

THE GENDER RESEARCH PROJECT: WHAT RESEARCH IS AND WHY WE DO IT

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The Gender Research Project was established in 1993. Its aim is to conduct research which will lead to improvements in laws and legal procedures which are not effectively meeting the needs of women or men. The project refers to "gender" rather than "women" because we want to make sure that the law serves both sexes adequately.

The Gender Research Project is currently staffed by a legal researcher and a field researcher. It receives assistance from paralegals based at LAC's various advice offices, and it makes use of various consultants from time to time for specific projects.

Our first study was an assessment of the affirmative action provision for women which applied to Namibia's first local government elections. In 1994 we were commissioned by the Ministry of Health and Social Services to produce draft children's legislation. In 1995 we published a report summarising two years of research on the operation of Namibia's maintenance courts. In 1996 we published a study of the living and working conditions of domestic workers. We also drafted Namibia's first country report under the UN Convention on the Elimination of All Forms of Discrimination against Women, for the Department of Women Affairs. Over the past two years, we have been conducting research on rape, domestic violence and divorce.

CHOOSING A RESEARCH TOPIC

In choosing a research topic, our first and most important guideline is the interests of our clients. The problems which our clients bring to our various advice offices provide a good indication of the areas which are most urgently in need of reform. Another consideration is political opportunity. We often make inputs into issues which are already receiving government attention, so that we can advantage of receptivity to legal change which may not recur. Another factor which guides our choice of topic is the fact that we are a public interest law firm. Although our research sometimes includes socio-economic issues, our major focus is always a legal issue.

CARRYING OUT RESEARCH

What do we actually mean by research? This depends on the topic. When we want to find out how an existing law is being applied, we often gather information from court records. For example, in the course of our research on maintenance, we extracted information from more than 600 court files at selected courts in different regions. We have examined court records to determine the average sentences being imposed for rape, and to find out how the law on divorce is applied in practice. When we have a large body of data to work with, we use special computer programmes to help us analyse the information.

Another key source of information is interviews and group discussions. We interview the people who administer the laws we are researching, and members of the public who are interested in the topic addressed by the law in question. We also collect information from people who play key roles in the issue, such as community leaders, social workers, pastors, doctors or police. For example, when we were trying to find out more about the operation of affirmative action for women in local government elections, we interviewed candidates, elected councillors, members of the Electoral Commission and leaders of various political parties and residents associations. On the topic of maintenance, we interviewed maintenance officers, prosecutors, court clerks, police officials, men and women who were waiting at the courts, and members of different communities. When we wanted information for draft children's legislation, we drew on discussions at a national conference which brought together people from all over the country who work

with children, including teachers, social workers, pastors, student leaders and representatives from the different ministries involved with children's issues.

We also carry out research by collecting information about the laws of other countries. We try to find out what legal approaches other countries have tried, so that we can learn from their experience. Of course, it is always necessary to assess whether a solution which works in one country will be appropriate to the social and economic conditions in Namibia. For example, on the question of domestic violence, we looked at South Africa's recently-enacted Prevention of Family Violence Act. We also examined critiques of this act and studies of how it has been used in practice. On the basis of this information, we were able to draw lessons from the strengths and weakness of South Africa's example which were relevant for Namibia.

We usually publish the results of our research in a research report. Research reports are by their nature often long and fairly technical documents. To make the research results more generally accessible, we always publish a press release or a short summary of the key research findings at the same time. We try to arrange publicity about the research which will reach the people who have contributed to it, and we try to make sure that the research results are widely available to policy-makers, such as ministries and parliamentarians.

ACTIVIST RESEARCH

We advocate an activist approach to research. Some research models are premised on the idea of the researcher as a detached, objective observer who stands apart from what is being researched to collect information and draw conclusions. We have taken a different approach. We consider the research process itself to be a tool for involvement and change. This means that the publication of the research report is only one small part of our ongoing involvement with an issue.

Our research on child maintenance is an example of this activist approach. We prepared educational material about maintenance, so that we could easily explain how the existing law works before asking people how they thought it should be changed. This means that our interviews and group discussions were educational for those who participated, as well as being sources of information for the research project. Maintenance was also highlighted by LAC staff members in a number of radio and television programmes during the course of the research project, as a method of stimulating public awareness and discussion.

The maintenance research revealed a number of complaints about the Windhoek Maintenance Court, which handles a particularly large volume of cases. While the research was still underway, we organised a meeting at which some of the women who had approached the LAC with maintenance problems could voice their complaints directly to representatives of the Ministry of Justice and the Namibian Police. We felt that this approach would be more empowering to our clients than if we presented the complaints on their behalf. We also felt that the government officials involved might be more sympathetic to the issues raised if they were forced to confront the users of the system directly instead of through intermediaries. As a result of this meeting, some misunderstandings resulting from miscommunication were cleared up. The meeting also led to some staff changes at the Windhoek court, and to some useful changes in certain administrative procedures. The clients who attended this meeting gained valuable practice in asserting their rights, and the government officials involved learned more about how women perceive the maintenance process. The exercise proved that significant improvements in legal processes can be achieved in advance of formal law reform, through negotiation and follow-up.

During the course of the maintenance research, attorneys at LAC also represented clients in several maintenance matters in the maintenance court and in related High Court proceedings. These cases gave valuable assistance to individual clients and provided additional information on shortcomings in existing procedures.

As the research proceeded, it became clear that some problems were arising from confusion about the

correct interpretation of the law on the part of those who administer it. To address this problem, we worked together with the Ministry of Justice to produce a Maintenance Manual for court personnel, which gives clear information on how the existing law should be applied.

Once the research results are published, our involvement with the issue does not come to an end. In the case of maintenance, we continued to work together with the Law Reform & Development Commission to refine proposals for law reform on maintenance. We have joined forces with other organisations to lobby for the enactment of these reforms, and we recently launched a public awareness campaign aimed at encouraging responsible parenting, particularly by fathers who are often absent from their children's lives. Once the new amendments to the Maintenance Act are in place, we expect to be involved in preparing educational material which will make the provisions of the new law clear to the public and to court personnel. In the long run, we may carry out additional research to see if the new maintenance law is operating effectively.

ENGAGING WITH THE ISSUES

Many people view research as something which is the exclusive province of "experts" and not very relevant to everyday life. We have a different vision. Instead of simply examining a topic, we try to get actively involved in doing something about it. We try to combine the collection of information with education and action which address the legal problems of our clients. We then carry out whatever follow-up work is necessary to make sure that the information we have collected leads to improvements in the law and the legal system. In this way, we believe that research can be a lively force for practical change.