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LEGAL ASSISTANCE CENTRE

Recipient of the UNICEF Maurice Pate Human Rights Award – 1997
JP Karuaihe Human Rights Award – 2008 and 2010

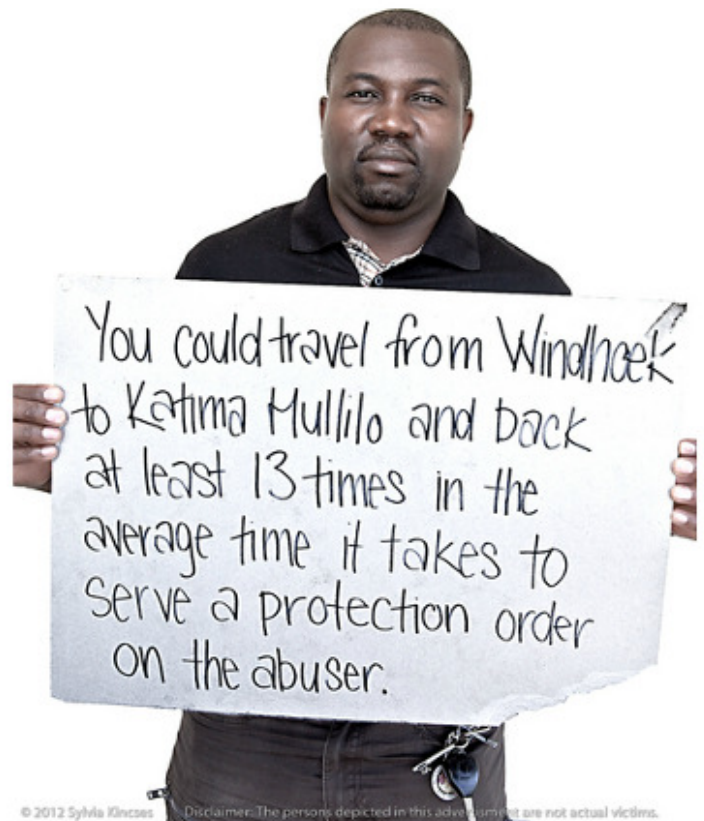
IN SUPPORT OF THE 16 DAYS OF ACTIVISM AGAINST GBV

The 16 Days of Activism run from 25 November (International Day Against Violence Against Women) to 10 December (International Human Rights Day) in order to symbolically link violence against women and human rights and to emphasise that such violence is a violation of human rights.

Namibia suffers from an unacceptably high incidence of GBV and it is appropriate that Namibia recognises the importance of addressing this problem. As such, the Legal Assistance reiterates the Government of Namibia's call for **zero tolerance towards GBV**.

The Legal Assistance Centre would like to take the opportunity of the 16 Days to highlight the importance of helping victims of violence. In this regard, the **LAC congratulates the MGECW on the launch of the National Plan of Action on GBV**. The LAC looks forward to effective implementation of this plan.

But the LAC would also like to highlight the critical need for better service provision that must be immediately effected. Take the finding that **you could travel from Windhoek to Katima Mulilo and back at least 13 times in the average time it takes to serve a protection order on the abuser**.¹ A protection order is not effective until it has been served on the abuser. The extended timeline between the time when the order is granted and the time it is served leaves many



¹ It takes on average 13 to 15 days to serve an interim protection order on the abuser once it is made. Legal Assistance Centre, *Seeking Safety: Domestic violence in Namibia and the Combating of Domestic Violence Act 4 of 2003*, 2012 at 456.

Trustees of the Legal Assistance Trust:

Clement Daniels (Chairperson) Elize Angula Esi Schimming-Chase Nico Kaiyamo
Tangeni Amupadhi Norman Tjombe Toni Hancox (ex officio)

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complainants vulnerable and afraid for their safety. Reasons for such delays include lack of available personnel to serve the interim protection orders (either the messenger of court or the police), or a lack of transport/petrol.

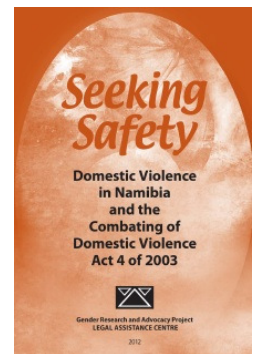
This average timeframe also masks the wide variation in service dates. It appears that many interim protection orders are not served promptly, with 40% apparently being served 10 days or more after being issued, 24% apparently being served 20 days or more later, 11% apparently being served only one month later, and a few apparently being served more than two months after being issued.

Successful service is a fundamental practical aspect of the protection order procedure and therefore in need of urgent attention. At present, with such failures in the system, a call for zero tolerance to GBV is not enough. Condemning GBV is just the start of Namibia's response, **we must also see a reliable, resourced and co-ordinated response to the violence.**

Seeking Safety is a study of the application 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 research which included 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 judgements to see how the Combating of Domestic Violence Act features in criminal cases.

A copy of the report is available on the LAC website or can be purchased from the LAC office.



For more information please contact

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Please note that the person in the photograph is a model.