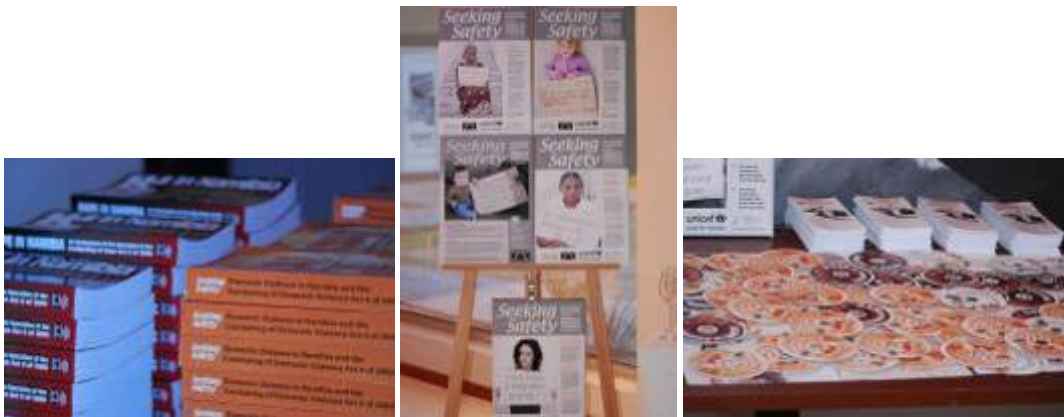


# 2012 Annual Report for the Gender Research & Advocacy Project (GR&AP)



2012



# OVERVIEW

In 2012, GR&AP continued to conduct research, advocacy and outreach on a wide range of areas. The highlight of the year was the **release of the long-awaited report, *Seeking Safety: Domestic Violence in Namibia and the Combating of Domestic Violence Act 4 of 2003***. To maximise the impact of this report, GR&AP focused much of its attention on **advocacy and outreach to prevent domestic violence**.

We also launched **research reports** in three other areas:

- *Stepfamilies in Namibia: A study of the situation of stepparents and stepchildren and recommendations for law reform;*
- *Beliefs and attitudes towards gender, sexuality and traditions amongst Namibian youth;*
- **a series of four reports on topics relating to *Access to Justice*.**

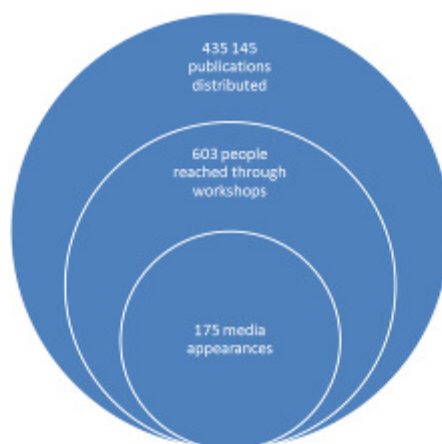
In addition, we produced groundbreaking **animations** on how to get a protection order and what to do if someone stops paying maintenance, and a film entitled *Maintenance Matters*.

We also continued with the final analysis of our **study on the implementation of the Maintenance Act** and started **new research on female representation in politics and the role of women in community courts**.

We continued to **lobby for law reform** in many areas. We finalised an exciting new partnership with the Ministry of Home Affairs and Immigration to revise the Births, Marriages and Deaths Registration Act, in addition to assisting this Ministry with the drafting of a new Marriage Bill.

We also continued to **engage the media**, appearing in the media over 170 times during the year through press releases, newspaper and magazine articles and television and radio interviews.

# SUMMARY OF OUTREACH IN 2012



In 2012, GR&AP achieved the following outreach:

- **Distribution of over 435 000 publications** in English, Afrikaans and a range of indigenous languages, aimed at raising awareness of gender-related legal issues.
- **Hosting or presenting at approximately 2 workshops per month** (23 workshops in total) on a range of topics, involving 603 people (249 men and 357 women).
- Conducting an average of **5 radio appearances, 5 television appearances and 6 print media appearances per month** (56 radio show appearances, 54 television appearances and 65 print appearances in total).
- 



*We worked with the Ombetja Yehinga Organisation to produce a new series in their magazine entitled the Children's Rights Corner.*

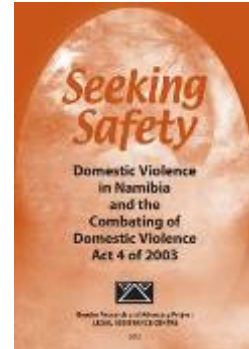


*Opinion piece published in the Namibian newspaper*

# RESEARCH

## *Seeking Safety: Domestic Violence in Namibia and the Combating of Domestic Violence Act 4 of 2003*

*Seeking Safety* is a study of the implementation of the Combating of Domestic Violence Act, with a view to assessing whether the law is serving its intended purpose effectively.



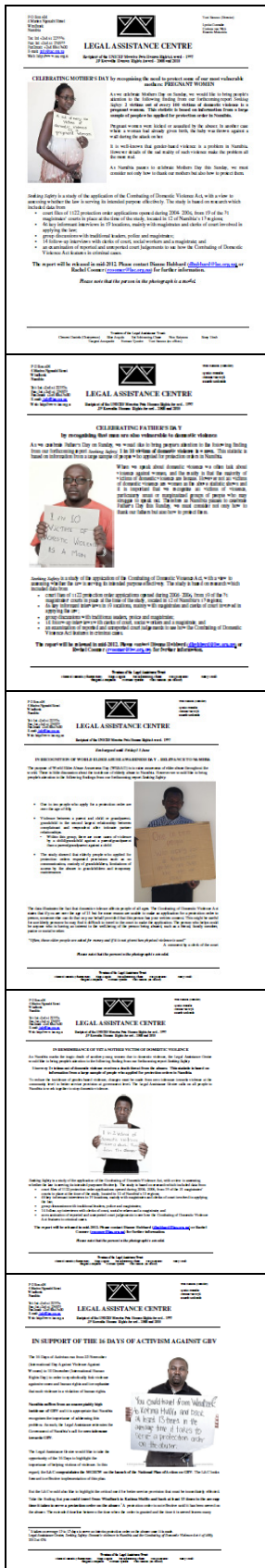
The study is based on data from-

- court files of 1122 protection order applications opened during 2004- 2006, from 19 of the 31 magistrates' courts in place at the time of the study, located in 12 of Namibia's 13 regions;
- 46 key informant interviews in 19 locations, mainly with magistrates and clerks of court involved in applying the law;
- group discussions with traditional leaders, police and magistrates;
- 14 follow-up interviews with clerks of court, social workers and a magistrate; and
- an examination of reported and unreported court judgments to see how the Combating of Domestic Violence Act features in criminal cases.

To generate interest in the report, we released a series of five press releases prior to and after the launch.

The launch was attended by about 100 people. The musician Lize Ehlers performed at the launch, and we screened our animation on how to get a protection order.

*Guests, including the Minister of Gender Equality and Child Welfare, watching our animation*



We handed over the report to the following dignitaries:

1. Minister of Gender Equality and Child Welfare, Hon Siyoka;
2. Namibia's Ombudsman, Adv Walters;
3. Chairperson of the Magistrate's Commission, Judge Hoff;
4. Chairperson of the Law Reform and Development Commission, Mr Sacky Shanghala;
5. UNICEF Representative, Madam De Sousa;
6. Secretary-General of the Council of Churches in Namibia, Rev Kapere.

We produced and prepared a number of materials to accompany the launch. These supplementary materials were designed to popularise some of the findings and recommendations from the report.

For example, we produced a series of nine posters highlighting statistics or soundbites from the report. Some were released electronically prior to the launch, and some afterwards as follow-ups initiatives arose. The production of eight of these posters was supported by UNICEF, one by the British High Commission and one by PEPFAR.

The British High Commission and PEPFAR also supported supplementary outreach initiatives including the placement of newspaper adverts, the development of circulars on specific topics for service providers and a one-page comic on child abuse.

We continued to conduct outreach to campaign against domestic violence throughout the year, culminating in an outreach push during the 16 days of activism to prevent gender-based violence. One Africa provide free advertising space to the value of N\$500 000, to show our animation on how to get a protection order.



#### **Legal Assistance Centre: Passing on the message – Stop domestic violence!**

*Examples of poster distribution by staff of the LAC*







Yolande Englebrecht and the British High Commissioner at the release of our new one-page comic on child abuse Beliefs and Attitudes towards Gender, Sexuality and Traditions amongst Namibian Youth

## ***Beliefs and attitudes towards gender, sexuality and traditions amongst Namibian youth***



GR&AP launched its fifth monograph, entitled *Beliefs and attitudes towards gender, sexuality and traditions amongst Namibian youth*, at the Polytechnic of Namibia in April. The event was attended by nearly 100 people, including students, media, government representatives, and representative from civil society.

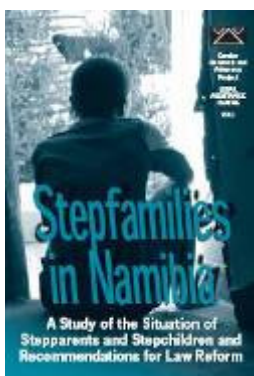
This report summarises information collected from surveys of secondary school learners in different parts of the country, with view to providing information that can inform educational & social programs concerning HIV prevention, gender equality and sexual rights. The study focuses on four main themes:

- (1) attitudes towards traditional practices, especially those practices related to gender, such as men functioning as the head of the household and polygamy;
- (2) sexual rights, including those relating to controversial issues  
such as homosexuality and reproductive rights;
- (3) sexual transgressions, such as rape and sexual abuse; and
- (4) attitudes towards and knowledge of sexual behaviours.



*Was a great study and the right target group. I was astonished by the ignorance/naivety/limited knowledge of our youth of that age taking in consideration that most of them are sexually active by age 15 and not knowing that you need to have protective sex etc. We still have a long way to go in terms of educating the youth especially. Despite the fact that we say Namibia has become more westernised, there is still a big knowledge gap re sex, sexuality, gender, traditional beliefs. Therefore the need for more aggressive campaigns on these issues. Thanks again for the initiative and always sharing with us.*

*Veronica Theron, MGECW*



## ***Stepfamilies in Namibia: A Study of the Situation of Stepparents and Stepchildren and Recommendations for Law Reform***

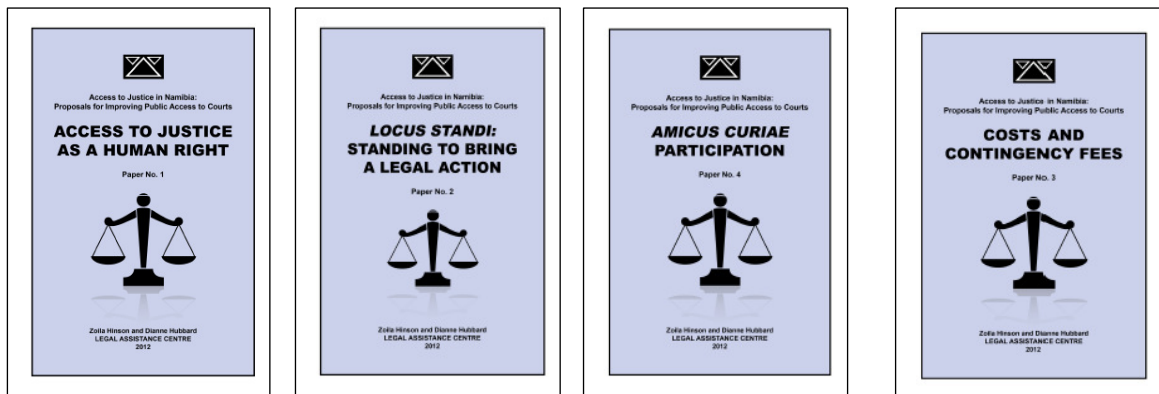
We launched our report *Stepfamilies in Namibia: A Study of the Situation of Stepparents and Stepchildren and Recommendations for Law Reform* at the office of the Council of Churches Namibia in May. The launch took the form of a mini-workshop attended by a group of CCN representatives. The participants found the issue very relevant to concerns which they confront in practice, and requested similar inputs on other legal issues in future. We hope like to strengthen our partnership with Namibian churches on legal matters in future.



*Dianne Hubbard with Rev Maria Kapere, head of the Council of Churches in Namibia*

### ***Access to Justice as a Human Right***

In December, GR&AP released a series of papers on access to justice as a human right, aimed primarily at the legal profession.



Access to justice is both an independent human right and a crucial means to enforce other substantive rights. Namibia has a progressive, modern constitution, guaranteeing an impressive set of rights for the individual. Yet without a realistic means to enforce those rights, substantive guarantees can far too easily become merely a set of empty promises. The Constitution of Namibia guarantees access to justice. But some legal procedures limit the ability of individuals, particularly marginalised populations, to access the courts.

In this series of papers, we propose reforms to improve access to justice in Namibia in respect of four different topics: (1) access to justice as a human right; (2) standing to bring a legal action in the Namibian courts; (3) costs and contingency fees; (4) the right of non-parties with relevant expertise to participate in court cases as “friends of the court” (*amicus curiae*).



# ADVOCACY

## Child Care and Protection Bill

It was widely expected that this major piece of **child protection legislation** would be tabled in Parliament in 2012, but it remained with the legal drafters. GR&AP worked with the Ministry of Gender Equality and Child Welfare to organise public consultation around this bill in previous years, to ensure that it would be suitable for the Namibian situation. In 2012, we continued to lobby for the Bill's passage, highlighting the importance of the bill on television and radio, and in discussions with the Committee that monitors implementation of the United Nations Convention on the Rights of the Child. We produced three factsheets to support our lobbying activities with the support of UNICEF, Save the Children Sweden (South African office) and USAID.



## Extension of maternity leave

GR&AP called on the government to **extend maternity leave to six months** after the birth of the child. This is because the World Health Organisation recommends that mothers exclusively breastfeed their children for six months. Exclusive breastfeeding for this period in Namibia is uncommon, with one contributing factor being the lack of public awareness about its advantages. Another contributing factor is that maternity leave is only three months, with one month normally taken before the birth of the child. The maternity leave provision is thus a push factor for many mothers to wean their children early. The National Agenda for



Children recently released by government states that one of government's priority strategies is to promote exclusive breastfeeding for the first six months of life; however the report does not make it clear how the government intends to balance this commitment with the current provision of only three months' maternity leave. GR&AP lobbied a range of stakeholders on this issue, including the Social Security Commission, the Ministry of Health and Social Services, and the World Health Organisation.

## Mental health

The theme for the 2012 Day of the African Child was "*The rights of children with disabilities: the duty to protect, respect, promote and fulfil*". GR&AP used this opportunity to call on the government and the public to recognise the challenges faced by children with mental health disabilities and disorders. We worked with the Ministry of Health and Social Services to make suggestions pertaining to the **draft Mental Health Bill**, and made a submission on this topic to the Commission of Inquiry into the Activities, Affairs, Management and Operations of the Ministry of Health and Social Services. This was also an issue which we highlighted in submissions to the Committee that monitors implementation of the United Nations Convention on the Rights of the Child.

## Legislation and policy

We lobbied for amendments to the **Lotteries Bill**, the **Flexible Land Tenure Bill** and the **Research Science and Technology Act**. The Lotteries Bill has not yet been considered by parliament. The committee that heard our submission on the Flexible Land Tenure Bill expressed support for our recommendations, but the proposed amendments were not incorporated into the Act. We are still attempting to engage government in discussions about the constitutional problems we have identified in the Research, Science and Technology Act.

*We published an opinion piece on our concerns about the unconstitutional aspects of the Research, Science and Technology Act in Insight Magazine.*



In respect to government's invitation for input on **Namibia's Fourth Development Plan** (NDP4), GR&AP gave a submission on development issues pertaining to women and children. When the plan was released we found that it addressed the needs of Namibia's children well, but did a poor job at addressing gender inequality in the country. We published an opinion piece on our response to NDP4 in *The Namibian*.

We also made two submissions on the **plight of domestic workers**: one to a sub-committee of the National Council and another to the Commission of Enquiry that was subsequently established in respect of this sector.

### *International advocacy around the Convention on the Rights of the Child*

GR&AP wrote an **alternative report to Namibia's first, second and third periodic reports on the implementation of the United Nations Convention on the Rights of the Child and two optional protocols (1997-2008)** and presented this report to the pre-session meeting of the UN Committee on the Rights of the Child in Geneva, aimed at assisting the Committee to gain a deeper understanding of Namibian issues from the non-government perspective. One consistent theme in all of the presentations was the need to push for speedy passage and effective implementation of the Child Care and Protection Bill, as well as the stalled Child Justice Bill. GR&AP provided a second supplementary report after Namibia responded to a list of written questions asked by the Committee upon their receipt of the report.



GR&AP then attended the 61st CRC committee meeting where the Namibian government discussed its progress in adhering to the CRC with the committee. LAC's role was to monitor the discussion and give additional information in private to the committee members as appropriate. Our attendance was useful, as whilst it was the responsibility of the government delegation to respond to the questions posed, we were able to offer some helpful clarifications. Following the meeting we submitted a third memo to the Committee providing supplementary information that we felt would be of use to the committee. The LAC was also able to respond to questions from some of the committee members.

GR&AP attendance was sponsored by the Geneva-based NGO Group for the Convention on the Rights of the Child, which facilitates NGO involvement in monitoring and implementation of the Convention.

GR&AP circulated the draft of the alternative report via NANGOF to allow us to include comments from other organisations. We also provided feedback to NANGOF upon our return from attending the Geneva meetings.



# LAW REFORM

In 2012, the Gender Research & Advocacy Project embarked on an exciting new partnership with the Ministry of Home Affairs and Immigration, supported by UNICEF. We will work with the Ministry to **revise the Births, Marriages and Deaths Registration Act**. The process, which will be guided by a multi-sectoral Technical Working Group, will involve seven key steps:

1. Research into national issues and international best practice
2. Public consultations, including consultation with young people
3. Stakeholder workshops (one national and two regional workshops)
4. Consultation with stakeholders
5. Collation of input
6. Preparation of draft bill
7. Drafting of regulations to accompany the bill



*Dianne Hubbard giving a presentation  
The technical working group on the Births, Marriages  
on the Marriage Bill*



*and Deaths Registration Act*

We also worked with the Ministry to revise the law on marriage. A new **Marriage Bill** is expected to go before Parliament in 2013.

In addition, GR&AP worked in partnership with the Law Reform and Development Commission to refine and move forward a related group of family law legislation: the **Recognition of Customary Marriages Bill**, the **Marital Property Reform Bill**, the **Divorce Bill** and the **Intestate Succession Bill**.



## PUBLIC OUTREACH: WORKSHOPS

We hosted or presented at approximately two workshops per month on a range of topics, for a totals of **23 workshops involving 603 people** (249 men and 357 women). Workshop participants included police, Parliamentary groups, Ministerial staff, paralegals, civil society, students and community members.



*Staff from the Ministry of Gender Equality and Child Welfare*



*Staff from the Ombetja Yehinga Organisation*

### *One workshop initiative; small group meetings at individual magistrate's courts*

In 2011 GR&AP was commissioned by the Ministry of Gender Equality and Child Welfare, with the support of UNICEF, to prepare regulations for the Child Care and Protection Act. As part of the process, GR&AP arranged for a series of consultations to be held at magistrates' courts across Namibia. The purpose of these visits was to consult with key stakeholders on the practicalities of implementing the bill – in particular to understand the challenges experienced by the courts and to help prepare them for the forthcoming legislation, as well as to provide an opportunity for input on the regulations.

A key benefit of visiting courts individually was that associated service providers, such as police and social workers, were able to attend the consultations and add to the discussion of local challenges and constraints – at the same time strengthen networking amongst local service providers for dealing with child protection issues.

The court visits were facilitated by a representative from GR&AP and a District Judge and a social worker from the United Kingdom. The judge and social worker were invited to discuss comparative practice between the UK and Namibia, with the intention of facilitating peer-to-peer debate about the bill and regulations.

The facilitators visited **15 courts in 8 regions** during two visits, one in November 2011 and the other in January 2012. A total of 78 people attended the consultations - 20 magistrates, 17 prosecutors, 25 police and 16 social workers. The courts visited represent almost half of

the permanent magistrates' courts in Namibia, whilst the participating social workers comprised approximately one quarter of all social workers employed by the state.

In addition to visits to the magistrates' courts, the facilitators also visited children's homes and places of safety in Windhoek, Walvis Bay and Otjiwarongo. To maximise the opportunities provided by these consultations, the facilitators also engaged with the media; they were interviewed on NBC national radio and Base FM, and appeared on the NBC breakfast television programme *Good Morning Namibia*.



*One of the visits to the Magistrate's Courts*

The individual court visits, which were termed a **“Road Show”**, proved to be an innovative method for consultation which provided a fruitful opportunity for detailed consideration of local issues and constraints. As noted by the facilitators, *“So often these people at courts feel helpless in their own work when they see children who are clearly in distress. If we can show them that there is a genuine will to assist from other agencies, then we can assist in developing the collaborative approach that is the only way to achieve a breakthrough.”* The service providers consulted highlighted the need for more resources and training.

#### **Summary of consultations held at magistrates' courts**

- 15 courts
- 8 regions
- 78 people attended
- stakeholders included magistrates, prosecutors, clerks of the court, social workers and police officers

# PUBLIC OUTREACH: ASSISTING CLIENTS

GR&AP also continued to help a wide range of clients with queries, mostly on family law issues. Questions from clients included problems with inheritance, custody, maintenance, domestic violence, adoption, domicile and rape. We also monitored a court case alleging illegal use of corporal punishment in a private school on behalf of clients. We continued to operate our sms response line which is constantly utilised by members of the public. We also provide regular assistance to clients by email.

*Thank you SO much for your help and for all the information, your web site is extremely helpful.*

*Feedback from a client*

*Thank you so much for your help I really appreciate. It solved a lot of questions that I have asked. And even more that I would have had thanks a lot.*

*Feedback from a client*



*Ensuring that our clients receive the information they need – and information they can take away with them to read and consider - is an important part of our assistance to clients.*

## PUBLIC OUTREACH: DISTRIBUTION OF MATERIALS



*The Prime Minister reviews LAC's stall at the NGO expo in February 2012*

GR&AP distributed over **435 000 publications** in 2012 in a range of languages. We continued to distribute approximately half of all our materials in English. This is a reflection of both supply (we do not have all materials available in all languages) and demand (the majority of requests for our materials are for English versions).

In 2012 we launched **two animations**, one on how to get a protection order and one on what to do if someone stops paying maintenance. NBC and One Africa agreed to show the animations free of charge. The soundtracks of the animations were designed to do double-duty as radio skits. We also held a media screening for our new film, *Maintenance Matters*, which NBC also agreed to screen free of charge.

*I would like to comment on the Maintenance film, screened this morning at the FNCC Cinema, it was humorous yet informative and educational. I urged the Legal Assistance Centre, to make more films in the future of this kind, with focus on different subjects legally affecting our Nation. :-)))Also I would like to act in them and be part of any other future projects, the Legal Assistance Center might endeavor into.*

*Emma 'Emcy' Areses, News Anchor/ Radio Announcer,  
Radio Energy 100fm*



*The LAC has done an excellent job of making statute law more accessible!*

*By email, member of the public, South Africa*



# PUBLIC OUTREACH: MEDIA

We continued to **engage the media**, through press release (discussed under advocacy) and appearances on television, radio or in print over 170 times during the year.

## Print

We were interviewed for or wrote **71 articles** during the year, resulting in an average of six pieces of print coverage per month.



*On television with the British High Commissioner*



## Television and radio

As in year past, we appear on a regular live slot on the national television broadcasted (NBC) on the show (*Good Morning Namibia*) and periodically on the discussion show *Tupopyeni*. We also make regular radio appearances on NBC National Radio, NMC Damara Nama radio, RadioWave and Radio Kosmos. Overall we were on **radio 56 times** and on **television 54 times** during 2012, resulting in an average of five appearances per month on radio and on television.

## Facebook

We also maintained a constant presence on **Facebook**, encouraging our ever-increasing number of “Facebook friends” to post comments about the materials we produce and activities we conduct.



## OTHER ACCOMPLISHMENTS

We continued to work with the **Ministry of Education** on the implementation of the **Education Sector Policy on the Prevention and Management of Learner Pregnancy** through the development of an information package and training manual.



Dianne Hubbard, the Co-ordinator of GR&AP, was **one of 18 world experts** invited to **attend a UN Expert Group Meeting on Women's Land, Property and Housing Rights in Geneva**.

She was also listed as one of the **20 most powerful people in Namibia** by *Insight Magazine* in July 2012:

*Legislation has tended to be tightly controlled by Cabinet with civil society not getting much of a chance to suggest new laws or strongly influence legal reform. An exception has been the Legal Assistance Centre, which has played a major role in the formation of new laws relating to women and children since the mid-1990s, particularly through the head of the LAC's gender unit, Dianne Hubbard. In this case it has been the thoroughness of the input that has encouraged government to trust Hubbard's suggestions and advice. A rare example of positive extra-parliamentary and non-executive influence.*

## CONCLUSION

In 2012 GR&AP continued to maintain a high level of output despite being severely challenged by a lack of funds; GR&AP was unable able to cover its running costs for the year and had to receive emergency support from core LAC funds. Despite this drawback, GR&AP continued to produce high-quality research, conduct influential advocacy activities and distribute large numbers of materials. The child and family law landscape is gradually improving in Namibia and we looking forward to yet more changes in this area in 2013. Gender-based violence continues to be an intractable human rights problem in Namibia, and thus an area in which our advocacy work will continue.

# STAFF

## *Full-time staff*

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



Dianne is a graduate of Harvard Law School. She also has degrees in English from the University of North Carolina in the USA and from Stellenbosch University in South Africa. She has been the Coordinator of GR&AP since its inception in February 1993. In 2010 Dianne was invited to take up a 3-year term on the Law Reform and Development Commission and was subsequently elected Deputy Chairperson.

### **Rachel Coomer-Public Outreach Manager** ([rcoomer@lac.org.na](mailto:rcoomer@lac.org.na))



Rachel is a graduate of the University of Oxford and has a Master's degree from the University of the Western Cape. Her role in the department is to manage all outreach functions including the development of educational materials, the dissemination of advocacy material and research findings, various trainings and media liaison.

### **Yolande Engelbrecht-Paralegal** ([yengelbrecht@lac.org.na](mailto:yengelbrecht@lac.org.na))



Yolande joined GR&AP at the beginning of 2009, having worked at the Ministry of Justice for a number of years. Yolande takes the main responsibility for running workshops on behalf of the department.

### **Yolanda Itamba -Project Assistant** ([yitamba@lac.org.na](mailto:yitamba@lac.org.na))



Yolanda joined GR&AP in 2012. Yolanda takes responsibility for office administration and manages the logistics of publication distribution. Yolanda is in the process of finishing her legal studies.

*Interns and temporary staff*



**Joy Sworn** – wife of a Voluntary Service Overseas volunteer. Joy worked tirelessly as a volunteer for GR&AP, engaging in projects such as compiling a publications catalogue and working on an update of Namlex (the Legal Assistance Centre’s popular index of the laws in force in Namibia).



**Gloria Song** – Canadian lawyer, placement supported by the Canadian Bar Association Young Lawyers International Programme with the support of the Canadian International Development Agency.



**Dean Wadeson** – Self-funded volunteer



**Alison Lepp** – a Canadian lawyer sponsored by Foreign Affairs Canada’s Young Professionals International Program, through the Canadian Bar Association



**Eline Peters** – Master’s student at the University of Amsterdam



**Sharon Fox** - Canadian lawyer Foreign Affairs Canada’s Young Professionals International Program, through the Canadian Bar Association, with the support of the Canadian International Development Agency.



**Amanda Clayton** - PhD candidate in the Department of Political Science at the University of Washington, USA



# DONORS

UNICEF Namibia  
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European Commission  
NBC Television (donation of advertising spots and film screenings)  
One Africa (donation of advertising spots)



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