



LEGAL ASSISTANCE CENTRE
Fighting for human rights in Namibia since 1988



Pro Bono

INFORMATION ABOUT NAMIBIA'S LAW

30 YEARS OF GENDER RESEARCH & ADVOCACY

by **Dianne Hubbard**



Having passed the retirement age for the Legal Assistance Centre (LAC), I will be ending my 30-year stint as the coordinator of the Gender Research & Advocacy Project (GR&AP) at the end of February. This makes it a fitting time to look back at some of the accomplishments of the gender project over the last three decades.

The gender department was launched as the “Gender Research Project” of the LAC in February 1993, with the aim of investigating law-related gender issues and making recommendations for legal reform. It was originally staffed by myself as the sole lawyer, along with one field researcher. “Advocacy” was added to the name in 1999 to capture this important component of the project’s work.

The project almost came to an end in 2004 after a period of drought in funding. Project staff had all received retrenchment notices and were ready to start packing up, but we managed to hang on by a thread after a desperate appeal to donor agencies with local offices who managed to scrape together enough funds to keep the project alive. Since then, funding has alternated between feast and famine, with the current situation being a particularly low point.

The work of the project over the years has been in three main areas: research, advocacy around law reform and public education.

Typically, the first step is to carry out research and consultation on a particular issue, to understand what is needed in Namibia and to learn about best practices in other countries. GR&AP then draws on its research to advocate appropriate law reforms, and makes efforts to involve the public in discussions about legal change.

Once a law reform is in place, GR&AP then uses a variety of mechanisms to raise public awareness of the new law and to train service providers to implement the law effectively.

In many cases, GR&AP also conducts follow-up research to see if new laws are serving their intended purposes, and to explore what adjustments may be needed to make sure that the laws really serve the needs of people in Namibia’s varied communities.

Over the last 30 years, GR&AP has produced 36 research reports on topics such as family law, gender-based violence and children’s rights. Amongst these are comprehensive assessments of rape, domestic violence, maintenance and child protection in Namibia and monographs on topics ranging from

stalking to sex work. GR&AP has also produced two books of academic essays – one on gender and sexuality, and one on inheritance practices in different Namibian cultures – as well as a host of shorter pieces of legal analysis.

In addition, we have produced 43 comics, 116 factsheets and posters, and a wealth of other educational materials – including guides for service providers, PowerPoints for a variety of audiences, YouTube videos, radio serials and feature-length films. When funding was available, we translated key educational materials into indigenous languages as well as Braille.

We have written or edited 91 ProBono columns (counting this one) and over 200 other newspaper and magazine articles, in addition to 21 conference papers and book chapters.

The work of the project has been a team effort, with 17 people having served as staff members of GR&AP at different times over the years – along with 131 volunteers and interns (both local and international), 22 paid consultants and eight visiting academics and professionals.

GR&AP has contributed to many laws, bills and policies, including the ones listed in the accompanying table.

Of course, numbers and lists don't tell the whole story. Looking back, I can say that I have particularly enjoyed writing educational materials about law to help bring it alive on the ground. Writing about law clearly and simply is harder than it might seem. Our short comic books usually go through ten or more drafts before we are satisfied, and the shortest articles tend to take the longest time. But law is no use if the people it is designed to serve cannot understand and access it.

What else stands out over the years? Because the work has involved so much writing, I have spent a huge amount of time in front of a computer. But there have been wonderful times of solidarity, participating in demonstrations that brought civil society together to demand law reform in areas such as marriage equality, rape, domestic violence, children's rights and LGBT+ issues. I have also enjoyed the collegiality of working in cooperation with Parliament, the Law Reform and Development Commission, and various ministries and development organisations.

It was always stimulating to engage in training sessions, whether these were interventions with eager and interested schoolchildren or meetings with service providers who often brought extremely challenging legal questions from their own implementation experiences. I have also been privileged to have had opportunities to share information about Namibia at a few international forums, which made me realise how much a small country can accomplish when the commitment and the will are there.

LAWS & POLICIES INVOLVING GR&AP CONTRIBUTIONS
Social Security Act 34 of 1994 (issues relating to maternity benefits)
Married Persons Equality Act 1 of 1996
Combating of Rape Act 8 of 2000
Communal Land Reform Act 5 of 2002 (protections for widows)
Combating of Domestic Violence Act 4 of 2003
Maintenance Act 9 of 2003
Criminal Procedure Amendment Act 24 of 2003 (vulnerable witnesses)
Children's Status Act 6 of 2006 (now repealed)
Labour Act 11 of 2007 (gender issues)
Education Sector Policy for the Prevention and Management of Learner Pregnancy (2009 policy)
Child Care and Protection Act 3 of 2015
Combating of Domestic Violence Amendment Act 6 of 2022
Combating of Rape Amendment Act 4 of 2022
Divorce Bill
Marriage Bill
Uniform Matrimonial Property Reform Bill
Civil Registration and Identification Bill
draft Maintenance Amendment Bill
draft Prohibition of Unfair Discrimination, Harassment and Hate Speech Bill (input on specific issues)
draft Combating of Harassment Bill
draft Combating of Sexual Exploitation Bill

There have also been a few fun forays into more artistic endeavours - arranging for the painting of a school mural in a small rural community on positive steps to combat gender-based violence, and working with various Namibian film producers to dramatize legal issues. (My favourite character, created for a television short on maintenance, was “Mr Super Cool ‘n Loving”, who had a brief moment of notoriety around town many years ago.)

Of course, it has not always been smooth sailing. For instance, we once launched an empty book with a photocopied cover when there was a delay at the printer. And of course, laws are always products of compromise – some provisions that we lobbied for with passion fell by the wayside during the law-making process, but some ideas that we advocated made it into the final texts.

The most rewarding aspect of the work has been feeling useful – getting positive feedback from community members, service providers and policy-makers on how they found our materials or our input helpful or informative or provocative, or looking down from the public gallery in Parliament to see Parliamentarians reading our materials. I was inordinately pleased once to hear from a law student that he had wallpapered his room with LAC newspaper articles.

And biggest fears? Aside from a perennial worry that I would have a fit of sneezing during a live television appearance, my biggest fear was that I might get something wrong, such as missing some relevant information or making an unwise recommendation. The desire to be as accurate as possible has always been a guiding light.

My top favourite overall would have to be the Namlex legal databases – which include Namlex itself (the “Wikipedia” of Namibian law), Namlex Appendix (a compendium of international treaties that are binding on Namibia) and the annotated laws (the actual texts of every law and regulation in force, as amended). I love putting the law in order and making it available to everyone.

I started working on Namlex back in 1988 with the late Adv Anton Lubowski, and brought it to LAC after his death. Since then, with support from Parliament and the Ministry of Justice as well as a range of donors, these databases have expanded to become the most widely-used and trusted source of legal information about Namibia. The work is never done, since new *Government Gazettes* add new legal information every single week, but it remains very satisfying to play a role in keeping the legal house in order.

It is also stimulating to think of new ways to expand the databases in future – should we add rules? local authority by-laws? current government policies? I also enjoy exploring ways to make the law even more accessible, such as by expanding the LAC library of statute summaries that explain themed batches of laws in simple terms. There is still so much to be done!

GR&AP will now be in the very capable hands of my colleagues, Yolande Engelbrecht and Celine Engelbrecht. Together we have been a formidable team, and I am sure that they will skilfully carry the torch of gender and child rights without me.

Most heartfelt thanks to the many colleagues and friends who have offered support and assistance over the last 30 years, and to the clients who have given us their trust.

I may be leaving LAC, but I am not done yet with loving and serving Namibian law.