

# 2021 IN REVIEW

## Gender Research & Advocacy Project Legal Assistance Centre

**MISSION:** GR&AP's main role is to promote gender equality and the empowerment of women and children through legal research, law reform and related advocacy work.



**STAFF:** GR&AP has 3 permanent staff members: (left to right) Celine Engelbrecht, Dianne Hubbard & Yolandé Engelbrecht, assisted from time to time by short-term local & international interns.

# GR&AP'S HIGHLIGHTS IN 2021

## PUBLICATIONS

- **Regular ProBono newspaper columns** researched and written for publication in *The Namibian* (16 columns published, half drafted by GR&AP and half drafted by LAC colleagues and edited by GR&AP)
- Four updates to *NAMLEX: Index to the Laws of Namibia* along with **updated texts of amended statutes and regulations**, all available free to the public online
- **Statute Summaries** on 12 key human rights laws, grouped by theme (hopefully to be followed by future instalments)
- Publication of **comic and accompanying pamphlet on child protection under the Child Care and Protection Act**: “Our shared duty to protect Namibia’s children: REPORTING CHILD ABUSE AND NEGLECT”; distributed as an insert in two newspapers
- **PowerPoint training materials on key gender laws**, in detailed versions for professionals and service providers and shorter versions for community groups
- **Information package on options for dealing with a pregnancy resulting from rape**, including steps for access to a legal abortion (pamphlet, poster and circular for magistrates prepared in conjunction with Magistrates’ Commission)
- **Pamphlet on combating corruption in the legal profession with accountability**, detailing in simple terms what to expect from legal practitioners and what to do if there is a problem
- **Research briefs** on (1) vaccine mandates and (2) the constitutionality of telecommunications data retention under Namibia’s Communications Act
- **Reprints** of our most popular comics and posters, a set of four pamphlets on LGBT rights, and the comprehensive *Guide to the Child Care and Protection Act* aimed at service providers

## OTHER PROJECTS

- **Research and advocacy on a range of legal topics**, including civil registration, draft bills on marriage and divorce, obsolete laws, hate speech, proposed amendments to the law on rape and domestic violence, access to abortion and various LGBT issues
- Question-and-answer session on the **Civil Registration & Identification Bill** for the NGO community
- **18 versions of the amended Covid-19 regulations** were prepared, circulated widely and made available online, to help the public keep abreast of the latest rules
- Production of quality **masks for learners**, emblazoned with words like “Dignity”, “Respect” and “Equality”, which formed the basis of a civic education exercise during schools outreach

## 2021 BY THE NUMBERS

- **26 training sessions on the Child Care & Protection Act and other family laws**, for professionals, community groups and schools, involving 840 participants
- **82 media appearances**, including print media, radio, television and online interviews and podcasts
- Distribution of almost **216 000 publications**
- Assistance to some **200 clients**

## TRAINING AND INFORMATION SESSIONS ON THE CHILD CARE AND PROTECTION ACT AND OTHER TOPICS

GR&AP facilitated 26 training sessions for a total of 840 participants on the Child Care and Protection Act, targeting MPs, magistrates, police officers, social workers, school principals, regional school inspectors, school counsellors, life-skills teachers, learners, church leaders and other interested stakeholders. In addition, we gave presentations on other legal topics to a range of groups – including virtual presentations and events that mixed in-person and online participation.

**Training for professionals:** Trainings on the Child Care and Protection Act (CCPA) were presented to many groups, despite the challenging COVID restrictions. Almost all of the professional groups expressed concern about their lack of thorough knowledge about the law, and welcomed the workshops. Service providers received the link to the LAC website to access CCPA materials, and most received the extensive *Guide to the Child Care and Protection Act*, a reference document comprising 28 chapters in a purple lever-arch file. Stock of this *Guide* was depleted entirely in 2021, with reprints underway at year end.



**Magistrates' training in February  
(18 magistrates from central and southern Namibia)**

*Magistrates' training for a second group of 14 magistrates from northern Namibia  
was conducted remotely due to intensified Covid restrictions.*

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*Thank you for the training provided to magistrates. Judging by the evaluations,  
your presentations really resonated with my fellow magistrates ...*

Vanessa Stanley, Magistrates Commission, July 2021

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**Pastors in Okahandja**



**Karasburg community participants**



**Professionals and community members in Otjiwarongo**



**Pastors in Otjiwarongo**



**School outreach:** GR&AP held workshops on the Child Care and Protection Act for learners from 12 schools in 2021. COVID threw school schedules into disarray, which meant that our school outreach had to be somewhat curtailed. However, in an attempt to find a positive angle on the COVID situation, we produced high-quality washable masks for school children, each printed with a single word expressing an important value in a democratic society (“equality”, “love”, “respect”, “discipline”, etc). As part of a civic education exercise, learners were asked to choose a mask and then describe how they relate to the word on that mask. This exercise proved to be very popular with the learners, sparking some interesting discussions. The learners were allowed to keep the masks they chose.



**Narraville Secondary School, Walvis Bay**



**Olaf Palme Secondary School, Windhoek**





**Learner from Kronlein  
Secondary School,  
Keetmanshoop**



**Workshop in Karasburg for learners from various schools**



**Cosmos High School learners with LAC masks & bumper stickers**

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*I express my fondest appreciation on behalf of Cosmos High School for the last workshop you hosted for and at our school. Attending teachers keep on saying how informative and eye-opening it was and in a way, made the others regret that they did not attend it. The school is appreciative to both you and the LAC of Namibia for your time.*

Benedictus Bonafacius Bobejé, Guidance/Lifeskills teacher, Aug 2021

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Training sessions on Child Care and Protection Act and related topics		
Target audience	Participants	Date & location
<b>Magistrates</b> from central and southern magisterial districts	16 (8F, 8M)	17-18 Feb, Windhoek
<b>Pastors</b>	15 (5F, 10M)	15 Feb, Okahandja
<b>Service providers and other professionals</b> (including the Mayor of Karasburg, health workers, counsellors, clerks, warrant officer, social worker and pastors)	25 (15F, 10M)	1 Mar, Karasburg
<b>Learners</b> from Karasburg area: Erins Jagger Combined School, Karasburg Combined School, Karasburg Primary School and Lordsville Senior Secondary School, along with life-skills teachers and kindergarten teachers	23 (15F, 8M)	2 Mar, Karasburg
<b>Service providers and other professionals</b> (including the Mayor and Deputy Mayor of Keetmanshoop, pastor, legal clerk, chief legal clerk, health worker, life-skills teachers, social workers, public prosecutor, Nampol representatives, representative of correctional facility, media, school learners and constable)	33 (17F, 16M)	4 Mar, Keetmanshoop
<b>Learners</b> from Krönlein Primary School, Logos Family Academy, Don Bosco Primary School, St. Matthias Primary School, P.K de Villiërs Secondary School and Suiderlig Secondary School, along with teachers, police officer, representative of the Ombudsman's Office, principal and two chief legal clerks	26 (12F, 14M)	5 Mar, Keetmanshoop
<b>Professionals and community members</b> (including the Deputy Mayor and councillor of Otjiwarongo, teachers, volunteers and social worker)	20 (19F, 1M)	17 Mar, Otjiwarongo
<b>Pastors</b> (plus Chief Ananias Soroseb, church elders and life-skills teacher)	23 (7F, 16M)	18 Mar, Otjiwarongo
<b>Pastors</b> (plus Deputy Chief Johannes Ubiteb of the /Nwaben Royal House, church elders and church youth group representatives)	20 (12F, 8M)	19 Mar, Otjiwarongo
<b>ChildLine/LifeLine staff</b> (social workers, counsellors, psychologist, volunteers)	20 (17F, 3M)	30 Mar, Windhoek
<b>Learners</b> in leadership positions from Narraville Primary School, plus a life-skills teacher and a guidance teacher	40 (23F, 17M)	29 April, Walvis Bay
<b>Pastors</b> from different local churches	30 (9F, 21M)	1-2 May, Walvis Bay
<b>MPs and other key stakeholders</b> , Consultative Workshop for the Standing Committee on Gender Equality, Social Development & Family Affairs (including staff of the GBV Investigation Unit, Ministry of Gender and civil society)	16 (9F, 7M)	17 May, Otjiwarongo
<b>Magistrates</b> from northern magisterial districts	12 (5F, 7M)	29-30 June, virtual
<b>School principals</b> from government and private schools, and regional school inspectors (at invitation of Ministry of Education)	40 (23F, 17M)	10 June, Windhoek
<b>Life-skills teachers</b> - different schools (at invitation of Ministry of Education)	43 (30F, 13M)	20 Aug, Windhoek
<b>Teachers and principal</b> , Cosmos High School, Khomasdal	17 (7F, 10M)	19 Aug, Windhoek
<b>Learners</b> , Cosmos High School, Khomasdal	11 (7F, 4M)	2 Sept, Windhoek
<b>Learners and teachers</b> , Olaf Palme Secondary School, Katutura	26 (18F, 8M)	7 Sept, Windhoek
<b>Employees</b> , B2Gold Mine outside Otjiwarongo (at employer's request)	262 (49F, 213M)	15-18 Sept, Otjiwarongo
<b>Young girls</b> Onkugo yePongo Community Hall, Okuryangava (at request of Ministry of Gender / Khomas Regional Council)	12 (12F, 0M)	28 Sept, Windhoek
<b>Pastors</b> , through the Council of Churches (at request of Ministry of Gender / Khomas Regional Council)	15 (8F, 7M)	28 Sept, Windhoek
<b>Young girls</b> , Tobias Hainyeko Constituency	10 (10F, 0M)	5 Oct, Windhoek
<b>Pastors</b> , through the Council of Churches (at request of Ministry of Gender)	20 (7F, 13M)	7 Oct, Windhoek
<b>GRN &amp; CSOs – best practices for Traditional authorities</b> (at request of Ministry of Gender)	50 (37F, 13M)	11-15 Oct, Swakopmund
<b>Employees</b> , B2Gold Head Office	15 (9F, 6M)	20 Oct, Windhoek





# Learn more about Namibia's Child Care and Protection Act

EDUCATIONAL MATERIALS AVAILABLE FROM THE LEGAL ASSISTANCE CENTRE



**T**he Child Care and Protection Act 3 of 2015 is Namibia's key legislation on children. It came into force in early 2019. This law covers a wide range of topics, including the respective rights and duties of parents of children born outside marriage, procedures to assist children in need of protective services, the registration of various facilities for the care of children, consent to medical interventions involving children, kinship care, foster care, adoption and social grants for children. The materials described below have been prepared by the Legal Assistance Centre in partnership with the Ministry of Gender Equality, Poverty Eradication, and Social Welfare.

## 1. Factsheets

A set of 23 factsheets, available in English, Afrikaans and Oshiwambo, which can be used individually or combined as a set in a summary booklet.

## 2. Comic books

Nine comics on specific topics in the Act:

- Age of majority
- Parenting plans
- Kinship care
- Child protection proceedings
- Children born outside marriage
- Guardianship after the death of a parent
- Exploitation of children

*There is also an illustrated booklet on this topic.*

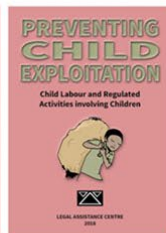
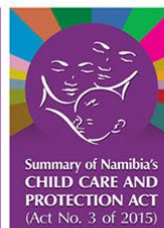
- Reporting child abuse and neglect
  - Medical interventions involving children
- There is also a pamphlet on this topic, as well as a poster suitable for display at clinics and other medical facilities.*

## 3. Guide to the Child Care and Protection Act

A detailed illustrated Guide in 28 chapters which can be used individually or combined into a comprehensive manual.



PDFs of all these materials are available on the Legal Assistance Centre website: [www.lac.org.na](http://www.lac.org.na)



## 4. Four sets of PowerPoints

- **Overview:** for the general public
- **Summaries:** for community workshops
- **Guide chapters:** for service providers and trainers
- **Police presentations:** for police training

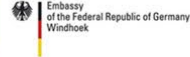
## OTHER RELATED MATERIALS:

The LAC has also produced many materials on alternatives to corporal punishment: a research report and research brief, a fact sheet on the links between corporal punishment and gender-based violence, two comics, a short animated cartoon and a film available on DVD.

This advert is sponsored by UNICEF. The materials featured were funded by the Finnish Embassy, UNICEF, the European Union and the German Embassy.



**LEGAL ASSISTANCE CENTRE CONTACT DETAILS**  
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We published a newspaper advertisement in *The Namibian* and *New Era* newspapers in June to publicise the key educational materials on the Child Care and Protection Act.



Additional information sessions		
Target audience	Participants	Date & location
<b>Various stakeholders</b> (mostly representatives of NGOs): Presentation on the legislative framework on gender-based violence and learner pregnancy, including some information about relevant provisions of Child Care and Protection Act (at request of FES and Regain Trust)	100, including some virtual participation	22 Apr, Windhoek
<b>Community members:</b> Presentation on laws on gender-based violence under review in Parliament at launch of an initiative called “Curbing Violence, Empowering Women and Children Living in Informal Settlements”, arranged by local NGO HISA Namibia; the project focuses on women empowerment and GBV in the 5-Rand informal settlement outside Okahandja	40 (30F, 10M) including the Mayor of Okahandja and other councillors	23 Apr, Okahandja
<b>Service providers:</b> Virtual presentation on pending amendments to the laws on rape and domestic violence (at request of FES)	16 (14F, 2M)	11 Oct, Erongo Region
<b>Civil society, government &amp; media:</b> Panel discussion on issue of vaccine mandates	sparse in-person attendance, but filmed by One Africa and followed by extensive media coverage	14 Oct, Windhoek
<b>Civil society,</b> Q&A session on draft Civil Registration and Identification Bill, together with Tulimeke Munyika of Ministry of Home Affairs, Immigration, Safety and Security	18, including some virtual participation	28 Oct, Windhoek
<b>Civil society, government &amp; media:</b> Launch of anti-corruption pamphlet on the legal profession AND statute summaries	18 (12F, 6M,) including representatives from the Ministry of Justice, Anti-Corruption Commission, Ministry of Home Affairs, UNAM and Red Cross Society	12 Nov, Windhoek



**Presentation at meeting on combating gender-based violence and learner pregnancies, April 2021**

## ADVOCACY

Advocacy is one of the hardest areas of our work to describe and quantify, but it is probably our most significant contribution to Namibia's legal landscape. Effective advocacy on legal topics typically requires investigation of legal texts, court judgments and commentary from Namibia and other countries. Sometimes we conduct advocacy working in partnership with specific ministries, or with the Law Reform and Development Commission. At other times, we criticise government policy and motivate for change. Advocacy takes place through many different channels, including media inputs and appearances, meetings with stakeholders, testimony at hearings convened by Parliamentary Standing Committees, and written submissions made directly to MPs and other policy-makers. We formulate positions on the basis of national and international human rights standards, and constitutional rulings on specific issues around the world.

### (1) Advocacy on draft Civil Registration and Identification Bill

We worked together with the Ministry of Home Affairs, Immigration, Safety and Security on the presentation of this Bill to the Cabinet Committee on Legislation, as well as participating in a series of meetings with the legal drafters at the Ministry of Justice to fine-tune some of the provisions in the Bill. This Bill covers a range of important issues, including improved approaches to birth and death registration, protection against statelessness and access to information in the government databases.



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*... Thanks so much for everything Dianne, your assistance and guidance is much appreciated and absolutely priceless ...*

Robyn Kleinhans, Senior Legal Drafter, Ministry of Justice, July 2021

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### (2) Advocacy on LGBTI rights

**Advocacy on entitlement to Namibian citizenship of children born to gay couple via surrogacy in South Africa, in light of South African birth certificate listing the Namibian citizen parent as their father:** LAC advised civil society groups on the wording of a petition on this topic and on overall advocacy strategy. We also participated in an associated public demonstration that attracted a diverse crowd of over 100 people and gave an interview to NBC television at the event. A LAC press release on the initial High Court ruling in this case received a great deal of attention, both positive and negative. An online article quoting the LAC statement posted by *The Namibian* gathered 136 comments on Facebook in the first 24 hours after it appeared (mostly harshly negative). On the other hand, a short statement referring to the press release from the article was “liked” by over 700 people on Instagram in the first 24 hours after it was posted by *The Namibian*. The State’s appeal against the High Court’s finding that the children are entitled to Namibian citizenship (still pending) was also the subject of a live interview on NBC radio on 9 Nov 2021.






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*... I wanted to reach out to thank the LAC for their powerful press statement that lifted the voice of Paula & Maya who faced injustice in our courts of law ...*

Omar van Reenen, Namibia Equal Rights Movement, April 2021

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**Advocacy to repeal exclusion of same-sex couples from protection of the Combating of Domestic Violence Act:** Our factsheet on this issue was distributed widely in 2021, to Parliamentarians, civil society groups, journalists, the Ombudsman, the Office of the First Lady and development partners. It was also published on the LAC (and IPPR) Twitter pages, which inspired a fair bit of discussion and debate on social media. We presented information on this issue at a variety of meetings and workshops, and through press interviews. We also proposed formulations for amendments to address this concern, and advised LGBTI groups on advocacy strategies. This topic was also the subject of a weekly political cartoon in *The Namibian* in February. Parliamentary debate on amendments to the law on domestic violence have been postponed to 2022. The Ministry of Justice has taken note of the increasing level of public debate around this issue.

## 7 REASONS TO PROTECT SAME-SEX COUPLES UNDER THE COMBATING OF DOMESTIC VIOLENCE ACT



Legal Assistance Centre, 2020



Linda RM Baumann  
@LindaRMBaumann

...

### IPPR Namibia @ipprnamibia · 3d

The Legal Assistance Centre - @LACNamibia - has pointed out that the Combating of Domestic Violence amendments tabled in Parliament do not extend the coverage of the law to same-sex couples as requested by civil society.

The exclusion of same sex persons remains a concern. What do I have to do just to ensure I get recognition as a human-being in this country. It hurts, as I am a token yet the recognition of equality&equity within diversity remains on the mercy of those who chose not to understand.

**Advocacy on repeal of the law on consensual sodomy:** In early 2021, Namibia's Law Reform and Development Commission published a report recommending the repeal of the criminal sanction for consensual sodomy in early 2021, which was based in large part on LAC research published in 2015. We gave press interviews on this topic and liaised with LGBTI groups on advocacy strategies.

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*As the starting point for the project, the Commission drew from the research of the Office of the Ombudsman and the Legal Assistance Centre report, Namibian Law on LGBT Issues.*

Law Reform and Development Commission, Report on the Abolishment of the  
Common Law Offences of Sodomy and Unnatural Sexual Offences,  
LRDC 43, November 2020

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### (3) Advocacy on reproductive rights

Following consultation with local gender activists, particularly the Voices for Choices Rights Coalition (VCRC), we arranged for **international assistance with research on comparative law** which might guide possible law reform on access to abortion in Namibia. We approached the Cyrus R Vance Center for International Justice in New York, which provides pro bono legal assistance to social justice organisations worldwide, by engaging the assistance of hundreds of law firms in this work. The Vance Centre secured assistance from the international law firm Weil, Gotshal & Manges, which provided an issue paper on abortion laws in selected countries – with a focus on developing countries with some similarities to Namibia. This paper provide a concise and accessible presentation of key points of comparison. The final document has been shared with relevant civil society stakeholders.

GR&AP made a presentation at the **Parliamentary hearings on abortion** on 20 October, where a factsheet on abortion statistics produced by LAC in 2020 was distributed along with the 2021 LAC pamphlet on options when a pregnancy results from rape. The presentation was well received by the committee and extensively covered by the print media and NBC news, as well as receiving attention on Twitter and Instagram.





**The Namibian** @TheNamibian · 6h  
 REFORM ... Coordinator of the Legal Assistance Centre's (LAC) Gender Research and Advocacy Project, Dianne Hubbard, says the LAC supports a law reform which would expand freedom of choice with regards to abortion, in support of women's reproductive rights.



5 7 29



**The Namibian** @TheNamibian · 6h  
 Hubbard who was speaking at the abortion hearing this morning, added that the decision to abort is a matter of personal conscience which should not be mandated by law.



**Norman Lala Tjombe** @LalaTjombe · 10h  
 The most sensible presentation. LAC is always a many levels above in terms of clarity and purpose.



**SisterNamibia** @SisterNamibia · Sep 30  
 Replying to @LACNamibia @namfeminista and 5 others  
 Thank you so much for your amazing resources, LAC!



**Legal Assistance Centre** @LACNamibia · Oct 19  
 The Legal Assistance Centre supports law reform which would expand freedom of choice in respect of abortion in support of women's reproductive rights. #LegalizeAbortionNA #legalizeabortionnamibia

*Well done and well argued.  
 Thanks very much*

*Adv Bience Gawanas, Oct 2021*

*Fantastic presentation Dianne, and thank you for the information. Trajectory looks promising ...*

*Omar van Reenen, Equal Namibia Rights Movement, Oct 2021*

#### LEGAL ASSISTANCE CENTRE POSITION ON ACCESS TO ABORTION

The Legal Assistance Centre supports law reform which would expand freedom of choice in respect of abortion in support of women's reproductive rights. Although some of our staff members oppose abortion on moral or religious grounds, we believe that the decision is a matter of personal conscience which should not be mandated by the law in the absence of any scientific or human rights-based consensus on the issue. Furthermore, purely religious views cannot be imposed on the public by law in a secular state like Namibia. We advocate that increased scope to decide on whether or not to have an abortion should be coupled with –

- improved access to family planning measures for girls and women of all ages;
- continued action to prevent gender-based violence and gender inequality which can lead to unwanted pregnancies; and
- the provision of information before a decision on abortion is made since many people do not know about options such as foster care, adoption, or the mechanisms they can use to secure financial support from the father or the State.

#### (4) Advocacy on educational issues

**Corporal punishment:** We prepared an analysis of the changes to the law on corporal punishment in schools between the Education Act currently in force and the Basic Education Act passed by Parliament but not yet brought into force. The approach of the new law is convoluted and unclear, with the prohibition on corporal punishment being tied to physical “harm”, which conflicts with the approach under international treaties and is likely to cause confusion and hamper enforcement.

**Learner Code of Conduct:** We also prepared detailed input for the Ministry of Education on the draft regulations under the Basic Education Act and the proposed new Learner Code of Conduct. These documents give rise to confusing and fragmented rules on behaviour, and in our view give insufficient attention to key issues such as sexual harassment, bullying and the importance of mutual respect. We also recommended that the Learner Code of Conduct should incorporate some positive directives – “dos” instead of “don’ts”.

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*Thank you for the inputs. It is highly appreciated. We will submit the inputs to the Consultant and Legal drafters for action and consideration.*

Selma Gqwede, Ministry of Education, March 2021

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## 5) Advocacy on gender-based violence

**Advocacy on proposed amendments to laws on rape and domestic violence:** We prepared submissions on the amendments that were tabled in Parliament in 2021, and provided these to the Ministry of Justice and the Office of the First Lady, as well as to other stakeholders. We also discussed these amendments with civil society groups and in press interviews. We generally support the proposed amendments – many of which are based on past LAC research into the implementation of the laws in question. However, we also identified some technical points of concern in addition to our primary concerns about the exclusion of same-sex couples from the coverage of the domestic violence law discussed above. Parliamentary debate on the proposed amendments has been postponed until 2022.

**Concerns about proposed sex offender register:** A number of gender activists in Namibia have called for the establishment of a sex offender register. We have raised some concerns about the challenges of such an approach, and considered how it might overlap with the safeguards under the Child Care and Protection Act aimed at preventing persons convicted of certain crimes from working with children. It is our view that any future register of this nature should build on this existing requirement, with the starting point being a fully-computerised, searchable database of all criminal convictions coupled with legislation that takes into consideration individual privacy rights and international data protection principles with regard to who would be entitled to information from this register and for what purposes. We drafted a short factsheet on the sex offender register proposal which was shared with key government and civil society stakeholders. We also circulated an academic article summarising the approaches of other countries in this regard.

### CONCERNS ABOUT PROPOSALS FOR A SEX OFFENDER REGISTER



Gender Research & Advocacy Project  
Legal Assistance Centre  
June 2021

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*Thank you for pointing out the constitutional and human rights issues that we too, as a Ministry have certainly been thinking about and concerned about. We have in all our communication indicated, that while the idea of a sex offenders register, is an additional way of deterring would-be and habitual offenders, it comes with its set of challenges, not just in terms of implementation but also in terms of a good balance between competing interests and rights ... We are accordingly taking note of the LAC's concerns (which we share) and will certainly consider those issues as we continue to work towards, making Namibia a safer place for all of our people.*

Excerpt from communication from Honourable Minister of Justice  
in response to LAC factsheet, June 2021

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## (6) Advocacy on draft family laws

At the request of the Ministry of Home Affairs, Immigration, Safety and Security and the Ministry of Justice, we gave input on some outstanding technical and policy issues in the draft **Marriage Bill**, the draft **Divorce Bill** and the draft **Uniform Matrimonial Property Regimes Bill**. Many LAC clients approach us with problems relating to marriage and divorce, highlighting the urgent need for law reform in this area to move forward.

## (7) Advocacy on proposed amendments to Child Care and Protection Act

During our work with clients and the preparation of educational materials on this law, we have noticed some contradictions and anomalies in this Act and its two accompanying regulation sets. We prepared a **detailed submission** on issues that have come to our notice, with suggested wording that could be applied. We have prepared **PowerPoints** to use in presenting these submissions to stakeholders. Our suggestions have been shared with key government policy-makers.

## (8) Advocacy on access to information

In 2020, we prepared an **analysis of aspects of the draft Access to Information Bill which warrant further attention**, on behalf of Namibia's ACTION Coalition. This analysis was reiterated and summarised in the publication *IPPR Perspectives on Parliament* in October 2021, and it continues to serve as a touchpoint for lobbying as the Bill has been re-tabled without incorporating any of the suggested amendments. This analysis and the accompanying PowerPoint presentation prepared in 2020 formed the basis of a submission by the ACTION Coalition to the relevant Parliamentary Standing Committee on 29 November.



### Frederico Links

I'd like to thank Dianne for the wonderfully comprehensive analysis and clear presentation that we were able to submit to the standing committee today, and for which we were commended by the committee chairperson, Modestus Amutse ... Thanks, Dianne 🙌🙌🙌 ...

11:31

## (9) Advocacy on draft laws on harassment, sexual exploitation and hate speech

In consultation with the Ministry of Justice and other key stakeholders, during 2020 and 2021 we prepared draft versions of two proposed laws – a **Combating of Harassment Bill** and a **Combating of Sexual Exploitation Bill**, intended to serve as starting points for further discussion. We have also produced explanatory memorandums summarising the background research that informed each draft as well as PowerPoint presentations for each law. Both laws propose accessible remedies for online and offline wrongdoing, and they propose new criminal offences to fill in gaps in Namibia’s existing laws – particularly in respect of child pornography and the grooming of children or persons with severe mental disabilities for sexual exploitation. We have engaged in initial discussions of these drafts with relevant government ministries, and we hope that discussion of these topics will move forward in 2022.

A **Combating of Unfair Discrimination, Discriminatory Harassment and Hate Speech Bill** has been proposed by the Office of the Ombudsman. We have given input to the Ombudsman on several drafts of this Bill. We gave additional input at a stakeholder consultation convened by the Ombudsman on 28 May, followed up by further written input.

These three draft laws have been envisaged as a complementary set that would ideally move forward together.



**Dianne Hubbard and LAC Director Toni Hancox at a consultative meeting about the Combating of Unfair Discrimination, Discriminatory Harassment and Hate Speech Bill in June 2021**



## LEGAL DATABASES

The Legal Assistance Centre makes three legal databases available free to the public on its website:

1. **NAMLEX**, which contains an entry for each statute, organised by topic, with brief descriptions of each law, its amendments, subsidiary enactments such as rules and regulations, and a list of relevant court cases and commentary.
2. **NAMLEX APPENDIX**, which contains similar entries for all multilateral international treaties binding on Namibia.
3. **ANNOTATED LAWS**, a database containing the actual text of all statutes and post-independence regulations in force in Namibia, as they currently stand, with all amendments incorporated.

Keeping these databases up to date is a mammoth ongoing task, but one that is worthwhile given that free public access to the law is a fundamental cornerstone of the rule of law. During 2021, we updated and improved Namlex and the annotated laws, and worked on a possible plan for practical long-term sustainability of the project as a joint project between Government, civil society and the private sector. We hope to present our proposal to Government in 2022.

**Introduction to the legal databases for UNAM law students:** In March, we provided a presentation on the databases for two groups at UNAM, with each consisting of 20-30 1<sup>st</sup> year students.



**One of two groups of UNAM law students introduced to the legal databases, March 2021**

**Hyperlinks:** During 2021, we completed the process of adding hyperlinks to Namlex in the annotated versions of each statute. This allows a user to click straight from Namlex to the statute's text on any computer that is online. We are also in the process of adding hyperlinks to each annotated statute and regulation, which will take users to the *Government Gazettes* where the laws enacted by Parliament are officially published; we hope to complete this initiative during 2022.

### Example of hyperlinked icons in a Namlex entry

## Combating of Domestic Violence Act 4 of 2003

**Summary:** This Act ([GG 3002](#)) provides for the issuing of protection orders by magistrates' courts in domestic violence cases, deals with matter relating to domestic violence offences and provides for police duties in respect of domestic violence. It was brought into force on 17 November 2003 by GN 234/2003 ([GG 3094](#)).

### Example of hyperlinked *Gazette* references in an annotated statute heading



Republic of Namibia  
Annotated Statutes

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## Financial Intelligence Act 13 of 2012

([GG 5096](#))

brought into force on 21 December 2010 by GN 304/2012 ([GG 5104](#))

as amended by

### Prevention and Combating of Terrorist and Proliferation

Activities Act 4 of 2014 ([GG 5490](#))

brought into force on 1 July 2014 by GN 80/2014 ([GG 5497](#))

Government Notice 339 of 2019 ([GG 7049](#))

under the authority of section 2(2)(a) of the Act;  
came into force on date of publication: 15 November 2019

The Act is also amended by the Financial Institutions and Markets Act 2 of 2021 ([GG 7645](#)), which has not yet been brought into force. Therefore, the amendments made by that Act are not reflected here.

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**Pre-independence regulations:** Assembling accurate texts of pre-independence regulations is very challenging, thanks to Namibia's complex legal history. The pre-independence laws often involve a mixture of South African and South West African enactments which are sometimes overlapping, confusing or even contradictory. During 2021, we completed the research and upload of pre-Independence regulations for about one-fifth of the statutes that could have such regulations (36 out of 181 statutes), after discounting those statutes that either make no provision for regulations or have been earmarked for repeal as obsolete laws by the Law Reform and Development Commission. We hope to complete this process during 2022.

### Example of race-based regulations apparently still technically in force in Namibia

Abuse of Dependence-Producing Substances Rehabilitation Centres Act 41 of 1971	1971	Regulations in respect of White Persons 1971-2166
	1973	Regulations in respect of Blacks 1973-1003



**Scanning of Official Gazettes from the pre-independence period:** The actual source of Namibian law is what is promulgated in the post-independence *Government Gazettes* and the pre-independence *Official Gazettes*. We have scanned all of the *Gazettes* since Namibian independence in searchable format, with these being hyperlinked to the databases. We are now in the process of scanning all of the pre-Independence *Official Gazettes*, which date back to 1919. These are important historical documents that record the legal foundations of Namibia's painful apartheid and colonial history. They are also the official sources of pre-independence laws and regulations that remain in force in Namibia today. It is important to trace this history to make sure that Namibia's law books can be purged of all remaining vestiges of race-based laws. This work has been entirely unfunded to date, carried out with the assistance of unpaid volunteers.

**LAC and NamibLII:** During 2021, we opened discussions with the Ministry of Justice about the possibility of joining forces to combine the databases on the LAC website with NamibLII, which is the Namibian iteration of WorldLII (World Legal Information Institute – an international initiative that seeks to provide legal materials free to the public worldwide). Our suggestion is that NamibLII could be set up as a trust and managed by Trustees from Government, LAC and the private sector – an approach that is line with that taken by some other LIIs, such as the British & Irish Legal Information Institute (BAILII) which is legally constituted as a charitable trust and supported by a number of donors including private law firms. A trust would provide broad and flexible scope for soliciting donations and employing consultants. Once the backlog of pre-independence regulations and court cases is caught up, keeping the website updated could be easily managed by a very small team working part-time. Some LIIs work by means of automated annotations, but human oversight ensures accuracy and completeness. We are in the process of developing a proposal for a possible way forward in this vein, for discussion with the relevant Government officials.



LEGAL ASSISTANCE CENTRE  
*fighting for human rights in Namibia since 1988*

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*I regularly visit your website to peruse Gazettes for new laws or changes and find your service very helpful. ... the LAC is of great assistance to me whenever I need information about Namibian legislation.*

legal practitioner in South Africa, January 2021

*Thank you for the effort that you put into Namlex. It is highly appreciated!*

legal practitioner in Windhoek, Aug 2021

*Wonderful work, thank you.*

legal practitioner in Windhoek, Oct 2021

*Thank you very much for the invaluable resource ...*

Honourable Minister of Justice, Oct 2021

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## PUBLICATIONS

In addition to regular newspaper columns, GR&AP published the following new publications in 2021: 1 comic, 3 pamphlets (several of which were adapted as posters), a set of statute summaries covering 12 key human rights laws, 2 research briefs, 15 PowerPoint presentations on key gender laws, 2 PowerPoints on the draft Combating of Sexual Exploitation Bill and the draft Combating of Harassment Bill, and a multitude of reprints.

**ProBono newspaper columns:** The 16 ProBono columns listed below were drafted and published in *The Namibian* in 2021. The topics relating to land and the environment were drafted by LAC's Land, Environment and Development Project and edited by GR&AP, while the other topics (indicated in bold) were researched, drafted and edited by GR&AP. LAC's ProBono column series originated in 2017 and all 76 columns published to date are available on the LAC website.

### ProBono columns published in 2021

- |   |  |
|---|--|
| 1) What is international law and why does it matter to Namibia?   | 9) <b>The Ombudsman &amp; children in detention</b>                    |
| 2) <b>Harmful social, cultural and religious practices: What the Child Care and Protection Act says</b> | 10) The infamous Red Line  |
| 3) <b>Child marriage</b>  | 11) <b>Safeguarding children's rights</b>                              |
| 4) Environmental assessments in Namibia   | 12) Free, Prior and Informed Consent in respect of natural resources   |
| 5) <b>Combating of Immoral Practices Act</b>  | 13) <b>Hate speech: Recent South African Constitutional Court case</b> |
| 6) Ancestral Land Rights and Restitution Commission Report  | 14) <b>Vaccine mandates</b>  |
| 7) <b>Parental deception hurts the child</b>  | 15) Public interest litigation   |
| 8) Ancestral Land Rights and Restitution Bill   | 16) Natural capital & sustainable development                          |

### **Comic and pamphlet on reporting child abuse and neglect under the Child Care and Protection Act:**

The comic explores the mandatory reporting requirement for professionals who work with children through two story lines, one involving a doctor and another involving a labour inspector. The accompanying pamphlet looks more generally at reporting requirements and procedures.





## Factsheet – Becoming Pregnant from Rape:

**Your Options:** This factsheet discusses support for rape victims who choose to keep the child, kinship care, adoption and the steps for obtaining a legal abortion. It has been distributed at health facilities and Gender-Based Violence Investigation Units, as both a pamphlet and a poster. This factsheet was accompanied by a circular looking in detail at the legal framework setting out the procedure for getting the required magistrate's certificate for a legal abortion where the pregnancy results from rape, prepared in consultation with the Magistrates Commission. The Magistrates Commission has distributed the final circular to magistrates throughout Namibia.

*The paper is well-researched and draws very compelling arguments. I cannot add or criticize in any way.*

Vanessa Stanley, Magistrates Commission. Aug 2021

*I did peruse the draft Circular compiled by you and I am in agreement with your interpretation and have nothing to add.*

Rina Horn, Divisional Magistrate,  
Windhoek Central Division, Aug 2021

## BECOMING PREGNANT FROM RAPE: YOUR OPTIONS

Legal Assistance Centre  
Windhoek • Namibia • 2021



Hanns Seidel Foundation



### (1) Keeping the child

#### Does the rapist have to be listed as the father on the child's birth certificate?

No. The rape survivor can register the child's birth on her own, without any consent or involvement of the rapist. She cannot be forced to give information about the identity of the child's father. Where the pregnancy resulted from rape, the identity of the father on the birth certificate can just be left blank. (All of the rules are gender-neutral, but pregnancy resulting from rape almost always involves female rape survivors and male rapists.)

#### Does the rapist father have any rights if the rape survivor decides to keep the child?

If a rape survivor decides to keep the child, the convicted rapist does not have any automatic rights to custody, guardianship, or access. The rapist could apply to the court for an order granting any of these rights if this was for some reason in the child's best interests, but this would be unlikely except in very unusual cases – perhaps where the rape took place within a marriage, and the child born out of the rape developed a relationship with the rapist.

#### Must the rapist contribute to the maintenance of the child?

Yes. Just like any other parent, the rapist parent must contribute to the maintenance of the child. But the child does not have a matching duty to pay maintenance to the rapist parent if that parent should ever need help.

#### What if the rape survivor is worried about being able to support the child financially?

The Ministry of Gender Equality, Poverty Eradication and Social Welfare provides State maintenance grants for children in need. The child of a rape survivor might be eligible for this grant, particularly if the rapist is in prison.

### (2) Kinship care

#### What is kinship care?

Kinship care is the care of a child by a member of the child's family or extended family. It is normally a voluntary arrangement made by the parent or guardian of the child with the kinship caregiver. It can be an informal arrangement, without any written agreement. But the parent and the kinship caregiver can make a written agreement so that they have a clear understanding with each other about the child's care. The arrangement with the kinship caregiver might be a short-term or a long-term one. The parent can end the kinship care arrangement at any time. The arrangement does not alter the parent's rights and responsibilities for the child.

#### How could kinship care be helpful after a rape?

A rape is a very traumatic experience. Becoming pregnant as a result of a rape makes the experience even harder. A rape survivor might not be ready to care for the child right after giving birth. The option of kinship care might be useful in a situation where the mother cannot take care of the child or is not ready to do this, and there are family members who are willing to step in to help.

### (3) Adoption

#### What is adoption?

Adoption is when a parent gives consent for another person to become the legal parent of the child. The Ministry of Gender Equality, Poverty Eradication and Social Welfare keeps a list of children who are eligible to be adopted and people who are suitable to adopt a child, after giving careful investigation into their situation and their fitness to take care of children.

After a court makes an adoption order, the adoptive parent becomes the legal parent of the child in every way. The biological parent has no rights and duties in respect of the child any more. After an adoption, the child's birth certificate is changed to list the adoptive parents as the child's parents.

#### Will the child know the biological parent's identity?

Adoptions can be "disclosed", meaning that the adoptive parents and the biological parents know each other's identities, or "non-disclosed", meaning that this information is kept confidential. In a disclosed adoption, the adoptive parent and the biological parent can make an adoption plan that covers issues like occasional contact or the sharing of news about the child – but only if they both want to do this.

In any kind of adoption, the adopted child can access information from the Ministry about the identity of the biological parent after reaching age 18.

#### If a rape survivor wants to put the child up for adoption, is consent needed from the rapist?

No. If the children's court confirms that the child was conceived through rape, the father's consent is not required to give the child up for adoption. This finding can take place before the rape trial. It is not necessary to wait for a conviction in the rape case before giving the child up for adoption.

TURN PAGE ►

Anti-corruption starts with you. If you see it, report it.



## COMBAT CORRUPTION WITH ACCOUNTABILITY

### What to expect from legal practitioners and what to do if there is a problem

The Legal Assistance Centre (LAC) believes that we all have a duty to combat corruption and wrongdoing that we encounter in our own lives. If we all take action to hold others accountable to the rule of law, Namibia WILL become a nation of honesty and integrity.

The LAC, as part of the legal profession, encourages the Namibian public to **report any suspicion of wrongdoing by a legal practitioner to the Law Society of Namibia or the Independent Disciplinary Committee established by the Legal Practitioners Act** for appropriate disciplinary action.

This pamphlet will help you to understand what you have a right to expect as a client of a legal practitioner, and how to make a complaint if your legal practitioner behaves illegally or unethically.

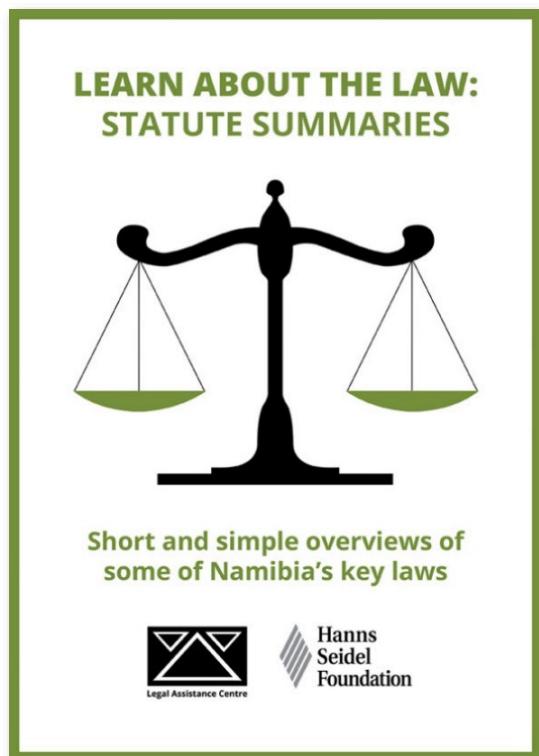


*This figure has been the international symbol of JUSTICE for hundreds of years. The blindfold represents objectivity and impartiality. It means that the law should be applied without regard to wealth, position or power. The scales mean that the evidence must be fairly weighed in every case. The sword represents punishment under the law for wrongdoing, because law is useless if it is not enforced.*

## Anti-corruption pamphlet on the legal profession:

This pamphlet provides simplified information on what to expect from a legal practitioner and how to make a complaint about unethical or unprofessional conduct. The intention is to lead by example, by making efforts to fight corruption and encourage ethics in our own sector, given that corruption is probably the single biggest obstacle to socio-economic justice in Namibia. The pamphlet was viewed on Facebook by over 5000 people shortly after its publication.

**Statute summaries:** Another recent addition to the LAC library of legal information is a set of short, accessible summaries of statutes that are of broad public interest, organised thematically. In 2021, we produced 12 summaries organised around three themes: (a) citizenship (b) crime, corruption and policing and (c) public protests. These summaries are available in hard copy or online, combined into a single booklet or as individual leaflets on each statute. We hope to expand the coverage of this project by gradually adding summaries of additional laws.



## INTRODUCTION

### PART 1

#### CITIZENSHIP

- Namibian Citizenship Act
  - Namibian Citizenship Special Conferment Acts

#### CRIME, CORRUPTION AND POLICING

- Criminal Procedure Act
- Police Act
- Anti-Corruption Act
- Prevention of Organised Crime Act
- Financial Intelligence Act
- Prevention and Combating of Terrorist and Proliferation Activities Act
- Whistleblower Protection Act
- Witness Protection Act

#### PUBLIC PROTESTS

- Public Gatherings Proclamation
- Demonstrations in or near Court Buildings Prohibition Act
- Other statutes relating to public protests
  - Intimidation Proclamation
  - Powers, Privileges and Immunities of Parliament Act
  - Labour Act
  - Electoral Act

### Excerpt from one summary

## Anti-Corruption Act 8 of 2003

### What does the law do?

This law establishes an Anti-Corruption Commission and provides measures for the prevention and penalty of corruption.

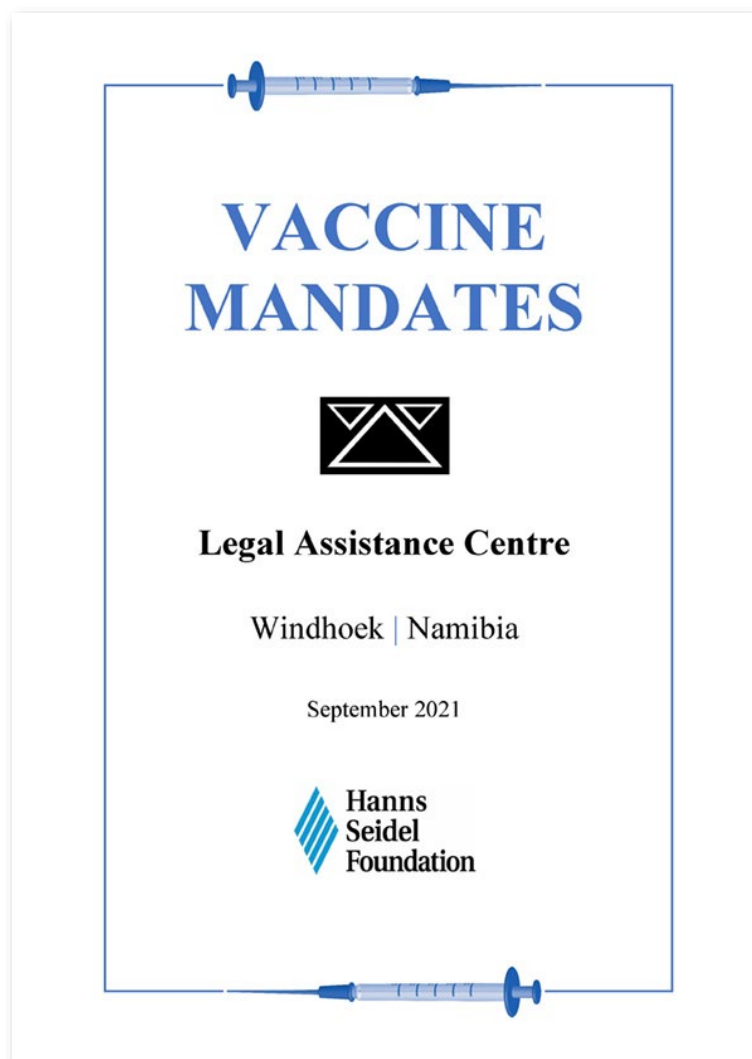
### What is the purpose of the law?

Broadly speaking, the mandate of the Anti-Corruption Commission is to prevent corruption, to educate the public on the impact of corruption, and to investigate allegations of corrupt practices. Because corruption can often involve government officials, the Commission is designed to be an independent and impartial body. The law sets up the Commission and says how it will operate. The law also creates a number of new crimes aimed at various corrupt practices. This law helps Namibia to carry out its duties under the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the SADC Protocol Against Corruption.





**Research brief on vaccine mandates:** We produced a research brief on vaccine mandates in late 2021, after some private employers in Namibia announced their intention to impose requirements that their employees must be vaccinated. The paper looks at the Namibian legal context, as well as case law from other jurisdictions. The vaccine mandate paper was launched with a lively panel discussion in Windhoek, with speakers from LAC and IPPR, attended by government and civil society representatives. We also spoke about the research on a Namibia Fact Check podcast recorded and aired online on 22 October, and discussed the topic together with a representative of the Office of the Attorney-General on *The Namibian*'s live current events show on the same date. The issue inspired robust debate in the press and social media.



*The Namibian*, 18 October

### SMS Of The Day

■ THE article in *The Namibian*, headlined 'Are Vaccine Mandates Unconstitutional?' presents a well-balanced view on this debate. I wish our trade unionists would learn a thing or two from it.

*The Namibian*, live stream, 22 October 2021




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*Thank you and congratulations on the launch.  
This is a very helpful document for Namibia to use in policy and planning debates around vaccine mandates. I have shared with the US Embassy, MOHSS and MoE, and UNICEF.*

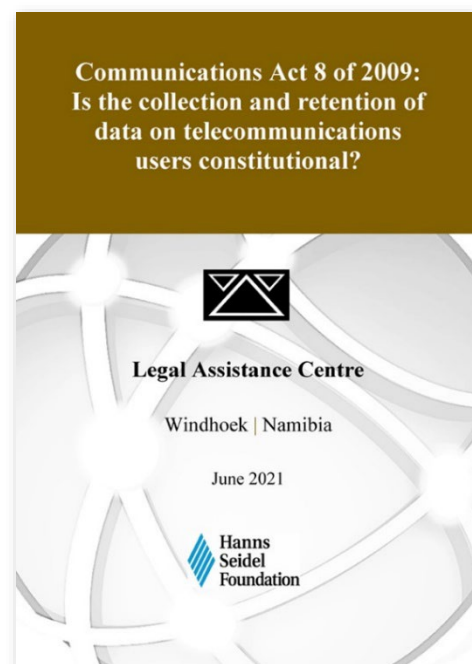
Rachel Coomer, Deputy Director: Health Policy and Communication  
at Centers for Disease Control and Prevention, October 2021

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## Research brief on the proposed collection and retention of data on telecommunications users under the Communications Act:

Telecommunications networks collect and generate an enormous amount of data that can reveal the identity of users as well as detailed profiles of their communications activity. Namibia is about to join the ranks of an increasing number of States that require the retention and organisation of such data for later access by law enforcement officials. This kind of data can be very helpful in preventing and combating crime, but also involves an invasion of privacy and the potential for abuse. This research brief points to some **possible constitutional problems** with the Namibian scheme, based on European Union cases and findings of unconstitutionality in India and South Africa. The publication of this report coincided with the announcement of more details about the planned data retention in terms of the Communications Act and so received significant media attention. For instance, it was covered in a front-page article of *The Namibian* on 22 October.

ACTION Coalition submitted the research brief to the Communications Regulatory Authority of Namibia (CRAN) in response to its invitation for comments about the wide-ranging data which it proposes that communications companies should be obliged to retain. LAC also recorded a podcast with IPPR on this topic during October.



**Partnerships on publication reprints:** During 2021, GR&AP also reprinted thousands of comics, posters, pamphlets and factsheets in partnership with other organisations: **Peace Corps** (11 comics), **UNICEF** (14 comics, 7 posters and 8 factsheets), **Positive Vibes** (4 pamphlets on LGBT rights), **Outright Namibia** (excerpts from the 2015 research report *Namibian Law on LGBT Issues* for a training manual). While reprints may sound simple, each publication which was reprinted was first examined for current accuracy and amended as necessary. Logos also had to be added to credit all relevant partners, which sometimes entailed complex layout adjustments. However, partnerships like these are useful, both to help source funding for reprints and to expand the reach of our publications given that different groups often have different networks. For instance, the Peace Corps reported that it distributed GR&AP publications to some groups that we did not know about. As another positive impact of this kind of partnering, Positive Vibes supplied soft copies of GR&AP's four LGBT pamphlets to the "Out and Proud Namibia" group, which utilised an innovative plan to distribute them directly to people's cellphones on request and also to provide a QR code during Pride events that would link to the pamphlets online.

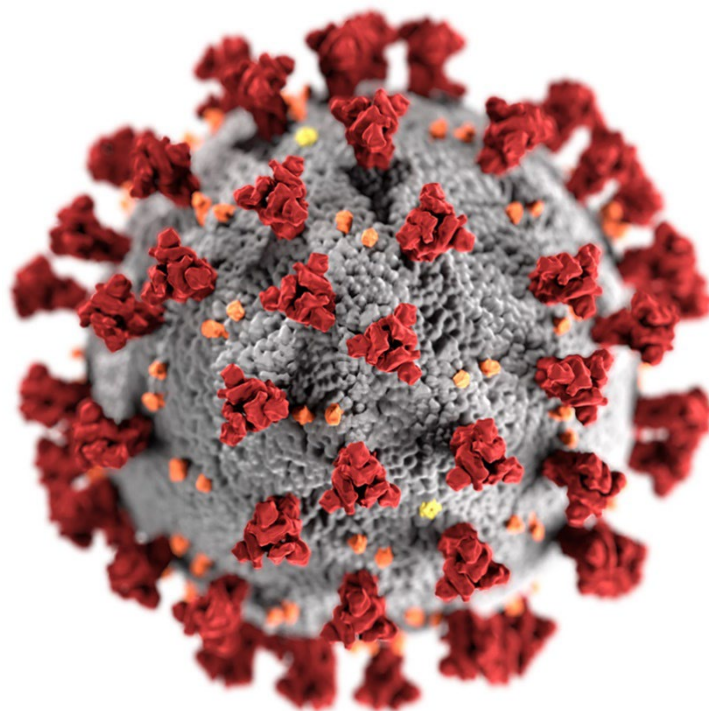
Peace Corps partners organisations	Towns
Namibia Adherence and Retention Project (NARP) – Project Hope	Katima Mulilo Oshakati Rundu
DREAMS Project – Project Hope	Omuthiya Ondangwa Oshikango Tsumeb
Physical Active Youth (PAY)	Windhoek
Sam Nujoma Multi – Purpose Centre SNMPC)	Ongwediva
Booming Empowerment Program (BEP)	Oshakati



## IMPACT OF COVID

Activities of all sorts were hampered in 2021 by the impact of COVID, with rapidly-changing regulations on gatherings and travel affecting LAC's school and community outreach. Disruptions in school schedules also meant that there was less scope for extra activities. The COVID situation slowed Parliamentary activity considerably. COVID precautions also meant that no publications distribution took place during some months of the year. LAC engaged in three projects that were specifically COVID-related:

- (1) The **Covid regulations** which were amended monthly and sometimes even more often were updated and annotated throughout the year, and widely distributed by LAC online and via email to the entire legal profession and to key NGOs and other stakeholders.
- (2) As noted above, LAC published a **research brief on vaccine mandates**, responding to the controversial introduction of these by some private employers in Namibia, and providing information on the legal context and how courts in other countries have responded to vaccine mandates. This publication received the most media and social media attention of any of our publications in 2021, due to its highly topical nature.
- (3) As noted above, LAC turned the mask requirement into a **civic awareness activity in schools** where we conducted outreach, by producing masks printed with words like “dignity” and “respect” as conversation starters. This project proved to be very popular with the learners, and turned the masks into something both educational and entertaining.



## FEEDBACK

*This is for me good to understand and enable me to weigh the pro/con for further action.*

*I wish that more government officials could supply such clear description of requirements – mostly a lot of talking but little content – similar to the fog we just had here in Windhoek...*

[Client], January 2021

*You're a sower of good seed in a troubling time! Thanks a million for your time, honest, critical and insightful comments and suggestions. I will most definitely consider your comments as I further rework the draft.*

Dr. Kennedy Kariseb, School of Law,  
University of Namibia, January 2021

[regarding comments on a draft article on "Gender and the Judiciary"]

### Feedback on civic education videos produced by GR&AP in 2020

*I am writing this email to inform you that the short videos on 'The Rule of Law', 'Three Branches of Government' and 'Elections in Namibia' were very useful. I used the videos for all my civic education workshops in 2020, which were targeted mainly at secondary school learners and various church groups. The participants found the videos highly educative and enjoyably. Furthermore, a few participants indicated that they love how football was used to teach them about the rule of law. This video particularly stood out for various groups. Thanks again for making the content available. I will continue to use it for different interventions.*

Panduleni Nghipandulwa, Namibia Institute for Democracy, Project Consultant, January 2021

*This email serves to provide feedback on the CCPA training conducted on the 30<sup>th</sup> of March 2019. It was didactic, insightful and eye-opening. We mostly appreciate the fact that you went through all the chapters of the Act with us and held in-depth conversation on the changes made from the previous Act. Mandatory reporting stood out for many of the participants especially bearing in mind that all Lifeliners are mandated to report. The definition of a child and what a child can do/cannot do clarified a lot of grey areas that we encounter. The topic of the "Child in need of protective services" was particularly insightful and relevant to us as we are looking forward to gaining statutory status as a child protection organisation. Maintenance issues, birth registration just to mention but a few, were very informative and equipped everyone to be able to handle such cases moving forward. Thank you once again ...*

Rumbi Ngindi, Social Worker, LifeLine/ChildLine Namibia, March 2021

*I so so much appreciate you taking the time to share all these helpful materials.*

*I will make sure to read and discuss in our meetings and proposals.*

Veronica Theron, Technical Advisor,  
Office of the First Lady, August 2021

*Thank you so much for your quick reply, I do appreciate and understand your busy schedule and what you do for the Namibian nation.*

*I have incorporated all the comments and will contact UNICEF/Internet society for current details on reporting incidences of such nature.*

Lukas Haufiku, Office of the Vice President. August 2021  
[regarding comments on a draft article about online "sexploitation"]

*... the Legal Assistance Centre (LAC) and its Gender Research and Advocacy Project spearheaded by Dianne Hubbard have spent decades promoting gender equality in Namibia through activism and research initiatives focusing on legal reform. Collaborating with UNICEF, the Law Reform and Development Commission and leadership from the Ministry of Justice and the Ministry of Gender Equality and Child Welfare, Dianne Hubbard and LAC continue to develop educational materials and contribute research and insight into existing legislative efforts regarding gender-based violence and issues associated with sex work.*

Igor Pashkovskiy, Suzanne LaFont & Ryan Chaney,  
"Sex Trafficking and Forced Sex Work Amongst Girls and Women in Namibia", 2021

### Showcasing GR&AP films

GR&AP's previously produced film on alternatives to corporal punishment, *A Betta Way*, was featured for download and/or online streaming (along with a range of other locally-produced films) in the **Tala Namibia Film Festival** during May 2021. Two other films produced by GR&AP were also featured: *Whispers in the Wind* (about gender-based violence) and *Not a Life You Ask For* (a documentary about Namibian sex workers). This renewed exposure shows the sustainability of LAC educational materials.



## LOOKING FORWARD TO 2022

2021 was a very quiet year in legislative terms, partly due to the impact of COVID. Parliament enacted only five laws: the **Appropriation Act 1 of 2021** and the **Appropriation Amendment Act 4 of 2021** which adjusted the budgeted amounts; the **Financial Institutions and Markets Act 2 of 2021**; the **Namibia Financial Institutions Supervisory Authority Act 3 of 2021**; and the **Income Tax Amendment Act 5 of 2021**, which amends the Income Tax Act 24 of 1981. The long-anticipated amendments to laws relating to gender-based violence are still pending, and key family laws that would have far-reaching impact have still not been passed. We hope to see legislative action on these and other laws in 2022, along with more targeted action to combat the intractable problem of gender-based violence in Namibia.

### LAWS WE HOPE TO SEE MOVING FORWARD IN 2022

- amendments to the Combating of Rape Act
- amendments to the Combating of Domestic Violence Act (and simplified forms)
- amendments to the Maintenance Act (and simplified forms)
- repeal of the law criminalising consensual sodomy between adults
- reforms to liberalise the Abortion and Sterilization Act
- amendments to fine-tune the Child Care and Protection Act
- Divorce Bill
- Marriage Bill
- Uniform Matrimonial Property Regime Bill
- Civil Registration and Identification Bill
- Combating of Harassment Bill
- Combating of Sexual Exploitation Bill
- Combating of Unfair Discrimination, Discriminatory Harassment and Hate Speech Bill
- Access to Information Bill
- Repeal of Obsolete Laws Bill

**Action on GBV:** GR&AP is often asked about priority actions to combat the ever-present problem of gender-based violence in Namibia, which does not seem to be abating. We believe that the following interventions are key:

- shelters, counselling programmes and increased numbers of social workers who can engage in more early intervention
- a universal Basic Income Grant, which would give women greater economic independence
- enactment of outstanding family laws, particularly the Divorce Bill which will help spouses to avoid being trapped in abusive relationships
- a campaign against corporal punishment of children, which research shows to have undeniable links to GBV in later life.

## OUR TEAM

### Permanent staff

#### **Dianne Hubbard – Coordinator** ([dhubbard@lac.org.na](mailto:dhubbard@lac.org.na))

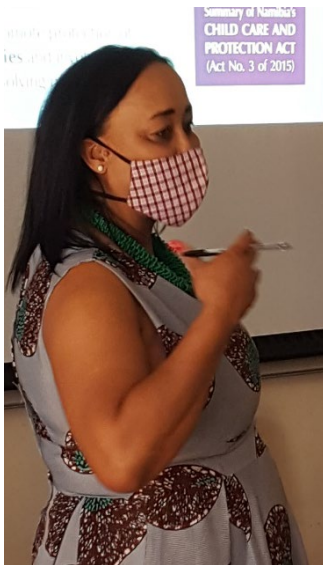
Dianne is a graduate of Harvard Law School. She also has degrees in English from the University of North Carolina in the USA and Stellenbosch University in South Africa. She has been the Coordinator of GR&AP since its inception in February 1993, and she served a 3-year term as Deputy Chairperson of the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



#### **Yolandé Engelbrecht – Paralegal**

([yengelbrecht@lac.org.na](mailto:yengelbrecht@lac.org.na))

Yolandé joined GR&AP at the beginning of 2009, after having worked in the legal field in government and private institutions. Yolandé takes the main responsibility for running workshops on behalf of the department as well as developing training programmes and providing information to clients and other platforms. Yolandé has a Bachelor of Commerce in Law (B.Comm Law) degree and are currently enrolled for the Bachelors of Law (LLB) degree at Stadio (formerly Southern Business School).



#### **Celine Engelbrecht – Project Assistant**

([cengelbrecht@lac.org.na](mailto: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.



### Consultants and volunteers

**Perri Caplan** regularly assists GR&AP with publications design and layout, often working long hours and over weekends to help us meet tight deadlines. She has been working with us for many years, and is a valued member of our team.

**Anél Stegmann**, who is the Manager of the legal department at Paratus, is a regular voluntary contributor to Namlex and the annotated statutes. She got involved with this project while employed by the Ministry of Justice, and has continued to work on it *pro bono* since moving to the private sector. We really appreciate her commitment.

**Mitchell Putukara** of Tafy Tang Arts is also a regular consultant for artwork on our comics. He always delivers creative and high-quality work on time and in a very professional manner.

**Volunteers and interns:** Thanks to our local and international volunteers in 2021, several of whom had to work remotely due to COVID travel restrictions:

- **Elaine Konjore**, Namibian law student at Rhodes University
- **Ashleigh Kamahene**, first year law student at UNAM
- **Sarah Jahnke**, paralegal with US Department of Justice about to start law studies
- **Lauren Fleming**, law student at University of Michigan (USA)



- **Amelie Brendel**, trainee lawyer from Germany
- **Martha Haipinge**, Namibian law student at Cavendish University, Zambia
- **Luchante Jansen**, Namibian student intending to study law at UNAM.

We would also like to thank **John Meinert Printing (JMP)**, which frequently prints our publications, for going the extra mile to assist us with our often-complicated printing orders, and for helping us to meet tight deadlines.

## Key partners and networks

During 2021, we worked particularly closely with the following government bodies and agencies:

- **Ministry of Justice**
- **Ministry of Home Affairs, Immigration, Safety and Security**
- **Ministry of Gender Equality, Poverty Eradication and Social Welfare**
- **Law Reform and Development Commission.**

GR&AP participates in these networks:

- **Permanent Task Force on Children:** Initially known as the Permanent Task Force on Orphaned and Vulnerable Children (OVC), this group was established in 2001. It is chaired by the Ministry of Gender Equality, Poverty Eradication and Social Welfare and usually meets quarterly. The group has a broad multi-sectoral representation consisting of government bodies, civil society groups and faith-based organisations. Its primary task is to oversee the implementation of the National Agenda for Children.
- **GBV & Human Rights Cluster:** This group is chaired by the Ministry of Gender Equality, Poverty Eradication and Social Welfare and typically meets quarterly. It brings together various stakeholders working in the areas of gender and human rights to exchange information and coordinate strategy.

## DONORS

### Donors



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