



2018 – celebrating free access to legal information



LEGAL ASSISTANCE CENTRE

Annual Report 2018



INTRODUCTION TO THE LAC

VISION

Namibia is a human-rights-based democracy founded on equality, justice and dignity.

MISSION

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.

MAIN ACTIVITIES

The Legal Assistance Centre (LAC) carries out its mission through three main activities:

1. Legal advice and litigation
2. Education and training
3. Research, advocacy and lobbying

These activities are carried out through three major units:

1. **Land, Environment and Development Unit (LEAD)** – works specifically on land, environment and rural community empowerment issues.
2. **Social Justice Project (SJP)** – works directly to fight human rights violations, mainly through litigation.
3. **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.

MAIN ACTIVITIES OF THE THREE LAC UNITS

Social Justice Project (SJP)

- Human rights and constitutional test case (impact) litigation, particularly in relation to socio-economic rights (i.e. the right to health)
- Human rights educational materials
- Legal advice
- Training of candidate legal practitioners
- Training of government officials and law enforcement agents

Gender Research and Advocacy Project (GR&AP)

- Gender research for law reform and public debate
- Advocacy and lobbying for law reform
- Educational materials on family law issues with a particular focus on issues that affect women and children
- Education and training for communities and policy-makers on legal issues related to gender

Land, Environment and Development Project (LEAD)

- Test case litigation on land disputes and access to land rights
- Legal assistance to conservancies and community-based organisations
- Focus on wildlife crime
- Community dispute resolution
- Research and policy formulation on land rights
- Education and training on land rights and land administration



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DIRECTOR'S FOREWORD



LAC Director **Toni Hancox**

All human rights are interdependent and interrelated, and the right to dignity is a fundamental underlying right against which all actions can be judged. The Legal Assistance Centre (LAC) addresses a number of human rights issues that support this fundamental right.

The Gender Research and Advocacy Project (GR&AP) works to empower women to enable them to take their rightful place in society. In addition, GR&AP provides a voice for children's rights to ensure that future generations are able to reach their full potential.

The Land, Environment and Development Unit (LEAD) supports the concept that each person should have access to a proper livelihood and the potential to provide for themselves. In addition, LEAD considers the economic effects of wildlife crime on Namibia's people, particularly those who rely on wildlife to function productively.

The Social Justice Project (SJP) assists people who are at their most vulnerable and need to access services such as the health services of the Government. Upholding the dignity of persons who have been incarcerated is also a focal area, as are the rights and challenges of refugees.

The LAC also helps clients to speak up against injustices and empowers them to access the socio-economic rights that underlie a life of dignity.

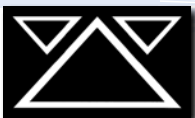
It has been 30 years since the LAC was founded. The goal then was to protect those who had been tortured and mistreated by the ruling apartheid regime. Independence followed and the LAC's role changed into an organisation that would support new legislation and policy focusing on the protection of the human rights outlined in the Namibian Constitution. The occasion of a significant anniversary in the life of an organisation provides the opportunity to reflect on the impact made through its activities. Has the LAC contributed to the needs of those most marginalised? Yes, we have. But has that meant real change for our people? This is a question that is not so easy to answer. While the LAC has made a major impact on aligning both legislation and policy with internationally accepted human rights, what is lacking is making this impact real in the lives of those we serve. This is not something the LAC can do alone, but what we can do is continue to hold the relevant stakeholders within government and other organisations accountable by being persistent and in some cases just plain annoying. It does not give me joy to say that the LAC is still an organisation that is sorely needed in an independent Namibia. This is sadly the reality. I challenge all within this beautiful country to make a positive contribution to the lives of all within it, however small – so that the LAC will not be needed for 30 more years.



Above: LAC Directors past and present (from left): **Dave Smuts** (founding Director), **Clement Daniels**, **Norman Tjombe**, **Toni Hancox**, **Andrew Corbett**

Below: LAC Directors past and present at the 30th Anniversary celebration, held at the LAC office.





INFANT VACCINATION MATTERS

The LAC has taken up eight cases relating to infant deaths occurring after the six-week routine vaccination period. The vaccines may not have caused these deaths, but, due to underlying illnesses and weak immune systems, they could have contributed to these deaths. The issue is how healthcare workers detect, if possible, underlying conditions that could pose a risk to the infant if vaccinated. In other words, what mechanisms and procedures is any healthcare worker required to adhere to before giving an infant an injection containing live viruses? All cases except two have undergone the judicial case management process, and a meeting was held with Respondents and Judges to determine how to go about the trial process. The medical experts on both sides are required to provide the Court with a joint report on the issues on which they agree and disagree. We hope to commence with trial in the second semester of 2019.

OTHER MEDICAL NEGLIGENCE MATTERS

- The client is the biological mother of a deceased newborn delivered at Engela State Hospital in Ohangwena Region. At full-term pregnancy, she was admitted to give birth, but did not receive any medical attention from any hospital staff post admission. She was merely ordered to walk off her labour pain, and while doing so she gave birth standing up and without any assistance from the staff. The newborn fell from the client's womb in the course of this walk, hit the ground and died instantly.
- The clients are the biological parents of a baby born at Katutura State Hospital, who allegedly passed away and was cremated without the parents' authority. They never had the opportunity to see their baby.
- Our client called an ambulance to take her child to Katutura State Hospital due to severe diarrhoea and vomiting. From there the child was transferred to Windhoek Central Hospital due to dehydration. She was responsive (opening her eyes and moving about), which condition persisted for a few days in Windhoek Central, but then the doctor informed our client that the child needed an urgent blood transfusion. After the transfusion the child suffered severe swelling and darkening of the skin surrounding the needle entry point, due to an infection. This infection caused the amputation of the child's leg, after which the child was transferred back to Katutura State Hospital.
- Our client was the victim of unlawful shooting by the police in an attempt to arrest another person. Our client was shot by accident after the police and the suspect became engaged in a physical attack. The gun went off and the bullet hit our client. The bullet is still in our client and poses a grave danger to him. The High Court awarded our client N\$150 560.

FORCED STERILISATION MATTERS

The 18 cases of women with HIV being sterilised without their informed consent have finally been closed. Sixteen of these cases were settled out of court in early 2017, but the Government did not immediately honour the agreement and kept stalling the agreed payment to the women. These cases were placed back on the roll for contempt of court proceedings, forcing the Government to pay. All 18 women have received compensation for the pain and suffering resulting from the forced sterilisations.

OSIRE REFUGEE SETTLEMENT - UNHCR

From July to December 2018, the SJP ran the first phase of its project with UNHCR in the Osire Refugee Settlement. Five visits were made to the settlement, the holding cells and the Ministry of Home Affairs and Immigration offices in Katima Mulilo, Rundu and Otjiwarongo. In Osire we work with three legal volunteers from the camp, who assist us with collecting cases and alert us to any emerging need for legal assistance. To date we have received 113 cases (i.e. requests for legal assistance and/or education). These have been dealt with, and 29 letters regarding individual cases and general concerns were sent to the relevant authorities. Issues included the right to health, the right to education, refugee status determination, and gender-based violence (GBV). On 1 December, together with Sister Namibia, we organised a training session for women and girls on GBV issues and self-defence, which drew about 140 participants. As part of this project, we are seeking to increase public awareness of refugee and asylum matters in Namibia. SJP staff therefore appeared on *Good Morning Namibia* (9 October 2019) to talk about refugee rights. We also produced two



pamphlets to inform the public about refugees in Namibia. With new UNHCR funding secured for 2019, the second project phase commenced in February 2019.

ONGOING CLAIMS AGAINST POLICE

- Our client, an inmate at Windhoek Central Prison, was informed by a warden that he would be transferred to another cell, with no reason given. He protested the move, on the grounds that there were inmates in the intended new cell with whom he had serious issues and they might harm him. The warden ignored his protests and moved him to that cell. On the same night of his move he was severely assaulted by the other cell mates. He sustained serious injuries which warranted immediate medical attention, but he wasn't taken to a clinic until the following day. No proper medical examinations were conducted, because the nurse had already decided that the man was lying about his condition.
- Our client was physically assaulted by members of the Namibian Police while walking on a public road. More specifically, a body search was conducted on our client without just cause. He was then handcuffed, taken to the police station and left there for an hour. He was not informed of the reason for his arrest. After an hour, the officers who had arrested him returned and released him without charging him.
- Our client was working at a bar in Katutura. While at work, she was arrested, taken to the police station, handcuffed in an unconventional manner, and then electrocuted and beaten on her face by police officers while they interrogated her about goods stolen at her place of work. She sustained bruises and abrasions.
- Our client is the mother of Mandela Ramakuthla, a young man who was severely tortured by members of the City Police and later died as a result of the injuries. He had been picked up by three City Police officers from a public area, loaded into a city police vehicle, driven to an unknown place, and later left at the police station in a terrible state. The officers then took him to the hospital and he was immediately admitted to the ICU. He died a few days later. An extensive post-mortem examination was conducted and the examining medical officer noted that the deceased died as a result of blunt soft tissue trauma secondary to assault. The post-mortem examination also showed that the deceased had been severely tortured prior to his death, since there were bruises all over his body.
- Our client was unlawfully shot by members of the City Police on his hip for no reason. He sustained serious injuries as a result of the unlawful assault. The case is before the magistrate's court.
- Our client is a trial-awaiting accused who was in the Windhoek Central Prison cells before being granted bail. While in the cells, he had an argument with a fellow inmate who refused to switch off the lights after the time for doing so had already passed. During the argument, this inmate and his friends threatened to harm our client that night. Our client informed the wardens, who did nothing about his situation. During the night our client was physically assaulted and beaten by the other inmate and his friends in the cell. He sustained serious injuries and was taken for medical attention.
- While exiting a food outlet in town, our client was picked up by police officers dressed as civilians, who forced her into the police van without any explanation, physically assaulted her in the van, insulted her by calling her a "moffie", and continued the assault at the police station. Summons was issued and the matter proceeded to court-connected mediation which proved unsuccessful. It is likely to proceed to trial in 2019.
- Our client was traveling in a motor vehicle with her brothers in the early hours of the morning. They were stopped by members of the Namibian Police and ordered to disembark from their vehicle. Two of her brothers who attempted to enquire from the officers the reason for their detention were immediately arrested. When our client tried to enquire, one of the officers slapped her face and at the same time twisted her hand. Our client sustained a fracture to her arm and is still undergoing medical treatment. A notice to take action has been served and a summons is being drafted.

PROPERTY DISPUTES

- In another matter, our client is claiming a customary leasehold right over a piece of land from which he is being evicted.
- We have brought an application challenging the sale of property without proper procedures and without taking into consideration the heirs of an estate.

OTHER CONSTITUTIONAL ISSUES

- The LAC has brought an application challenging the constitutionality of the Research, Science and Technology Act. While the application is pending, the Government has undertaken to amend the Act, and a Bill is being considered, taking into consideration the suggestions of the LAC and other Applicants. The matter is being tracked by requiring the Government to provide monthly progress reports as to what has been done and when the Bill will be ready for Parliament. The Government is required to have the amended Bill tabled before April 2019.
- In a trafficking case, the LAC has been involved in drafting an application to the African Commission to hold the Namibian Government liable for not dealing with the victim according to international standards.

SJP TRAINING

In 2018 the SJP conducted training workshops on “HIV and the Law” in 6 of Namibia’s 14 regions, namely Erongo Region (Walvis Bay); Kavango (Rundu); Zambezi (Katima Mulilo); Oshana (Ongwediva); Khomas (Windhoek); and Omaheke (Gobabis). The main criterion for the selection of cities/towns for these workshops was the higher populations of sex workers.

MEDIA APPEARANCES

- SJP staff were interviewed on NBC TV’s *Good Morning Namibia* three times in 2018 (March, September and October), on the topics of Inheritance under Civil and Customary Law; Curatorship; and the Osire Refugee Settlement.
- SJP staff gave input on NBC TV and Radio live broadcasts on the topics of “compulsory shaving of hair in public schools” (7 March); Namibia’s law of inheritance (15 March); and the legality of marijuana in Namibia (Afrikaans station, 21 June). The discussion of “compulsory shaving of hair” came about after the LAC was approached by the father of a girl who was denied education after refusing to have her hair shaved off.

OTHER ACTIVITIES IN 2018

- The SJP, under the directions of the LAC’s LEAD Project, provided training on the Traditional Authorities Act at a workshop in Gobabis.
- On several occasions, SJP staff visited the prisons and correctional facilities in Windhoek for various purposes, such as to observe the current conditions, and to interact with inmates to collect data for possible future training and other legal assistance they may need.
- In May, a staff member attended and gave a presentation at a workshop on the rights of people with disabilities.
- In June, a staff member attended a workshop in Johannesburg on sexual reproductive rights, hosted by UNFPA, ESARO and OHCHR.

SJP and other LAC staff members hard at work in the national clean-up campaign in May 2018 – a campaign inspired by Namibia’s President, H.E. Dr Hage Geingob.





**In 2018,
GR&AP
celebrated
25 years of
ground-
breaking
work ...**

LAC has done unique work which is still untouched. Please make use of LAC's research, especially their recommendations on GBV & protection orders and other relevant laws.

– **First Lady of Namibia, Madame Monica Geingos,**
launch of the #BreakFree
Campaign Against GBV
April 2018

Congratulation once again for the great work you are doing.

- **Michela Manna**,
European Union
March 2018



CELEBRATING 25 YEARS of the
Gender Research & Advocacy Project
of the **Legal Assistance Centre (LAC)**



In 2018, GR&AP ...

produced
16 new
publications,
bringing our comic
library to a total
of 35 comics

distributed
over half
a million
publications

appeared
in the media on
47 occasions:
24 print appearances
17 radio broadcasts
6 television
programmes

assisted
116 clients

conducted
community outreach
on the links between
corporal punishment and
gender-based violence, and
advocacy on zero tolerance
for corporal punishment
in schools

gave input into a number of law reform issues, including

- **draft Child Care and Protection Act regulations**, for the Ministry of Gender Equality and Child Welfare
- preparation of a **draft Designation of Senior Counsel Bill**, for the Society of Advocates
- gender analysis of the **Flexible Land Tenure Act and regulations**, for GIZ
- women's property rights under the **Communal Land Reform Act**, for a Rural Women's Land Consultation organised by KAS and a presentation to the Rural Women's Parliament
- input on the **draft Marriage Bill**, at the request of Ministry of Home Affairs and Immigration
- input on the **draft Divorce Bill** and the **draft Civil Registration and Identification Bill**
- inputs on the **draft Uniform Matrimonial Property Bill**, which would remove the race-based differences in marital property regimes
- input on the **draft Mental Health Bill**, circulated for comment via the Law Society of Namibia
- input on several drafts of **forthcoming government guidelines on public participation in the law-making process**, provided to the Ministry of Justice.

NEW MATERIALS FOR CIVIC EDUCATION

Factsheets

In 2018, GR&AP completed a set of 21 factsheets on law, government and advocacy. These factsheets are designed for use in civic education aimed at all Namibians, and will hopefully contribute to the strengthening of civil society in Namibia. They are currently being utilised in training sessions by several Namibian NGOs, through the Civic Education Programme of the Hanns Seidel Foundation. The factsheets were formally launched in June at an event featuring a panel discussion with lively participation from an interested and enthusiastic audience.



Know Your Constitution

GR&AP produced an updated and revised version of *Know Your Constitution*, which is a short summary of the key provisions of the Namibian Constitution designed for public education. This booklet was launched in November at an event which featured a keynote speech by Namibia's Ombudsman, Adv John Walters, in addition to input from GR&AP.



Comics and booklets

GR&AP also published three new comics in 2018, on trafficking in persons, child exploitation and freedom of the press. The draft comics were pre-tested with community health workers, teachers and other community leaders from the Havana area in Windhoek. The completed comics were utilised at various workshops and distributed as inserts in various Namibian newspapers as a way to reach members of the public in different parts of the country. Companion booklets were produced to go along with the comics on trafficking and child exploitation. The booklets give more detailed information and are likely to be helpful to service providers.



Research Brief: Presidential Immunity

The GR&AP team completed a research brief on Presidential Immunity in late 2018. This paper examines the Namibian President's broad immunity from most civil and criminal proceedings by virtue of Article 31 of the Namibian Constitution. It looks at the notion of presidential immunity and the widely varying approaches to this issue in other countries, particularly in Africa. This comparison shows that the degree of immunity provided by the Namibian Constitution is particularly far-reaching, and out of step with the spirit and tenor of the Constitution as a whole. Few of Namibia's African neighbours have such far-reaching immunities, not even countries with less well-entrenched democratic traditions than Namibia. Therefore, the paper suggests that Article 31 of the Namibian Constitution should be amended the next time constitutional amendments are considered.



“ ... I am a Peace Corps Volunteer from the USA teaching in a primary school here in Namibia. I recently acquired some physical copies of your comics ... and I made them available in our school's library. The moment I put them out the learners took notice and are really drawn to the comics. They are asking to borrow them and asking questions of me and other teachers based on the issues they present. I would really like to acquire more copies of these comics or additional issues because I am excited by the conversations it has started at my school ... ”

- Aidan Holmes, March 2018





LAND, ENVIRONMENT AND

LAND - POLICIES AND LEGISLATIVE FRAMEWORKS

Etosha case

This case revolves around issues which have not been previously ventilated in the Namibian legal system. The judicial system in Namibia does not recognise class (representative) action procedures. Therefore, in order to bring the matter to court on behalf of 2 700 Hai||om clients, the applicants first needed to apply to the High Court by way of a class action certification application. If the clients succeed with this application, it could bring about positive changes to the Namibian jurisprudence on the interpretation of *locus standi*. Class actions can be especially beneficial to those who want to determine their socio-economic and environmental rights, also known as third-generation rights. At the international level, this application required soliciting an affidavit from James Anaya, the then United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. The matter was argued in the High Court on 26-29 November 2018 and judgment is awaited.



Ovahimba children at Onjuva, Kunene Region, where LEAD held a meeting with Orupembe Conservancy.

Illegal grazing

An application was launched on behalf of the Nyae Nyae Conservancy to interdict the unlawful occupiers and herders from occupying the conservancy and communal land under the Chief's jurisdiction, and from using the resources without any lawful authority. The respondents entered appearances to defend, but no further pleadings were filed and an order in favour of the Conservancy was granted in August. An application to rescind this order was subsequently filed on behalf of the cattle farmers, which matter will be heard on 23 July 2019.

Illegal fencing (Nꞁa Jaqna)

This matter was argued in court in 2015 and judgment was reserved. By that time, LEAD had been attending to this matter for over three years, hence this is another example of the long-term commitment required to bring about change in the context of human rights. In an interlocutory hearing, the LAC argued on behalf of the client and convinced the court that the conservancy has *locus standi* to be heard on the matter. This has set a precedent for other conservancies who would like to approach the court for relief. Judgment in the main application was finally handed down in August 2016 and was in our client's favour. This judgment has set a further precedent for other problem areas on communal land regarding illegal fencing and the removal thereof. Unfortunately, the terms of the court order have not yet been met, and at the end of 2018, LEAD was exploring alternative remedies to find a workable solution to the illegal fencing, settling and unlawful cattle farming on the conservancy.

Kashela case

Our client brought an application alleging the expropriation of communal land by the Katima Mulilo Town Council without just compensation. The client was unsuccessful in the High Court, but an appeal was lodged with the Supreme Court. Heads of Argument were drafted and filed, and the matter was argued in the Supreme Court in October 2018. Judgment in the client's favour was handed down in November. What is noteworthy in this judgment is the Supreme Court's confirmation that customary tenure rights are indeed protected under the Namibian Constitution. The remaining issues have been referred back to the High Court. The remaining issues for determination include the quantification of damages.

DEVELOPMENT UNIT (LEAD)



Left:
The LAC legal team
for the Etosha case
(from left):

- LEAD Coordinator Willem Odendaal
- Adv. Michael Bishop
- Adv. Natasha Bassingthwaite
- Adv. Peter Hathorn
- Adv. Andrew Corbett

Below:
The legal team
together with client
representatives at
the High Court in
Windhoek



Kapika case

On 9 March 2018, the High Court handed down judgment in favour of our client, Mutaambanda Kapika. The order basically annuls the Minister of Urban and Rural Development's decision to appoint Hikuminue Kapika, the older brother of Mutaambanda, as Chief of the Ombuku Traditional Authority. LEAD met with the clients in Opuwo to explain the outcome of the case and the possible way forward for them. The suggestion was that they should hold fresh elections for the chieftainship in terms of their customary land rights, but LEAD warned them that an appeal against the matter could still be filed. Indeed, an appeal was filed in April and a date for the appeal is awaited.

Land reform policy

LEAD represented the LAC at the historic 2nd National Land Conference held on 1-5 October 2018, and gave a 15-minute presentation on "Illegal Fencing on Communal land in Namibia".

ENVIRONMENT: HEALTHY ECOSYSTEMS AND NATURAL BIODIVERSITY

Prosecution and investigation

LEAD coordinated the **1st Prosecutors, Investigators and Magistrates Wildlife Crime Workshop**, held at Uukwaluudhi (north-western Namibia) on 3-8 June, and then the second and third of these workshops, at Popa Falls (north-east) on 2-6 September and !Uris Lodge near Tsumeb (central-north) on 4-9 November. All three workshops covered the same topics of wildlife crime. Examples of the topics covered are Poaching Statistics in Namibia; CITES; and organised crime/syndicates in wildlife crime.

We received positive feedback from all participants, and this training also received good media coverage:

- **TV:** One Africa TV News, 13 September 2018
- **Radio:** NBC Radio, Main News, 14 September 2018
- **Print:**
 - Namibia Press Agency (NAMPA) (12/9/2018): <http://nampa.org/index.php?model=categories&function=display&id=18278464>
 - *Allgemeine Zeitung* (13/9/2018): www.az.com.na/nachrichten/workshop-schrt-zusammenhalt-gegen-wildtier-kriminalitt2018-09-13
 - *Namibian Sun* (17/9/2018): www.namibiansun.com/news/lac-trains-legal-fraternity-on-wildlife-crime2018-09-17
 - Other (12/9/2018): www.leramobile.com/content/76871/LAC-conducts-workshop-on-wildlife-crimes



Workshop participants hard at work

LEAD has recorded significant progress in creating a wildlife database:

- The cases of the last five years processed in the Katutura Magistrate's Court have all been recorded.
- In October 2018, court cases in two Windhoek courts were monitored. Many postponements (mostly due to the absence of a lawyer or state witness or docket) were noted.
- In November, LEAD visited the courts in Katima Mulilo, Rundu and Okahandja, to start setting up the wildlife crime database outside of the Windhoek courts.

A LEAD training workshop



After these visits, the databases/lists were shared with the courts visited – i.e. with the public prosecutors, all being members of the Prosecutor-General's Wildlife Crime Unit.

Raising awareness

In all of these training workshops and visits to courts, we

provided advocacy/awareness-raising materials. This is standard practice for the LAC, as it enables efficient and effective distribution of the LAC's own materials, and enables the LAC to reach new audiences/clients and the general public at no cost. In preparation for our advocacy on wildlife protection, LEAD approached the Ministry of Education, Arts and Culture to garner support for the advocacy at schools in Zambezi Region, and the Ministry has promised this support.

“ Thank you for the update and statistics. It is greatly appreciated, and I am also happy that Ms Yisa is giving you the maximum support in ensuring that your efforts in the fight against wildlife crime are a success. ”

– Adv. Jatiel Mudamburi,
Office of the Prosecutor-General, on receiving LEAD's feedback from these trips.

“ The Ministry welcomes this kind of noble initiative, geared towards educating the Namibian Child in aspects of Land, Environment and Sustainable Development. We are therefore looking forward to this partnership, for it will go a long way in assisting us to achieve our mandate and will also to contribute towards our realization of the VISION 2030 goals. ”

– Ms Sanet Steenkamp,
Executive Director,
Ministry of Education, Arts and Culture



OTHER HIGHLIGHTS OF 2018



Doing our civic duty: A few of the many LAC hands on deck for the National Clean-up Campaign in May 2018.

PROJECT IMPLEMENTATION HIGHLIGHTS

Capacity building

Capacity building occurs on a continual basis within the LAC as the units work within themselves and in conjunction with one another to holistically deliver the human rights message in different ways. Each unit constantly engages in workshops and conferences in relation to its area of interest. So as not to belabour this report, we have not individually itemised these many engagements, but further information can be made available if sought.

Screening services

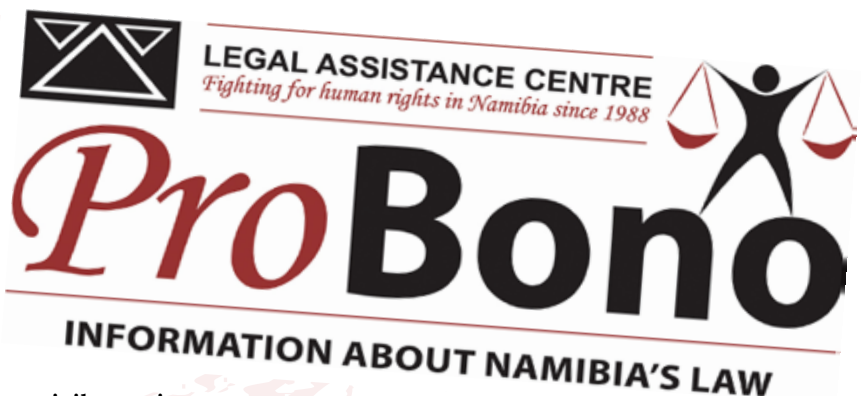
Traditionally, all LAC units provide a screening service in terms of which walk-in clients are screened and provided with advice or referred to other institutions. In some instances, cases are taken on. However, before 2017 the screenings were not documented in a consistent way, which made record-keeping and assessments more cumbersome than they currently are, by virtue of a new structure established in 2017 to document all screening interventions consistently. This consistency will assist the LAC in reporting on screening interventions, but more importantly it will serve to identify possible areas of future intervention. This structure has continued to bear fruits, and 1011 individuals were screened in 2018. Reports on screening are available for further information.

Public education

In 2017 a new initiative to provide public education was conceived. An agreement was reached with *The Namibian* newspaper to print a monthly column titled *ProBono*, which seeks to explain various aspects of Namibia's law to laypersons. In 2018 the column covered the following topics:

- Inheritance in the absence of a will
- Rhino horn poaching
- What happens when a person is married in a civil marriage by a person who is not a marriage officer
- Legal framework of the Legal Assistance Centre (in honour of the LAC's 30th anniversary in July 2017)
- Provisions in the Child Care and Protection Act for making sure that convicted abusers and sex offenders do not work with children
- Legal standing
- Expropriation without compensation and the Namibian Constitution
- Women and Communal Land
- Surrogacy
- Paternity tests

The Namibian is thanked for this cooperation.



All editions of the column are posted on a dedicated "ProBono" page of the LAC's website:
<http://www.lac.org.na/news/probono/probono.html>

INTERNATIONAL EXPOSURE

Permission was granted to include a range of GR&AP materials in the **Education for Justice (E4J) initiative** launched by the United Nations Office on Drugs and Crime (UNODC) as a key component of the Global Programme for the Implementation of the Doha Declaration. E4J aims at building a culture of lawfulness among children and youth by developing age-appropriate educational materials that promote peace, justice and equality and integrating them into curricula across all education levels.

COLLABORATION WITH OTHER ORGANISATIONS AND OTHER MATTERS OF INTEREST

LAC continues to be a part of the **Action Coalition** that is advocating for access to information legislation, citing freedom of expression as an important human right without which there cannot be a true democracy.

The Director serves on the Project Team of the **Law Society of Namibia's Change Project**. This project is doing extensive research on the practice of law as it currently stands and what can be done to address same in order to make the law a proper tool for substantive change. The Change Project is also looking at current realities for the legal profession and recognises that change must take place for the profession to remain relevant and viable.

The Director serves at a trustee on the Board of the **Aids Rights Alliance for Southern Africa (ARASA)** and the **National Bioethics Working Group**.

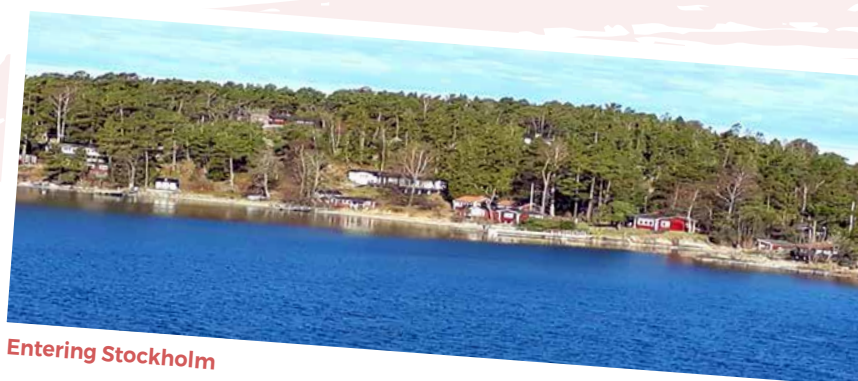
In February the Director attended a civil society meeting addressed by the **SA Institute of International Affairs on the African Peer Review Mechanism**, the focus being on how to support and encourage government to nationalise the process.

In March the Director attended the **Women in Leadership** breakfast meeting at the **Embassy of Finland** residence, during which a number of issues were discussed, in particular that women in government should not be so complacent. Also in March, the Director and Social Justice Project Coordinator attended an **Office of the Judiciary** workshop where input was requested into their new strategic plan.

In May, the Director and GR&AP Coordinator attended the **Europe Day** celebration, and the LAC staff took part in the **National Clean-Up Campaign**. Also in May, the Director and Financial Manager attended the **Africa Groups of Sweden (AGS) Partners' Meeting** in Windhoek. Finally in May, the Director chaired an afternoon session at the **National Disability Workshop** on the topic of "Stigma and Discrimination", and the SJP Coordinator gave a presentation on "Rights to Public Participation".

In June the Director hosted visitors from AGS at the LAC office. In addition, the Director presented "**Access to Information**" training to a woman's group and a youth group in Swakopmund, and attended a **Civil Society Sustainability Forum**. June was also filled with **radio and TV events** to advertise the **Legal Assistance Centre 30th Anniversary events** to take place during the week of 2-6 July 2018. The week included symposiums relating to land and to education, a business breakfast outlining the work of the LAC, a formal cocktail event where all stakeholders and previous Directors of the LAC were in attendance and a free legal information morning in the centre of Windhoek.

In July, the Director met with the Canadian High Commissioner to discuss further funding opportunities. During the last two weeks of July, the Director travelled to **Europe to meet with existing donors and new organisations**. She visited Berlin, Copenhagen, Helsinki, Stockholm (where Africa Groups of Sweden welcomed her) and Oslo. While no new funding was secured at this time, many contacts were made and some suggestions for possible collaboration offered.





With international IDEA staff in Stockholm



The GR&AP Coordinator represented the LAC at the launch of Namibia's National Safe Schools Framework in September 2018.



Business breakfast - one of the LAC 30th Anniversary activities

CONSTRAINTS / CHALLENGES

Challenges remain constant. The work done by the different units is limited by the resources they have, the lack of which has become a challenge worldwide, as well as by their focused mandate. There are many more human rights issues which could be addressed in an in-depth manner, but the units are of necessity limited to their area of scope. In order to have a real impact, the focus of the units cannot be further diluted. It must be said that this is not a decision easily taken since the LAC is well aware that many clients who are turned away have no other option for recourse. The LAC is further challenged by the vastness of Namibia, and must constantly strive to ensure that its work is not centralised. The use of different forms of media has been of assistance here. It is also a challenge to retain professional staff, and in this regard benefits must be on a level at least comparable with the marketplace.

Nevertheless, despite these challenges, the LAC has been able to deliver services at a consistent level of quality. The World Bank's designation of Namibia as an upper-middle-income country continues to have repercussions for the ability of civil society to access sufficient funding in Namibia. The LAC is fortunate to be able to build upon its favourable reputation with all stakeholders, but must still consider different avenues by which to access funding. The LAC is further fortunate to have a pool of committed staff who believe in the work that is done and who feel personally involved in the human rights challenges facing our clients.

PLANNED WAY FORWARD

The units will continue working within their focal areas in 2019 with a renewed energy and with increased synergy between the units. Fundraising efforts will continue to be prioritised in order to ensure that the LAC can continue with its valuable work in 2020 and beyond. We believe that our work is essential in "making human rights real" in Namibia.



DONORS TO THE LAC

IN 2018

We extend deepest thanks to our donors for supporting our work in 2018.

- Africa Groups of Sweden (AGS)
- American Bar Association (ABA)
- Brot für die Welt
- Canadian Department of Foreign Affairs, Trade and Development
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Embassy of Finland
- European Union
- Friedrich Ebert Stiftung (FES)
- German Embassy
- Gesellschaft für Organisation, Planung und Ausbildung (GOPA)
- Hanns Seidel Foundation (HSF)
- Konrad Adenauer Stiftung (KAS)
- Legal Practitioner's Fidelity Fund
- NAMAS
- Open Society Initiative for Southern Africa (OSISA)
- Pupkewitz Foundation
- The Royal Foundation (a charitable organisation of Prince William and Prince Harry)
- Southern African Litigation Centre (SALC)
- United Nations Children's Fund (UNICEF)
- United States Embassy
- United Nations High Commissioner for Refugees (UNHCR)
- US Department of State
- United States Agency for International Development (USAID)
- Wildlife Conservation Network – Save the Elephants
- World Wildlife Fund (WWF)



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 many publications are available at our office: **4 Marien Ngouabi Street**, Windhoek. We also have a very active Facebook page: www.facebook.com/pages/Lac-Namibia/

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