

# LEGAL ASSISTANCE CENTRE

*Fighting for  
human rights  
in Namibia  
since 1988*



**ANNUAL REPORT 2011**

# 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.

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# Contact Details



4 Marien Ngouabi Street (formerly named Körner Street), Windhoek • PO Box 604, Windhoek, Namibia  
Telephone (264) 061-223356 • Fax (264) 061-234953 • Email [info@lac.org.na](mailto:info@lac.org.na) • Website [www.lac.org.na](http://www.lac.org.na)





# LEGAL ADVICE AND LITIGATION



The Supreme Court of Namibia

**L**itigious matters are generally dealt with by the legal practitioners within HURICON in conjunction with the other projects/units of the Legal Assistance Centre (LAC).

## Strengthening our democracy

The separation of powers is essential in a working human rights-based democracy. The Magistrates Act 3 of 2003 grants to the Magistrates' Commission powers in relation to, inter alia, the appointment and dismissal of Magistrates. However, even after the Magistrates' Commission followed the required disciplinary procedure and then recommended to the Minister of Justice the dismissal of a certain Magistrate, in line with the relevant legislation, the Minister failed to dismiss the Magistrate. The LAC was approached to act on behalf of the Magistrates' Commission to force the Minister of Justice to comply with the recommendation. In 2010 the matter was argued before a foreign judge who granted the Minister of Justice 14 days in which to dismiss the errant Magistrate. The Minister of Justice appealed the matter.



The LAC continued to work on the issue in 2011, and in April the LAC argued against the appeal. Judgement has been reserved by the Supreme Court. This matter illustrates the importance of separating the three arms of government, and so to assist in keeping the judiciary independent. It also demonstrates the long-term nature of many of our cases.

## **Freedom from torture / police assault**

Another example of our long-term court cases is our continuing action on behalf of the “Caprivi detainees” in their quest for compensation for torture suffered at the hands of government agents following an alleged secession attempt in late 1999. The LAC first started working on these cases in 1999. The cases that are easiest to settle with government are those with strong evidence, such as photographs of injuries and independent witnesses. Unfortunately some of the LAC’s clients do not have such evidence, and this poses a major challenge for the cases still to be heard.

In another case of police assault, in which our client was shot by a police officer negligently discharging his firearm on a busy street at midday, the matter was successfully settled. After judgement in the client’s favour on the merits of the case was received, the Ministry of Safety and Security settled the claim, with the compensation provided being substantially the same as the amount originally claimed.

## **Protecting the rights of public servants**

The LAC is acting on behalf of the Public Service Union of Namibia in its quest to ensure that prison officials have the right to join unions, this being a constitutionally protected political right that was denied them with the promulgation of new labour legislation. In 2011 the LAC filed and served an application challenging the constitutionality of the Commissioner-General’s directive that prohibits prison staff members from forming and joining trade unions as provided for in Article 21 of the Namibian Constitution. The Government opposed the application and subsequently filed answering papers. The case continues and will be heard in 2012.

## **Protecting the rights of prisoners**

The LAC has continuously advocated for the human rights of all persons, including those incarcerated, and has litigated on numerous occasions in the quest to ensure the respect of such rights by all parties. As the LAC is the only public interest law firm in Namibia, with a reputation for “fighting for human rights since 1988”, legal practitioners of the LAC were appointed as referees tasked to compile a special dossier on various conditions in Windhoek Central Prison. This need arose from an urgent High Court application brought by a prisoner, in which he alleged that, inter alia, the prison authorities failed to provide proper nutrition

generally, and specifically to those inmates who require special foods due to their medical conditions. The LAC was requested to file a report with the Registrar of the High Court detailing the findings and recommendations. The LAC has attended to this investigation, and has filed a report with the High Court. A response from the Commissioner of Prisons is awaited.

## **Protecting rights of families**

Legal advice is continuously provided to non-Namibians married to Namibian citizens, and to permanent residents who are being treated as foreigners in Namibia. While negotiations were previously underway with the Office of the Ombudsman to consider a joint legal challenge, the LAC has been requested to put the matter on hold due to direct negotiations between the Ombudsman and the relevant Ministry which will hopefully yield positive results. The LAC continues to follow up on the progress with the Ombudsman. As discussed later in this report, in 2011 the LAC also strengthened its relationship with the Ministry of Home Affairs and Immigration, and entered into discussions on how the LAC can assist the Ministry with law reform as well as the development of simplified information for the public. We hope that in 2012 these projects will go forward, this being subject to funding.

## **A place to call home**

The LAC offers legal advice in order to provide special assistance to the indigent in accessing their human and constitutional rights in a number of areas relating to urban housing, as well as on issues pertaining to communal land reform. Examples of the LAC's work in this area include assisting clients in cases where a marital home has been sold without the spouse's consent, and offering legal assistance in disputes between local authorities that are using land in areas designated as towns, and the traditional owners of such land.

Another area addressed in 2011 is that of land and housing for low-income groups. The LAC assists groups established to enable low-income groups to access land and housing. Given the statistics showing that self-help projects have reaped more success than the official government programmes in the provision of low-income housing, this work has potential to make a real difference in the socio-economic conditions of disadvantaged Namibians.

## **Conservancies are doing it for themselves**

The conservancy programme in Namibia has provided a number of success stories and is used as an example in the Southern African region. The LAC provides legal support to communities and government alike by drafting constitutions and codes of conduct, and by facilitating the development of by-laws and providing legal advice on the integration of conservancies and community forests.

## The rights of indigenous peoples / traditional authorities

The Hai||om San Community live in one of the most well-known nature reserves in the Southern African region, namely Etosha National Park. The LAC continues to support them in their struggle to assert their traditional and ancestral rights by providing legal advice and support. The LAC is currently producing a children's book on the Hai||om culture and tradition. The LAC also provides assistance to San and other traditional authorities who are engaging with government in a quest to have themselves legally recognised.



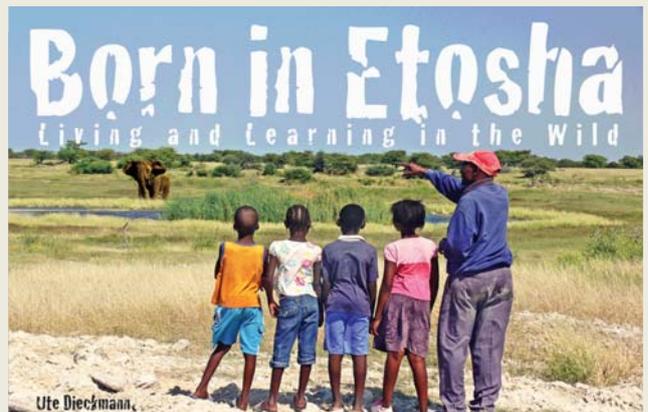
Discussing the constitution of Wuparo Conservancy in Caprivi



Meeting with the San community of Oshivelo, Oshikoto Region



Developing a village resource map with San of West Caprivi



The cover of the forthcoming children's book on the Hai||om

## Tension between the environment and industry

A legal challenge mounted to protect environmental resources against a Canadian-owned mining company's quest to utilise scarce underground water resources in its mining activities went from the High Court to the Supreme Court in 2011. While the company was ultimately not allowed to act on the water extraction permits incorrectly given to it, the issue of what entity has legal standing to sue on behalf of the environment was unfortunately never resolved, and is something that will have to be addressed in the future when the opportunity arises. The LAC believes sustainable development must increasingly become a focus of government and civil society role players in the years ahead, given this arid country's fragile ecosystem. Care must be taken to protect the environment for the generations to come.

# My body, my rights

The LAC has 18 clients who were sterilised without their informed consent after delivery of their babies in state hospitals, allegedly when it was established that they were HIV positive. This is a grave violation of these women’s rights to physical integrity, to say the least. The LAC prepared court documents in 3 of the 18 cases and proceeded to litigate on the clients’ behalf. Once these matters became public, other countries in the region and the world indicated their interest, and it would seem that the problem is not confined to Namibia. The cases commenced in 2010 and were finalised in 2011, but judgement has yet to be handed down. This case has had a huge impact since it has highlighted a problem that is not an isolated one. Women all over the region have spoken out loud and clear, saying, “My body, my decision!” The publicity has been invaluable in raising the rights issues involved. In fact, as a direct result, government officials have reported that nursing staff working in state hospitals are no longer allowed to obtain consent for sterilisations, and that registered doctors must attend to this instead.

## Discrimination on the basis of status

Discrimination on the basis of HIV status, and more particularly the denial of employment as police officers despite being healthy and capable of the physical requirements of the job, came to the fore as a concern for the LAC in 2011. The LAC undertook legal research and gave advice to those affected. Research is also ongoing in relation to insurance policies excluding HIV-infected persons from receiving benefits, and how this can be addressed in the absence of a regulatory body which can address the issue within its mandate.

## Legal advice and information

In general, staff at the LAC dispense legal advice and information on a daily basis to walk-in clients. The information provided pertains to, inter alia, unlawful disclosure of HIV status, rights in the workplace, denial of access to land owned by clients, repudiation of a contract or deed of donation, how to apply for a protection order, how to apply for maintenance, and how to write a will. In 2011 the LAC also assisted walk-in clients with an application for a tribunal hearing in terms of the Communal Land Reform Act. If the LAC cannot assist a person either because the matter is not within our mandate or because we do not have the necessary resources to meet the volume of demand, we always attempt to refer the person to an organisation or government directorate that can assist.

Client screenings also provide an opportunity to disseminate the many publications that the LAC produces. Publications brought out in 2011 are referred to in more detail later in this report.



# EDUCATION AND TRAINING



An AIDS Law Unit advocacy training workshop in 2011

The education and training activities of the different LAC projects/units in 2011 are summarised in this section.

## Gender Research and Advocacy Project (GR&AP)

GR&AP hosted 26 workshops in 2011, reaching 1 237 people (507 men and 731 women). The workshops covered a range of topics. Three of the GR&AP's larger workshop projects are discussed below as examples.

The strategy to conduct a series of community workshops for selected communities in isolated rural areas which began in 2010 was extended into 2011. The goal is to provide ongoing support to these communities to empower them to address problems on their own. Feedback from the project paralegal illustrates the effectiveness of this programme:

*The issue of domestic violence and alcohol misuse remains high on the community agenda, but the community members confirmed that they have tried to implement change since the previous visit. For instance, many mothers visited the Ministry of Gender Equality and Child Welfare and the Ministry of Home Affairs in Gobabis to apply for social grants and to register children. They further said that maintenance issues are still not satisfactorily handled but they are encouraging mothers to apply for it and they also approached the local Ministry of Education offices to apply for exemptions from paying school fees where necessary.*

A trial workshop with church leaders took place in 2011. The purpose of the workshop was to strengthen community outreach programmes by building the capacity of church leaders to address issues related to gender and the law.

GR&AP responded to requests for workshops from stakeholders, providing workshops for government and civil society throughout the year.

For example, the fifth training workshop in the past two-and-a-half years for the Ministry of Gender Equality and Child Welfare (MGECW) took place in 2011. At the start, those who had participated in previous workshops were given the opportunity to share with new participants how the workshops had helped them, and how they had been actively involved in helping their communities. Following are examples of the information shared:



A GR&AP training workshop in 2011

- Participants from all 13 regions reported that they have been actively involved in sharing information with community members on a daily basis.
- A participant from Otjozondjupa Region reported that she and her colleagues run community workshops in their region every third month to talk about problems in the community.
- Pastors from Caprivi Region reported that they conduct outreach in the community, speak about gender problems on NBC National Radio every Saturday and provide help to women’s organisations.
- All gender liaison officers employed by the MGECW reported that they join other stakeholders in outreach activities to address community members.
- Participants from at least three regions reported being involved in radio programmes where they talk to community members to educate them on gender-related laws on a monthly basis.
- At least six participants stated that whenever they are stuck with a problem, they contact the LAC training programme facilitator to ask for assistance.

# Land, Environment and Development (LEAD) Project

LEAD's involvement in education and training activities took a range of guises, including:

- facilitating a workshop on behalf of the International Labour Organisation (ILO), in which international instruments and mechanisms pertaining to the rights of indigenous communities in Namibia were considered;
- leading a research training workshop for researchers for the "Reassessment of the Status of San in Namibia";
- presenting to a conference of the ILO possible models for the structuring of the San Council as an organisation advocating for the rights of the San of Namibia; and
- attending and providing input into a review of the provisions of Namibia's Forestry Act on behalf of the Department of Forestry.



LEAD facilitated an ILO workshop on the promotion and implementation of the rights of indigenous peoples in Namibia.



An LEAD training workshop in 2011

## AIDS Law Unit (ALU)

Highlights of ALU's education and training programme in 2011 include the following:

- ALU conducted training for police on "interviewing the child witness" for 23 police officers based at the Woman and Child Protection Unit in Windhoek. These officers were very enthusiastic and grateful for the training, and the LAC has been requested to travel to all the regions to provide similar training to each of the 15 Woman and Child Protection Units.
- The Child Protection Programme and School Outreach Programme reached a total of 317 participants, and dealt with topics relating to children's rights, victims of child abuse, and court preparation for children and parents.



An ALU training workshop in 2011

One success achieved by the Child Protection Programme (CPP) was the case of a client who had been raped. The CPP started preparing the client for court in June 2010, and worked with the client throughout the court case which finally came to an end in May 2011. Because of this intervention, the client was able to give good testimony which resulted in the perpetrator (the father) being sentenced to 8 years in prison.

Other ALU education and training activities in 2011 included:

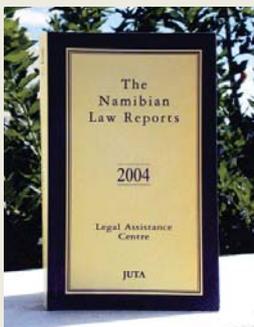
- a presentation to Grade 4-7 girls on topics such as HIV/AIDS, sexuality, sexual abuse, body changes and how to look after one's body;
- training on communication and advocacy for grassroots organisations in Caprivi and Kavango Regions;
- follow-up training on HIV/AIDS-related advocacy skills to community-based organisations, non-governmental organisations and regional organisations;
- formulation of a first draft training manual for Most at Risk Populations (MARPS);
- a public lecture on HIV/AIDS in the workplace from a domestic worker's perspective; and
- drafting of a guide to the Government's policy on Community and Home-Based Care Providers.



An ALU advocacy training workshop in 2011

## Namibian Law Reports

Since 1994 the LAC has published the *Namibian Law Reports* to keep the legal community (judiciary, legal practitioners and academics) and other users abreast with new legal precedents and developments in the legal system. In 2011, the finalised edited cases for Volume I and Volume 2 of 2011 were dispatched to the publisher (Juta).



Law Reports editor, Adv. Lynita Conradie

## Namlex

The LAC also produces the *Index to the Laws of Namibia (Namlex)*, this being an index of all the laws and regulations in force in Namibia. The goal of Namlex is to make the law more accessible to the public. Its starting point was the *Index to the Laws of Namibia* published by the NAMLAW Project under the direction of the late Advocate Anton Lubowski in 1987. The project was subsequently adopted by the LAC and is run by the GR&AP. The LAC has produced six updates (the last being in 2010). Record-keeping for the next update continued in 2011.



# RESEARCH, ADVOCACY AND LOBBYING

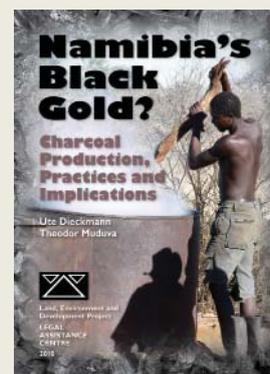


A Namibian charcoal producer pictured in "Namibia's Black Gold", a LEAD research report launched in 2011

The LAC drafted a chapter for the Institute for Democracy in South Africa's "Democracy Index". The chapter reported on the LAC's requests to a number of experts in the field of human rights and democracy-building to assess the current situation in Namibia and to allocate marks for progress made. This publication is to be launched in 2012.

LEAD's reassessment of the status of the San in Namibia commenced in 2011. (LEAD's first assessment report, *An Assessment of the Status of the San in Namibia*, was published in 2001.)

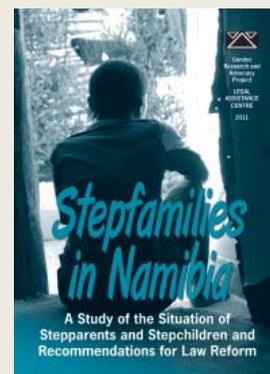
LEAD's research report titled *Namibia's Black Gold: Charcoal production, practices and implications* was launched in February 2011 by the Minister of Labour and Social Welfare.



LEAD has also initiated research on Namibia's proposed nuclear energy policy. The report will serve as a baseline recommendation to the Government as it moves forward to meet Namibia's growing energy needs.

GR&AP worked on three main research studies in 2011:

- a study on stepfamilies in Namibia (published in 2011);
- a study of the operation of the Combating of Domestic Violence Act 2003 (to be published in 2012); and
- a study of the implementation of the Maintenance Act 2003 (to be published in 2012).



GR&AP also worked on a range of smaller research projects in 2011, on topics such as public interest litigation strategies and the right to education.

ALU conducted research on sex work, child protection and communication and advocacy. This research is conducted primarily to inform the interventions undertaken by ALU and to add to the human rights discourse in Namibia.

HURICON continuously engages in research on the legal questions raised by litigation initiated and defended by the LAC on behalf of clients. This research informs litigation strategies, and is shared with other stakeholders in the interests of sound human rights jurisprudence in Namibia.

## Public education materials

### FILMS

GR&AP produced three films in 2011. The *Think Twice* package consists of two individual films about relationship issues: *Sex and Chocolate*, aimed at older teens, and *Teddy Bear Love*, aimed at slightly younger audiences. Both of these films were structured around the consequences of alternative choices, and both were produced in partnership with the Ombetja Yehinga Organisation (OYO). The LAC and OYO jointly screened the *Think Twice* package to over 12 000 people in 2011. OYO submitted *Think Twice* to the Lola Kenya Screen Film, where it received the Special Youth Prize. The third film was *Maintenance Matters*, which explores different maintenance scenarios grouped around a day in the life of a maintenance officer. This film was completed in 2011 and will be launched in 2012.



The LAC website banner announcing the launch of the film *Sex and Chocolate*



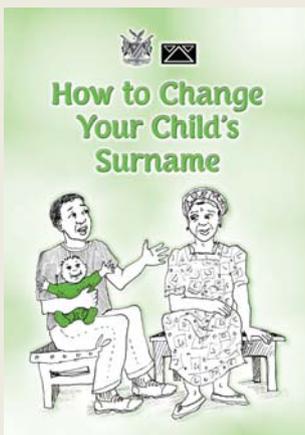
Vixen Hangula who directed the film *Maintenance Matters*

## ANIMATIONS

GR&AP piloted a new project of producing animations based on the popular and highly successful GR&AP comics. Two animations were produced in 2011: one on what to do if someone stops paying maintenance; and the other on how to get a protection order. The soundtracks of the animations were designed to do double-duty as radio skits.

## INFORMATION BOOKLETS AND FACTSHEET

GR&AP produced a booklet and factsheet on how to register the birth of a child (booklet produced in four languages, factsheet in one language), and a booklet on how to change a child's surname (four languages).



**BASIC FACTS ON REGISTERING A BIRTH** **FACT SHEET**  
Gender Research & Advisory Project  
LEGAL ASSISTANCE CENTRE  
Windhoek, Namibia, 2011

**What is a birth certificate?**  
A birth certificate is an official document issued by the Ministry of Home Affairs and Immigration when a birth is registered. The certificate proves the child's identity, date of birth, place of birth, and the name of one or both parents. You should register your child's birth as soon as possible after the birth. Birth registration is free.

**Six reasons your child needs a birth certificate**

- To access health services such as immunisation
- To access social welfare grants
- To enrol at school
- To get an ID card or passport
- To get married
- To vote

It is possible to do most of these things without a birth certificate, but it will be much harder because a birth certificate is the easier way to prove exact age.

**HOW TO REGISTER YOUR CHILD'S BIRTH**

**Notification of Birth**  
**When:** At the child's birth, or anytime up until the child is one year old  
**Where:** At the hospital where your child was born, or at the nearest Ministry of Home Affairs and Immigration office. Some registration courts also register births.

**Late Registration of Birth**  
**When:** Anytime after the child is one year old  
**Where:** At the nearest Ministry of Home Affairs and Immigration office. A late registration is not possible in any hospital.  
**To find the nearest Ministry of Home Affairs and Immigration office, contact the Ministry at 061-2922111.**

**What to bring for both types of registration**

- Your child's health passport (optional certificate will be accepted for late registration if the health passport is missing)
- ID card and birth certificate or passport of one or both parents
- If the child's parents are married: Marriage certificate or a statement from the village headman/woman if the parents are married under customary law
- If the parents are not married: The father must be present or provide a sworn statement confirming that his name should be listed on the birth certificate.

If you do not have the documents, the principal of your child's first school or the headman/woman of your village can make a sworn statement about your child's age and identity.

**Children born outside marriage**  
Either parent can register the birth of a child born outside marriage. A mother who is registering the birth of her child outside marriage DOES NOT need to get permission from the father. She also does not need to identify him.  
The law says that a clerk cannot force a woman to give any information about the child's father if she wants to register the child's birth in her own surname.  
If the parents are not married, the father does not have an automatic right to be listed on the birth certificate. He can be listed on the birth certificate only with the mother's consent.

**Where can I register my child's birth?**  
Sometimes, you can register at the hospital where you gave birth. If the hospital does not provide this service, or if your child is more than one year old, you should register the child at the nearest Ministry of Home Affairs and Immigration office.

**What documents do I need to register my child's birth?**

- Proof of birth (child's health passport)
- The original or a certified copy of the ID card and birth certificate of one or both parents
- If the parents are married to each other: the original or a certified copy of their marriage certificate OR a statement from the village headman/woman if the parents are married under customary law
- If you are a foreigner living in Namibia: your passport and the permit giving you permission to be in Namibia
- If one of the parents has died: a certified copy of the death certificate

Note that a child born to one Namibian parent and one foreign parent can hold dual nationality, if the other country allows this.

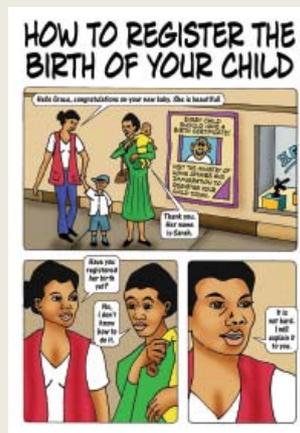
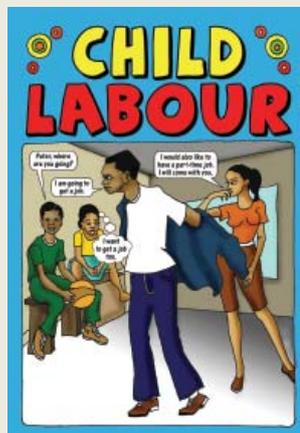
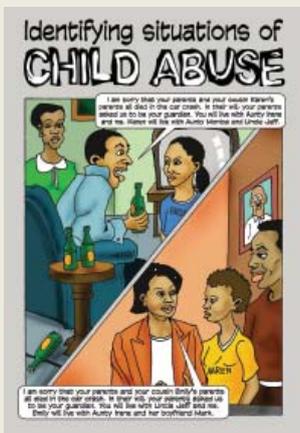
**We will tell this child John van Wyk is my father's surname. But your surname in January. We need to write your surname, or the surname of the father. If we write a different surname here on the health passport, you will have problems registering the birth of your child.**

For more details, see the LAC booklet pictured below. A digital version is available on the LAC website [www.lac.org.na](http://www.lac.org.na)  
Funded by the Dutch Ministry of Foreign Affairs, NDO3 Fund  
Partially funded by UNICEF  
The Ministry of Home Affairs and Immigration entered into the development of this fact sheet.  
Legal Assistance Centre (LAC)  
P.O. Box 6016, Windhoek, Namibia • Tel: 061-222259

## COMICS

GR&AP produced and distributed nine new comics in three languages in 2011 (see next page), bringing the GR&AP comic library to a total of 21.

# GR&AP COMICS PRODUCED IN 2011



## Other comics in the GR&AP comic library to date:

- What to do if someone stops paying maintenance
- Alternatives to corporal punishment (No. 1)
- Alternatives to corporal punishment (No. 2)
- How to get a protection order
- Rape: Should you withdraw a rape case?
- Rape in marriage
- What does gender equality mean in a relationship?
- Sexual harassment in the workplace
- Options when you are pregnant and you do not want the baby
- How to claim social security benefits for maternity leave
- Civil and customary marriages: The choices
- A new approach to the prevention and management of learner pregnancy in schools

All of the comics are available on the LAC website – see link on the last page of this report.

The birth registration comic is an excellent example of civil society and government cooperation. The Ministry of Home Affairs and Immigration assisted the LAC with the development of this comic. The Ministry was also able to assist the LAC with specific queries sent to us by SMS, and we referred a number of specific cases to individual staff at the Ministry for assistance.

The LAC constantly receives feedback on the effectiveness of our comics. Examples of the feedback are shown below.



*I juz wana CONGRATULATIONS 2 u because u always did good things 2 the national keep it up. The comic about 'wills', has put my parents minds at ease. Thank you!*

– SMS feedback from children

*I made a visit to Anker last week and distributed some of the comics ... . I made a turn to the primary school and the teachers thought the comic on bullying was very good and plan to use it in each of the upper primary grade classes. I thought it was of note that the teachers themselves found the comic very informative as a guide. I also met with the Clerk of the Community Court. I always make a point to take LAC comics to him as he is a very good distribution point, based at the Anker village traditional leaders and community office. He tells me the Afrikaans version of comics is most applicable for the Anker community and the one about making a will is very useful. I also visited the principal of the Kamanjab Secondary School. She thought the bullying comic was brilliant! She explained that the school now has a teacher who is the dedicated Life Skills teacher and the subject of bullying should be discussed in this class.*

– Feedback from a community activist

The LAC uses advocacy and lobbying in its various forms as a tool to influence the law-making process and policy formulation in Namibia. Following is a summary of activities and results in this regard in 2011:

- GR&AP advocacy efforts to improve the laws on birth registration, marriage, citizenship and domicile resulted in discussions between the Ministry of Home Affairs and Immigration and the LAC concerning the provision of LAC technical support to the Ministry to revise some of the problematic areas identified in these laws.

- The Ministry of Education Policy on the Prevention and Management of Learner Pregnancy was approved by Cabinet in 2009 but has not been adequately implemented. Here, GR&AP's most important role has been to maintain pressure on the Government for implementation of the policy. GR&AP engaged media coverage of this issue to ensure that the public becomes aware of the new policy, and has encouraged the Ministry to develop supporting materials. As a result of our ongoing lobbying, we have been engaged to produce an information package on the policy and may be asked to produce an accompanying training manual.
- GR&AP influenced government outreach activities on baby-dumping, including facilitating the first-ever research by text message (SMS). The results of this research were used to inform the production of information materials which are responsive to public needs.

**Why is baby dumping such a problem in Namibia?**

The Namibian Constitution provides for the protection and respect of the right to life. The Namibian government ratified the Convention on the Rights of the Child. Therefore, the government recognizes the inherent right to life and is committed to preventing the incidence of baby dumping to ensure the survival and development of children in Namibia.

The Ministry of Gender Equality and Child Welfare and the Ministry of Youth, National Service, Sport and Culture with the support of UNICEF would like to know your opinion on WHY baby dumping is such a problem in Namibia and HOW can the government address it.

**1st Question (valid only during 26th May - 8th June)**

**What do you think is the main reason that people dump babies?**

1. Baby is born outside of marriage
2. Father of the child denies that he is the father
3. Mother is afraid that the father will not provide financial support for the child
4. Mother is afraid that she and her family does not have enough money to support the baby
5. The mother does not know about options such as foster care, adoption or institutional care
6. The mother is afraid that she will transfer HIV/AIDS to the baby
7. The mother is a student and she is afraid that she will have to leave school or university
8. The pregnancy was a result of rape or an unwanted sexual act
9. Mother is afraid of the shame and stigma that an unwanted pregnancy will bring
10. Mother lives in childheaded household and cannot provide for the baby
11. Another reason

**Send your SMS to 31444**

Please pick just one most important answer

**Your Age** (Your current age)      **Your Sex** (F for female or M for male)      **Your Answer** (Enter only the number)

*Example: If you are a 32 year old female, and your answer is number 4 - SMS "32 F 4"*  
*If you are a 21 year old male, and your answer is number 6 - SMS "21 M 6"*  
**Attention! These are just examples. Please send YOUR age, YOUR sex and YOUR answer!**  
 Invalid answers are not entered into the SMS archive (charged at N\$ 6.45)

This poster was developed by the Ministry of Gender Equality and Child Welfare (MGECCW) and the Ministry of Youth, National Service, Sport and Culture (MNSSC) in collaboration with Legal Assistance Centre with the support of UNICEF.

UNICEF

## LOBBYING ON THE CHILD CARE AND PROTECTION BILL

GR&AP spent a considerable amount of time in 2011 lobbying for the passage of the Child Care and Protection Bill, and was also engaged by the Ministry of Gender Equality and Child Welfare to facilitate the preparation of regulations to accompany the law. Innovative forms of lobbying in 2011 included the following:

- An event on children's rights for Parliamentarians at which African Union representative Benyam Mezmur gave a presentation on the importance of Namibia passing the Bill as soon as possible. The event was arranged in partnership with the Ombetja Yehinga Organisation, which performed a series of dances on children's rights at the event.
- Conducting on-site consultations with magistrates across Namibia on the implementation of the Act and the content of the regulations. Getting magistrates together in groups for training and consultation is costly and means that court processes are delayed. By making individual visits to the courts, our team was able to respond to the needs and concerns of individual magistrates, and to meet with a range of relevant service providers including local police, social workers and other court officials. GR&AP invited both a judge and a social worker from the United Kingdom to be part of the visiting team. This presented an opportunity for sharing examples of best practices and challenges experienced by the two countries.



OYO dancers

ALU Child Rights Monitors working in the regions identified vulnerable children who are more at risk of child labour than others, due partly to the fact that they cannot access social grants because they lack personal documentation. The plight of these children was highlighted in a meeting with a Regional Director of the Ministry of Home Affairs and Immigration, and the situation is being further monitored. Continuous efforts are being made to introduce ALU's Child Labour Project to various stakeholders with the aim of getting the applicable rights issues internalised in policies and practices, and generally increasing awareness of child labour in Namibia.

## Media

The LAC conducts substantial media outreach. The following is a summary of media outreach in 2011.

GR&AP has live slots on National Broadcasting Corporation television (*Good Morning Namibia*) and radio (*Young and Cool, Your Rights Right Now* and Damara>Nama radio), and appears regularly on the television talk show *Tupopyeni*.

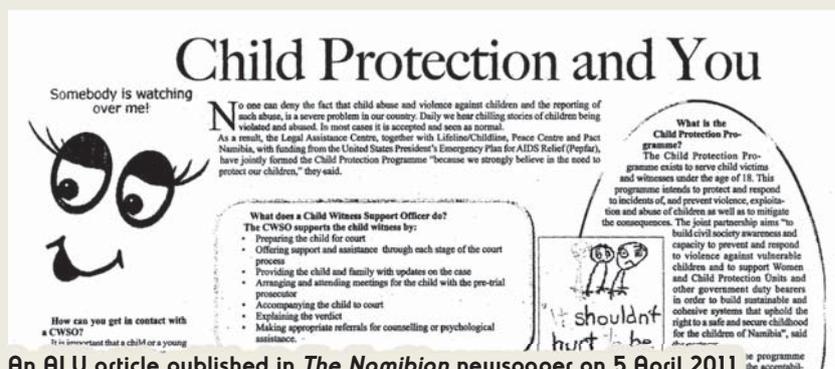


A GR&AP representative giving a talk on radio in 2011

GR&AP also conducts frequent ad-hoc interviews on topical issues, such as sex work and baby-dumping, on a range of radio stations. In a new initiative for 2011, GR&AP worked with three radio stations (Radio Wave, Fresh FM and Radio Omulunga) to develop and air repeated advertisements on four topics: the rights of domestic workers; how to claim maintenance; what to do if someone stops paying maintenance; and sexual harassment in the workplace.

LEAD also took part in discussions on *Good Morning Namibia* on a number of occasions, speaking on various topics, such as: the working conditions of charcoal workers and the charcoal industry in general; the impact of illegal fencing in communal areas in Namibia; nuclear power energy generation and policy in Namibia; the rights of indigenous people in Namibia; and the Baynes Hydroelectric Power Scheme along the Kunene River and its potential impact on the communities living in the area.

ALU released a press statement on scholarships which require Namibian students to test HIV negative on the grounds that such practice is discriminatory and unconstitutional, and lobbied on issues of child protection in various media forums.



An ALU article published in *The Namibian* newspaper on 5 April 2011



# SOME OF THE LAC NETWORKING EVENTS



The ALU Coordinator and the Director of the Labour Resource and Research Institute (LaRRI) preparing for a public lecture on "Domestic Work in the Context of HIV/AIDS: Implications of the ILO Convention", hosted by the LAC in July 2011.



The UK District Judge and UK Social Worker who visited courts across Namibia with staff of GR&AP (see page 20 for details).

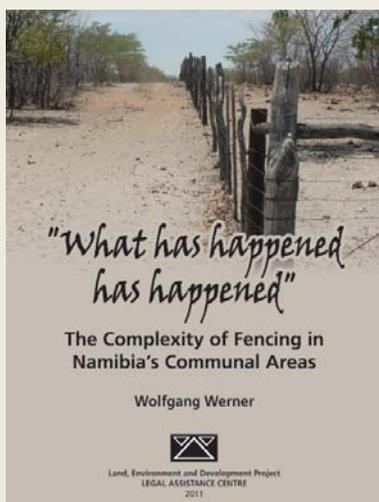
NETWORKING PARTNER	LAC ACTIVITIES / INPUT
<p><b>National Education Conference (June 2011)</b></p>	<p>The LAC Director and the GR&amp;AP Coordinator attended various sessions and gave input on the right to free education and the learner pregnancy policy.</p>
<p><b>UN Conference on the International Covenant for the Elimination of Racial Discrimination (Pretoria, June 2011)</b></p>	<p>The LAC Director attended this follow-up conference.</p>

<b>ALU child protection stakeholders meeting</b>	ALU attended a stakeholders meeting aimed at identifying goals and prioritising strategies on child protection for the next National Plan of Action (2011-2016).
<b>Root Change (US NGO)</b>	ALU is collaborating with an American NGO, Root Change, with a view to their assisting in establishing a pilot SMS toolkit. This toolkit will be used by community monitors to report or alert the office by SMS of cases of child labour.
<b>Basic Income Grant Coalition and the Commonwealth Lawyers Association (CLA)</b>	The LAC Director participated in meetings of both the Coalition and the CLA, in the latter case in her capacity as a Council member for Namibia.
<b>AIDS and Rights Alliance of Southern Africa (ARASA)</b>	The LAC Director is a trustee of ARASA, and participates in meetings and in the administrative decision-making process.
<b>British High Commission and United Nations Development Fund</b>	The LAC Director met with delegates from the British High Commission and with the Resident Representative of the United Nations Development Fund in Namibia, both requesting topical information about Namibia.
<b>USAID</b>	ALU had a briefing session with the incoming USAID Head of Mission to Namibia.
<b>Office of the Ombudsman</b>	The LAC Director attended a meeting arranged by the Office of the Ombudsman in relation to a Human Rights Action Plan for Namibia, and was nominated as a committee member.
<b>Voluntary Service Overseas – Regional AIDS Initiative of Southern Africa (VSO-RAISA)</b>	The ALU Coordinator attended a VSO-RAISA Board meeting.
<b>United Nations (5 July 2011)</b>	The LAC Director and the LEAD Coordinator attended a meeting with the UN Rapporteur on the Right to Water and Adequate Sanitation.

<b>Natural Justice (South Africa)</b>	LEAD attended the Bio-cultural Community Protocol Seminar conducted by Natural Justice from South Africa.
<b>German Federal Foreign Office (11-17 September 2011)</b>	A member of LEAD, along with participants from other African states, was selected by Germany's Federal Foreign Office to attend the visitors programme on Natural Resource Management.
<b>Climate Change Planning Workshop (Windhoek, 10-14 October 2011)</b>	LEAD participated in this workshop with participants from Namibia, Zambia, South Africa, Tanzania and Mexico. The objectives were to share experiences and knowledge, particularly on effective national structures and accessing international financing.
<b>UK District Judge and UK social worker (14-24 November 2011)</b>	As part of the development of the regulations of the Child Care and Protection Act, the LAC took a British judge and social worker to courts across Namibia to discuss comparative practice between the UK and Namibia, and to collect input from the magistrates on regulations.
<b>Ministry of Environment and Tourism (21 November 2011)</b>	LEAD participated in the Ministry of Environment and Tourism's Climate Change Policy Implementation and Strategy Development Workshop, which was really aimed at launching Namibia's National Policy on Climate Change (2011) and its Second National Communication on the UN Framework Convention on Climate Change.
<b>Social media: Facebook</b>	<p>The LAC continues to maintain an active presence on Facebook, stimulating public awareness and debate through this medium.</p> <p>Our Facebook page:  <a href="http://www.facebook.com/pages/Lac-Namibia/">www.facebook.com/pages/Lac-Namibia/</a></p>



# LAC CONFERENCE PAPERS



In 2011, LEAD presented a paper and published a report on illegal fencing.



A guard guarding an illegal fence in Omusati Region

CONFERENCE AND/OR ORGANISER	PAPER PRESENTED
<b>International Conference on Global Land Grabbing</b>	The LEAD Coordinator presented a paper on illegal fencing in Namibia.
<b>Namibian Scientific Society conference</b>	LEAD presented a paper titled “Etosha: Untamed Wilderness or Cultural Landscape”.

<p><b>University of Namibia Human Rights and Democracy Centre and Office of the Ombudsman, Conference on Economic, Social and Cultural Rights</b></p>	<p>The LAC Director presented a paper on access to water.</p>
<p><b>International workshop canvassing developments surrounding indigenous people</b></p>	<p>LEAD presented a paper on indigenous institutions and national legal traditions.</p>
<p><b>UNHCR conference (Nelspruit, South Africa)</b></p>	<p>The GR&amp;AP Coordinator attended the conference as part of the Namibian national delegation. The purpose of the conference was to discuss statelessness in the region. The Coordinator gave a presentation on birth registration issues which could increase vulnerability to statelessness.</p>
<p><b>ILO conference</b></p>	<p>LEAD presented a paper on possible models for structuring the San Council, and attended a meeting of the ILO programme promoting and implementing the rights of the San people of Namibia.</p>



Hai||om graves in Etosha National Park. In 2011, LEAD presented a paper titled "Etosha: Untamed Wilderness or Cultural Landscape".



# SOME FEEDBACK

*Thank you very much for your help. It is exactly what I need!*

– Feedback from a client on legal services rendered

*The communities appreciated the information provided by the Legal Assistance Centre during these outreach programmes.*

*Very helpful incisive comments, much appreciated ... . This has really helped to get [the policy] in better shape. Many thanks.*

– Feedback on GR&AP's input on the draft Plan of Action for the National Gender Policy

At the back of each GR&AP comic, readers are asked to provide feedback, and with each comic we receive *many* queries, requests and messages of thanks. The SMS line has been extremely popular with the public. Following are SMS examples from 2011:

*Wau! I really enjoy your book, and I think that's the best thing to be done to everyone who can think.*

*I really appreciate the comic u released abt the problem of date rape, it jst teaches us hw to be responsible and make a difference in our lives, thank u vry much. From a appreciative citizen*

*Hi. I just love your comic!!! Its such a good source of information and it helps us in many ways, especially to all the youngsters out there, and i never miss an issue. I hope you guys keep up the excellent job!!!!*

– Public feedback on LAC comics, received by SMS

*The comic is very helpful with January just around the corner. If you have more copies we will appreciate to have as many as possible for distribution.*

– Helena Andjamba, Director of Child Welfare, MGECW, commenting on our comic on how to get an exemption from the School Development Fund



# EMERGING OR POTENTIAL PROBLEMS

There are a number of risks that might affect the successful implementation of the LAC's strategic plan. Through regular assessments and evaluation, the LAC will continue to assess the risks and make the necessary adjustments. Steps will also be taken to minimise risks within the organisation's scope and powers. The major risk factors are as follows:

- Donors may withdraw on short notice, thereby affecting the LAC's financial situation and projects very negatively. Efforts are obviously made to secure long-term funding, but increasingly donors want to fund on an annual basis only.
- In addition, donors tend to commit to new cycles of funding only when the previous cycle has been finalised and audited. This factor is a risk because the timing of audits is not always within the LAC's control, so extended periods of time might not be covered by donor funding, which could jeopardise the continuation of specific projects.
- Donors may not be able to honour their commitments due to the changing economic situation worldwide. One major donor has already informed the LAC that its budget has been cut by over 30% for the next funding period.
- Committed donors' funds are not always timeously remitted, which can contribute to a cash-flow problem which in turn can have a detrimental knock-on effect.
- As Namibia is a vast country, some remote areas are not easily accessible and this can affect the LAC's outreach work. The closure of our southern office during the first half of 2010 is a case in point. Efforts are being made to ensure that the same fate does not befall the northern office, where the majority of the population is concentrated.
- The LAC may lose some of its important project and professional staff due to the uncertainty of working in a donor environment, and there may be only limited opportunities for promotion. This could cause delays in the implementation of projects, particularly in terms of legal support, as Namibia has a shortage of skilled legal practitioners who are interested in addressing human rights issues.
- The overall effect of HIV/AIDS.
- Deteriorating socio-economic conditions in Namibia (increased poverty).
- Economic priorities taking precedence over human rights issues.



# SUSTAINABILITY AND FUNDING

Sustainability is a thorny issue, and is a condition that the LAC staff constantly strive to attain. However, the reality is that Namibia does not have the sufficiently large population of financially secure inhabitants required to permit the LAC to source all its project funding from within Namibia. A strategy to approach corporate Namibia is under consideration, although this will entail a change in the mindset of such donors, since the work of the LAC is not always popular or quantifiable. Sometimes change takes years.

The different units/projects of the LAC regularly attend to calls for proposals from various donors, which enables them to assess possible future funding partnerships.

Despite the fact that sustainability issues are on the agenda, the reality is that the majority of core funding cannot be recovered from the separate units at this stage. This is due to various factors, for example that funding works in cycles, and if a core cost has not been built into the current cycle of project funding, it cannot be recovered. Also, there are still a large number of donors who do not want to cover certain core costs, but rather want to focus solely on funding project activities.

Whilst full recovery of core costs from the different focal areas is the LAC's ultimate aim, reality shows us that this is not feasible at present, and further assistance is being sought to ensure that the LAC can continue with its human rights work. The LAC is hopeful that its track record and success on various levels may support such funding requests.



# DONORS FOR 2011

Funding from 19 donors made the LAC's activities possible in 2011. Their donations provided core funding as well as individual project funding. We thank these donors most sincerely for supporting the LAC, and for their generous contributions.

- Africa Group of Sweden (AGS)
- The Dutch Ministry of Foreign Affairs – MDG3 Fund
- Embassy of Finland
- Evangelischer Entwicklungsdienst (EED)
- Ford Foundation
- Humanist Institute for Cooperation (HIVOS)
- International Labour Organisation (ILO)
- Legal Resource Foundation
- Ministry of Gender Equality and Child Welfare
- Open Society Initiative for Southern Africa (OSISA)
- Private Agencies Collaborating Together (PACT)
- Pupkewitz Holdings
- Save the Children Sweden
- Self-Regulating Alcohol Industry Forum (SAIF)
- Southern Africa Litigation Centre
- St James Church
- Swedish International Development Agency (SIDA)
- United Nations Development Programme (UNDP)
- United Nations Children's Fund (UNICEF)



# CONCLUSION



LAC publications are reaching and teaching communities across the country.

One of the LAC's main challenges relates to the sheer volume of human rights and development work required in Namibia, and the fact that our resources are such that we cannot assist each and every person who requires assistance. Changing the national mindset towards human rights is an arduous task which requires patience and tenacity. Another challenge relates to the vastness of Namibia, which requires us to give constant thought to means to ensure that the LAC's work benefits people all over the country. New strategies are continuously being devised to ensure maximum exposure to human rights education and training. Improvement is always possible, and the LAC will continue to strive to maximise its service delivery to the people of Namibia on the whole. We are confident that the work done in 2011 will contribute to that which we strive to achieve, namely a "culture of human rights" and a human rights-based democracy in Namibia.



# MORE INFORMATION ABOUT THE LAC

A large volume of information on the LAC's activities (projects, cases, publications, etc.), donors and finances, as well as digital versions of most LAC publications, are available on the LAC website: [www.lac.org.na](http://www.lac.org.na).

We also have a very active Facebook page: [www.facebook.com/pages/Lac-Namibia/](http://www.facebook.com/pages/Lac-Namibia/)

Website link for general contact details: [www.lac.org.na/about/contact.html](http://www.lac.org.na/about/contact.html)

Website link for financial details: [www.lac.org.na/finances.html](http://www.lac.org.na/finances.html)

Website link for publications: [www.lac.org.na/pub/publications.php](http://www.lac.org.na/pub/publications.php)

For contacting individual LAC Unit/Project Coordinators, refer to the list below.

**LAC Director: Toni Hancox**

[thancox@lac.org.na](mailto:thancox@lac.org.na)

**LEAD Project Coordinator: Willem Odendaal**

Email: [wodendaal@lac.org.na](mailto:wodendaal@lac.org.na) • URL: [www.lac.org.na/projects/lead/leadobjective.html](http://www.lac.org.na/projects/lead/leadobjective.html)

**ALU Project Coordinator: Amon Ngavetene**

Email: [angavetene@lac.org.na](mailto:angavetene@lac.org.na) • URL: [www.lac.org.na/projects/alu/aluobjective.html](http://www.lac.org.na/projects/alu/aluobjective.html)

**GR&AP Project Coordinator: Dianne Hubbard**

Email: [dhubbard@lac.org.na](mailto:dhubbard@lac.org.na) • URL: [www.lac.org.na/projects/grap/grapobjective.html](http://www.lac.org.na/projects/grap/grapobjective.html)

**HURICON Project Lawyer: Corinna van Wyk**

Email: [cvanwyk@lac.org.na](mailto:cvanwyk@lac.org.na) • URL: [www.lac.org.na/projects/huricon/huriconobjective.html](http://www.lac.org.na/projects/huricon/huriconobjective.html)

**Namibia Law Reports Editor and In-House Counsel: Adv. Lynita Conradie**

Email: [lconradie@lac.org.na](mailto:lconradie@lac.org.na) • URL: [www.lac.org.na/projects/lawreports/lawreport.html](http://www.lac.org.na/projects/lawreports/lawreport.html)