



**LEGAL
ASSISTANCE
CENTRE**
Annual Report
2019

Celebrating a win for wildlife





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:

- Legal advice and litigation
- Education and training
- Research, advocacy and lobbying

These activities are carried out through the three main units of the LAC:

Social Justice Project (SJP)

Works directly to fight human rights violations, mainly through litigation.

- 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)

Works to promote gender equality and the empowerment of women through legal research, law reform and related advocacy work.

- Gender research for law reform and public debate
- Advocacy and lobbying for law reform
- Educational materials on family law issues with a 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)

Works specifically on land, environment and rural community empowerment issues.

- Test case litigation on land disputes and access to land rights
- Legal assistance to community 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



The Legal Assistance Centre works towards its vision: “*Namibia is a human-rights-based democracy founded on equality, justice and dignity.*” In 2019 this vision was challenged in many ways. The Social Justice Project had to intervene for people who are vulnerable due to economic or personal status, in matters involving, for instance, access to functional healthcare, assault suffered at the hands of the police, and the rights of refugees. The Gender Research & Advocacy Project continued to advocate on the status of women and children, and assisted further in the drafting of legislation necessary for their protection. The Land, Environment & Development Project continued fighting to protect the right to land, and to protect our wildlife and environment for future generations.



LAC Director Toni Hancox

The right to dignity is a fundamental right underlying all actions taken by the LAC. Healthcare and education can be provided, but if tainted by a lack of dignity, their access cannot be said to be equal. Many human rights issues have yet to be addressed in Namibia. The LAC, through its projects, provides assistance to individuals and groups whose dignity is undermined. I ask the reader to always keep the right to dignity in mind when engaging with others, and challenge you to do all that you can to protect this right.

This annual report is not an exhaustive document detailing every LAC activity, but rather it showcases a selection of activities to give the reader an idea of how the organisation pursued its vision in the period under review. More information on any topic can be provided on request.



In November 2019, LAC staff came out in force for a demonstration against corruption, where a broad spectrum of people demanded that the Anti-Corruption Commission take action on the notorious “Fishrot” scandal which saw two government ministers arrested shortly after the demonstration took place.



Social Justice PROJECT

WORKING WITH REFUGEES

The SJP continued its partnership with the UNHCR to provide the residents of the Osire Refugee Settlement (in Otjiwarongo District, central Namibia) with support and access to legal services.

- **STATUS DETERMINATION:** When persons intending to seek refugee status in Namibia arrive at any port of entry, they are regarded as asylum seekers who are eligible to apply for refugee status.
 - ~ In 2019, 18 new asylum seekers were assisted with their applications for refugee status.
 - ~ Two SJP staff members attended two trainings in Otjiwarongo, conducted by the UNHCR, the Local Authority and local implementing partners, focusing on criteria used for status determination, and a combined localised agenda for all partners in 2020.
 - ~ We visited entry hotspots in Zambezi Region (Katima Mulilo), Kavango East Region (Rundu) and Erongo Region (Walvis Bay) to consult with the Local Authorities on the entry of asylum seekers.
- **ACCESS TO HEALTHCARE:** All 37 matters registered by the SJP in 2019 were addressed together with the Office of the Commissioner for Refugees and the Society for Family Health. (The latter is a UNHCR implementing partner responsible for addressing psychosocial and health issues.)
- **DIVORCES:** Several refugees have approached the SJP for assistance to divorce their spouses. The majority are seeking divorce in order to apply for resettlement in other countries. Being a public-interest law centre, the LAC is limited in respect of the types of cases it can take on. The relevant regulating body is aware of the assistance that the LAC is rendering to this vulnerable community.
- **GENDER-BASED VIOLENCE:** The SJP registered 11 cases in 2019. We are currently assisting the affected persons only with reporting their cases to the relevant law enforcement agencies for investigation and possibly prosecution.
- **PROTECTION AND SAFETY:**
 - ~ A refugee mother whose family we are assisting with the resettlement process alleges that police officers assaulted her. As a result, she fears for her safety and that of her children. The resettlement process for this family is at an advanced stage. Our assistance includes advice about appeal procedures in case their application for resettlement is rejected.
 - ~ The SJP translated general information and a pamphlet on the Combating of Rape Act into four languages spoken by refugees in Namibia: French, Lingala, Kirundi and Swahili. We circulated these materials in the Osire Settlement and provided accompanying capacitation training.



SJP staff consulting and training a refugee focus group in the Osire Refugee Settlement in 2019.



Consulting with clients in the Bwabwata National Park area in Zambezi Region regarding alleged police brutality.

ASSISTING VICTIMS OF POLICE ASSAULT AND BRUTALITY

The LAC, with financial support from the United Nations Fund for Victims of Torture (UNVFVT), has taken on cases regarding police assault and brutality, which had been on the rise even before the Namibian Police Force (NamPol), Namibia Defence Force (NDF), Namibia Correctional Service and Windhoek City Police launched Operations Hornkranz (2018) and Kalahari Desert (2019).

- **BRUTALITY:** The SJP has registered 26 cases of police brutality. These are at different stages of case management. By the end of 2019, six matters had been filed in the High Court of Namibia. Notices to take action against NamPol, the NDF and Windhoek City Police have been served on the relevant officials on the matters considered to have good merit for success.
- **VISITS TO POLICE HOLDING CELLS:** The SJP undertook a 3-day fact-finding mission to police holding cells in Erongo Region, and two such missions to holding cells in Zambezi Region. These visits were authorised by the applicable NamPol Regional Commanders. The inmates in Erongo generally had no serious complaints. In Zambezi, several inmates complained of being tortured and assaulted in the holding cells. Most of these complaints lacked sufficient evidence to warrant prosecution, and a few have been registered in the SJP system for further investigation and possible legal action.
- **VIOLATIONS OF INMATES' RIGHTS:** The SJP has registered six matters against the Correctional Services involving an alleged violation of inmates' rights by the authorities. The six inmates allege that they were denied access to special dietary food as prescribed for them. The SJP is conducting research on this matter (taking into account a similar case considered by the High Court in 2013 under the Prisons Act which was later repealed and replaced).
- **CONSTITUTIONALITY QUESTION:** In one case of police brutality, the SJP is seeking to amend its founding documents with a view to having section 133(3) of the Correctional Service Act declared unconstitutional, because it does not provide a remedy in the event that the Minister refuses to grant a waiver under that section.

MEDICAL NEGLIGENCE CASES

The SJP is currently dealing with 13 medical negligence cases, all of which are before the High Court, and we screened an additional 18 cases in 2019. The clients were informed that SJP is conducting research regarding a possible consolidated joint action against the Government of Namibia and the Minister of Health and Social Services aimed at broad relief encompassing healthcare provision in Namibia. In 2019 we received a favourable judgment in the matter of *Lopez v Ministry of Health and Social Services*, whereby our client will receive monetary compensation amounting to N\$651 042 in respect of the loss of both her daughter and granddaughter due to the negligence of medical practitioners employed by the State.

SAMPLE OF OTHER MATTERS

- **INFANT VACCINATION:** Nine matters are pending before the High Court. A proposed meeting with the Deputy Judge President and all legal practitioners of record has yet to take place. The High Court has meanwhile requested joint expert reports on all these matters. This entails a long process of considering the expert reports, combining them and providing the combined reports to the experts for their input prior to finalisation and filing. The Judges requested the meeting to consider consolidating these actions.
- **REASONABLE ACCESS, CUSTODY AND PATERNITY DISPUTES:** Judgment has been entered in a matter involving a minor child, with the child's father granted access. The SJP has received a number of complaints of minor children being taken out of Namibia by one parent and never returned to the country, to the prejudice of the other parent. These matters have been referred to the LAC Gender Research and Advocacy Project for further management. In another case, the registered father of a 3-year-old child unilaterally conducted DNA tests on the child, and discovered that he was not the father. He applied to the Ministry of Home Affairs to amend the child's birth certificate by removing his name as the biological father. He was advised that his application involved the changing of the minor child's status, which could have serious implications. He was informed that he needed to make a substantive application before the High Court (the Upper Guardian of all minor children) for an order to amend the birth certificate.
- **WILLS AND ESTATES:** Six estate matters are ongoing. The SJP takes on matters of wills and estates primarily to train candidate legal practitioners on such matters. Most of the six matters relate to the estates of elderly persons and/or minors who have no means to enforce any claims.
- **PROPERTY DISPUTES:** The SJP is dealing with seven property disputes, involving damage to property and/or wrongful and/or fraudulent sales and/or transfers of property.
- **VETERAN AFFAIRS:** Ex-Koevoet soldiers approached the SJP to assist them to register as veterans, after the Ministry of Veterans Affairs declined their applications. The clients allege compulsory conscription at the time of serving Koevoet. Alternatively they want representation to have the existing Veterans Act declared unconstitutional. Research is underway to assess the claims and the prospects of success.
- **TRUSTS:** The SJP is in the process of registering trusts for four clients. The work to be undertaken under these trusts will have a considerable impact on enhancing the rights of Namibians in general. The registration of trusts is undertaken only to train candidate legal practitioners attached to the LAC.



The SJP is part of the Legal Coalition for the **#MeTooNamibia Campaign**, our primary role being to provide legal insight on request. The coalition comprises, among others, the Office of the First Lady, Regain Trust, Lifeline/Childline and BelEsprit Mental Health Hospital.

The SJP also provides legal support to the Office of the First Lady at campaign events of the **#BeFree Youth Movement**, initiated by the First Lady in 2016 to address legal and social concerns faced by Namibia's youth. In 2019 we participated in campaign events in Tsumkwe and the Osire Refugee Settlement.

Photo: SJP staff members **Umunee Matundu** (left) and **Sharen Zenda** (second from left) chatting with the First Lady, **Madame Monica Geingos** (right), at a **#BeFree** event in 2019, where we distributed information materials produced by the LAC.



Gender Research & Advocacy PROJECT

KEY ACCOMPLISHMENTS IN 2019

In 2019, GR&AP produced a range of educational materials and two research reports, as well as providing input on many draft laws.

- Production of a comprehensive ***Guide to the Child Care and Protection Act***
- Production of PowerPoint presentations to accompany each chapter of the *Guide*
- Production and distribution of **6 comics** on the Child Care and Protection Act
- Translation of ***Know Your Constitution*** into Afrikaans, Oshiwambo, Otjiherero and Rukwangali
- A series of six *ProBono* newspaper columns on election issues
- Research and preparation of an extensive report and a draft bill on harassment (including cyber harassment) and sexual exploitation of children for consideration by government
- Research brief on the use of force by armed forces
- 3 videos for the LAC *Civic Education Series*, for access on YouTube
- Update of databases on Namibian laws, and production of a manual to guide future updates to the annotated statutes
- Input on proposed laws and regulations (marriage, divorce, birth registration, rape, domestic violence, maintenance, trafficking in persons)
- 19 workshop presentations ● 49 media appearances ● 150 000 copies of publications distributed



The Child Care and Protection Act of 2015 came into force on 30 January 2019. The Ministry of Gender Equality and Child Welfare and UNICEF hosted a formal launch of the new law in early March 2019.

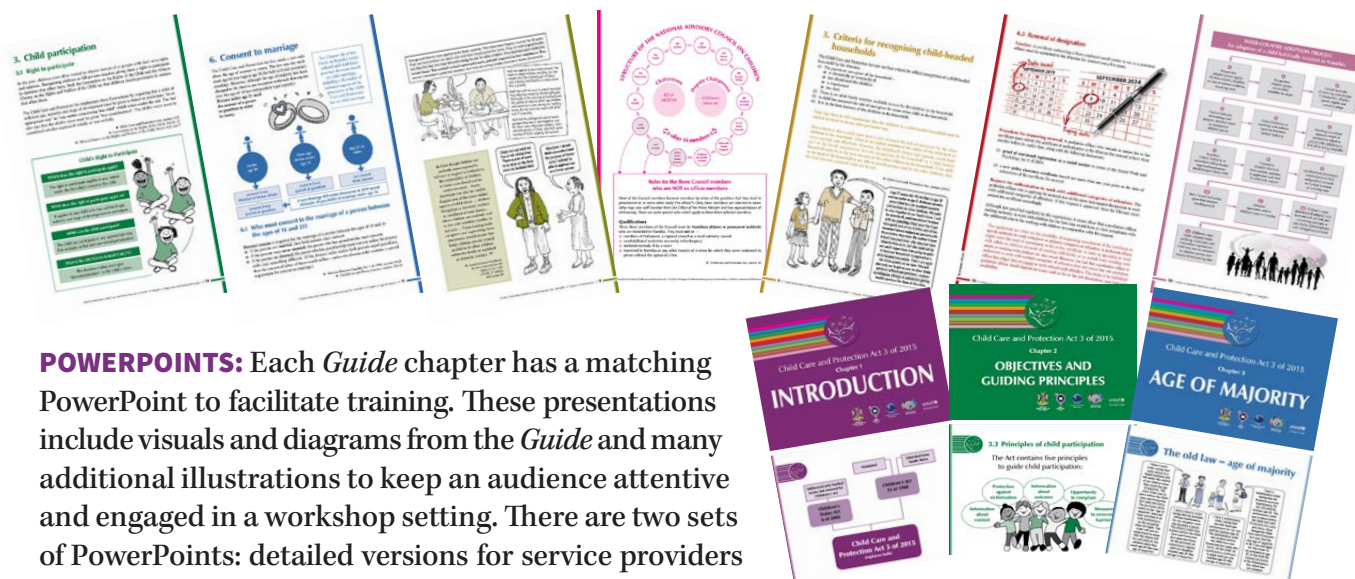


GR&AP trained or assisted numerous civil society organisations and interest groups, and participated in many workshops and meetings convened by other organisations.

"You have made a huge impression and all the children are just talking about you. Much appreciated and keep up the good work ... We keep in touch." – Ben Katamila, Zero Violence in Okahandja (new NGO)

CHILD CARE AND PROTECTION ACT

GUIDE: Working together with the Ministry of Gender Equality and Child Welfare, GR&AP produced a *Guide to Namibia's Child Care and Protection Act* (714 pages) to serve as a training and reference manual for service providers. Each of the 28 chapters focuses on a different topic. The chapters include technical notes and case law examples which will be helpful to magistrates in particular.



POWERPOINTS: Each *Guide* chapter has a matching PowerPoint to facilitate training. These presentations include visuals and diagrams from the *Guide* and many additional illustrations to keep an audience attentive and engaged in a workshop setting. There are two sets of PowerPoints: detailed versions for service providers and summaries for the general public.

COMICS: GR&AP also produced a set of six comics on the Act. These were distributed as inserts in *The Namibian* newspaper in 2019 and early 2020.

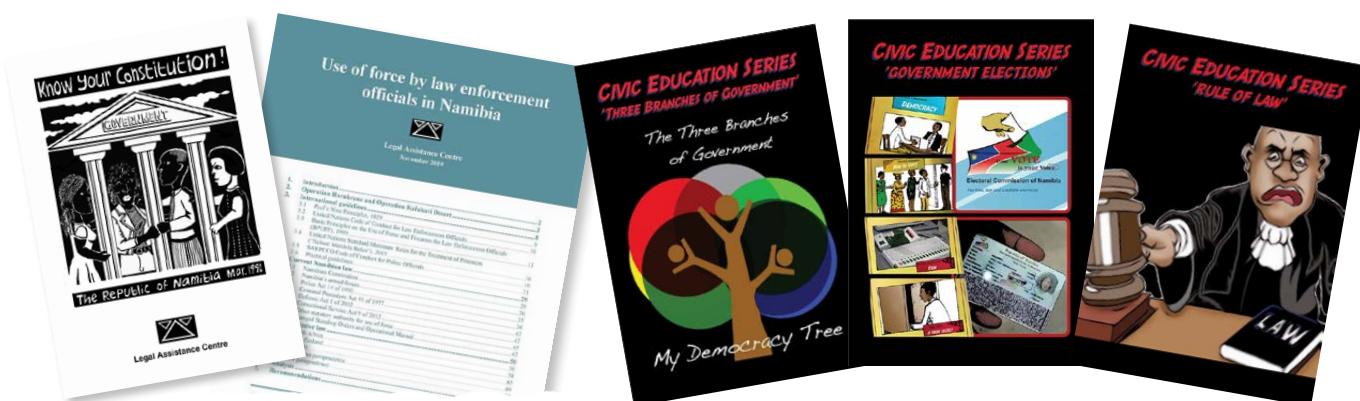


OTHER NEW PUBLICATIONS

HARASSMENT AND CHILD EXPLOITATION: GR&AP conducted extensive research to produce a study on domestic, regional and international laws and standards on:

1. **Stalking and physical harassment**, including an examination of civil and criminal remedies for harassment against persons targeted because of personal characteristics such as race, religion, sex, gender/gender identity, sexual orientation, age or disability.
2. **Online harassment**, including abusive online behaviour directed at children or adults, with particular attention to protection against harassment targeting of persons or groups because of their personal characteristics.
3. **Physical and online grooming and sexual exploitation of children.**

The research report also includes an assessment of the **legal and social context in Namibia**, in an effort to ensure that draft legislation is appropriate to Namibia's needs. For this purpose, GR&AP solicited input from groups including Childline/Lifeline, SOS Children's Village, Beautiful Kids, Regain Trust, Namibia Children's Home, the Communications Regulatory Authority of Namibia and the Ministry of Information and Communications Technology.



CONSTITUTION SUMMARY: *Know Your Constitution* is a 28-page booklet summarising the key provisions of the Namibian Constitution, first published by the LAC in 1990. It was revised and updated in English in 2018, and in 2019 we translated it into four local languages: Afrikaans, Oshiwambo, Otjiherero and Rukwangali. The translations were launched on 8 August at the House of Democracy.

USE OF FORCE RESEARCH BRIEF: This research on the use of force by Namibia's armed forces was triggered by the increase in reports of abuse of force by the Namibian Police (Nampol) and the Namibian Defence Force (NDF) during Operation Hornkrantz and Operation Kalahari Desert. The 80-page brief sets out Namibian legislation and case law, key international guidelines, and a sampling of comparative law and jurisprudence. It concludes that Namibian law is not currently in compliance with international standards, and makes recommendations on how to remedy this problem.

CIVIC EDUCATION VIDEOS: Three short videos were produced for access on YouTube. They cover: (1) the three branches of government; (2) elections; and (3) the rule of law. They all feature "Courage the Comedian", and emphasise the power of people to make a difference. They are suitable for a secondary school audience, although we expect them to be popular across many age groups. The LAC's YouTube channel will be launched in 2020.

THREE LEGAL DATABASES

NAMLEX: This is a list of the laws in force in Namibia, organised by topic, with brief descriptions of each law. In the case of laws inherited from South Africa, NAMLEX explains how they came to apply to Namibia and which South African amendments are in force in Namibia. The index also provides other information, including references to rules and regulations, appointments, court cases and commentary under each statute. A new update current to 30 December 2019 is almost complete and will be published in early 2020. See www.lac.org.na/laws/namlex.html.

NAMLEX APPENDIX: This is a record of all multilateral international treaties binding on Namibia. It includes a summary of each treaty, the date of signature and ratification/accession, and other explanatory information including relevant case citations. It has been prepared and updated with assistance from the Ministry of International Relations and Cooperation. A new update is forthcoming in 2020. See www.lac.org.na/laws/namlex_appendix.html.

ANNOTATED LAWS: This database includes annotated versions of all statutes and post-Independence regulations in force in Namibia. It enable users to view or download the current version of any statute in force in either Word or PDF format, and to access the regulations in force under each statute. A new update current to 30 December 2019 is almost complete and will be published in early 2020. GR&AP also hopes to complete the database during 2020 by adding pre-Independence regulations which remain in force in Namibia. You can find links to statutes at www.lac.org.na/laws/annotated_statutes.html and links to regulations at www.lac.org.na/laws/annotated_regulations.html.

ProBono newspaper column

GR&AP researched and produced six newspaper columns on topics relating to the November 2019 national and presidential elections, and columns on five other topics. See further detail on page 13.



Land, Environment & Development PROJECT

FIGHTING FOR ANCESTRAL LAND RIGHTS: THE ETOSHA CASE

This is the first ancestral lands right claim to be considered by a Namibian Court. It involves 8 Hai||om San Applicants and 19 Respondents. The Government of Namibia is the First Respondent. Namibia's jurisprudence does not allow for representative (class) action. As a preliminary step to bringing an action on this matter, an application was brought in the High Court requesting permission for this matter to be heard as a representative action. The application was heard by three judges over a period of four days in November 2018, and judgment was delivered on 28 August 2019.

The application for representative action was dismissed on the grounds that the Applicants cannot usurp the statutory powers of the Hai||om Traditional Authority as established by the Traditional Authorities Act 25 of 2000. After this outcome was explained to the clients, they instructed the LAC to appeal the matter. The appeal was filed in December 2019 together with all the required documents and records. We now await a date for the matter to be heard in the Supreme Court.

A success with this application could bring about positive changes to Namibia's 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 solicitation of an affidavit from James Anaya, the former United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples.

In the meantime, the LAC was asked to submit two ancestral land claim submissions, for the Hai||om as well as the Khwe San community, to the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution, constituted by the President of Namibia after the Second National Land Conference held in October 2018. The two submissions were submitted in August 2019.

PROTECTING NAMIBIA'S ECOSYSTEMS AND NATURAL BIODIVERSITY

LEAD continuously visits the Magistrate's Courts in Otjiwarongo, Khorixas, Opuwo, Outapi, Ruacana, Okahao, Tsumeb, Otavi, Gobabis, Okakarara, Grootfontein and Windhoek to obtain statistics for our Wildlife Crime Database. This data is shared with those Courts and their Public Prosecutors (all of whom are members of the Prosecutor-General's Wildlife Crime Unit). This activity invariably results in LEAD identifying more cases than those reported by Public Prosecutors to their Head Office.

The massive amount of data collected has to be analysed in its totality to observe trends in trial lengths, court proceedings and sentencing, and also to identify repeat offenders. Software called CYCLOPS has been developed by an IT specialist specifically for managing and analysing this data on an ongoing basis. The system will be installed at both the LAC and the Office of the Prosecutor-General to make it readily accessible to the LEAD team and the relevant officials.

In 2019 LEAD also took LAC advocacy and awareness-raising materials to the Courts visited. This enabled efficient and effective distribution of these materials, and hence enabled the LAC to reach new audiences, clients and the general public without incurring additional costs.

LEAD has established a school advocacy programme by giving short presentations to learners to stimulate interest and create linkages among the youth. These presentations included screening of the film titled *Baxu and the Giants*, produced by LEAD and released in 2019. The children loved this short film and it stirred their interest in pursuing environmental issues – and acting.

Baxu and the Giants

This short film tells the story of rhino poaching from the perspective of a local Namibian family as they experience radical changes brought about by rhino poachers coming to their area. We see how the decisions of Namibians, especially the younger generation, determine the future of our rhino and the fate of Namibia's rich cultural and natural heritage. The film was launched in September 2019, and then made its way across the globe, attracting eight international film awards (see below). The main character, 10-year-old child actress Camilla Jo-Ann Daries, was highly praised for her performance as a 9-year-old in the film, and bagged the Best Actress award at the 2019 Namibian Theatre and Film Awards. She became the youngest Namibian actress to receive the relevant awards.



YEAR	AWARD	CATEGORY	RESULT
2019	San Francisco Independent Short Film Festival	Best Foreign Narrative	Won
2019	Canadian Cinematography Awards	Best cinematographer – Kit Hoffmann	Won
2019	European Cinematography Awards	Best cinematographer – Kit Hoffmann	Won
2019	Namibian Theatre and Film Awards	Best Actress – Camilla Jo-Ann Daries	Won
		Best Editing – Robert Scott	Won
		Best Production Design – Tanya Stroh	Won



Raking in film awards internationally.



"Baxu" was screened at numerous venues, especially schools, across the country.



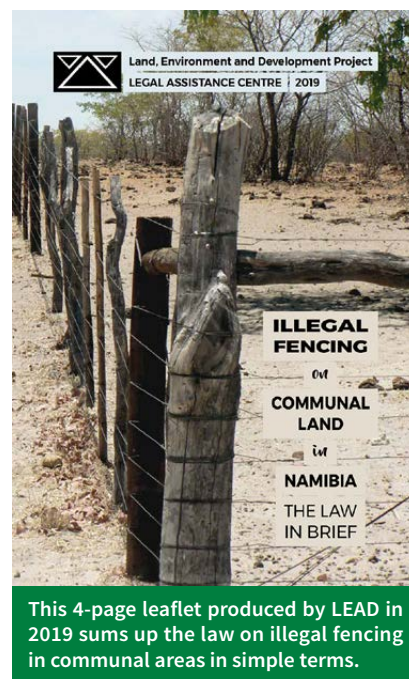
Cast and crew members

SAMPLE OF CASES IN 2019

ILLEGAL GRAZING: The Chief of the Ju|'hoansi traditional community, the Nyae Nyae Conservancy and the Community Forest of Nyae Nyae have sought the LAC's assistance to bring an application to interdict unlawful occupiers and herders from occupying the conservancy and communal land which falls under the Ju|'hoansi Chief's jurisdiction, and from using the resources without any lawful authority. The application was heard in October 2019 and judgment is reserved until 24 April 2020.

LEASEHOLD RIGHTS: An application by our client, Ms Blommaert, to compel the Otjozondjupa Communal Land Board to transfer rights of leasehold of a portion of communal land in the Tsumkwe area from the seller to herself was not opposed. The Land Board assented to the claim in a letter to the LAC, and the Government Attorneys confirmed the content and undertook a settlement whereby our client will be granted the transfer sought. Private attorneys will consider the sale contract between the owner of Nhome Camp, Mr Oosthuysen, and Ms Blommaert. The matter was therefore finalised in so far as the LAC could assist.

HUMAN RIGHTS AND CUSTOMARY LAW: After the Minister of Urban and Rural Development appointed Hikuminue Kapika as chief of the Ombuku Traditional Authority in Kunene Region, Kapika's younger brother, Mutaambanda Kapika, sought the LAC's assistance to challenge the appointment on the grounds that the proper procedures had not been followed. The High Court found in our client's favour, whereafter Hikuminue Kapika's legal representatives filed an appeal with the Supreme Court. The matter was heard in the Supreme Court in October 2019. Judgment is reserved.



SAMPLE OF OTHER LEAD ACTIVITIES IN 2019

FORESTRY: LEAD approached the Office of the Ombudsman with a view to ascertaining its stance and position regarding the ongoing timber harvesting controversy in Kavango Region. While the Ombudsman expressed a desire to assist and support any legal intervention to curb the illicit trade, it was not readily ascertainable exactly how this could be accomplished or what strategy may be employed. Various government statements have been released suggesting that a moratorium is in place and that cross-border timber transit is properly monitored. There are suggestions and some evidence to support the view that harvesting permits are issued unscrupulously, and that harvesting is not limited to defined areas or species or in accordance with any environmental management programme. LEAD is researching this matter, and might embark on a legal intervention strategy to prevent unsustainable forest and ecosystem destruction. In the meantime, LEAD addressed the Parliamentary Standing Committee on Natural Resources and Economics on the negative impact of unsustainable logging of indigenous wood species in Namibia.

SUSTAINABLE DEVELOPMENT: LEAD continues to provide support to the Traditional Authorities, ranging from assistance with litigation to the drafting of trust deeds and providing advice regarding the Traditional Authorities Act and how to properly implement its requirements.

TRADITIONAL AUTHORITY APPLICATIONS: LEAD has perused and assessed the application forms for 26 traditional authorities in Kunene Region. They wish to file their application forms in order to be recognised as chiefs, headmen/women and senior councillors, and the assessments by LEAD will ensure that the applications are complete and so to assist them in this process. Once all the applications have been forwarded to the LAC, a follow-up meeting will be held with the applicants. LEAD will then monitor the application process at the Minister of Urban and Regional Development.



violate the constitutional requirement that voters must be citizens. Finally, the reliance on sworn statements as to whether Namibian citizenship has been renounced is an odd approach, since it would be much more reliable to get information on renunciations directly from the Ministry of Home Affairs and Immigration – and to do this regardless of what proof of citizenship has been provided.

 LEGAL ASSISTANCE CENTRE
Fighting for the rights of the poor since 1992

Pro Bono

INFORMATION ABOUT NAMIBIA'S LAW

voting machines a

 **LEGAL ASSISTANCE CENTRE**
Fighting for women rights in Namibia since 2012

Pro Bono

INFORMATION ABOUT NAMIBIA'S LAW

NAMIBIAN ID CARDS

There appears to be a fourth form of proof of citizenship – but this is not entirely clear because the relevant provision of the Electoral Act contains a cross-reference to a paragraph which does not exist.

It appears that this erroneous cross-reference was intended to refer to a paragraph which lists – if so, this covers an ID card

sure the conduct of credible elections and as a result would not allow for the implementation of the VVPAT devices given the current recoverable and non-recoverable errors that were noted during the use of this technology at the time the consideration was made.

Finally, there are two types of errors shown on VVPATs. One is the "no mark" error, which occurs when a voter does not mark the ballot at all. The other is the "mark" error, which occurs when a voter marks the ballot but the mark is not recognized by the machine. The "no mark" error is the most common error, and the "mark" error is the second most common error.

...over status Display Unit (VSDU), namely the recoverable battery related error which, if it occurs, requires battery replacement without opening of the VVPAT section. There was

interfere unjustifiably or in bad faith with the functions of election officials.

They must not instigate, participate in or get involved in any conduct that might infringe any other voter's right to participate in the election without fear. Violating any of these duties could jeopardise your right to vote.

What if you believe that you have been wrongly prevented from voting for any reason? Make sure that the incident is recorded in the occurrence book which must be on hand at every polling station, and signed by a witness.

 **LEGAL ASSISTANCE CENTRE**
 Fighting for justice against corruption since 1987

Pro Bono

INFORMATION ABOUT NAMIBIA'S LAW

THERE is no greater civil duty than participating in your country's electoral process and casting your vote for the candidate and party of your choice.

The right to vote has only been possible due to the long-fought struggle that gave all Namibians a voice in their government.

All Namibian citizens over the age of 18 years have a right to vote as granted in Article 17(2) of the Constitution. However, this right comes with associated obligations.

have a duty to "refrain from the abuse of alcohol and not to attend to voting while under the influence of alcohol or other stupefying drugs which may impair the ability to act with a con-

Section 95 of the Electoral Act says that every voter "must comply with the Bill of Fundamental

Voters' Rights and Duties", and that the entitlement to vote is subject to compliance with the act. This indicates that a voter who is too drunk to act with a sense of responsibility and dignity could be barred from voting.

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REGULARLY ENHANCING PUBLIC KNOWLEDGE OF NAMIBIAN LAW

- Independent Candidates
- Proving citizenship for voting
- Electronic voting machines and paper trails
- Election Day: Personnel and procedures
- Election Day: What to do if you witness an irregularity
- Election Day: How to make sure you can vote.

- Sterilization and consent
- Sodomy law in Namibia & Botswana
- Problem animals
- Child abuse, Namibia's National Epidemic
- Children and detention

All *ProBono* editions are posted on the LAC website after initial publication: **www.lac.org.na**. Look for the ***ProBono*** logo (shown above) on the **Home page**.

We welcome and encourage suggestions from the public for future *ProBono* topics. Send us your suggestions via **SMS to 081-600-0098.**



STAFF DEVELOPMENT – EVER ONWARDS AND UPWARDS!

TEAM BUILDING AND ENERGY RENEWAL: In November 2019, the LAC staff went to Midgard Lodge (70km from Windhoek) for our annual team-building activities and some rest after a challenging year.

AWARD FOR DIANNE HUBBARD: In August 2019, *Confidante* newspaper hosted “Confident Woman” awards, where three women were chosen for recognition in each of 12 categories. The 36 women who received certificates of recognition were chosen by a panel of judges from amongst the 350+ women who have featured in the newspaper’s weekly “Confident Woman” series over the last five years. Dianne was recognised in the legal category, at a gala dinner attended by some 300 people and broadcast on NBC TV.

NEW CHAPTER FOR WILLEM ODENDAAL: At the end of 2019, the LAC bade farewell to LEAD Coordinator Willem Odendaal who moved on to pursue a PhD at the University of Strathclyde in Glasgow, Scotland. Willem joined the LAC in 1999 as a legal researcher for the Gender Research and Advocacy Project. In 2003 he obtained his LLM degree in International Human Rights and Environmental Law from the Oxford Brookes University in England. He became the LEAD Coordinator in 2006. In 2016 he was admitted as a legal practitioner with the High Court of Namibia, and with the Supreme Court in 2017. Although no longer an LAC staff member, he will continue to work as a consultant for the LAC on land and environmental matters.

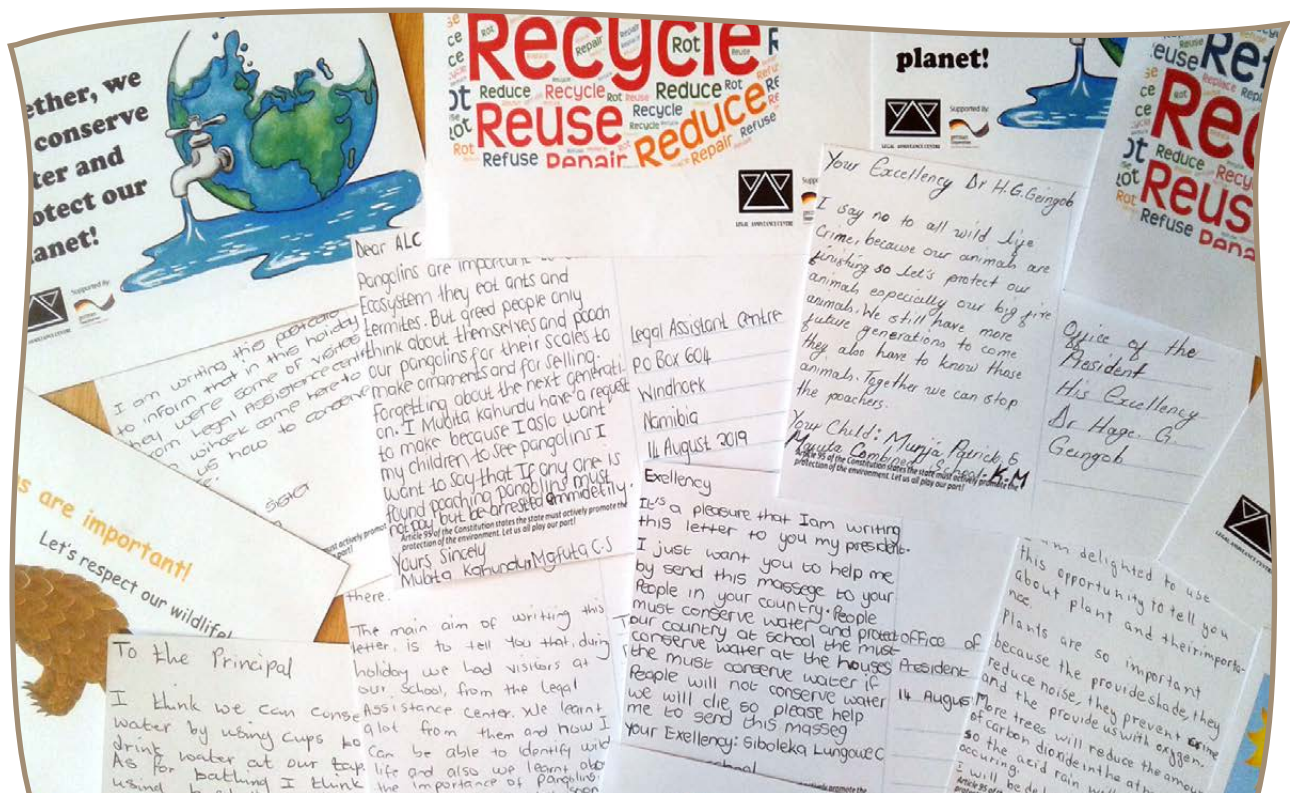
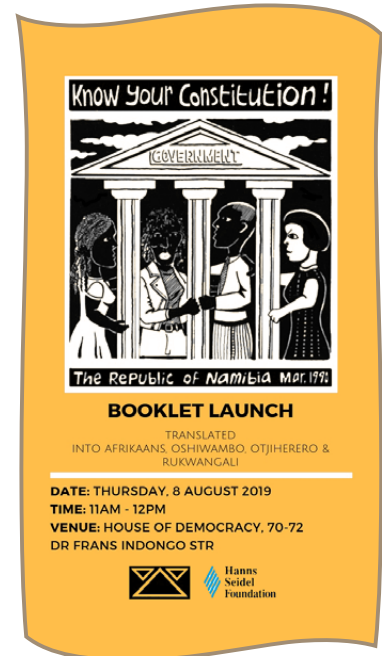




Our Donors IN 2019

We extend deepest thanks to our donors for supporting our work in 2019.

- Africa Groups of Sweden (AGS)
- Brot für die Welt
- Canadian Department of Foreign Affairs, Trade and Development
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- Sisters for Change
- Southern African Litigation Centre (SALC)
- United Nations Children's Fund (UNICEF)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Voluntary Fund for Victims of Torture (UNVFVT)
- United States Agency for International Development (USAID)
- United States Embassy
- Wildlife Conservation Network – Save the Elephants
- World Wildlife Fund (WWF)



Samples of letters and postcards from learners to the President of Namibia, requesting him to protect the country's environment and ecosystem. These were written after presentations by the LAC's Land, Environment and Development (LEAD) Project in schools in different parts of the country in 2019. This school-based outreach will continue in 2020.



Getting in touch WITH US

A large volume of information about the LAC's activities (projects, cases, publications, etc.), donors and finances, as well as digital versions (PDFs) of most LAC publications, are available on our website: www.lac.org.na. Hard copies of many of our publications are available at our office: 4 Marien Ngouabi Street, Windhoek. You can also follow us on our very active Facebook page: www.facebook.com/Legal-Assistance-Centre-Namibia-171866399585648/.

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

- **LAC Director: Toni Hancox**
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- **GR&AP Coordinator: Dianne Hubbard**
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- **SJP Coordinator: Corinna van Wyk**
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- **LEAD Coordinator: Willem Odendaal**
Email: wodendaal@lac.org.na

PROJECT COORDINATOR CHANGES IN 2020

In January 2020, Sharen Zenda will take over from Corinna van Wyk as SJP Coordinator, and Corinna will take over from Willem Odendaal as LEAD Coordinator (see details on page 14).

Sharen Zenda – email szenda@lac.org.na



Toni Hancox



Dianne Hubbard



Willem Odendaal



Corinna van Wyk

The **Financial Manager, Vasisee Kuvare**, oversees the accounts office. In so doing, she deals with the financial reporting to our donors and facilitates the annual audit of the LAC. These primary duties include: engaging with each donor; providing financial updates to the LAC units vis-à-vis their respective donors; overseeing the input required by the auditors; and providing the final financial statements to our Board of Trustees.

Vasisee Kuvare – email vkuvare@lac.org.na

