



## 2017 Annual Update Gender Research and Advocacy Project Legal Assistance Centre



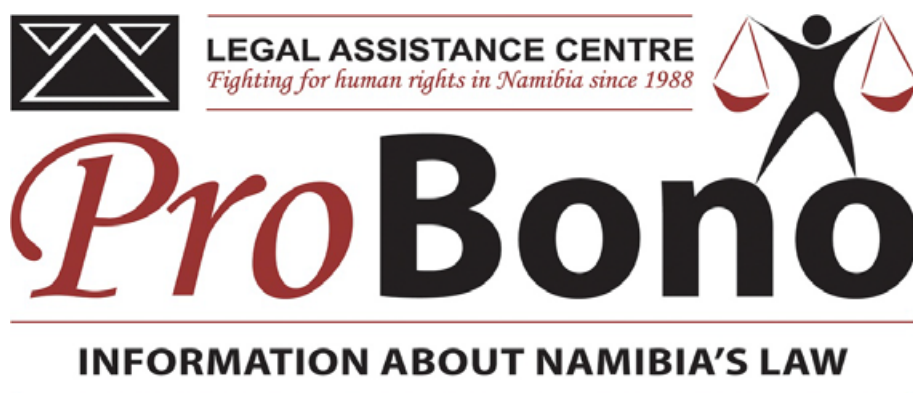
GR&AP annual planning meeting on 31 January 2017



launch of legal databases on 6 December 2017

# 2017 IN REVIEW

## ProBono



In 2017, the Legal Assistance Centre launched a **new newspaper column called “ProBono”** which appears monthly in *The Namibian*. This is a project of the entire LAC, but GR&AP ensures that many of the columns cover issues on women’s and children’s rights and serves as the editor for the series.

The topics covered in the fourteen ProBono columns published in 2017 were:

- 1) Pro bono (volunteer) work by legal practitioners
- 2) Compensation for crimes
- 3) Public demonstrations
- 4) Rape and disability
- 5) Learner pregnancy – prevention
- 6) Learner pregnancy – management
- 7) Police searches
- 8) Abortion after rape
- 9) Corporal punishment in private schools
- 10) Penalties for poaching
- 11) Marital property and “Red Line” marriages
- 12) Prescription (the time limit for bringing a legal action)
- 13) Children’s right to claim maintenance
- 14) Will-writing.

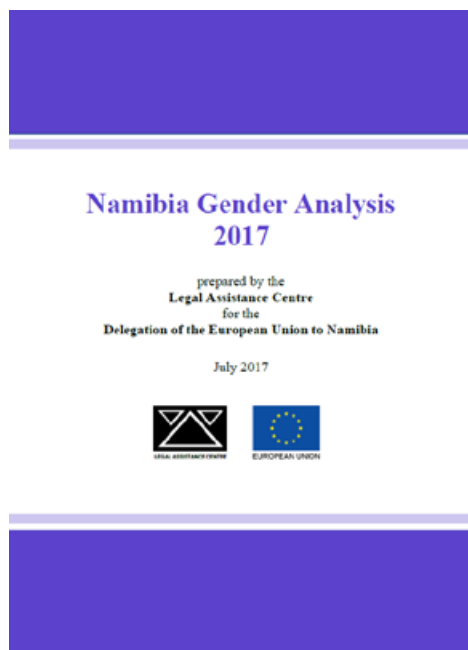
The ProBono column on marital property was re-printed in *Sister Namibia* magazine.

The public is invited in the introduction to each column to submit comments or proposals for future topics, but we received little feedback in 2017. If you find the columns useful or if you have suggestions for future topics, please let us know by sending an SMS to 081-600-0098.

Past columns are available from the website of *The Namibian*: [www.namibian.com.na](http://www.namibian.com.na).  
(You will find the entire series if you enter the term “ProBono” in the “archive search” section.)

# EU Gender Analysis

GR&AP was commissioned by the Delegation of the European Union to Namibia (EU) to produce a gender analysis to guide future intervention on gender issues in Namibia by the EU and its member states. This 13-chapter report was completed in July, informed by a host of Namibian statistical data as well as interviews with 20 key stakeholders from government and civil society. The report was complemented by a presentation to Jana Hybaskova, EU Ambassador to Namibia on specific recommendations based on the analysis.



## Contents

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- 3: Development and Gender Equality Indicators
- 4: Women and Politics
- 5: Economics, Employment and Poverty
- 6: Housing, Land and Agriculture
- 7: Health, Health Care and Sexual and Reproductive Rights
- 8: Education
- 9: Women in Family and Society
- 10: Gender-Based Violence
- 11: Sexual Orientation and Gender Identity
- 12: Women and Girls with Disabilities
- 13: Key National Plans

The Namibia Gender Analysis 2017 is available on the EU Delegation website:  
[https://eeas.europa.eu/sites/eeas/files/namibia\\_gender\\_analysis\\_2017.pdf](https://eeas.europa.eu/sites/eeas/files/namibia_gender_analysis_2017.pdf)

## Child marriage and teen pregnancy

Responding to a Parliamentary debate on child marriage and teenage pregnancy, we prepared an 8-page briefing document on these issues which we circulated to key stakeholders, including the relevant Parliamentary Committee. The briefing document includes information on what the Child Care and Protection Act says about child marriage.

### Briefing Document on Child Marriage and Teen Pregnancy



Gender Research & Advocacy Project, Legal Assistance Centre  
September 2017

*This document provides information on marriage, child marriage, teen pregnancy and the Education Sector Policy for the Prevention and Management of Learner Pregnancy, drawing on the most recent available studies and statistics.*

Thank you very much for this informative brief. The Ministry is undertaking a study on child marriages covering 4 regions and we hoping to get more factual indication on its occurrence. We will provide you with results once concluded.

Wilhencia Uiras, Permanent Secretary, MGEW

Available from the Legal Assistance Centre on request.

## CHANGE Project

The Law Society of Namibia commissioned GR&AP to provide a comparative law desk study of regulation of the legal profession, including outreach and pro bono activities by legal practitioners. The purpose of the study was to inform discussions around the CHANGE Project, which is aimed at developing recommendations for possible amendments to the regulatory system governing the legal profession, to ensure a proactive, trusted and relevant legal profession in Namibia.

### Regulation of the Legal Profession: Issues and Ideas

CHANGE Project

Desk Research by the Legal Assistance Centre  
for the Law Society of Namibia



August 2017

Available from the Law Society of  
Namibia on request.

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26. Public feedback and responsiveness to public needs



# NAMLEX

In late 2017, the Legal Assistance Centre launched three databases aimed at making Namibian law more accessible to the public.

**(1) Namlex Update 2017:** Namlex is a document which contains **a detailed description of every statute in force in Namibia**, with Wikipedia-like entries which give a summary of the statute and citations to regulations, rules, notices, cases and commentary about each statute. The current update brings this document up to mid-November 2017. GR&AP is in the process of training the **Namlex Update Team**, a group of young government lawyers, in how to prepare future updates to ensure the sustainability of Namlex.

**(2) Namlex Appendix 2017:** This document is an **index of all the multilateral treaties which are binding on Namibia**. These treaties form part of the law of Namibia, but up to now there was no publicly-available list of the treaties in force. The Namlex Appendix provides an entry for each treaty with a short description, information about how the treaty became binding on Namibia and the date on which this took place. Other entries give information about treaties which Namibia has signed but not yet ratified. This project has been conducted in cooperation with the Ministry of International Relations and Cooperation, and is up to date through 23 November 2017.

**(3) Annotated laws update:** The annotated laws provide **the actual text of a statute or regulation as it stands today**. Several years ago, the Legal Assistance Centre was commissioned by the Parliamentary Support Project to prepare annotated statutes and post-Independence regulations, which were made available on the Parliament and LAC websites. In 2017 The LAC updated this database to make it current to mid-November 2017.



*Speakers at the launch on 6 December 2017 were Honourable Chief Justice Peter Shivute, Honourable Attorney-General Sacky Shanghala, Deputy Permanent Secretary of the Ministry of Justice Gladice Pickering and Dianne Hubbard, Legal Assistance Centre.*

The launch of the legal databases received widespread press coverage:

- articles in English in *The Namibian*, *Namibian Sun* and *The Economist*
- an article in Afrikaans in *Die Republikein*
- an article in Oshiwambo in *The Namibian*
- coverage on NBC evening news
- interview on *Good Morning Namibia*
- coverage on One Africa television
- coverage on NBC Radio
- coverage on Radio Kosmos.

## SAMPLE ANNOTATED STATUTE



Republic of Namibia  
Annotated Statutes

### Stock Theft Act 12 of 1990

(GG 63)  
came into force on date of publication: 28 August 1990

as amended by

**Stock Theft Amendment Act 4 of 1991** (GG 201)  
came into force on date of publication: 14 May 1991

**Stock Theft Amendment Act 19 of 1993** (GG 703)  
brought into force on 1 October 1993 by GN 117/1993 (GG 725)

**Stock Theft Amendment Act 19 of 2004** (GG 3351)  
came into force on date of publication: 20 December 2004

**General Law Amendment Act 14 of 2005** (GG 3565)  
came into force in relevant part on date of publication: 28 December 2005

Note that portions of section 14 were struck out and read down as a result of *Daniel v Attorney-General & Others; Peter v Attorney-General & Others* 2011 (1) NR 336 (HC), confirmed on appeal in *Prosecutor-General v Daniel & Others* (SA 15/2011) [2017] NASC 31 (28 July 2017).

## ACT

To consolidate and amend the laws relating to the theft of stock and produce.

(Signed by the President on 20 August 1990)

## ARRANGEMENT OF SECTIONS

1. Definitions
2. Failure to give satisfactory account of possession of stock or produce
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7. Acquisition of stock or produce from persons whose places of residence are unknown
8. Stock or produce driven, conveyed or transported on or along public roads
9. Arrest and search without warrant

## SAMPLE ENTRY FROM NAMLEX APPENDIX

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

**Summary:** The Convention requires states to take effective measures to prevent torture within their borders (including criminalizing torture), and forbids states to transport people to any country where there is reason to believe they will be tortured. The Convention also establishes the Committee against Torture.

**Binding on Namibia:** 28 December 1994 (Article 27(2) of the Convention)

- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 26 June 1987 (source: UNTC)

**Depositary:** UN Secretary-General

**Cases:** *Namunjepo & Others v Commanding Officer, Windhoek Prison & Another*, 1999 NR 271 (SC); *Engelbrech v Minister of Prisons and Correctional Services* 2000 NR 230 (HC); *S v Malumo & Others*, 2013 (3) NR 868 (HC).

**Commentary:** Legal Assistance Centre, *Know your Rights: Torture*, 2003, available at [www.lac.org.na/projects/huricon/Pdf/toreng.pdf](http://www.lac.org.na/projects/huricon/Pdf/toreng.pdf); F Nghiishiliwa, "The Constitutional Prohibition on Torture" in M. Hinz, S. Amoo and D. Van Wyk (eds), *The Constitution at Work: Ten Years of Namibian Nationhood*, Windhoek, UNAM Publishers, 2000; Nico Horn, "International human rights norms and standards: The development of Namibian case and statutory law" in Nico Horn and Anton Bösl (eds), *Human Rights and the Rule of Law in Namibia*, Windhoek: Macmillan, 2008.

**Amendments and protocols:** Namibia has not yet agreed to the **Optional Protocol to the Convention**, which entered into force internationally on 22 June 2006 (source: UNTC). Namibia has not yet agreed to the **Amendments to Articles 17(7) and 18(5) of the Convention**, which are not yet in force internationally (source: UNTC). Namibia has not yet made a **declaration under Article 22** of the Convention which enables the Committee against Torture to consider individual complaints alleging violations of the rights set out in the Convention by states parties (source: UNTC).

All of the databases are available on the LAC website: [www.lac.org.na/laws/lawsindex.php](http://www.lac.org.na/laws/lawsindex.php)  
Memory sticks containing the databases have been provided to representatives of key sectors of the legal profession.

# Child Care and Protection Act

		  
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GR&AP continued to assist the Ministry of Gender Equality and Child Welfare (MGE CW) with **technical advice** on the finalisation of the regulations which are needed to accompany this law so that it can be brought into force.

We also worked on drafting chapters of a detailed **guide** to the Act and regulations for service providers, accompanied by matching **PowerPoint presentations** to be used in training sessions, and a set of **comics** on key issues in this law aimed at the general public.

Eleven draft chapters were reviewed in detail in a series of meetings with MGE CW staff, social workers, police officials and a Commissioner of Child Welfare and revised in light of their input. However, these projects cannot be finalised until the regulations are in place.

## Communal Land Radio Programmes

We arranged the re-broadcast of a series of **radio programmes on women and communal land** developed in 2016 on NBC radio (English and Oshiwambo services), as well as arranging for some of the scripts of these programmes to be published in *Sister Namibia* magazine in 2018. The purpose of the series is to popularise the protections for women, and particularly for widows, in the Communal Land Reform Act. This is an example of how one initiative can be multiplied for longer-term effect.

**The listeners find them really interesting, judging from the number of phone calls we receive asking for more of such programmes. If possible I'd request your office to provide us with more of such informative content.**

**Elifas Bonifatius, NBC**

# Family Law

GR&AP has been making inputs into several draft family laws, working in close consultation with the Law Reform and Development Commission and the relevant line ministries.

**1) Uniform Matrimonial Property Bill:** The proposed law would remove persisting racial discrimination in the rules on marital property regimes. Under the current law (the “Native Administration Proclamation 15 of 1928”), there is one default regime for blacks in certain sections of the country and another default regime for everyone else. The bill would make in community of property the default regime for everyone who enters into a civil marriage. It would also provide a grace period during which couples covered by the discriminatory apartheid-era law can change their property regime. We support these changes, but we also believe that there should be a wider range of standard options available to persons who cannot afford to engage a lawyer to conclude an antenuptial contract, and provision for any married couple to change their property regime by mutual agreement after the marriage to cater for changed financial circumstances.

**2) Divorce Bill:** Namibia’s current antiquated law on divorce is fault-based, and the current difficulty and expense of obtaining a divorce forces some women to remain in violent relationships. It also means that some couples separate without obtaining a formal divorce, with the result that legal protections for property rights are not implemented and there is no monitoring of the best interests of the children of the marriage. The basic idea behind the bill is to replace the fault-based regime with the no-fault ground of “irretrievable breakdown”, and to make divorce simpler and more accessible as well as less acrimonious. Details about the proposed new approach are still under discussion. Our concerns centre around the need for some guidance of judicial discretion around spousal maintenance and property division, without re-introducing the element of “fault” as a factor, as well as the need for more attention to mechanisms to protect the best interests of children.

**3) Marriage Bill:** The Ministry of Home Affairs and Immigration is in the final stages of developing a new law on the procedure for solemnisation of marriages, which introduces the concept of marriage licences. The introduction of more formal requirements for marriage will help prevent sham marriages and bigamy. The Bill is also expected to amend the provisions on the qualifications of marriage officers, an issue which is still under discussion.

**4) Civil Registration Bill:** The current law on birth registration makes it difficult to register a child when the parents are unmarried. The current law is also gender-biased, as single fathers cannot register the births of their children on their own. The new law will make it easier for single parents of either sex to register their children. It will also assist with the registration of children whose parents lack documentation. The proposed bill also covers registration of deaths, marriages and divorces, and would institutionalise the new system of e-notification of births at hospitals and clinics which provides information for verification and follow-up. Issues relating to the privacy of data in the civil registration system are still under discussion.

**5) Recognition of Customary Marriage Bill:** There has been little recent progress on this bill. There is currently no formal procedure for recognising customary marriage and no general protection for property rights or the best interests of children upon customary divorce. The result is that women married under customary law are vulnerable both during the marriage and when the marriage ends by



divorce or the death of one spouse. This is regularly cited as a problem in international forums such as the reporting sessions for the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The possible grounds for customary divorce are also different for men and women in many communities, and in some areas divorce is inaccessible in practice because it requires the return of lobola. This bill warrants renewed attention.

**6) Intestate Succession Bill:** This is a crucial area for law reform since most people in Namibia do not make written wills. The current law on intestate succession (inheritance in the absence of a will) is still race-based. The proposed bill would provide that the lion's share of the deceased property would be divided between the deceased's spouse and children, with a smaller percentage going to customary heirs in cases where the deceased lived according to customary law. The bill under discussion would also introduce spousal maintenance from the deceased estate and provide new protections against property-grabbing.

In 2017, we provided input and analysis to key stakeholders on successive drafts of several of these bills, as well as research on specific issues such as bigamy, sham marriages aimed solely at gaining residency rights and “destination weddings” for tourists. We researched, prepared and distributed factsheets on **“6 reasons in favour of easier divorce”** (highlighting the links between difficult divorce and gender-based violence) and **“6 reasons in favour of no-fault divorce”** (motivating the complete removal of fault from divorce proceedings).

In July 2017, GR&AP gave detailed presentations on various family law reforms at a one-day workshop at Heja Lodge for women MPs and their staff, primarily members of the National Assembly Standing Committee that deals with gender. We provided numerous hand-outs to the participants for future reference.



We also engaged in discussions of some of these draft bills at a **consultative workshop** organised by government in September at the Windhoek Country Club, and at another **consultative workshop** on divorce convened by the Ministry of Justice in December at the Thuringerhof Hotel.

In addition, GR&AP targeted church and community leaders for **outreach workshops**, to convey information on the proposed family laws to persons often called upon by community members for assistance with family issues. We targeted pastors who serve as marriage officers and are also well-placed to share information with their congregations and at periodic meetings of groups of pastors. Some of our workshops also included representatives of youth groups. For some workshops, we partnered with these agencies:

- **Evangelical Lutheran Church of Namibia (ELCIN)**, in partnership with the Council of Churches, Helsinki Deaconess Institute and the Finnish Ministry of Foreign Affairs
- the **GBV Cluster group** convened periodically by the Ministry of Gender Equality & Child Welfare, to bring together stakeholders active in the area of gender-based violence
- **Friendly Haven**, a local NGO which assists victims of gender-based violence with shelter accommodation and counselling and provides training to various professionals and community groups with the help of external facilitators.

2017 OUTREACH WORKSHOPS ON FAMILY LAW		
Location and target group	Date	Participants
Okahandja (pastors and community leaders)	7-9 Feb 2017	18 (15m, 3f)
Swakopmund (pastors, community leaders, aspirant pastors)	27-28 Feb 2017	51 (34m, 17f) including 17 pastors & 13 aspirant pastors
Walvis Bay (pastors, community leaders, aspirant pastors)	1-2 Mar 2017	51 (34m, 17f) including 23 pastors & 8 aspirant pastors
Windhoek (GBV Cluster meeting: government and civil society stakeholders which work in the area of GBV)	16 Mar 2017	37 (10 m, 27f)
Okahandja (pastors, aspirant pastors and community leaders)	31 Mar 2017	30 (17 m, 2f)
<b>TOTAL</b>		<b>231</b>

**Much appreciation to your office during the recent church leaders workshop. Your facilitation and materials brought so much depth and quality to the workshop.**  
**Garikai, Friendly Haven**

We encouraged the target groups to participate in law reform processes, and to share information with others to encourage a “ripple effect”. We received regular follow-up communications from workshop participants requesting additional information on family law topics. We encourage such ongoing contact, as family law issues are complex and often give rise to questions that cannot be covered in a single workshop. Establishing ongoing relationships also sets the stage for alerting workshops participants and their communities to new issues as the family law bills move forward. Staying in touch with key community constituencies also helps us ensure that the proposals we advocate are appropriate to serve the public at large.



*Pastors group in Okahandja*

# CORPORAL PUNISHMENT AND GENDER-BASED VIOLENCE

The unacceptably high level of violence in our society has been a problem for many years. This project seeks to address the protection of the child as well as the concern that many children grow up learning that the way to deal with problems in a relationship is to use force. There is therefore an urgent need to explain the linkage between corporal punishment and gender-based violence as a motivation for behaviour change, and to provide people with alternatives to corporal punishment in an environment where beating children is culturally acceptable and there is very little support for the development of improved parenting skills.



## FACT SHEET

### The Links between Corporal Punishment and Gender-Based Violence

Gender Research and Advocacy Project  
LEGAL ASSISTANCE CENTRE  
Windhoek, Namibia, May 2017

**What is corporal punishment?**

Corporal punishment is when a person in authority uses physical force with the intention of causing pain for disciplinary purposes. Corporal punishment of children usually includes things like spanking, smacking, hitting with the hand or beating with an object like a stick or a belt. It can also involve other actions such as kicking, shaking, pinching or burning.

*Corporal punishment is "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light".*  
Committee on the Rights of the Child, General Comment No. 8 (2006)

**Corporal punishment is prohibited in Namibian schools**

Corporal punishment is not permitted in Namibian schools, although many instances of it are still reported. The Namibian Supreme Court ruled in 1991 that corporal punishment by organs of state, including in public schools, is a violation of children's constitutional right to human dignity.<sup>1</sup> The Education Act 16 of 2001 prohibits corporal punishment in both public and private schools. The application of this prohibition to private schools was clarified by the High Court in 2016, in a case stressing that no parent or learner can override the prohibition by giving "consent" to corporal punishment.<sup>2</sup>

**Corporal punishment of children in other settings**

Corporal punishment is used in many homes. In Namibia there have been cases of excessive physical force used against children in the home, with children being seriously injured or burned and in some cases even beaten to death. Namibia's Child Care and Protection Act 3 of 2015 says that anyone who has control of a child, including a parent, must respect the child's constitutional right to dignity. It prohibits corporal punishment in many settings: residential child care facilities, foster care, places of care, shelters, early childhood development centres, public and private schools, prison, police cells or any alternative care which results from a court order. The Act also gives the Minister of Gender Equality and Child Welfare a duty to provide education and awareness-raising programmes on the rules on corporal punishment and to promote alternative forms of discipline which have a more positive impact on children in all regions of Namibia.

**Why is corporal punishment bad for children?**

A recent review of studies which have been conducted during the last fifty years, involving more than 160 000 children, found that the more children are spanked, the more likely they are to defy their parents and to exhibit anti-social behaviours, aggression, mental health problems and intellectual difficulties. Studies of adults who were spanked as children have similarly found that these adults were more likely than other adults to suffer mental health problems and to behave in anti-social ways.<sup>3</sup>

Arguments for and against corporal punishment	
For	Against
Corporal punishment is a part of my religious belief and culture.	<ul style="list-style-type: none"> <li>Other people interpret the same religious teachings to have a different meaning that does not justify the use of corporal punishment.</li> <li>Wife-beating was also an accepted part of many cultures in the past, but this is changing now.</li> </ul>
There is a difference between a vicious beating and a light spanking or smacking.	<ul style="list-style-type: none"> <li>This is true, but it is difficult to judge how the punishment is perceived by the child who experiences it.</li> <li>Adults who administer corporal punishment are not always able to control themselves when they act in the heat of the moment. This is why serious injuries and even death have resulted from corporal punishment in Namibia.</li> </ul>
Corporal punishment was used on me when I was a child, and I do not have any problems.	<ul style="list-style-type: none"> <li>Different people react differently to violence and aggression. It is undeniable that Namibia as a whole is suffering unhealthy levels of violence – so something is not well with our society.</li> <li>Alternative forms of discipline could teach children non-violent ways of problem-solving.</li> </ul>

It is widely known that corporal punishment in Namibia's schools is against the law. When teachers hit learners, the real message being communicated is that it is acceptable both to use violence and to disrespect the role of law.

*Daddy told me that hitting is wrong. He beat me with his belt because I left my little sister. I am confused.*

1. Ex Parte Attorney-General, Namibia: Re: Corporal Punishment by Organs of the State 1991 718 178 (SC)

2. Van Slyke The State (2015-2016) (2016) NAWCHMD 248 (05 September 2016)

3. Elizabeth T. Gershoff and Andrew Grogan-Kaylor, "Spanking and child outcomes: Old controversies and new meta-analyses", Journal of Family Psychology, Vol 30(4), June 2016

**Publications:** GR&AP published a **factsheet** on the links between corporal punishment and GBV, explaining how disciplining children with violence perpetuates the cycle of violence in Namibia. It was distributed nationwide as an insert to *The Namibian* on 16 June, to coincide with the Day of the African Child. We also prepared an article on corporal punishment for the **magazine** *OYO, young, latest and cool* which targets high school students. The current Namibian law on corporal punishment in private schools was the topic of LAC's monthly newspaper column, **ProBono**, in July 2017. In addition, we reprinted and distributed two previously-produced LAC comics on alternatives to corporal punishment (addressing appropriate alternatives for children of differing age groups).

**Research:** We conducted comparative research on provisions in the education laws of other African countries which prohibit or restrict corporal punishment in public and private schools.

**Outreach:** During 2017, we gave presentations on alternatives to corporal punishment, and the links between corporal punishment and gender-based violence, to 23 groups in different parts of the country, often accompanied by the screening of a previously-produced LAC film on alternatives to corporal punishment in schools and encouragement to learners to report any incidents of corporal punishment to the Ministry of Education. We also engaged in radio and television presentations on this topic. The workshop attendance was very good, with some workshops having more participants than planned. Participants expressed keen interest in the topic. However, corporal punishment is unfortunately still in widespread use in schools (despite the illegality of this practice) and at home. We recognize that more outreach and awareness campaigns on the issue are still needed.



2017 WORKSHOPS ON CORPORAL PUNISHMENT		
Location and target group	Date	Participants
<b>Community groups (13)</b>		
Family of Hope Services (FHS)	12 April	50 (37f, 13m)
Rehoboth	19 May	50 (26f, 24m)
MANWU Conference	23 May	120 (55f, 65m)
Family of Hope Services ECD Teachers	14 June	40 (28f, 12m)
Okahandja Community Group	28 June	14 (5f, 9m)
Friendly Haven Lifeskills Teachers	2 July	29 (22f, 7m)
Ekoka Community Village	12-15 July	45 (30f, 15m)
Khorixas Community Group	27 July	53 (31f, 22m)
SOS Children's Home	17 August	17 (15f, 2m)
Khoebasen Women's Group	24, 25 August	32 (32f)
Okuryangava Community Group	14 September	50 (36f, 14m)
Karibib Community Group	18-19 October	41 (29f, 12m)
Tsumeb Professionals Group	28-30 November	43 (35f, 8m)
<b>School and university groups (10)</b>		
Epako High School (Epako)	2 March	26 (22f, 4m)
KhomasTura High School (Windhoek)	31 March	70 (47f, 23m)
UNAM Main Campus (Windhoek)	4 April	34 (28f, 6m)
Waldorf Private School (Windhoek)	13 April	100 (63f, 37m)
UNAM Khomasdal Campus (Windhoek)	27 April	20 (20f)
Physically Active Youth (Windhoek)	12 May	59 (38f, 21m)
Cosmos High School (Windhoek)	16 June	54 (30f, 24m)
Ekoka Primary School (Ekoka)	12-15 July	15 (7f, 8m)
Kolin Foundation School (Arandis)	20 October	60 (31f, 29m)
Havana Secondary School (Windhoek)	16 November	61 (31f, 30m)
<b>TOTAL</b>		<b>1083 (698f, 385m)</b>



*A community group in Rehoboth classified the issue of disciplining children as a huge problem.*

*In Okahandja, we made a presentation to a group of **professionals** which included eight school councillors, four police officers & two social workers.*

**Thank you for the informative session on corporal punishment and the CCPA [child Care and Protection Act]... We hope to have future trainings and collaborations with your office on this issue.**  
**social worker, Ministry of Health and Social Services, Okahandja**



*For the presentation to 32 women members of the **Khoebasen Women's Group**, the GR&AP legal educator was accompanied by Claire McFarlane, a rape survivor who has formed an organisation called Footsteps to Inspire to support of rape survivors globally, who shared her story with the participants.*

**Thanks so much for the workshop. Caregivers and my staff can't stop talking about the workshop. They recommend such workshop to be trained to other...**

**Emilia Nzuzi, Family Strengthening Programme Coordinator, SOS Children's Village, Windhoek**



*We gave a presentation on various family laws, as well as corporal punishment and the Child Care and Protection Act, to 41 participants from the **Karibib community** over 2 days. The Deputy Mayor, one local councillor and other government officials also attended.*

**In regard to the workshop it is still vivid in the minds of the participants as they keep asking for a refresher. Well it can be assumed that the issues addressed are really among if not the most burning and that the workshop was too real an informative platform, thus one would wish to hear more, and more. Well this is just to explain how the event was useful and also the appreciation by the participants expressed in their own way. I in person and the entire organizing group are very appreciative and therefore plan to go the extra mile and share first hand information as requested on the way forward.**

**Community lobbyist, Karabib**



*We targeted some university groups to achieve a multiplier effect. For example, corporal punishment was discussed with a group of Early Childhood Development students at the UNAM Khomasdal Campus. They made a video recording of the presentation so that it can be shared with other modules and campuses in teaching sessions on children's rights. Copies of our DVD on alternatives to corporal punishment, A Better Way, and our related comics were handed over for onward distribution. Another workshop targeted fourth-year social work students at the main campus of UNAM in Windhoek.*



*PAY runs an afterschool programme for learners from different schools in disadvantaged communities.*



*Havana Secondary School principal*



*Yolande Engelbrecht of GR&AP talking to the learners*

*At some schools, principals became involved in the discussions and teachers encouraged learners to report corporal punishment which takes place on school premises. Each school was provided with publications for the school library*



*Kolin Foundation School*

*GR&AP joined forces on two different occasions with the //Ana-Jeh San Students, a San students trust established in 2015 to promote access to secondary and tertiary education for San students in Namibia, to discuss impact of corporal punishment and bullying at schools and how it affect San learners. This was mainly to motivate and encourage the San learners to report abuse and to emphasise the right to education for all children. We visited two schools with San learners, and one San community group (in Ekoka village in the north). All schools must promote the development of respect for each and every child, his or her own cultural identity, language and values.*



*San Community Group in Ekoka Village*





## OTHER WORKSHOPS FACILITATED BY GR&AP



*Yolande Engelbrecht & Hon Petrina Haingura  
during the Parliament training*

GR&AP facilitated a session on **abortion and sterilization** at a **workshop for Parliamentarians** in Otjiwarongo in September 2017, organised by the Namibia Women's Rights Network. One of the clients represented by LAC in successful past litigation on sterilization without proper patient consent shared her experience with the group at the same workshop. The Parliamentarians also asked questions about customary and civil marriage, even though this was not part of the agenda.

As part of the **"We are One" Advocacy week activities** hosted by Positive Vibes, Out Right Namibia and Lifeline/Child Line in Windhoek in July 2017, GR&AP provided a half-day presentation on **LGBTI rights** for a group of 20 participants.

GR&AP was invited by the Social Welfare Division of the Namibian Police to present on GBV issues to a group of more than 60 police officers at the **Wanaheda Police Station** in August 2017. Amongst the other topics covered were general service delivery and police attitudes towards public

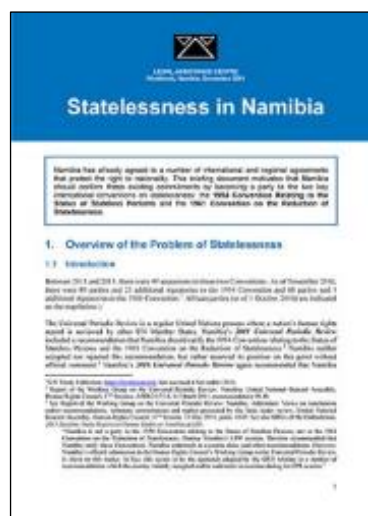
members. The police expressed their gratitude and requested similar trainings over a longer period in future. Other facilitators included representatives of the First Lady's Office, UNAM and the Ministry of Health.

GR&AP was also invited by the **Single Parent's Group** to facilitate a Sunday discussion on **custody issues** in Windhoek in October 2017. This meeting was attended by 200 single parents, mostly women, as well as by some officials from the Ministry of Gender Equality and Child Welfare. Other panellists included the Deputy Minister of Youth & Sport, a private psychologist and a representative of the Office of the First Lady of Namibia.

GR&AP was invited by **PEPFAR** to provide a panelist at their annual staff sensitization discussions on **Gender & Sexual Diversity** in Windhoek in November 2017. The in-person attendance was supplemented by a skype interview with personnel at offices outside Windhoek.

# STATELESSNESS

GR&AP distributed materials motivating reasons why Namibia should adopt the two key international conventions on statelessness: the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.



## RESEARCH BRIEF:

### Statelessness in Namibia

This document examines the problem of statelessness in Namibia, the provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and how to bring Namibian law in line with these Conventions.

## FACTSHEETS:

### (1) The statelessness conventions and why Namibia should accede to them

### (2) Improving Namibian law to prevent statelessness and to protect stateless persons

These two one-page factsheets summarise the more detailed information from the research brief described above.



GR&AP also wrote two opinion pieces on statelessness which were published in *The Namibian* in January 2017.



You can access the newspaper articles on these websites:

The Namibian website:

[www.namibian.com.na/160062/archive-read/Without-a-State-Without-a-Hope--Why-Namibia-Should-Accede-to-the-Statelessness-Conventions](http://www.namibian.com.na/160062/archive-read/Without-a-State-Without-a-Hope--Why-Namibia-Should-Accede-to-the-Statelessness-Conventions) and [www.namibian.com.na/160176/archive-read/Future-Uncertain-A-story-of-Statelessness](http://www.namibian.com.na/160176/archive-read/Future-Uncertain-A-story-of-Statelessness)

Citizenship Rights in African Initiative website:

<http://citizenshiprights4africa.org/without-a-state-without-a-hope-why-namibia-should-accede-to-the-statelessness-conventions/> and <http://citizenshiprights4africa.org/namibia-future-uncertain-a-story-of-statelessness/>

## CLIENTS

**GR&AP assisted 156 clients in 2017**, including assistance in person, by email and by telephone. Remote assistance allows us to assist clients from all over the country. Most client queries related to maintenance, children's issues (particularly custody and access), marriage and divorce and domestic violence or other forms of gender-based violence. Our assistance to clients fulfils the LAC mandate to help those with the least access to the law, and also gives us insight into how Namibian laws are working on the ground.

CLIENT ISSUES 2017	
Maintenance	44
Custody / access / other children's issues	26
Marriage & divorce	24
Domestic violence/ GBV	23
Birth registration / citizenship/ domicile	10
Other	29
<b>Total</b>	<b>156</b>

### Examples of client feedback

**“Thanks so much Yolande and Dianne for your helpful response...It's not easy to deal with those situations, especially the strong emotional reactions at times, and it is therefore good to have your legal backup/opinion on this, and the Guide to the Maintenance Act is incredibly helpful in this regard.**

**Thanks once again for all your efforts and hard work.”**

\*\*\*\*\*

**“Many thanks for your kind assistance. I highly appreciate your always willingness to assist.”**

\*\*\*\*\*

**“I was not so sure what my rights are... At least now I know....**

\*\*\*\*\*

**“Thank you so so much for your response, which confirms what I was thinking and is providing very helpful support to the friend of mine.... Can't thank you enough for the support and the work you are doing.”**

## PUBLICATIONS DISTRIBUTION

**We distributed over 115 000 publications in 2017, plus over 1000 posters.** Our materials are requested by service providers, civil society groups and members of the public, and we provide stock for distribution at public points such as constituency offices and clinics. We attempt to expose new audiences to our publications by rotating the placement of three display stands at a range of venues.

Our thanks to **Rudolf Gabriel** for his excellent assistance with publications distribution!

### Examples of feedback on GR&AP publications

**“Good day LAC. I really like the alternative ways to Corporal Punishment.**

**I would like LAC to invite or inform me when you have some kinds of training or induction on any matter.”**

\*\*\*\*\*

**“I am a technical advisor for the Justice Centres in Uganda. Researching meaningful IEC material on legal aid, I came across LAC's materials which I find very well made... my congratulations on the great comics and animations!...”**

\*\*\*\*\*

**Thank you so much for the updated catalogue and list of publications. This is certainly one of the most useful resources in Namibia, covering publications on various social issues. We have made extensive use of the materials in the LAC publication list and we really value and appreciate your work...**

**Thank you once again and keep up the good work.**

**Uhuru Dempers, Desk for Social Development – ELCRN**



# MEDIA

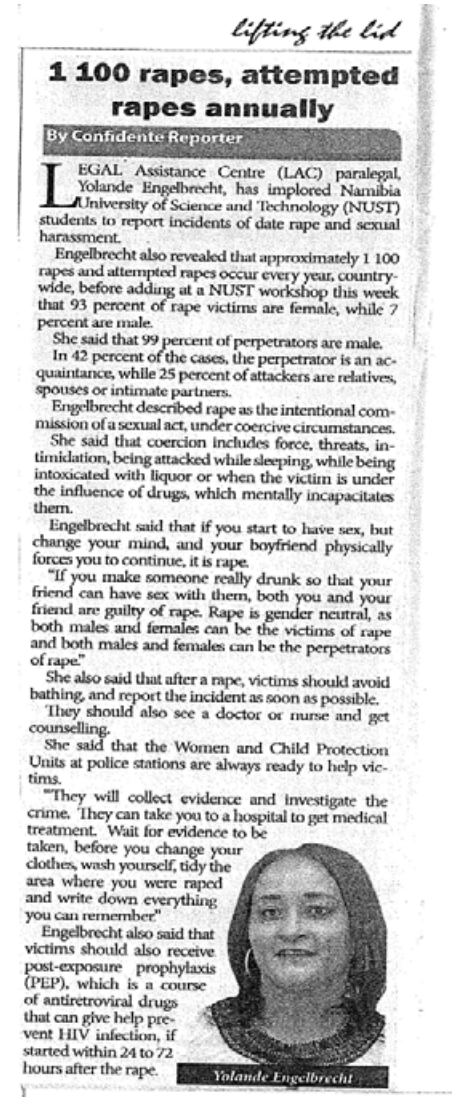
In 2017, GR&AP appeared in print 36 times, on radio 10 times, and on television 10 times. This count does not include the re-broadcast of our 2016 series of radio shows on the Communal Land Reform Act, with a particular focus on how women can have access to communal land.

Our print coverage took the form of providing quotes and information to journalists from *The Namibian*, *Namibian Sun*, *The Villager*, *Informante* and *Confidente*. Other print appearances included:

- an op-ed on **abortion statistics** published in *The Namibian* on 11 April 2017
- an op-ed on **teen pregnancy** published in *The Namibian* on 5 May 2017
- a **letter to the editor on road safety** published in *The Namibian* on 5 May 2017
- information on **protection orders** re-published in the May 2017 edition of *Sister Namibia* magazine
- an article on **rape** quoting GR&AP extensively published in *Confidente* on 18 September 2017.

Radio broadcasts included:

- an interactive telephonic interview on Damara/Nama radio on the Day of the African Child (6 June)
- 9<sup>th</sup> hour NBC community radio slots on the **work of the LAC** and **cohabitation**
- Kosmos Radio interview on **maternity leave**
- NBC radio discussions on **corporal punishment** and **rape**
- a live NBC radio presentation on **civil marriage**.



Television appearances included:

- several appearances on the NBC breakfast show *Good Morning Namibia* throughout the year
- an NBC television interview on **family law reform**
- a discussion of **maintenance** on the NBC show *Tupopyeni* in June 2017.

# ATTENDANCE AT WORKSHOPS AND EVENTS

Some of the main workshops and events which GR&AP attended during 2017 include the following:

- workshop on **harmful cultural practices**, organized by the Women's Leadership Centre (Zambezi Region, February 2017)
- conference on the state of **land tenure and land ownership rights for women in Sub-Saharan Africa** organised by Konrad Adenauer Stiftung (Windhoek, February 2017)
- **3rd Annual Meeting of the ID4Africa** Movement hosted by the Ministry of Home Affairs and Immigration, to discuss the social and economic impacts of identity systems (Windhoek, April 2017)



- event in honour of **International Women's Day**, hosted by the British High Commission and aimed at encouraging mentorship of young Namibian women. This event resulted in the placement of Emma Theofolus with LAC (Windhoek, March 2017)
- panel discussion on the situation of **LGBTI Christians** in the church today (Windhoek, May 2017)
- **"We are One" Advocacy week** activities hosted by Positive Vibes, Out Right Namibia and Lifeline/Child Line to celebrate the experience of LGBTI persons in Namibia and to emphasize humanity above issues of sexual orientation and gender identity and expression (Windhoek, July 2017)



- a workshop on **statelessness** convened by the Ministry of Home Affairs and Immigration, aimed primarily at government stakeholders and facilitated by Lawyers for Human Rights from South Africa and UNHCR (Windhoek, September 2017)



- **debate on the New Equitable Economic Empowerment Framework Bill (NEEEF)** organized by the Law Society of Namibia and the Namibian Law Association (Windhoek, October 2017)
- launch of the book “The Law Reform and Development Commission of Namibia at 25”, hosted by the **Law Reform and Development Commission**, where the contributions of LAC were warmly acknowledged by the LRDC Chairperson and the Minister of Justice (Windhoek, October 2017)



- **roundtable discussion organized by Women’s Leadership Centre**, where women from Zambezi Region discussed “Transformation of our cultures to project girls and woman from violence and HIV/AIDS”, including harmful cultural practices such as child marriages and forcing widows to marry the brothers of their deceased husbands (Windhoek, October 2017)

- **Partner Roundtable Meeting** organised by the Finnish Embassy under the theme “Going forward, doing differently”, which included presentations on the current environment for NGO work and sustainability and donor relationships (Windhoek, November 2017)



# NETWORKING

We attended meetings organised by the following organisations:

- Ministry of Gender Equality and Child Welfare Gender-Based Violence Gender Cluster
- Ministry of Gender Equality and Child Welfare Permanent Task Force on Vulnerable Children
- Namibia Child Rights Network
- Rights Not Rescue Trust Namibia
- Law Reform & Development Commission
- Various embassies.



*Quarterly meeting of the Permanent Task Force on Vulnerable Children (June 2017)*

GR&AP also provided a representative to serve as a member of the Coordinating Committee of the **Sexual Reproductive Health Rights (SRHR) Campaign** of the Ministry of Poverty Eradication and Social Welfare, coordinated by Adv Bience Gawanas as the Champion for SRHR. In addition, GR&AP provided input for the **World Bank's Women, Business and the Law** project.

**Thank you very much again for participating in the *Women, Business and the Law* project, we truly appreciate your dedication and the exceptional quality of your contribution....**

**Best regards,  
Juliette Herault, Legal Consultant  
Women, Business and the Law  
Global Indicators Group,  
Development Economics**

# FORTHCOMING IN 2018

**Child Care and Protection Act:** Once the regulations are finalized and the Act is brought into force, GR&AP will publish –

- a booklet of one-page factsheets covering on each topic in the law
- a detailed guide to the law for service providers
- PowerPoint presentations for use in training sessions
- eight comics on specific topics in the law

This project is funded in part by UNICEF and in part by the Finnish Embassy.

**Advocacy materials:** With funding from the Hans Seidel Foundation, GR&AP will publish three sets of factsheets on topics aimed at empowering civil society, as well as revised and updated versions of the booklets *Know your Constitution* and *How Laws are Made*.

- A. **GOVERNMENT SERIES**
  1. Overview of the Namibian Constitution
  2. The three branches of Government
  3. The executive branch
  4. The legislative branch
  5. The judicial branch
  6. Local and regional government
  7. Elections in Namibia
  8. Government watchdogs
- B. **ADVOCACY SERIES**
  1. Planning an advocacy campaign
  2. Meetings with decision-makers
  3. Petitions
  4. Marches, demonstrations & vigils
  5. Participating in public hearings
  6. Advocacy through the press
  7. Using email and social media
- C. **RULE OF LAW SERIES**
  1. Rule of law
  2. Human rights
  3. Understanding the law
  4. Statute law
  5. Common law
  6. Customary law



**Namlex, the Namlex Appendix and the annotated laws:** GR&AP will continue to update these databases regularly, as funding permits. Training of the Namlex Update Team will continue with funding from the US Embassy until October 2018, accompanied by the publication of a training manual. However, this funding applies only to Namlex. We are still in search of funding for updates, training and manuals for the other two databases. We are in the process of improving the Namlex Appendix by adding links to online sources of the authentic versions of each multilateral treaty, as well as making the citations to the Parliamentary debates more comprehensive. We also hope to add pre-Independence regulations to the annotated laws during 2018.

**Family law advocacy:** With funding from OSISA, GR&AP will continue research and lobbying around law reforms on family law issues. As the proposed bills move closer to the form in which they will be tabled in Parliament, GR&AP will finalise simplified materials to inform the public about the Bills' contents.

**Alternatives to corporal punishment:** Outreach on the links between corporal punishment and gender-based violence will continue, with funding from the Finnish Embassy.



# STAFF AND INTERNS

## *Full-time staff*



**Dianne Hubbard - Coordinator** ([dhubb@africaonline.com.na](mailto:dhubb@africaonline.com.na))

Dianne is a graduate of Harvard Law School. She also has degrees in English from the University of North Carolina in the USA and Stellenbosch University in South Africa. She has been the Coordinator of GR&AP since its inception in February 1993. Dianne served a 3-year term as Deputy Chairperson of the Law Reform and Development Commission from 2010-2013.

**Yolande Engelbrecht - Paralegal** ([yengelbrecht@lac.org.na](mailto:yengelbrecht@lac.org.na))

Yolande joined GR&AP at the beginning of 2009, having worked at the Ministry of Justice for a number of years. Yolande takes the main responsibility for running workshops on behalf of the department as well as developing training programmes and providing information to clients.



**Ruth Murangi - Project Assistant** ([rmurangi@lac.org.na](mailto:rmurangi@lac.org.na))

Ruth joined GR&AP in February 2017 as Project Assistant, after jobs at Wings over Africa and Franco Namibian Cultural Centre. She assists with all kinds of administrative tasks and is the person to contact for copies of our publications.

***Grace Kapere**, our previous project assistant, left LAC for a career break in March 2017 but returned in late 2017 to take up a post as Paralegal at the Legal Assistance Centre. Thus, although she is no longer part of GR&AP, she remains within the LAC family. We missed her very much and welcome her back to her 'home' at LAC!*



### *Consultants and interns*



**Perri Caplan** regularly assists GR&AP with publications design and lay-out as well as formatting and processing of the annotated laws. She has worked with us for many years now.

Following stints as volunteers at GR&AP in 2014, **Felix Lüth** and **Laura Halonen**, continue to provide pro-bono services to GR&AP from Geneva, Switzerland. In 2017, Felix gave extensive assistance on the Namlex Appendix on international law, and Laura contributed comparative law research on academic freedom as well as input on the Namlex Appendix. We are extremely grateful for the generous long-distance support from these two lawyers.

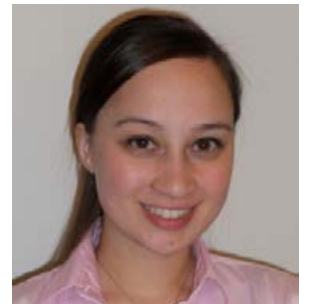


**Kaity Cooper** (left) and **Aneesha Lewis** (right) both spent six months at LAC during 2016-2017 through the Canadian Bar Association's Young Lawyers International Program, funded by Global Affairs Canada.



**Emelie Kozak** (left), a Canadian lawyer with a Master's degree in international human rights law, assisted GR&AP for three months in 2017

**Alisan Oliver-Li** (right), a student at Harvard Law School, spent ten weeks with GR&AP in mid-2017.



**Hannah Wirtz**, who holds a PhD in law spent three months with GR&AP as part of her requirements to qualify for a position as judge in Germany.

**Klaus Striewe** returned to LAC in November 2017 for a second internship with GR&AP, following on his work with us in 2016.



**Emma Theofolus** (left), a UNAM law student, joined GR&AP in November 2017 for a short holiday attachment.

**Luchandré Zimmer** (right) was GR&AP's 100<sup>th</sup> intern, She was with us for one month before leaving to take up a position as an articulated clerk at Kanguechi & Kavendjii.



# DONORS

## *Donors to the Gender Research & Advocacy Project:*

Embassy of Finland  
Friedrich Ebert Stiftung  
Hans Seidel Foundation  
Konrad Adenauer Foundation  
OSISA  
UNICEF  
US Embassy



## *Consultancy income*

Delegation of the European Union to Namibia  
Law Society of Namibia



## *Core donor to the Legal Assistance Centre*

Africa Groups of Sweden

