



2019 IN REVIEW

Gender Research & Advocacy Project Legal Assistance Centre

GR&AP's mission is to promote gender equality and the empowerment of women through legal research, law reform and related advocacy work.

GUIDE TO NAMIBIA'S CHILD CARE AND PROTECTION ACT 3 OF 2015

- 1 Introduction
- 2 Objectives and guiding principles
- 3 Age of majority
- 4 National Advisory Council on Children, Children's Advocate & Children's Fund
- 5 Social workers and child protection organisations
- 6 Children's courts
- 7 Facilities
- 8 Parent of parentage
- 9 Parental rights and responsibilities for children outside marriage
- 10 Guardianship after death of parent or guardian
- 11 Fostering plans
- 12 Kinship care
- 13 Prevention and early intervention services
- 14 Children in need of protective services
- 15 Foster care
- 16 Contribution orders
- 17 Adoption
- 18 Medical interventions and HIV testing
- 19 Child-headed households
- 20 Harmful social, cultural or religious practices
- 21 Baby-sitting
- 22 Corporal punishment
- 23 Child safety at places of entertainment
- 24 Children and alcohol
- 25 Children on premises or police calls
- 26 Child exploitation
- 27 Police clearance certificates and register of convictions
- 28 Crimes and emergency aid

LAAC 2019

CHILD PROTECTION
A new concept under the Child Care and Protection Act

GUARDIANSHIP after death of parent
A new concept under the Child Care and Protection Act

KINSHIP CARE
A new concept under the Child Care and Protection Act

PUTTING THE CHILD FIRST
Parental rights and responsibilities for children born outside marriage

Child Care and Protection Act 3 of 2015
Chapter 1
INTRODUCTION

Guide to the Child Care and Protection Act

- 28 chapters (714 pages) in separate volumes
- 28 PowerPoint presentations
- 6 comics

Use of force by law enforcement officials in Namibia

Combating of Harassment and Child Sexual Exploitation
Legal Assistance Centre
September 2019

Data sharing under Namibia's Civil Registration and Identification Bill
Legal Assistance Centre
November 2017

Know Your Constitution!
The Republic of Namibia Mar 18
Legal Assistance Centre

ProBono
INFORMATION ABOUT NAMIBIA'S LAW
Disclaimer: What is in this volume is incomplete

All of the materials produced by GR&AP are available in hard copy from the Legal Assistance Centre or in electronic form on the LAC website: www.lac.org.na.

GR&AP's key accomplishments in 2019

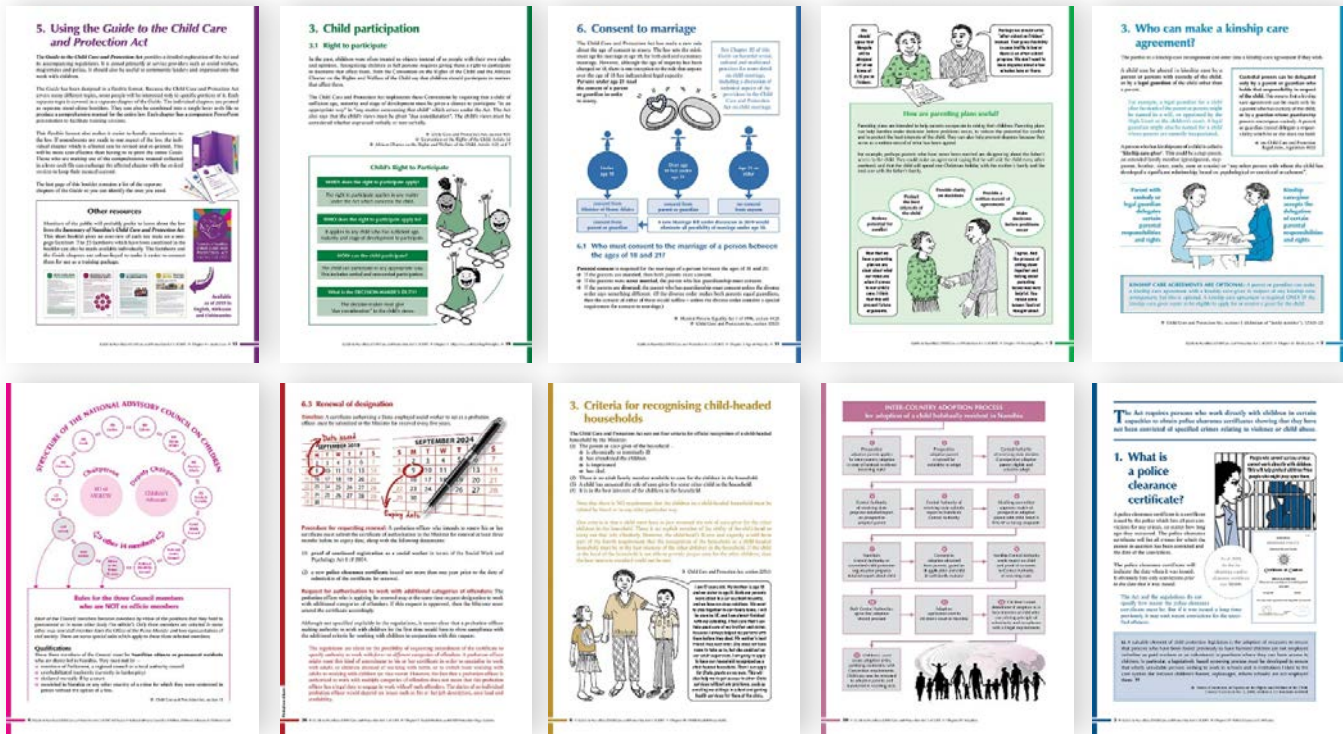
- production of 28-chapter *Guide to the Child Care and Protection Act*
- production of **28 PowerPoints** to accompany the *Guide*
- production/distribution of **6 comics** on the *Child Care and Protection Act*
- translation of *Know Your Constitution* into Afrikaans, Herero and Oshiwambo and Rukwangali
- 6-column **ProBono** series on election issues
- 1 research brief on the **use of force by armed forces**
- research on **harassment (including cyber harassment) and sexual exploitation of children**, and preparation of an extensive research report and a draft bill on these topics for consideration by government
- update of **databases on Namibian laws** & 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**
- **distribution of almost 150 000 publications**



The Child Care and Protection Act 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.

CHILD CARE AND PROTECTION ACT

Working together with the Ministry of Gender Equality and Child Welfare, GR&AP produced a *Guide to the Child Care and Protection Act* designed to serve as a training and reference manual for service providers. The illustrated Guide consists of 28 chapters, and covers over 700 pages in total. The chapters include technical notes which will be helpful to magistrates in particular, with case law examples of some of the principles involved.



The Guide has been produced in a flexible format, with individual chapters produced as separate stand-alone booklets which can also be combined into a single lever arch file to produce a comprehensive manual for the entire law.

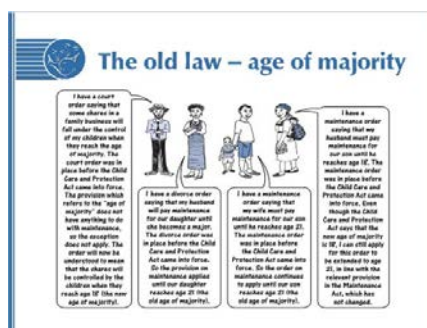
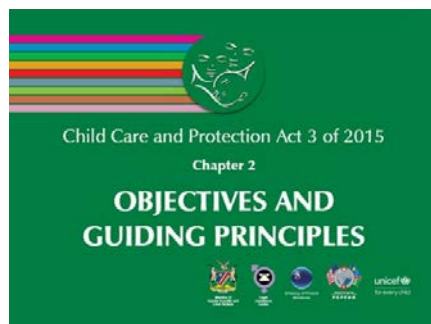
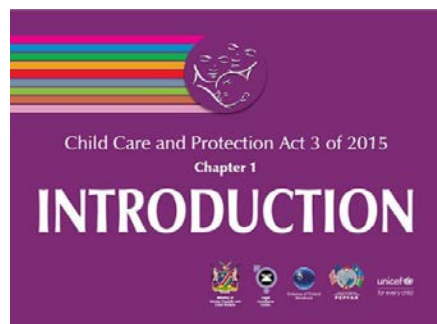


TOPICS IN THE GUIDE

1. Introduction
2. Objectives and guiding principles
3. Age of majority
4. National Advisory Council on Children, Children's Advocate & Children's Fund
5. Social workers and child protection organisations
6. Children's courts
7. Facilities
8. Proof of parentage
9. Parental rights and responsibilities for children outside marriage
10. Guardianship after death of parent or guardian
11. Parenting plans
12. Kinship care
13. Prevention and early intervention services
14. Children in need of protective services
15. Foster care
16. Contribution orders
17. Adoption
18. Medical interventions and HIV testing
19. Child-headed households
20. Harmful social, cultural or religious practices
21. Baby-dumping
22. Corporal punishment
23. Child safety at places of entertainment
23. Children and alcohol
25. Children in prisons or police cells
26. Child exploitation
27. Police clearance certificates and register of convictions
28. Grants and emergency aid

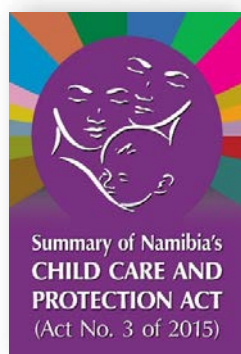
2. PowerPoints on the Child Care and Protection Act

Each chapter of the *Guide to the Child Care and Protection Act* has a matching PowerPoint presentation to facilitate training sessions. The PowerPoints repeat some of the visuals and diagrams from the chapters, but they also utilise additional illustrations to keep an audience attentive and engaged in a workshop setting.



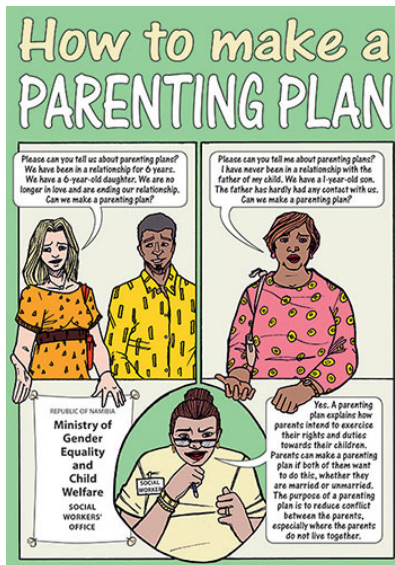
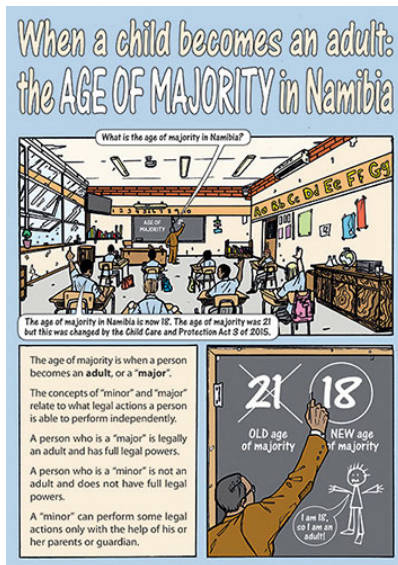
Summary of the Child Care and Protection Act

The Guide and the accompanying PowerPoints are designed to complement the *Summary of the Child Care and Protection Act*, a set of 23 factsheets on the Act aimed at the general public and published in three languages (English, Afrikaans and Oshiwambo). The factsheets are available either individually or compiled into a booklet.



3. Comics on the Child Care and Protection Act

GR&AP completed the production, printing and distribution of a set of six comics on the Child Care and Protection Act. The comics were distributed as inserts in *The Namibian* newspaper in 2019 and early 2020.



PRAISE FOR GR&AP'S ROLE IN ASSISTING TO DEVELOP THE CHILD CARE AND PROTECTION ACT

GR&AP was contacted by many stakeholders when the Act came into force. Congratulations poured in by email and telephone from, amongst others, Veronica Theron (Office of the First Lady, Helena Andjamba (MGEWCW), Celeste Feris (UNICEF), Suvi Valkonen (Finnish Embassy) and Rachel Coomer (Centres for Disease Control).

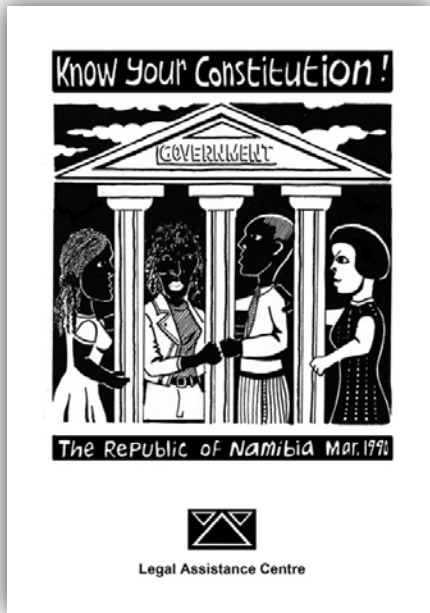
Thank you Dianne and
congratulations. One of your
many milestones achieved.
(Joyce Nakuta, MGE CW)

Congratulations are in order to
Dianne and the Gender Unit!
Please convey such, Toni.
(Tangeni Amupadhi, LAC Trustee)

It's good that at least the CCPA is now in force!!! Well done, ladies!!!
(Suvi Valkonen, Programme Coordinator, Embassy of Finland)

CIVIC EDUCATION

1. Know Your Constitution translations



Know Your Constitution is a short summary of the key provisions of the Namibian Constitution, first published by LAC in 1990. It was revised and updated in English in 2018, and in 2019 we translated it into four local languages: **Afrikaans, Otjiherero, Oshiwambo, and Rukwangali**. This deceptively-difficult task involves initial translation, proof-reading, final edit and a revised lay-out because the length of the text changes dramatically in translation. We always involve a team of different translators for each language to ensure that the final product is clear to grassroots language-speakers.

The translations were launched on 8 August at the House of Democracy. Yolande Engelbrecht of GR&AP made introductory comments, followed by inputs from Ruth Murangi (LAC), Ben Katamila (head of a newly-formed group called Zero Violence in Okahandja) and Paul Onyisi (of Philippi Trust). The initiative met with a great deal of enthusiasm.

Yolande spoke about the translations on the national television show *Good Morning Namibia* on the same day, and the event was covered in *Die Republikein*.





Me. Yolande Engelbrecht van die Regshulpsentrum (LAC) stel Donderdag die verskillende taalopsies ten toon. FOTO DENVER KISTING

Denver Kisting

Dit is belangrik dat die oppergesag van die land, die Grondwet, toeganklik vir Jan en San Alleman is.

Alle wette in Namibië is onderhewig aan dié hoofwet.

Dit het die Regshulpsentrum (LAC) genoop om hul *Know your Constitution*-boekie te hersien, by te werk en vandeewee ook in vier inheemse tale bekend te stel, sê me. Yolande Engelbrecht verbonde aan die LAC se gendernavorsing- en voorspraakeenheid.

Danksy die Hanns Seidel-stigting se finansiële steun is dié boekie, wat die Grondwet in toeganklike taal uiteensit, voortaan in Afrikaans, Oshiwambo,

Otjiherero en Rukwangali beskikbaar.

Die boekie begin met 'n opsomming van die Grondwet, waarna die verband tussen 'n demokrasie en regsreëls handel word.

Die drie staatsorgane – die uitvoerende gesag, die regbank en die wetmakende liggame (die Nasionale Vergadering en die Nasionale Raad) – geniet aandag by wyse van 'n bondige opsomming.

Hoe 'n mens vir burgerskap in aanmerking kom, die rol van Engels as amptelike taal en die handves van menseregte word ook uiteengesit.

Engelbrecht sê as befondsing weer beskikbaar is, sal die ander inheemse tale voorkeur geniet. *Know your Constitution* is ook aanlyn beskikbaar.

denver@republikein.com.na



2. ProBono columns on Electoral Act

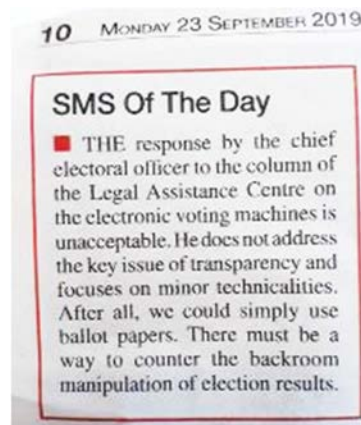
GR&AP researched and produced six newspaper columns on topics relating to the November elections:

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

All were published in *The Namibian*, and were placed on the LAC website after initial publication.

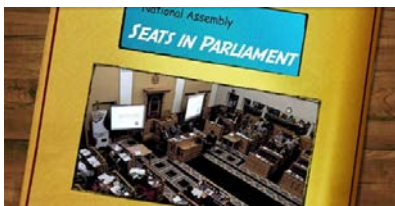
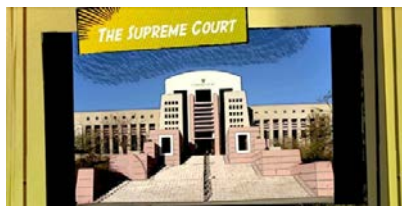
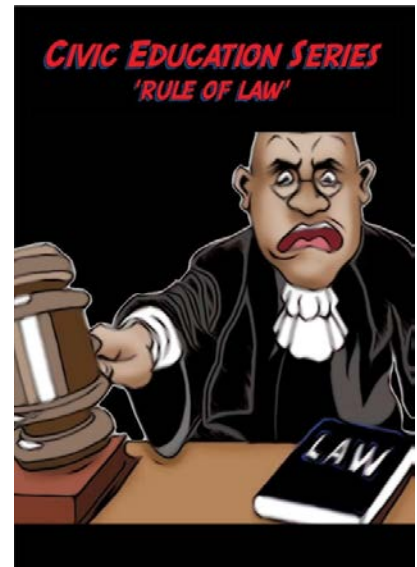
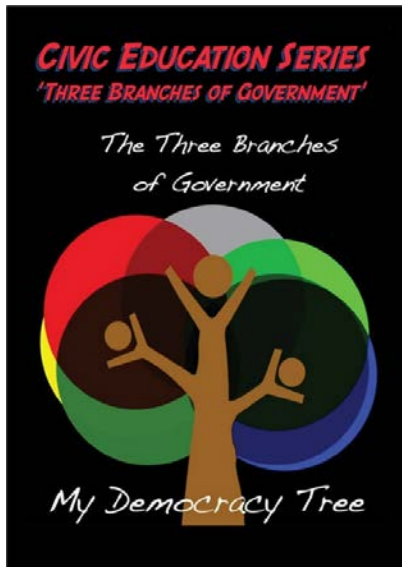
Many of the topics covered were issues of widespread interest and debate. The Electoral Commission of Namibia (ECN) provided comments on the column on Electronic Voting Machines (EVMs) and paper trails, which was published alongside the column, to encourage discussion. The Chief Electoral Officer of the ECN complimented LAC on the columns, referring to them in an email to the LAC as being “factual and very well written”.

The research on proof of citizenship for purpose of voter registration was used as the basis for technical submissions sent to the Ministry of Justice and the Ministry of Home Affairs and Immigration.



3. You Tube videos

Three short videos were produced for access on YouTube. They covered (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 Legal Assistance Centre will launch its YouTube channel in 2020.



USE OF FORCE

The GR&AP team completed a research brief on the use of force by Namibia's armed forces in late 2019. This research 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 paper 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.

Use of force by law enforcement officials in Namibia



Legal Assistance Centre
November 2019

1.	Introduction.....	2
2.	Operation Hornkrantz and Operation Kalahari Desert	3
3.	International guidelines.....	8
3.1	Peel's Nine Principles, 1829	9
3.2	United Nations Code of Conduct for Law Enforcement Officials.....	10
3.3	Basic Principles on the Use of Force and Firearms for Law Enforcement Officials (BPUFF), 1990	11
3.4	United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules"), 2015	16
3.5	SARPPCO Code of Conduct for Police Officials	19
3.6	Practical guidelines.....	21
4.	Current Namibian law.....	29
4.1	Namibian Constitution	29
4.2	Namibia's armed forces	30
4.3	Police Act 14 of 1990	35
4.3	Criminal Procedure Act 51 of 1977	36
4.5	Defence Act 1 of 2002	43
4.6	Correctional Service Act 9 of 2012	43
4.8	Other statutory authority for use of force	45
4.9	Nampol Standing Orders and Operational Manual.....	47
5.	Comparative law	50
5.1	South Africa	50
5.2	New Zealand	58
5.3	Canada	65
5.4	European jurisprudence	69
5.5	US jurisprudence	71
6.	Analysis	73
7.	Recommendations	75

Acknowledgements: This report was drafted by Dianne Hubbard with input from Hannah Van Dijke, M'Mah Touré, Andrew Cooper and Yolande Engelbrecht. Administrative support was provided by Celine Engelbrecht. The research was funded by Hanns Seidel Foundation. We would like to thank the Namibian Police for providing us with a copy of their *Operational Manual*.

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.



Combating of Harassment and Child Sexual Exploitation

Legal Assistance Centre



September 2019

- Chapter 1: Introduction
- Chapter 2: Key international commitments
- Chapter 3: Law and context in Namibia
- Chapter 4: Overarching legal models
- Chapter 5: Basic components of laws on harassment and stalking
- Chapter 6: Cyber harassment
- Chapter 7: Harassment based on protected grounds
- Chapter 8: Child sexual exploitation and grooming

The report was also informed by the discussions which took place at various Namibian forums:

- the Namibian commemoration of **Safer Internet Day** in February
- the **roundtable discussion on child online safety** hosted by the Ministry of Information and Communications Technology in February
- the **Child Online Protection Conference** in September.

The research was used as the basis for a draft **Combating of Harassment and Sexual Exploitation Bill** and an **accompanying Explanatory Memorandum** which will be presented to key stakeholders in early 2020.

LEGAL DATABASES

GR&AP worked on updating and improving its three legal databases:

- 1. NAMLEX:** NAMLEX 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.
- 2. NAMLEX APPENDIX:** The NAMLEX APPENDIX is a list of all multilateral international treaties binding on Namibia, including a summary of the 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.
- 3. 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

Sustainability: To ensure the long-term sustainability of the databases, GR&AP entered into an agreement with the Government of Namibia whereby the Government purchased co-copyright of Namlex and Namlex Appendix. (The annotated laws have been a joint initiative of LAC and government and are not copyrighted.) The idea is that GR&AP will train government staff in how to update the databases, and work with them to increase capacity over time. Government has created posts for dedicated personnel for this purpose.

Consolidated website: This development will also pave the way for a single website which would provide identical information on Namibian laws, accessible via LAC, Parliament or NamibLII. In July, GR&AP met with representatives from the Ministry of Justice, the National Council, the National Assembly, NamibLII and the Parliament Library to discuss the way forward on such a website. GR&AP gave a presentation to the group comparing the approaches of the three different websites where the annotated laws now appear. It was agreed in principle that there will be a single repository for the annotated laws on a government server, with ‘doors’ into that repository from the three different entities which now host the laws. This will result in a huge savings on cost and human resources, in addition to increasing accuracy. A Steering Committee was created, as well as a separate IT committee to look at the technical issues.

Manuals: In 2018, GR&AP produced a manual on how to update Namlex. During 2019, this was complemented by a manual on how to update the annotated laws. Our plan is to complete the set in 2020 with a third manual on how to update the Namlex Appendix. The manuals are another step towards the long-term sustainability of the databases, and will be used in the training of government staff.

Scanning of SWA *Official Gazettes*: To facilitate research on pre-Independence regulations, and to secure documents which pertain to Namibia’s legal history, GR&AP is in the process of scanning all of the “South West Africa” *Official Gazettes*, dating from 1919 to independence. The Ministry of Justice had scanned the *Gazettes* for the years 1919-1940, but LAC has converted this image scans into a searchable format. GR&AP is in the process of completing the set, working in cooperation with the National Archives and the Parliament Library.

NAMLEX SAMPLE ENTRY

Public Procurement Act 15 of 2015.

Summary: This Act ([GG 5922](#)) regulates the procurement of goods, works and services by public entities, and establishes the Procurement Policy Unit and the Central Procurement Board of Namibia. It replaces the Tender Board of Namibia Act 16 of 1996. It was brought into force with effect from 1 April 2017 by GN 46/2017 ([GG 6255](#)).

Regulations: Regulations issued under the repealed Act survive in terms of section 80(2), which states: “Subject to section 81 [on the treatment of tender contracts already concluded and tender advertisements already issued when the Act came into force], anything done under a provision of the law repealed by subsection (1) and which could have been done under a provision of this Act is deemed to have been done under the corresponding provision.” Regulations issued under the repealed Act are contained in GN 237/1996 ([GG 1403](#)), as amended by GN 140/2013 ([GG 5212](#)).

Public Procurement Regulations promulgated under this Act are contained in GN 47/2017 (GG 6255). These regulations do not repeal any previous regulations.

Rules: Rules issued under the repealed Act survive in terms of section 80(2). The “Tender Board of Namibia Code of Procedure” is contained in GN 191/1997 ([GG 1692](#)), as amended by GN 180/2010 ([GG 4544](#)) which substitutes paragraph 23.

Note that GN 180//2010 contains an error in the name of the principal Act.

Notices: Notices issued under the repealed Act survive in terms of section 80(2). General Notice 160/1992 ([GG 551](#)) contains “Tender Board of Namibia: Preferences” and addresses issues such as local content.

Directives: Directives issued under the repealed Act survive in terms of section 80(2). Administrative Directive 1/2006 relating to over-expenditure is contained in GN 56/2006 ([GG 3611](#)).

Cases: The following cases were decided in terms of the previous Tender Board of Namibia Act 16 of 1996 –

- Clear Channel Independent Advertising Namibia (Pty) Ltd & Another v Transnamib Holdings Ltd & Others* 2006 (1) NR 121 (HC) (brief discussion of allegations concerning applicability of Act to Transnamib)
- Disposable Medical Products v Tender Board of Namibia* 1997 NR 129 (HC) (General Notice 160/1992, Regulation 8(3)(c), Regulation 8(5))
- Serenity Manufacturers v Minister of Health and Social Services & Another* 2007 (2) NR 756 (SC) (Regulation 7)
- Minister of Education and Others v Free Namibia Caterers (Pty) Ltd* 2013 (4) NR 1061 (SC) (administrative review of decision of Tender Board; effect of failure to comply with section 16(1)(b)).
- CSC Neckertal Dam Joint Venture v Tender Board of Namibia & Others* 2014 (1) NR 135 (HC) (review of tender award; considers application of sections 15(1) and 19).

The following cases were decided in terms of Tender Board Regulations promulgated under section 26A of the Finance and Audit Ordinance 1 of 1926 –

- Skeleton Coast Safaris v Namibia Tender Board & Others* 1993 NR 288 (HC)
- Kerry McNamara Architects Inc v Ministry of Works, Transport and Communication & Others* 2000 NR 1 (HC).

Commentary:

- Frederico Links, “The Public Procurement Bill: A lot of good, some significant bad, but certainly not ugly”, Institute for Public Policy Research, *Democracy Report, Special Briefing Paper No. 9*, September 2015, available at [Special_Briefing_no_9.pdf](#)
 - Frederico Links, “Promoting Integrity: The New Public Procurement Framework”, Institute for Public Policy Research & Open Society Initiative for Southern Africa, *Briefing Paper*, August 2017.
-

CIVIL REGISTRATION

GR&AP was engaged by the Ministry of Home Affairs and Immigration to assist with revisions to the draft **Civil Registration and Identity Management Bill**, particularly in respect of catering for e-notice of birth and death and data protection issues (rules about who can have access to personal data about another person).

The first step was a **research paper** on relevant international standards and trends regarding privacy, data protection and interoperability of databases.

The second step was production of a **revised draft bill with accompanying explanatory notes** on the proposed changes.

The third step was a **presentation on the research and the proposed revisions to key stakeholders**. This took place in December, and resulted in a lively and fruitful discussion.

The final step, which will take place in early 2020, is to **refine and finalise the revised draft law in light of the stakeholder input**.

Data-sharing under Namibia's Civil Registration and Identification Bill



Legal Assistance Centre
November 2019

1. Purpose and scope of report
2. Terminology
3. Key international and regional standards
4. Namibian Constitution and legislation
5. Specific instances of possible data-sharing
6. Comparative law on access to civil registration information
7. Discussion
8. Recommendations

Principles on Identification for Sustainable Development: Toward the Digital Age

INCLUSION: UNIVERSAL COVERAGE AND ACCESSIBILITY

1. Ensuring universal coverage for individuals from birth to death, free from discrimination.
2. Removing barriers to access and usage and disparities in the availability of information and technology.

DESIGN: ROBUST, SECURE, RESPONSIVE, AND SUSTAINABLE

3. Establishing a robust—unique, secure, and accurate—identity.
4. Creating a platform that is interoperable and responsive to the needs of various users.
5. Using open standards and ensuring vendor and technology neutrality.
6. Protecting user privacy and control through system design.
7. Planning for financial and operational sustainability without compromising accessibility.

GOVERNANCE: BUILDING TRUST BY PROTECTING PRIVACY AND USER RIGHTS

8. Safeguarding data privacy, security, and user rights through a comprehensive legal and regulatory framework.
9. Establishing clear institutional mandates and accountability.
10. Enforcing legal and trust frameworks through independent oversight and adjudication of grievances.

World Bank and endorsing agencies, 2017

LAW REFORM WORK

During 2019, GR&AP engaged in research and advocacy on a range of legal issues:

* comments on a range of draft bills & advocacy on law reform issues

* information on specific legal issues to government, NGOs and development partners.

Divorce Bill	Child Justice Bill	Criminal Procedure Act	Marriage Bill
Combating of Domestic Violence Amendment Bill	Combating of Rape Amendment Bill	Uniform Matrimonial Property Regime Bill	Maintenance Amendment Bill
Ombudsman Bill	Amendment Bill on plea bargaining	Administration of Estates Amendment Act 22 of 2018 and further proposed amendments	
interpretation and application of Electoral Act	references to “child” in the Namibian Constitution	application form for state grants under the Child Care and Protection Act	information on Commissioners of Oaths, highlighting the need for updates on this issue
interpretation of the National Symbols of the Republic of Namibia Act 17 of 2018	<i>Protection of Information Act 84 of 1982</i> , which makes it an offence to disclose certain information which might be prejudicial to the security or interests of the State		advocacy for law reform on cohabitation
advocacy for law reform on stepchildren and stepparents	advocacy for law reform on standing (who has sufficient interest in an issue to bring a case to court)	small claims courts	night courts to address case backlogs.
input for a possible circular calling attention to the possible use of community service in appropriate cases, and the judicial guidelines on this issue	recommendations to improve bottlenecks in legal drafting	obsolete laws which should possibly be repealed	recommendations on ratification of specific Hague Conventions pertaining to children and marital property
	recommendations on fast-tracking cases involving child victims, especially cases of rape and sexual abuse	international submission on Namibia by Global Initiative to End all Corporal Punishment of Children	current law on matrimonial property regimes
	extensive input to the Ministry of Gender Equality and Child Welfare on the draft trafficking regulations		rape law reform in Zimbabwe

WORKSHOPS & PRESENTATIONS

GR&AP gave trainings or presentations at 19 events during the year.

Highlights included a presentation on our research on harassment at a meeting of expert layers from various commonwealth countries in Singapore, and a 3-day training session for newly appointed maintenance investigators for the Ministry of Justice.

In March, GR&AP presented an overview of **legal issues relevant to the LGBTI community** (“Pushing the Envelope”) at a “Roundtable discussion on equality and inclusion understood in the context of sexual orientation and gender identity in Namibia”. This meeting was convened by the Office of the Ombudsman, and included about 50 participants drawn mainly from LGBTI support and advocacy groups, academic institutions, and the Office of the Ombudsman.

LETTER OF APPRECIATION FOR PARTICIPATION IN THE ROUNDTABLE DISCUSSION ON EQUALITY AND INCLUSION UNDERSTOOD IN THE CONTEXT OF SEXUAL ORIENTATION AND GENDER IDENTITY

On behalf of my Office and on my own behalf, I wish to express my immense appreciation and gratitude for your participation in the above Roundtable.

Your presentation contributed not only to the success of the Roundtable discussion, but to fruitful discussions which left us with many signposts to follow in order to fulfill the promise of ending inequality, achieving gender equality, and providing better protection for the LGBTI+ community.

We will share the report and recommendations when it becomes available.

Yours sincerely


JOHN R. WALTERS
OMBUDSMAN

LGBT RIGHTS Pushing the envelope



Legal Assistance Centre
March 2019

In March, GR&AP provided a guest speaker for an **International Women’s Day** celebration in Katutura hosted by the Mine Workers Union of Namibia.

In March, GR&AP gave a presentation on the **Child Care and Protection Act** for a conference on media reporting on GBV convened by the Office of the First Lady for 55 media practitioners.

In April, GR&AP was invited by Childline/Lifeline to give an **overview of the Child Care and Protection Act** for 26 representatives of organisations which participate in the Namibia Child Rights Network.



In April, GR&AP presented a paper on **comparative law on harassment** at a meeting of Commonwealth Legal Experts hosted by the Equality and Justice Alliance in Singapore.

EJA Legal Expert Meeting hosted by Sisters For Change, Singapore, 4-5 April 2019

Sisters For Change, on behalf of the Equality & Justice Alliance, would like to thank you for attending the EJA Legal Experts Meeting in Singapore at the beginning of April. We are delighted that you were able to join us for the Expert Meeting and appreciated your valuable contributions to our wide-ranging discussions.

We hope you had a pleasant journey home and we look forward to continuing our discussions and developing our relationship with you over the coming months.

Warm regards.

Yours sincerely

Alison J Gordon

Alison Gordon OBE
Executive Director
Sisters For Change



In June, GR&AP facilitated **discussions with two schools on corporal punishment** which is still a major concern in Namibia, and a contributing factor in the widespread incidence of gender-based violence.

GR&AP also gave input to the Ministry of Education as background to the **Zero Tolerance for Corporal Punishment** circular sent to all schools in Namibia during 2019.

CIRCULAR: FORM ED: 10/2018

RE: ZERO TOLERANCE FOR CORPORAL PUNISHMENT

1. INTRODUCTION

The National Safe Schools Framework (NSSF), as regulated by F.Ed Circular 9 of 2018, aims to make schools a safe and conducive environment for the holistic development of all learners. However some educational settings themselves expose children to violence, which can lead them to believe that violent practices and behaviours are normal.



In June, GR&AP presented an **overview of the Child Care and Protection Act** for counsellors who work with Childline/Lifeline and Philippi Trust.

Dear Yolande
...Thank you again for all your time, effort and excellent training. Everyone enjoyed it and learned a lot.

Kind regards
Alta Vorbeck

“**The Journey**” was an event was organized by the National Council from 12-14 June in the Parliament Gardens, aimed at stakeholders from Parliament, ministries, offices, civil society, faith-based organisations, musicians, artists and volunteers, and intended to raise awareness about a broad range of human rights issues, including trafficking, GBV and child abuse. GR&AP was part of a **panel discussion on the topic of “Gender equality and the empowerment of women”**. The audience of about 50 at this portion of the event was composed primarily children and youth. It was also broadcast live on NBC.



GR&AP moderated a session for learners at the **Day of the African Child** commemoration on 14 June. Over 500 learners attended the event, which was broadcast on NBC.

In June, GR&AP moderated an event organised by Women’s Leadership Centre to bring representatives of political parties in dialogue with **San Young Women** in June. There were about 40 participants, including the Ombudsman.



Hi Yolande
...Thanks so much for your support with the event,...
Cheers
Liz

GR&AP conducted a training in Okahandja in June for a group of 31 stakeholders (teachers, learners, social workers, and representatives from the Ministry of Defence and the Magistrate's Court) organised by a new NGO called *Zero Violence in Okahandja*.

The training covered **the Married Persons Equality Act, the Combating of Rape Act, the Combating of Domestic Violence Act and the Maintenance Act.**



Morning,

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



In July, GR&AP facilitated a dialogue on **rape and sexual harassment** for 35-40 participants at an event convened by NUST entitled *#MeTooNamibia Women's Dialogue*, in collaboration with the *#MeTooNamibia* movement and the Office of the First Lady of Namibia.

In August, GR&AP was part of an LAC team that took part in the **Camp GLOW 2019** programme where 70-80 learners from different regions underwent **leadership activities** for a week and different motivational speakers were invited to hold short sessions with smaller groups.



Dear Ms. Engelbrecht and Mr. Khoa,

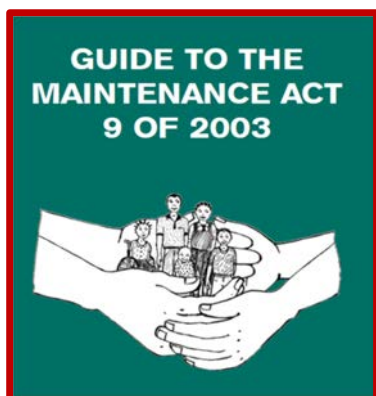
I hope that this email finds you well. Attached are photos and a thank you letter from the Peace Corps Namibia Gender Awareness in Namibia (GAIN) Working Group for your kind participation in the Career Fair for Camp GLOW 2019. Thank you again!

Sincerely,

Grayson Myers

GAIN Working Group




Gender Awareness in Namibia



In September, GR&AP trained 11 newly appointed **maintenance investigators** for the Ministry of Justice. These are the very first investigators to be appointed since the Maintenance Act made provision for them in 2003. They will take office progressively in October, November and 2020, and follow-up training is planned.

In September, GR&AP gave a presentation at **the Child Online Protection Conference**, on GR&AP's research on harassment (particularly cyber harassment) and child grooming. Some 100 stakeholders were in attendance.

Three models

(1) UK (England and Wales): <i>Protection from Harassment Act 1997</i> comprehensive statute with both civil and criminal remedies including four new criminal offences of harassment and stalking.	
(2) South Africa: <i>Protection from Harassment Act 2011</i> new civil remedy - protection orders modelled on those available for domestic violence; creates no new crimes (aside from criminal enforcement for violation of protection orders issued under the statute).	
(3) Canada: new criminal remedy - "criminal harassment" added to <i>Criminal Code</i> in 1993; civil remedy: a general peace bond (a form of protection order issued by the criminal courts) already in existence under the <i>Criminal Code</i> .	

In October, GR&AP presented on the **negative impact of corporal punishment and provisions in the Child Care and Protection Act relating to corporal punishment and children in need of protective services** to a group of 22 lifeskills teachers. The training was organised by the DREAMS Project. Presentations were also given by representatives from the City Police, Junior Parliament, Regional School Counsellors and GBV Unit staff.

In November, GR&AP gave a presentation on **LAC's legal databases (Namlex, Namlex Appendix and the Annotated Statutes and Regulations)** at the AGM of the Law Society of Namibia.

In December, GR&AP facilitated a workshop for the Ministry of Home Affairs and Immigration on **proposed edits to the draft Civil Registration and Identity Management Bill** in respect of e-notice of birth and death, and data-sharing issues. GR&AP also provided a rapporteur for the workshop.



PUBLICATIONS

GR&AP distributed almost 150 000 publications nationwide in 2019.

Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2 462	23 825	31 464	4 263	11 045	23 676	10 430	7 485	11 675	5 780	2 844	11 390	146 939

Some of the groups which received GR&AP publications were the following:

Hanns Seidel Foundation	Oshakati Town Council
Katutura State Hospital	Osire Refugee Camp
Law Society of Namibia	Parliament
Ministry of Gender Equality and Child Welfare	Peace Corps Namibia
Monica Gender Violence Solution	Phillipi Trust
Moses Garoeb Constituency	Project Hope
MVA Fund	Public Workers Union
Namibia Institute of Pathology	Sister Namibia
Namibia Planned Parenthood Association	SWAPO Party School
Nampol	UNAM Legal Aid Clinic
NUST	UNHCR
Office of the First Lady of Namibia	various magistrate's courts
Office of the Ombudsman	White Ribbon
Office of the Prosecutor General	Women's Action for Development
	Zero Violence in Okahandja

Comics on the Child Care and Protection Act were distributed as inserts to *The Namibian* newspaper, as a mechanism for reaching out to members of the public throughout the country.

GR&AP has two publication stands which we place at various venues for two-three months at a time to help introduce new audiences to our publications.

Please contact our office if you would like to suggest a location for our publication stands.

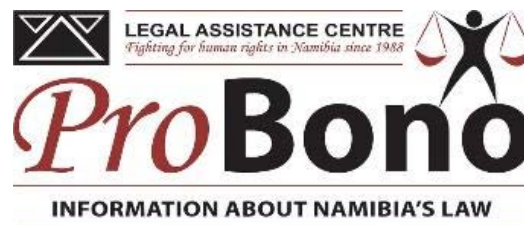
MEDIA

GR&AP appeared in the media on 49 occasions during 2019, with 39 print appearances, 7 radio broadcasts and 3 television appearances.

Media inputs by GR&AP in 2018 covered topics such as gender-based violence, baby-dumping, abortion, child abuse, and the Child Care and Protection Act.

GR&AP produced or edited 12 ProBono columns in 2019. Six ProBono columns covered election-related topics (already discussed above). The topics of the other six columns were as follows:

- 1) Sterilization and consent
- 2) Sodomy law in Namibia & Botswana
- 3) Problem animals
- 4) Child abuse, Namibia's National Epidemic
- 5) Children and detention
- 6) New laws in 2019.



If you have suggestions for future ProBono topics, please let us know by sending an SMS to 081-600-0098. Past columns are available on the LAC website: www.lac.org.na. Look for the ProBono logo on the LAC home page.

CLIENTS

GR&AP assisted 130 individual clients during 2019.

The most common topics in these cases were:

- marriage & divorce
- child custody, access and guardianship.
- maintenance
- inheritance
- domestic violence
- rape
- illegal corporal punishment in schools.

GOVERNMENT FEEDBACK

Allow me to thank you sincerely for your involvement and engagement with us as we take matters of corporal punishment very seriously.

Sanet Steenkamp, Ministry of Education

Thank you once again for the support and the protection of our learners.

Selma Gqwede, Ministry of Education

CLIENT FEEDBACK

From a client who was assisted with the issue of rules about hair in schools:

“Good morning, Thank you again for your time and insight. It is highly valued.”

From a client who was assisted with a maintenance query:

“I am very thankful for your help and wish to encourage you all to continue the good work that you do.”

From the mother of a rape victim:

“Thank you so much for your very caring response...”

NETWORKS

During 2019, GR&AP participated in the following **Namibian networks**:

- Permanent Task Force on Child Protection (convened by MGECW)
- Cluster Meeting on GBV & Human Rights (convened by MGECW)
- Child Online Protection Task Force
- National Coordinating Body on Trafficking.

OTHER EVENTS



**Annual planning meeting
January 2019**

IPPR launch event: Questions from the audience in June, at an IPPR presentation by Frederico Links on “Spying on Speech”, concerning Namibian attitudes and practices on surveillance. This topic dovetails to some extent with our work on harassment, where it is important to provide protection against harm without facilitating potential suppression of speech.



“Confident Woman” awards: In August, *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 Hubbard was recognized in the legal category, at a gala dinner attended by some 300 people and shown on NBC.



Public demonstration in November: GR&AP says NO TO CORRUPTION!!

STAFF & VOLUNTEERS

Permanent staff

Dianne Hubbard - Coordinator (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, and she 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)

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. Yolande is currently enrolled at the South Business School for a Bachelor of Commerce in Law degree.



Celine Engelbrecht - Project Assistant

(cengelbrecht@lac.org.na)

Celine joined GR&AP in March 2019 as Project Assistant, after a stint as a GR&AP volunteer in 2018. She assists with all kinds of administrative tasks and is the person to contact for copies of our publications.

Our thanks to **Ruth Murangi**, who was GR&AP's Project Assistant for two years prior to that date and is still employed with the LAC. We are grateful for Ruth's many contributions to GR&AP during her tenure with us and we will always consider her an "honorary member" of our team!

Consultants and volunteers



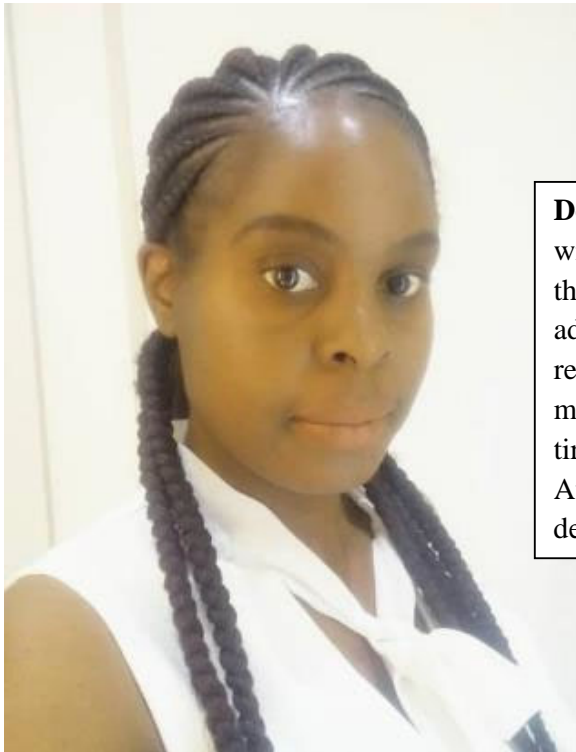
Perri Caplan regularly assists GR&AP with publications design and layout as well as formatting and processing of the annotated laws. She has worked with us for many years now, and her assistance is invaluable.

GR&AP would like to acknowledge the following consultants for their excellent creative contributions during 2019, and their ability to provide reliable service under extreme time pressure:

- * **Nicky Marais**
- * **Mitchell Putukara of Tafy Tang Arts**
- * **Dudley Viall of Quiet Storm Productions**



Klaus Striwe continued his volunteer with GR&AP until Feb 2019. Klaus studied law at the University of Trier in Germany. He maintains a legal practice in Germany as well as being currently enrolled for a Master of Laws at the University of Cape Town.



Delia Mutale-Mwando, a social worker with a research speciality, assisted GR&AP throughout 2019 on a volunteer basis. In addition to assisting with field and desk research, she represents GR&AP at various meetings and events, and has worked tirelessly on the scanning of the 'South West Africa *Official Gazettes*. We appreciate her dedication and commitment.

GR&AP thanks former GR&AP intern **Christina Beninger** for remote assistance with research on harassment. After leaving LAC in 2010, Christina continued working in the field of human rights in various capacities including serving as the Country Director for the International Development Law Organisation in Myanmar. She is currently busy with a PhD on women's access to justice and gender-based violence at the University of Cape Town



Hannah van Dijke came to GR&AP from the University of Michigan Law School (USA). Hannah is studying for her Master's degree in law.



Negin Namaie-Hesari joined GR&AP after completing her first year of law studies at Queen's University in Canada.



Canadian lawyers **Andrea Vizsolyi** and **Samantha Wynne** assisted GR&AP from September 2018 to March 2019 through the Young Lawyers International Program of the Canadian Bar Association. Andrea is a graduate of the University of New Brunswick who worked for Legal Aid, and Samantha obtained an LL.M in International Legal Studies from NYU School of Law and practised human rights law at NGOs in New York.



Canadian lawyers **Andrew Cooper** and **M'Mah Tourè** joined GR&AP in October 2019 under the auspices of the Young Lawyers International Program of the Canadian Bar Association. Andrew is a recent law graduate of the University of New Brunswick, and M'Mah received her law degree from the University of Montreal.



DONORS

Donors to the Gender Research & Advocacy Project

Embassy of Finland

Hanns Seidel Foundation

Sisters for Change / Equality & Justice Alliance

UNICEF

United States Embassy



Consultancy income

Ministry of Home Affairs and Immigration



Core donor to the Legal Assistance Centre

Africa Groups of Sweden

