1. STAFF

GR&AP’s capacity was extended considerably by volunteers and interns during 2004.

Permanent staff

- Dianne Hubbard, Coordinator
- Naomi Kisting, Project Assistant

LAC staff received some public exposure related to LAC work. Dianne was interviewed for the *Sister* cover story which appeared in October and was the featured guest on *Movers & Shakers* on NBC on 23 June.

Contract staff

- Mercedes Ovis, a new employee appointed on a two-year contract who is being trained in customary law under a project funded by Austrian Development Cooperation

CIIR-funded position

- Anne Rimmer acted as Training Co-ordinator and Adviser for GR&AP. Her salary is funded directly by the Catholic Institute for International Relations (CIIR) through a programme called International Cooperation for Development (ICD). She would like to continue at LAC. ICD has approved an extension of the arrangement in principle, and funding is currently being sought for this purpose. Anne’s extensive human rights training experience with Amnesty International has proved invaluable, and we hope that she can continue to work with GR&AP or with other LAC departments.

Interns and volunteers

- Delia Ramsbotham from Canada left in March, after a 6-month stay funded by the Canadian Bar Association. Her primary task was research for the advocacy manual.
- Steffie van Lokven, a judicial candidate from the Dutch judge externship programme, was shared between GR&AP and HURICON. She worked on a publication on international human rights and gender.
- Matthew Burnett, an intern from University of Seattle in the USA, worked with GR&AP for 3 months on sexual harassment, labour law and family law research.
- Sarah Field, an intern from Ireland, worked with GR&AP for 6 months, primarily on family law issues.
• Hilary Blain from Canada arrived in September for a 6-month stay funded by the Canadian Bar Association. She is working on children’s rights and family law issues.

Staff changes
• Evelyn Zimba left GR&AP to take up a post with LEAD, effective from early January.

Consultants
• Beth Terry analysed field research data for the forthcoming report on marital property. The quality of her work was excellent, and we would highly recommend her for future LAC consultancies.
• For publications during 2004, we used Nicky Marais as an illustrator and Perri Caplan as a lay-out artist. We recommend both of them highly.

We are in the process of applying to VSO for a volunteer for 2005 to supplement our other intern programmes, once the overall funding situation for 2005 is clarified. There would be no costs involved for a VSO intern, and gender is one of the focal points in their programme.

2. RESEARCH

Several research initiatives are discussed elsewhere in this report. This section deals with major research reports which are underway.

Sexual harassment
Dianne worked on finalising this research report, with the assistance of Matthew and Hilary. However, because of GR&AP’s funding crisis, this work has been temporarily postponed. Negotiations are underway with the Ministry of Labour to see if they may provide funding for the completion of the research report, which could serve as a valuable background to the Ministry’s forthcoming Code of Good Practice on Sexual Harassment. In the meantime, the research was used as the basis for GR&AP’s submissions to Parliament on sexual harassment.

Marital property
The field research on this topic has now been ably analysed and written up, and Sarah has contributed to the extensive comparative research on this set of issues:

- Underlying Constitutional and Policy Framework
  - Horizontal versus vertical application of the Constitution
  - Right to equality and civil and customary marriages

- Property Systems
  - Marital property systems – explanation of differing property systems worldwide.

- Civil Marriages
  - In community of property – delicts, debts, insolvency and sequestration
  - Legal capacity, proceedings in tort and position of third parties
  - Opting out - antenuptial and postnuptial contracts
**Related Property Issues**
- Extra marital child and maintenance
- Joint family home
- Maintenance from the estate of a deceased person
- Surviving spouses interests in pension funds
- Joint deposit accounts

**Customary Marriages**
- Property systems for customary marriage
- Lobolo and the law
- Hybrid marriages and the law
- Polygyny and the law.

The Law Reform & Development Commission has decided to use LAC’s research in this field as a starting point for its activity next year. We hope to pull the report together for publication in the first quarter of 2005. It is a large topic, because of the complex intersections with the law on recognition of customary marriage, divorce and inheritance. The major challenge is to organise the issues and recommendations in a way that will be useful and manageable for policy-makers. Work on this paper has been interrupted by fund-raising but will resume in 2005.

**Cohabitation**
This topic has been postponed until 2005 as a result of lack of staff time, and because it is viewed as a medium- to long-term priority by the Law Reform & Development Commission. It seems more strategic to push for marital property reforms first, followed by commensurate action on cohabitation.

### 3. ADVOCACY

Our advocacy initiatives are described here in some detail, as they may be used as case studies for future advocacy training.

**Children’s Status Bill**
We believe that the lobbying materials distributed to Parliamentarians and the series of newspaper articles we organised were instrumental in helping get this bill referred to a committee of the National Assembly. Committee hearings were held from 17 May to 12 June in 32 locations throughout the country.

GR&AP and the AIDS Law Unit hosted a two-day workshop on the bill for some 40 participants from different regions on 28-29 April. Our aim was to equip grassroots groups to lobby more effectively on the bill through the hearings process. One day was spent explaining the bill and the procedure for making input to Parliamentary committees. The second day was spent working through draft LAC submissions, explaining and adapting them in hopes of facilitating a joint submission by a large section of the NGO community. **The LAC submissions were eventually joined by 18 organisations and 2 individuals who had been members of the Ministry’s Task Force on the bill.**
This exercise pointed to several plusses and minuses with respect to advocacy in Namibia’s NGO community. On the one hand, the effort to prepare groups for the national hearings proved effective. Feedback from the Parliamentary committee itself indicates that communities where someone had attended the preparatory workshop gave particularly informed presentations and had an unusually high level of participation by women. On the other hand, it is difficult to get some Windhoek-based groups to appreciate the importance of timely action. The final submissions were circulated almost three weeks in advance of the Windhoek hearing with a cover letter explaining the process clearly, but only one NGO responded to LAC by the requested date on its own initiative. The other responses were obtained by a long process of telephoning with reminders – even though the level of interest in making inputs on the proposed bill was very high. We hope that the general training in advocacy skills will in future help to reduce this kind of dependence on LAC.

We also used other techniques to raise public awareness of the Bill and the national hearings:

- Dianne briefed members of the Multi-Media Campaign on Violence Against Women and Children on the bill.
- Dianne & Anne facilitated an interview on the bills on Katutura Community Radio by a representative of the Namibia Girl Child Organisation.
- Dianne gave a live interview on “Good Morning Namibia” on NBC on the Children’s Status Bill and gender issues in the Labour Bill.
- We worked together with the Namibia Girl Child Organisation and other members of the Multi-Media Campaign on Violence against Women and Children to organise a march to Parliament to coincide with International Women’s Day on 8 March, where a statement based on LAC input was made on the Children’s Status Bill and gender issues in the Labour Bill. The groups presented an open letter based on LAC input to the Deputy Speaker, who responded cordially. (This letter also congratulated Parliament on passing laws on rape, domestic violence and maintenance). The letter was published in two languages in Sister Magazine.
- Dianne gave a live interview on NBC National Radio on 16 March on the Children’s Status Bill (on a programme called “The Big Question”).
- Dianne had an individual meeting with the youngest Parliamentarian (Hon Vanaani) to give him background information for a speech on the Children’s Status Bill on behalf of the youth.
- Dianne wrote two newspaper articles on the Bill, which were published in The Namibian.
- Dianne briefed members of the Namibia Women’s Voice from various regions on the Children’s Status Bill.
- Anne made a presentation on the bill to 60 women from 30 towns and villages at a regular meeting of the Namibia Women’s Manifesto Network on 29 April.
- Radio interviews on the bill took place during May in Nama, Oshiwambo and Herero -- with language assistance from LAC staff and friends of LAC.
- A Talk of the Nation programme which we requested and took a major part in organising was aired live on 31 May. Dianne was on the panel, and several LAC staff members were recruited for the audience.
- We sent a list of hearing dates, times and venues to a wide range of NGO partners in case they missed the government announcements.
LAC’s appearance before the Parliamentary committee appears to have been successful. The committee members were well-informed and well-prepared, and our submissions were very well-received. We alerted the press to the fact that we would be making submissions on behalf of many groups, and as a result there was good press coverage of the input. We provided an electronic version of our submissions to the committee to facilitate their incorporation into the report.

The Committee Report has not yet been tabled in Parliament, partly because the national elections interrupted the session. We have heard that many of the LAC submissions have been incorporated into the report. We expect the National Assembly to consider the Bill again sometime between December and March, when the existing Assembly will convene for the last time before the members of the new Assembly take their seats on 21 March.

Labour Bill
We prepared draft comments on the Labour Bill which included a recommendation for a provision on sexual harassment as well as recommendations on a number of other gender issues. We discussed the wording of the sexual harassment proposal with the Women’s Legal Centre in Cape Town, as this group has extensive experience with the operation of South African provisions on this topic.

Our comments on the Labour Bill were drafted and circulated to NGOs and NUNW. These comments formed the basis of a newspaper article published in The Namibian. We also prepared a brief research report on family responsibility leave, which was distributed in the lobbying packet on the Labour Bill.

We alerted groups which focus on gay and lesbian rights to the removal of protection against discrimination on the grounds of sexual orientation in the proposed new law.

Namibian Men for Change (NAMEC) contacted us to say that they were going to discuss the issues we raised on the national radio chat show. The National Union of Namibian Workers (NUNW) set us a letter to say that they supported our recommendations and would lobby independently for their inclusion in the bill.

We made efforts to lobby the National Assembly on the gender issues in the bill -- a packet of information to each MP and to the PS of Labour, and attempts to get NUNW to lobby Parliament more strongly on the issues in question. But these inputs did not bear fruit – partly because the budget debate pushed the bill to the very end of the session.

After the bill was referred to the National Council, we sent the same packet of materials to each MP there and arranged a personal meeting with Deputy Chairperson Margie Mensah, who had expressed her willingness to facilitate contact between Parliament and the NGO community. She assisted us to arrange a briefing session on the bill for all National Council MPs, immediately after one of their sittings.
The National Council referred the bill to committee, with the Member who made the motion quoting almost verbatim from our documents. We made a detailed submission to this Committee – although we did not manage to make this one a joint submission with other NGOs because the hearing date was moved forward by several weeks without our knowledge. (In fact we learned of the date change only by accident, which points to another problem in carrying out effective advocacy.)

The submission appeared to be very well-received. The NUNW supported our key gender recommendations in a separate submission, which gave the recommendations added weight. Our submissions received brief coverage on the NBC Parliamentary report and were copied to the Minister of Labour. The Parliamentary Committee went on to hold hearings in 10 regions. The questions prepared for discussion in these hearings were clearly based on the LAC submissions, indicating that our input played a significant role in shaping the debate.

Dianne also met with visiting ILO representative Judica Makheta on 16 June to discuss our input into the Labour Bill, in the hope that the ILO might support the amendments behind the scenes.

The Committee report tabled in the National Council in August recommended amendments to incorporate LAC’s key recommendations – prohibitions on sexual harassment, pregnancy discrimination and HIV discrimination and a provision for family responsibility leave. The committee recommendations were accepted by the full National Council.

The Bill then went back to the National Assembly, where amendments addressing these issues were added in October, after a short debate. (Debate at this stage was very rushed, as the house was trying to get through a number of pieced of legislation before going into recess for the national elections.) The family responsibility leave was re-named “sick and compassionate leave”, but it follows the basic form which LAC proposed. At the same time, the National Assembly decided to increase normal annual leave from 24 consecutive days to 24 working days (a change which the LAC did not suggest or promote). The cumulative increase in various forms of leave has drawn criticism from employer organisations, who are reportedly continuing to lobby for adjustments before the new law comes into force. We hope that his process will not result in the reduction or removal of the family responsibility leave.

Criminal Procedure Bill
Both houses of Parliament passed a new Criminal Procedure Bill in record time just before adjournment, with very little debate. GR&AP examined this bill to ensure that the criminal procedure provisions contained in the laws on rape, domestic violence and vulnerable witnesses have been re-enacted in the new Criminal Procedure Bill. The substance of the key provisions has been re-enacted, but technical problems with some of the drafting were discovered. These issues was discussed with the Ministry of Justice (as technical errors can be put right before the bill is finalised as an administrative matter, without going through Parliament), but
this effort was not immediately successful. We have suggested alternatively that these problems be rectified in a future General Law Amendment Bill.

Of greater concern are the draconian minimum sentences for rape - life imprisonment, and life imprisonment without the possibility of parole in some cases. There is no room for judicial discretion in these new sentences, unlike the minimum sentences contained in the Combating of Rape Act, and the harsh sentences apply even to juvenile offenders above the age of 16. Women’s groups have not lobbied for such outrageous sentences, and were in fact satisfied with the minimums set forth in the rape law. The new framework is likely to be found unconstitutional because of its inflexibility.

This concern was raised in an LAC press statement on the Bill, which also discussed other more general concerns. LAC’s issues of concern were also brought to the attention of the Acting Chief Justice of the Supreme Court, who mentioned them in a speech made at a gathering of judicial officers from the region in South Africa in November. It is shocking that such a substantial bill was passed so quickly, without referral to committee or consultation with the legal profession. Lobbying on the issues of concern will continue in 2005, depending on political developments before the bill comes into force.

It is praiseworthy that the Bill gives increased attention to the rights of victims – for example, it provides for legal representation of crime victims who may hold watching briefs at the trial, victim impact statements which will be used to guide sentencing, and expanded possibilities of victim compensation for damages to person or property arising from the offence. These provisions will be useful to women who are victims of rape and other sexual offences.

**Criminal Code (General Principles) Bill**
Dianne prepared a brief draft response on behalf of LAC in respect of the draft Criminal Code (General Principles) Bill, which examined human rights issues such as the use of “common purpose”. The issue of defences for battered women who kill their abusers was also examined (although we did not make a proposal on this point in the end, following advice from women’s groups in South Africa who have been researching this issue extensively). This bill is still at an early stage of drafting, and is not expected to go to Parliament for some time. It will eventually be accompanied by another draft bill which is expected to codify common law criminal offences.

**Divorce Bill**
Dianne attended two meetings with Law Reform & Development Commission personnel on the draft Divorce Bill (which is based on LAC research), and assisted LRDC staff with finalisation of the bill and the accompanying explanatory memorandum. As of the end of 2004, the proposed Bill had been approved by the full LRDC, and the bill and its accompanying report were reportedly at the printer. It is therefore reasonable to assume that this bill will move forward in 2005.
Child Care and Protection Bill
This bill is expected to be introduced into Parliament in 2005. It seems to have been delayed at the stage of technical legal drafting by the Ministry of Justice. Using the policy decisions taken by the Task Force assembled by the Ministry of Women Affairs and Child Welfare (for which LAC provided the agenda and research), Hilary is preparing draft information sheets which can be used to alert the public to key aspects of the bulky bill. These will be finalised as soon as the Bill is completed by the Ministry, so that they can be used as necessary in future advocacy campaigns.

Matthew and Hilary also conducted comparative research on the issue of banning corporal punishment by parents, which is expected to be one of the more controversial issues surrounding the bill. The research will be published in 2005, with the aim of stimulating informed debate.

4. CUSTOMARY LAW PROJECT

Mercedes joined LAC in June as a customary law trainee. Her induction consisted of reading articles on customary law, studying research documents prepared by LAC on divorce and the recognition of customary marriages, and completing several short introductory assignments which struck a balance between South African issues (recognition of Muslim marriages and Communal Land Reform) and Namibian issues (action plan for consultation on recognition of customary marriages and means of gathering or obtaining statistics on the implementation of affirmative action provision as contained in the Traditional Authorities Act).

The introductory assignments dealt with the following:

• Muslim marriages: Mercedes drafted a summary of South African Law Commission recommendations on Muslim Marriages which will be incorporated into forthcoming research reports on marital property and cohabitation, and established contact with Mr. Armas Shikongo, a lecturer at UNAM and activist in the Muslim community in Namibia to discuss issue of concern to the Muslim community

• consultation on government proposals on customary marriage: Mercedes has drafted an action plan for public consultation on the government’s proposals for consultation of customary marriage, to guide advocacy work in 2005

• land and gender: Mercedes has examined the South African Communal Land Rights Bill and the comments on it from the Women’s Legal Centre and prepared a short paper on (a) how Namibia’s Communal Land Reform Act could be strengthened in respect of women and (b) what LAC should research on this bill regarding women. The recommendations will be taken further in conjunction with LEAD.

• affirmative action for women in the Traditional Authorities Act: Mercedes was tasked to if she could develop a low-cost way for GR&AP to assess the effectiveness of these provisions.
During her first few months, Mercedes also began collecting and organising books and articles on customary law and making a bibliography of relevant material.

**Arrangements were made for in-service training by Prof Rob Gordon, to begin in mid-January.** Dr Gordon is an anthropologist who was born and raised in Namibia, but is currently based at the University of Vermont. He continues to make frequent research trips to Namibia, has had a long-standing relationship with the University of Namibia and writes frequently on Namibia. He has already begun collecting materials and making plans for the training projects, which will involve field research on inheritance and gender issues in community courts. Mercedes has already begun preparatory work and information gathering relating to this research.

Mercedes also attended the following workshops and meetings:

- workshop in July on the draft report on gender in Namibia, *Beyond Equalities* (as an introduction to broader gender issues in Namibia)
- conference in Windhoek in July on “Traditional Governance: Southern African Perspective”, where papers were given by well-known academics in the field of customary law; Mercedes read and summarised the papers.
- networking with ILO representatives on the issue of child labour in Namibia (which is a problem in rural areas as well as urban ones).

In accordance with the project plan, Mercedes spent **three months (Sept-Nov) at the Centre for Applied Legal Studies (CALS) at the University of Witwatersrand**, under the supervision of Likhapha Mbatha, well-known in the region for her customary law expertise. Her activities at CALS were as follows:

- participation in consultations that took place in Gauteng, South Africa, between the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistics and interest groups/individuals. The Commission is a statutory body tasked with promoting and protecting the rights of cultural, religious and linguistic communities. The consultative workshop focused on two issues namely, an outline of the statutory functions of the Commission and the role that the Commission is to assume. Another issue raised was what constitutes a ‘community’.
- attending one seminar and presentation by the AIDS Law Unit of CALS, which dealt with the regulation of traditional healers in South Africa.
- attending internal staff group discussions on the Van Heerden case (differentiation/equality), conducted by CALS director Cathi Albertyn with staff participating
- developing a draft paper on the approaches to reform on inheritance in South Africa, with a view to drawing comparisons with Namibia. Even though there are currently similarities between the existing family laws of South Africa and Namibia, it is important to realise that Namibia poses its own problems. Therefore, solutions recommended for South Africa would not necessarily be relevant for Namibia. The LRDC proposals so far seem to suggest that they will take a similar approach to South Africa, and it would therefore be important to highlight the problems experienced by South Africa with the view of ‘improving’ on the South African to meet the specific needs of Namibia.
• collecting material on countries that should also be examined for comparative purposes during the course of the inheritance project -- namely Ghana and Zimbabwe.
• collecting source materials on issues relevant to the forthcoming research on inheritance.
• final meeting with CALS staff to discuss work experience and preliminary findings in the draft paper.

5. **ADVOCACY IN ACTION & ADVOCACY TRAINING**

The year 2005 was a ground-breaking year for GR&AP in terms of advocacy.

After two years of preparation, the full-colour, 336 page manual, *Advocacy in Action – a guide to influencing decision-making in Namibia*, was launched in June. Funding for this project was received from Austrian Development Cooperation through the North-South Institute, NDI and Women’s Legal Campaign International (US-AID).

**Advocacy work with San paralegals**

To illustrate the essentially practical nature of the manual, the Legal Assistance Centre decided, as part of the launch activities, to ask a group of San paralegals – Jan Jakob, Kleofas Gaingob, John Haneb and Menesia Somses -- to test some of the content of the manual.

An issue of concern to them is the fact that **many San have been ‘given’ surnames by farmers and adopted families, which do not relate to their culture and identity**. The fundamental right to a name is guaranteed in the Namibian Constitution. The cost to those San wishing to change their surnames is N$800 – a price well beyond their means. **The aim of the advocacy was to gain exemption from the payments for San wishing to change their surnames.**

Sarah provided background research on the procedures for name changes, and Anne arranged preliminary meetings with the Ministry of Home Affairs. The San paralegals then participated in meetings with relevant officials during their stay in Windhoek, and (with assistance from Sarah & Dianne) wrote letters about their concerns where meetings could not be arranged. The aim of obtaining an exemption from the fees was partly realised.

The Editor of *Die Republikein*, Chris Jacobie, agreed to waive all costs for the San for the essential advertisements that people wishing to change their surnames must place in that newspaper. In addition, the relevant ministries (the Ministry of Home Affairs and the Ministry of Justice) agreed to present a proposal to Cabinet, which must make the final decision, about waiving the other government costs involved.

**Another issue of concern raised by the San paralegals is the problem of incorrect birthdates on identification documents, which result in some obviously elderly people being deprived of their old-age pensions.** This is a
particular problem in many San communities, where dating in the past was articulated with reference to events (such as droughts) which do not translate well into the kinds of dating systems used by government. It was agreed that LAC would assist the San to address this problem in future. Sarah is conducting background research on the legal issues involved, to guide a future plan of action.

**Advocacy in Action as a regional model**

Dianne gave two inputs at a workshop on SADC Parliamentary Best Practices, hosted by the South African Institute for International Affairs (SAIIR) on 22 April in Windhoek. SAIIR is expected to highlight *Advocacy in Action* as a “best practice” example.

Women’s Legal Campaign International arranged for a launch of the manual as a regional model in Gaberone, Botswana in November, and will provide funding to women’s groups in 5 other Southern African countries to adapt portions of the manual for their own countries. The Botswana launch was attended by about 30 community representatives, as well as representatives of government, the media and the chief’s council. Interest in the forthcoming Botswana version of the manual was high.

**Advocacy training**

The advocacy manual has been used as the basis for several training sessions aimed at the main target group – the most disempowered members of society, with a special emphasis on grassroots women:

- Anne & Naomi ran a 3-day advocacy training workshop for 65 members of *Women’s Action for Development and Namibian Women’s Voice* in October. These women and men work in communities in Erongo, Hardap, Kunene, Omaheke, Otjozondjupa and Omusati.
- Anne and Naomi trained over 60 women members of the *Namibian Women’s Manifesto Network* in June. These women are based in towns and villages throughout Namibia.
- Anne & Naomi designed and facilitated a training of trainers on post-election advocacy at the end of November. The 10 participants came from the Namibia Women’s Network, the Namibian Girl-Child Organisation and WIMSA (Working Group for Indigenous Minorities in Southern Africa). The National Federation of People with Disabilities in Namibia had hoped to participate, but had to withdraw at the last minute.

We hope to present specially designed training for member organisations of the National Federation of People with Disabilities in Namibia in 2005.) This training will focus on strengthening training and advocacy skills, and include sessions on developing materials on advocacy for people with disabilities. The advocacy skills training will empower participants to press for effective implementation of the new National Disability Council Act, passed in 2004, and also enable the participants to challenge decision-making at a national, regional and local level.
The training conducted to date has been evaluated extremely positively. In answer to the evaluation question “How could the training have been improved?“, the following comments were typical:

- “There can’t be a better way [than] you’ve done it. I really learn a lot and I’m going to share my knowledge with the people of Rehoboth. Everything was absolute wonderful.”
- “I wouldn’t ask for a better way. Everything was perfect”.

The high level of motivation amongst participants made the workshops great learning experiences for all. Veronica De Klerk, Executive Director of WAD, made the following comment: “I was highly inspired by the motivation and positive spirit which were clearly observed among the workshop delegates after the training, as well as a sincere desire to carry forth their newly acquired knowledge and skills to their fellow community members in the regions.”

6. OTHER EDUCATION AND TRAINING

A significant amount of training took place during the year. Anne devised new participative training exercises to complement lectures on new legislation on domestic violence and maintenance for service providers.

In addition to training based on the advocacy manual, GR&AP has also provided training on other topics to a range of groups:

**Magistrates**

Dianne & Anne designed and conducted training on the Maintenance Act and on vulnerable witnesses for a lively group of about 35 magistrates and regional magistrates on 4-5 March in Swakopmund. Judge Silungwe, who organised the training on behalf of the Ministry of Justice, informed us afterwards that feedback on our sessions had been very positive. We summarised some key issues which came up in the training sessions for Judge Silungwe for possible follow-up by the Ministry of Justice. We also provided hand-outs for the group on the Combating of Domestic Violence Act, although we were not invited to conduct training on this topic.

**Police**

Dianne & Anne designed and conducted training on rape and domestic violence for about 25 staff members of the Woman Child Protection Units on 1 April, at the request of the Police Training College. We used the film “The Rape of Richard Beck”, and a ranking exercise to help police understand more fully the reasons why battered women often withdraw charges. This was the most gender-sensitive and interested group yet encountered by GR&AP in police training, which is a very positive sign.

**Social workers and counsellors**

On 21 May Anne ran a workshop in Walvis Bay for 12 social workers, a consultant and 2 members of a local HIV/AIDS organisation. The issues covered were the Children's Status Bill and the new legislation on domestic violence and
maintenance. The social workers raised as a particular problem the low maintenance payments awarded by magistrates. As a result of the workshop, a number of participants expressed their intention to participate in the public hearings for the Children's Status Bill.

Dianne made a practical presentation on how to apply for protection orders in terms of the Combating of Domestic Violence Act for about 15 counsellors from Lifeline/Childline in Windhoek on 26 May.

Anne trained a group of 25 social workers from the Khomas Region on the provisions of the Combating of Domestic Violence Act on 9 August. Anne also trained a group of 12 social workers from the Dutch Reformed Church on the new legislation on domestic violence and maintenance on 29 September. Workshop feedback shows that both groups were very positive about the training, felt that they understood the main provisions of the legislation afterwards, and requested further workshops on other topics.

Church groups
Naomi presented training on human rights for the Young Adults Ministries of the Windhoek circuit of the Evangelical Lutheran Church in the Republic of Namibia (ELCRN), to coincide with International Human Rights Day. This training took place on 9-12 December in Okahandja.

We hope to give Naomi an opportunity in future for greater outreach on gender issues with church groups, which is a somewhat neglected gender constituency.

NGOs and other members of the public
Anne ran a 3 day workshop for 15 members of 10 NGOs in Botswana on torture and police brutality on 21-24 April. The workshop was hosted by Ditswanelo and funded by Sahringon. It covered monitoring and documenting human rights violations, identifying patterns of violations, interviewing skills and report-writing - all in a participative way. The principles underlying the workshop were accuracy, impartiality and gender-sensitivity. Initial feedback from the evaluation forms was very positive, despite the fact the workshop was run at 3 day's notice.

On 21 May Anne ran a workshop in Walvis Bay for 12 prison inmates at Walvis Bay prison and covered domestic violence and maintenance. The inmates became very involved in discussion scenarios of domestic violence. They were surprised to hear that those convicted of rape were liable for maintenance of children born as a result of the rape.

On 27 May Anne ran a one-day workshop (as part of a 4-day workshop) with 15 members of Namibian NGOs in Windhoek, from Breaking the Walls of Silence, the Namibia Paralegal Association, WIMSA, OST, and NSHR. The whole day focussed on planning an advocacy campaign, including effective advocacy techniques for the NGOs. It culminated in the creation of a 3-part plan to advance work against torture by taking up individual cases, running events to mark the International Day Against Torture, and raising awareness in their own communities with key decision-
makers. The GR&AP Advocacy Manual was used as a resource, as well as relevant materials provided by Amnesty International.

Anne also worked with the LEU programme on training for paralegals, facilitating interactive training on 21-22 August and 11 November. In August a small but keen group of 4 San paralegals were trained on gender, and the provisions of legislation on rape, domestic violence and maintenance. On 11 November, Anne and Naomi trained a group of 18 paralegals on domestic violence. Differences of opinion about the provisions contained in the new legislation made these sessions vibrant and challenging.

7. PUBLICATIONS

Simple guides to legislation
GR&AP extended its warmly received simple guides to legislation with an A4 Guide to the Combating of Domestic Violence Act, for service providers and a companion booklet, an A5 Summary of the Domestic Violence Act for community members.

A similar set of guides on the new Maintenance Act were almost ready to go to press as the year drew to a close. A number of technical legal questions arose during the process of drafting these booklets, and Sarah and Hilary did some field research to collect other legal opinions by interviewing lawyers, magistrates, maintenance officers, clerks of court and legal aid staff to test various understandings of the new procedures. The field research showed (alarmingly) that many lawyers and officials are simply ignoring the new act and "using the old law' because they feel more comfortable with it.

The existing Guide and Summary on the Married Persons Equality Act was translated into Afrikaans, Oshiwambo, Otjiherero, Nama/Damara, Rukwagali and Silozi, but unfortunately these documents sat with UNICEF (the donor) for almost one year because of a new UNICEF rule that it must deal with donors directly. Tireless efforts to move the publication along provide fruitless until late in 2004, and at the time of writing we were still awaiting the proofs from the printer.

Other publications
The major publication, Advocacy in Action, is discussed above.

Naomi & Dianne updated the Namibia Sexual Abuse and Domestic Violence Service Directory, which is with the printer at the time of writing after a similar delay on the part of UNICEF.

UNICEF is also funding a publication on International Human Rights Law and Gender, intended as a reference manual for decision-makers. It includes the actual text of key international treaties and protocols, as well as introductory and explanatory information. Steffie and Hilary assisted with updating and revising the
text initially prepared by Dianne for UNAM law students, and this document was at the printer at the end of the year.

GR&AP had hoped to complete a Shadow Report on CEDAW, but we were unable to obtain a copy of the government’s official report in time. The government’s report (funded by UNICEF) suffered delays similar to that experienced by GR&AP and was still at the printer at the time of writing.

Naomi met with a Telecom representative (after some difficulty in locating the right person) to discuss the inclusion of information about domestic violence and sexual abuse services in the national telephone directory. It was already too late to accommodate this request for the 2005 directory, but arrangements have been made for contact in early 2005 so that the information can go in the 2006 directory.

8. MEDIA

Use of media in advocacy campaigns has been discussed above. These additional activities took place in 2004.

Television

Series on rape, domestic violence and vulnerable witnesses
GR&AP persuaded the National Advisory Committee on Gender-Based Violence that there is a need for a popular television series on rape, domestic violence and vulnerable witnesses. The Ministry asked GR&AP to work with them on this project as a form of skills transfer to Ministry personnel. GR&AP helped the Ministry to draft a funding proposal for the project, which succeeded in attracting funding from UNICEF for the first set of programmes on domestic violence. We also assisted the Ministry with the terms of reference which were sent to prospective film makers, and formed part of the subcommittee which selected the film company for the project. Filming of the domestic violence portion of the series will begin in 2005, and GR&AP hopes to be able to continue to provide advice on the script, to ensure that information disseminated through the programmes is legally correct. We are also trying to persuade the Ministry to screen a ‘draft’ film of the programme with a test audience to ensure that it will be effective in conveying its message.

GR&AP had hoped to be able to obtain funding to produce such a set of programmes on its own, but working through the Ministry (whilst more time-consuming) will have the potential benefits of skills transfer as requested by the Ministry and sustainability (if the programmes are successful, government may be inspired to budget for similar projects in future).

Media blitz on violence for the “16 Days” campaign
Working with the National Advisory Committee on Gender-Based Violence and MISA, GR&AP has compiled a list of locally-produced and locally-available videos on
violence which could be shown on NBC (Namibia’s national broadcaster) to highlight the issue of gender-based violence during the 16 days campaign.\footnote{The 16 Days of Activism Against Gender Violence is an international campaign originating from the first Women’s Global Leadership Institute sponsored by the Center for Women’s Global Leadership in 1991. Participants chose the dates, November 25, International Day Against Violence Against Women and December 10, International Human Rights Day, in order to symbolically link violence against women and human rights and to emphasize that such violence is a violation of human rights. This 16-day period also highlights other significant dates including December 1, which is World AIDS Day, and December 6, which marks the anniversary of the Montreal Massacre.} This list includes the video material produced by LAC in English and indigenous languages. The Ministry has formally requested NBC to highlight programming around the theme of gender-based violence during this period.

Radio
In September, Anne arranged and presented three 1-hour gender-oriented programmes for Katutura Community Radio on domestic violence, maintenance and the work of GR&AP. The interviewer said: “Before we talked, I hadn’t realised that the laws on domestic violence and maintenance were so interesting. They really ARE about human rights.”

As part of the radio blitz on violence during the 16 days campaign, GR&AP made arrangements for the indigenous language radio dramas on domestic violence to be aired on the various NBC language services.

9. NETWORKING

National Advisory Committee on Gender-Based Violence
The Legal Assistance Centre is represented on the National Advisory Committee on the Gender-based Violence, Sexual Harassment and Legal Affairs recently set up by the Ministry of Women Affairs and Child Welfare, with a Cabinet mandate. We have advised on the terms of reference for this group, and hope that it may be used a forum for improving communications between government and NGOs on the issues it covers. In 2004, we utilised this forum to raise concerns about problems with implementation of the Combating of Domestic Violence Act. This tactic was successful in prodding the Ministry of Justice to begin work on a training programme for court officials who implement the Act. In the closing months of 2004, GR&AP was having regular meetings with Ministry of Justice officials to assist them with designing a training package. GR&AP is also seeking funding to produce a training video on the domestic violence law aimed specifically at clerks of court which cold be added to this package.

Woman Child Protection Units
Dianne is a member of the WCPU Advisory Committee, which meets bi-monthly. This Committee is still struggling to refine its terms of reference.

Anne attended the WCPU Stakeholders Conference in Swakopmund on 20-21 July. Anne & Dianne advised on the agenda for this meeting, which provided a
forum to raise concerns about the need for intensified training of police personnel on the new law on domestic violence. Anne gave a presentation on the legal framework for gender-based violence at the workshop. She raised issues about problems of implementation of the law, such as the availability of PEP for rape victims. Ensuring the supply of PEP by the police was one of the final recommendations of the conference. The guidelines on rape and domestic violence prepared by GR&AP for police and other service providers were distributed and discussed. There was unanimous agreement that these guidelines on how the legislation should be implemented by service-providers should be made available for stake-holders in a published format, and funding for this project has recently been obtained.

**Multi-Media Campaign on Violence Against Women and Children**

GR&AP continues to participate in this umbrella forum, which played a role in the organisation of the **march to Parliament on International Women’s Day in March**. However, the MMC has been dormant during the second half of 2004, primarily due to changed commitments on the part of the staff at Ministry of Information and Broadcasting who act as its Secretariat.

**Other networking**

GR&AP took the lead in organising the **Legal Assistance Centre stand for the Civil Society Expo that coincided with the opening of Parliament**. The stand was visited by the President on his tour of the Expo. (Anne shook hands with the President and presented a copy of the LAC publication “Cry the Abused Mother and Child” to the First Lady.) Anne wrote up an assessment of our participation in this venture which can be used to make our presence more effective if it recurs in future. Thanks to all the other departments which took part.

**We distributed materials on rape, domestic violence, vulnerable witnesses, maintenance and the Married Persons Equality Act to many interested individuals and groups**, including the American Cultural Centre, !Nara, Namibian Women’s Manifesto Network, Women’s Action for Development, Namibia Women’s Network, Women Support Women and the Woman & Child Protection Units. Our gender materials are consistently in great demand. We have also provided materials on these topics to Monica Nganjone, formerly a paralegal with LAC, who continues to run workshops and assist individuals in her personal capacity.

We have had detailed discussions on possibilities for closer future networking with WAD, Nara and VSO.

We gave input for an article published by NID on GR&AP’s advocacy around domestic violence (funded by NID), and we assisted Ombetje Yehinga with an article on vulnerable witnesses for its regular newsletter.

We had a consultation with staff of the UN Committee on Poverty on the need for a national gender violence database.
We had discussions with staff of the following institutions on the progress of various pieces of gender legislation and future projects which are envisaged:

- Ministry of Labour
- Ministry of Women Affairs and Child Welfare
- Ministry of Justice
- Law Reform & Development Commission.

We assisted Women’s Solidarity with winding up, including legal advice on calculation of amounts owing to staff in respect of leave pay and severance pay.

Possibilities for follow-up action on sex workers were discussed with Abner Xaogub of the National AIDS Control Programme.

Delia attended a WAD commemoration of International Women’s Day on behalf of LAC, and Anne & Dianne attended WAD’s 10th anniversary celebrations.

Meetings were held with a number of groups and individuals. Some of the notable meetings were as follows:

- Dianne met with visiting HLS students from the Black Lawyers Association of Harvard Law School.
- Dianne met with a representative of the Anglican Church in Namibia to discuss gender issues that churches can become involved in.
- Dianne gave an interview to a PhD student writing on GTZ, and met with a separate group of consultants who are assessing the GTZ programme in Namibia.
- Dianne made a well-received speech at the launch of 3 research reports by Gender Training and Research Programme (GTRP) at UNAM on 29 April. The keynote speech was made by the Minister of Women Affairs and Child Welfare. The Gender Research & Advocacy Project was a contributor to the first report, and Dianne’s speech summarised its key findings.

10. CLIENT CONTACT

We gave legal information to clients on

- maintenance (several enquiries)
- domestic violence (how to apply for a protection order on behalf of a family member)
- rights of parents with respect to children born outside of marriage.
- abortion for a rape victim
- custody (a mother’s concern after the separated father threatened to take the child from her)
- marriage contracts (community of property)
- adoption by non-Namibian citizens (several enquiries)
- pregnancy and the labour law.
We also advised a Namibian Women’s Voice member in Rehoboth on options for dealing with a case involving alleged sexual abuse of student by a school principal.

11. FUNDING

An enormous amount of time has been devoted to fund-raising in an effort to prevent the closure of GR&AP at the close of 2004. The financial situation of the project is detailed in a separate report that has been prepared for the Board of Trustees. **Over 200 potential donors were researched, and applications or exploratory letters sent to 14 potential donors.** As of late November 2004, responses were awaited from 7 donors, with requests totalling almost N$4 million.

On 10 November 2004, GR&AP organised a **donor briefing to discuss the overall funding situation for gender issues in Namibia.** Brief inputs were given by Dianne Hubbard (on gender and law reform in the next 5 years), Michaela Clayton (on the intersection of gender and HIV), Graham Hopwood (freelance consultant who with an interest in civil society), Ottilie Abrahams (long-term gender activist) and Liz Frank (director of Sister Namibia and Namibia Women’s Manifesto Network). The meeting was well-attended by donor groups, and frank and useful discussion ensued. Two key points of discussion were the inappropriateness of relying solely on “gender mainstreaming’ at this point in Namibia’s history, and problems with approaches to sustainability which are unique to Namibia because of its small size and political profile. Another important point was the increasing emergence of small women’s groups at grassroots level, who need continued support from the long-standing “mother organisations” if they are to survive and function effectively.

Several concrete ideas were put forward by the NGOs working in the gender field: (1) the possible formation of a Gender Consortium where organisations apply jointly for funds for gender work rather than competing for limited funds, possibly with the assistance of a professional fund-raiser who could serve several groups (2) increased international fund-raising, targeting individuals and groups which have not previously funded work in Namibia. It was put to the donors that either of these efforts at new approaches to fund-raising would require “seed money” from donors. (3) The gender NGOs also appealed to donors to initiate more consultation with persons working in the field of gender, emphasising that we work like links in a chain so that the work of many groups is affected when one group folds. There was a perception that the current system is too haphazard, with money going to groups which happen to get to the right donor first, instead of in accordance with a strategic plan for gender work in Namibia. The NGO gender community has resolved to continue to meet periodically to discuss funding and other issues of common interest.

Staff of the GR&AP received retrenchment notices in October, to become effective at the end of December, but there appears to have been a last minute “stay of execution” with several donors coming through at the last minute. We have
confirmed commitments from four different donors, which should see GR&AP through until approximately mid-2005.

12. WEBSITE & DATABASE
We completed extensive update and rewrite of the GR&AP section of LAC website in early January. Dianne also assisted with the re-design of the LAC website, by testing a series of interim versions and providing user feedback.

A significant amount of time was taken up in dealing with continuing problems surrounding the GR&AP database. Naomi was unfortunately on sick leave when the long-awaited training finally took place, so this issue is still unresolved. It will be taken up again only if GR&AP appears to have a more secure future.

13. INDICATORS OF SUCCESS


  The commission would further like to put on record its thanks and appreciation to all Namibian organizations and individuals who take the need for law reform to heart and who assisted the Commission in its tasks in various ways, even constructive criticism. They are many, but the Commission would like to in particular mention the Legal Assistance Centre and Prof Hinz of the Law Faculty of the University of Namibia.


  The Legal Assistance Centre (LAC) is a driving force behind gender law reform and has created several programmes aimed at women’s and children’s rights, such as the Gender Research & Advocacy Project.

• Dianne Hubbard is one of 200 people listed in the “A-Z of Political Personalities” in Graham Hopwood, Guide to Namibia Politics (Institute for Public Policy Research and Namibian Institute for Democracy, 2004), which notes that “her research on issues such as affirmative action, maintenance, violence against women, family law and commercial sex work has been published extensively”.

• Dianne Hubbard was also featured in a cover story, “Dianne Hubbard: making the law relevant and accessible to women” by Estelle Coetzee in Sister Namibia magazine (October 2004), which also highlights the team effort made by the staff of the LAC.
The following quote appears in “Avoiding the issues” by Graham Hopwood in *insight magazine* (October 2004):

The Legal Assistance Centre (LAC) appears to have been one of only a handful of NGOs that have been both lambasted by ruling party figures and worked successfully in co-operation with government. In 1998 the President accused the LAC of ‘disturbing the peace’ and “dividing the nation” over its work for people affected by the planned Epupa Dam. Others bristled over the LAC’s condemnation of torture in the Caprivi in 1999 and its defence of human rights for all in the face of verbal attacks on the gay and lesbian community. Yet at the same time the LAC has worked on developing an important raft of gender-related legislation including the Combating of Rape Act, Domestic Violence Act and the Maintenance Act.