

GENDER RESEARCH & ADVOCACY PROJECT ANNUAL REPORT 2006

Staff, interns and visiting academics

Dianne Hubbard, Co-ordinator

Dianne has been the Co-ordinator of the Gender Research & Advocacy Project since it was established in 1993. She has degrees in English literature from the University of North Carolina in the USA and the University of Stellenbosch in South Africa, as well as a law degree with honours from Harvard Law School in the USA. She is listed in the "A-Z of Political Personalities" in the recently-published Guide to Namibia Politics. Dianne serves on the board of trustees of Sister Namibia.

Naomi Kisting, Project Assistant

Naomi has been with the Gender Research & Advocacy Project since 2001. She has a Diploma in Executive Secretarial Studies and is currently pursuing a BTech in Public Management at the Polytechnic. She is a member of the National Council for Older Persons in Namibia and serves on the board of trustees of the Namibian Women's Network. She is also serving on the steering committee of Women Solidarity Namibia.

Mercedes Ovis, Legal Researcher

Mercedes served on a 2-year contract from June 2004 to June 2006, as a legal researcher specialising in customary law and rural women. As part of her training programme, she served a three-month internship with the Centre for Applied Legal Studies at the University of Witwatersrand. She has a law degree from the University of the Western Cape in South Africa. During her contract period, Mercedes gave birth to a beautiful daughter.

Anne Rimmer, Training Co-ordinator

Anne is being sponsored by the Catholic Institute for International Relations (CIIR). She has been with the Gender Research & Advocacy Project since February 2004. Anne has a degree in politics and sociology from the Open University in Britain and over 15 years of experience in human rights training with Amnesty International. She has conducted participative training, including training of trainers, in five African countries, in addition to Namibia.

Wairimu Munyinyi, VSO Volunteer

Wairimu is a Kenyan citizen who is being sponsored by the British VSO programme for a 2-year placement with the Gender Research & Advocacy Project as a field research supervisor. Wairimu has a degree from the Catholic University of Eastern Africa in Social Sciences, with further qualifications in policy analysis, advocacy, gender mainstreaming and pro-poor development design and interventions. Wairimu is currently enrolled as a post-graduate student of Development Studies at the University of South Africa (UNISA). Her VSO contract extends from mid-2005 to mid-2007. Before coming to Namibia, Wairimu worked as a project officer for the pro-poor policy program at the National Council of NGOs in Kenya

Dr Suzanne LaFont, visiting academic

Dr LaFont is an Associate Professor of Anthropology at City University of New York, Kingsborough Community College. Her book publications include *Constructing Sexualities: Readings in Sexuality, Gender, and Culture*, (Prentice Hall 2002); *Women in Transition: Voices from Lithuania* (SUNY Press 1998); and *The Emergence of an Afro-Caribbean Legal Tradition in Jamaica* (Winfield Press 1996). She has also published numerous articles in scholarly journals. Her research interests are the interrelatedness of sexualities, gender, power, and human rights. Her contact address is slafont@kbcc.cuny.edu. She was based at GR&AP for 6 months during 2006, and plans to return for 6 weeks in 2007 to conduct follow-up research.

Alison Reid, visiting professional

Alison is an attorney connected with the Scottish Children's Reporter Administration (the national body responsible for providing a care and justice system for Scottish children) and the Scottish Child Law Centre (which promotes public awareness of Scots child law and children's rights in Scotland). She made a one-month visit to Namibia in August-September to learn about children's issues in Namibia and to share her experience in children's rights with child law practitioners in Namibia. She was based at GR&AP during her stay, Alison learned of the LAC from a former Namibian resident who now lives in Scotland. Upon her return to Scotland, she planned to write an article about her visit to LAC for a magazine read by Scottish solicitors.

Sonja Gierse-Arsten, graduate student

Sonja is based at the University of Cologne and was intermittently present at GR&AP during 2006 while doing the first phase of research on her PhD thesis on gender-based violence, which Dianne has agreed to co-supervise with Dr Michael Bollig of the University of Cologne.

Amanda Dodge and Sonia Eggerman, Canadian interns

Amanda and Sonia are both Canadian lawyers sponsored for 6-month placements with the Gender Research & Advocacy Project by the Canadian Bar Association

through the Young Professionals International Program funded by the Canadian Department of Foreign Affairs. Interns come to us regularly from Canada through this programme. In exchange for providing volunteer assistance to the Legal Assistance Centre, the interns have chance to learn about Namibia and to observe human rights in action in an international context. Amanda was with GR&AP from Aug 2005 to March 2006, followed by Sonia from Aug 2006-Mar 2007.

After leaving LAC, Amanda Dodge began work at the Community Legal Clinic, a poverty law clinic in southern Ontario, where she will be representing low-income clients with matters of civil law, as well as contributing to law reform and community development initiatives. This is a good example of how the LAC intern experience can influence career choice and spread awareness of human rights issues!

Nermeen Saba Arastu, intern

Nermeen is a first-year law student at the University of Pennsylvania. She assisted GR&AP from June-August 2006 with research on rape and domestic violence.

Elizabeth Fischer, intern

Elizabeth is a first-year law student at Harvard Law School. She assisted GR&AP from June-August 2006 with research on rape and domestic violence.

Susan Jay, volunteer

Susan is an American present in Namibia because of her spouse's work. She was a Fulbright Scholar to Zimbabwe, worked for 7 years with US-AID and was Deputy Director of the Africa Division of the International Republic Institute in Washington, DC prior to coming to Namibia. Susan reviewed some of the funding applications submitted by GR&AP to various donors and advised us on possible ways to improve future funding applications.

Gender-related legislation passed in 2006

Parliament passed very few pieces of legislation in 2006. The only new law directly addressing gender matters is the **Children's Status Act 6 of 2006**, which is discussed below.

A new **Labour Bill** was introduced into Parliament with the intention of replacing the Labour Act 15 of 2004 (which was never brought into force aside from a few administrative provisions). However, this Bill was later withdrawn. A replacement Bill will be introduced in early 2007 and is expected to cover

maternity leave, sex discrimination, pregnancy discrimination and family responsibility issues along the same lines as the 2004 Act.

The long-awaited **Child Care & Protection Bill** is still stalled in the Ministry of Justice. We are informed that it has been given to a new legal drafter. This Bill has been under discussion since 1994. We will make it a focus of increased lobbying in 2007, now that the Children's Status Act is in place.

THE DIFFICULTIES OF LOBBYING IN NAMIBIA

The case of Namibia points us to another detrimental effect of the constitutional provision dealing with the combination of offices. In small parliaments like the Namibian National Assembly with only 72 seats, the requirement that all ministers need to be MPs might have the effect that more than half of the members of parliament are actually members of the cabinet, thus making it extremely difficult for the legislature to flex its muscles vis-à-vis the executive. In fact, the Namibian president has increased the number of cabinet positions to a point where ministers do make up more than the majority of Namibian MPs. It means that cabinet alone can determine the outcome of a vote in the National Assembly. In order to get government decisions accepted in parliament, there is no need for any backbench involvement, let alone any cross party support. This specific set of circumstances explains why the National Assembly in Windhoek has been described as a rubberstamp of presidential decisions (Melber 2005). It makes the Namibian legislature a parliament without any autonomy. Can parliaments enhance the quality of democracy on the African continent?

Lia Nijzink, Shaheen Mozaffar, Elisabete Azevedo,
"An analysis of institutional capacity and public perceptions:
CSSR Working Paper No. 160", Centre for Social Science Research (CSSR),
University of Cape Town, May 2006

Law and policy reform

Lobbying on Children's Status Bill

The Children's Status Bill, first tabled in Parliament in 2003, continued in 2006 to invoke debate on who should have custody of children born outside marriage. Currently, mothers have sole custody and guardianship of such children and fathers have no clear rights - not even a right to access. This position is clearly unfair to both parents and children. However, the competing rights of single mothers and single fathers under the proposed laws proved to be a highly contentious issue.

GR&AP's initial position, developed in consultation with the broader NGO community, was that single mothers should have custody as a starting point (to mirror the current social reality), with single fathers having an automatic right of access and the ability to apply to a children's court for custody of the child in a simple low-cost procedure, with the decision to be determined solely in accordance with the best interests of the child.

This position was adapted, again in consultation with a range of other NGOs, when it became clear that the approach initially proposed would not be acceptable to Parliament. As a compromise position, we proposed that cohabiting parents should be able to agree to joint custody and equal guardianship if they wish, just like married parents. Otherwise, one parent would have to take primary responsibility for the daily care of the child while the other parent would have access rights - just like divorced parents. The parents could make a written agreement on who would act as the primary custodian, or refer the matter to a children's court for decision. As a default position, the mother would be the child's temporary custodian - since only the mother (for obvious biological reasons) would definitely be present at the birth. This fall-back position was intended to protect the child as an interim measure, without prejudicing either parent.

Lobbying around this bill was one of GR&AP key activities during 2006. We remained in regular e-mail and telephone contact with a wide range of NGOs to get support for group submissions to the Parliamentary Committees which dealt with the Bill, and all key strategies were decided upon on consultation with the broader NGO community. The following are some of the concrete activities involved in our "lobbying", but the list is not exhaustive:

- ✿ GR&AP worked together with the NANGOF Gender Sector to mobilize grassroots participation in the public hearings conducted by the National Council in February. (NANGOF is the Namibian Non Governmental Organisation Forum, which serves as an umbrella organisation for all NGOs in Namibia. It currently has about 250 members. The Gender Sector coordinates activities amongst NGOs dealing with gender issues.) For example, the NANGOF Gender Sector organised a public meeting on the revised Children's Status Bill, on 9 February in Katutura attended by some 30 women and a few men. Dianne explained the Bill, and there was keen interest and discussion. Several of those who attended the meeting were later observed giving testimony in the National Council hearings.
- ✿ Information from the public meeting was also broadcast on Katutura Community Radio in February for the regular programme 'Your Rights Today', and Dianne discussed the Bill on the national television programme *Good Morning Namibia* in February.
- ✿ Dianne gave written submission and oral testimony to the National Council Committee dealing with the Bill in at public hearings on 15 February. This input was clearly influential in the Committee's subsequent report and recommendations.
- ✿ Along with other NANGOF representatives, we met with the legal advisor to the Ministry of Gender Equality and Child Welfare in February to discuss the concerns communicated to the National Council Committee.
- ✿ The National Council Committee tabled a report with recommendations which were sensitive to the NGO concerns, but the National Council as a

whole voted against most of the amendments to the Bill recommended by the Committee. In protest, GR&AP drafted an article entitled "Does Public Opinion Matter?" which was signed by 11 NGOs and published in *The Namibian* on 3 March 2006.

- ✿ We worked together with the NANGOF Gender Sector to organise a demonstration on the steps of Parliament in March. Each organization which supported the group submission made to Parliament was asked to send 2 representatives and a child if possible. We briefed UNICEF on our concerns, and the UNICEF Special Representative to Namibia, Khin Sandi-Lwin agreed to the unusual step of being the keynote speaker at this demonstration. The demonstration received a high level of media coverage, and it seems to have been a key factor in opening the door to further discussion of the Bill with the NGO community. The demonstrations received prominent coverage on 15 March in four daily newspapers in Windhoek, in three different languages.
- ✿ We briefed members of Council of Churches (CCN) delegation on key issues before one of their regular meetings with the Prime Minister, and they communicated their concerns at this meeting. We also attempted to gain a personal meeting with the Minister of Gender Equality and Child Welfare to discuss this issue, but were not successful in this effort. The involvement of CCN in the lobbying efforts around the Bill was groundbreaking, as the churches and the NGO community have seldom joined forces on political issues since independence.
- ✿ We contacted the Chief of Parliamentary Committees to discuss the potential undermining of the committee system by the National Council's wholesale rejection of the Committee report.
- ✿ We discussed relevant issues with members of the technical legal drafting department at Ministry of Justice and met with the key legal drafter on several occasions to discuss the Bill's wording on technical issues.
- ✿ We approached several individual MPs to discuss areas of concern in person and with phone calls.
- ✿ We made personal phone calls to six journalists to discuss media coverage of the Bill, as a follow-up to faxes and emails to these journalists, and provided very brief background material to journalists outlining the key issues of concern.
- ✿ We gave interviews to several journalists, on background and for publication (*The Namibian*, *Insight*, *Allgemeine Zeitung*, NBC radio).
- ✿ Beginning in November 2005, GR&AP and the NANGOF Gender Sector made many attempts to secure a personal meeting with the Minister of Gender Equality and Child Welfare via letter, with follow-up phone calls to staff. We were on several occasions given dates, but the planned meeting was cancelled repeatedly by the Ministry for various reasons. However, the Minister's office assured us that the Bill will not be taken forward before this meeting had taken place. The meeting finally took

place in June 2006. The Minister proved receptive to the NGO concerns, and Dianne worked directly with her and her staff throughout the month of June to draft a new set of proposed amendments with motivations. These amendments were sent to the Attorney-General for certification.

- ✿ In July, this latest set of amendments to the Children's Status Bill was referred to a Parliamentary Committee, for reasons which are unclear and never discussed in public. We contacted the committee chair, who undertook to consult with the NGO community but the hoped-for consultation did not take place. The committee report, which accepted most of the proposed amendments except on the key issue of custody and guardianship of children born outside marriage, was not made public until it was tabled in Parliament in November. This left little opportunity for the NGO community to lobby.
- ✿ GR&AP drafted an opinion piece on the amendments on this amendments on this proposed by the committee, "Leaving the child in legal limbo" and managed to persuade *The Namibian* to take the unusual step of publishing it mid-week (as opposed to in the Friday edition where opinion pieces usually appear), to enhance the chances of influencing the Parliamentary debate. This newspaper article was discussed telephonically with several opposition MPs. The NGO community was also alerted by email to the new proposals.
- ✿ Our interns attended Parliament on numerous occasions to track the Bill's progress in the final stages, and Anne and Dianne kept in contact with key role-players on the Bill's movement.

Despite last-ditch lobbying efforts, the final set of amendments proposed by the Parliamentary Committee in November were accepted by the National Assembly with little discussion and the **Children's Status Bill** was passed by Parliament with one issue still unresolved to the satisfaction of the NGOs who worked together on this Bill: Children born outside marriage will have no legal custodian or guardian until/unless the parents make an agreement, or an application is made to a children's court for a decision on which parent it should be. We lobbied in the final stages of Parliamentary debate for a default position to protect the child in the interim, but this effort was not successful.

In February 2007, we will hold a workshop with the NGO community to discuss follow-up strategy on the new law, which has been published in the *Government Gazette* but is not yet in force as of the end of 2006.

Labour Bill

The Legal Assistance Centre supported the re-drafting of the Labour Act 2004, as this version of the law contained a range of problems and ill-advised drafting which could have caused unfairness and confusion. Dianne collated recommendations from all the LAC departments in 2005 and forwarded these to the Ministry of Labour, the Namibian Employers Federation (NEF), the National

Union of Namibian Workers (NUNW) and the ILO technical adviser assisting the Namibian government with the project. When the Labour Bill 2006 was circulated, Dianne examined this draft and found that most of the LAC concerns had been addressed.

In September 2006, Dianne compiled another round of input highlighting three remaining issues of concern and urging the Ministry to address them before the new Bill was introduced into Parliament: the rules concerning disputes between members of disadvantaged group; notice to vacate employer-provided accommodation (particularly important for farmworkers and their dependents) and the right to legal representation in labour arbitrations. This submission was also forwarded to the Ministry of Labour, the NEF and the NUNW.

We will examine the new version of the Bill in 2007 to see if these concerns have been addressed.

Marital property

Dianne was appointed to the government's Law Reform and Development Commission Subcommittee on Marital Property, which had its first meeting on 6 June. This subcommittee used the LAC research report *Marital Property in Civil and Customary Marriages - proposals for law reform (2005)* as its primary resource, and adopted all of the major recommendations put forward in that report with only minor fine-tuning.

In 2007 the decisions of the committee will be converted into a lay-person's draft by the subcommittee members and then forwarded to the full LRDC for consideration.

Marriage and divorce

We have been collecting public feedback on the Law Reform and Development Commission's published proposals for the recognition of customary marriage and civil and customary law divorce. However, these proposals appear to be stalled inside the Ministry of Justice and may change substantially before moving forward as bills. Therefore, we have made this project a somewhat lower priority until the political intentions are clearer. In the meantime, community feedback has been collected from rural areas including Okakarara, Coblentz and Omatjete.

In the meantime, Naomi has also been compiling information on divorce cases from government records for use in future advocacy activities. The government does not compile any information on divorce cases aside from statistics on self-reported marital status from the periodic censuses.

Child Care & Protection Bill

Alison prepared a short paper containing advice on proposed changes to the foster care system in Namibia, which will be addressed in the forthcoming Child Care & Protection Act. The current law is based on an outdated Western model which does not suit the Namibian situation where most foster parents are extended family members. Other countries have come up with innovative approaches to foster care which could be instructive for Namibia.

Inheritance

Mercedes drafted a newspaper article on the *Estates and Succession Amendment Act 15 of 2005* (which affects only the procedure for distributing deceased estates and not the substantive rules). This article was published in *The Namibian* on 7 April 2006. She also liaised with the Law Reform and Development Commission regarding their plans to establish a new subcommittee to consider substantive law reform on inheritance. Indications were that civil society groups such as the Legal Assistance Centre would be included on this subcommittee. The planned subcommittee had not yet been established by the end of 2006.

National school policy on teenage pregnancies

Wairimu drafted a paper recommending revisions to the current school policy on teenage pregnancy, which has been interpreted to require that students who give birth stay out of school for one year. This project was conceived as a follow-up to the *Karuaihe* case where LAC represented a schoolgirl who had been disadvantaged by this policy, but was unsuccessful in court. Wairimu interviewed various stakeholders on this topic and examined similar policies in neighbouring countries. Several successive drafts were edited by Dianne. Once the proposals had been refined, Wairimu presented the draft paper at a consultative workshop on 29 November attended by about 20 persons who work in the field of education.

The report will be finalised in 2007 after further consultations with schoolgirls who might be affected by the policy.

Grants for orphans and vulnerable children (OVC)

Dianne worked together with independent consultants Auriol Ashby and DeeDee Yates on a consultancy for World Food Programme about the transition for OVC from food aid to state maintenance grants. Our key recommendations suggested revision and expansion of the grant criteria to target the neediest children more effectively. Another issue of focus was the overlapping relationship between maintenance grants and foster grants, which entail completely different procedures. The recommendations were discussed at a meeting with World Food Programme representatives and relevant staff of the Ministry of Gender Equality and Child Welfare in September. Government concerns were

addressed, and the final report included detailed costings and a timeframe for specific actions to improve the processing of the grants.

Birth registration

Dianne researched this topic in response to multiple client enquiries on the registration of children born outside of marriage, and prepared material explaining the law in simple English. Naomi then organised radio interviews presenting this information. Dianne (with help from Toni) also researched requirements for passports for children born outside of marriage, for the same purpose. However, as we can find nothing in the relevant laws or regulations on this point, more information from the Ministry must be collected first. The key problem in both areas appears to be that Ministry officials are imposing requirements in practice which have no legal basis. The information gathered was also used subsequently to inform individual clients of their rights.

Parliamentary hearing on affirmative action in employment

Dianne made a presentation on affirmative action for women and persons with disabilities before the Parliamentary Standing Committee on Human Resources, Social and Community Development in June 2006. The submission drew prominent media coverage on NBC, and was also reported in *The Namibian*.

The Gender Advocacy Project of the Legal Assistance Centre also made a submission to the committee yesterday, recommending a more holistic approach to the implementation of affirmative action. Project co-ordinator Dianne Hubbard said while the LAC did not agree with imposing quotas for attaining affirmative action goals, it recommended that Government did some "number crunching" to see whether the goals of affirmative action were being realised. Hubbard said there were many obstacles to attaining affirmative action goals especially concerning the advancement of women and the physically disabled. She said women's career advancement was often affected by employers discriminating on the basis of them being married, having children, being pregnant or intending to have children. Hubbard said it was also obvious that many places of business were ill-equipped to accommodate potential employees who were physically handicapped and that this may also be a barrier to the advancement of people who otherwise might be perfectly capable of taking on the job.

The Namibian, 28 June 2006

Parliamentary hearing on crime

Dianne compiled and presented a paper on crimes against women and children to Parliamentary Standing Committee on Foreign Affairs, Defence and Security on a Motion on Increase in Criminal Activities and Violence on 19 October, which was covered in *The Namibian* on 20 October. LAC was one of the few groups (and possibly the only group) which presented concrete data, as opposed to subjective opinions unsupported by any research.

SPIRALLING crime and violence against women and children came under the spotlight at a parliamentary hearing yesterday, which revealed how helpless society, lawmakers and law enforcement agencies are against the rise of crime.

Some participants said people lacked the necessary information to distinguish between legal and illegal activities, while others complained about the case backlog in the country's courts and inadequate resources for the Police.

The hearing was organised by the Parliamentary Standing Committee on Foreign Affairs, Defence and Security after a motion tabled by Monitor Action Group (MAG) MP Jurie Viljoen in July on crime in Namibia was referred to the committee. Swapo chief whip Ben Amathila, who chairs the committee, said a discussion with the Council of Traditional Leaders on Wednesday revealed that traditional authorities definitely felt that crime was increasing in rural areas. "They want more power to deal with cases in the areas of their jurisdiction."

Johnny Truter of the Office of the Prosecutor General said most crimes committed were the result of alcohol abuse. "The majority of rape cases take place after midnight when women walk to or from shebeens," he said. "Most vehicles causing accidents are those that should have been taken off the road by the Police at road blocks. People are losing faith with law enforcement," Truter added.

Christopher Stanley, from the same office, said that many court cases were withdrawn because offenders who had money offered to settle out of court and often gave complainants money as "compensation". That sent the wrong message to the public, he said.

Lawyer Dianne Hubbard of the Legal Assistance Centre (LAC) said in her presentation that the apparent increase in reported rape cases could also be the result of an increase in the number of Police stations countrywide - from 75 at Independence to 146 now. During the last three years, an average of [1100] rape cases a year had been reported, Hubbard said. Rape was a serious problem in Namibia, she emphasised, citing an LAC study, which examined 409 police dockets of rape cases reported between 2001 and 2005. Sixteen [percent] of the cases involved complainants under the age of ten, with over six per cent of cases involving children under the age of six. Often cases were withdrawn because the perpetrators were related to the victims and families held the view that a public court case would be more damaging than the actual rape was.

Ugly face of crime bared at hearing, *The Namibian*, 20 October 2006

Implementation of existing laws

Extensive research on implementation of Combating of Rape Act

In 2000, Namibia passed the *Combating of Rape Act* which is one of the most progressive laws on rape in the world. The Namibian legislation has served as a model for new laws and bills on sexual offences in other African countries. For example, laws with similar attributes have more recently been passed in Kenya, Lesotho and Zimbabwe, and are currently under consideration in Swaziland and South Africa.

In 2006 the Legal Assistance Centre completed an extensive assessment of how this new law is working in practice. Work on this project began in 2005, when GR&AP relied on the assistance of volunteers and visiting interns to collect information from police dockets, court records and key informants in regions throughout the country. By March 2006, the basic field research was complete and the data analysis was in progress. Supplementary questionnaires on PEP were sent to all district hospitals. Wairimu also contacted a sampling of medical aid schemes telephonically to collect information about their coverage of PEP.

The statistical analysis by Dianne and consultant Christa Schier was very time-consuming as complex issues like reasons for court postponements had to be analysed very carefully to ensure accuracy. Final interviews with senior personnel (such as the National Coordinator of the Woman and Child Protection Units and the Director of the National Forensic Science Institute) took place after completion of the first draft of the report, so that questions about the preliminary findings could be put to key stakeholders.

The report includes a section on the rape of persons with disabilities and explanations of issues such the legal duties of service providers, the correct use of anatomically correct dolls in court, the legal requirements for identification parades, the language of police statements and the medical examination of minors following a rape.

Suzanne assisted with this report by contributing a section on "tournaments" (a form of group sex which is sometimes coercive). This involved analyzing data from 395 questionnaires provided by Women's Solidarity. Suzanne also prepared an article on this practice for the *OYO Magazine* published by Ombetja Yehinga Organisation and distributed in secondary schools.

The preliminary findings and recommendations were presented at a consultative workshop held in Windhoek on 9 November. This workshop was attended by 33 participants in key sectors from 6 regions. Input from the workshop was incorporated into the final report.

The report will be back from the printers in early 2007. If funding can be obtained, we hope to use it as the centrepiece for an international conference on combating sexual offences in Africa where delegates from countries with similar legislation can compare notes on best practices with an emphasis on (1) effective implementation of laws on sexual offences and (2) the intersection of sexual offences with HIV/AIDS.

Tough laws don't stop domestic violence, says Security Minister

DESPITE the introduction of laws such as the Combating of Rape Act and the Domestic Violence Act, violent crimes against women and children seem to be escalating. **Minister of Safety and Security, Peter Tsheehama, yesterday referred to the findings of research conducted by the Legal Assistance Centre (LAC).** Reported cases of rape and domestic violence have steadily increased from 564 in 1991, to 854 in the year 2000, and 1 184 last year, Tsheehama said. **The LAC's research also concluded that for every 100 000 people, there are 60 cases of rape and one-third of these involve children under 18 years.** "Tough sanctions given to offenders do not offer any remedy. The introduction of the Combating of Rape and Domestic Violence Acts, tough as they are, have not brought expected results as perpetrators seem not to take heed of them," Tsheehama said. **The minister was speaking at the start of a two-**

day SADC conference discussing the findings of research on the root causes of gender-based crime in Namibia...

The Namibian, 23 November 2006

Research on protection orders issued under the Combating of Domestic Violence Act

Wairimu, Elizabeth & Nermeen began field research on protection orders in terms of the Combating of Domestic Violence Act. A questionnaire was drafted and piloted in consultation with out data analyst, Christa Schier, and data was collected in several locations. Focus group discussions on protection orders were held with regional counsellors in Kunene, traditional leaders in Oshakati and clerks of court in Gobabis and Oshakati. During the course of this field work, Wairimu & Sonia also assisted a client with getting an interim protection order at the Opuwo Magistrate's Court.

Implementation of Maintenance Act

We have collected information on problems with the implementation of the Maintenance Act, from individual clients and community workshops. However, anecdotal information on its own is not really a sufficient basis for policy recommendations. We are currently seeking funding for a systematic study of the implementation of the Maintenance Act. These efforts have so far been unsuccessful.

Witchcraft

Following on background research by Anne, we held a small consultative meeting on witchcraft on 17 November, to discuss strategies for preventing fears about witchcraft from preventing women from exercising their legal rights. Participants were social workers and a rehabilitation officer from the Ministry of Health and Social Services, the Dean of the Anglican Church in Namibia, NGO personnel and LAC staff. The discussion was illuminating in that it highlighted the pervasiveness of the belief that witchcraft is a force to be feared in many communities. There was discussion about reported incidents, the approach the Church takes, and educational actions which could be effective. The insights gathered will be used to guide further discussion of this issue in community groups in 2007.

Client assistance

Many clients approach GR&AP for information about their legal rights or to request copies of our educational materials. We are also approached for advice directly, through LAC's formal screening process and by means of telephone calls from people outside Windhoek. Some cases involving gender issues are

dealt with by LAC staff in other departments, as people's problems are often amalgams of many inter-related topics. There is a regular exchange of information between departments about individual cases.

During 2006, we gave clients legal advice on the following topics (roughly in order by the most common topics amongst clients):

- ✿ **maintenance:** obtaining maintenance orders generally, maintenance for birth-related expenses, maintenance in arrears, male clients requesting advice on false claims of paternity
- ✿ **domestic violence:** General enquiries on how to obtain protection orders under the *Combating of Domestic Violence Act* were most common. One of these involved a woman who had been barred from her home and prohibited from seeing her child. Other issues included the right of an adult victim not to be forced by police to bring criminal action for domestic violence against her will, and a case involving a wife whose husband threatened to kill himself if she divorced him.
- ✿ **divorce:** general procedures, procedures when one partner is non-Namibian, enforcement of divorce orders
- ✿ **custody of children born outside marriage**
- ✿ **inheritance matters:** one case involving allegations of witchcraft against a widow, death benefits, trust fund issues
- ✿ **rape:** unsatisfactory response from WCPU, rape of children with disabilities, assisting a rape survivor to obtain a legal abortion, advice to minor rape survivors nervous about court appearance
- ✿ **sexual harassment:** internal disciplinary proceedings in cases of sexual harassment by fellow employees or sexual abuse by teachers, advice to client from Swakopmund who called in relation to delays in a criminal case involving minors who were secretly videotaped while changing clothes in a gym
- ✿ **age of consent for sexual activity**
- ✿ **abortion:** query about legal position of young woman suffering complications from late-term backstreet abortion
- ✿ **cohabitation**
- ✿ **procedure for obtaining disability grants.**

Here is a sampling of some of the more interesting or unusual cases:

- ✿ A Namibian woman approached us for advice when her 8-month-old child was abducted by the child's German father. We assisted her to lay a charge of kidnapping. She eventually managed to involve Interpol and to retain a private lawyer who speaks German and can assist with German law.
- ✿ A single mother called from Walvis Bay to enquire whether it was a legal requirement for her to produce the birth certificate of her child's father in order for her to get a birth certificate for the child. She also asked if the

LAC could carry out a sensitization campaign on this, because she felt so many women went through unnecessary difficulties trying to acquire legal documents. Naomi is already in the process of preparing the text for a radio programme dealing with the confusions on this point.

- ✿ PEACE Centre called to enquire on behalf of two minors whose stepmother would not allow them to access the will left behind by their late father.
- ✿ The Head Office of the Woman and Child Protection Unit called to request legal advice on behalf of a divorced woman who had been married in community of property. Her husband sold the house that they owned jointly, but denied her any share of the money from the sale.
- ✿ In two domestic violence cases, clients complained that the Woman and Child Protection Units refused to help them on the grounds that they were married and the husbands were the abusers. Naomi approached the head of WCPU and urged them to attend to these cases. One client subsequently obtained a protection order requiring her husband leave the common home.

During 2006, the Legal Assistance Centre introduced client screening forms on which information can be recorded for entry into a computer database.

In 2007, GR&AP will attempt to analyse these forms for a more thorough assessment of gender issues brought to the Legal Assistance Centre by clients.

Litigation

GR&AP is sponsoring two court cases in partnership with HURICON - one labour law case which could end up as Namibia's first challenge to incidents of sexual harassment and one customary divorce case which could result in a constitutional challenge to the lack of equal rights and protection for women and children under customary law divorce procedures as compared to civil divorce procedures. Both clients are very brave and impressive women.

In the customary divorce case, Toni, Dianne & the client met with the husband and his lawyer in late 2006 in an attempt to settle the matter which proved unsuccessful. This case is expected to proceed to court in 2007. The client was given advice in the meantime on interim protections available to her under the Combating of Domestic Violence Act and the Maintenance Act.

Papers have been filed in the sexual harassment case, which is also expected to move forward in 2007.

Visit to the LAC office in the North

Wairimu and Naomi visited the LAC office in the north in early May. They dealt with about 10 clients, the majority being labour-related cases which were

referred to the Ministry of Labour's nearest office. Wairimu suggests that LAC should recommend that the local labour office conduct a regular one-day mobile clinic (at the market place for example) where information on labour issues could be disseminated.

There was one case involving a woman who was having difficulties obtaining a birth certificate for her child because she did not have the father's ID. Wairimu visited the local home affairs office with this client to clarify the situation, and the officer in charge agreed to take up the issue.

One young man came in to complain that he had been shot by a prison officer and nothing was been done about it despite him reporting it to the police. However it turned out that a police docket was already open and the prison officer in question is out on bail awaiting trial.

A request for publications and training on rape and domestic violence was received from the local YWCA office.

Wairimu and Naomi experienced language problems with the clients, as most did not speak English or Afrikaans. At the end of 2006, the LAC concluded that the idea of having the various LAC departments serve clients in the north on a rotating basis is not really feasible and should be replaced by a more constant presence in the office in the North in 2007.

Publications

Newspaper supplement

An 8-page newsprint supplement announcing the most recent publications of GR&AP appeared in *The Namibian* on 1 March. *The Namibian* has a circulation of about 40 000, and estimates that each copy of the newspaper is read by at least 6 people on average. GR&AP also printed extra copies of this supplement for direct distribution. The supplement resulted in increased requests for our publications, and from some new groups in rural locations such as Usakos indicating that this substitute for the traditional Windhoek-based publications launches of publications was successful.

Book on gender and sexuality

The idea behind this book is to make recent research and theory on the topic related to gender and sexuality in Namibia more accessible to the public. Work on this book began in January. Visiting academic Dr Suzanne LaFont agreed to co-edit the book with Dianne and contacted potential authors to contribute essays on the topic. The collection and editing of the book continued throughout the year. The book will also contain an extensive bibliography of works on gender

and sexuality. It will be published in February 2007 under the title "Unravelling Taboos".

Educational materials

- ✿ The *Guide to the Combating of Domestic Violence Act and the shorter accompanying Summary* were translated into Afrikaans, Oshiwambo, Otjiherero and Khoekhoegowab. Because of problems experienced with the printer, not all of the translated publications had been printed as of end 2006, but delivery was expected in early 2007

- ✿ The *Guide to the Maintenance Act and the shorter accompanying Summary* were translated into Afrikaans, Oshiwambo, Otjiherero, Khoekhoegowab and Rukwangali. UNICEF has unaccountably delayed in organising a printer for the indigenous language translations of this publication. These translations were completed on our side in November 2005, but UNICEF's condition of funding was that they would deal directly with the printer. They have not yet finalized the printing process, despite numerous follow-ups from our side. We hope to receive delivery of the outstanding languages in early 2007.

- ✿ We have drafted a **pamphlet on Namibia's inheritance laws** which contains a discussion of the new Estates and Succession Act 15 of 2005. This could be a useful resource to help people respond to future proposals for law reform. It will be finalized in early 2007 after information from the Children's Status Act provisions on inheritance (passed in late 2006) is incorporated, and translated into two indigenous languages.

We are receiving an increasing number of requests for our educational material from government service providers, such as the Office of the Prosecutor-General and the Ministry of Gender Equality and Child Welfare. This is very positive, as one of our goals is to help service providers understand the laws they are responsible for implementing more clearly, as confusion about the laws is a root cause of many of the problems experienced by our clients.

**email to Legal Assistance Centre from librarian at Human Rights and Documentation Centre,
University of Namibia**

From: Chiku Mchombu [<mailto:cmchombu@unam.na>]
Sent: 07 March 2006 10:42
To: arimmer@lac.org.na
Cc: jhorn; Norman Tjombe
Subject: Appreciation

Dear Anne,

I thank you very much for the materials we received last week. Those materials are very useful for research and well utilised by students lecturers and researchers. As promised, I will send half of them to Oshakati Campus.

Best Regards,
Chiku Mchombu

Braille materials on rape and domestic violence

Wairimu organised this project in consultation with VSO, the National Federation for People with Disabilities (NFPD) and the Association for the Visually Impaired. VSO provided N\$12 500 from the British Volunteer Placement Support Fund for the production of the Braille documents by the Service Centre for the Visually Impaired. These were completed in late 2006 and will be made available to the relevant audience in early 2007. Wairimu also held a meeting with VSO the Aids Law Unit on the future development of HIV/AIDS Braille material.

Advocacy manual

We have been informed that our **Advocacy Manual** is being used in community outreach workshops conducted by the Namibian Parliament. The manual was also praised in a recent e-newsletter on Parliaments of the South, which is distributed throughout the region. Copies of the manual distributed in the future will include an update sheet reflecting the current Ministries and MPs, and funds are being sourced for a full updated re-print in 2007.

excerpt from Parliaments of the South e-newsletter, March 2006, Issue 2, published by the South African Institute of International Affairs.

Advocacy guide launched

One side of the gap between parliaments and civil society is created by ignorance on how to engage with parliament. The Legal Assistance Centre in Windhoek Namibia has taken an important step in closing this gap through the production of a handbook entitled, 'Advocacy in Action - A guide to influencing decision-making in Namibia'. Although the second half of the handbook is written specifically for the Namibian context, the first eight chapters serve as an invaluable generic guide for civil society across the SADC region. The areas covered in the guide include:

- Explaining what advocacy is and its different forms;
- Planning and advocacy campaign;
- Meeting with decision-makers;
- Writing letters;
- Petitions;
- Public events and protests;
- Using the media; and
- Using computers and technology.

Although written for the Namibian audience and with an emphasis on gender issues and rights, the second half of the guide is also useful for all SADC civil society organisations because it details

how government works (including national, regional and local government); how laws are made; tracking bills; how parliament works; how committees operate; and how to understand the national budget.

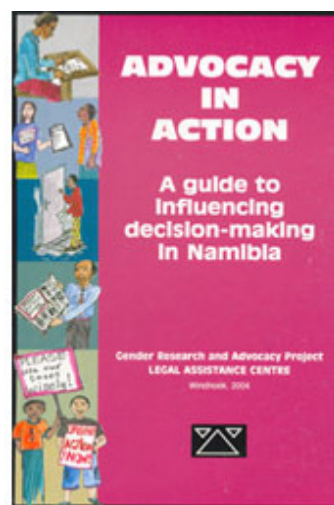
The guide is graphically illustrated and written in a clear, accessible style. Case studies of actual examples of legislation, letter-writing, data collection, campaigns and practical approaches to engaging with parliament and government are woven into each chapter. The guide is grounded on the principle of civil society making full use of the comprehensive rights and provisions enshrined in the Namibian constitution. In other words, helping civil society to help itself by making the constitution a living document for all Namibians, regardless of race, creed or gender.

Of particular relevance for civil society is the de-mystifying of parliament and its procedures, including the composition of parliament, questions, debates, the party caucus as well as whippyery. Of particular importance for the authors is to explain to readers how to engage with parliament, through attending sessions, radio, television or reading debates.

But perhaps the most valuable chapter in the guide is that on tracking bills. The core message of the chapter is contained in the following quote:

"If you want to influence the shape of a law or a policy, it is vital to make input at the earliest possible stage. As a draft policy or a bill moves forward, compromises between parties with competing interests are usually made all along the way. As a result, decision-makers often become less open to suggestions for change because they may be reluctant to disturb agreements that have already been reached. They are also increasingly likely to become worried about delaying the process and having to go back to the beginning ...

It is never too late for advocacy, but ... you should try and give your input at the earliest possible stage, while ideas and proposals are at their most flexible."



The guide provides detailed and practical steps on how to gain information before a bill is tabled by contacting the office of the departmental permanent secretary or director general. In this regard, it is vital that organised civil society establishes and maintains good communication with respective Ministries. Establishing such relations may also increase the likelihood that ministries will consult with civil society through public hearings, draft policy proposals and green papers in the preparation of draft bills.

For more details or to purchase a copy of the guide, please contact the Legal Assistance Centre, 4 Korner Street, P.O. Box 604, Windhoek, Namibia. Tel: 061 223356 or Fax: 061 234953; Email info@lac.org.na; Web site: www.lac.org.za

Better governmental parliamentary and civil society relations make for better policy and legislation - which makes for a better democracy for all.

ADVOCACY IN ACTION

This 2004 article from Botswana on the publication Advocacy in Action was only brought to our attention this year.

Deputy Speaker of the National Assembly, Gladys Kokorwe, said at the launch in Gabane that the manual would be used as a guiding tool for women throughout southern Africa to assert their rights and find their way through channels of communication for the betterment of their status.

She said the manual, which was produced by Dianne Hubbard of the Legal Assistance Centre in Namibia, would enhance women's organizations throughout the region to challenge legislators to advocate for law amendments, without which she said the International Convention on Women's Rights would remain hollow. The manual in its clarity and simplicity would enhance women's legal advocacy as Southern African countries are still far from the ideal notion of attaining equality between men and women, she said. The manual she said has come at the right time when many governments are fresh from the polls and must implement their campaign promises. She said it would remind the legislators of the legal status of women, which they promised to change for the better if elected.

Daily News, Botswana, "WLR launches empowerment manual", 29 November 2004

**excerpt from e-mail from US-AID representative
to Legal Assistance Centre on advocacy manual's use in region**

1 March 2006

Dear Dianne:

Thank you very much for taking time to talk with me today... I am extremely pleased that the Women's Legal Rights Initiative (WLR) was able to support the finalization and printing of copies the *Advocacy in Action* manual. It has been very well received by USAID and our partners. I also appreciate that you took time out of your schedule to share it with groups in Botswana under the auspices of WLR. Since that time, we decided to support Muleide in Mozambique and WLSA-Swaziland with adapting the manual to their local contexts... We will also contact LAC's Anne Rimmer at +264-61-223356 to discuss her findings on the use of the manual at the grassroots in Namibia. This will not only be useful for our reporting, but will be interesting to share with our partners in Mozambique and Swaziland... I really appreciate the opportunity to work with you on further disseminating and using the advocacy manual as a best practice in the region. ... Thank you again for all your support.

Best regards,

David

David M. Vaughn, Esq.

Chief of Party, USAID Women's Legal Rights Initiative

Chemonics International, T: (202) 955-7468, F: (202) 955-4050

E: dvaughn@chemonics.com, W: www.chemonics.com

**email from Canadian Bar Association to
Canadian intern based at Legal Assistance Centre in 2005**

13 May 2006

Hi Delia,

This is just to let you know that the *Advocacy in Action* Manual has arrived by mail with me from Namibia, and a very fine production it is too!

Congratulations to all involved - certainly we here at the CBA are very proud that we have made a contribution through Delia to the realization of this outstanding, and ongoing, contribution to women's rights in Namibia.

The LAC and GRAP can be very happy about this achievement, and the CBA is very happy to be a partner with them in their work.

Thanks again for mailing us the Manual.

Best wishes,

Al Cook, Canadian Bar Association

Gender Training Manual and Resource Guide

This publication was commissioned by the Ministry of Gender Equality and Child Welfare. It contains training modules on the following topics:

What is gender?

- Gender mainstreaming
- Gender, poverty and rural development
- Gender balance in education and training
- Gender and reproductive health
- Gender-based violence
- Gender and economic empowerment
- Gender balance in power and decision-making
- Information, education and communication
- Gender and the management of the environment
- The girl child
- Gender and legal affairs
- Monitoring and evaluation

Each module includes participatory exercises for use in training sessions and a list of additional resources which includes key organizations, publications and video material. The manual also includes a chapter on effective training techniques and a glossary of key terms.

The text was completed in June, and the print-ready document presented to the MGE CW in July. The manual should be useful to LAC and other NGOs for training on gender issues, as well as to the ministry staff. The income from this consultancy was also crucial to GR&AP's survival in 2006. The document is to be printed by the MGE CW in terms of the consultancy, but this had not taken place as of end-2006.

Chapter in book on Namibia

Dianne completed a draft chapter on gender law reform for a book on Namibia to be edited by Henning Melber published by the Nordic Africa Institute. This book is to be launched at the AEGIS Europe-Africa Conference at the African Studies Centre in Leiden, The Netherlands in July 2007. Wairimu provided invaluable assistance by tracking down Parliamentary debates. Suzanne is also contributing a chapter to this book.

Telephone directory

After several meetings with Telecom officials, Naomi secured agreement from Telecom to include two pages of information on violence against women and children in the next telephone directory, free of charge. Naomi & Dianne prepared text for these inserts, but then Telecom changed its mind and refused to allow the inclusion of the information.

Information & training

- ✿ Anne & Naomi ran a well-received workshop in **Khorixas** in February on **maintenance** for **24 female community activists and 1 man**.
- ✿ On 14 March in **Tsumeb** Anne and Naomi trained a group of **23 women and 3 men** on **maintenance** and **domestic violence**. Participants came from the Tsumeb Women & Child Centre, Tsumeb Woman and Child Protection Unit, and also included the Tsumeb Public Prosecutor, the Chief Social Worker for the region, other social workers, teachers, nurses and a medical officer. The group was lively and already partially informed, but said that they learned a lot (especially teachers on the issue of applying for maintenance for learners).
- ✿ 16-17 March: Naomi and Anne facilitated one day of a two day workshop for the San community in **Tsumkwe** on **rape & domestic violence** (together with LEAD & ALU). There were about **10 participants**. The workshop was conducted in Afrikaans - which had to be translated into one local San dialect, and in English - which had to be translated into the three local San dialects so that all participants could understand. A few participants already had some knowledge of the laws while some were completely unfamiliar with them. All were very interested and participated actively.
- ✿ On 28-30 March, Wairimu gave presentations on the preliminary findings of the **rape** research and on the application of the protection order in cases of **domestic violence** to the Woman and Child Protection Unit Strategic Management Workshop in **Otjiwarongo** attended by **62 people**. Participants included officials from the Women and Child Protection Units and the regular police force, social workers from the Ministry of Health and Social Services and representatives from civil society organisations.
- ✿ Amanda spoke at a **class of law students at the University of Namibia** about **sexual violence** in Namibia in general and LAC's rape research in particular.
- ✿ Anne and Naomi conducted a one-hour session at the **CCN annual general meeting** (on 20 April). Approximately **40 people** from different churches attended, including about 10 women. Topics included the **Married Persons Equality Act, maintenance and domestic violence**. The input was well received and people expressed their appreciation and asked for more workshops for church groups. This activity was covered by the agreement between LAC and CCN.

- ✿ Naomi conducted a **workshop on 6 May in Keetmanshoop on family laws, for 26 marriage counsellors** from the Catholic church in the Karas Region. The groups included 8 women, 2 priests and some married couples who are being trained as counsellors. Topics covered included the Married Persons Equality Act, and an introduction to some aspects of the Children's Status Bill, inheritance issues and the proposed bill on customary marriages. It is clear from the workshop that more dissemination of information on marital property regimes is needed.
- ✿ Anne conducted a well-received **training session for 8 new magistrates on maintenance and domestic violence** on 11 May. The group also included 6 persons from Zimbabwe.

Text of letter to LAC from Ministry of Justice

22 May 2006

Dear Mr Tjombe

LETTER OF APPRECIATION

I write to thank you for your kind consideration to have given Ms Anne Rimmer to come and conduct a training course for our magistrates which took place on 8 to 12 May 2006.

Ms Rimmer's presentation at the workshop on 11 May 2006 was highly effective. Her in-depth knowledge of the subjects she presented was a source of inspiration to the candidates and resulted in the program being a resounding success.

We strongly believe in continuous legal training and since we do not have adequate facilities and/or resources of our own to train our judicial officers, we will continue to knock at your door for your kind support.

Please accept our sincere appreciation for your institution's continued support in our quest to improve standards in our courts.

Yours sincerely

NN Shivute
Deputy-Chief: Lower Courts

- ✿ Anne and Wairimu presented our first draft of the **Training & Resource Guide to the National Gender Policy** (commissioned by the Ministry of Gender Equality and Child Welfare) at a **two-day workshop with MGE CW personnel**. The input is now being incorporated into the final document.
- ✿ Anne and Naomi trained **25 women and 10 men of Women's Action for Development/Women's Voice** (from Erongo, Hardap, Kunene, Omaheke, Omusati and Otjozondjupa) on 19 & 20 June. Topics covered were the **Married Persons Equality Act, Maintenance Act, Combating of Domestic**

Violence Act and inheritance. Participants were shocked at the racist nature of the current laws on inheritance and said they would raise this concern at their meeting with the President the following day. They also said they would raise the lack of maintenance investigators with the Minister of Justice.

- ✿ In conjunction with the Namibia Institute for Democracy, Anne and Naomi trained **7 men and 7 women** from civil society organizations and the media (all based in **Windhoek**) on **advocacy** on 22-23 June (25-30 participants had been expected). One of the advocacy projects identified by participants included strengthening NANGOF (the Namibian NGO Forum which serves as an umbrella body for civil society groups).
- ✿ On 30 June: Anne trained **23 VSO volunteers** (20 women and 3 men) **based in Caprivi, Kunene, Oshana and Khomas** on gender, gender-mainstreaming and disability.
- ✿ At the request of Sister Aida (who often approaches us with requests for training), Naomi conducted a workshop on **domestic violence and maintenance**, in Afrikaans, for **6 men and 45 women** from various **Catholic churches**, in Katutura on 22 July. The participants will take the information back to their own church groups.
- ✿ We were engaged to provide training on various legal issues in August for WAD/Women's Voice members at the groups Annual General Meeting in Luderitz. However, the AGM was postponed and then ultimately cancelled by WAD.
- ✿ There were plans to organise a workshop for sex workers in consultation with Father Hermann (who provides regular financial and social support to a group of sex workers) & LAC's AIDS Law Unit. However, before a date was agreed upon, this group of sex workers was no longer to be found at their usual meeting place and efforts to contact Father Hermann were unsuccessful. This initiative will be pursued in 2007.
- ✿ Naomi conducted an advocacy training workshop in **Gobabis** on 15-16 August organised by the Namibia Institute for Democracy, for **21 men and 9 women** (civil society groups, teachers, and the Ministry of Youth).
- ✿ 29 Sept - 8 Oct: Naomi visited **Erongo Region** with the National Council, the Namibia Institute for Democracy (NID) and Gender and Media Southern Africa (GEMSA) as part of a programme called "**Bringing Parliament to the People**". Naomi covered **the Married Persons Equality Act, Combating of Rape Act, Combating of Domestic Violence Act and Maintenance Act** in the following towns and communities: **Omihana, !Gaus, Okombahe,**

Omatjete, Otjimbingwe, Swakopmund and Arandis. Participants were regional counselors and community members, including youth. There was **an average of approximately 35 people at each meeting (total approximately 255)**, of which about **30% were male and 70% female**. The age group was generally 30 to 60. Issues raised included lack of access to PEP and concerns regarding schoolgirl pregnancy.

- ✿ 11-13 Oct: Naomi ran an **advocacy** workshop in **Keetmanshoop** with NID (who covered anti-corruption) for **15 participants** (10 women & 5 men). The participants suggested a follow-up workshop for leaders in the South.
- ✿ 16 Oct: Naomi ran a workshop in **Keetmanshoop** on the **Maintenance Act** for **13 women and 7 men**. They suggested a follow-up workshop for maintenance officers.
- ✿ 27-28 September: Ruth (formerly a staff member at the Legal Assistance Centre's Human Rights Centre in Ongwediva) facilitated training in Oshiwambo on **rape & domestic violence** for **25 pastors & 4 paralegals** in **Ongwediva**, organized in conjunction with the Council of Churches in Namibia.
- ✿ The police in Swakopmund and Walvis Bay requested training on the Domestic Violence Act to address implementation problems which persist despite the fact that magistrates & prosecutors in the area have already received some training. Anne responded to this request with a workshop on 5-6 December, when she trained the **Walvis Bay Woman and Child Protection Unit Management Committee** for one day, and then on the following day gave training to a group of **police, social workers, prosecutors and a clerk of court from Swakopmund and Walvis Bay**. The focus was the **Combating of Domestic Violence Act**. The second training session gave particular attention to problems with the inter-related roles of service providers, and the preparation of an action plan proposing solutions to overlapping roles for the Walvis Bay area.

**Text of letter from National Council to Legal Assistance Centre
on "Bringing Parliament to the People"**

6 November 2006

Dear Mr Tjombe

RE: WORD OF APPRECIATION

I am delighted to write to you and express our sincere appreciation to you for the generous support rendered to our office by the Legal Assistance Centre during the Outreach Programme we undertook from 27th September to 08th October at Erongo region.

The outreach programme was indeed a success and we are glad with the way Ms Kisting presented the Acts of Parliament we identified for the out reach and the material made available by your office were really significant for the success.

We hope that your office will continue to be part of our effort to educate the Public/Citizens of our country about their rights until this goal is well achieved.

Yours sincerely

Ms Panduleni N Shimutwiken
Secretary of the National Council

Other training initiatives

- ✿ **Training videos** for service providers on rape and maintenance were finalised after obtaining feedback on the draft videos from members of professions. The videos are package together with written training material. Distribution of these videos to the target audience will continue in early 2007.
- ✿ A Women' s Action for Development representative in Rehoboth (Rachel Cloete) was asked to conduct a 3-day workshop on domestic violence in Rehoboth and wanted advice on what to include. Anne wrote a 3-day **workshop plan** for her.
- ✿ Anne liaised with an arts company working with the Franco-Namibian Cultural Centre on an event on gender-based violence & devised an **inter-active theatre event** -- which they failed to use in the end for reasons unknown to us.

Media and publicity

General

The work of the Gender Research & Advocacy Project was the subject of numerous television and radio presentations and articles in the print media. Our work was also featured in articles in *OYO magazine*, *Sister Namibia magazine*, and in the March 2006 issue of "The Scout Yell" (the local Scouting newsletter). Naomi Kisting was the featured personality on the cover of the May 2006 issue of *Sister Namibia*.

Radio and television projects and events

- ✿ Anne prepared sets of **radio scripts on rape, domestic violence and maintenance for use by all the indigenous languages services**, in a project funded by UNFPA. Naomi arranged for these to be aired, and we provided interviews on these topics for the stations in respect of which we have language competency.

- ✿ Wairimu arranged for a **radio interview with KCR on rape and domestic violence**, which was presented by Naomi.
- ✿ Naomi did **radio reporting on the 16 days campaign** starting on 28 November. Topics covered include: background on the 16 days of activism against gender based violence in Namibia; activities planned for the 16 days in detail; report on the launch of this campaign by the MGE CW and civil society; meaning of gender based violence and causes of violence against women and children; the rights of women and children using the constitution as a basis; gender inequality and its linkages with gender based violence; how we can transplant a culture of peace in our homes; report on lunchtime march from Zoo Park; the need for the justice system to respond to the needs of women and children who deserve speedy, effective and survivor-sensitive trials.
- ✿ Anne was **interviewed on the NBC television programme *Tupopyeni* on rape** on 24 October, together with social worker Rachel Freeman. It was a lively discussion, ranging from what rape actually is, to why rape occurs. Anne took the opportunity to publicise GR&AP's forthcoming report on the implementation of the Combating of Rape Act.

Awards for combating gender-based violence

Anne organized awards for positive action against gender-based violence in four categories:

1. Overall Human Rights Award for Combating Gender-Based Violence
2. Human Rights Award for Combating Gender-Based Violence through the Media
3. Human Rights Youth Award for Combating Gender-Based Violence
4. Human Rights Award for Combating Gender-Based Violence in Rural Areas.

To solicit nominations, she ran a newspaper advertisement, contacted NGOs and the media and appeared on *Good Morning Namibia* to talk about domestic violence & the awards. She also did an interview on the church-based radio Channel 7 and recorded an interview with Radio Kosmos which was aired repeatedly.

The panel to select the winners was composed of LAC Director Norman Tjombe, UNICEF Special Representative Khin Sandi-Lwin of UNICEF and Dean of the Anglican Church Rev Kathindi. The winners selected by the judges were:

Overall award:

Alisa Kaula, a founding member and active volunteer of the Tsumeb Women's and Children's Centre for almost 10 years,
and

Kornelia Shilunga of the Ministry of Gender Equality and Child Welfare in Oshikoto Region for her work around the clock to combat gender-based violence.

Rural areas:

Manfred Jacobs, a Community Legal Educator in Omaheke who conducts workshops and meetings on gender-based violence among rural communities.

Media (designed to awards persons other than professional media practitioners)

Rachel Freeman, a social worker from the Namibian Voices for Development, for her constant TV and radio appearances raising the issue of violence against women and children.

Youth:

Karibib Youth Group, comprising 15 unemployed young people who have reached over 7000 people through performances of their play raising awareness of abuse.

The awards were funded by the US Embassy. Each prize-winner received a trophy from the panel of judges at an awards ceremony on 7 December. The print media coverage of the event was disappointingly poor, but the prize-winners were interviewed on television on *Good Morning Namibia* and *Tupopyeni*.

"These Awards celebrate the achievements of all the women, men and the youth who are standing up against gender-based violence. We congratulate the individual winners for their astounding achievements and commitment. Their work is an inspiration for many. Although the recipients of the awards do what they do because it's the right thing to do, we feel it is appropriate that their work be acknowledged".

Norman Tjombe, Director of the LAC

Networking

Cooperation with Ministry of Gender Equality & Child Welfare

- ✿ Anne represented GR&AP at 1.5 day meeting on gender mainstreaming in Windhoek organised by the MGE CW.
- ✿ The MGE CW held a meeting on 8-9 May to assess the progress of the six working groups it has established under the "Gender Mainstreaming Task Force". The six groups are:
 - economic empowerment
 - power and decision-making
 - health
 - gender-based violence, sexual harassment and legal affairs

- education
- the girl child.

Anne attended this meeting and reported on the activities of GR&AP. Only one other organisation provided a report (Namibian Girl-Child Organisation). One of the aims of the meeting was to prompt the six groups to meet and take action, but no minutes of the initial meeting were ever circulated and we were not notified of any subsequent meetings of any of the six groups.

- ✿ Naomi attended a meeting with the MGE CW in September on the implementation of the protocols on human rights and people's rights. The Ministry is planning a public awareness campaign on annulments of marriages, which is a surprising step considering that annulment applies only to a few unusual situations. We prepared a memo for the Ministry explaining annulments and suggesting that the public campaign should focus rather on the more broadly-applicable issue of divorce and how to apply for legal aid for divorce.
- ✿ Anne attended a 1.5 day meeting convened by the MGE CW in October to discuss the process for revising the National Gender Policy.
- ✿ On October 31, Sonia attended the launch of the National Gender Database of the MGE CW.
- ✿ Naomi attended a one-day workshop on the African Protocol on the Rights of Women in Africa organised by MGE CW in November.

Networking with other groups

- ✿ **Social Marketing Association** is putting together a region-specific service directory, as they intend to establish regional referral networks which will be co-ordinated by their VCT (Voluntary Testing and Counselling) centres. They were impressed with the detail of LAC's Domestic Violence and Sexual Abuse Directory, and asked for an electronic version of it so that they could amalgamate it with their information for this purpose. We agreed, and they promised to acknowledge LAC in the final product. (Contact person: Emma Wilson).
- ✿ GR&AP advised **Sister Namibia** on questions raised about their trust document by donors and assisted them to revise their draft Deed of Trust accordingly.
- ✿ Anne and Wairimu hosted a half-day meeting involving a visiting team from **3 shelters in Namibia (including Friendly Haven) and related organisations from South Africa** and briefed them on GR&AP activities, and on domestic violence, rape & maintenance laws.

- ✿ On November 22, Sonia attended the launch of the **Knowledge, Attitude, Practice and Behaviour Study** commissioned by UNICEF on the risks and perceptions of young people around HIV and AIDS..
- ✿ Anne was an invited panel member focusing on legislation at a **World Bank/UNDP-funded panel discussion on 365 Days of Action on Gender-Based Violence** on 23 November which was supposed to have involved video-conferencing with other SADC countries, but the equipment did not work.
- ✿ Anne ran a one-day organizational development workshop for **Sister Namibia**, which resulted in a small amount of income for GR&AP in the form of a facilitation fee.
- ✿ In November Anne attended the launch of a report on causes of violence, based on research commissioned by **Women's Action for Development**.
- ✿ We assisted the women's shelter **Friendly Haven** with advice pertaining to their legal status as an NGO and the drafting and revision of their Constitution.
- ✿ Dianne attended the **launch of the Law Reform and Development Commission website** on behalf of LAC. The address is www.lawreform.gov.na/. The LRDC requested a link to the LAC website, which has been arranged.

Regional and international workshops attended by staff

- ✿ In January, **Dianne** attended a 2-day workshop on **family law** in **Cape Town, South Africa** organized by the law firm Miller du Toit, and gave a well-received presentation on Namibia's Children's Status Bill.
- ✿ From 22-24 November, **Dianne** attended a workshop involving a diverse group of some seventy women's rights activists, scholars, advocates and lawyers, in **Johannesburg, South Africa**. The workshop was entitled "**Putting Feminism on the Agenda**". Presentations focused on feminist issues in Southern Africa and Canada, and were extremely interesting. (Conference papers are available on the internet at <http://womensnet.org.za/PFOTA.html> or www.womensnet.org.za.)

Funding

Funding for 2006

The attached table shows the funding sources for the work of GR&AP during 2006:

GR&AP INCOME 2006

all income was spent with 163 441 surplus remaining from own income

Activities & administration	684 452
Danish Embassy	70 000
HIVOS	200 000
Austrian Development Cooperation	200 000
SIDA	170 000
Lawyers Association of Malaga	27 794
US Embassy	16 000
UNFPA	1 000
Personnel	665 452
Danish Embassy	48 495
HIVOS	224 338
SIDA	123 000
UNFPA	19 250
UNDP	23 390
Income (consultancies, training fees, etc)	226 979
TOTAL	1 349 904 (incl 163 441 surplus)

Our relationship with Austrian Development Cooperation through the North South Institute, one of our most long-term donors, was terminated after Austria decided to cease all funding in Namibia following the election of a more conservative Austrian government. All final documents and reports were submitted in respect of this past funding.

excerpt from email sent to Legal Assistance Centre from North-South Institute

From: Sabine Hahn-Fornet [<mailto:hahn@nordsued.at>]

Sent: 16 March 2006 03:32

To: arimmer@lac.org.na

Dear Anne,

„,the report 2005 is VERY interesting, it shows so well what can concretely be done to change behaviours on gender and how women and men from rural areas can be implied in law reform, congratulations!

With kind regards

Sabine

Consultancies in 2006

* We completed a **Gender Training and Resource Guide** commissioned by the **Ministry of Gender Equality and Child Welfare** and discussed in more detail above. Income for GR&AP from this project was N\$168 800.

* We made a successful bid for a **UNICEF consultancy on the administration of OVC grants**, together with DeeDee Yates and Auriol Ashby. Income to LAC in 2006 for this work was N\$15 750.

* Anne worked together with Rosa Namises of Women's Solidarity Namibia and Gudrun Köber of PEACE Centre to prepare a tender for a **UNICEF consultancy on a training manual for lay counsellors**. The tender was successful and work

on this project began in late 2006, to be completed in early 2007. The income to GR&AP is expected to be N\$42 000 in 2007.

* Anne worked together with UNICEF staff to draft a proposal for consultancy on a domestic violence training manual. UNICEF later decided that this should be a more comprehensive manual on children's rights. No final decision was reached by UNICEF before end 2006 on the precise scope of the project.

* We declined the offer of another consultancy from UNFPA as the amount offered would not cover the staff time required to do the work.

* Anne liaised with Virginia Witt on a tender for UNICEF for a consultancy for radio programmes on domestic violence, for which LAC would act as legal adviser. This tender was not successful.

Organisational and staff development

Strategic planning workshop

Anne interviewed staff and developed an agenda for the strategic planning workshop for the whole LAC, which took place on 23rd and 24th January. Staff gave the workshop very positive evaluations, and Anne spearheaded follow-up mechanisms intended to ensure that the actions agreed-upon took place.

Organisational development

Following on decisions taken at the planning workshop, GR&AP staff attended LAC meetings on staff appraisals, salary scales and staff development and gave input for new forms on client information and distribution of publications to facilitate the construction of databases on LAC's services. Anne ran a small training session with some LEAD staff on applying for funding for small grants on 7 February and researched membership schemes as a potential fund-raising mechanism for LAC. Dianne assisted with clarifying the legal and financial position of a small endowment fund invested by the Southern African Legal Services Foundation (SALS, formerly known as SALSLEP) on behalf of LAC in the US, with the assistance of a former law school colleague who is now a US tax lawyer. Dianne and Anne attended a half-day meeting with the LAC Trustees on 4 November.

Office and storage space

The GR&AP premises and storage space were re-organised this year. The office store room was cleaned out, and we motivated the conversion of the LAC garage into a larger storeroom for educational publications which for reasons of economies of scale must be printed in large print runs designed to be utilised over several years. Storage space in staff offices and in the gender library area was also re-designed with new shelving and re-packed for more efficient

use of space. Several GR&AP staff and interns also re-located to a communal office to make one floor of LAC's auxiliary office building available for rent in an effort to raise much-needed funds.

Website

The GR&AP section of the website was updated in March and texts of new materials provided to Romy for posting throughout the year.

Staff development

- ✿ On 15 January, **Naomi** attended a 1-day workshop on **Alternatives to Violence** conducted by the Quaker Group of Namibia.
- ✿ **Wairimu** attended a 3-day workshop in April on **Gender, Sexuality and HIV/Aids** given by Africa Group of Sweden.
- ✿ **Naomi** attended three sessions of **leadership training** organised by the Finnish Embassy at intervals during the year.
- ✿ **Anne** attended a 3-day workshop organised by HIVOS on **Project Cycle Management and Results Based Management**, on 27-29 November.

Dianne Hubbard (2000: 1) noted a need to move away from the focus on highly abstract and non-specific international principles to 'rule of law' in the specific Namibian context. For women, constitutional protections and Namibia's accession to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are 'largely statements of aspiration, rather than principles which govern the daily lives of Namibians in any practical sense.' Rather, 'under customary law, men and women in many communities patently do *not* have equal rights...Until law reform at the behest of either parliament or the judiciary applies these promises to practical issues such as inheritance, they will remain so much as useless paper for the average Namibian' (2). Similarly, a gender specialist at the Legal Assistance Centre noted that many apartheid era laws, such as the 1928 Proclamation, which "stipulated that all black people living above the 'police zone' are married out of community property still mean that women typically lose all inheritance claims in the event of separation or their husband's death. Parliament has yet to do anything to take these laws off the books."

*Zoë Wilson, Wishful Thinking, Wilful Blindness and Artful Amnesia:
Power and the UNDP's Promotion of Democracy in Botswana, Namibia and Tanzania, Research
Report No. 31, Centre for Civil Society and York University Institute for Research and Innovation
in Sustainability wilsonz@ukzn.ac.za; http://www.ukzn.ac.za/ccs/files/rreport_31.pdf.*