



Gender Research and Advocacy Project



Annual Report

2008





Mission statement

The Gender Research & Advocacy Project (GR&AP) seeks to promote gender equality and the empowerment of women through legal research, law reform and related advocacy work.



OVERVIEW

During 2008, GR&AP conducted research and advocacy on a range of areas including school policy on learner pregnancy, baby-dumping, marital property, stalking, sex work, the law on underage drinking and the reasons why rape victims so often withdraw their cases. We assisted government with development of regulations to accompany the Children's Status Act, analysed data on the implementation of the Domestic Violence Act and piloted research to assess the implementation of the Maintenance Act. We also helped a client bring Namibia's first sexual harassment case to court. We produced a total of 19 publications, translated many of them into indigenous languages and distributed thousands of copies to government, NGOs and members of the public. We organised or facilitated over 50 workshops, focus group discussions and meetings at which over 1000 community members, service providers and members of NGOs received information on gender issues. It was a busy and successful year. Read on for more details about our work in 2008.



ADVOCACY

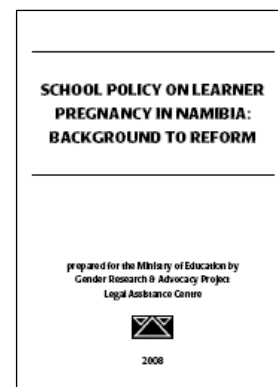
Learner Pregnancy Policy for the Education Sector

The problem of teenage pregnancy among school girls is a major concern in most African countries. Teenage pregnancy has been cited as a constraint in the elimination of gender disparities in education, and in the achievement of the Millennium Development Goals of universal primary education and gender equality in education by 2015. Children born to educated mothers have a higher chance of enrolling and completing school. Children of less educated mothers are unlikely to complete school. Thus, the concern about improving the educational rights of girls who become pregnant is based in part on the knowledge that this will affect the fate of their children and future generations.

At the start of 2008, GR&AP was approached by the Ministry of Education to assist with the development of a policy on learner pregnancy which would be implemented in schools. Considering that official statistics on pregnancy-related school drop-outs for 2007 show that a total of 1465 learners dropped out for this reason – with 96% of them being girls – this was a critical project to undertake. Problems with the current guidelines on learner pregnancy are that they are punitive in nature and often inconsistently implemented between schools.

The Legal Assistance Centre was asked to work with the Ministry of Education to create a new policy on teenage pregnancy. The assignment was to create a policy with two aspects: (1) prevention - strategies to prevent pregnancy amongst learners and (2) management - strategies for responding to learner pregnancies in a manner which is in the best interests of both the young parent(s) and the newborn child, with provisions for various forms of practical and emotional support. To develop the policy, GR&AP undertook an extensive background and comparative review and facilitated regional and national consultations.

The information review was turned into a 140-page document entitled *School policy on learner pregnancy – background to reform*, which presents and discusses the national and international framework, summarises relevant research in Namibia and other countries, assesses current policies in other countries, and reports the results of preliminary consultations with learners and other stakeholders. The key points of the discussion were highlighted in a shorter summary document to ensure accessibility. The information gathered through this research was used to guide the preparation of an initial draft policy which was used as a springboard for discussion.



Three regional consultations were held between September and October 2008 in Mariental (covering the Karas and Hardap regions), Oshakati (covering Kunene, Ohangwena, Omusati, Oshana and Oshikoto) and Katima (covering Caprivi and Kavango). The consultations were designed to serve an educative function as well as to facilitate discussion on the draft policy. The draft policy was revised after each regional consultation to incorporate suggestions and to respond to concerns raised. A national workshop for key stakeholders was then held in Windhoek on 14 September 2008. This meeting included representatives from the Erongo, Khomas, Omaheke and Otjozondjupa regions. The draft policy was revised again after the national workshop to respond to the input received. The final draft reflects the needs of the learner-parents as well as the needs of the child, and promotes the retention of the pregnant learner/learner-mother in the education system whilst ensuring that the baby receives appropriate care and attention.



Following the national meeting, the policy was presented to the Ministry of Education's Ministerial Planning and Coordinating Committee (MPCC) for approval. The policy will be discussed in more detail at a second MPCC meeting in March 2009 and it is hoped that at this point the policy will be finalised. Once formally accepted, further plans for the implementation and integration of the policy will be discussed with the Ministry of Education.

Baby-dumping and infanticide

Baby-dumping and infanticide are crimes, but these acts are also cries for help. New mothers -- especially young mothers -- may feel overwhelmed by the idea of parenthood. They may have difficulty coping with the drastic physical and emotional changes they are experiencing. They may be suffering from the depression sometimes brought on by the hormonal changes associated with giving birth. They may be convinced that they will be unable to provide for the child, and they may feel that there is no one they can turn to for help. They may fear the shame of having given birth outside of marriage, or they may fear that they will be unable to continue their studies. None of these feelings can excuse the abandonment or murder of a child. But they show that government and communities can take steps to prevent infanticide and baby-dumping by giving mothers support and reassurance.

GR&AP presented reasons for law reform regarding the issue of baby-dumping and infanticide to the Parliamentary Committee on Human Resources in April 2008. additional information was presented in the form of a monograph entitled *Baby-dumping and Infanticide* which was distributed to policy-makers and other stakeholders. Further advocacy work on this topic was conducted through the use of the radio. The Public Outreach Officer spoke on Radio FM 99 and Base FM and an article appeared in the *Republikein* newspaper.

Children's Status Act

During 2008 GR&AP consulted with legal drafters on the development of the regulations for the Children's Status Act, as the regulations that accompany a statute are crucial for the successful implementation of a law. GR&AP provided written input to the drafter, and re-drafted two of the multiple forms in the regulations to serve as examples of a more user-friendly approach. The impact of this input can be seen from the final regulations, which incorporate a number of the recommendations made. The suggestions made were based on information collected from a workshop on the Children's Status Act hosted by GR&AP shortly after the act was passed by Parliament in 2007. Therefore GR&AP was able to provide the legal drafters with a summary of opinions from Ministries, the Law Reform and Development Commission, the Master's Office and a range of NGOs.

Child Care and Protection Bill

Law reform in Namibia has proved to be a long and complex process, particularly on family law issues. The Legal Assistance Centre has participated in the sporadic development and review of the Child Care and Protection Bill since the need for this law was first raised in 1994. This critical Bill will replace the Children's Act 33 of 1960 which was inherited from South Africa and is outdated, in addition to being a colonial law ill-suited to African situations. Issues such as legal representation for children, adoption, foster care, and child exploitation are covered in this Bill. In 2008, GR&AP made a preliminary assessment of the latest version of the extensive Child Care and Protection Bill. This included research into a number of topics, such as the age of majority in other countries, ages of consent for medical treatment in various countries, and the role of Children's Ombudsmen. The Bill is still in need of considerable revision to suit Namibia's needs, and GR&AP lobbied the Ministry of Gender and Child Welfare and UNICEF to support the need to conduct an intensive development process. Effective public consultation is critical to prepare and equip service providers to understand the need for the new law and to prepare them for effective implementation when the law is passed, and public involvement in the reform process helps to raise awareness of the child rights and creates a sense of ownership. Insufficient consultation before tabling can result in the Bill being referred to Parliamentary Committees, which could delay the passage of the Bill considerably. The intensive lobbying conducted by GR&AP was successful and GR&AP will facilitate, through the MGEWCW, an intensive consultation process which will begin in 2009.

Gender-based violence

GR&AP is a member of the High-level Strategic Inter-ministerial Committee on Domestic Violence and Violence in General. The Committee was inaugurated by the President of Namibia on 25th November 2008. This Committee was mandated by Cabinet and functions as an advisory committee. In 2008, GR&AP facilitated two planning meetings to guide committee members to develop strategies for implementing recommendations made at a conference hosted by the Ministry of Gender and Child Welfare in 2007. GR&AP also drafted a short position paper on issues pertaining to the administration of the Women and Child Protection Units; this draft paper was circulated to all members for comment and then finalised and

submitted to the Board's secretariat. At the end of 2008, Ministerial discussions were underway regarding administrative responsibility for the units.

Sexual harassment

GR&AP and Hurricon concluded the first court case on sexual harassment in the workplace. The case settled favourably to Legal Assistance Centre's client, although this also meant that the question of the employer's liability for the actions of the harasser was not reached. To publicise the issue of sexual harassment in the workplace, GR&AP submitted an article about the case to *The Namibian* newspaper. This was printed on 31st October 2008. (Settlements in cases of this nature are generally confidential, but GR&AP and HURICON, with the support of the client, insisted on a provision in the settlement allowing for the publication of such a news article as long as it did not identify the employer in question and the amount of the settlement.)

Marital property

The GR&AP Coordinator continues to serve on the Law Reform and Development Committee Subcommittee on Marital Property, which is using the GR&AP publication *Marital Property in Civil and Customary Marriages: Proposals for Law Reform* as its main resource. Throughout 2008 GR&AP provided input on the draft Marital Property Reform Bill. The draft Bill underwent a number of revisions. The GR&AP Coordinator presented the draft to the full Law Reform and Development Commission on behalf of the Subcommittee in early August 2008. She also facilitated a workshop of key stakeholders to discuss the proposed draft in Otjiwarongo in November 2008.

Policies and protocols

The National Gender Policy for Namibia was updated in 2008 by the MGE CW. GR&AP provided input on this revision in an attempt to ensure that the policy had more concrete and targeted objectives, and lobbied for greater attention to gender equality in the family (including a commitment to law reform on customary marriage and divorce, and inheritance). GR&AP assisted in drafting sections on domestic violence and sexual exploitation, women in decision-making, human rights and access to justice, gender, peace-building and conflict resolution, and gender in the family

context. This latter section was proposed by GR&AP as family law and family dynamics were not given any attention in the original draft, despite being fundamental to the advancement of gender equality. Visiting intern Rebecca Stubbs represented GR&AP on an Editorial Committee convened by the MGECW to incorporate stakeholder inputs and continue the drafting process.

GR&AP also submitted written comments on successive drafts of the SADC Gender and Development protocol.

Rape

The GR&AP Coordinator facilitated a Law Reform and Development Committee workshop on proposals for amendments to the Combating of Rape Act based on the recommendation in the 2006 GR&AP publication *Rape in Namibia*. Prosecutors, several regional court magistrates, WCPU and MGECW personnel attended the meeting, where most of the recommendations were accepted, and further refinements proposed.

Zimbabwe

During 2008, a number of human rights abuses were exposed in Zimbabwe, including the shipment of arms which observers feared might be used against opposition party supporters. Rachel Thompson, a visiting GR&AP intern, assisted in lobbying against the Chinese shipment of arms. Rachel assisted the LAC lawyers with organising a protest at the Chinese Embassy against the ship. Rachel became part of an international task team which has been set up by various NGOs to deliver the petition against arms to Zimbabwe to all SADC governments and to push for a moratorium against the provision of arms to Zimbabwe. On her return to England, Rachel continued to liaise with NGOs across the world about the next action to take against future arms shipments to Zimbabwe.

RESEARCH

Maintenance study

Research suggests that 53% of households and 65% of individuals live below the income poverty line.¹ Many of these households will be single-parent households, as it is estimated that only 56% of Namibians marry.² This issue is important as woman-headed households earn significantly less income than male-headed households. The role of the mother as the main caregiver is common in Namibia. One way to improve the status of children in Namibia is for fathers to pay maintenance for their children. Without this support, children can often be forced to live in poverty and may turn to risky relationships or even commercial sex work to provide for their basic needs.

Although Namibia has an excellent law on maintenance (the Maintenance Act 9 of 2003), the implementation of the Act is poor and many women struggle to support their children alone. To understand the current status of maintenance provision in Namibia, GR&AP completed a pilot study on the use of maintenance orders. This involved the development of a lengthy questionnaire and interview forms, and preparing a summary of all South African and Namibian cases dealing with maintenance since 1995. The questionnaires were tested in Windhoek, Oshakati and Mariental. It is anticipated that the full study will identify the specific problems associated with the application for maintenance orders and will propose solutions to these problems. The research is participatory, which has a number of benefits both for the quality of the research and for the participants. For example, during the pilot series GR&AP was approached by a client seeking assistance with a maintenance order application. Visiting intern Kate Barth, who spearheaded the pilot, was able to accompany the client to court, which provided support for the client and also gave insight into some of the problems with the process.

¹ Income Poverty and Inequality in Namibia. Gert Van Rooy, Benjamin Roberts, Christa Schier, Jannie Swartz, Sebastian Levine. Multi-disciplinary Research and Consultancy Centre, UNAM, Discussion Paper No 1: 2006

² 2001 census.

Domestic violence study

The Combating of Domestic Violence Act 4 of 2003 is an excellent piece of legislation designed to protect the most vulnerable. Unfortunately, the Legal Assistance Centre has received reports that applicants for protection orders are sometimes turned away, or experience long delays in urgent cases. In many cases no assistance is given in filling out the forms – which can lead to incomplete information and a refusal by the Magistrate to grant a protection order. The terms of protection orders do not always suit the situation and protection is thus not afforded to those most in need. In order to assess the situation more comprehensively, the Legal Assistance Centre commenced a study in 2006 which will examine the implementation of the provisions on protection orders in the Act. The final data for this study was collected in 2008, and the information was then sent to a data analyst for entry and processing. A report on the implementation of protection orders under the Act will be released in 2009.

Rape withdrawals

A pressing difficulty in the prosecution of rape is the prevalence of case withdrawals initiated by complainants. In the 2006 study, “Rape in Namibia”, the Legal Assistance Centre found that complainants had requested withdrawals in respect of one-third of the rapes represented in its police docket sample of more than 400 cases.³ The reasons that women provided in their withdrawal statements to police were vague and incomplete. Some women claimed to have withdrawn their cases because of a close family relationship with the perpetrator. Others requested withdrawals because they were, or had been, in a sexual relationship with their assailant. Often, the reasons that women provided were even less telling, such as “forgiveness” of the perpetrator, or a desire to “move on with life.” In more than ten percent of the cases that were withdrawn, the complainant provided no reason at all for making the request.

In 2008, Elena Coyle and Esther Pun, visiting interns from Stanford University, led a research project on the reasons behind rape withdrawals. This project consisted of the collection of qualitative data through interviews with key informants, focus group

³ In some of the cases where complainants made requests to withdraw their charges, the case was actually discontinued for some other reason.

discussions and interviews with rape complainants who have or have not withdrawn their complaints. Focus group discussions were held in Windhoek, Keetmanshoop, Mariental, Gobabis and Ongwediva. This data was supplemented by Internet research to assess the types of victim support available in other countries. This research project has led to the development of a detailed report analysing the reasons behind rape case withdrawals. The study is in the final stages of editing and will be published in early 2009.

Best practice in rape and domestic violence cases – an international perspective

For several years, the Canadian Bar Association has utilised funds from the Canadian government to send fully-qualified lawyers to GR&AP for six-month periods. The programme came to an end in 2007 due to a lack of funding from the Canadian government. However, GR&AP was then approached by the Attorney-General's office of British Columbia who expressed interest in sponsoring a new internship through the Canadian Bar Association for prosecutors to engage in work relating to gender-based violence. Canadian prosecutor Allison De Smet joined GR&AP in August 2008 and will remain with the project until February 2009. Her role has been to engage in international information-sharing on prosecutorial approaches to sexual offences and domestic violence cases. Her work has included looking at the issue of “substantial and compelling circumstances” in rape sentencing, which will help guide prosecutors and presiding officers through this complex concept which has a large body of case law interpreting it in Namibia and South Africa alone. In addition, she has assisted GR&AP in the production of a series of information pamphlets concerning what to do if you have been raped. These will be released in 2009.

On behalf of the Criminal Justice Branch of the Ministry of Attorney General for the Province of British Columbia, I want to express how pleased we are to be able to work with the Legal Assistance Centre by sending Allison De Smet to spend six months with you. We are well aware of the Legal Assistance Centre's very impressive reputation and particularly the work of Dianne Hubbard regarding sexual assault related offences and domestic violence.

excerpt from letter of 5 June 2008 from Robert WG Gillan
Assistant Deputy Attorney General,
Criminal Justice Branch, Ministry of Attorney General
Province of British Colombia, Canada

Legal standing

Rebecca Stubbs, a law student from Vanderbilt University, spent three months with GR&AP researching strategies for test cases on family law issues. The overall aim of the research was to propose a framework for introducing new mechanisms for public interest litigation into the Namibian legal system which the LAC or other non-profit organisations to litigate on behalf of victims (or groups of victims) of human rights abuses. Research included investigation into the concept of legal standing, to see how it could be applied to allow appropriate women's groups to bring an action questioning specific tenets of existing family law and to investigate criteria for seeking declaratory judgments, to see if a broader application of this mechanism could be relevant to family law issues. The outcome of this research will be published in a monograph in 2009.



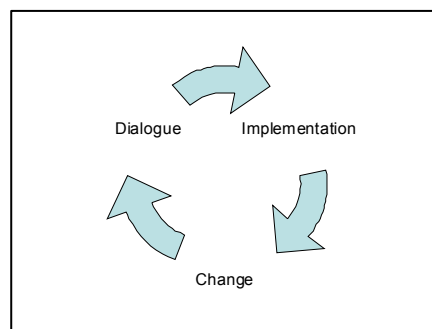
Participants of a focus group discussion held in Katutura for the rape withdrawal study

EDUCATION AND TRAINING

Addressing gender-based violence through community empowerment

Gender-based violence is prevalent in Namibia. It is estimated that one in five women are reported to be in an abusive relationship, and more than one third of women have reported physical or sexual abuse at the hands of an intimate partner.⁴ Furthermore, every year, more than 1100 cases of rape/attempted rape are reported to the Namibian Police, with one third of these cases occurring in children under the age of 18.⁵ 'Hidden' issues such as witchcraft are also prevalent in Namibia, although information on these issues is often difficult to obtain.

In 2008, GR&AP was awarded a Social Development Fund Grant from the French Embassy which enabled the department to intensify its grassroots education initiatives on gender-based violence. The causes of gender-related violence are deeply embedded into Namibian culture and change can only happen from within. Therefore the goal of the project was to empower communities to self-action. To this end, GR&AP implemented a programme comprised of five components: (1) **focus groups** conducted in urban and rural areas in all 13 regions (2) a follow-up **magazine** entitled *Addressing gender-based violence through community empowerment*, published in English, Oshiwambo, Otjiherero and Afrikaans, and designed to encapsulate the workshop discussions for a wider audience (3) a **training manual on key gender laws**, published in the same four languages, designed to assist community activists to conduct their own training (4) a script for **radio shows** on key issues raised in focus group discussions and (5) **pamphlets on domestic violence, rape, maintenance and equality in marriage**, also published in four languages. It was hoped that through these combined methods, dialogue about gender-based violence would be stimulated, and implementation and change would occur.



⁴ *The Namibian*, 26 November 2003. Reported in Legal Assistance Centre, *Guide to the Combating of Domestic Violence Act 3 of 2003* at page 3.

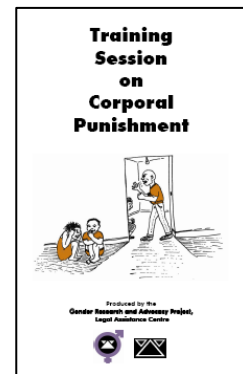
⁵ NAMPOL statistics for 2003-2005, as reported in Legal Assistance Centre, *Rape in Namibia* at page 8.



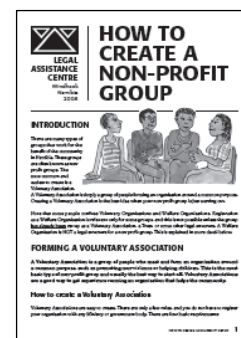
The publications produced as part of the project aimed at tackling gender-based violence through community empowerment.

The conception of this project was based on a short series of pilot workshops on **Causes of Violence** conducted in Karasburg, Windhoek, Ondangwa and Katima in early 2008. The aim of this pilot workshop series was to help community members to identify issues which they believe contribute to gender-based violence in their own communities, and then to help them develop an action plan to tackle these issues. The concept for these workshops was expanded in the subsequent series of workshops to include a wider range of topics (rape, domestic violence, equality in marriage, alcohol abuse, witchcraft, parent-child relationships and abuse of the elderly).

The pilot workshops provided a number of success stories related to community empowerment. For example, following the Windhoek workshop, some of the attendees started an SMS campaign on Fridays (when text messages are free) to alert people in the community to the issue of about violence. The participants from the Tanidare Empowerment Centre in Katutura run a Saturday morning group for children and following on the workshop discussion, GR&AP provided a blueprint for **training session on corporal punishment** which they could use with the children.



The participants from Karasburg decided to form a voluntary organisation named *People against Violence, Karasburg*. GR&AP kept in contact with this group throughout the year and made two further site visits. The second visit was to provide the group with information on how to become a voluntary organisation. To accompany this training session, GR&AP produced a 12-page **Guide on how to create a non-profit group** accompanied by a **sample constitution**.



The pilot workshop project included a small amount of funds which could be provided to communities to enable them to take their ideas forward. These funds could be used for any activities devised by the participants, subject to GR&AP's approval. The participants from the Tanidare Empowerment Centre were given funds to build a small shelter which would enable them to invite more children to the Saturday morning group. The People Against Violence group received funding for administrative supplies such as marker pens and paper to enable them to conduct community workshops, as well as sports equipment and DVDs to use at the Youth Centre in Karasburg. These funds were also used to produce **t-shirts** for community groups with the slogan *Stop Violence in Namibia: Men and women must work together to make Namibia safe*, and a short **Guide to the Married Persons Equality Act in Braille** (as a continuation of a series of GR&AP publications on gender-based laws in Braille). We were also able to use a portion of the action support funds to assist an additional group from the Usakos area, which received chairs for the local community room to support their efforts to improve their community.



Some of the participants at the Karasburg workshop who formed the new voluntary organisation People Against Violence. Karasburg



Participants at the Usakos workshop

The subsequent series of community empowerment workshops held in all 13 regions allowed GR&AP to make contact with a range of diverse community groups. For example, rural San women attended the workshop conducted at Corridor 13 (Omaheke region), whilst the participants at Usakos were from the !Khe!homs Community Leaders Committee, a group of elderly community members. We were able to work with some fairly unusual community groups, such as the participants from Bernafey who are part of an agricultural project, and the participants from Otjivero where the Basic Income Grant⁶ is being piloted. Our outreach across

⁶ The proposal for a Basic Income Grant in Namibia was made in 2002 by the Namibian Tax Consortium (NAMTAX), a government-appointed commission. The recommendation proposes that a monthly cash grant of not less than N\$100 (~US\$13) should be paid to every Namibian citizen as a citizen's right. Legal Assistance Centre is part of a coalition of NGOs

Namibia was extensive, ranging from Warmbad, a small settlement in the south of the country to Opuwo in the north east and Tsumkwe in the west of Namibia. Julie Holt, a visiting intern, assisted in the implementation of this project, and helped to develop innovative material to use at the workshops and in the publications.

One of the most important findings from the focus group discussions was the fact that many people do not understand what gender equality really means. Whilst the advent of human rights has empowered some people, it has also threatened others. It was commonly said at the focus group discussions that men feel threatened by ‘human rights’, and in particular, by ‘gender equality’.

A number of other important issues were also highlighted. For example, some communities felt that adult education is often polarised in the sense that it targets individuals rather than families. This can lead to a lack of communication within families due to jealousy, resentment or misunderstandings. It also means that not all people involved in problems such as gender-based violence receive the relevant information. Another problem which emerged is that many people seem to choose transactional relationships over relationships that are based on love, trust and respect. Such relationships can be dangerous if one person is treated as a possession rather than a person, or expected to show gratitude for gifts by having sex against their will or without a condom.

Overall, it was clear that women still lack empowerment. A key area of work in 2009 will be to incorporate the findings from these focus group discussions into GR&AP outreach strategies to ensure that the true needs of community members are met.

The value people placed on the workshops can be seen from some of the comments made by participants: *“Abuse is not a solution to problems. We can do something about it by coming together and talking about it”* and *“We can talk about the problem and stand up for ourselves or our people in our community.”*

and church groups which are promoting the adoption of this recommendation. More information can be found at www.bignam.org/.



“Gender violence workshops took place in Epako and Corridor in July. The Legal Assistance Centre carried out the workshops with support from OST. Feedback from the ladies that took part was positive, and the workshop leaders from LAC would like to follow up on actions that were agreed in the near future.”

Omaheke San Trust Quarterly Newsletter,
First Edition, May to August 2008



Role play and group discussions were frequently used to stimulate discussion.

Further photographs from the workshops may be accessed through this link to the Flickr website:

<http://flickr.com/photos/26008158@N04/page2/>



Comments from the participants:

- “I want this workshop to come again.”
- “The facilitator addressed very well and I thank them for the encouragement, they brought very important information to our villages.”

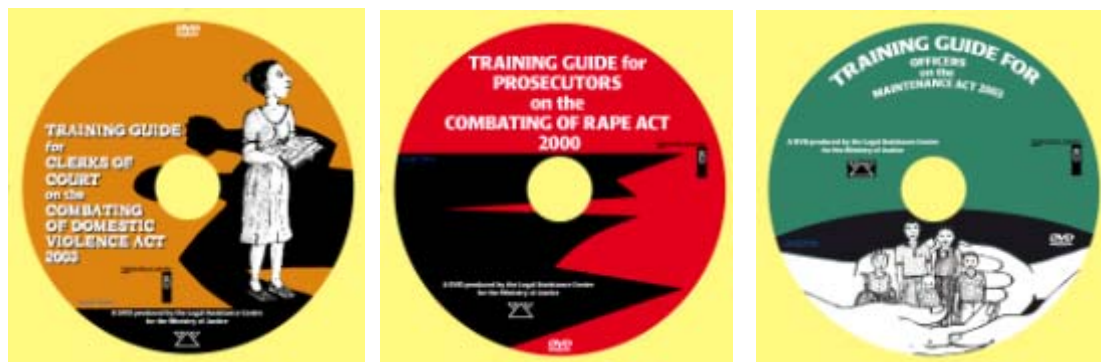
Workshop dates, locations and participants

	DATE & PLACE	REGION	PARTICIPANTS
1	Mariental, 24 th June	Hardap	7 (4 women, 3 men)
2	Bernafey, 25 th June	Hardap	14 (7 women, 7 men)
3	Keetmanshoop, 26 th June	Karas	7 (4 women, 3 men)
4	Warmbad, 27 th June	Karas	9 (8 women, 1 man)
5	Gobabis, 1 st July	Omaheke	9 women
6	Corridor 13, 2 nd July	Omaheke	12 (10 women, 2 men)
7	Rundu, 14 th July	Kavango	11 (5 women, 6 men)
8	Ndiyona, 15 th July	Kavango	12 (6 women, 6 men)
9	Tsumeb, 16 th July	Oshikoto	11 (8 women, 3 men)
10	Otjiwarongo, 17 th July	Otjozondjupa	10 (6 women, 4 men)
11	Outjo, 19 th July	Kunene	12 (7 women, 5 men)
12	Otjivero, 23 rd July	Khomas	20 (8 women, 12 men)
13	Swakopmund, 28 th July	Erongo	8 (5 women, 3 men)
14	Usakos, 29 th July	Erongo	10 (4 women, 6 men)
15	Okahandja, 30 th July	Otjozondjupa	10 (5 women, 5 men)
16	Oshakati, 3 rd August	Oshana	12 (6 women, 6 men)
17	Ongwediva, 4 th August	Oshana	9 (8 women, 1 man)
18	Oshikuku, 6 th August	Omusati	12 (8 women, 4 men)
19	Outapi, 7 th August	Omusati	13 (6 women, 7 men)
20	Tsumkwe, 11 th August	Otjozondjupa	10 (3 women, 7 men)
21/22	Divindu rural & urban, 14 th August	Caprivi	30 (13 women, 17 men)
23/24/ 25	Ongwediva, 31 st October	Oshikoto, Ohangwena rural, Ohangwena urban	23 women
26	Opuwo, 3 rd November	Kunene	18 (10 women, 8 men)
27	Windhoek, 12 th December	Khomas	13 (9 women, 4 men)
Total participants			302 (182 women, 120 men)

Training for service providers

During 2008 GR&AP also conducted training for police in Tsumkwe and Divindu and training for magistrate applicants in Windhoek. Two training sessions were conducted for parliamentary research staff on gender issues and the use of the internet.

The **police training** focused on the topics of rape and domestic violence. The use of group work and discussion was used in addition to presentations to educate police officers on the needs of people complaining about these issues. Training DVDs on maintenance and domestic violence produced by GR&AP in 2006 were used to provide the information for the **potential magistrates**. (These DVDs were previously in VHS video format and were converted to DVD in 2008.) A total of 100 copies of three different training sets of DVDs with accompanying booklets were prepared for distribution to all Magistrates' Courts across Namibia.



Parliamentary research staff attended workshops on gender training combined with internet research skills. The gender training took approximately three quarters of a day, and the internet training took approximately 1.5 days. It had been planned that only one training session would be held. However, the session proved to be so popular that GR&AP were invited back to conduct a second session for staff who had been unable to attend the first session. Based on a request from the organiser of the first group, the second session focused on internet research skills only.



I personally spoke to many of the participants and we concluded that it was benefiting and helpful. We are looking forward for the same assistance. Thanks a million!

Email from the Parliamentary Training Officer

Other training sessions

Other training sessions conducted included a presentation on date rape for **new students starting at the Windhoek College of Education** and a presentation on gender and law reform to a group of some **20 Swiss, Finnish and Namibian students at a workshop organised by the University of Basel**. The visiting Swiss anthropology students spent six weeks in the field in Namibia, with many of them working on research topics suggested by GR&AP. Training sessions were also given to approximately **100 current and past sex workers** on maintenance, and on gender-related laws to **people with visual impairments attending a national conference**. A half-day training session on advocacy was given to **staff from the Friendly Haven shelter**. Methods of information dissemination have been diverse, including a presentation on gender-based violence given to **Khomasdahl Baptist Church** on a Sunday.

In 2007, GR&AP trained community activists to be **Star Trainers**. Whilst this programme ended at the start of 2008, GR&AP was able to recommend the best participants to attend training workshops for Community Survivor Supporters to be held by Women's Solidarity Namibia and the Peace Centre in the Kunene, Kavango and Karas regions as well as counselling training outreach programmes held by Childline/Lifeline. It is hoped that this kind of networking will help to strengthen and empower particular community leaders who have shown interest and commitment on human rights topics.

Workshops attended by staff

The **Canadian HIV/AIDS Legal Network** is currently developing draft legislation related to promoting women's rights in the context of the HIV/AIDS epidemic. The project draws together international human rights law and "best practice" elements of national law as the basis for developing legal frameworks on sexual offences and family law that can empower women to protect themselves from the impact of the epidemic. As part of this initiative, GR&AP participated in an expert consultation in Johannesburg to discuss the draft legislation relating to marriage, divorce, marital property and inheritance. The consultation provided an opportunity for detailed discussion amongst legal and human rights experts from sub-Saharan Africa. The conference organisers commented: *"We are so impressed with the work that LAC has done on these issues and have benefited greatly from your publications."*

The GR&AP Coordinator also attended an annual workshop on child and family law in Cape Town hosted by **Miller De Toit law firm and the University of the Western Cape**, where the discussions of implementation issues concerning South Africa's new legislation on children was informative on the challenges Namibia may face as it moves forward with its Child Care and Protection Bill.

Visiting prosecutor Allison De Smet attended a 3-day domestic violence conference in Johannesburg. The conference, entitled "**The South African Domestic Violence Act: Lessons from a Decade of Legislation and Implementation**", featured speakers from South Africa and around the world. In addition to discussions about domestic violence legislation and policy, the conference also covered prevention, services for victims and rehabilitation of offenders.

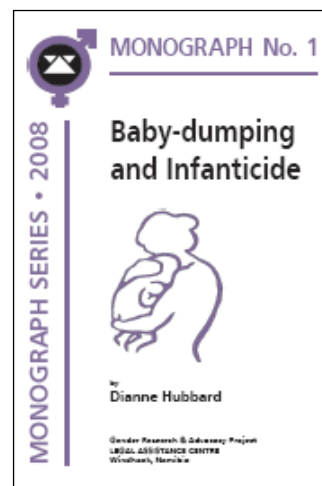
PUBLICATIONS

Monographs

In 2008, GR&AP started a new publication series of monographs, which are brief research reports and essays on topical issues. Three monographs were produced in 2008, while a fourth was in press at the end of the year.

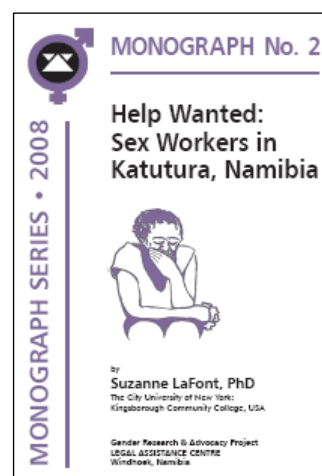
Monograph 1: Baby-dumping and Infanticide

It has been estimated that the bodies of 13 newborn babies are found at the sewerage works in Windhoek each month, having been flushed down the toilet by a desperate parent. The first monograph discusses the issue of baby-dumping and infanticide in Namibia. Topics such as the financial pressures that drive orphans and vulnerable children to seek rich ‘sugar daddies’ and the impact of HIV are discussed. A range of interventions is proposed, including the introduction of “safe havens” where unwanted babies can be dropped anonymously.



Monograph 2: Help Wanted: Sex Workers in Katutura, Namibia

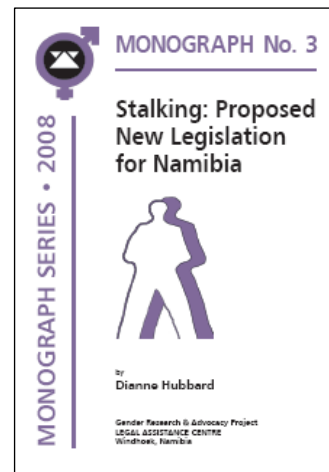
The second monograph in the series reports on research conducted with 62 girls and women at Stand Together, a Katutura-based, non-profit organisation that offers spiritual teaching, food, clothing, and condoms to women who are or have been sex workers. The data collected is compared to a previous LAC report, *Whose Body is it?: Commercial Sex Work and the Law in Namibia*, which is still the largest and most comprehensive study of sex work in Namibia to date. The data shows that on average, the interviewees began sex work at the age of 16. Most have been driven into the job by financial pressures, with many having sold sex for less than N\$10. The research found that 50% of these women have been forced to have sex without a condom, and that 56% have been beaten by their clients. The monograph concludes with a number of



recommendations aimed at preventing such abuses, ranging from law reform to education and support for these women.

Monograph 3: Stalking: Proposed New Legislation for Namibia

The third monograph in the series takes a close look at the issue of stalking. Stalking is not yet a legal term in Namibia, and the report discusses whether there is a need for new legislation to address this problem. The monograph looks at the current criminal and civil remedies which can be used to address stalking in Namibia, and compares these options to approaches used to tackle stalking in other countries. The discussion surveys the forms of behaviour that fall within the category of stalking and the impact stalking can have on the victim, and presents a compelling argument on the need for law reform in this area. A draft stalking law which could be implemented in Namibia is included as an appendix to the monograph.



Reports on the publication of the first 3 monographs were printed in the *New Era*, *Economist*⁷ and *Republikein* newspapers.

Thank you for your press release in the newspapers this morning, I applaud and support you a 100% with this.

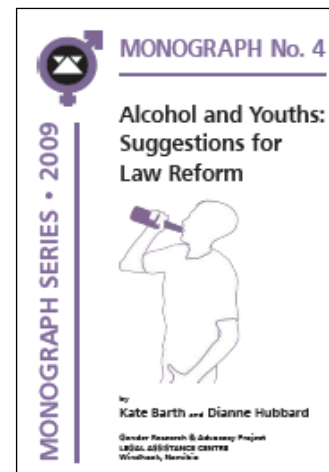
Annerie Keulder, Namibian lawyer

⁷

<http://www.economist.com.na/content/view/6512/54/>, 27June08

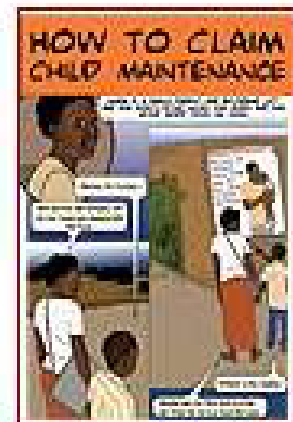
Monograph 4: Alcohol and Youths: Suggestions for Law Reform (in press)

Underage drinking has become a significant problem in Namibia. A Ministry of Health study on substance use amongst Namibians found that 53.5% of youths aged 13-30 use alcohol.⁸ Children are also beginning to drink at earlier and earlier ages; a 2006 UNICEF study found that, in a focus group of 10-14 year olds, one in ten had already used alcohol, beginning at age 10 on average.⁹ Perhaps most worrisome of all, underage drinking appears to be on the rise. In 1992, only 19.8% of 13-16 year olds had experimented with alcohol. By 1998, that number had risen to 50%.¹⁰ In light of these issues, GR&AP published a monograph on suggestions for law reform to address underage drinking. Much of the report was written by visiting intern Kate Barth. Draft provisions to amend the Liquor Act are included in the monograph.



Comic book on Child Maintenance

Funding was provided by the Royal Embassy of the Netherlands to produce a cartoon about child maintenance. A total of 28 000 copies of the cartoon were distributed as an insert in *The Namibian* newspaper on 28th February 2008. Through the use of the newspaper network, the cartoon was effectively distributed throughout the country. A further 2 000 copies of the cartoon were printed and have been used by the Legal Assistance Centre as training materials and handouts in workshops. The impact of the cartoon has been clear. Within an hour of the office opening on 28th February, GR&AP were telephoned by a lady who wanted to confirm that she could apply for child maintenance. Furthermore, the next day a mother, child and her brother came to the office to double-check on the



⁸ JL Strijdom & OH Angell, *Substance Use Among the Youth in Namibia*, Centre for the Partnership in Development, Ministry of Health and Social Services & University of Namibia, 1998, at page 71.

⁹ UNICEF, *HIV and AIDS Knowledge, Attitudes, Practice and Behaviour (KAPB) Study in Namibia*, 2006, at page 19.

¹⁰ Strijdom & Angell at page 74.

maintenance procedure. Whilst these are only two examples, they illustrate the immediate impact of the cartoon.

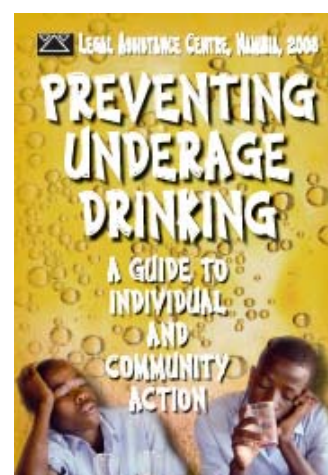
The cartoon was pre- and post-tested in Ongwediva, Keetmanshoop and Windhoek. Feedback was extremely positive and the participants appreciated the education they received whilst testing the cartoon. Other publications produced by the LAC, such as the Guide to Child Maintenance and the Guide to the Married Equality Act, as well as t-shirts, were also distributed to all participants as an acknowledgement of their assistance.



Using the cartoon in training sessions

Alcohol

In coordination with Namibian Breweries, GR&AP developed a publication on underage drinking. This publication, entitled *Preventing Underage Drinking: A Guide to Individual and Community Action* provides information on the dangers of underage drinking, gives information about the laws on alcohol and makes suggestions for community action for both addressing and preventing alcohol abuse. Namibian Breweries is the Legal Assistance Centre's first Namibian corporate partner, and we hope that such relationships with the private sector will continue and expand.



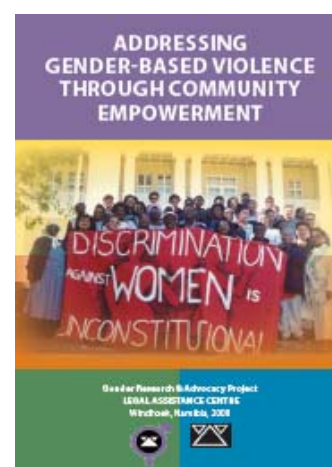
Gender and the Labour Law

The Labour Act of 2007 was brought into force in late 2008. GR&AP responded to this by producing a short pamphlet on the gender provisions in the law, such as maternity leave, compassionate leave and sexual harassment. The pamphlet will be printed and translated at the start of 2009.



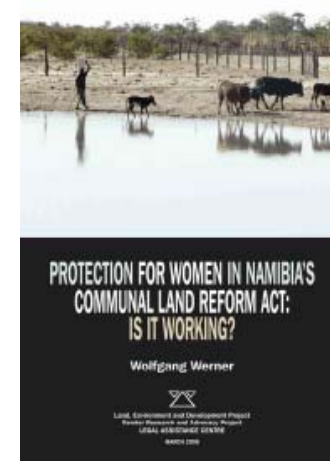
Community Empowerment

As discussed in the Education and Training section above, a number of publications to support community empowerment were produced in 2008. The **magazine** (Addressing Gender-based Violence through Community Empowerment) is a colourful and attractive document that will be a useful tool, not only for the participants of the focus group discussions but also for other community members. The **pamphlets** on married equality, domestic violence, rape and maintenance provide quick and simple information and have been distributed to new outlets to increase the reach of LAC's published information. The **training pack** for community activists is an important tool to increase information dissemination. It is not possible for GR&AP to accept all workshop requests, and the training pack will allow other people to assist in training on key gender laws. The same theory applies to the **radio shows**. Information can be disseminated to a large audience at low cost.



Protection for women in Namibia's Communal Land Reform Act: Is it working?

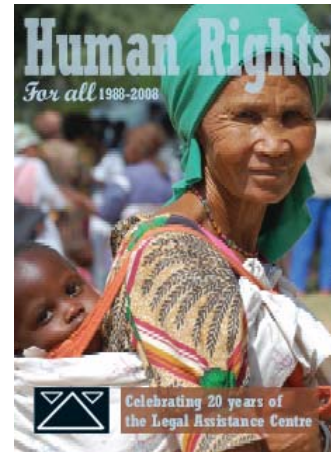
The Communal Land Reform Act 5 of 2002 aims to improve gender equality in land rights and tenure security. However, there has to date been no assessment of the implementation and impact of the legal provisions pertaining to women generally and widows in particular. To fill this gap, the Legal Assistance Centre commissioned a study in the four regions of north-central Namibia. This study investigates the extent to which the provisions of the Communal Land Reform Act are known to women and if so,



whether they are able to claim their rights as stipulated in the Act. The final report for this study was launched in 2008

Legal Assistance Centre's 20th birthday

The Legal Assistance Centre celebrated its 20th birthday in 2008. To celebrate this occasion, a magazine was published that reported some of the most interesting human rights cases that have been conducted over the last 20 years. The Public Outreach Officer for GR&AP edited the publication with the assistance of the LAC Communications Officer, Mark Nonkes. GR&AP articles on domestic violence, sex work, rape and learner pregnancy were included in the publication. The article on learner pregnancy was also published as part of a UNDP insert distributed through the newspapers to celebrate Human Rights Day.



As a further celebration of the LAC's birthday, each of the departments were asked to host an evening debate on a topic of their choice. Based on the information received from the focus group discussions conducted during 2008, GR&AP decided to host an event discussing what gender equality means in day-to-day life. It had been clear from the workshops that many people do not understand the true meaning of gender equality and often feel threatened rather than empowered by the topic. The debate was entitled "*Are you Mr and Mrs Gender Equality?*". Four prominent local couples (radio presenters and their partners) were asked to 'compete' for the title of "Mr and Mrs Gender Equality." This stimulated lively debate and positive discussions about gender equality – something that is often missing in Namibia.



Reprints

The US Embassy provided funding for GR&AP to reprint 1000 copies of the popular **Guide to the Maintenance Act** in English. The value of these guides as training materials and handouts to the general public, NGOs and government ministries cannot be underestimated. The Legal Assistance Centre frequently receives complimentary feedback about these guides and there is no doubt that they fulfil an important function. The entire reprint run was distributed during 2008. For example, in the month of July alone, 431 Guides to the Maintenance Act were distributed. The information manual **Advocacy in Action** was also updated and reprinted in 2008.

Braille publications

To accompany a presentation made at a National Conference for People with Visual Impairments, GR&AP produced a shortened version of the **Guide to the Maintenance Act** translated into Braille. This was the first ever dedicated national legal training workshop held for people with disabilities. Training was conducted on maintenance, domestic violence and rape for about 25 participants (15 men and 10 women), 15 of whom had visual impairments with the remainder being persons who work in this field. Braille versions of the **Guide to the Married Person's Equality Act** were also produced in 2008.

Distribution

GR&AP continued to distribute publications through workshops, media, partner NGOs and other methods. A new method utilised in 2008 was to display publications at the annual Windhoek show. GR&AP was contacted by the Chief Training Officer from the Ministry of Justice who asked for publications to display on their stand. GR&AP was able to provide a large number of publications, and feedback was extremely good, as shown in the email below:

Your pamphlets and information brochures were very well received by the public. We run out of stock very quickly. The information that was well received by the public was the brochures on child maintenance, child abuse, stalking, baby-dumping and domestic violence. Once again thank you very much for your support and we will inform you about our future endeavours. We won the bronze certificate for a first effort at the Windhoek show and without your support we would not be able to achieve it.

Danny van Rooyen, Chief Training Officer, Ministry of Justice

During 2008, GR&AP continued to track the distribution of publications and continued with updating and expanding the publications distribution list. This work will continue in 2009.

Summary of publications produced in 2008

1. Monograph 1: Baby-dumping and Infanticide
2. Monograph 2: Help Wanted: Sex Workers in Katutura, Namibia
3. Monograph 3: Stalking: Proposed New Legislation for Namibia
4. Monograph 4: Alcohol and Youths: Suggestions for Law Reform (in press)
5. How to Claim Child Maintenance (cartoon)
6. Key Gender Laws: A training manual for community activists (produced in English, Afrikaans, Oshiwambo and Otjiherero)
7. Pocket guides produced in English, Afrikaans, Oshiwambo and Otjiherero
 - a. Pocket Guide to the Rape Act
 - b. Pocket Guide to the Combating of Domestic Violence
 - c. Pocket Guide to the Married Person's Equality Act
 - d. Pocket Guide to the Maintenance Act
8. Addressing Gender-Based violence through Community Empowerment (produced in English, Afrikaans, Oshiwambo and Otjiherero)
9. Gender and the Law: Radio Show Scripts
10. Training Session on Corporal Punishment
11. How to Create a Non-Profit Group (including a sample constitution)
12. Summaries of the law in Braille
 - a. Guide to the Maintenance Act
 - b. Guide to the Married Person's Equality Act
13. School Policy on Learner Pregnancy in Namibia: Background to Reform
14. Advocacy in Action (updated version of this community training manual)
15. Guide to the Maintenance Act 9 of 2003 (reprints in English)
16. Protection for Women in Namibia's Communal Land Reform Act: Is it Working?
17. Preventing Underage Drinking: A Guide to Individual and Community Action
18. Gender and the Labour Act 11 of 2007 (in press)
19. Withdrawn: A study of rape case withdrawals (to be published in early 2009)

MEDIA

Radio, television and print media

GR&AP continued to maintain a media presence during 2008. Radio was the prime method of communication, with topics presented including baby-dumping and alcohol. The impact of this method of communication can be seen through the audience response. For example, after discussing the topic of baby-dumping on Radio 99, GR&AP was telephoned by a representative from a women's group who wanted to help. Print media was also used, with articles on sexual harassment and sexual violence in armed conflict being published in *The Namibian* newspaper and an article on women and the Communal Land Reform Act published in a NGO-produced magazine *Sister Namibia*. GR&AP staff also appeared on television, discussing children's health and welfare and gender-based violence on two different episodes of the evening talk show *Talk of the Nation*.



12.12.08

Combating The Use Of Sexual Violence As A Weapon Of Conflict In Zimbabwe

By: REBECCA STUBBS

SEXUAL violence has long been used as a weapon of political suppression by Zanu-PF in Zimbabwe, and is becoming increasingly endemic.

Betty Makoni, a well-known Zimbabwean human-rights activist working with former United Nations Ambassador Stephen Lewis, says she knows of approximately 700 cases of sexual violence specifically targeted against MDC supporters....

ADMINISTRATIVE

In addition to the activities described above, a substantial amount of staff time was taken up with administrative activities, including budget planning and management, proposal writing, staff meetings, preparing monthly reports for internal circulation and preparation and editing of GR&AP's portion of the 2007 Annual Report.

STAFF

GR&AP staff 2008

Dianne Hubbard Coordinator



Dianne is a graduate of Harvard Law School. She also has degrees in English from the University of North Carolina in the USA and from Stellenbosch University in South Africa. She has been the Coordinator of GR&AP since its inception in February 1993. She taught a course in “Gender & the Law” in the Law Faculty at the University of Namibia for two years and currently serves on the boards of Sister Namibia and Ombetja Yehinga Organisation.

Rachel Coomer Public Outreach Officer



Rachel has been with GR&AP since October 2007. She has a degree from Oxford University in the UK and is trained as a technical writer, with particular skills in the production of education materials. Rachel also conducts training and workshops for the Legal Assistance Centre.

Sophie van Wyk Project Assistant shared with LEAD



Sophie has worked for the Legal Assistance Centre for over 15 years in various capacities. She holds a diploma in business management from Damelin Education Group and a certificate from the Management Development Programme at the University of Stellenbosch in South Africa. She joined GR&AP in late October 2007.

Interns & volunteers 2008



Rachel Thompson: A law student from the University of Sheffield, UK; self-funded

Rachel Thompson at the Zimbabwe protest, which she helped to organise

Elena Maria Coyle: A law student from Stanford Law School funded by the Public Interest Law Fund



Tessa Harris: A Namibian law student studying at University of Cape Town

*Elena Coyle and Tessa Harris
with Dianne Hubbard and Rachel Coomer*

Kate Barth A law student from the University of Pennsylvania Law School, funded by the Sonnenschein Scholarship for Public Interest and the Equal Justice Foundation

Kate Barth



Esther Pun: A law student from Stanford Law School funded by the Public Interest Law Fund

Esther Pun

Julie Holt: A law student from Yale Law School funded by the Orville H. Schell, Jr Centre for International Human Rights



Julie Holt assisting at a workshop in Opuwo.

Rebecca Stubbs: A law student from Vanderbilt Law School.

Rebecca Stubbs training participants in Karasburg



Allison De Smet: A visiting prosecutor from Canada funded by the Ministry of Attorney General in British Colombia, Canada through a programme of the Canadian Bar Association

Allison De Smet

Megan Karsh: A law student from Stanford Law School funded by the Public Interest Law Fund, who assisted GR&AP whilst based with the AIDS Law Unit of the Legal Assistance Centre



Dr Suzanne La Font: Visiting scholar with a PhD in Cultural Anthropology from Yale University in the USA, currently an Associate Professor at Kingsborough Community College, City University of New York



Ester Pun, Tessa Harris, Julie Holt, Kate Barth and Rachel Coomer

GR&AP also made use of several consultants during 2008. Two of these consultants should be singled out for their extensive services to the project which went far above and beyond their contractual obligations:

- **Perri Caplan**, who provided design and layout services for most of GR&AP's publications
- **Christa Schier**, who provided statistical analysis as well as invaluable advice on our research on maintenance and domestic violence.

I am writing to let you know that the focus group was a wonderful, and eye-opening, experience. Thank you for allowing me to take part.... the women responded so enthusiastically to what we had to say. Today gave me an understanding of just how much GR&AP makes a difference in the lives of women. I am so eager to do everything I can to help.

Elena Marie Coyne, Stanford Law School

4 June 2008

IMPACT OF GR&AP's WORK

During 2008, GR&AP was able to successfully promote gender equality and the empowerment of women through legal research, law reform and related advocacy work. A particular focus was made on the use of research, workshops and training, publications and the media to improve legal literacy and to motivate change on the legal landscape in Namibia.

The impact of GR&AP's work can be seen in a number of ways. GR&AP influenced law reform proposals put forward by the Law Reform and Development Commission, the regulations issued under the Children's Status Act, and the formulation of various national and regional gender policies. For example, the influence of GR&AP's work on law reform debates can be seen in an article by Tousy Namiseb, Chief of Law Reform and Secretary to the Law Reform and Development Commission in the book *Women and Culture in Namibia: Cultural Practice versus Gender Equality*.¹¹ This article cites three broad options for reform on estates and succession, which are in fact the three options formulated by LAC for a 2005 workshop on inheritance and published in a booklet on the workshop entitled "Inheritance Issues". The impact of GR&AP's work can be also seen internationally as well as nationally. In 2008, data from the GR&AP 2006 publication *Rape in Namibia* was included in Amnesty International's annual report on the state of the world's human rights.¹²

The impact of GR&AP's many publications and their translations is also evident. For example, the monographs, which are published on topical issues, often generated discussion and comment. Radio stations were eager to discuss the issue of baby-dumping and GR&AP received numerous telephone calls on this issue. When the child maintenance cartoon was distributed via the newspaper, GR&AP again received telephone calls from the public. Working with a commercial partner (Namibian Breweries for the production of the pamphlet *Preventing Underage Drinking, a Guide to Individual and Community Action*) also generated interest from the media. The fact that the department reprinted the *Guide to the Maintenance Act 9 of 2003* and

¹¹ Oliver C Ruppel, ed. (WAD/HRDC/FES 2008).

¹² Amnesty International Report 08: The State of the World's Human Rights at page 219. Obtainable at: <http://thereport.amnesty.org/search.action>. Last accessed 08 January 2009.

distributed all 1000 copies in 2008 is another indicator of the interest community members, NGOs and government have in using our information.

Our approaches to training have also been successful, although we are constantly revising and improving our outreach strategies. Contacts made at training sessions are often maintained and developed. For example, following the focus group discussions held in the Omaheke region, GR&AP has had continued contact with the Omaheke San Trust and plans to hold follow-up training sessions in this region in 2009. A focus of many of the workshops held in 2008 was to try and implement lasting change or action in communities. Whilst this has been a challenging objective, many communities have been motivated to action by the GR&AP workshops they attended. For example, the workshop participants in Karasburg formed an organisation (People against Violence) and the workshop participants in Opuwo implemented activities during the 16 Days of Activism. A long-term relationship has been developed with the Tanidare Centre, a church organisation in Katatura, and following their attendance at a workshop at the start of 2008, members also attended the Zimbabwe protest march and the pre-testing of the Key Gender Laws training manual, and participated in the research on rape withdrawals and maintenance.

In summary, 2008 has been an active year for GR&AP. Through advocacy, education and training, research, publications and media outreach, GR&AP has continued to meet its mission statement. Much progress has been made on law reform, advocacy and education, and the progress made in 2008 will allow GR&AP to continue to achieve concrete outcomes in 2009.

DONORS

- HIVOS
- French Embassy
- Danish Embassy
- Royal Netherlands Embassy
- Namibian Breweries
- UNICEF
- US Embassy
- Namibian Institute for Democracy



Royal Danish Ministry of Foreign Affairs
Danida



Namibia Breweries Limited

