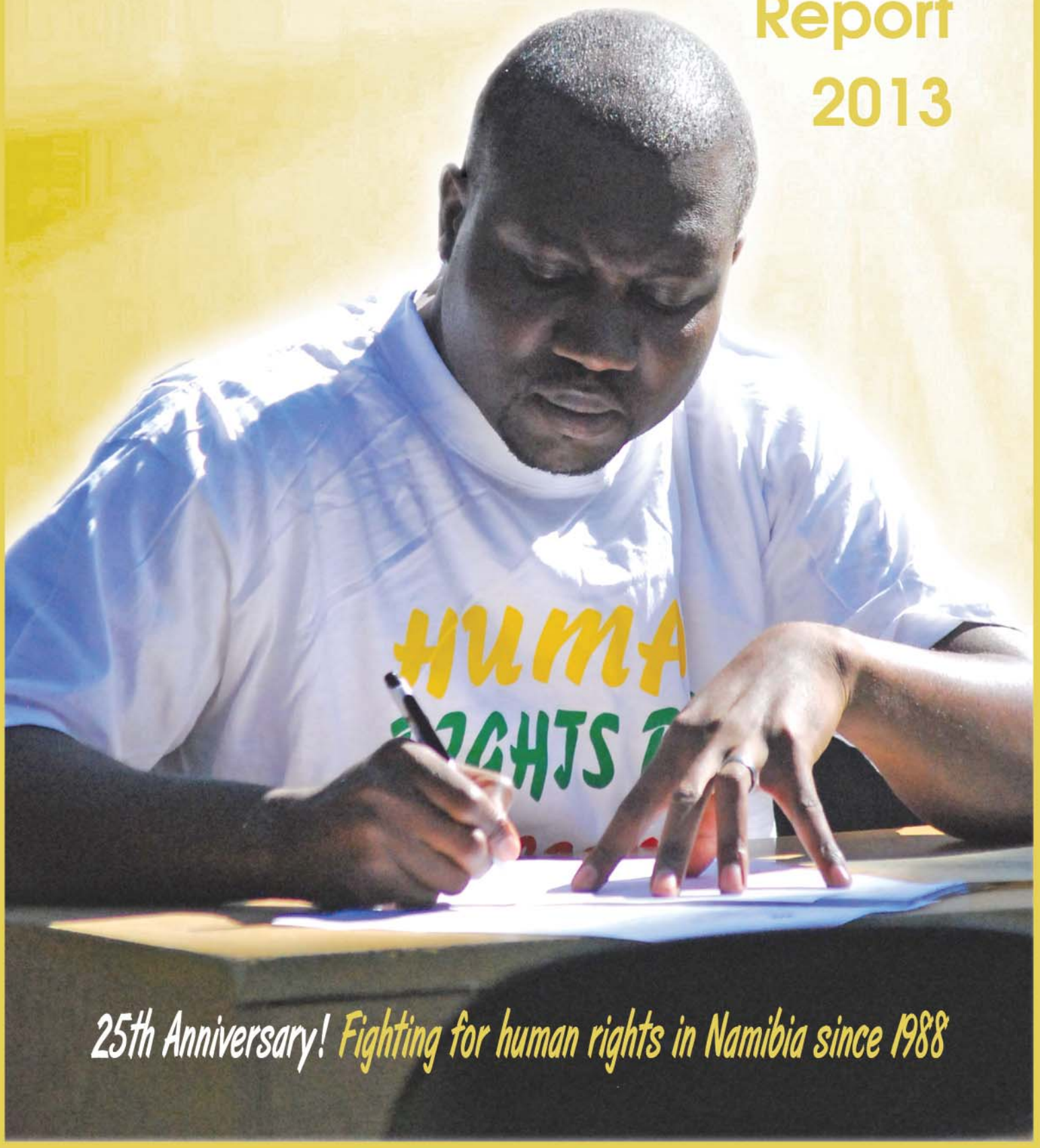
LEGAL ASSISTANCE CENTRE

Annual Report 2013



25th Anniversary! Fighting for human rights in Namibia since 1988

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.

Report Contents

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 • Website www.lac.org.na

Introduction

The Legal Assistance Centre (LAC) engages in three main activities:

- **Legal advice and litigation**;
- **Education and training**; and
- **Research, advocacy and lobbying**.

These activities are carried out through five major projects:

- **Gender, Research and Advocacy Project (GR&AP)** – works to promote gender equality and the empowerment of women through legal research, law reform and related advocacy work;
- **Land, Environment and Development (LEAD) Project** – works specifically on land, environment and rural community empowerment issues;
- **Human Rights and Constitutional Unit (HURICON)** – works directly in fighting violations of human rights, mainly through litigation;
- **AIDS Law Unit (ALU)** – works to maintain the rights of those infected with and affected by HIV; and
- **Namibia Law Reports** – edits and produces the *Namibian Law Reports*, a record of reportable judgements handed down by the superior courts of Namibia.

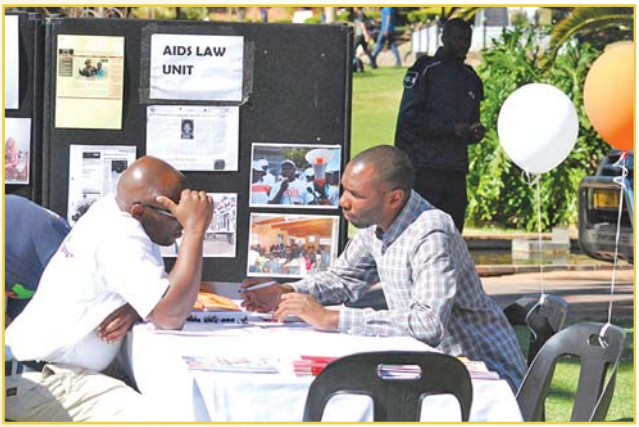
This report summarises the **main highlights** in the LAC's three main areas of activity in 2013. This summary makes clear that the major projects/units work in cross-cutting areas, and thus re-confirms the interdependence and indivisibility of all human rights.

The progress made in 2013 has moved the LAC closer to achieving its overall objective, being **"the creation of a human rights and democratic culture that facilitates the effective enforcement of rights, human rights laws and citizenship participation"**. This objective cannot be achieved overnight, and sometimes it is difficult to quantify the actual progress made towards achieving it, but the LAC is convinced that building a human rights democracy can be compared to building a house: it is built on a proper foundation and brick by brick. The LAC believes that its work towards meeting the challenge of democracy building is the material that forms such a democracy.

In 2013 the LAC celebrated its 25th birthday! See pages 2-3 for details.

Celebrating 25 years of service – taking it to the streets ...

Zoo Park,
Windhoek
16 July 2013



General Events of Interest

LAC Director Toni Hancox at the NGO Expo in June 2013

25th Anniversary Celebration

The year under review was a significant year for the LAC: **we celebrated our 25th birthday**! We commemorated this milestone anniversary with an open-office event in Zoo Park in Windhoek's central business district, where we provided information and assistance to passing clients.

NGO Expo

The NGO Expo was held from 30 May to 1 June 2013. The LAC won the prize for the best stand.

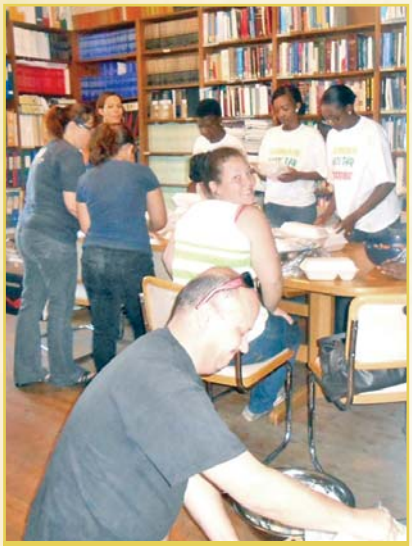
Workshop on Human Rights Action Plan for Namibia

In November 2013, LAC representatives attended a workshop convened by the Office of the Ombudsman to discuss a draft National Human Rights Action Plan (NHRAP) which the Office of the Ombudsman had produced, based on a *Baseline Study Report on Human Rights in Namibia* compiled by consultants. This initiative flowed from the Ombudsman's decision in 2009 to commence with a process of assisting the government to develop such an action plan. The baseline study formed part of the consultative process for the NHRAP. The NHRAP is essentially a human rights policy document which identifies measurable steps to be taken to improve the promotion and protection of human rights. It is envisaged that the government will adopt this policy once finalised.

Human Rights Day Celebration

In celebration of Human Rights Day on 10 December 2013, the LAC decided to give back to the community. Instead of holding an in-house Christmas party, the LAC staff visited the Katutura Old Age Home and the Havana Children's Home. The Mighty Vocals entertained at the old age home and time was spent chatting to the elders – who have so much to teach us. From there the staff moved to the Havana Children's Home in Katutura. Donations enabled us to provide 10 mattresses, gifts galore, a meal, fruits and drinks to the children. A solar

panel was also donated. After much singing and dancing, the staff went home with renewed empathy for those who have so much less than we do. Sponsorships also enabled the LAC to donate mattresses, food, fruits and sweets to the Megameno Children's Home, as well as a contribution to cover the municipal costs of this orphanage. The following sponsors are thanked: Khomasdal Service Station, Rich Kids Enterprise, Khomasdal Meat Market, Namibfoam and Taurus Maintenance Products.



Not just a library! Preparing food for the elders and children

The Mighty Vocals entertaining elders at the Katutura Old Age Home

Human Rights Day 2013 – celebrating by giving back ...

Wrapping gifts for the children at the Havana Children's Home

LAC staff with caregivers at the Havana Children's Home

Legal Advice and Litigation


Dispensing legal advice at the 25th Anniversary open-office event

The Human Rights and Constitutional Litigation Unit (HURICON) litigates on behalf of the other LAC projects/units in their respective areas of interest, and in respect of any other constitutional or human rights challenges arising.

Litigation – current and envisaged

Medical negligence: HURICON is litigating in several medical negligence cases with the aim of holding the Ministry of Health and Social Services accountable for the lowered standards observed in public hospitals. Two of these matters relate to complications during childbirth – a most vulnerable time in a woman's life. One of the babies subsequently passed away. In another medical negligence case, a child's feet were negligently burnt by a nurse. The defendant admitted liability and out-of-court settlement negotiations are ongoing. In two other medical negligence cases, it would appear that the client's HIV status had an effect in respect of the treatment provided. In one matter, the client was left with an external faecal bag hanging around his waist for over two years after an operation and was denied treatment. These matters are ongoing.

HIV/AIDS stigma and discrimination: HURICON is dealing with two cases involving HIV/AIDS stigma and discrimination in the workplace. In one case, an otherwise physically fit employee was dismissed from work because he is HIV positive. The matter may go for hearing in 2014. In the other case, the two clients were not recruited into the Namibian Police due to their HIV-positive status. Out-of-court settlement negotiations are underway in this case.

Property grabbing: Litigation is being conducted in relation to the discriminatory practice of property grabbing. The first instance focuses on whether a customary marriage can be said to be a tacit universal partnership which would entitle the parties to equal shares of the joint estate upon the dissolution of the customary marriage. The current trend is definitely for a woman to be disadvantaged when her customary marriage ends. GR&AP published research on cohabitation in 2010 (*A Family Affair: The Status of Cohabitation in Namibia and Recommendations for Law Reform*), and the report has provided the necessary research for this litigation. This report also provides a prime example of how the work of different projects/units at the LAC interlinks, and conveys how much of our work is conducted with the long-term view of assisting multiple clients who experience the same or similar problems.

Caprivi treason trial: In 2013 HURICON continued its work on the Caprivi treason civil matters. Thirteen cases were settled out of court to the clients' satisfaction, five cases were voluntarily withdrawn, four have been set down for hearing in 2014, and one appeal case was argued in the Supreme Court. In the latter matter, the issue before the court is what level of responsibility is required on the part of law enforcement officials to ensure that arrested persons are brought before court before 48 hours have expired, as is required constitutionally. Judgement was reserved.

Discrimination due to pregnancy: Legal advice and support were provided to two trainee nurses who were not allowed to return to the training college for their scheduled examinations after becoming pregnant. The students were initially told that they were required to remain home with their children for a year – based on a policy similar to an old policy for school learners who become pregnant. (In 2008 the LAC assisted the Ministry of Education to develop a new policy that focuses on helping learners to finish their schooling while also giving attention to the best interests of the baby). Due to HURICON's intervention, the Health Training Centre was led to understand that this amounted to discrimination on the basis of sex, and the students were then permitted to write their examinations.

Forced sterilisation: HURICON is anxiously awaiting the hearing of the appeal noted by the government in the well-publicised forced sterilisation matters. The appeal is due to be argued in the Supreme Court in March 2014.

Land dispossession: The LAC continued working with the Legal Resources Centre in South Africa to formulate a possible court case to compel the government to recognise the ancestral land rights of the Hai||om San residing in Etosha National Park, or alternatively to provide for their security of tenure. In 2013, consultations and a number of community meetings were conducted with the Hai||om communities to provide for a deeper understanding of the Hai||om people's attachment to Etosha and their former land-use patterns. It was agreed that the claim would be two-fold: the first stage of litigation would focus on the assertion and recognition of the cultural and traditional rights of the Hai||om; and the second stage would focus on ownership rights based on the question of aboriginal title.

A meeting at N‡a Jaqna Conservancy

An illegal fence near Uutsathima village in Omusati Region

Legal advice and assistance

Illegal land invasion, grazing and fencing: The LAC is assisting the N‡a Jaqna Conservancy to prepare eviction orders. In addition, the LAC prepared a one-page outline of suggested roles for the members of a patrol group (e.g. one member seizes and records information on livestock, one records information on owners of livestock and one determines and records the location) so that each member knows immediately what to do upon discovering illegal grazing/fencing/settlers in the conservancy, with a view to supporting possible prosecution. In September 2013, NAMPOL served court applications on 30 respondents. Some of them have informed the LAC that they removed the illegal fences and have vacated the area, and four respondents have opposed the application.

Corporal punishment: The LAC continued to monitor a court case which began in 2012, involving assault charges against several teachers in respect of the illegal use of corporal punishment in a private school. The case concluded in 2013, with all of the teachers convicted of assault. This judgement provides unequivocal clarification that corporal punishment may not be used in either private or state schools. The teachers will appeal the conviction in 2014 and will be monitored further.

Domestic/family issues: Every year the LAC assists a wide range of clients with queries, in person and/or via sms, telephone and email. Questions from clients in 2013 concerned domestic violence, maintenance, marriage and numerous other issues – e.g. one client asked whether a person can require her domestic worker to be tested for HIV, and another asked for information about discrimination in the workplace as she wanted to continue breastfeeding her baby once she returned to work.

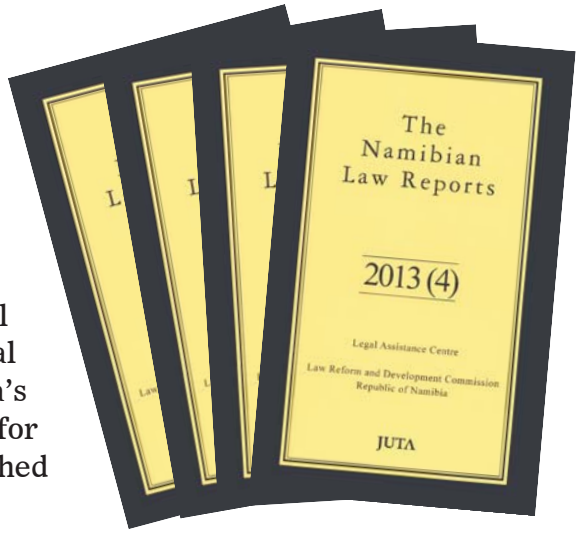
General: In general, legal advice is dispensed on a daily basis to walk-in clients. The majority of these matters concern issues which do not fall under the LAC's constitutional and human rights mandate, but in such cases, every effort is made to refer the client to an organisation or government ministry that can assist, or alternatively, advice is given to empower the clients to deal with the issues themselves.

I'm very grateful for all the helpful information you e-mailed! Thank you very much! ... On a final note, I'll just add that I admire the work that all of you at the LAC have and are doing for Namibia!

Feedback from a client in 2013

Namibian Law Reports

Since 1994 the LAC has served as editor of the annual volumes of the *Namibian Law Reports* – published by Juta & Co. Ltd in South Africa – thereby assisting the legal community (including the Judiciary, legal practitioners and academics) as well as other users to keep abreast of new legal precedents and developments in Namibia's legal system. The finalised edited cases for Volumes I, II and III of 2013 were dispatched to the publisher and were printed.



Education and Training


A GR&AP training workshop on Domestic Violence

AIDS Law Unit (ALU)

HIV in Prisons Programme

Through this programme, ALU trains prison members/officials and inmates on a human rights response to HIV/AIDS. The LAC believes that empowering inmates by informing them of their rights places them in a position to request appropriate government action, and gives them the tools to approach the LAC for intervention when necessary. The training of prison members/officials serves to bring about a saturated rights-based response within the government's prison service. The LAC believes that this ALU programme will ultimately assist the prison service to attain this broad goal, in that the government will be pressurised into providing the services required by a citizenry that has been made aware of its rights. In any event, knowledge is power. Some highlights of this programme in 2013 are as follows.

From January to June 2013, sessions were facilitated on the **right to health**. This training was aimed at empowering prison members/officials and inmates by providing key information on (a) the right to health – especially the rights of inmates living with HIV/AIDS – and (b) HIV/AIDS and human rights in general. This training took place at nine prisons – Omaruru, Oluno, Mariental, Divundu, Walvis Bay, Lüderitz, Elizabeth Nepembe, Grootfontein and Windhoek – with a total of 926 participants. Some feedback from participants is presented below.

- *"I learn from the workshop, I got the knowledge and skill to use it outside, once released from the prison."*
- *"I have learned that if the person is HIV positive, he/she need to be given love and peace."*
- *"I have change a lot whereby this workshop changed my way of behaviour toward HIV and AIDS. I receive information, awareness as well as education through this this workshop."*
- *"I never know what to do with my life [but] now know what to do … I feel happy."*
- *"I have learned that I must also know my HIV status by getting tested."*
- *"At first I really didn't care about HIV and AIDS. Since I attended this workshop my eyes have open because I am aware now."*

– Feedback from training participants at Walvis Bay Prison

In May 2013 the project turned its focus to facilitating the establishment of support groups in all of the prisons where training was conducted. June 2013 saw the establishment of HIV/AIDS support groups in seven prisons: Grootfontein, Walvis Bay, Swakopmund, Omaruru, Lüderitz, Keetmanshoop and Windhoek. These support groups were then further capacitated to deal with the concerns in each prison independently.

"Key Populations" Programme

This programme targeting key populations at risk of HIV infection – previously referred to as "Most-at-Risk Populations (MARPs)" – utilises basic HIV/AIDS education and a human rights response to HIV/AIDS "to strengthen the voice and confidence of Namibians living with HIV". This training incorporates the premises of the National Strategic Framework for HIV and AIDS Response in Namibia (2010/11-2015/16). In 2013 ALU delivered the following "Key Populations" training:

- **Training for members of Namibia's LGBTI (Lesbian, Gay, Bisexual, Trans and Intersex) community on Human Rights and HIV/AIDS.** This training included a session on the Combating of Immoral Practices Act. The training took place at Motown Hotel in Windhoek with a total of 25 participants from Erongo, Ohangwena, Karas, Otjozondjupa and Khomas Regions.
- **Training for sex workers on Human rights, HIV/AIDS and the law.** This training took place at Heja Game Lodge near Windhoek, with a total of 26 sex workers from different regions participating. A number of participants were representatives of the Rights Not Rescue Trust.
- **A session on human rights, HIV/AIDS and the law for Lifeline/Childline New Start Counsellors.** This session formed part of the sexual risk reduction training provided to these counsellors. ALU was invited to sensitise the participants on the rights and responsibilities of members of "Key Populations" when seeking public health services. Fifteen Lifeline/Childline staff members attended the session.
- **Training for MSM (men who have sex with men) on HIV/AIDS and the law.** This training took place in Otjiwarongo with 20 participants. The training was replicated in Walvis Bay with a further 30 participants, of whom 16 were MSM, 2 were transgender women and 12 were lesbians. In these sessions it was highlighted that there are no LGBTI-specific rights, but that basic human rights can be invoked to protect the interests of LGBTI.
- **Training for sex workers in Otjiwarongo on HIV/AIDS and the law.** Thirty sex workers participated in this session, but it proved challenging to keep all of them there for the full duration of the training, as sex workers who are not working are not earning a living. Nonetheless, the evaluation of this training revealed that participants gained at least some knowledge of human rights and key instruments that protect their rights.
- **Training for law-enforcement agencies in Opuwo on HIV/AIDS, human rights and the law.** A total of 20 participants attended (11 female and 9 male), including constables, warrant officers and sergeants. Most of the police officers confirmed that they had never before received training on matters of human rights. They made it clear that it was a challenge for them to apply the standards of human rights without the required knowledge, hence they welcomed this training and regarded it as necessary.

Child Protection Programme

An ALU mentoring and support visit to a social worker involved in the Child Protection Programme

This programme, which ended in June 2013, served children (persons under age 18) who were either victims of violence, abuse or exploitation, or witnesses of such acts against children. The overall intent of this programme was to respond to and prevent such acts and to mitigate the consequences.

The programme was implemented by ALU in partnership with Lifeline/Childline and the Peace Centre. The aim of this partnership was "to build civil society awareness and capacity to prevent and respond to violence against vulnerable children and to support women and child protection units and other government duty bearers in order to build sustainable and cohesive systems that uphold the right to a safe and secure childhood for children in Namibia".

The programme also aimed "to decrease the acceptability of violence against children, to increase reports to referral points regarding vulnerability to violence and actual violence against children, and to ensure cases of violence against children that are referred receive quality services."

The child witness component, for which ALU was responsible, aimed to ensure that all child witnesses/victims had their right to justice realised through:

- a 10-session court preparation programme for each child witness/victim;
- parental guidance for parents and caregivers of child witnesses/victims; and
- building the capacity of all roleplayers who interface with child witnesses/victims in the criminal justice system, to work with children in a developmentally appropriate manner.

The intended outcomes of these interventions are:

- a holistic approach being adopted in responses to child witnesses/victims;
- increased reporting of violence against children; and
- increased prosecutions of alleged perpetrators.

In the first half of 2013, extensive meetings were held with the Ministry of Gender Equality and Child Welfare (MGECW) to reflect on the transition plan for embedding ALU's Child Witness Support Programme in the MGECW national structures. A training programme for social workers was compiled, the training was planned, and the first training session was conducted in Swakopmund on 18-22 February 2013 with 32 social workers, with success. The transition plan entails continuous mentoring and capacity building until the programme is fully absorbed within the MGECW structures, to equip the social workers to carry the programme further and to ensure that the children in this programme do not fall through the cracks. UNICEF Namibia has made this transition possible by providing assistance for retaining one of ALU's child witness support officers on a consultancy basis for one year. She will provide technical support and expertise to social workers preparing child victims/witnesses and parents for court in 13 regions, (a) to enable the children to testify effectively in court, and (b) to mentor/train social workers, police officers and prosecutors on court preparation. She will be stationed at the MGECW head office. Approximately 142 cases of court preparation were handed over to the MGECW in 2013.

Land, Environment and Development (LEAD) Project

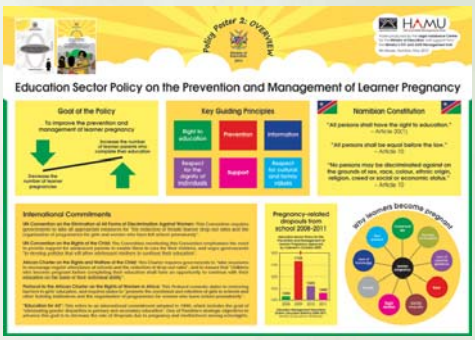
Training for Communal Land Boards: In 2013, LEAD provided training to the Communal Land Boards of five regions (Otjozondjupa, Erongo, Omaheke, Hardap and Karas) on the handling and adjudication of land disputes, guidelines for appeals, and guidelines for the removal of illegal and unrecognised fences.

Education for conservancies: LEAD continued to render support to conservancies, focusing in 2013 on raising awareness among the members of seven conservancies about their respective constitutions and the themes set out therein. Copies of the conservancy constitutions were printed and distributed in the relevant conservancies to raise awareness and increase the members' knowledge about the roles, powers, responsibilities and procedures laid down in their respective constitutions. In addition, on behalf of Integrated Rural Development and Nature Conservation (IRDNC), a LEAD consultant based at the LAC produced posters summarising the constitutions – see example below.

||Karas Communal Land Board training in Keetmanshoop

Gender Research and Advocacy Project (GR&AP)

In 2013, GR&AP produced a training manual and facilitated training for school counsellors on Ministry of Education's **"Education Sector Policy for the Prevention and Management of Learner Pregnancy"**. A total of 26 school counsellors from all 13 regions attended. The manual was received with a positive attitude and the group described its implementation as a "new welcoming challenge". It was refreshing to know that the schools are following the policy to ensure that pregnant learners and learner parents can receive an education. GR&AP had also produced a policy information package (in 2012), and in 2013 produced a series of seven posters summarising the policy (see examples below).



Research, Advocacy and Lobbying

Research

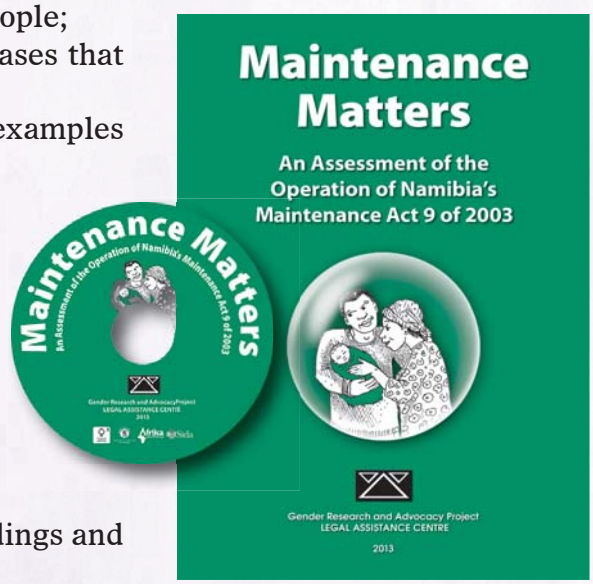
Gender Research and Advocacy Project (GR&AP)

A research highlight of the year under review was the release of the long-awaited research report, *Maintenance Matters: An Assessment of the Operation of the Maintenance Act 9 of 2003.* The report is the third in a series of LAC reports on the operation of key gender laws in Namibia (following on research on the laws on rape and domestic violence).

The report launch at the Supreme Court

Data was collected from maintenance court files opened in the years 2005 to 2008. During this four-year period, nearly 19 000 maintenance complaints were opened nationwide. The report presents the findings of the field research from:

- 1 687 court files opened in the period 2005-2008 from 19 of the 31 magistrates' courts in place at the time of the study, located in 12 of Namibia's 13 (now 14) regions;
- 34 interviews with magistrates, maintenance officers and clerks in 11 regions;
- 6 focus group discussions with a total of 62 people;
- an examination of reported and unreported cases that cite the Maintenance Act; and
- relevant statistics, judicial developments and examples from other countries.



The report also contains:

- a review of the importance of maintenance;
- a summary of how the Act was developed;
- an analysis of some of the Act's key provisions; and
- recommendations for fine-tuning the law and improving its implementation.

GR&AP will continue to popularise the study findings and recommendations in 2014.

Land, Environment and Development (LEAD) Project

LEAD's research, advocacy and lobbying activities focus on issues of land and livelihood, such as communal lands rights, land grabbing, illegal fencing and redistribution of land. LEAD engages with government on such issues, and its research offers other stakeholders opportunities to take an informed position when lobbying government on such issues. Through these activities, LEAD contributes to the formulation of policies which are couched in human rights premises. The following were three key LEAD interventions in 2013:

- LEAD commenced with a study on Exclusive Prospecting Licences, which have been a subject of concern relating to indiscriminate issuance of some such licences with no set procedure followed, despite the relevant legislation being in place.
- LEAD continued with its in-depth reassessment of the status of the San in Namibia, seeking to ascertain whether in fact the situation of the San has improved since the first such assessment in 2001. The report is currently being finalised and edited, and will be launched in early 2014.
- An appeal has been lodged against the Environmental Commissioner's decision to issue an environmental clearance certificate to a Chinese company to undertake scouting actions in Anabeb Conservancy (Kunene Region) without taking into consideration the need for a scoping report or an environmental impact assessment. Although the publicity raised led the company to vacate the area, it appears that untold harm has been done to the environment. (An opinion piece on this issue can be accessed at <www.ecc-platform.org/index.php?option=com_k2&view=item&id=4415:chinese-company-accused-of-environmental-damage&Itemid=750>.)

Human Rights and Constitutional Unit (HURICON)

HURICON undertook extensive research and consultations to assist a community in Otavi to access water. Being among the poorest of the poor in Namibia, the community members generally cannot afford to pay for water, hence many of them resort to begging at water points for a minimal quantity of water or traversing long distances to obtain water from natural sources. Ablution blocks were built for the community, but reportedly there is not running water for the most part, thus these facilities are generally unusable. When they are used, they are cleaned by sweeping excreta into a pile in front of the facility. In the rainy season this translates into raw sewage flowing into streets, gardens and even houses. This situation is definitely not progress and must be addressed. The lack of access to water means that toilet facilities cannot function hygienically. Many residents are forced to relieve themselves in the surrounding bushes, which begets further problems: they can be attacked or bitten by snakes; and this practice, being extremely unhygienic, can spark and spread diseases – not least among children who play in these areas. This community is also at a higher risk when fires break out as there is insufficient water to extinguish even small fires. Otavi apparently has an unused groundwater source, but it has not been developed for optimal use. HURICON commenced with extensive discussions with the Town Council to ascertain what progress has been made with providing water to this community, and to advise that litigation was being considered to enforce basic standards. The last visit to Otavi indicated that water was being supplied to our clients, and that they were very happy with the result of our intervention. We will continue to monitor the situation. Also in 2013, HURICON undertook outreach to informal settlements around Windhoek to ascertain whether a formal application for access to water can be made on behalf of the residents.

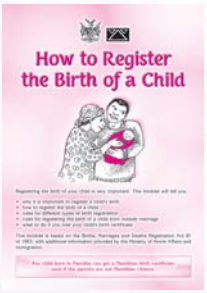
At the request of the Social Security Commission which is tasked with providing social grants, the LAC Director is currently assisting in the review of the legislation relating to social assistance provided by the State.

Advocacy and lobbying

Revision of the Births, Marriages and Deaths Registration Act

GR&AP continued to work with the Ministry of Home Affairs and Immigration, with the support of UNICEF, to provide technical assistance for a revision of the Births, Marriages and Deaths Registration Act. The project started in 2012 with comprehensive research into best practice, and in 2013 GR&AP assisted the Ministry to conduct public and stakeholder consultations and to prepare a draft bill and accompanying regulations.

Consultations with the public took the form of:
(1) factsheets in English, Afrikaans and Oshiwambo, which were published in 9 newspapers and magazines and used in workshops;
(2) a question-and-answer column in *The Namibian* newspaper;
(3) a comic, distributed through newspapers;
(4) pamphlets on birth registration and changing surnames;
(5) workshops at national and regional level; and
(6) media outreach (radio, television and a Facebook page).



Child participation was an important component of this law reform process. The Ministry held four consultations with youth across the country, and discussed the revision process with the Children's Parliament. One of the factsheets was also published in a magazine for young people.

Gender-based violence

GR&AP continued to prioritise initiatives to help stop gender-based violence (GBV). The wide-ranging activities included meetings with government officials and interviews on TV and radio. The media interventions included a notable contribution to the debate on whether wearing mini-skirts promotes GBV. GR&AP also produced two circulars on domestic violence.

Women of the LAC disagree that mini-skirts promote GBV!

Women and Child Protection Units

GR&AP reviewed all of the major recommendations made by different parties over the last 24 years for the improvement of Namibia's Women and Child Protection Units (WCPUs), and combined them in a comprehensive and accessible electronic report. We hope to receive funding to print the report in 2014. We have been informed that it has already proved to be a catalyst for practical improvements at the Windhoek WCPU.

Extension of maternity leave

In 2012 GR&AP launched an advocacy initiative to extend maternity leave to six months after giving birth. This proposal received revived attention in 2013 through State House, the media and a number of other organisations.

Materials and media outreach

GR&AP distributed over 181 000 publications in English, Afrikaans and a range of indigenous languages, aimed at raising awareness on gender-related legal issues. GR&AP also engaged with the media, appearing in the print and broadcast media over 130 times in 2013 through press releases, newspaper and magazine articles, and TV and radio interviews. Although this is an impressive figure, it is considerably lower than in previous years. Sadly, this is a reflection of the ever-increasing struggle for funding; in 2013, unlike in previous years, we simply did not have funding to print copies of our materials for distribution.

New materials produced in 2013 included two circulars on domestic violence. These were produced after the release of our report titled *Seeking Safety* in 2012. Both circulars were circulated to all courts, Woman and Child Protection Units and social workers at the Ministry of Gender Equality and Child Welfare as well as to our partners.

The LAC continues to maintain an active presence on Facebook, stimulating public awareness and debate through this medium.

Preventing babydumping

A new and innovative project conducted in 2013 and supported by the British High Commission was our contribution to preventing babydumping. GR&AP produced a series of 16 posters and Facebook banners with the message "*Don't dump him*" or "*Don't dump her*". Each poster contained information about alternatives to babydumping. The photos used in the posters were contributed by members of the public and we gave the contributors their "personal" poster and banner in electronic form for circulation in the hope that they would send the posters far and wide to friends, colleagues and relatives – with the intention that the materials would reach a more varied audience than we might otherwise reach using standard circulation techniques. We translated the posters into Oshiwambo, Afrikaans and Rukwangali, and printed copies in all four languages. The posters were printed at no cost in three newspapers. We received much positive feedback on this project.

"PREVENTING BABYDUMPING" PROJECT
A few of the many comments received in response

People for whom we made posters

- *"I'm glad that we can be part of this initiative; I hope that we all can make a difference."*
- *"It looks nice i like it a lot … I will get more pics of babies and ask the parents to send them to you. Please contact me if i can be of more help."*
- *"Really glad to be part of the campaign."*

Members of the public

- *"I think these little faces would let someone think twice before doing such a horrible deed!!!"*
- *"The personalised poster is an EXCELLENT idea! Well done."*
- *"I had to write to say that I think this new initiate looks great. I don't have a facebook thingie but I appreciate what a powerful media it is in spreading the word so great concept for LAC initiative."*

LAC Facebook friends

- *"i love this, big ups!"*
- *"Sure[ly] not how precious."*
- *"Hy lyk oulik 'n sweet boy."*

Stakeholders and LAC partners

- *"Congratulations, this is a wonderful idea."*
  – a magistrate
- *"Congratulations! Great work!. This is such an important initiative. Can I have some of those posters electronically that I can use during my alcohol and drug power point presentations during community meetings which I have so many of please and I do believe baby dumping is linked with alcohol and drug abuse."*
  – René A. Adams, Programme Manager: Subdivision Substance Abuse, Prevention, Drug Control and Rehabilitation, Ministry of Health and Social Services
- *"Thank you, it is a great initiative."*
  – Reinette Cronje, Head of the Woman and Child Protection Units

Another indicator of the impact of this project was the type of client feedback received during the project period: as from the inception of the project, we received a higher-than-normal number of calls about adoption (both from people wanting to give children up for adoption and from people wanting to adopt) and foster care (one person wanted information about how to foster a child who had been dumped).

Public education on gender issues

GR&AP conducted 14 workshops with over 1 200 people in total (814 women and 413 men). Workshop participants included church leaders, psychologists, students, youth, sex workers and community members. In most cases our involvement was unfunded.

Month	Workshop details	Number of participants
March	Presentation on GBV to 2nd-year social work students at UNAM	48 (40 females, 8 males)
	Presentation at a debate on youth issues hosted by Positive Vibes	19 (15 females, 4 males)
May	Presentation on gender and the law to St Charles Lwanga Seminary, a centre that trains young priests/nuns	45 (5 females, 40 males)
	Presentation on advocacy to 1st-year social work students at UNAM	45 (40 females, 5 males)
	Presentation on GBV and child abuse to the Psychological Association	30 (25 females, 5 males)
June	Presentation on World Elder Abuse Awareness Day under the theme "Protect Seniors: Take a stand against elder abuse"	150 (75 females, 75 males)
	Presentation at a teenage pregnancy and substance abuse seminar organised by the Namibia National Students Organisation (NANSO)	350 (175 females, 175 males)
	Presentation on the Combating of Rape Act and the Combating of Domestic Violence Act for sex workers	26 (all females)
July	Presentation on the importance of a Code of Conduct for church groups at the programme for the Christian Church Leaders Strategic Conference and Seminar	45 (15 females, 30 males)
August	Presentation on rape to students at the Polytechnic of Namibia	28 (25 females, 3 males)
	Presentation on gender in Namibia at a breakfast hosted by the MVA Fund in celebration of women	150 (140 females, 10 males)
October	Week-long community workshop in Tsumeb and Ondera	47 (32 females, 15 males)
November	Panel discussion on increasing maternity leave to 6 months at the Institute of People Management Convention 2013 at Safari Hotel (an annual event attended by HR practitioners and professionals)	70 (35 females, 35 males)
	Hoachanas Women Against Poverty Group	24 persons (16 females, 8 males)

The LAC is also engaged in a Traditional Authorities Project aimed at equipping the traditional authorities (TAs) to identify potential cases of women and girls facing increased risk of contracting HIV/AIDS through traditional practices. A further aim is to make the TAs aware of how customary law practices can discriminate and disempower women and girls and place them at increased risk of suffering the consequences of resultant practices such as property grabbing. Following is a summary of project activities in 2013.

A briefing of the Ovaherero Traditional Authorities Council was facilitated at the GZ centre in Windhoek, with 31 councillors (6 women and 25 men) and two UNDP officials in attendance. The purpose of the briefing was to broadly consult with the TAs and provide an update on the progress made to date. Common ground was reached as to the factors identified as harmful cultural practices with potential to fuel HIV and the need for reform or abolishment and/or repeal. Further briefings were facilitated with the Maharero TA in Otjinene (20 participants and one UNDP official), and with the Kambazembi TA in Okakarara (26 participants).

After these briefings, community conversations were held with the Otjikaoko TA, the Vita Royal House in Opuwo, the Otjikakurukouye TA in Etanga, the Ovazemba in Ruacana, and the Majei, Mashi, Mafwe and Masubia TAs in Caprivi (now Zambezi) Region. The main purpose of the conversations was to finally engage these TAs to agree on the reform or abolishment of certain customary practices. The practices considered were: (1) Circumcision; (2) Traditional Midwives; (3) *Okujepisa* (offering one's wife to a guest); (4) *Okukuika* (sucking blood from a body part of a person who is in pain or has been bitten, following incisions with a razor blade); and (5) *Okuhiwa* (removing two bottom teeth in unhygienic circumstances). The Zambezi TAs reached agreement that wife inheritance should be abolished. Regarding polygamous marriages, the Masubia were undecided but the other Zambezi TAs agreed that this practice should be abolished as well. The next project activity will be press conferences hosted by these TAs to announce the abolishment of these practices.

In Opuwo on 17 October 2013, a topical issue was chosen for a live debate and discussion on NBC Otjiherero radio, to enable listeners to give input. The panel consisted of the Chiefs of all represented royal houses, community experts and senior community members. The youth were also present at the community hall where the event took place. The topic chosen was the practice of *Okujepisa*. This is invoked by a married couple in certain instances, such as where the husband is incapable of impregnating his wife, or the husband is visited by his peer or a respected visitor: the husband vacates the common bedroom and allows the visitor to have sexual intercourse with his wife and/or impregnate her – but the child will be regarded as the legitimate child of the married couple. This practice was deemed to have potentially harmful elements, e.g. it can spread HIV. This was a hotly contested topic and no consensus was reached. Due to being broadcast live, this event made the front page of *The Namibian* newspaper. The position of the relevant traditional houses as to whether they will abolish *Okujepisa* or preserve it with precautions will be canvassed during the press conference which they plan to hold in March or April 2014.

In November 2013, the project helped to organise a press conference for the Mashi, Mayeyi, Mafwe and Masubia TAs (all royal houses) in Zambezi Region. The purpose of this gathering was to enable these TAs to declare their position on each practice deemed harmful. In terms of the project objective, upon identifying the cultural practice, the authority is to either abolish or amend it – i.e. the course of action depends on the particular royal house. The NBC was invited to record the proceedings.

Constraints and Challenges

Assessing the 'wants' of the public

The LAC's work is constrained chiefly by the fact that strategic choices have to be made given the ever-increasing challenge of accessing sufficient resources. Constant monitoring of the human rights situation in Namibia is imperative to ensure that the choices made have the broadest possible impact. A related challenge is the country's vastness: constant thought must be given to ensuring that people all over Namibia benefit from the LAC's work.

Uncertainty in the current donor environment and the relatively short periods of commitment of donor funding make it very difficult to plan long-term projects with security. Ensuring respect for human rights and the rule of law is not a short-term commitment – unfortunately. The LAC has embarked on a concerted effort to find different ways to mobilise resources, including the design of a brochure for targeting the corporate business community. This community should be made aware of the fact that the work done by the LAC in supporting a peaceful human rights-based democracy affects the environment in which they do business.

Unfortunately, core funding for the LAC's work has become a thing of the past, and it is still not clear how this will affect the services offered by the LAC in the long term. Many funders choose to support the LAC due to our excellent financial and administrative standards, but we will be hard put to maintain these standards – if it is at all possible to do so – without core funding.

"On a personal note, I read in the newspaper that you might have to cut down your work due to lack of funds. I just want to say that there are many people all around the world, who have your organisation in their thoughts at this time, knowing that you have done so much support for individuals as well as groups, not to mention the Ovahimba people, over the years."

– Feedback from a client

Emerging or Potential Problems

Minimising risks to the public

A number of risks could affect the work of the LAC. 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 LAC's scope and powers. The nature of the LAC's work requires flexibility in responding to topical human rights issues timeously, hence our ability to attract institutional support is extremely important.

The major risk factors are as follows:

- Donors may not be able to honour their commitments due to changing economic situations worldwide. One major donor has already informed the LAC that its budget has been cut by over 30% for the next funding period. Another has withdrawn its support completely.
- The government may adopt a more authoritarian attitude towards the LAC, particularly where the LAC acts for victims of human rights abuses and communities who oppose a particular government programme. Thus far the LAC has managed to avert this potential risk, but this is partially affected by the incumbents in official positions, over which the LAC has no control.
- The LAC may lose some of its important project staff, which could cause delays in the implementation of projects, since Namibia has a shortage of legal practitioners skilled in human rights issues. The professionals at the LAC have no prospects of partnership as in a commercial law firm, which means that competitive salaries must be paid. This is often not possible due to the fact that many donors do not want to pay salaries at all. In addition, the volatility of working in a donor environment means that some employees seek a more stable income environment.
- Overall effect of HIV/AIDS on the holistic human rights environment of Namibia.
- Deteriorating socio-economic conditions in Namibia.
- Economic priorities take precedence over human rights issues.

Sustainability and Funding

The LAC brochure targeting the corporate sector

Sustainability is continually on the minds of the LAC staff. A strategy for approaching corporate Namibia is currently being considered, although this would entail a change to the mindset of the corporate community since the work of the LAC is not always popular or quantifiable. Continuous efforts are also being made to supplement the institutional financial needs from the support to various projects. We have also prepared a Resource Mobilisation Plan for improving our potential to attract funding. Furthermore, the different units/projects of the LAC constantly and consistently attend to calls for proposals from donors for the purpose of assessing possible funding partnerships.

Despite sustainability issues being 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 a range of factors, mostly importantly that many donors refuse to include core costs in project funding. In other instances funding works in cycles, and if a core cost has not been built into the current cycle of project funding, it cannot be recovered. While full recovery of core costs from the different focus areas is the ultimate aim, the reality shows us that this is not currently feasible, and further assistance must be 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 requests for funding.

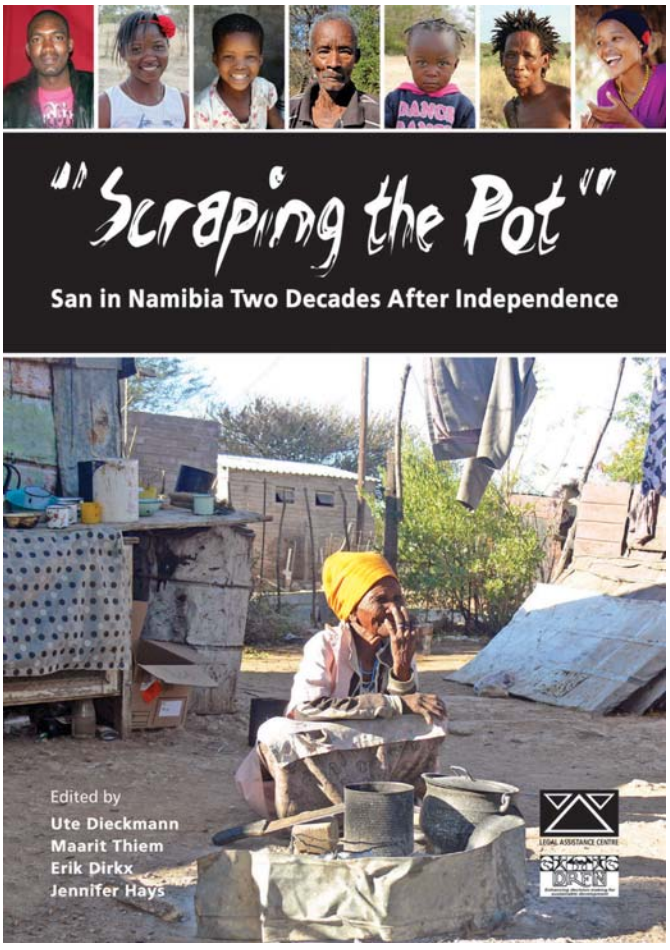
Change can take years. However, many of the changes brought about by the LAC's work in litigation, research, education, training and advocacy have the potential to generate long-term effects which further entrench a democracy in Namibia based on human rights, and which promote holistic progress.

In any event, the LAC will be able to continue with its current programmes in a satisfactory manner in 2014.

In terms of sustainability, our trustees convened a strategic planning meeting in the second half of 2013, in which the way forward was thoroughly discussed and planned together with the LAC management.

Conclusion

The LAC is continuously devising new strategies to ensure maximum exposure to human rights education and training throughout the country, and is reaching more and more people every year. Improvement is always possible, and the LAC will continue to strive to maximise its service delivery to the people of Namibia by achieving the maximum impact with well-managed resources. We are confident that the work done in 2013 will contribute to that which we strive to achieve, namely a democracy in Namibia based on human rights, and will form more building blocks in the building of such a democracy.



Forthcoming in 2014

The LEAD Project and the Desert Research Foundation of Namibia (DRFN) are in the final stage of production of the report entitled *Scraping the Pot: San in Namibia Two Decades After Independence*, to be launched in early/mid 2014. This extensive study was initiated in 2010. The report provides wide-ranging data on the different San groups in the country, and paints a comprehensive picture of the challenges that each group faces. The findings will help the relevant development partners to improve the design and implementation of programmes aimed at improving the status of the San communities. The reliable data in the report will enable the partners to develop an *integrated strategy* for the provision of support to the San. The report will provide a sound empirical foundation for policymaking and future support programmes.

Getting in Touch with the LAC

A large volume of information on the LAC's activities (projects, cases, publications, etc), donors and finances, as well as digital versions (PDFs) of most LAC publications, are available on the LAC website: **www.lac.org.na**. (Hard copies of publications are available at our office.)

We also have a very active Facebook page: **www.facebook.com/pages/Lac-Namibia/**

Website link for general contact details: **www.lac.org.na/about/contact.html**
Website link for financial details: **www.lac.org.na/finances.html**
Website link for publications: **www.lac.org.na/pub/publications.php**

The LAC Director and Coordinators of LAC projects/units can be contacted by telephone (061-223356) or at the following email or web addresses:

- **LAC Director: Toni Hancox**
  Email: thancox@lac.org.na

- **ALU Project Coordinator: Amon Ngavetene**
  Email: angavetene@lac.org.na
  URL: www.lac.org.na/projects/alu/aluobjective.html

- **GR&AP Project Coordinator: Dianne Hubbard**
  Email: dhubbard@lac.org.na
  URL: www.lac.org.na/projects/grap/grapobjective.html

- **HURICON Project Lawyer: Corinna van Wyk**
  Email: cvanwyk@lac.org.na
  URL: www.lac.org.na/projects/huricon/huriconobjective.html

- **LEAD Project Coordinator: Willem Odendaal**
  Email: wodendaal@lac.org.na
  URL: www.lac.org.na/projects/lead/leadobjective.html

- **Namibia Law Reports Editor and In-House Counsel: Adv. Lynita Conradie**
  Email: lconradie@lac.org.na
  URL: www.lac.org.na/projects/lawreports/lawreport.html