

Key Gender Laws: A Training Manual for Community Activists



Produced by the
Gender Research and Advocacy Project,
Legal Assistance Centre



How this pack works

This training pack has been produced to allow community members to train other people on four gender-related laws in Namibia:

- The Married Persons Equality Act 1 of 1996
- The Combating of Domestic Violence Act 4 of 2003
- The Combating of Rape Act 8 of 2000
- The Maintenance Act 9 of 2003.

The information in this pack provides the basic facts on these laws. You can contact the Legal Assistance Centre offices to ask for more information on these laws if you need to.

The pack has been given to you in a ring binder. This allows you to take out the sections that you might want to use in a single session. If you want to photocopy individual pages you can easily do so. The ring binder also allows you to build on the training pack. You may get other resources to use in training from other organisations or you may want to create your own stories or games to use.

Contact information for the Legal Assistance Centre

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Organising your workshop

Try to give enough time between inviting your participants and the date of the workshop. If you ask people on a Monday to attend a workshop the next day, they will probably not be able to come.

This pack contains an invitation that you can photocopy or draw and give to the people you invite. A formal invitation reminds the participants when and where the event is to be held.

This pack also contains fact sheets on the Married Persons Equality Act, domestic violence, rape and maintenance. If you have access to a photocopier you can give these fact sheets out with the invitation or at the end of the meeting.

How to be a good facilitator

1. Speak clearly and slowly.
2. Learn the names of the people in your group.
3. Involve the group as much as possible – don't just speak at them.
4. Keep your teaching simple, don't use long speeches.
5. Give everyone a chance to speak.
6. Make sure that you have prepared for your workshop.

Invitation

*Photocopy or draw the invitation below and fill in the details of your workshop.
Give a copy to each person invited to your workshop.*

Gender Training Session

You are invited to attend a Gender Training Session:

Date:

Venue:

Time:

Contact:

*Materials for this training session were
provided by the Legal Assistance Centre*



Gender Training Session

You are invited to attend a Gender Training Session:

Date:

Venue:

Time:

Contact:

*Materials for this training session were
provided by the Legal Assistance Centre*



BASIC FACTS ON THE MARRIED PERSONS EQUALITY ACT



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2008

What is the Married Persons Equality Act (MPEA)?

The MPEA removes sexual discrimination from civil marriages. Married equality means that husbands and wives have equal power to make decisions.

Property and marriage

In community of property:

- Everything a husband and wife had before they were married becomes part of the joint estate. Everything earned or bought once married also becomes part of the joint estate. Each partner owns half of the joint estate. If one partner has a debt, money from the joint estate can be used to pay this debt.
- Both partners must agree to sell, give away or borrow money or property. Both partners must agree if they want to take out a large loan.
- If the couple divorce or if one partner dies, the property will be split in half.



Out of community of property:

- Everything a husband and wife had before they were married remains their own. Once they are married they keep their own earnings. They are each responsible for their own loans and debts.
- The husband or the wife can buy or sell their belongings without asking the other person. They can each take out a loan without asking the other person.
- Not all costs are separate. The cost of household needs should be shared because a husband and a wife have a duty to maintain each other.
- If a couple want a divorce, they each keep their own property and anything they bought together is divided in half. If one partner dies, it is only that partner's separate property which goes to the heirs.



Which system of marital property applies?

Most civil marriages in Namibia are *in community of property*. If you want to be married *out of community of property* you must make a contract before you are married and register it at the office of the Registrar of Deeds.

But if you live north of the old "Police Zone", in the areas known as Owamboland, Kavango and Caprivi, marriages that take place between "Africans" on or after 1 August 1950 are *out of community of property*.

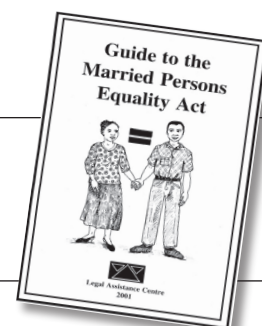
If you want to be married *in community of property* you must make a contract with the marriage officer before the marriage takes place.

Marriage and children

The MPEA states that both parents are *joint custodians* and *equal guardians*. This means both parents can make

decisions about how their children are brought up. They do not have to consult each other on most decisions. But some decisions, such as deciding to put the child up for adoption or removing the child from Namibia, must be made together.

See the Legal Assistance Centre's **Guide to the Married Persons Equality Act** for more details.



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Embassy of the French Republic
Legal Assistance Centre
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BASIC FACTS ON THE COMBATING OF DOMESTIC VIOLENCE ACT



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2008

What is domestic violence?

Domestic violence is violence towards a family member or someone who is in a relationship with the abuser. When children are the victims, the violence is often referred to as "child abuse".

What is a domestic relationship?

- Marriage
- Living together
- Girlfriend and boyfriend
- Two people who are the parents of a child
- Parents and their children
- Family members with a domestic connection, such as where an uncle pays for the school fees of his niece and nephew

Examples of domestic violence

1. **Physical abuse**, such as beating, kicking or burning.
2. **Sexual abuse**, such as rape or forcing someone to have sexual contact.
3. **Economic abuse**, such as not allowing a person to have items or money they need or should expect to have (such as food or their own wages).
4. **Intimidation**, which is making someone afraid by using threats or similar behaviour.
5. **Harassment**, which is repeatedly following or communicating with someone in a way they do not want.
6. **Trespassing**, which is entering the home or property of someone without their agreement when they do not share the same home.
7. **Emotional or verbal abuse**, which is a pattern of behaviour that makes a person feel seriously upset or embarrassed. This could include repeated insults or jealous behaviour.
8. **Threatening** to do any of these things is domestic violence.

It is also domestic violence if a child is allowed to see physical, sexual or psychological abuse against a family member.

What can you do if you are experiencing domestic violence?

- (1) You can make an application for a protection order.
- (2) You can lay a charge with the police.
- (3) You can ask the police to give the abuser a formal warning.

You can go to the police and apply for a protection order at the same time.

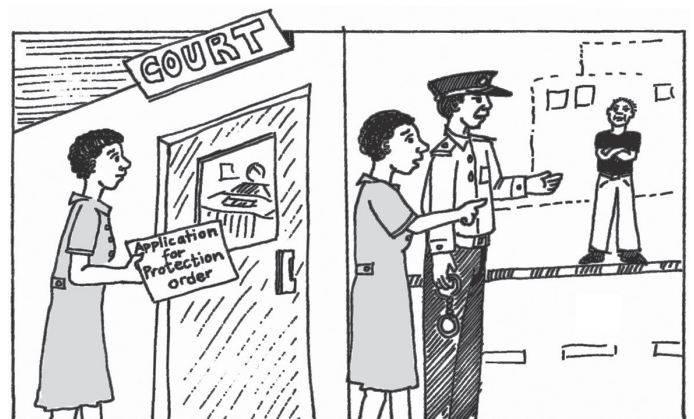


What is a protection order?

A protection order is a court order saying that the abuser must stop the violent behaviour, stay away from the people who are being abused, or even leave the family home altogether.

How do you apply for a protection order?

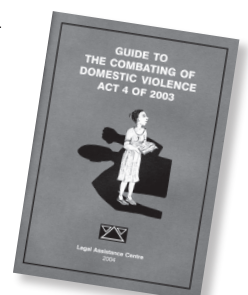
1. Go to the Magistrate's Court. You do not need a lawyer and the Clerk of the Court will help you to fill in the forms.
2. You should take any witnesses who have seen the violence and any evidence you may have, such as medical records.
3. The Magistrate will look at your application. If there is enough evidence a temporary protection order will be made. The Magistrate may want more information before making a decision.
4. When the abuser is given the protection order, he/she must decide to accept it or to disagree with it.
5. If the abuser disagrees, an informal hearing will be held with the Magistrate. This hearing is private. At the hearing both people can tell their side of the story. The Magistrate will then decide whether or not to make a final protection order.
6. If the abuser accepts the protection order, the protection order becomes final without a hearing.
7. The court will send a copy of the protection order to the local police station.



See the Legal Assistance Centre's
**Guide to the Combating of Domestic
Violence Act** for more details.



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BASIC FACTS ON THE COMBATING OF RAPE ACT



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2008

What is rape?

Rape is when a person carries out a "sexual act" under "coercive circumstances."

Both men and women can be raped.

A "sexual act" can be:

- the insertion of the penis into the vagina, mouth, or anus of another person
- the insertion of any part of the body of a human or animal into the vagina or anus
- the insertion of any object into the vagina or anus
- oral stimulation of the male or female sexual parts
- any other form of stimulation of the male or female sexual parts.



"Coercive circumstances" means that a person is forced or threatened by:

- physical force or threats
- threats to cause another type of harm
- being unable to escape from a situation
- being unable to understand or prevent the situation, because of being drunk/drugged/asleep/disabled
- the person pretends to be someone else or pretends that what is happening is not actually a sexual act
- more than one person is used to intimidate the person into having sex
- one person is under the age of 14 and the other person is more than 3 years older.

Post-exposure prophylaxis (PEP)

You may need to be tested for HIV and you may be given PEP. This medicine can help prevent HIV infection. PEP is free if you cannot afford to pay.

Rape within marriage

Marriage does not prevent rape. If a husband forces his wife or a wife forces her husband, it is rape. Rape is rape whenever a person says no or is coerced into sex.



A rape is a rape... even within a marriage!

What to do if you are raped

Keep the evidence:

- Do not wash yourself.
- Do not change your clothes.
- Do not tidy up the place where the rape happened.
- Wrap any evidence in paper. Do not put it in a plastic bag.

Go to the police or a Woman and Child Protection Unit

You should report the rape to the police so that the person who raped you can be caught. Your information will be kept private. Even the trial is private.

Go to a doctor, clinic or hospital

You should see a doctor or nurse as soon as possible. The doctor can give you medication to prevent HIV infection and sexually transmitted infections, and medication to prevent you from becoming pregnant from the rape.



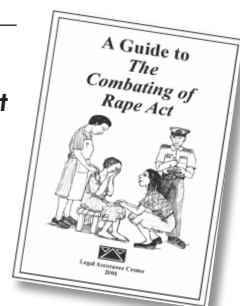
If you become pregnant from rape

If you become pregnant from rape, you can get a legal abortion. You should get a pregnancy test right away if your next period is late, and you should tell your doctor if you want an abortion.

See the Legal Assistance Centre's
A Guide to the Combating of Rape Act
for more details.



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BASIC FACTS ON THE MAINTENANCE ACT



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2008

What is maintenance?

- Maintenance is money or goods that a person has a legal duty to provide for the basic living expenses of his or her dependants.
- Maintenance is used for basic living expenses such as housing, water, electricity, food, clothes, transport, medical expenses and school fees. Maintenance may also be provided for pregnancy and birth-related expenses.
- All children have a right to maintenance.
- All children are treated equally before the law.
- Both parents are responsible for their children, even if a child is being cared for by someone else.
- The amount of money each parent must pay will depend on how much money they have and how much money they earn.
- The payment of maintenance must come before anything else except for payments parents make to support themselves.



What to do if maintenance is not paid

If you do not receive a maintenance payment 10 days after it should have been paid, you should contact the Clerk of the Court. The court can take the money directly from the defendant's wages, or sell some of his or her property.

Who can claim maintenance?

A parent, the person who looks after the child (such as the grandmother) or any other person who is worried about the child (such as a teacher) can apply for maintenance. A child can also claim maintenance from a parent without assistance from an adult.

How long must a parent pay maintenance for a child?

A maintenance order generally ends when a child is able to look after him- or herself. This is usually when the child reaches 18. But if a child marries or starts work before the age of 18, a maintenance order will stop. If a child goes to university, maintenance may need to be paid for longer.



How to claim maintenance

Go to the Magistrate's Court

- The Clerk of the Court will help you to fill in the forms. The entire process should be private and you do not need a lawyer.

Meeting with the Maintenance Officer

- Both parents will be asked to attend an informal meeting. Most cases are settled at this meeting. The maintenance officer will try to help the parents come to an agreement. If the parents cannot agree, a Magistrate will have to decide the case.

Enquiry by the Magistrate

- If the Magistrate has to decide the case, both parents must come back on another day to explain their position to the Magistrate.

- It is a crime to lie to the Magistrate or Maintenance Officer or to delay the process.
- It is a crime to threaten or intimidate the complainant.
- It is a crime to ignore a maintenance order or to misuse maintenance money.
- It is a crime for the Magistrate or Maintenance Officer to tell anyone about the details of the case.

See the Legal Assistance Centre's Guide to the Maintenance Act 9 of 2003 for more details.

Pdf (Acrobat) versions of LAC publications are posted on the LAC website: www.lac.org.na



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Gender Training Session Attendance List

*Ask the people who attend your workshop to fill in their name and contact details.
This means you have a record of attendees and can contact them in the future if
you need to.*

Date: **Location:**

	Name	Contact details (telephone/address/email)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
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17		
18		
19		
20		

Agenda

A sample agenda is shown below. You might like to follow it or you can make your own programme.

You need to decide how much time you want to spend on each topic. You might want to teach about the Married Persons Equality Act, domestic violence and rape in one workshop. This would mean you do not do all of the activities suggested in this pack. Or you might want to give a detailed teaching session on domestic violence and rape. Your choice will depend on how much knowledge the group already has, and what you think the needs of the group are.

Time	Activity
9.00	Introduction
9.30	What is Gender?
11.00	Break
11.30	Learning about the Combating of Domestic Violence Act
13.00	Lunch
14.00	Learning about the Combating of Rape Act
16.30	Summary and feedback
17.00	Finish

Participation and energisers

A good workshop is one that involves the group rather than just talking to them. Participating does not just mean joining in with activities. It also means that what everyone brings to the workshop is valued.

Sometimes you will find that your group has lost its energy. They may be tired after lunch, or it may be that you have discussed something serious and you want to lighten the mood. If you feel this is the case, use some of the activities below to energise the group.

Sarah says

1. Stand at the front of the room where everyone can see you.
2. Ask the participants to copy your physical movements whenever you say, "Sarah says...." *For example, you might touch your head or hop on one leg.*
3. When you only give the instruction but do not say "Sarah says", for example you say "Touch your arm," anyone who copies you is out of the game.

Birthday graph

1. Ask the participants to line up in the order they were born, with people born in January first and people born in December at the end.
2. In which month are most people born? Why might this be?

Statues

1. Ask the group to walk around the room.
2. After a while shout out the name of an object, such as a donkey or a table.
3. The people must act like the object. You could also ask the group to act out emotions, such as anger or happiness.

Taxi rides

This is a useful game to divide people into groups.

1. Ask the group to pretend that they are going to get into a taxi. The taxi can only hold the number of people that you shout out, such as 3/5/8...
2. When you shout out the number, they have to get into that sized group.

Pass the energy

1. The group stands or sits in a circle, holding hands.
2. The leader sends a series of 'pulses' by squeezing the hand of the person on their left.
3. The group must pass these pulses around the circle by squeezing the hand of the person on their left.

Group massage

1. Ask the group to stand in a circle so that each person is facing the back of the person in front of them.
2. Each person must massage the shoulders of the person in front of them.

I like you because...

1. Ask the group to sit or stand in a circle, man woman man woman...
2. Each person must say what they like about the person on their right.

Touch something

1. Ask the group to stand up. Explain that you will tell everyone to find something green and they have to go and touch it. This could be grass or a t-shirt...
2. Continue the game thinking of things to touch, such as the ground, a table, the wall, something blue, something yellow...

Getting to know the group

Before you start learning about gender and the law, let the group get to know each other. Two activities are suggested below.

This is my partner

Ask the group to get into pairs.

1. Each person must introduce themselves to their partner and say 3 facts about themselves.
2. After 5 minutes call the group back together.
3. Ask each partner to introduce the other person to the group, telling the group the facts they were told.



Who is it?

Write the following questions on a flipchart, or ask the group to remember the questions. Then ask the group to walk around the room and talk to everyone to find the answers.

1. Who is the oldest?
2. Who is the youngest?
3. Who has travelled the furthest today?
4. Who has the most children?
5. Was anyone born in the month of April?
6. Does anyone own a dog?
7. Who has the letter 'a' in their name?



What is gender?

Objective: To understand what gender means

Materials: Flip chart and pens

Time: 2.5 hours

The aim of this section is to understand how men and women are sometimes expected to behave differently in their community.

Men and women can be described in two ways – by their sex or by their gender.

Sex

The **physical differences** between male and female, such as penis and breasts. These differences are **permanent**.

Gender

The way men and woman **behave in a culture**. This varies between one community and another and can **change over time**.

The difference between sex and gender

Divide a flip chart into 4 sections: male permanent, female permanent, male changeable, female changeable.

- Ask the group what differences there are between men and women (such as physical appearance, behaviour, type of work).
- For each answer, ask the group to decide if it is permanent (meaning that it is sex) or changeable (meaning that it is gender). Write the answer on the flip chart in the correct box.
- Discuss with the group how the different roles men and women can lead to violence. For example, men may be seen as the “hunters” of women and may be expected to have many sexual partners. Men are also often described as “head of the household” and expect women to obey them.

At the end of the discussion, make sure the group understands the difference between sex and gender.

Who does what?¹

Read the list below one at a time to the group and ask them if men or women usually do the task or activity. Ask the group whether both men and women can do the task:

- Looking after children
- Being the main breadwinner
- Ironing
- Hitting a person
- Crying
- Washing dishes
- Cooking



If the group believes that only a man or woman can do one of the tasks, such as cooking, ask whether the opposite sex would do the job if they were paid N\$10 000.

Gender role play

- Make groups of 4 or 5 people. Both men and women should be in each group.
- Ask each group to practice a role play based on a typical scene in the home. **But, all the men must play women and all the women must play men.**
- Ask each group to perform their role play one at a time.

Once you have seen all the role plays, discuss the questions below:

- What was sex?
- What was gender?
- How did the people feel playing the opposite sex?

Women may say they felt powerful, men may say they felt stupid. Discuss why this is. Make the point that the work women do is often not valued as much as the work men do.

¹ Adapted from *Window of Hope. Yellow Window (Window of Change)*. Published by the Ministry of Education, Namibia.

Gender values

Draw a line across the room. At one end have a sign that says 'Agree.' At the other end have a sign that says 'Disagree.'

One by one, read the statements below. After each statement, ask the group to stand along the line depending on how much they agree or disagree with the statement.

Ask 1 or 2 participants say what they think about the statement.

- Men have an easier life than women.
- Women are better at being a mother to a child than men are to being a father to a child.
- A woman who wears a short skirt is partly to blame if a man rapes her.
- A neighbour should tell a man to stop if he is hitting his wife.
- If a woman was being hit by her boyfriend, she would leave him if she was not happy.



What do women really want?

Chief Anthony was captured by another tribe. Chief Samson wanted to kill him but decided to let him go instead – if he could answer one very difficult question. If Chief Anthony could not find the answer in one year, Chief Samson would kill him. The question was: What do women really want?

This was a very hard question. Chief Anthony went back to his tribe and asked all his people for the answer. But nobody knew. Finally he was told to ask an old woman who lived far away on the other side of his kingdom.

Chief Anthony travelled for 3 days. When he asked the old woman the question she said that she knew the answer, but he would have to pay for it. She would only give him the answer if she could marry his son Timothy. Chief Anthony was very sad. Timothy was a young man and the old lady was very old, very ugly and very smelly.

Timothy loved his father very much and said that he would marry the old lady. So they had a big wedding party that lasted for 3 days. The old lady then told Chief Anthony the answer. What a woman really wants is to be in charge of her own life. Everyone understood that the old lady had spoken a great truth, and Chief Anthony's life was spared.



On the wedding night, Timothy was very nervous. But when he walked into the bedroom he had a huge shock.

A lovely young woman was in the room. She said that she was the old woman. She could be young and lovely half of the time and old and ugly the rest of the time. Timothy must decide if he wanted her to be young and lovely in the day and old and ugly at night, or old and ugly in the day and young and lovely at night.

Timothy did not know what to do. Did he want to have a young and lovely woman to show off to his friends in the day, but have an ugly old lady at night? Or did he want to have an ugly woman in the day but a lovely woman at night?

What would you do? Don't read Timothy's answer until you have made your choice.

Timothy decided that he would let her choose for herself. She then told him that she would be young and lovely all the time, because he had respected her and had let her be in charge of her own life.



She doesn't work²

This story can be used to illustrate how people do not always understand the value of the work women do.

Peter: How many children do you have?

Mark: Eight.

Peter: Does your wife work?

Mark: No, she stays at home.

Peter: I see. What does she do all day?

Mark: Well, she gets up at four in the morning, fetches water and wood, makes the fire and cooks breakfast. Then she goes to the river and washes clothes. After that she goes to town to get corn ground and buy what we need in the market. Then she cooks the midday meal.

Peter: Do you come home at midday?

Mark: No, no. She brings the meal to me in the fields, about three kilometres from home.

Peter: Does she rest in the afternoon?

Mark: No! She takes care of goats, and looks after the children. Then she prepares supper so that it is ready when I come home.

Peter: Does she go to bed after supper?

Mark: No, but I do. She has things to do around the house.

Peter: But you say your wife doesn't work?

Mark: No. I told you. She stays at home.



² Adapted from SINIKO: Towards a Human Rights Culture in Africa Training Manual. Available at <http://www.amnesty.org/en/library/asset/AFR01/003/1999/en/domAFR010031999en.pdf>.

King Lion and Little Mouse

Adapted from an African folk tale

This story can be used to illustrate how people, particularly men and women, need work together to be successful.

One day King Lion lay sleeping in the afternoon sun. A mouse was running by and accidentally ran onto the tail of King Lion. King Lion woke up and was very angry. Who had disturbed his sleep? A little mouse! He let out a mighty roar and caught the mouse in between his big teeth. "Ooh, your Honour, your Excellency, your Greatness, dear King Lion, Sir," the mouse stammered. "I am so sorry that I didn't see you." The little mouse lifted up his eyes and begged for his life. "Please don't kill me. If you let me go I promise that I will make this up to you some day." King Lion glared at the mouse and said "Do you really think that a little mouse like you can help me, the King?" "I will try," squeaked the little mouse. The King laughed and dropped the mouse onto the ground and fell back to sleep.

Life continued quietly for many weeks. King Lion went about his business and forgot about the little mouse. Then one day a terrible thing happened. Hunters came to the forest and set traps for the animals. King Lion was the first animal to be captured. King Lion was very frightened and roared as loud as he could for help. The little mouse heard him and came running. You might think that it would be difficult for a little mouse to help King Lion. But you will be amazed, because the mouse could help. The mouse bit through the strings of the trap one by one until the lion was free.

King Lion thanked the little mouse very much. He said "Little mouse, you have saved my life. And you have also taught me a great lesson. I now know that everyone is important in our forest, because we can all help each other."

Married Persons Equality Act

Objective: To learn about the Married Persons Equality Act

Materials: Flip chart and pens. For the role play, 3 pots (optional), pictures of items such as cattle, goats, chickens, furniture, cars, jewellery

Time: 2 hours 30 minutes

The purpose of the Married Persons Equality Act is to remove some forms of discrimination in marriage. The Namibian Constitution says that “Men and women ... shall be entitled to equal rights as to marriage, during marriage and at its dissolution” (Article 14). The Married Persons Equality Act explains how this should happen.

Ask the group what type of marriages there are in Namibia.

Answer:

There are two types of marriage:

- civil marriage
- customary marriage

Civil marriage is when the wedding occurs before a registered marriage officer – such as a pastor, priest or Magistrate. A marriage certificate is issued after a civil marriage and the wedding is registered with the government.

Customary marriage is one that happens according to the customs and traditions of a community. As of August 2008, customary marriages are not registered and there is no marriage certificate to prove that a marriage has taken place.

Most of the rules in the MPEA apply only to people who are married by civil law.

Marital power

Married equality means that in the eyes of the law, a man cannot automatically rule his wife just because he is a man.

Ask the group the following question: ‘What is marital power?’

Answer: Marital power was the legal power a husband had over his wife and her property in a civil marriage. It meant that the wife was treated like a child in the eyes of the law. She could not do many things without her husband’s consent.

The Married Persons Equality Act got rid of marital power. In a civil marriage, husbands and wives now have equal power. This means that in the eyes of the law, the husband is not the automatic “head of the household.” A husband can still be the leader and decision maker in daily life if that is what the couple want. But if they go to court because of a dispute, the court will not automatically decide in favour of the husband.

Property and marriage

Civil marriages may be:

- in community of property
- out of community of property

Ask the group if they know the difference between marriage in community of property and marriage out of community of property.

To explain what is meant by “community of property”, use the activity below:

IN community of property

- Asks two participants to stand up and pretend to be a married couple.
- This couple is married in community of property.
- Put a big pot between them or draw a pot on a flipchart.
- Ask the husband and wife to draw some household items on paper or give them pictures from a magazine.
- The husband and wife must put the pictures into the pot, or stick them onto the flipchart with prestik. This is the property they each owned before they got married.
- Now that they are married, they both share this property.
- Give them, or ask them to draw more pictures. This is property they have gathered since they got married.
- The husband and wife must put the pictures into the pot. This is also their shared property.

The Married Persons Equality Act says that people married in community of property must both agree to sell or give away property such as the house, furniture or livestock. The husband or the wife cannot sell the property without first getting the consent of the other. They must also both agree before taking out a loan which is secured by their joint property.



OUT of community of property

- Ask two new participants to stand up and pretend to be a married couple.
- This couple is married out of community of property.
- This time you should draw or use two pots, one for the husband and one for the wife.
- Ask the husband and wife to draw some household items on paper or give them pictures from a magazine.
- The husband and wife must put their pictures into their separate pots, or stick them onto the flipchart with prestik. This is the property they each owned before they got married.
- Give them, or ask them to draw more pictures. This is property they have gathered since they got married.
- The husband and wife must stick their pictures into their own pots. Although they are married their property is still separate.

The Married Persons Equality Act says a husband and wife married out of community of property can each buy or sell their own belongings or take out loans against their own property without the agreement of the other. The husband and wife each have separate belongings and debts throughout the marriage, although the cost of basic household necessities should be shared between the partners according to how much each person earns.



How are you married?

Most civil marriages in Namibia are in community of property unless you agree in advance to be married out of community of property. To be married out of community of property, you must make a contract before you are married and register it at the office of the Registrar of Deeds.



Marriage north of the old 'Police Zone'

The *Native Administration Proclamation 15 of 1928*, which is still in force, makes a different rule for all civil marriages between "Africans" which take place on or after 1 August 1950 north of the old "Police Zone", in the areas then known as Owamboland, Kavango and Caprivi. These marriages are automatically **out** of community of property unless a declaration establishing another property regime is made to the marriage officer before the marriage takes place, but no more than 1 month before.

The theory behind the law seems to have been to protect multiple wives in cases where one or more customary marriages took place before a civil marriage. Colonial authorities seem to have thought that an 'out of community of property' regime would make it easier for these customary law wives to still have rights to some of the property.

Death or divorce

The way property is divided upon death or divorce depends on whether you are married in or out of community of property.

- If you are married **in** community of property the 'whole pot' is shared equally between partners.
- If you are married **out** of community of property, each partner keeps their own property. If one partner dies, it is only that partner's separate property which goes to the heirs.

Will you marry me?

Split the group into 3 small groups. Read the following cases one at a time and ask them to discuss the answers.

Case 1:

Amalia and her boyfriend Petrus live near Oshakati. Petrus has 80 cattle and communal farm land. They have 2 children together. Amalia is unemployed. Petrus is going to ask Amalia to marry him and look after the house and the children.

Amalia knows about the different marital property regimes. Which property regime do you think she would prefer and why?

Answer: *Petrus will accumulate more cattle while Amalia will not earn anything. It would be better for her to marry him **in** community of property so that if they divorce or he passes away first, she will share the wealth that he has gained – and so receive some benefit for the years she has spent caring for the family.*

Case 2:

Rudolf works as a gardener 3 days a week. He has been going out with Rosa for 2 years. He used to gamble but has been persuaded by Rosa to give this up. Rosa has a good job at a Ministry and she would now like to get married and have children.

Rudolf is going to ask Rosa to marry him. Rosa knows about the different marital property regimes. Which property regime do you think she would prefer and why?

Answer: Rudolf could start gambling again, so it might be better for Rosa to marry him out of community of property so that she safeguards her savings and income for herself and the children they may have.

Marriage and children

The Married Persons Equality Act states that both parents are joint custodians and equal guardians. This means both parents can make decisions about how their children are brought up. Some decisions, such as deciding to put the child up for adoption or removing the child from Namibia, must be made together.

The Married Persons Equality Act states that a boy and a girl need consent from both their parents to get married if they are under the age of 21. If they are under the age of 18, they also need the consent of the state.

Story about equality in relationships

Who spilt the beer?³

A group of friends were sitting outside a shebeen drinking beer. Richard was sitting next to his girlfriend Rachel, and Simon was sitting next to his girlfriend Sheila. Richard was telling a story about how he had accidentally hit his boss when he was trying to kill a mosquito. Richard was waving his hands around in the air when he suddenly knocked over the beer bottles on the table. Richard looked at his girlfriend and said "Rachel, go and get a cloth to wipe up the beer."

Rachel replied "Why are you asking me to get a cloth when you knocked over the bottle?"

Richard answered "You are my girlfriend. Surely you do not expect a man to get a cloth when there is a girl to clean up the mess?"

Simon stood up and looked at Richard "My friend, let me tell you something. A real man treats women with respect and not as his servants. There is nothing wrong with a man or a woman cleaning up a mess. To show you, I will go and get the cloth."

³ Adapted from *Window of Hope – Window of Love (Lime Window)*. Published by the Ministry of Education, Namibia.

Combating of Domestic Violence Act

Objective: To learn about the Combating of Domestic Violence Act

Materials: Flip chart and pens

Time: 2 hours and 30 minutes

Ask participants what they think domestic violence is. Use the information below to explain the answer:

Domestic violence is violence towards a family member or someone who is in a relationship with the abuser. When children are the victims, the violence is often referred to as “child abuse”.

Ask the participants what type of relationships are “domestic relationships”.

Answer:

- people who are married (civil or customary marriage) or engaged to be married
- people who are living together but are not married
- girlfriend and boyfriend
- two people who are the parents of a child – whether or not they have ever lived together
- parents and their children
- other family members related by blood, marriage or adoption, **if** they live in the same house or have some other connection between them, such as shared finances. For example an uncle might pay his niece’s school fees.

By law a domestic relationship is considered to continue for at least 1 year after separation. Parents of a child have a domestic relationship for the duration of the child’s life. If the child dies, the domestic relationship will continue for 1 year.

Ask the group what types of violence can be domestic violence.

Answer:

1. **Physical abuse**, such as beating, kicking or burning. It can also be depriving a person of food, water, clothes or shelter.
2. **Sexual abuse**, which is rape, touching a person on their private areas, or making someone look at sexual material (such as pornographic magazines).

3. **Economic abuse**, including not allowing a person to have items or money they need or should expect to have (such as food or their own wages).
4. **Intimidation**, which is making someone afraid by using threats or similar behaviour.
5. **Harassment**, which is repeatedly following or communicating with someone in a way they do not want.
6. **Trespassing**, which is entering the home or property of someone without their agreement when they do not share the same home.
7. **Emotional or verbal abuse** which is a pattern of behaviour that makes a person feel seriously upset or embarrassed. This could include repeated insults or jealous behaviour.
8. **Threatening** to do any of these things is also domestic violence.

It is only domestic violence if there is a pattern of abuse or if the abuse is serious. Calling your partner one rude name is not verbal abuse.

It is also domestic violence if a child is allowed to see physical, sexual or psychological abuse against a family member.

Make a scene:

This is a very simple type of acting. Split the participants into groups and ask them to create a scene – like in a photograph. The scene should show a type of domestic violence. You should give each group a different scene such as physical violence, emotional violence...

When each group shows their scene, ask the audience to say how you think each of the different actors is feeling and what you think the person who is being abused should do.



Quiz: Is this domestic violence?

Ask the group whether the examples below are domestic violence and if so, what kind?

1. **A child has been naughty and his mother refuses to give him pocket money to buy sweets that week.**

Answer: No. This is not economic abuse – domestic violence is not about small things or about parents reasonably punishing children.

2. **A teenage girl finishes a relationship with a boy. The ex-boyfriend follows her around, watching who she talks to and where she goes.**

Answer: Yes. This is harassment because a domestic relationship continues for one year after separation.

3. **A woman is living with a man. She says she doesn't want to have sex with him because he has other girlfriends. He says unless she has sex with him he will have sex with her daughter.**

Answer: Yes. This is sexual abuse and intimidation.

4. **A boss says she will not promote her male assistant unless he has sex with her.**

Answer: No. These two people are not in a domestic relationship, but this would be sexual harassment under the new Labour Act of 2007.

5. **A step-father constantly shouts at his step-daughter, swearing at her and telling her she is stupid.**

Answer: Yes. This is emotional and verbal abuse.

What can you do if you are experiencing domestic violence?

People will stay in a violent relationship for many reasons. They may be afraid to leave, or they may think that the person will change. However studies have shown that once domestic violence has started it is unlikely to stop.

Under the law, someone who is experiencing domestic violence can:

- make an application for a protection order at the Magistrate's Court;
- lay a charge with the police if the abuse amounts to a crime (such as hitting, which is assault, or stabbing which may be attempted murder);
- ask the police to give the abuser a formal warning.

You can go to the police and apply for a protection order at the same time.



What is a protection order?

A protection order is a court order saying that the abuser must stop the violent behaviour, stay away from the people who are being abused, or even leave the family home altogether.

Who can apply for a protection order?

- Anyone who is experiencing domestic violence can apply for a protection order.
- If you are under 21, someone can ask for a protection order for you if you want.
- If a person is over the age of 21 but is afraid to apply for a protection order by themselves, someone else can apply on their behalf. The person suffering from the violence must agree to the application in writing, unless they are unable to do (for example if they are unconscious).

How do you apply for a protection order?

1. Go to the Magistrate's Court. You do not need a lawyer and the Clerk of the Court will help you to fill in the forms.
2. You should take any witnesses who have seen the violence and any evidence you may have, such as medical records.
3. The Magistrate will look at your application. If there is enough evidence a temporary protection order will be made. The Magistrate may want more information before making a decision.
4. When the abuser is given the protection order, he/she must decide to accept it or to disagree with it.
5. If the abuser disagrees, an informal hearing will be held with the Magistrate. This hearing is private. At the hearing both people can tell their side of the story. The Magistrate will then decide whether or not to make a final protection order.

6. If the abuser accepts the protection order, the protection order becomes final without a hearing.

The court will send a copy of the protection order to the local police station.



You can also ask that a protection order stops the abuser from making contact with other people. For example, if you were worried that the abuser might hurt your sister, she could also be included in the protection order – but she must give her written consent for this.



There is no fee for a protection order.

All protection orders order the abuser to stop committing domestic violence. But each protection order is different, depending on the situation. The protection order might say:

- The abuser must hand in all weapons to the police.
- The abuser may not contact or come near the abused person.
- The abuser has to move out of the joint household. This will be ordered only if there has been physical violence. The court can make this order no matter who owns the house.
- The abuser must pay rent for the abused person to live elsewhere.
- The abuser may not destroy any joint property.
- The abuser must pay child maintenance for up to 6 months, to give the person who is suffering the abuse time to make an ordinary application for a maintenance order.



What should they do?

Divide the participants into groups. Read the following case studies and ask them to discuss what the victim of domestic violence should do:

1. Martha is living with Rudolf and they have 3 children together. Martha works as a domestic worker 2 days a week and Rudolf is a taxi driver. They live in Rudolf's house. When Rudolf gets drunk he beats her. The violence is getting worse and is happening more often. Martha is afraid he will kill her. But she is scared to leave because she has very little money and is worried the children will suffer. What should Martha do?

Answer: Martha can ask for a protection order which orders Rudolf to leave the home while she makes alternative arrangements for accommodation. Martha should ask for a maintenance order to be made with the protection order.



2. Petrus is a teacher in Keetmanshoop. He is worried about one of his pupils, John. John is 7 years old and lives with his uncle while his mother works in Windhoek. John is not being fed properly and comes to school covered in bruises. Petrus has seen the uncle beating John. What should Petrus do?

Answer: Anyone can apply for a protection order for a minor (a person under the age of 21) or lay a charge with the police. This means that Petrus can apply for a protection order or go to the police for John. A social worker should also be informed.



Quiz: What do you know about domestic violence?

To check whether your group has understood the session, use the quiz below to test their knowledge.

	Questions	Answers
1	Name 4 types of domestic violence.	<ol style="list-style-type: none"> 1. Physical abuse 2. Sexual abuse 3. Economic abuse 4. Intimidation 5. Harassment 6. Trespass 7. Emotion or verbal abuse 8. Threats
2	Name 3 domestic relationships that are covered by the Act	<ol style="list-style-type: none"> 1. Married couples 2. People who live together 3. Girlfriends and boyfriends 4. The parents of a child 5. Parents and children 6. Family members who live together or share finances
3	Will a protection order be given when there has been an argument about who should cook the dinner on the weekend?	No. The law is there to help people who are in real danger, or where there is a pattern of abuse.
4	If a couple were in a domestic relationship but are now separated, can a protection order be applied for?	Yes, a protection order can be applied for up to 1 year after a couple have split up. Parents of a child will have a domestic relationship as long as the child is living.
5	What 3 things can a person experiencing domestic violence do?	<ol style="list-style-type: none"> 1. Apply for a protection order 2. Go to the police and lay a charge 3. Ask the police to issue a formal warning

Combating of Rape Act

Objective: To learn about the Combating of Rape Act.

Materials: Flip chart and pens.

Time: 2 hours and 30 minutes.

Ask the group what is the definition of rape. Use the information below to explain the answer:

Rape is when a person carries out a “sexual act” under “coercive circumstances.”

You will need to explain the words “sexual act” and “coercive circumstances”. It can be difficult to explain these words, but it is important the people understand what a sexual act is because some people can be raped without understanding that what is happening to them is rape.

You should also make sure the group understands that both men and women can be raped.

“Sexual act” covers the most intimate kinds of sexual contact:



- the insertion (to even the slightest degree) of the penis into the vagina or anus of another person
- the insertion of the penis into the mouth of another person
- the insertion of any other part of the body into the vagina or anus
- the insertion of any object into the vagina or anus
- oral stimulation of the male or female sexual parts
- any other form of stimulation of the male or female sexual parts.

“Coercive circumstances” means that a person is forced or threatened by:

- physical force
- threats of physical force against the complainant or another person
- threats to cause another type of harm
- being unable to escape from a situation

- being unable to understand or prevent the situation, because of being drunk/drugged/asleep/ disabled
- the person pretends to be someone else or pretends what is happening is not a sexual act
- more than one person is used to intimidate the complainant
- the complainant is under the age of 14 and the perpetrator is more than 3 years older.

By law, if someone is under the age of 14 has sex with someone who is 3 years older than them, this is automatically rape.

- This means that a 26-year-old who has sex with a 12-year-old is raping the child, even if the child consents to have sex,
- If a 12-year-old boy and a 12-year-old girl agree to have sex, this is not rape because they are the same age.

The Combating of Immoral Practices Act is another law that protects children. It says that a person who is more than 3 years older and has or tries to have any kind of sexual contact with a child under the age of 16 is guilty of a crime and could receive a fine of up to N\$40 000 or go to prison for up to 10 years.

Ask the group if rape can occur in marriage.

Answer: Marriage does not prevent rape. If a husband forces his wife or a wife forces her husband, it is rape. If a family member forces sex on a person but says that it is because of a traditional custom, the law still sees this as rape.



A rape is a rape ... even within a marriage !

Gang rape

If one person (Matthew) forces a person (Jane) to have sex with someone else (Michael), both Matthew and Michael can be accused of rape.

Perhaps she said "yes" to him before, and perhaps she said "yes" to other men, but how is that relevant if he was holding a knife at her throat that night ?

If 3 men take it in turns to rape a person, it is possible for each of them to be charged with committing 3 rapes.



Quiz: "Is this rape?"

To see whether the group understands the definition of rape, ask whether the following examples are rape:

1. A girl is taken to the riverbed by her boyfriend and when they get there his friends are waiting to have sex with her. She is too scared to say no and she lets them have sex with her.

Answer: Yes this is rape.

2. The uncle of a small girl fondles her private parts.

Answer: Yes this is rape.

3. A married woman who is HIV positive has an agreement with her HIV positive husband that they will use condoms so that they do not increase their infection level. He comes home drunk and forces her to have sex without a condom.

Answer: Yes this is rape.

What to do if you have been raped

Ask the group what they think someone should do if they have been raped. There are 5 main things to remember:

1. **Do not wash**, change your clothes or tidy the area where the rape took place.
2. **Report the rape** at the nearest Woman & Child Protection Unit or police station. You might want to take a friend or relative with you for support.
3. **See a doctor or nurse as soon as possible.** This can provide important evidence for the court. The police should arrange a medical examination when you report to them.
4. **Protect yourself.** The doctor can give you medication to prevent HIV infection and sexually transmitted infections, and medication to prevent you from becoming pregnant from the rape. It is also possible to get a legal abortion if the rape results in a pregnancy. You do not have to report the rape to the police to get permission for a legal abortion, although you will need to explain why you did not report the case.



5. **Get counselling** to help you to deal with how you feel after the rape. Someone who has been raped may experience many different emotions, such as crying, shaking, vomiting, loss of memory, fear, guilt, shame and anger. These can continue for many years. Counselling can help a rape survivor deal with these emotions.

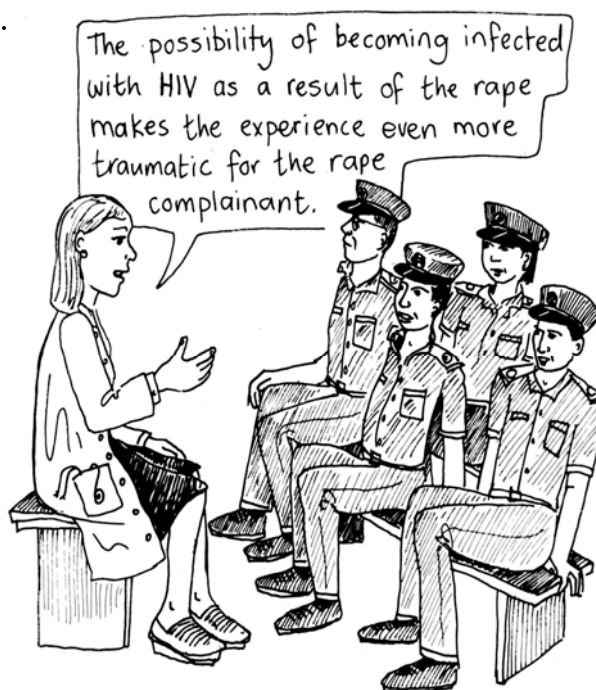


What is Post-Exposure Prophylaxis (PEP)?

Ask the group if they know what PEP is.

Answer:

- PEP is a course of antiretroviral drugs which can give help prevent HIV infection if started within 24-72 hours of the rape – the sooner the better.
- All rape survivors should be given PEP treatment. PEP is free for people who have been raped and cannot afford to pay. If PEP is not available at the medical centre where the survivor seeks help, the medical personnel and the police should make arrangements to get PEP elsewhere. All district hospitals should have PEP.
- It is **very important** for survivors to finish the month-long treatment of PEP. If they do not, the medication may not work.



What should be done to help Mary?

Read the following story below and ask the group what they would do.

Mary, a married woman, arrives at your home late at night. She is crying and very upset. Her husband lost his job that day and came home drunk and angry. He tore her clothes off and put his penis in her anus. She has never heard of this kind of sex. Normally they use a condom but this time her husband did not use one. She is torn and bleeding and doesn't know what to do. She does not want to report her husband to the police.

Answer:

- Explain to Mary that what happened was rape.
- Be very gentle with Mary, and keep calm yourself.
- If Mary does not want to report the rape, you should not try to force her to go to the police.
- Go with her to a hospital or clinic as she is injured. If Mary knows she is HIV negative or if she does not know her HIV status, ask the doctor to give her PEP.
- Encourage her to talk to someone she trusts about the problem, such as a family member who could talk to the husband about his behaviour.
- Arrange counselling for Mary if possible. Be supportive, don't tell anyone else about this situation, and continue to show that you will support her.

Topic for discussion:

The myth that sex with a virgin is a cure for HIV/AIDS

Some people believe that having sex with a virgin can cure HIV infection.

This is not true.

Ask participants to discuss the following questions:

1. Is this myth present in Namibia?
2. If so, what can be done to inform people that it is not true?
3. Suggest that when the group leave the workshop, they each talk about this myth with 10 other people.

The Cross-examination of Mr Smith⁴

This story shows how we sometimes try to blame the victim of a crime. Mr Ryan is a defence lawyer, he is interviewing the Mr Smith, the victim of the crime.

Mr Ryan	Mr Smith, you were held up on Independence Avenue?
Mr Smith	Yes I was.
Mr Ryan	Did you struggle with the robber?
Mr Smith	No.
Mr Ryan	Why not?
Mr Smith	The robber had a knife.
Mr Ryan	So you agreed to do what the robber said?
Mr Smith	Yes.
Mr Ryan	Did you scream, cry out or make a noise?
Mr Smith	No. I was afraid.
Mr Ryan	Have you ever been held up before, Mr Smith?
Mr Smith	No.
Mr Ryan	Have you ever given money away?
Mr Smith	Yes, of course I have.
Mr Ryan	So you have given money away in the past. In fact, you have achieved quite a reputation for giving money away. How can we be sure this time you didn't want to give money away? What time did this hold-up take place?
Mr Smith	About 11 in the evening.
Mr Ryan	Why were you out so late at night?
Mr Smith	I was just walking.
Mr Ryan	You know that it is dangerous to go out in the streets that late at night. What were you wearing at the time?
Mr Smith	A suit.
Mr Ryan	An expensive suit?
Mr Smith	Yes.
Mr Ryan	So you were out late at night, in a suit that showed you were rich. I might say that you were asking for this to happen to you.

Ask the group the following questions:

- Was it Mr Smith's fault that he was robbed?
- Why might he have been out at night?

⁴ The dialogue was adapted from one that was published in the American Bar Journal, and republished in South Africa as part of the proceedings of a NUSAS Law Students Conference in 1981, in an article by Kathleen Satchwell.

Maintenance Act

Objective: To learn about the Maintenance Act.

Materials: Flip chart and pens.

Time: 2 hours and 30 minutes.

Ask the group if they can give you a definition of maintenance. Use the information below to explain the answer:

Maintenance is money or goods that a person has a legal duty to pay to support his or her dependants.



A dependant is someone who depends upon the support of another person to live. For example, children are dependants of their parents. Sometimes a husband or a wife is dependent on the other partner's income.

Maintenance is used for basic living expenses such as housing, food, clothing, medicine and school fees.

The Maintenance Act is meant to help children. It puts their needs first, and helps overcome any arguments the parents might have.

The following basic principles apply:

Both parents are responsible for their children.

- If one parent is not helping to support a child, the court can order him or her to do so.
- Although both parents are jointly responsible, this does not mean they must both pay the same.

If it costs N\$300 per month to look after a child and the father earns N\$10 000 per month but the mother only earns N\$5 000, the father could be asked to pay N\$200/month and the mother N\$100/month. This is because he earns more money and it is fair to ask him to pay more to help look after his child.

All children have a right to maintenance.

- It does not matter if the child is born inside or outside of marriage.
- It does not matter if the child is the first or last born.
- It does not matter whether the child is born from a first or second marriage.

When the Magistrate decides how much money a parent should pay, the Magistrate will think about how many children the parent has to support.



Paying maintenance is more important than all other expenses except costs the parent needs for support him- or herself or other dependants.

If the father has a job and three cars but he is not paying maintenance, the court could say he should sell some of his cars so his child can eat.

But if the father is a manager of a taxi company and uses the three cars for his business, the court would not tell him to sell them. But the court would still order him to pay maintenance as he is earning an income.



If the father is does not have permanent work but does have property such as livestock or crops, he could be asked to pay with these instead of money. For example a fisherman could be ordered to give ten fish a week to the mother of his child. If all ten fish are not needed for food, she can sell them.

The defendant cannot quit his or her job just to stop paying maintenance. Failure to pay maintenance without a good reason can lead to a prison sentence or a fine.

Who can make a claim for maintenance?

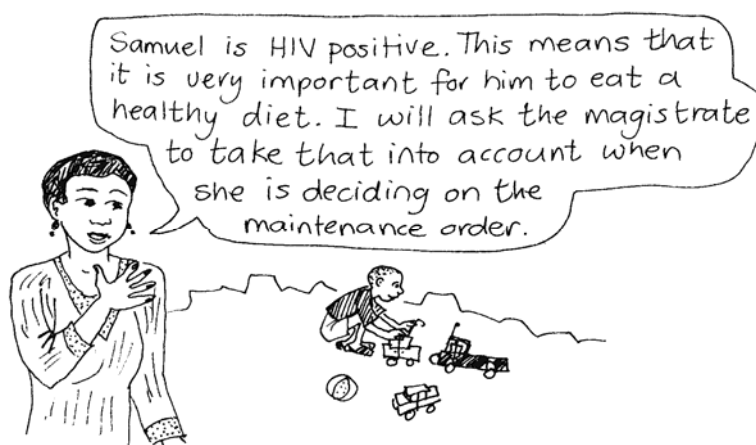
Maintenance can be requested by a parent, the person who looks after the child (such as the grandmother) or any other person who is worried about the child – such as a relative, social worker, doctor, nurse, teacher, traditional leader or religious leader. A child can also claim maintenance from a parent without assistance from an adult.

How much maintenance should be paid?

The amount of maintenance needed will depend on how much it costs to look after a child. This will vary depending on the age and the needs of the child.

The costs of sending a child to secondary school are generally higher than the cost of sending a child to primary school.

An HIV positive child may need more money for vegetables and other good food.



Ask the group what other costs are involved in looking after a child.
School fees, medical bills, clothes...

The amount of money will depend on how much money and property the parents have, and how much money they earn.

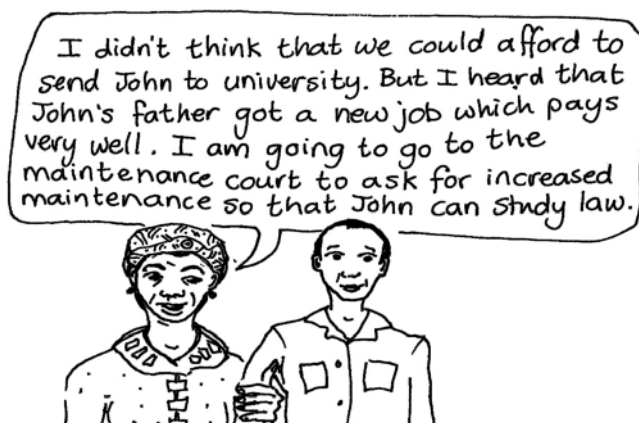
Ask the group to think about how much looking after a child is worth.

Child care is an indirect cost. Sometimes people pay for help with cooking and cleaning the house. Therefore, looking after a child has a value. Caring for a child can also mean that the mother or father cannot work full time. This means they have lost the chance to earn money. Sometimes the parent who does not look after the child may be asked to pay more to help cover this cost.



How long must a parent pay maintenance for a child?

A maintenance order generally ends when a child is able to look after him- or herself by paying for food, housing, etc. This is usually when the child reaches 18. However, the time when a child becomes able to support himself may vary if:



- a child leaves school before age 18 and gets a job.
- a child is disabled or for some other reason cannot earn enough money to pay for basic needs.

If a child goes to university, maintenance payments will continue until the child is 21.

Pregnancy

Both parents also have a responsibility to pay for the costs of pregnancy and giving birth.

Ask the group what costs are involved with being pregnant
Visits to the clinic, vitamins, maternity clothes...



These expenses are important because seeing a doctor and eating the right food will help make sure that the baby is healthy.

You can ask for a maintenance order when you are pregnant. You can also ask the father to help pay for these costs after the child is born if you apply before the child's first birthday. You can apply later if you have a special reason why you could not claim before, for example, if the father could not be found during the first year.

How to claim maintenance

1. Go to the Magistrate's Court. You do not need a lawyer and the Clerk of the Court will help you to fill in the forms.
2. You should take information about yourself, your child, how much you earn and how much it costs to care for your child. The entire process should be kept private.
3. The Maintenance Officer has a duty to investigate your claim and ask the other parent to come to an informal meeting. Most cases are settled at this meeting. If the parents cannot reach an agreement, a Magistrate will have to decide the case. Both parents will have to come back to give their information to the Magistrate on another day.
4. If the other parent does not respond to the order to come to the hearing with the Magistrate, a maintenance order will be made without their side of the story being heard. The absent parent can object to the order later, but must start paying maintenance straight away.



Role play: At the Magistrate's Court

Ask two people in the group to join you. Ask one person to be 'lady in the queue' and the other person to be 'Maria'.

Maria is applying for maintenance. The story starts as Maria is walking into the Magistrate's Court.

Lady in the queue: Join the queue, you don't need an appointment.
Maria: I am not married to the father of my child. Does the law still say he must help pay for the care of my son?
Lady in the queue: Yes it does.

The women move down the queue.

Maria: Is it difficult to get a man to pay maintenance?
Lady in queue: No, it is a simple process and the people here will help you with the forms.

The women move down the queue.

Maria: I don't want anyone to know that I cannot support my child on my own.
Lady in the queue: Everything here is confidential.

What did you learn from the play?

- You don't have to be married to the father to apply for maintenance.
- Applying for maintenance is a simple process and the Clerk of the Magistrate's Court will help you.
- The details you give are confidential.

What happens if the defendant stops paying maintenance?

If a parent stops paying maintenance, the other parent should go back to the court. There is a simple procedure to get payment from property or wages and the Clerk of the Court can help organise this. The court can take the money directly from wages or order that property is sold to get the money that is owed.

The Magistrate's Court can ask the parent who is paying maintenance to provide two photographs or a certified copy of their identity document. This is to help the police find the parent if the payments stop.



What happens if someone misuses maintenance money?

If maintenance money is spent on alcohol or in other bad ways the punishment can be a fine of up to N\$4 000 or imprisonment for up to 12 months. It is also a crime for anyone to give false information to the maintenance officer or the Magistrate.

Maintenance of people with disabilities

If a child is disabled and is unable to support him- or herself, a parent might have to pay maintenance for the entire life of the child.

The amount of maintenance paid will depend on:

- how severe is the disability is;
- the cost of medical care and other needs.

Children's duty to maintain their parents

Children have a duty to maintain their parents if the parents are unable to maintain themselves. For example, a child might have to maintain a parent if the parent is elderly or disabled and cannot work and there is no-one else to help.

This usually only happens when the children have become adults.

The child must have money or property to be able to support the parent as well as taking care of his or her own needs. The law will not ask children to take bread out of their own mouths to feed their parents.

Ask the group if it is okay for a father to say the following:

"I've paid maintenance for my child to have a university education. Now he's graduated, I want to stop working and let him take care of me."

Answer: No, the father is still able to look after himself so the request is not fair.



The duty of family members to maintain their relatives

Blood relatives have a responsibility for each other. The legal duty of support is strongest for family members who are closely related.

- The law says that grandparents should care for their grandchildren if the grandchildren become orphans.
- Aunts and uncles can be asked to provide support if the parents and grandparents are unable to do so.
- A child's duty to support parents will go to the grandchildren if the children are dead.



Maintenance quiz

To check whether your group has understood the session, use the quiz below to test their knowledge.

Who is legally responsible for maintaining children?

- a) The mother
- b) The father
- c) Both parents (*correct answer*)
- d) The grandmother

If a parent is not paying maintenance for a child voluntarily, what should the other parent do?

- a) Go to the Woman & Child Protection Unit.
- b) Go the Maintenance Court and fill out a form. (*correct answer*)

How much should a parent pay to maintain a child?

- a) N\$100 per month
- b) N\$300 per month
- c) It depends on the needs of the child, how much each parent earns, and what other responsibilities they have (such as supporting other children). (*correct answer*)

Evaluation

It is important to evaluate a workshop because the feedback you receive can help you to improve your workshop the next time you do it.

In this pack we suggest 2 options for collecting feedback. The first option is to read out questions and ask the group to write down their answers or to say their answers out loud while you write them down on a flip chart. The second option is to use the sample evaluation form on the next page.

Questions to ask the group:

- Write down one thing that you learnt today.
- Write down one thing that surprised you today.
- Write down one thing that you would have changed about today.
- Do you have any comments to make about the workshop?

Gender Training Session Evaluation Form

Date:

1. Overall, did the workshop meet your expectations?

☐ Yes

☐ Partly

☐ Not at all

(tick 1 box)

Comments:

.....

.....

2. What did you learn?

.....

.....

.....

3. How was the facilitator?

☐ Good

☐ OK

☐ Poor

(tick 1 box)

4. How could the workshop have been improved?

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.....

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5. Any other comments?

.....

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