision in the settlement agreement allowing for a newspaper article to publicise the principles in the case and the issue.

# MARITAL PROPERTY

The GR&AP
Coordinator continued
to serve on the Law
Reform and Development
Committee Subcommittee
on Marital Property.
Throughout 2008 GR&AP
provided input on the
several revisions of the
draft Marital Property
Reform Bill, and presented
the bill to various groups
of stakeholders.

# POLICIES AND PROTOCOLS

GR&AP provided input on the National Gender Policy for Namibia, and submitted written comments on successive drafts of the SADC Gender and Development protocol.

### RAPE

The GR&AP Coordinator facilitated a Law Reform and Development Committee workshop on proposals for amendments to the Combating of Rape Act based on the recommendations in the 2006 GR&AP publication Rape in Namibia. Most of the recommendations were accepted, and this set of amendments is expected to move forward in the near future.

# RESEARCH

### MAINTENANCE STUDY

Research suggests that 53% of households and 65% of individuals live below the income poverty line. Many of these households are single-parent households, as it is estimated that only 56% of Namibians marry. This issue is important as womanheaded households earn significantly less income than male-headed households. One way to improve the status of children in Namibia is for fathers to pay maintenance for their children. To understand the current status of maintenance provision in Namibia, GR&AP completed a pilot study in Windhoek, Oshakati and Mariental on the use of maintenance orders which will form the basis of a larger study over the next few years. Research is often integrated with our public outreach and assistance. For example, GR&AP was approached by a client seeking assistance with a maintenance order application. GR&AP accompanied the client to court to assist her with her case, which provided support for the client and also gave insight into some of the problems with the process. In this way, we attempt to address structural issues which can have an impact on large numbers of people.

# DOMESTIC VIOLENCE STUDY

The Combating of Domestic Violence Act 4 of 2003 is an excellent piece of legislation designed to protect the most vulnerable. Unfortunately, the LAC has received reports that applicants for protection orders are sometimes turned away, or experience long delays in urgent cases. In order to assess the situation more comprehensively, the LAC commenced a study in 2006 which will examine the implementation of the provisions on protection orders in the Act. The final data for this study was collected in 2008, and the information was sent to a data analyst for entry and processing. A report on the implementation of protection orders under the Act will be released in 2009.

### RAPE WITHDRAWALS

A pressing difficulty in the prosecution of rape is the prevalence of case withdrawals initiated by complainants. In the 2006 study "Rape in Namibia", the LAC found that complainants had requested withdrawals in respect of one-third of the rapes represented in its police docket sample of more than 400 cases. Elena Coyle and Esther Pun, visiting interns from Stanford University, spearheaded a research

project on the reasons behind rape withdrawals. Focus group discussions were held in Windhoek, Keetmanshoop, Mariental, Gobabis and Ongwediva. This research project led to the development of a detailed report analysing the reasons behind rape case withdrawals and proposing measures to address the key causative factors. The study is in the final stages of editing and will be published in 2009.

# OTHER AREAS OF RESEARCH

# BEST PRACTICE IN RAPE AND DOMESTIC VIOLENCE CASES – AN INTERNATIONAL PERSPECTIVE

In 2008, the Attorney-General's office of British Columbia sponsored Canadian prosecutor Allison De Smet to visit Namibia to engage in international information-sharing on prosecutorial approaches to sexual offences and domestic violence cases.

# STRATEGIES FOR TEST CASES ON FAMILY LAW ISSUES

Intern Rebecca Stubbs assisted GR&AP with research examining possible new mechanisms which can be used to litigate on behalf of victims (or groups of victims) of human rights abuses. This research is vital, as Namibian rules on who can approach the courts are currently quite narrow and restrictive. The outcome of this research will be presented to Namibia's legal community for further discussion.

ON BEHALF OF THE CRIMINAL JUSTICE BRANCH
OF THE MINISTRY OF ATTORNEY GENERAL FOR
THE PROVINCE OF BRITISH COLUMBIA, I WANT TO
EXPRESS HOW PLEASED WE ARE TO BE ABLE TO
WORK WITH THE LAC BY SENDING ALLISON DE
SMET TO SPEND SIX MONTHS WITH YOU. WE ARE
WELL AWARE OF THE LAC'S VERY IMPRESSIVE
REPUTATION AND PARTICULARLY THE WORK OF
DIANNE HUBBARD REGARDING SEXUAL ASSAULT
RELATED OFFENCES AND DOMESTIC VIOLENCE.

EXCERPT FROM LETTER OF 5 JUNE 2008 FROM ROBERT WG GILLAN ASSISTANT DEPUTY ATTORNEY GENERAL, CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL PROVINCE OF BRITISH COLOMBIA, CANADA

# **EDUCATION AND TRAINING**

# ADDRESSING GENDER-BASED VIOLENCE THROUGH COMMUNITY EMPOWERMENT

Gender-based violence (GBV) is prevalent in Namibia. It is estimated that one in five women are in an abusive relationship, and more than one third of women have reported physical or sexual abuse at the hands of an intimate partner. Furthermore, every year, more than 1100 cases of rape/attempted rape are reported to the Namibian Police, with one third of these cases occurring in children under the age of 18.

During 2008 GR&AP implemented a programme consisting of five elements in an effort to help address the issue of gender-based violence:

- 1. Focus groups discussions conducted in urban and rural areas in all 13 regions.
- 2. A follow-up magazine published in 4 languages.
- 3. A training manual on key gender laws produced in 4 languages.
- 4. Radio show scripts on GBV.
- 5. Pamphlets on domestic violence, rape, maintenance and equality in marriage published in 4 languages.

The conception of this project was based on a short series of pilot workshops on causes of violence conducted in Karasburg, Windhoek, Ondangwa and Katima in early 2008. The pilot series provided a number of success stories related to community empowerment. For example, following the Windhoek workshop, some of the attendees started an SMS campaign on Fridays (when text messages are free) to alert people in the community to the issue of about violence. The participants from the Tanidare Empowerment Centre in Katutura run a Saturday morning group for children and following the workshop discussion, GR&AP provided a blueprint for a training session on corporal punishment which they could use with the children.

### SMS CAMPAIGN MESSAGES:

- Make a promise to stop violence. Show your commitment by sending this message to 5 people.
- Women deserve to feel safe in their own homes. Domestic violence is a crime. Please send this message to 5 people.

The subsequent series of community empowerment workshops held in all 13 regions allowed GR&AP to make contact with a range of diverse community groups. Rural San women attended the workshop conducted at Corridor 13 (Omaheke region), whilst elderly members of the !Khe!homs Community Leaders Committee attended the workshop in Usakos. Outreach across Namibia was extensive, ranging from Warmbad, a small settlement in the south of the country to Opuwo in the northeast and Tsumkwe in the west.

During 2008 GR&AP also conducted training for police in Tsumkwe and Divindu and training for magistrate applicants in Windhoek. Two training sessions were conducted for Parliamentary research staff on gender issues and the use of the internet. Other training sessions included presentations for students, sex workers and people with visual impairments.

# FEEDBACK FROM THE PARTICIPANTS:

- "Abuse is not a solution to problems. We can do something about it by coming together and talking about it."
- "We can talk about the problem and stand up for ourselves or our people in our community."
- "The facilitator addressed very well and I thank them for the encouragement, they brought very important information to our villages."



Some of the participants at the Karasburg workshop who formed the new voluntary organisation People Against Violence, Karasburg



The participants from the focus group discussion in Bernafey



Participants of a focus group discussion held in Katutura for the rape withdrawal study

# **PUBLICATIONS**

# SUMMARY OF PUBLICATIONS PRODUCED IN 2008

### **MONOGRAPHS**

In 2008, GR&AP started a new publication series of monographs. The monographs are brief research reports and essays on topical issues. Three monographs were produced in 2008, while a fourth was in press at the end of the year.

- Monograph 1: Babydumping and Infanticide
- Monograph 2: Help Wanted: Sex Workers in Katutura, Namibia
- Monograph 3: Stalking: Proposed New Legislation for Namibia
- Monograph 4: Alcohol and Youths: Suggestions for Law Reform (in press)

# COMIC BOOK ON CHILD MAINTENANCE

A total of 28 000 copies of the cartoon were distributed as an insert in The Namibian newspaper on 28th February 2008. Through the use of the newspaper distribution system, the cartoon was effectively disseminated throughout the country. A further 2000 copies of the cartoon were printed and have been used by the LAC as training materials and

handouts in workshops.

# SHORT INFORMATION GUIDES

- Preventing Underage Drinking: A Guide to Individual and Community Action
- Gender and the Labour Act 11 of 2007 (in press)
- How to Create a Non-Profit Group (including a sample constitution)

# COMMUNITY EMPOWERMENT

A number of publications to support community empowerment were produced in 2008.

- Key Gender Laws: A training manual for community activists (produced in English, Afrikaans, Oshiwambo and Otjiherero)
- Pocket guides produced in English, Afrikaans, Oshiwambo and Otjiherero
- Pocket Guide to the Rape Act
- Pocket Guide to the Combating of Domestic Violence
- Pocket Guide to the Married Person's Equality Act
- Pocket Guide to the

Maintenance Act

- Addressing Gender-Based Violence through Community Empowerment (produced in English, Afrikaans, Oshiwambo and Otiiherero)
- Gender and the Law: Radio Show Scripts
- Training Session on Corporal Punishment

# SUMMARIES OF THE LAW IN BRAILLE

- Guide to the Maintenance Act
- Guide to the Married Person's Equality Act

### RESEARCH

- School Policy on Learner Pregnancy in Namibia: Background to Reform
- Protection for Women in Namibia's Communal Land Reform Act: Is it Working?
- Withdrawn: A study of Rape Case Withdrawals (to be published in 2009)

# REPRINTS

- Advocacy in Action (updated version of this community training manual)
- Guide to the Maintenance Act 9 of 2003 (reprint in English)

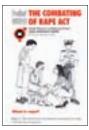
# DISTRIBUTION

GR&AP continued to distribute publications through workshops, media, partner NGOs and other methods. A new method utilised in 2008 was to display publications at the annual Windhoek Show at the stand organised by Namibia's Ministry of Justice.

# RADIO, TELEVISION AND PRINT MEDIA

GR&AP continued to maintain a media presence during 2008. Radio was the prime method of communication. Print media was also used, with articles on sexual harassment and sexual violence in armed conflict being published in *The* Namibian newspaper and an article on women and the Communal Land Reform Act published in a NGO-produced magazine, Sister Namibia. GR&AP staff also appeared on television, discussing children's health and welfare and gender-based violence on two different episodes of the popular evening programme, Talk of the Nation.



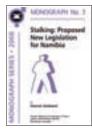














# IMPACT OF GR&AP'S WORK

The impact of GR&AP's work can be seen in a number of ways. GR&AP influenced law reform proposals put forward by the Law Reform and Development Commission, the regulations issued under the Children's Status Act, and the formulation of various national and regional gender policies. The impact of GR&AP's many publications and their translations is also evident. For example, the monographs often generated discussion and comment. Radio stations were particularly eager to discuss the issue of baby-dumping and GR&AP received numerous telephone calls on this issue. When the child maintenance cartoon was distributed via the newspaper, GR&AP again received telephone calls from the public. Working with a commercial partner (Namibian Breweries) also generated interested from the media. The fact that the department reprinted the *Guide to the Maintenance Act 9 of 2003* and distributed all 1000 copies in 2008 is another indicator of the interest community members, NGOs and government have in using our information.



Participants at a focus group discussion held in Omaheke

Our approaches to training have also been successful. Contacts made at training sessions are often maintained and developed. A focus of many of the workshops held in 2008 was to try and implement lasting change or action in communities, and communities have been motivated to action by the GR&AP workshops they attended. For example, the workshop participants in Karasburg formed an organisation (People against Violence) and the workshop participants in Opuwo implemented activities during the 16 Days of Activism. A long-term relationship has been developed with the

Tanidare Centre, a church organisation in Katatura; following their attendance at a workshop at the start of 2008, members also attended the Zimbabwe protest march and the pre-testing of a training manual on gender laws, and participated in the research on rape withdrawals and maintenance.

The impact of GR&AP's work can be seen internationally as well as nationally. For example in 2008, data from the GR&AP 2006 publication *Rape in Namibia* was included in Amnesty International's annual report on the state of the world's human rights.

### **GR&AP STAFF '08**

- Dianne Hubbard -Coordinator
- Rachel Coomer Public Outreach Officer
- Sophie van Wyk -Project Assistant shared with LEAD

# INTERNS & VOLUNTEERS '08

- Rachel Thompson
- Elena Maria Coyle
- Kate Barth
- Julie Holt
- Esther Pun
- Allison de Smet
- Rebecca Stubbs
- Tessa Harris
- Dr Suzanne La Font

# SPECIALIST CONSULTANTS

- Perri Caplan
- Christa Schier

### **DONORS**

- Hivos
- French Embassy
- Danish Embassy
- Royal Netherlands Embassy
- Unicef
- US Embassy
- Namibian Breweries
- Namibian Institute for Democracy

# LAND, ENVIRONMENT AND DEVELOPMENT



LEAD works on behalf of rural residents such as these in Rehoboth

# SUPPORTING RURAL COMMUNITIES

# **OVERVIEW**

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

# **CONSERVANCY SUPPORT**

LEAD initiated the Conservancy Support Programme through funding from LEAD's core donor EED and the Embassy of Finland. It is designed to provide training (to conservancies, conservancy support organizations, local authorities and other stakeholders) legal advice, advocacy, conduct a fencing research as well as awareness raising through local language radio on conservancy issues.

Through the Conservancy Support Programme, training was provided to some of the 50 registered conservancies as well as conservancy support organizations on issues such as good governance, development and amendment of constitutions, conducting elections, and annual general meetings, policies, laws, financial decision making & benefit distribution etc. This training provided the conservancy members with the knowledge to tackle the challenges

faced, as for the conservancy support organizations such as MET, they became better equipped to assist the conservancies.

Two types of trainings were planned for the programme. The first training to be conducted was with conservancy support organizations. The second training was directed at the conservancies and other stakeholders.

# **CONSERVANCY SUPPORT**

### TRAINING

Conservancy members, local authorities, communal land boards and the general public attended the following LEAD trainings during 2008:

- Communal land law and community based joint venture agreements with the King Nehale, Uukwaludhi, Uukolonkhadhi conservancies as well as with the Rössing Foundation (from Ondangwa) at King Nehale Conservancy.
- Workshop held with N#a Jaqna conservancy and !Kung Traditional Authority on land laws, traditional authority legislation and conservancy constitutions.
   The conservancy and traditional authorities received clarity on decision making process and consultation with the Government on development programmes for the area and its potential impact on the conservancy's activities.
- A workshop was held in Outjo with MET and Doro !Nawas conservancy on disciplinary code and procedures for conservancies.
- A workshop with MET in Ondangwa was conducted on communal land rights with the Ondonga Traditional Authority. The workshop dealt with land rights and the rights of conservancies in communal areas.
- A workshop held with the Hai//om from Outjo and Oshivelo on various laws relating to trusts, conservancies and constitutions. The workshop was attended by over 100 community members.

# **CONSERVANCY SUPPORT**

### LEGAL ADVICE

The programme is also relevant as it provides much needed legal advice. Conservancies and the support organizations were able to access this service at no cost.

The following groups benefited from legal advice:

- The Otjombinde Conservancy Constitution was drafted
- Dora! Nawas Conservancy Constitutional advice
- Namibia Nature Foundation meeting about

- Conservancy Constitutions & Community Forest
- The Namibia Coast Conservation and Management Project (NACOMA) – advice on policy matters regarding sustainable coastal management. LEAD has also reviewed the draft ToRs for the working group, minutes, outline of Green paper and Definition of "Coastal Zone"
- Sorris Conservancy Constitution review and consultation about procedural issues related to the suspension of Conservancy Committee members

# CONSERVANCY SUPPORT

### **EDUCATION THROUGH RADIO**

Radio is the most common form of communication found in Namibian homes. LEAD works with two radio stations in rural Namibia to further educate people about important issues.

In October 2008, LEAD helped set up a radio programme to discuss community based natural resource management in the Caprivi region. The aim was to provide support to the 18 conservancies in the Caprivi region and to create a discussion forum on conservancy governance issues in the local language radio programmes.

However, after the initial broadcasts were made, the radio programme was no longer broadcast as the Namibian Broadcasting (NBC) Radio in Caprivi raised the issue of duplicating jobs.

Meanwhile, the LAC continued to support !Ah radio in Tsumkwe by supplying the community NBC station with scripts that were translated into the local language. Topics included Policing and Human Rights, Combating of Domestic Violence Act, Maintenance Act and Combating of Rape Act.



LEAD conducted research into women in Namibia's communal land

### LAW REFORM

### **ENVIRONMENTAL MANAGEMENT ACT**

Parliament passed the Environmental Management Act (EMA) in October and it was gazetted on the 27th of December 2007 after more than 10 years of preparation. The main purpose of the Environmental Management Act, 7 of 2007 is to efficiently regulate and monitor the impact of activities on the environment. It also provides the mechanism by which effective management tools can be developed to give effect to Article 95(l) of the Constitution of the Republic of Namibia. The Act also makes provision for interested and affected people to participate in environmental assessments. The findings of environmental assessments are crucial to the decision making process in respect of activities that may significantly impact the environment.

Throughout the process of drafting the EMA, LEAD has been worked closely with the Ministry of Environment and Tourism (MET). In 2008, LEAD assisted the MET by organizing stakeholder meetings in Windhoek, Swakopmund and Tsumeb. Through these workshops the Ministry of Environment and Tourism presented draft regulations, and Guidelines and Procedures for Strategic Environmental Assessments and Environmental Impact Assessments to facilitate the implementation of this aspect of the EMA.

Accordingly the aim of the stakeholders' awareness workshops is to consult, inform and raise public



awareness of the Environmental
Management Act No. 7 of 2007; explain how the implementation of the Act may affect all of us in our daily life and business; and to present and discuss the proposed Regulations, Procedures and Guidelines for EIA and SEA.

### LAW REFORM

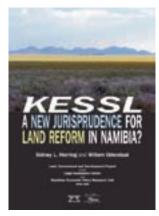
# PARKS AND WILDLIFE MANAGEMENT BILL

Since 2001, LEAD has provided input on various drafts of The Ministry of Environment and Tourism (MET)'s Parks and Wildlife Management Bill. The most recent version of the Bill has included significant changes and LEAD consultant John Hazam has been extensively involved in reviewing the bill and making comments to the Ministry. LEAD is pleased to see the adoption of a number of LEAD's recommendations that the Project has been advocating for years.

### **PUBLICATION**

# KESSL – A NEW JURISPRUDENCE FOR LAND REFORM IN NAMIBIA

After years of closely observing the land reform process and authoring several reports on the topic, LEAD's project Coordinator along with long-time research partner of LEAD, Prof Sid Harring of New York City University, finalised a report on the first legal test on land expropriation in Namibia.



The case, which addresses many aspects of the Ministry of Lands and Resettlement programme on land reform, upheld the principle of land expropriation but found that the Ministry's administration of the expropriation process violated Namibian law on several grounds.

During the judgement of the Kessl expropriation case, given in the High Court on 6 March 2008, several previous Legal Assistance Centre reports on the land reform process were used by the court. Prior, the LAC had provided copies of the previous reports on land reform when the Ministry was preparing its case.

Subsequently, the Kessl report was launched on 19 June with guests attending from the new Minister of Lands and Resettlement and the donor community in Namibia that support the land reform process in Namibia, including GTZ and the EU. Additionally, the report and the judgment were later created into a presentation during a conference "promoting administrative justice in Namibia" organised by the Law Reform and Development Commission in partnership with the Konrad Adenhauer Foundation.

# **PUBLICATION**

PROTECTION FOR WOMEN IN NAMIBIA'S COMMUNAL LAND REFORM ACT: IS IT WORKING?

After several years of research, LEAD, along with the GR&AP published groundbreaking research on women's land rights in communal land areas.

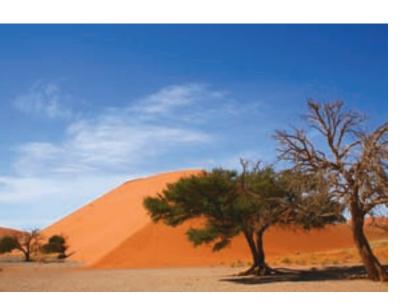


The report, authored by Wolfgang Werner, investigates land rights for women in the four north-central regions of the country, namely Omusati, Oshana, Ohangwena and Oshikoto. The right of women to own land, and more specifically to inherit land in their own right, is an increasingly topical issue as the HIV/AIDS pandemic continues to take its toll.

Arguably, for the Namibian public and government, the single most important aspect of women's rights to land, or the lack thereof, has been the eviction of widows from the land they have cultivated.

This study investigates the extent to which the provisions of the Act are known to women, and whether those who do know the provisions are able to claim their rights as stipulated in the Act. The study also questioned if regional Communal Land Boards and Traditional Authorities supportive of widows' rights, and are they able to enforce the provisions of the law.

Following the launch of the report on 10 April, several newspaper articles were published and reports were circulated to the Ministry of Lands and Resettlement and Ministry of Gender Equality and Child Welfare.



# **RESEARCH**

# LIVELIHOODS AFTER LAND REFORM RESEARCH PROJECT

In Southern Africa many agree that land reform is an essential component of efforts to reduce poverty and inequality, but despite important empirical studies there has to date been no systematic assessment of the poverty reduction and livelihood impacts of land reform in the region. Through case studies in South Africa, Zimbabwe and Namibia (field research conducted by LEAD and lands expert Dr Wolfgang Werner), this project aims to explore to what extent land redistribution in southern Africa is achieving poverty reduction and livelihood improvement objectives. In addition, the project aims to engage a range of end-users in Government and other implementing agencies (NGOs, service providers, donors), as well as beneficiaries, in exploring the policy implications of research findings.

### RESEARCH

### INVESTIGATING ILLEGAL FENCING

LEAD organized and implemented field research for the study on Fencing in Communal Areas. The study focuses on Otjozondjupa as a case study on issues of fencing in communal areas. The purpose of the study is two-fold, firstly LEAD wants to quantify the magnitude of the fences and secondly to ascertain whether the provisions of the Communal Land Reform Act is been complied with by communal farmers and the traditional authority concerned.

Throughout 2008, LEAD conducted research to:

- measure the enormity of the problem,
- illustrate the sizes of fences,
- examine the complaint process of reporting illegal fences and
- identify some of the issues related to fencing in communal areas.

The findings of this study are expected to be released in a publication to be published in the second half of 2009.

### RESEARCH

# EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (EITI)

During 2007, LEAD was commissioned by the Open Society Initiative for Southern Africa (OSISA) to conduct research on the Extractive Industries Transparency Initiative (EITI) and the feasibility of introducing such a system in Namibia. The objective of EITI is to promote transparent reporting by governments of aggregate revenues derived from mineral resource, oil and gas extraction. The initiative has attracted the attention of many African countries and it is envisaged that the EITI principles have the potential of enhancing government accountability and transparent management of mining revenues in Namibia. LEAD conducted research on the initiative and submitted a final report to OSISA during January 2008.

In April 2008, LEAD organised a follow-up meetings with stakeholders, who included government officials,

civil society and the mining companies, who were interviewed during the study. The meeting resolved that there should be broader consultation with other civil society practitioners, Communities Based Organisations (CBOs) and that further engagement and lobbying with government especially the Ministry of Mines as well as the Chamber of Mines should continue.

# **RESEARCH**

VOLKSWAGEN PROJECT - "MOBILITY, NETWORKS AND INSTITUTIONS IN THE MANAGEMENT OF NATURAL RESOURCES IN CONTEMPORARY AFRICA"

In 2008, the LAC became a partner of a 3-year comparative research project that will focus on the topic of "Mobility, Networks and Institutions in the Management of Natural Resources in Contemporary Africa" funded by the German Volkswagen-Foundation. The project has three aims, namely: research, capacity building and the elaboration of new forms of collaboration between researchers and local communities. This project investigates the relation between new patterns of mobility and natural resource management in African savannah environments. Processes of globalisation, commoditization but also of rural impoverishment lead to an increasing flow of people, ideas and capital that influence the regulation of social-ecological systems. Examples of new patterns of mobility are rural-rural migration of smallholder farmers, the establishment of large scale commercial farming enterprises by migrants reinvesting economic, social and symbolic capital in rural areas and the impact of new elites circulating between urban jobs and rural home communities. The research will take place in Cameroon, Tanzania, Zimbabwe/South Africa and the Caprivi region of Namibia.



A village in the N≠a Jaqna Conservancy



Water is a human right. In 2008, LEAD went to court to defend water rights

# LITIGATION, INFORMATION AND ADVICE LEAD STAFF PROVIDES THE FOLLOWING SERVICES

- advice on housing rights and eviction matters,
- · advice on inheritance matters and wills,
- the writing and reviewing of conservancy and community based organisation constitutions and joint venture agreements and
- legal representation of clients in court.

# LITIGATION, INFORMATION AND ADVICE WATER AS A HUMAN RIGHT

One of Namibia's first cases on water rights was tested in the High Court. The LAC, on behalf of its clients, brought forth an application against the Ministry of Agriculture, Water and Forestry after water permits were granted to a new mining company that planned to extract thousands of litres of water in one of the driest areas on earth.

Representing farmers from the Usakos area, the case asked the court to prohibit Valencia Uranium mine from abstracting water from the Kahn River and Palaeo Channel in the Namib Desert, where the proposed mine is to be developed.

The farmers raised their concerns about the negative impact the abstraction of water in this very dry part of Namibia will have on the environment. The case also challenged the Ministry of Agriculture, Water and Forestry's decision on the issuing of water abstraction permits to the mine without first conducting a proper environmental assessment and without consulting the affected farmers before issuing the water permits to the mine.

On 18 April 2008 judgment was given in the High Court on the Namib Plains Farming and Tourism CC and Valencia Uranium (Pty) Ltd case. Despite judgment given against the LAC's clients (Namib Plains CC), the water abstraction permits issued to Valencia by the Ministry of Agriculture, Water and Forestry were declared null and void due to the fact that they were issued to an area (the Kahn River valley) that was never declared a subterranean water controlled area, as specified on the water abstraction permits. The issue of *locus standi* (the right of Namib Plains CC to address the Court on a matter before it) was not addressed by the High Court.

An appeal of the High Court's decision went to the Supreme Court on 17 March 2009. Judgment has been reserved.

# LITIGATION, INFORMATION AND ADVICE EXAMPLES OF OTHER CASES

During 2008, LEAD's project lawyers worked on dozens of other cases. Three examples of the type of cases LEAD worked on in 2008 are:

1. LEAD assisted N≠a Jaqna Conservancy by procuring a legal opinion on the development of small scale commercial resettlement farms in the conservancy area. The northern part of the N≠a Jaqna Conservancy which is a third of the entire conservancy area, is earmarked for small scale commercial resettlement farm development, each measuring 2,500 hectares. The conservancy feels that their objections to the development of these farms have not been considered by the Ministry of Lands and Resettlement. In several meetings held concerning the development of small scale farms, the Conservancy Membership has expressed their concerns which have been passed over by the Management Committee of the Conservancy to the Ministry of Lands and

- Resettlement but no response or feedback has been received to date.
- 2. After being accused of using witchcraft against her estranged husband's family, a LAC's client was detained, against her will, in a toilet by a traditional authority in the Caprivi region. The LAC is currently awaiting a trial date from the Magistrate's Court in Katima Mulilo.
- 3. Clients from Tsumkwe reported that they were living in terror as a man was accused of assaulting, robbing and raping people living in the community. Despite community members reporting matters to the police, the suspect/accused was never arrested. The LAC acted on a watching brief and wrote a letter to the inspector general of the police and the accused was charged with 10 counts ranging from assault, robbery and rape after arrested. The LAC attended court and bail was refused. However, a new bail application was made after a few months and bail was allowed on certain conditions. The LAC was since informed that the accused is in the Tsumkwe area and LEAD's project lawyer brought the information to the prosecutors' attention. This is a violation of one of the bail conditions and the project lawyer will follow up with the prosecutor.

# LITIGATION, INFORMATION AND ADVICE SUPPORT TO OTHER ORGANISATIONS

During 2008, LEAD offered technical support to organizations wishing to write constitutions, joint venture agreements and trusts. Some of the organizations who benefited were:

- Tulipamwe Trust
- Tsintsabis Trust
- Warrior Centre for AIDS Orphans
- Women Aglow International



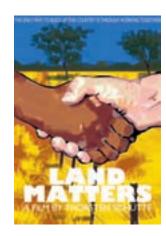
Bessa Bo of Tsumkwe is a human rights activist and regularly translates LEAD scripts for radio into the local language

### **EDUCATION**

# USING FILM TO ADDRESS LAND REFORM

Farming communities across Namibia engaged in the land debate after watching a documentary film brought to them by LEAD, in collaboration with GTZ, NNFU and Filmakademie in Germany.

The documentary film "Land Matters" was produced by German filmmaker Thorsten Schütte. The film



illustrates Namibian farmers of various backgrounds and farm labourers and gives them a chance to voice their opinions about land reform, its prospects as well as its problems. LEAD was asked by Thorsten Schütte to promote and show the film to selected farming communities throughout Namibia.

The LEAD coordinator travelled to Berlin during the week 10-15 November to attend the launch of the film in Germany. The LEAD coordinator gave a talk after the official launch of the film on the 13<sup>th</sup> on recent developments in the land reform process. The launch of the film was well attended by approximately 200 people, which included some of the film sponsors and representatives of the Namibian Embassy in Berlin.

LEAD in collaboration with GTZ (in Namibia), NNFU and the Filmakademie in Germany undertook a country tour from October to December to show the film to farming communities throughout Namibia. LEAD staff, along with Dudley Viall, who was a short term consultant, screened the film to several communities throughout Namibia.

The aim of this country tour was to allow viewers to voice their perceptions and their visions about the significance of land ownership and to invite communities all over the country to join the land debate. The response from the farmers attending the screenings was positive in general. The screening sometimes led to emotional discussions about land reform and its future and revealed the antagonist opinions about it.

# **EDUCATION**

# POLICE TRAINING IN TSUMKWE AND DIVUNDU

The Gender Research & Advocacy Project's Rachel Coomer and John Nakuta (LEAD's contracted trainer) facilitated, as part of LEAD's San Human Rights
Programme, a workshop on policing and human rights
for police officers based in and around the Tsumkwe
and Divundu areas over the period August 11-12 and
August 14-15 respectively. 28 police officers stationed
in these areas participated in these two workshops. The
purpose of these training sessions are to sensitize Police
officers working in these predominantly San settled
areas about human rights related issues.

# **EDUCATION**

### GRASSROOTS WORKSHOPS ON LAND REFORM

LEAD assisted GTZ and Namibia Institute for Democracy (NID) with the implementation of a grassroots educational programme on land reform in Namibia. It was agreed that all projects will be conducted in collaboration between LEAD, NID, GTZ and the Ministry for Lands and Resettlement. During 2008, LEAD drafted a text on "understanding communal land rights" for the Training of Trainers workshop. After the Workshop, LEAD collaborated on changes to the draft based on our experience in the workshop. The programme will continue throughout 2009.

# TRAINING OF TRAINERS (TOT)

The first training that was provided was the training of trainers (conservancy support organizations). The issues trained included governance and constitutional issues

In July 2008, consultative workshops were held in Windhoek, Swakopmund and Tsumeb. The workshops were attended by public and private sectors and were aimed at:

- Informing stakeholders about the new environmental act and how it would impact on their activities
- Getting input from stakeholders regarding finalisation of SEA/EIA regulations. The aim of the act is to give realisation to Article 95(l) of the Namibian Constitution and to protect the environment against unsustainable development practices.

### **ADVOCACY**

### MINING AND THE ENVIRONMENT

With research and litigation into mining practices in Namibia, LEAD is also becoming a voice of awareness on the impact of uranium mining in Namibia. Some of the activities to generate awareness about the topic included:

- A presentation on the legal framework that guides mining and atomic energy regulations in Namibia at the Polytechnic of Namibia, upon the request of Earthlife Namibia and LARRI.
- A radio interview on Radio 99 as part of a discussion on the impact of the so-called "Uranium Rush" on the central Namib Area.
- A report that analyses the impact of mining on Namibia's protected areas, with students of Stanford University.
- A newspaper article on how the recent global economic crisis might impact on the "Uranium Rush" in Namibia. The article, written with Andrew Ardinger, a student from Stanford University, was published in Namibia, and LEAD hopes to publish it in the USA, Canada and Australia.

# THE XOMS OMIS PROJECT

The Xoms |Omis Project (Etosha Heritage Project) is a project run by LEAD since 2006.

Its primary objectives are:

- To research, maintain, protect and promote the cultural and environmental heritage of the Etosha National Park and its surrounding area.
- To provide capacity-building programmes based on this heritage for Hai||om individuals with a genuine interest in the cultural and environmental heritage of the park.
- To design, support and implement sustainable livelihood projects for all communities with strong historical associations with the Etosha National Park based on the cultural heritage of the Etosha area.

In 2008, the The Xoms |Omis Project took further steps, through several meetings, to become a legal entity in future. With the goal of becoming a community trust, The Xoms |Omis Project worked closely with Hai||om elders as preparations were made for the establishment

of the trust and the formulation of the deed of trust. Additionally, community meetings with Hai||om in various locations emphasized the importance of the need for an umbrella Hai||om organisation. Furthermore, the necessity of the involvement of the Farm 6 Community (which is apparently one of the poorest Hai||om communities) was emphasised.

# COORDINATION OF SAN EXHIBITION, NATIONAL MUSEUM OF NAMIBIA

The Xoms |Omis Project is led by Dr. Ute Diekmann. Due to Ute's involvement in the Xoms |Omis Project and her "expertise" in San related issues, she was asked by the National Museum of Namibia to act as coordinator and consultant of a planned permanent San exhibition last year in September. The exhibition will open in 2009.

As this exhibit prepares to open, several steps were undertaken. These included:

- Several meetings with the museum curator, Antje Otto.
- Writing information texts to accompany photos and documents for the exhibit.
- Travelling to Outjo and Etosha to consult with Hai||om. In Outjo they held a meeting with the Hai||om Traditional Authority about the content and the design of the exhibition. In Etosha, they met with members of the Xoms |Omis Project in order to get their inputs and ideas.
- With WIMSA organised necessary consultative meetings with members of the Khwe and the Ju'|hoansi Community.
- Organising and facilitating a workshop with Traditional Authorities and other knowledgeable members of six San communities at the Owela museum in order to discuss the concept of the exhibition and to get further input from the San.



LEAD puts an emphasis on working with marginalised groups throughout Namibia. The San have been a focus of the projects work since it was founded.

# HUMAN RIGHTS AND CONSTITUTIONAL UNIT



HURICON regularly conducts human rights training with Namibian police officers

# MAKING A DIFFERENCE, ONE CASE AT A TIME

Notwithstanding a shortage of personnel and other resources, Huricon continues to make a difference in the life of Namibians and so also to the broader community.

In addition to the part-time services of a candidate legal practitioner and in-house Counsel, Huricon consists of one full-time legal practitioner, Toni Hancox, who attends to all litigation issues as well as co-ordination of the unit's activities. Such activities are currently centred mainly on litigation. In the future, Huricon hopes to limit its focus for given time periods in order to address identified problem areas in a more holistic way, utilizing a combination of litigation, research and education.

Throughout 2008, Huricon focused on litigation, with several groundbreaking cases taken to both the High Court and Supreme Court.

The funding situation in Huricon remains limited with funding being received from the Ford Foundation and the United States Democracy and Human Rights Fund.

Such funding has, however, not made it possible to employ another full-time legal practitioner both in terms of the financial implications and the fact that only short-term contracts can be considered. Obviously, the personnel situation in Huricon (or lack thereof) is not conducive to regular consultancy work in an attempt to bridge the funding gap, neither is the opportunity there

to spend large amounts of time sourcing funding due to the time-limits involved in litigious work which must be respected.

### LITIGATION

### NAMIBIA'S FIRST SEXUAL HARASSMENT CASE

Namibia's first ever sexual harassment matter was brought to the High Court by Huricon, with financial and technical assistance from the Gender, Research and Advocacy Project (GR&AP).

The victim, a worker at an entertainment venue, said that her immediate supervisor had made inappropriate remarks to her and had touched her in a clearly inappropriate manner.

The matter was finalized in February 2008. Amongst the witnesses called for Plaintiff was a Clinical Psychologist who testified that the perpetrator's actions had caused the Plaintiff to suffer from post-traumatic stress syndrome. The employer of the perpetrator was also sued in a vicarious capacity for failing in its duty of care. During the trial the matter was settled between the parties. The settlement included a written apology to client.

The matter was heard *in camera* and it was agreed not to mention the party's names when reporting on the matter. As a result, GR&AP drafted an article for publication which makes people aware that sexual harassment matters will be heard *in camera* and they should not fear bringing such cases to court. It will also highlight the issues of sexual harassment in the workplace and help the public realize that such behaviour does not have to be tolerated and can be attacked

# **LITIGATION**

# FAVOURABLE JUDGMENT FOR GIRL RAPED WHILE AT STAYING IN SCHOOL HOSTEL

In August 2007, a positive judgment was handed down in the case of a mentally challenged girl being raped whilst under the care of hostel supervisors of the Ministry of Basic Education. The Court found that the Ministry was vicariously liable for the breach of the duty of care by its officials and that the exact harm that can occur need not be foreseeable, it was enough that a general possibility of harm was foreseeable. The Ministry was ordered to pay the total sum of N\$105 000.

Unfortunately, the Ministry of Basic Education appealed this judgment shortly afterwards and the appeal was argued in the Supreme Court in April 2008. Judgment has been reserved.

### FIGHTING FOR CITIZENSHIP

Following an appeal, the Supreme Court found that a client was not entitled to citizenship, even though he has been married to a Namibian citizen for more than 10 years and has four children here.

In this matter, the client had entered Namibia unlawfully and obtained fraudulent documents to remain in Namibia. He was charged, found guilty and paid a fine. In the interim, he had married a Namibian citizen and had four children. His application for citizenship was refused on the basis of his criminal record. The crux of the matter was whether the client was ordinarily resident in Namibia for the required period of time even though he had come into the country unlawfully. The High Court previously found that he was a resident and that the requirements for residence are different for those applying for citizenship by marriage as opposed to those applying for citizenship by naturalization. The court also found that client's wife, the Second Applicant, would have her constitutional family rights infringed should the client be forced to leave Namibia.

Government subsequently appealed against this judgment and the matter was argued in the Supreme Court in March 2008.

The Supreme Court handed down judgment in October 2008 and found that client is not ordinarily resident in Namibia and is not entitled to citizenship since he does not have domicile here.

Huricon is now negotiating with the Ministry of Home Affairs and Immigration to establish whether client can be accommodated in some way since he has lived productively in Namibia for over 14 years and has four children living here.

As an advocacy point, the co-ordinator wrote an article relating to citizenship which was printed in a local newspaper. She subsequently appeared on national television discussing the issue and as a result a flood of queries were fielded by Huricon. Arising from these queries, many letters were written for clients merely setting out the correct status of foreigners married to Namibian citizens from a legal point of view. Whilst the resources were not there to open files in each case, it was hoped that these letters would assist clients in that same confirmed that clients do not require work or residence permits in Namibia when married to a Namibian citizen.

### LITIGATION

# FIGHTING AGAINST THE USE OF TORTURE

Nine years have passed since the early hours of 2 August 1999 when members of an alleged secessionist group, the Caprivi Liberation Army (CLA), launched an armed attack on government forces and buildings in the regional capital of Katima Mulilo in the Caprivi region of north eastern Namibia. According to official sources, the CLA attacked the police headquarters, the local offices of the Namibian Broadcasting Corporation, an army base and an immigration post. In the attacks, 11 people were killed, at least six of whom were members of the security forces.

That evening, then-President Samuel Nujoma declared a State of Emergency. A curfew was imposed in Katima Mulilo and Namibia's borders with Angola, Zambia and Botswana were closed.

After the initial assault, government forces repelled the attack and rounded up rebel fighters and suspected civilian sympathizers. Over 300 people were detained on suspicion of participating in the attack, sympathizing with the alleged secessionists or assisting them to plan or launch the attacks.

During that time, most of the detainees stated that they were tortured at the time of their arrest and during interrogation. The detainees report that they were systematically punched, hit with rifles and beaten with sjamboks by members of the security forces, and were denied medical treatment.

In some cases their injuries were recorded in reports of medical examinations conducted after their release or in photographs taken by lawyers.

Since that time, the Legal Assistance Centre has fought tirelessly to represent the men rounded up during the Caprivi attacks in protection of their constitutional rights.

In 2008, more than 100 men involved in the Caprivi uprising remain in prison, despite never being convicted of a crime. A criminal trial is underway between the State and the accused with government-appointed attorneys representing the men. In a series of civil cases, the LAC continues to represent more than 100 clients that call on government to compensate them as victims of torture while in police custody in 1999.

In 2008, extensive preparations were attended to in respect of 17 Caprivi torture matters which went to trial in May, June and July 2008. This included numerous court notices, requests for additional particulars,



The LAC's Advocate, Lynita Conradie, consults with clients involved in the Caprivi case

subpoenas, supplementary discovery, bundles, indexing and lengthy consultations with Counsel, clients and witnesses.

A number of scheduled trials were postponed to 2009 due to inter alia: the court roll being too full, counsel not being available and a judge's conflict of interest.

On a positive note, five of these Caprivi matters were subsequently settled out of court, in favour of our clients, in November 2008.

The Caprivi matters, and the use of torture by police, continue to be a priority of the unit. In 2009, several cases are proceeding to trial. The LAC believes a true test of a democracy is how we treat our "enemies" and not our friends. Therefore, it is extremely important that those who acted with impunity be called to account for their actions.



# **CASE STUDY: SAVIOUR TUTALIFE**

Born: 4 August 1964

EDUCATION: FINISHED GRADE 12 HOME: KAPAKO VILLAGE, CAPRIVI RESIDES: WINDHOEK CENTRAL PRISON

### In his own words\*:

"On the 9<sup>th</sup> of August 1999, I returned from in Botswana where I was staying. At that time, I presented myself to the tribal authorities to announce that I had returned. However, as I was going to the tribal authorities, I found two police officers who took me to the Katima Mulilo Police Station.

Once inside the police station, I found approximately 12 police officers with sjamboks. They told me to lie down on my back. I did, and they started to whip me. Actually, I should not use the word whip or beat, because what happened was exceeding beating. They were flogging me, like I stole something important. But then one tall man, a white man, came and stopped them.

Later, I was taken into an office. The police officers instructed me to take off all my clothes and I did so. Then they told me to take off my underwear. There were 4 women officers and 2 male officers there. Then, the warrant officer started flogging me with a sjambok onto my back. He started beating me and those four women also came and they joined and beat me. On my back I have got scars that emanated from the beating.

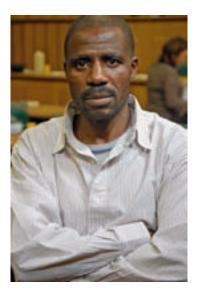
After they beat me, the warrant officer instructed me to place my pointing figure into the floor and said I must rotate for 250 rounds. As I was rotating, I became dizzy, because that day I was not given anything to eat and then I fell down. When I fell, I was kicked in my left upper jaw and lost one of my premolar (tooth). Then he said I should not spit the blood inside his office, but to swallow the blood. I started swallowing the blood.

Then after that, the warrant officer brought a plier or a clamp and then another plier and he punched onto my balls, my scrotum and another into my small finger. Then he gave the plier which was at his other hand to the lady, to pull, and then the lady could not do so, she refused. So then he pulled, pulled me towards where the lady was, even though I was naked. And then he pulled me, but then I started shouting, I cried out. Then with a high voice. Then the tall police officer came back and stopped them.

After that they stopped. But after the tall police officer left, the warrant officer brought out a rifle and then he attached the bayonet at the front. Then he strengthened it. And then stabbed it to me, into my left thigh. I have got a scar there. After, he hit me with the bayonet, onto the

left side of my face. I have another scar here..."

Mr. Tutalife goes on to detail how he was kicked in the ribs, in the groin, how again a cable was tied around his scrotum and it was pulled. Later, after the alleged beating stopped, Mr. Tutalife says he was taken to a small room, called the Killing Room, to



spend the night. In that room, he says, a coffin with a dead body inside it, was also present. There was nothing to eat, no blanket to cover himself.

The following day, Mr. Tutalife says he was electrically shocked and fell unconscious. He points to more scars, on his head, that he says he sustained during the beatings after he returned to consciousness.

For 12 more days, Mr. Tutalife says he was routinely beaten and stayed in the Killing Room. Finally, on the 22<sup>nd</sup> of August, 1999, Mr. Tutalife was transferred to Grootfontein Prison and, a few days later, to Houmoed Police Camp near Gobabis. After two months, he was returned to Grootfontein and on 17 November 1999, more than three months after entering the Katima Police Station, he appeared in court.

In June 2008, a civil case, where Mr. Tutalife asked the Ministry of Home Affairs to compensate him financially for the pain and suffering he endured while at the Katima Police Station, began proceedings. Due to postponements, in February 2009, the case was heard before a judge. During this time, several Namibian Police Force members who were in Caprivi in 1999 denied using various methods that could be described as torture. The case is expected to conclude in September 2009 and will then await judgment.

\*(select passages taken from court transcript)



# CALLING POLICE ACTION INTO QUESTION

Huricon is currently taking on several cases questioning police officer's actions. These cases call on the Ministry of Safety and Security to compensate victims of police violence and/or negligence.

# **Examples of cases:**

Huricon is asking for compensation from the Ministry of Safety and Security on behalf of a client who was shot by police.

The October 2008 trial of B Kaunuwa against the Ministry of Safety and Security was heard in the High Court. During the court case it was revealed that police shot the LAC's client whilst they were attempting to capture another suspect in the process of fleeing. The police shot the client instead of the suspect and then alleged that the police officer tripped. In court it was denied that the officer apologized directly to the client after the shooting, saying he had meant to shoot the suspect, as the client stated in his testimony. Judgment has been reserved.

In another case, Huricon is calling for compensation for the family of a man who obtained access to a firearm whilst being interrogated by police officers at a police station and subsequently committed suicide. During this matter, which went to trial in the High Court in 2007 and resumed in 2008, government made certain admissions relating to the negligence of the police officers involved.

However, government pleaded that any damages granted be apportioned against the Plaintiffs. Government also argued that the mother of the deceased was not indigent and, furthermore, that the probability was high that the deceased would have been found guilty of murder and gone to prison for a long time and therefore would not have been able to earn an income. The court subsequently found that the mother of the

deceased was not needy and therefore could not claim damages. In respect of the maintenance for the son of the deceased, the court found that apportionment applied and did so to the tune of 80/20 which means that the government is only 20% liable.

An appeal has been noted by the mother of the deceased's son which will be heard in the Supreme Court in 2009.

In a third matter, a case calling police to account for their actions in respect of unlawful arrest, detention and police assault, was finalized in the Magistrate's Court. The case followed a situation where a number of police officers aggressively entered onto the client's premises in search of stolen bread. When the clients questioned the police about their actions, the clients were assaulted. The trial lasted two days and judgment was reserved. A positive judgment was ultimately handed down in December 2008 with client being substantially successful, the court finding that only the claim for failure to provide medical attention was not proved.

### OTHER LITIGATION MATTERS

During June 2008 the application for a *curator bonis* in the Masati matter (client was shot by an NDF member but is not able to handle his own affairs) was finalized. Government agreed to settle this claim but Huricon could not accept this settlement on the client's instructions since he was not mentally able to conduct his own affairs. A curator had to be appointed in Motion Court and the monies are now to be paid over to the Guardians Fund with the direction that monthly payments are made to the *Curator*.

### **GENERAL MATTERS**

In addition to the settlements already mentioned, a further assault matter was settled due to the fact that all client's witnesses could not be traced and the doctor who had treated client had returned to Cuba.

Huricon is also still assisting a number of Caprivi detainees in claiming their pensions and other benefits from the Government of the Republic of Namibia, as well as numerous other small issues which effect trial-awaiting detainees. Huricon has taken on this role of facilitator in that the detainees do not have funding to recruit legal practitioners to guide them in this process. Consequently their ability to access their rights are severely impaired.

# **TRAINING**

Huricon recruited and assisted in the training of a candidate legal practitioner during 2008.



The co-ordinator, Toni Hancox, sits on the board of directors of the Law Society of Namibia

# INVESTIGATING CLAIMS OF ASSAULT IN PRISON

During 2008, it came to Huricon's attention that the prison warders were allegedly utilizing pepper spray to recover cell phones which had been hidden in the anus of certain inmates. It was decided not to litigate each individual claim but rather to call upon the Commissioner of Prisons to launch a commission of enquiry into the incident. This has duly been attended to and the outcome of the investigation is awaited whereafter same with be forwarded to the Office of the Ombudsman.

# LEGAL SCREENING AND ADVICE

Huricon assisted with screening new clients and giving advice and referrals when appropriate. Clients are screened personally and by telephone. In addition, queries by mail are received on a daily basis and are almost exclusively dealt with by the Huricon coordinator. This service is a small attempt to provide some free advice to clients and at least refer them appropriately even if the matter does not fall within the Legal Assistance Centre's mandate or cannot be taken on due to lack of funding.

### SUPPORT TO OTHER ORGANISATIONS

The co-ordinator of Huricon sits on the board of directors/board of trustees of several Namibian organizations and regularly attends meetings relating to their activities. She is:

- a member of the Executive Committee of the Professional Arbitration and Mediation Association of Namibia (PAMAN). One of the objectives of PAMAN is to promote socio-economic development in Namibia.
- a Councillor of the Law Society of Namibia since 2007 and continued in this capacity in 2008, bringing a more intense human rights presence to the Council as a result.
- a Commissioner of the Law Reform and Development Commission (LRDC), a statutory body tasked with reviewing current legislation and reviewing new

legislation.

The coordinator also works closely with three children's trusts that benefit previously disadvantaged children. These trusts are Hoofbeats Trust, Archillen Gawanab Trust and Maria Geelbooi Trust.

# WORKSHOPS, LECTURES AND ANCILLARY MATTERS

Aside from providing professional support to other organizations, the co-ordinator organized and attended to workshops, lectures and ancillary matters. Some of these activities included:

- Reviewing the new Motor Vehicle Accident Act and furnishing comments via the Standing Committee on Legislation of the Law Society.
- Presenting human rights training at the police college.
- Chairing a talk on the Right to Water at the Franco-Namibian Cultural Centre where the Director of the Legal Assistance Centre, Norman Tjombe and a representative from the Desert Research Foundation of Namibia addressed the gathering.
- Travelling to Finland to take part in a course on the "Justiciability of Economic, Social and Cultural Rights" at the University of Turku/Abo.
- Attending a meeting of the Human Rights and Democracy Sector of Nangof.
- Attending the launch of two publications, namely the Law Society's / Legal Assistance Centre's launch of a booklet on Arrest and Detention and the Aids Law Unit's launch relating to the situation of prisoners.

# CONCLUSION

It is with regret that we turn potential clients away since we know that this currently is the last port of call for such clients. However, Huricon can no longer viably engage itself in issues where the law has previously been established or confirmed by our courts. Huricon must rather engage itself in issues that have not be properly ventilated and addressed. In this regard, it would appear that economic, social and cultural rights are increasingly moving to the forefront.

Whilst civil and political rights are the focus of any new democracy the issue should surely be that those first generation rights must lead to an acceptable standard of living, no matter whether one lives in the so-called "third world" or not.

Since this is currently not a reality in Namibia, it is hoped that Huricon will continue to make a difference, one case at a time.

# NAMIBIAN LAW REPORTS



One of the most important tools of a lawyer's trade is their books. If one does not know the answer; it is very important to know where to find it, and more often than not, the answer lies in a judgment given in the High Court or Supreme Court.

One of the LAC's projects is to make judgments easily accessible in the form of The Namibian Law Report. The Law Report is compiled and edited by Adv. Lynita Conradie at the LAC, and printed and distribute by *Juta & Co.* in Cape Town. The Law Report contains the most important judgments given by Namibia's Labour Court, High Court and Supreme Court. While many South African cases are still referred to in Namibia, we are slowly building up our own collection of judgments.

As the LAC celebrated its 20<sup>th</sup> anniversary in 2008, the Namibian Law Report marked its 20<sup>th</sup> edition. Judgments are chronicled in these books based on 'judicial precedent', meaning that previous judgments help lawyers to determine whether or not a client has a good case, and serve as legal authority in a particular case.

The Law Report is published in annual volumes dating back to 1990, with the first volume launched in 1995. We have slowly but surely caught up with the backlog. In 2008, two volumes of important cases were chronicled from the year 2007.

The Law Report is important not only because it contains important judgments, but also because each volume contains an index published in cumulative form every 10 or 15 years. This index contains a table of cases, a subject index and case annotations. This is a system of cross-referencing that enables a lawyer to

find out which previous cases have been referred to in a particular judgment. The subject index is compiled from a summary which appears at the beginning of each judgment. This summary indicates what the case is about, for example, a case on contract, a criminal case dealing with sentencing or a case dealing with damages awarded in a motor vehicle case.

The Law Report is a vital service to the whole legal community, including judges. However, there is a real danger that this service will soon cease as funding for the project has run out. As the Report serves a relatively small market, its publication is not financially profitable. It is well known that the more books printed, the cheaper the printing costs. Moreover, the editing of the Report requires a high level of skill in both language and law, and it is a trite principle that 'you get what you pay for'. It is a time-consuming exercise, as each reference in a judgment must be checked, and the editor has to have a clear understanding of a judgment to be able to write the summaries that form part of a case report.

While Law Reports are not books that members of the public would read, cessation of the service will directly affect the administration of justice in Namibia. Our system of judicial precedent requires that lawyers have access to previous judgments, which are in a systematic format to enable a quick and efficient reference system.

If a doctor does not have a stethoscope, he or she will not know whether a patient's heart is in order; if a lawyer or judge does not have Law Reports, he or she cannot perform his or her function efficiently and effectively.

# ZIMBABWE ACTION

The LAC became a leading voice in calling for the end of human rights abuses in neighbouring Zimbabwe, following the escalation of violence as a result of the March 2008 presidential elections.

Throughout the year, Zimbabwe's police imposed severe restrictions on the rights to freedom of association and assembly of human rights defenders, students, trade unionists and members of the MDC. Police used excessive force to break up peaceful demonstrations. Detainees in police custody were tortured, in particular by being beaten severely, and ill-treated.

The LAC called on Namibians to stand up for the human rights of their Zimbabwean neighbours in several ways:

### **BOYCOTTING ARMS SHIPMENT**

After a Chinese vessels carrying millions of rounds of AK-47 ammunition, rocket-propelled grenades and mortar rounds, was refused to unload its cargo in Durban, South Africa several reports suggested the ship was headed to the Namibian port of Walvis Bay to unload its cargo. Immediately, the Legal Assistance Centre liaised with dock workers who refused to unload the ship in the Walvis Bay. At the Windhoek head office, the LAC prepared court documents in case the ship docked in Walvis Bay. In the end, the ship boycotted Namibia's ports. Later reports suggested the ship refueled in Angola before turning around and heading back to China.

### PROTESTING THE SALE OF WEAPONS

A protest was organized with several other prominent human rights organizations in Namibia to condemn the sale of Chinese weapons to Zimbabwe. Carrying signs condemning and chanting anti-war messages, the crowd of hundreds of people marched down Windhoek's streets and descended upon the Chinese embassy in a mass rally.

# COURT ACTION TO DECLARE ZIMBABWE GOVERNMENT ILLEGAL

On June 27, Mugabe ran alone in the presidential run-off election after the main contender and opposition lead Tsvangirai pulled out, citing statesponsored violence against his supporters. The poll was condemned around the world and criticised by regional election observers. In the months that followed, the LAC launched an urgent application at the Southern African Development Community (SADC) Tribunal



to the election of Robert Mugabe illegal and force regional leaders to stop inviting him to heir meetings. The LAC, acting on behalf of the Zimbabwe Exiles Forum, pointed out that SADC Treaty requires a state party be suspended immediately oncethere is an unconstitutional change in government. The case was ultimately withdrawn after the political parties entered into a power sharing agreement.

# WEEK OF ACTIVITIES TO RAISE AWARENESS ABOUT THE PLIGHT OF HUMAN RIGHTS DEFENDERS IN ZIMBABWE

Through a week of public activities, including a concert, theatre production, film, art exhibition and human rights discussion, the week of activism called on Namibians from all walks of life to ask their government to speak out and protect human rights for the people of Zimbabwe. An estimated 1,700 people attended the events, sponsored by Amnesty International, which concluded with a free concert, where some of Namibia's leading musicians joined the rallying call to protect human rights in Zimbabwe.

# ADVOCACY ON SEXUAL VIOLENCE AS A TOOL OF POLITICAL SUPPRESSION

Sexual violence has long been used as a weapon of political suppression by Zanu-PF in Zimbabwe, and is becoming increasingly endemic. An LAC opinion article written by GR&AP intern Rebecca Stubb raised awareness about reported cases of rape by government-backed militias against MDC opposition members or their families.

# IN CLOSING

# BY LAC DIRECTOR NORMAN TJOMBE

It starts in a shack where electricity has not yet reached.

A pregnant woman is due to give birth. She is told by medical practitioners that the safest method for her and the baby is to give birth by caesarean section. When the time comes, she travels to the hospital and prepares for the operation that will produce new life.

As she lies on the operating room theatre, a nurse hands the woman a form to sign. She doesn't understand. The language is not her own.

'Sign it' she's told. 'Or else we won't operate.'

Realizing there's little option, she signs. Her baby is born. Months later, at a medical check up when she inquires about family planning, she's told that there's no need. She's been sterilized.

This situation, in various versions, has happened to at least 15 women across Namibia who the LAC is currently representing. Their rights to found a family, non-discrimination and dignity violated because they are poor, they don't speak English, they have little education and they are HIV positive.

This is precisely why the Legal Assistance Centre remains relevant in today's Namibia. It continues to be a place of refuge for people whose rights have been violated and wish to fight for justice.

While the organization celebrated 20 years in 2008, the LAC's mandate – to create and maintain a human rights culture in Namibia, remains a dream, rather than a reality.

Throughout the year, LAC staff met with people whose rights have not been realized. These include, but are not limited to:

- Children who face massive barriers in reaching their full potential.
- Women who continue to face major obstacles in reaching true equality.
- Ethnic Minorities who continue to be marginalized in their communities.
- People living with HIV/AIDS who are routinely discriminated against.
- Victims of violence who are searching for accountability from their offenders.
- The landless whose homes have been removed.
- Prisoners who reside in inadequate conditions.

To assist people whose rights remain to be realized, the LAC approaches human rights in a multi-functional approach: training, research, litigation, law reform, advocacy and legal advice. In 2008 this was accomplished through:

- Training sessions where thousands of people were armed with knowledge about their rights in all 13 regions in Namibia. People gathered under trees, in classrooms, in church halls and around radio sets to learn about Namibia's Constitution, the country's laws and the rights guaranteed to them.
- Releasing groundbreaking research publications that were instrumental in affecting policy discussion at the government level.
- Litigating on behalf of clients whose rights have been violated and are searching for justice.
- Providing legal advice on government legislation on both high-level government committees and when consulted by various Ministries.
- Advocating for change in the Namibian government's silence on the deterioration of human rights in Zimbabwe through protests, media partnerships, drama, music, panel discussions and film.
- Offering advice to clients who visit the LAC with legal queries.

The LAC gives an incredible amount of thanks to the donors who make these accomplishments possible and who help provide free service to those who can least afford them. While funding for human rights work in Namibia is becoming increasingly difficult to attract, this makes the LAC double appreciative to the donors who continue to believe in the value of our work.

On a personal note, I would like to thank the committed staff and Trustees of the Legal Assistance Trust who served the LAC during 2008. It is gratifying to see that there are people who are committed to creating a culture of human rights in Namibia and working on behalf of the voiceless.

As the organization looks ahead, it retains the dream that every Namibian will soon know their rights and that these rights will be protected. In the meantime, the LAC continues to be a voice for those have suffered human rights abuses: the children, the women, the ethnic minorities, the people living with HIV/AIDS, the victims of violence, the landless, the prisoners and the shack where a pregnant woman lives.

# **FINANCIAL STATEMENT 2008**

Donor	2008	2007
GENDER, RESEARCH & ADVOCACY PROJECT (G	RAP)	
HIVOS	558863	473660
Royal Danish Embassy	294380	351000
Namibia Institute for Democracy	45916	304084
French Embassy	412261	0
Royal Netherlands Embassy	18507	74672
Peace Trust	0	44789
UNICEF	232100	37500
Mulage Lawyers Association	0	18225
Law Reform & Development Commission	0	15900
Embassy of the United States of America	0	15513
Other donors	0	4506
Interest received	16573	3094
Consulting fees received	37910	8326
Legal fees recovered	30000	0
Publication sales	28466	24041
Subtotal GR&AP	1674976	1375310
AIDS LAW UNIT (ALU)		
IBIS	823675	892195
Ford Foundation	616915	161447
Global Fund	601600	N/A*
Population Service, Social Marketing Association	202945	224423
Open Society Initiative for Southern Africa (OSISA)	2189	336250
Other donors	18995	35572
PACT Agencies Collaborating Together	1272168	1152267
Other income	61470	20307
Interest received	2736	131
Subtotal ALU	3602693	2822592
LAND, ENVIRONMENT & DEVELOPMENT PROJECT	CT (LEAD)	
Embassy of Finland	570000	0
Namibia Nature Foundation	0	100086
HIVOS	558862	473660
Evangelishcher Entwichlungsdienst	2091191	862615
Namibian Association of Norway (NAMAS)	33834	65000
Other donors	0	5000
Icelandinc International Development Agency (ICEIDA) (consulting income)	0	79250
Namibia Institute for Democracy (consulting income)	3800	0
WIMSA (consulting income)	10000	85000
Gesellschaft für Technische Zusammenarbeit (GTZ) (consulting income)	152614	117341
Land Matters (consulting income)	79786	0
Etosha Haikom (consulting income)	74700	0
Stiftung Open Society (consulting income)	6720	0

TOTAL	13368931	11082704
Subtotal WINDHOEK CORE OFFICE	3139091	3276956
Other Income	1571872	1102257
Pupkewitz Holdings	1500	1000
Nassau Community College	346	0
Namdeb	0	100000
Namibia Law Report	211692	0
Ministry of Environment & Tourism	0	35100
Legal Resource Foundation	7919	0
Embassy of Sweden	0	1013171
Basler Africa Bibliographien	500	0
Amnesty International	55856	0
Africa Group of Sweden	1289406	1025428
WINDHOEK CORE OFFICE		
Subtotal HURICON	1139283	666027
Other donors	7681	3476
Interest received	9157	6039
Legal fees recovered	19957	45510
US Embassy	248961	0
Ford Foundation	853527	344821
International Commission of Jurists	0	40918
The Legal Assistance Trust	0	225263
HUMAN RIGHTS & CONSTITUTIONAL UNIT (HUR	ICON)	
Subtotal CPVT	11487	1094054
Interest received	11487	3454
Embassy of Finland	0	1090600
COMMUNITY PARALEGAL VOLUNTEER TRAININ	G (CPVT)	
Subtotal LEAD	3801401	1847765
Publication income	6761	26577
Interest received	77164	4649
Namibia Economic Policy Research Unity (NEPRU) (consulting income)	4000	0
German Embassy (consulting income)	23980	0
Institute for Security Studies (ISS) (consulting income)	20000	0
(consulting income)	87989	28587

Project	Income	Expenses
AIDS Law Unit (ALU)	3602693	4073780
Community Paralegal Volunteer Training (CPVT)	11487	55961
Gender, Research & Advocacy Project (GR&AP)	1674976	1320182
Human Rights & Constitutional Unit (HURICON)	1139283	917413
Land, Environment And Development project (LEAD)	3801401	2333102
Windhoek Core Office	3139091	3778760
TOTAL	13368931	12479198

 $Complete\ Financial\ Information\ can\ be\ downloaded\ from\ the\ LAC's\ Web\ Site\ at:\ http://www.lac.org.na/finances.html$ 

