

# Gender Research & Advocacy Project

## Legal Assistance Centre

### Annual Report 2007

## 1. STAFF

The following persons were employed by the Gender Research & Advocacy Project for all or most of the year 2007:

- **Dianne Hubbard** - Coordinator

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

- **Anne Rimmer** - Development & Training Manager

Anne has a degree in Politics and Sociology from the Open University in the UK, as well as some 15 years of experience in human rights training with Amnesty International. She has conducted participative training, including training of trainers, in five African countries, in addition to Namibia. She originally came to GR&AP as a Development Worker sponsored by Progressio, then remained on to continue her work as an LAC staff member. She left LAC in October 2007 to join FrontLine, an organisation based in Dublin, Ireland which helps to protect human rights defenders around the world who are at risk.

The following persons were employed by GR&AP during a small part of 2007:

- **Naomi Kisting** - Project Assistant

Naomi joined the Gender Research & Advocacy Project since 2001. She has a diploma in executive secretarial studies and is studying for a degree in public management at the Polytechnic of Namibia. She is a member of the National Council for Older Persons in Namibia and serves on the board of the Namibian Women's Network and the steering committee of Women Solidarity Namibia. Naomi resigned at end of February 2007

- **Sophie van Wyk** - Project Assistant shared with LEAD

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

GR&AP drew on the assistance of the following volunteers and interns during 2007:

- **Sonia Eggerman**, a legal intern sponsored by Foreign Affairs Canada's Young Professionals International Program, through the Canadian Bar Association
- **Wairimu Munyinyi**, VSO volunteer with a degree in social science from the Catholic University of Eastern Africa
- **Dr Suzanne LaFont**, visiting scholar with a PhD in Cultural Anthropology from Yale University in the USA, currently an Associate Professor at Kingsborough Community College, City University of New York
- **Antonia Carew-Watts**, a first-year law student at Harvard Law School funded by the Chayes International Public Service Fellowship and the Summer Public Interest Fund of Harvard Law School
- **Erin Valentine**, a first-year law student at University of Pennsylvania Law School funded by the Public International Fellowship Program at University of Pennsylvania Law School
- **Sanne Verheul**, a Dutch university student studying gender & development who volunteered 3 days/week over a two-month period to work on GR&AP's publications inventory and distribution systems
- **Martin Schulze-Allen**, a lawyer with degrees from the University of Cologne and the University of Giessen in Germany, on leave from his employment as Manager of the Investigation and Compliance Division of the Nova Scotia Human Rights Commission in Canada
- **Katharina Kleikamp**, a lawyer with degrees from the University of Freiburg and the University of Münster in Germany
- **Judy Munyiri**, a volunteer with a Master's degree in Gender Studies from Free State University in South Africa
- **Masoma Sherazi**, a volunteer with a Masters degree in international studies from the University of Durham in the UK
- **Rachel Coomer**, a graduate of the University of Oxford in the UK with experience in writing educational publications on technical issues.

GR&AP also made use of several consultants during 2007. Two of these consultants should be singled out for their extensive services to the project which went far above and beyond their contractual obligations:

- **Christa Schier**, who provided statistical analysis as well as invaluable advice on our research on rape and domestic violence
- **Perri Caplan**, who provide design and layout services for most of GR&AP's publications, as well as printer liaison and assistance with power point presentations, press releases, launch invitations and other media.

GR&AP held its 2007 planning meeting on 30 January with all staff and volunteers who were with Legal Assistance Centre at that time. This all-day meeting provided a useful opportunity for us to reflect on our work in a way that time pressures usually do not permit.

We utilised a period of staff changeover to conduct a thorough "spring-cleaning" of the GR&AP offices on 5-6 September, which left all participants exhausted and rather filthy.

Dear Ms Hubbard

I am writing to express my gratitude for your supervision of Antonia Carew-Watts, a Harvard Law School student who worked with you to fulfil our mandatory pro bono requirement. This programme would not be possible without the supervising attorney's dedication and time spent teaching our students how to be effective advocates.

Our hope is that through the pro bono requirement, we will instil in our students a public service ethos which they will carry into their professional lives. Often, their experiences as law students shape their careers; thus your role as supervisor has been instrumental.

We hope you enjoyed working with a Harvard Law student, and we look forward to sending more students your way in the future. Please feel free to contact us at any time regarding ongoing or new projects

Lee M Branson

Harvard Law School Pro Bono Service Program

letter dated 30 October 2007

## 2. RESEARCH, LAW REFORM AND ADVOCACY

### 2.1 Gender-based violence

#### *Rape in Namibia*

The extensive report *Rape in Namibia* and the accompanying summary report which highlights the study's key findings were both launched in May 2007.

The launch was attended by about 40 people, with the first copy of the book being handed over to Adv Danie Small, Deputy Prosecutor-General, representing Prosecutor-General Martha Olivia Imalwa. The study received excellent press coverage, including two lengthy articles in *The Namibian*, a substantial article in *Namibian Economist*, a lengthy article in *Sister Namibia* (which was also posted on the AfricaFiles website), a mention in *Insight* magazine, about 5 minutes coverage on NBC television news on 17 May, coverage on One Africa television news (interview recorded on 24 May), an appearance on *Good Morning Namibia* on 16 May, and even coverage on the commercial radio station *Radio Wave*. The report was distributing to key stakeholders -- including the President, Prime Minister and Deputy Prime Minister -- and feedback from government has been very positive, particularly from the Office of the Prosecutor-General and the National Forensic Science Institute.

### **Comprehensive Study of rape in Namibia launched**

Only 16% of the perpetrators accused of rape or attempted rape are convicted of either of these crimes. This important concern goes unnoticed amidst public calls for heavier sentences. This is just one of the many important findings of the LAC study "Rape in Namibia", the first comprehensive study of a particular crime in Namibia. Other findings include the fact that the "rape rate" in Namibia places it the third highest country for reported rape, following South Africa (rank 1), Canada (rank 2) and just ahead of the USA (rank 4) in a 2001 UN survey of crime within 53 countries. But the conviction rate is quite high at 16% (when compared with South Africa – 7% - and the UK – 6%) although Germany has a conviction rate of 21% and Hungary 49%.

NANGOF e-news, 16 May 2007

Many of the recommendations made in the report have been influential, as evidenced by the following:

- GR&AP was invited to present key recommendations from the report at the **National Conference on Gender-Based Violence** convened by the Ministry of Gender Equality and Child Welfare in June 2007, and many of these recommendations were incorporated into the overall conference recommendations. The GR&AP research was cited by key speakers at this conference, including the President (in a speech presented on his behalf), the Prime Minister, the Minister of Gender Equality and Child Welfare and the UNICEF Special Representative.
- The GR&AP Coordinator has been appointed to the **Gender-Based Violence Advisory Board** formed by Cabinet in the wake of the National Conference. This forum should serve as a springboard for continued advocacy pertaining to the report recommendations.
- As recommended in the report, the Office of the Prosecutor-General is pursuing the implementation of **prosecutor-guided investigations**, and has on several occasions convened meetings which involve personnel from different ministries which work with victims of violence together with GR&AP representatives. For example, on 8 November the GR&AP Coordinator attended a small meeting at the Office of the Prosecutor-General to discuss methods for strengthening the state response to gender-based violence. The Prosecutor-General expressed warm appreciation for the GR&AP study on rape, which she felt was proving to be very helpful in assisting government to improve its services. Her office hopes to be instrumental in involving prosecutors in the Woman and Child Protection Units so that they can help to ensure that police investigations secure relevant evidence promptly, to work more closely with the forensic lab, to encourage improved evidence collection by medical personnel and to increase the provision of state-funded shelters for complainants who are not safe at home. This meeting was followed by a formal group tour of the Windhoek Woman and Child Protection Unit on 12 November, with a view to assessing the capacity for expansion and upgrading at this facility.
- As a result of the report, GR&AP was invited to make comments on the booklet which guides medical personnel on how to use the **new rape kits** which are being distributed in the region. Namibia's National Forensic Science Institute subsequently informed us that most of the GR&AP comments on improving the written materials which accompany the new rape kit were accepted at a regional level, and the materials will be adapted accordingly in the next

production cycle in 3 years time. GR&AP also facilitated an effort to secure funding from UNICEF for by the National Forensic Science Institute, for the roll-out of the new-style rape kits with appropriate training of medical personnel.

- The **key recommendations on record-keeping** have been included in the new Naminfo system for recording statistics on cases of gender-based violence, after they were presented by GR&AP at a meeting convened to discuss the new Naminfo system.
- Some of the recommendations made in the report were incorporated into the **National Plan of Action on Orphans and Vulnerable Children** which was launched in 2007.
- New approaches for the **administrative structure of the Woman and Child Protection Unit** are under discussion, with key decision-makers in government inviting the opinion of GR&AP on this topic.
- GR&AP drafted an article highlighting **recommendations pertaining to judicial officers** which was published in a judicial newsletter which is circulated to all judges.
- GR&AP highlighted **proposals for amendments to the Combating of Rape Act** in a letter to the Law Reform and Development Commission, appealing to them to put these items on their 2008 agenda. The Secretary of the Commission undertook to table the proposed amendments at the next meeting of the Commission, scheduled for 6 February 2008, and stated "I am confident that this will be among the priorities of the Commission" (letter dated 11 December 2007).
- GR&AP **advised the UCT NAMSOC (University of Cape Town Namibia Students Society)** on a workshop they held in South Africa in September to discuss gender-based violence in Namibia. They took up our suggestion that they make reference to the recommendations in our recent study on rape, particularly in respect of focusing on getting convictions rather than just on calling for heavier sentences.
- GR&AP was invited to **advise the Ministry of Gender Equality and Child Welfare on strategies for incorporating recommendations on gender-based violence into Namibia's new National Development Plan 3**, which is a key blueprint for national expenditures over the next 5 years. The Gender Research & Advocacy Project also made direct submissions to the National Planning Commission on this topic.
- GR&AP made **recommendations to several UN agencies** based on the report, in respect of a plan for future UN agency expenditures on gender-based violence.
- GR&AP attended a workshop in Johannesburg on 18-19 October, convened by the Canadian HIV/AIDS Legal Network. The workshop was part of an initiative to develop **model legislation on rape and domestic violence to be used in advocacy efforts in developing countries**. It is exciting to see Namibia's laws being used as examples of "best practices".

Many requests for the publications have been received from Namibia and South Africa, and the report was cited by a US Senator in the confirmation hearings of the US Ambassador to Namibia. (Senator Biden mentioned that, according to the Namibian Legal Assistance Centre's recent report on rape in Namibia, over a third of rape victims were under age 18 and one fourth of the rapes were perpetrated by a loved one.) This statement has inspired increased US interest in the report, and we have received numerous requests for an electronic copy of the report, which is now available on our website.

In 2008, we plan to conduct qualitative follow-up research on why complainants withdraw cases, and to recommend appropriate support to reduce case withdrawals.

### **Study to monitor the implementation of the Combating of Domestic Violence Act**

The Combating of Domestic Violence Act 4 of 2003 is an excellent piece of legislation designed to protect the most vulnerable. Unfortunately, the Legal Assistance Centre received reports that applicants for protection orders are sometimes turned away, or experience long delays in urgent cases. In many cases no assistance is given in filling out the forms - which can lead to incomplete information and a refusal by the magistrate to grant a protection order. The terms of protection orders do not always suit the situation and protection is thus not afforded to those most in need. In order to assess the situation more comprehensively, the Legal Assistance Centre commenced a study in 2006 which will examine the implementation of the provisions on protection orders in the Act.

Data collection from the field was virtually complete in December 2007, with information on some 1000 protection orders collected from 18 locations. Interviews were conducted with service providers in most of these locations. Specific research was carried out on the question of why many clerks of court are not designated as Commissioners of Oaths, as this appears to be an obstacle to effective assistance from clerks to applicants for protection orders. Meetings with South African and regional experts to discuss implementation issues took place in October. Data analysis is expected to be complete in February 2008. It has proved to be difficult to extract data from the protection order applications in a form which can be usefully categorised.

In early 2008 the data will be incorporated into a draft report which incorporates a literature review. Draft recommendations will be discussed with key stakeholders, and their feedback incorporated into the final report which will be launched at a Workshop in mid-2008.

### **National Conference on Gender-Based Violence**

This National Conference, convened by the Ministry of Gender Equality and Child Welfare (MGE CW), took place 19-22 July in Windhoek, bringing together 300–350 participants from all regions. GR&AP was represented on an Advisory Committee which met on several occasions to assist the MGE CW with the planning of the conference.

Both the GR&AP Coordinator and the Training Manager attended the conference, where LAC and the recent rape report were mentioned warmly by Minister of Gender Equality and Child Welfare Marlene Mungunda, UNICEF Special Representative Khin-Sandi Lwin and the speech delivered on behalf of the President by Dr Kawana.

"The Legal Assistance Centre is doing a very great job. When the ministry has laws, they are there. When we have conferences, they are there. They have done a very great research on rape and they will be making an important contribution to the input of this conference."

Minister of Gender Equality and Child Welfare, 19 June 2007,  
National Conference on Gender-Based Violence



"A report launched recently by LAC indicated that not all reported cases are being prosecuted because some are being withdrawn by complainants ...

...I urge you all to identify the root causes of domestic violence in our society ... with a view to eradicate domestic violence in root and branch."

President's Speech (presented by Dr Kawana), 19 June 2007,  
National Conference on Gender-Based Violence

LAC was given two prominent spots on the programme. LAC Director Norman Tjombe spoke immediately after the Minister opened the conference, with a speech prepared by GR&AP giving an overview of gender-based violence in Namibia. GR&AP Coordinator Dianne Hubbard was given a one-hour slot (one of the longest inputs on the programme) to present detailed recommendations from the LAC study on the implementation of the Combating of Rape Act. Both speeches were accompanied by elaborate power point presentations. The LAC contributions were very well-received at the conference and received good press coverage. Hard copies of the inputs were distributed to the translators and to the press, to facilitate accurate communication. The role assigned to the Legal Assistance Centre was significant, as there were only 3-4 major speeches after the formal opening, with the rest of the conference being devoted to panel discussions.

"Namibian legislation on gender-based violence is being used as examples in a number of other countries."

Gladys Mutukwe, SADC representative, 19 June 2007,  
National Conference on Gender-Based Violence

Training Manager Anne Rimmer assisted the conference facilitator with the drafting of recommendations, and many of LAC's concerns were incorporated into the short list of key recommendations which were highlighted at the end of the conference.

Much of the conference discussion was dominated by the large number of traditional leaders who were present. It must be noted as a challenge for human rights groups that many traditional leaders blamed increased crime and violence on "human rights", arguing that Constitutional protections for accused criminals mean that they often go free even when they are guilty. Several traditional leaders argued that they should be given increased criminal jurisdiction which would allow them to deal with criminals more harshly, "as in the old days". This indicates that there is a need for LAC as a whole to engage in increased public awareness on why criminals do and should have rights and protections.

We arranged a display table at the conference to showcase GR&AP publications, and we received 50 orders for publications from conference participants, including many from traditional leaders.

"Namibia has the most robust legal instruments at national level in the SADC region."

Magdeline Mathiba-Madibela, SADC representative, 19 June 2007,  
National Conference on Gender-Based Violence

"I compliment LAC for the excellent research they have done."

Dr Paul Ludik, Director, National Forensic Laboratory  
National Conference on Gender-Based Violence

### Gender-Based Violence Advisory Board

The GR&AP Coordinator has been named as a representative to the Gender-Based Violence Advisory Board established with a Cabinet mandate in the wake of the National Conference on Gender-Based Violence convened by the Ministry of Gender Equality and Child Welfare in June 2007. This Advisory Board held its first meeting on 25 October, and GR&AP was instrumental in guided the formulations of its terms of reference at this meeting.

At the second meeting of the Advisory Board on 9 November, the main topics of discussion were the administration of the Woman and Child Protection Units and the lack of attention to gender-based violence in Namibia's draft Third National Development Plan (NDP3). As a follow-up to this discussion, GR&AP prepared a draft for the MGECW on how recommendations from the National Conference on Gender-Based Violence could be incorporated into NDP3. Drawing on the recommendations from the rape study, GR&AP also proposed items for the Advisory Board's agenda in 2008. The Advisory Board will be formally launched by government in 2008.

## 2.2 Labour Act 2007 and related labour issues

The Labour Act 2004 (passed but never brought completely into force) was completely replaced by a **new Labour Act** which was debated in Parliament during 2007. GR&AP monitored the bill to ensure that the provisions we had previously advocated successfully on sexual harassment, pregnancy discrimination, maternity leave and family leave remained in place - which they did. We made submissions on these and other human rights issues to the Ministry of Labour, copied to the National Union of Namibian Workers, the Namibian Employers Federation, and the International Labour Organisation, and most of our concerns were addressed in the latest bill before it became final. The Labour Act 11 of 2007 was gazetted on 31 December 2007, but has not yet been brought into force as employers' groups continue to debate some of its provisions.

GR&AP also made submissions to the Ministry of Labour on the **draft Code of Practice on Sexual Harassment**.

The Special Adviser at the Ministry of Labour requested input from GR&AP on the definition of "work of equal value", which concerns equal pay for men and women. GR&AP carried out research on this topic and made suggestions for improving the definition to make it clearer and to allow for comparisons across the labour market instead of just between employees of a single employer when assessing comparable work.

The Discussion Document on **Child Labour in Namibia** published by the Ministry of Labour and Child Welfare in March 2007 cites LAC research and recommendations extensively, particularly



on sex work, domestic work, trafficking and child justice. GR&AP subsequently made submissions to the Programme Advisory Committee on Child Labour (PACC) on legal issues which should be incorporated into the Action Programme on the Elimination of Child Labour that is currently under preparation. The document was presented at a committee meeting on 30 October and we conducted follow-up to ensure that the recommendations were adequately incorporated into the Action Programme.

GR&AP worked with Huricon and Advocate Esi Schimming-Chase to litigate a **test case on sexual harassment** involving a young woman who was allegedly harassed at the workplace by her immediate supervisor. This case was part heard by the court in September 2007, with its continuation scheduled for February 2008. Full details on the case will be reported once the case is complete.

## **2.3 Widow dispossession and implementation of the Communal Land Reform Act**

The Communal Land Reform Act 5 of 2002 aims to improve gender equality in land rights and tenure security. However, there has to date been no assessment of the implementation and impact of the legal provisions pertaining to women generally and widows in particular. To fill this gap, the Legal Assistance Centre commissioned a study in the four regions of north-central Namibia. This study investigates the extent to which the provisions of the Communal Land Reform Act are known to women and if, so, whether they are able to claim their rights as stipulated in the Act. The study also investigates a wider range of issues relating to women's land rights and rights of inheritance, including the following:

- Are widows under family or social pressure to refuse allocation of their deceased husband's land, and if so, who exercises this pressure?
- What happens in the event of a widow not electing to stay on the land or when there is no widow to inherit the land? What are the possible gender implications of land going to the children of the deceased identified by traditional leaders?
- How are polygamous marriages dealt with since the CLRA does not specifically provide for this?
- Are Communal Land Boards and Traditional Authorities supportive of widow's rights and are they able to enforce the provisions of the law?
- Are widows being charged for reallocation, and if so, how does the payment compare to normal land allocation fees?
- What happens to land rights when a widow who inherited the land rights of her deceased husband remarries?

The study draws on published literature on gender rights to land and inheritance, complemented by case studies and in-depth interviews with key stakeholders and focus group discussions in the north-central regions. It points to recommendations for improved implementation of the Communal Land Reform Act as well as other reforms which are necessary to advance gender equality in respect of land and other economic resources.

GR&AP worked together with LEAD to develop terms of reference for this research. The field research was carried out during 2007 by consultant Wolfgang Werner. GR&AP and LEAD reviewed several successive drafts of the research report and assisted the consultant in the formulation of recommendations based on the research findings. The report will be finalised and launched in early 2008.

## **2.4 Draft SADC Protocol on Gender and Development**

GR&AP prepared comments on the draft SADC Protocol on Gender and Development for circulation to NANGOF and the Ministry of Gender Equality and Child Welfare. The Namibian discussions are part of a SADC-wide consultation process. The comments from GR&AP were discussed at a meeting in April convened by the Ministry of Gender Equality and Child Welfare and attended by a range of stakeholders, and most of the GR&AP recommendations were adopted by the larger group and included in Namibia's official submissions on the document.

The draft SADC Protocol moved from the first "zero draft" to the "first draft" in June, and an analysis of the two drafts against LAC's proposals for amendment clearly indicates that the input of the Legal Assistance Centre (channelled through the Namibian delegation to SADC) was very influential. Several provisions have been strengthening in line with our recommendations, while others have been made more realistic, as we proposed.

The Protocol is expected to go through additional draft stages before it is finalised at SADC level.

## **2.5 Family law**

### **Children's Status Act**

GR&AP hosted a 1.5 day workshop on the Children's Status Act 6 of 2006 (which is not yet in force) for 36 participants on 28 February-1 March. Participants included representatives of the Ministry of Gender Equality and Child Welfare, Ministry of Health and Social Services, Law Reform and Development Commission and the Master's Office plus a range of NGOs: Childline, Women's Action for Development, the Church Benevolence Board, Friendly Haven, Namibian Women's Association (NAWA), Namibia Women's Network, Ombetja Yehinga Organisation, Church Alliance for Orphans (CAFO), PEACE Centre (People's Education, Assistance and Counselling for Empowerment) and the Walvis Bay Child & Family Centre.

This workshop was very successful. The Act was explained in detail, and participants suggested strategies for making its implementation successful, such as matters which need to be carefully covered in the regulations.

Recommendations from the workshop were compiled and sent to the Ministry of Gender Equality and Child Welfare, the Master of the High Court and the technical legal drafters at the

Ministry of Justice. GR&AP attended a meeting convened by the Ministry of Gender Equality and Child Welfare to discuss the regulations in April. GR&AP also prepared a memorandum for the Ministry of Gender Equality and Child Welfare on the forthcoming regulations, based on the input received at the workshop. GR&AP also identified a consultant who has drafted children's regulations in other countries in the region who can provide technical assistance to the Namibian government on the Namibian regulations.

### **Child Care and Protection Bill**

GR&AP monitored the progress of the **Child Care and Protection Bill** which is currently with the technical legal drafters. We understand that the draft will be finalised at long last in early 2008, and we have written to the Ministry of Gender Equality and Child Welfare to advocate another round of public consultations before the Bill is sent to Cabinet. We have offered to assist the Ministry with simplified materials and workshop facilitation for this purpose. This suggestion has been well-received by the Ministry, and will be followed up in 2008.

### **Marital property**

The GR&AP Coordinator continues to serve on the LRDC Subcommittee on Marital Property, which is using the GR&AP publication *Marital Property in Civil and Customary Marriages: Proposals for Law Reform* as its main resource. The subcommittee completed the first phase of its work in 2007, by deciding on detailed policy on marital property law reform, based primarily on GR&AP's research and recommendations. The Coordinator worked together with attorney Hannalie Duvenhage to draft a bill incorporating the Subcommittee's input for further discussion. This draft bill will be finalised and presented to the full subcommittee in early 2008.

### **Inheritance**

The Law Reform and Development Commission hosted a small half-day meeting on 16 April to discuss the way forward on inheritance law reform. The meeting was attended by representatives of the Law Reform and Development Commission, the Master's Office, the Law Society, the University of Namibia, the Ministry of Safety & Security and legal practitioners who work in this field. The GR&AP Coordinator gave a power point presentation on GR&AP research and recommendations on this issue, and it was agreed in principle that the next step will be to establish a new Law Reform and Development Commission subcommittee comprising all key stakeholders, including LAC, to address this issue.

The GR&AP input and suggestions were well-received, but the LRDC has not yet formally established a subcommittee to address this controversial area. However, the composition of the Law Reform and Development Commission changed in late 2007, and we hope that dormant issues such as inheritance will now have a better chance of moving forward in 2008.

### **Cohabitation**

GR&AP and the government's Law Reform and Development Commission have engaged in discussions about joint effort to complete the cohabitation research begun by GR&AP, which had to be put aside for lack of funding. GR&AP presented a draft proposal and budget to LRDC for consideration. In the meantime, students in a faculty-supervised programme at the University

of Pennsylvania Law School are working with a previous GR&AP intern to conduct additional comparative law research on cohabitation to feed into our existing material on this topic, with the goal of finalising a report on this topic in 2008.

### **Child maintenance grants**

Along with several other agencies, we successfully lobbied the Ministry of Gender Equality and Child Welfare to broaden the criteria for child maintenance grants so that fewer needy children will be excluded. The means test of household income of N\$500/month has been doubled, and the maximum number of children eligible for grants has been raised from three siblings to six siblings.

### **Implementation of laws on maintenance and domestic violence**

GR&AP attended the NANGOF Gender Sector meeting on 30 March, where several NGOs reported that their members are experiencing practical problems in trying to utilise the Maintenance Act 2003 and the Combating of Domestic Violence Act 2003. GR&AP urged NGOs to collect information on these problems on a simple form which GR&AP agreed to design to ensure that all relevant information is recorded. The purpose is to facilitate follow-up action that will improve accountability on the part of government. The form was circulated to all NANGOF members, but this approach has proved unsuccessful as members of the other NGOs have not returned any completed forms to GR&AP for assistance with follow-up. Alternative information-collection mechanisms will be discussed with NANGOF in 2008.

### **Other family-related law reforms**

NANGOF Gender Sector convened a meeting of its members on 11 September, facilitated by GR&AP, to discuss family-related law reforms which are very slow in moving forward. The meeting was attended by representatives of 13 organisations. It was decided that a delegation representing the NANGOF Gender Sector will attempt to meet with the Minister of Justice and the Minister of Gender Equality and Child Welfare to find out what is the cause of the slow progress of law reform on divorce and customary marriage. The problem of lack of official recognition of customary marriage was mentioned by the CEDAW Committee when Namibia made its initial report in 1997, and again in response to Namibia's combined second and third reports in 2007. The CEDAW Committee's comments are newsworthy in general, but have received no press coverage in Namibia. Journalists will be encouraged to report on this. Journalists will be asked to stimulate debate on the topics of lobola and polygamy immediately, as these can be debated independently of the specifics of the draft law (which may change substantially before it is tabled in Parliament). The journalists in NANGOF will initiate this action. GR&AP provided background information on these topics which can be drawn on by journalists. Although GR&AP provided all of the materials and support which were agreed, the NANGOF Gender Sector did not manage to move forward with the proposed activities in 2007 but has agreed to make these a priority in 2008.

## **2.6 National Plan of Action for Orphans and Vulnerable Children**

In July and August, GR&AP successfully tendered for a UNICEF-funded consultancy to assist the Ministry of Gender Equality and Child Welfare with the preparation of the National Plan of Action for Orphans and Vulnerable Children. This document includes a brief situation analysis, as well as a list of specific concrete actions to be taken 2007-2010. GR&AP's involvement provided an opportunity to ensure that key law reform and gender-based violence recommendations are incorporated into the plan.

In August, GR&AP presented the draft plan of action at a half-day workshop attended by members of the OVC Permanent Task Force, UNICEF representatives and government representatives. Feedback from the workshop was then incorporated into the draft.

The Plan of Action is accompanied by a Monitoring and Evaluation Plan for which GR&AP and UNICEF provided technical assistance. This supplementary document is intended to ensure that the Plan is effectively implemented and that progress is regularly assessed.

The Plan of Action was formally launched by the Ministry of Gender Equality and Child Welfare on 25 October at a well-attended public event.

## **2.8 School policy on teenage pregnancy**

Project staff and volunteers have spent several weeks of working time researching and drafting a short advocacy paper proposing reforms to the school policy on teenage pregnancy. The existing policy requires student mothers to leave school as soon as the pregnancy is visible and remain out of school for at least one year after the birth of the child. In theory, the policy applies equally to schoolboys who impregnate schoolgirls, but it is almost never applied to boys in practice. We conducted interviews with students at four schools (JA Nel, Senior Secondary School, Keetmanshoop; Suiderlig High School, Keetmanshoop; Okahandja Senior Secondary School, Okahandja; and Delta High School, Windhoek) to explore the views of the students on the current guidelines for pregnancy in schools and in particular the requirement that girl mothers to remain out of school for one year after the birth of the child, before readmission. The paper, which will propose a more flexible and supportive policy, is nearing completion and will be published and circulated in early 2008, after the draft is sent to a few key partners for final comments.

## **2.7 Stalking**

Following on several reports of stalking incidents, GR&AP researched Namibian and comparative law on this issue. Comparative research is continuing with assistance from students at Harvard Law School working under a faculty-supervised programme, so that we can get assistance with locating "best practices" from existing legislation on stalking to incorporate into our draft paper

on this topic. A monograph proposing law reforms in Namibia on this topic will be published in early 2008.

## **2.8 Gender balance in legal aid**

A GR&AP intern attempted to compile information on gender imbalances in legal aid, but the information and statistics available from the Legal Aid Office proved insufficient for a detailed analysis. Information on how this issue is addressed in other countries will be compiled for use in future advocacy work.

## **3. PUBLICATIONS**

During 2007, GR&AP conducted an inventory of our publications in stock and created a new system for tracking what publications have gone to whom in which languages. We hope that this new tracking system will improve our ability to reach key target audiences with publications in the most appropriate languages. We are also in the process of updating and expanding our publications distribution list, with the aim of distributing our publications more thoroughly and effectively in future. The work on the publications distribution list will continue in 2008.

As part of our efforts to expand the coverage of our publications, we prepared and sent off packets of gender publications for the Ministry of Education's 60 community libraries. Copies of all GR&AP publications were also provided to a local consultant who is working with the National Planning Commission on the expansion of regional libraries. We have also provided publications in appropriate languages to the regional offices of the Ministry of Gender Equality and Child Welfare.

There were many public requests for GR&AP's publications in 2007, including requests for the rape report from many South African libraries and institutions. The Women's Caucuses of the National Assembly and National Council requested educational materials to use when they talk to their constituents about gender-related laws. Our educational materials in various languages were also used by various Woman and Child Protection Units for community outreach programmes. The Office of the Ombudsman requested GR&AP publications to use on a tour of seven locations throughout the country. We also had a request for rape materials from High Court judge, for use to facilitate explanations to interpreters and undefended accuseds. We donated five copies of a book of poetry about domestic violence to the Museums Association of Namibia for a book box to be used in a school competition. We also made a formal handover of materials to the Coordinator of the Woman and Child Protection Units to celebrate LAC's 19th birthday on 9 July.

We have arranged for our books to be featured in two local bookshops (Bucher Keller & Book Den).



### 3.1 *Unravelling Taboos*

A book of essays about issues relating to Namibian sexuality, *Unravelling Taboos*, was launched in February 2007. The book was co-edited by the GR&AP Coordinator and by Dr Suzanne LaFont, a visiting academic. It contains chapters written by a number of prominent researchers and academics. The aim of the book is to make academic research on topics related to sexuality and sexual violence more accessible to policy-makers and members of the public.

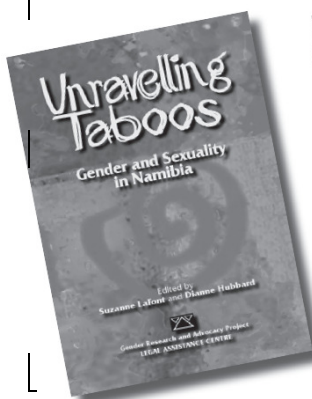
The book covers a wide range of controversial topics including

- social attitudes which support child rape in Namibia
- gay and lesbian sex amongst Namibians
- potential impact of decriminalizing sex work
- different concepts of power and sexuality amongst different ethnic groups
- the way that rural men and women learn (or fail to learn) about sexuality
- the factors which shape adolescents' attitudes about sex in Namibia
- the manipulation of African "tradition."

The launch attracted over 85 people, including some policy-makers, and the book sold briskly. Six of the authors were in attendance at the launch to introduce their chapters to the audience: Dianne Hubbard, Dr Suzanne LaFont, Dr Hetty Rose-Junius, Dr Diane Ashton, Elizabeth IKhaxas and Lucy Edwards. The book was favourably reviewed in two local magazines (*Sister Namibia* magazine and *Insight* magazine). It also received favourable notices in English and German daily newspapers (*The Namibian* and *Allgemeine Zeitung*).

The book has since then been widely distributed in Namibia and elsewhere. It is listed on amazon.com, and it has been provided to a number of libraries in Southern Africa. The book was used as an assigned text in a course taught by Dr LaFont at Kingsborough Community College, City University of New York in the USA. We believe that the publicity afforded to the book will help in achieving its goal of spreading information about sexuality and the underlying causes of gender-based violence.

#### Some Quotes from *Unraveling Taboos*



"Is African tradition really detrimental to women? Where did people's ideas about tradition come from? What is meant by tradition?"

- H Becker

"One sex worker in Katima Mulilo says that ... she will have sex without a condom after negotiating a higher price. It is chilling to think that clients are willing to pay more for unprotected sex - in essence, they are paying more to get HIV."

- D LeBeau

"The pastor said, 'You know as you are sitting here that there are women who have relationships with married men; some of you have even stolen money from your madams ... but you sit here with the difficulty that lesbians have relationships with each other ... but those people have been created by God ...'."

- E Ikhaxas

"A male community worker explained, 'Children who have been sexually molested are treated like people with leprosy. They suffer stigma. They are isolated in the community as if they are guilty.'"

- R Jewkes, H Rose-Junius, L Penn-Kekana

"A similarity between Afrikaner and Owambo men was the consistent use of the analogy "men are hunters". They use this analogy as a way of expressing their sexual desires, sexual pursuits, and sexual conquests."

- S Wise

"People from the earlier era were in some ways more enlightened than people today. Most children had involved themselves in sexual games that were played before puberty and, hence, could not lead to pregnancy. These games were a safe way to discover sex and parents would often cast a blind eye on them."

- P Talavera

"zunächst sollte ich mich für das Buch Unravelling Taboos bedanken. Es ist wirklich ausgezeichnet, ich habe schon lange nicht mehr soviel Neues über die namibische Gesellschaft erfahren wie durch dieses Buch. Ich zeige es in einem Artikel, den ich für eine Zeitschrift in Deutschland verfassen muss, an, auf dass es unter die Leute kommt."

As translated by LAC intern: "First of all, I would like to say thank you for the book "Unravelling Taboos". It is excellent, and I have not learned that much about Namibian society in a long time. I will have to write an article for a German magazine and I will make reference to the book in it to spread the word. I will endeavour to convince people to buy the book. "

Dag Henrichsen, [henrichsen.bab@bluewin.ch](mailto:henrichsen.bab@bluewin.ch)

Namibia Resource Centre & Southern Africa Library, Basler Afrika Bibliographien  
by email, March 2007

### 3.2 "Ideas About Equality in Namibian Family Law"

The GR&AP Coordinator contributed a chapter to the book *Transitions in Namibia: Which changes for whom?* edited by Henning Melber and published by the Nordiska Afrikainstitutet. This book should be well-distributed overseas distribution, and will thus facilitate the spread of information on Namibian law reforms internationally.

MELBER, HENNING (ED.)

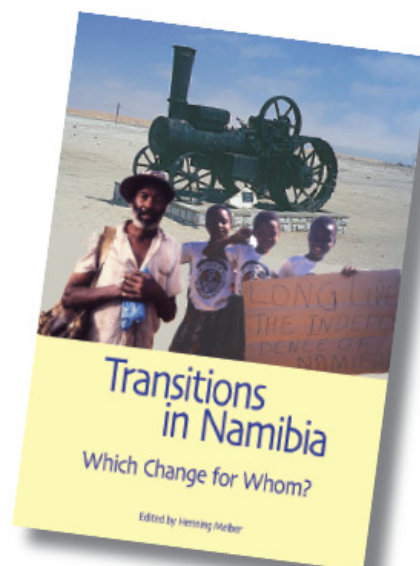
## Transitions in Namibia Which Changes for Whom?

250 pp, ISBN: 978-91-7106-582-7

Pris: 290 SEK/ ca. 31 EURO

This volume addresses socioeconomic and gender-related issues in contemporary Namibia. Most of the contributors are either Namibian, based in Namibia or have undertaken extensive research in the country. Their interest as scholars and/or civil society activists is guided by a loyalty characterised not by rhetoric but by empathy with the people. They advocate notions of human rights, social equality and related values and norms instead of being driven by an ideologically determined party-political affiliation. Their investigative and analytical endeavours depict a society in transition, a society that is far from being liberated. Not surprisingly, this compilation explores the limits to liberation more than its advances.

Henning Melber headed The Namibian Economic Policy Research Unit (NEPRU) in Windhoek from 1992 to 2000. He was subsequently Research Director at The Nordic Africa Institute in Uppsala (2000-2006), where he is the Executive Director of the Dag Hammarskjöld Foundation since then.



### FROM THE CONTENTS

- |  |  |  |
|--|--|--|
| - History and the Armed Struggle:<br>From anti-colonial propaganda to<br>patriotic history?                  | - Old ties or new shackles?<br>China in Namibia  | - Regional Development and Decen-<br>tralisation   |
| - Commercial Land Reforms in Postco-<br>lonial Namibia:<br>What happened to liberation struggle<br>rhetoric? | - Poverty, Politics, Power and Privilege:<br>Namibia's black economic elite<br>formation   | - Caprivi Under Old and New Indirect<br>Rule:<br>Falling off the map or a 19th century<br>dream come true? |
| - Between Politics and the Shop<br>Floor: Which way for Namibia's labour<br>movement?                        | - Out of Order? The margins of Nami-<br>bian ex-combatant 'reintegration'  | - Ideas About Equality in Namibian<br>Family Law   |
| - Liberated Economy?<br>The case of Ramatex Textiles Namibia   | - Imagining Post-Apartheid Society<br>and Culture:<br>Playfulness, officialdom and civility in<br>a youth elite club in northern Namibia | - HIV/AIDS in Namibia:<br>Gender, class and feminist theory<br>revisited                                   |

The book has a very strong gender equality tendency. It ends with three weighty analyses of where Namibia stands now in this important respect. Dianne Hubbard goes through the most important gender-related legislation and shows in detail how traditions and opinions have found expression in the laws. She shows the difficulty in applying Western juridical concepts in another cultural environment.

excerpt from review by Pekka Peltola, *New Era*, 14 Dec 2006

### 3.3 *Rape in Namibia*

The publication of the research report *Rape in Namibia* is described under research above. Below is an excerpt from the press release sent out to accompany the launch of the book:



## LEGAL ASSISTANCE CENTRE

PRESS RELEASE - embargoed until 17h00, Tuesday, 15 May 2007

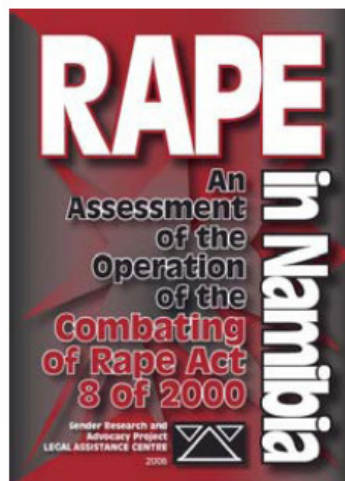
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### Comprehensive study of rape in Namibia launched

Date: Tuesday, 15<sup>th</sup> May  
Time: 17h00  
Venue: NICE Restaurant  
2 Mozart Street  
Windhoek West

*The first copies of the report will be presented to Lt-Gen Ndeitunga, Inspector-General of Police and Adv Danie Small, Deputy Prosecutor-General.*

*Refreshments will be served.*



**Only 16% of the perpetrators accused of rape or attempted rape are convicted of either of these crimes.** This important concern goes unnoticed amidst public calls for heavier sentences. And this is just one of the many important findings of the LAC study *Rape in Namibia*, the first comprehensive study of a particular crime in Namibia.

In order to ensure a complete and accurate picture of rape in Namibia, the data in the study has been drawn from a wide range of sources – including police statistics, 409 police dockets, entries in court registers for 547 rape cases and interviews with 58 key informants including police, doctors, prosecutors, legal aid lawyers, magistrates and rape survivors. The preliminary findings were discussed at a consultative workshop attended by 33 participants from 6 regions, and their input has been incorporated into the final report.

Here is a sample of some of the other key findings from the report:

- There were 1184 reported rapes and attempted rapes in Namibia in 2005, which is equal to approximately **60 reported rapes for every 100 000 people in Namibia.**
- In a recent UN survey of crime (2000/01), Namibia's "rape rate" ranked 3<sup>rd</sup> highest out of the 53 countries which provided data on rape. South Africa topped the list at 121 reported rapes per 100 000. Namibia was also below Canada, and just ahead of the United States.
- The high level of reporting does not necessarily mean that Namibia has more rape than other countries. It could also be a result of many positive factors – such as higher official sensitivity to rape, good crime recording practices, increased



awareness of the crime on the part of both police and members of the public, and the general empowerment of women.

- **Since 2003 when police first began to record the sex of rape victims, men have accounted for 6%-8% of the victims of rape and attempted rape.** This means that the vast majority of rape victims continue to be women and girls.
  - Most rapes are committed by men – **99% of the people accused of rape in our sample were men.** Not a single woman was convicted of committing a rape.
  - **Just over one-third of all victims of rape and attempted rape are under age 18.**
  - **At least one-fourth of the *perpetrators* in our study were minors below age 21, with 13% being under age 18.**
  - Only 12% of the cases clearly involved rapes by strangers. **The vast majority of rapes in our study – at least 67% – involved persons known to the victim. Most shockingly, *about one-fourth (25%) of the rapes in the sample involved family members, spouses or intimate partners (including past partners).***
  - **Most rapes (68%) are reportedly promptly, either on the same day they took place or on the following day** – in time for good medical evidence to be collected, and in time for the effective administration of medication to prevent pregnancy and HIV transmission.
  - **The arrest rate in Namibia is very good, with about 70% of the accused perpetrators in our sample being arrested.** This is consistent with the fact that most rapists are known to their victims, but it is also a tribute to good work on the part of the Namibian Police.
  - **But only 40% of the cases in our sample resulted in a completed criminal trial.** One-third of the complainants in rape cases ask to have their cases withdrawn. Also, the Office of the Prosecutor-General sometimes decides not to prosecute a case, usually because of insufficient evidence. The real surprise here is that case withdrawals for rape cases are about the same as for other crimes in Namibia – although the conviction rates for the cases which proceed to trial are lower.
  - **A 16% conviction rate sounds bad. While it certainly can be improved, we should also congratulate ourselves for doing a much better job than some other countries.** Our results look very good next to South Africa's 7% and England's 6%. On the other hand, there is no need to feel smug if we consider Germany at 21% and Hungary at an astonishing 49% conviction rate for rape cases.
  - **The minimum sentences are being applied as intended for the most part, but the statistics suggest that courts often look to the minimum sentences as being fixed sentences instead of base level sentences** – especially when it comes to the heavier minimums of 10 and 15 years. Still, the key concern is how few accused rapists are getting to this point.
-

### 3.4 Braille publications

In lieu of an expensive launch, the availability of our new Braille publication on **rape and domestic violence** was announced in an article circulated to local newspapers. Copies of the publication were handed over to the coordinator for the Service Centre for the Visually Impaired. The article on the hand-over was published by *The Namibian*, and also featured in the monthly LAC e-news as well as in the 5 March e-news of NANGOF (the Namibia NGO Forum). The publications have been distributed to the target audience through organisations which work with the visually impaired.

#### Moving beyond translations .....

The Gender Research and Advocacy Project of the Legal Assistance Centre (GR&AP) has produced many easy-to-read guides to gender laws in local languages, but these are of little use to persons with visual disabilities. To address this problem, GR&AP has now gone a step farther by producing key points from its guides to rape and domestic violence legislation in Braille.



Sadly, GR&AP's recent research on rape indicates that persons with disabilities may be targeted as victims of gender-based violence, possibly because of a belief that some disabilities may prevent detection of the culprit or impede the victim's ability to resist an assault. This finding reinforces the need to ensure that all persons with disabilities have access to information about their rights in respect of rape and domestic violence. GR&AP's forthcoming rape report will also recommend that the Combating of Rape Act should be amended to make the rape of persons with physical or mental disabilities a basis for imposing the highest category of minimum sentence.

While the publication of the educational material in Braille is very expensive, this must not be allowed to compromise the right to information by persons with disabilities. The failure to provide information in an accessible format is in itself a form of discrimination and a direct impediment to the efforts to realize human rights for all.

GR&AP would like to acknowledge the financial support of VSO-Namibia who provided funding for the Braille publications through the British High Commission (BHC) Volunteer Placement Support Fund. GR&AP also acknowledges the support and advice received from the National Federation of Persons with Disabilities –Namibia (NFPDN).

The educational material was printed by the Service Centre for the Visually Impaired in Windhoek. Copies of the publications will be circulated to libraries in Windhoek and to organizations which serve persons with visual disabilities. There are a limited number of copies available at the LAC offices for individual members of the public.

In August, responding to the high demand for the Braille publication, GR&AP produced a revised and improved version of the Braille materials on rape and domestic violence. These were printed and delivered to the target audience through organisations which work with the visually impaired, with a small number remaining for future distribution.



At the end of 2007, we prepared a similar short text on **maintenance** for publication in Braille in 2008, if funding can be secured for this purpose.

We would like to acknowledge receipt of 1 copy of *Basic facts on the Rape Act and the Combating of Domestic Violence Act 4 of 2003* in Braille format and would like to thank you for your donation to our library.

The publishing of Namibian publications in Braille format is indeed a major milestone that was reached as the need for such publications has already come to our attention. We trust that more publications will be produced in Braille.

Ms M Hoffman, Acquisition Librarian  
Office of the Librarian, Polytechnic of Namibia  
excerpt from letter dated 24 July 2007

### 3.5 *Advocacy in Action* update

*Advocacy in Action*, a training manual on advocacy skills, was originally published in 2004. This manual proved to be very popular in Namibia. It has also been used as a model for similar manuals in the southern Africa region. Feedback from the region has been very positive. For example, a representative of MULEIDE in Mozambique reported to us in October 2007 that some 700 copies of the manual adapted for local use have been distributed in Mozambique and found to be extremely useful. The SADC Parliamentary Handbook launched in 2007 by the South African Institute of International Affairs includes sections based on LAC's *Advocacy in Action*, which are fully acknowledged.

"The second section of the handbook is a civil society advocacy guide. This section draws exclusively on the excellent 'Guide to Advocacy' produced by the Legal Assistance Centre (LAC) in Windhoek."

The Legal Assistance Centre "conducts remarkable work and was supportive of our request to incorporate elements of the Advocacy Guide into this handbook. To Dianne and her colleagues we express our deep gratitude."

Preface to *SADC Parliamentary-Civil Society Engagement Handbook*,  
edited by Tim Hughes, The South African Institute of International Affairs, 2006

In 2007, GR&AP updated the information in the manual in preparation for a re-print. We also added new case studies on recent topics and drafted new sections on issues such as the Anti-Corruption Commission and Constituency Development Committees, as well as information on the NAMPOL Complaints Department and the complaints process in a case where an executor appointed to oversee distribution of a deceased estate is not performing this task appropriately.

We sent questionnaires about the advocacy manual to 11 Namibia organisations which have used to solicit feedback. Responses were received from six groups: Namibia Institute for Democracy, Women's Leadership Centre, Sister Namibia, Women's Action for Development, Women's Solidarity and Citizens for an Accountable and Transparent Society (CATS). Virtually every respondent was happy with the general title, lay-out, approach and contents of the manual.

All respondents included a range of positive feedback on the contents of the manual. This was a typical comment was:

**The Manual is very practical. It is a pleasure to use. It is of immense value to any individual living and doing business in Namibia...**

One respondent gave particular praise to the effective use of illustrations to enhance the text.

The responses we received included a few concrete suggestions for change to the manual which we have attended to in the update insofar as possible, given budget and space constraints:

- update contact details, including new community radio stations
- make it clear that the process of getting a law passed can take many years
- use a stronger binding
- suggest role plays to go along with some of the material, as well as on confidence-building for women
- include information on how to form new groups
- include information on organisations which might be approached to do training using the manual
- include contact details for more government agencies.

It was also suggested that individual sections of the manual should be simplified and translated into indigenous languages which are appropriate to use as hand-outs for grassroots groups, or that the manual should be serialised in inserts in local newspapers, but GR&AP lacks funding for such initiatives.

### **3.6 Comic book on maintenance**

Namibia has an excellent law on maintenance – the Maintenance Act 9 of 2003 – but the implementation of the Act is poor. One problem is that the intended beneficiaries of this Act – children and their mothers – do not know how to use the law effectively. In order to increase public awareness of the law, GR&AP decided to produce a full colour comic book on how to apply for maintenance, aimed at youth and women – particularly those with low literacy levels, as comic book formats have proved to be a popular medium in Namibia. The goal is to distribute the comic as an insert to *The Namibian* newspaper (circulation 26,000 on Thursday – our intended distribution day), which has extensive reach throughout the country.

The text for the comic book went through three drafts in 2007. Pre-tests of the text and sample illustrations were held with grassroots groups in Windhoek and Ondangwa, which provided very good suggestions. An additional pre-test will be held in Keetmanshoop in early 2008, before the draft is finalised and printed.

### 3.7 *Gender Training Manual & Resource Guide*

This training guide, commissioned by the Ministry of Gender Equality and Child Welfare, is intended to guide trainers in conducting effective workshops on gender-related topics. It contains training modules on topics contained in Namibia's National Gender Policy, along with participatory exercises and hand-outs to be used by trainers. The document was finalised by GR&AP in 2006, for publication by the Ministry in 2007.



The *Manual* was launched on 10 August. The Minister referred to the manual as "powerful", "excellent" and "stimulating", and said that "it really inspires people to start thinking independently" about gender issues. UNDP Deputy Resident Representative Lebogang Motlana described the *Manual* in his statement as "a high quality product".

The Ministry of Gender Equality and Child Welfare held two workshops during 2007 aimed at equipping its staff members to utilise the manual effectively, and this process will continue in 2008.

### 3.8 *Manual for Training Community Survivor Supporters*

Namibia's Combating of Domestic Violence Act 4 of 2003 gives extensive legal protection to those living in abusive situations. It covers not only physical abuse but also sexual abuse, economic abuse, verbal, emotional and psychological abuse as well as intimidation and threats. Unfortunately the law is not well known and the remedy of the protection order is not used throughout the country. In addition to ignorance of the law, survivors of domestic abuse face many pressures such as cultural attitudes and family pressures.

The challenge therefore is to support women to use the law and seek help to escape domestic violence. In support of this goal, GR&AP (together with partners Women's Solidarity Namibia and the PEACE Centre) successfully tendered for a UNICEF-funded project to assist the Ministry of Health and Social Services, Ministry of Safety and Security, and the Women and Child Protection Units with equipping community members to support survivors of violence more effectively.

The project included:

- a desk review of existing materials
- consultative meetings with stakeholders
- identification of potential lay counsellors
- production of draft training manual
- consultation with stakeholders on draft
- a pilot five-day training
- finalisation of the training manual based on the pilot experience.



## Manual for community counsellors

### • KAKUNAWE SHINANA

IN an effort to improve outreach and support services to survivors of abuse, the Ministry of Health and Social Services and the United Nations Children's Fund (Unicef) have developed a training manual for community counsellors.

The training programme is aimed at ensuring the sustainability of services to survivors of abuse who are generally stereotyped and discriminated against.

Launching the manual last week in Windhoek, Deputy Minister of Health and Social Services Petrina Haingura said although her ministry has a shortage of social workers it has recognised the important roles that community members can play in supporting the Police's Woman and Child Protection units.

She said most survivors of abuse choose to seek help and counselling from informal networks such as neighbours, friends and traditional

authorities.

She added that there was a need for aggressive social mobilisation and education on gender-based violence.

"Gender-based violence is a major impediment to achieving gender equality, development and peace. Therefore there is an aggressive need for social mobilisation and education to communities and their leaders on gender-based violence," she pleaded.

Unicef Representative Khin-Sandi Lwin commended the introduction of the manual.

"When we look at who are the best suited service providers and duty bearers, we will find a common ground. Putting all our efforts in one consolidated protection and prevention agenda is necessary to strengthen the outreach capacity, therefore we need to involve community leaders, churches and other faith-based organisations," she said.



Photo: Kakunawe Shinana

Launching the manual are Deputy Commissioner Gerson #Nawaseb, the head of the Police's Criminal Investigations Division, Dianne

Hubbard of the Legal Assistance Centre, Health Deputy Minister Petrina Haingura and Unicef representative Khin Sandi-Lwin.

The following themes were incorporated into the training sessions:

- understanding the definition of gender and gender concepts, and looking at issues pertaining to stereotypes and culture.
- assertiveness training
- counselling skills with emphasis on survivor support
- information on human rights and gender-related laws - including the Combating of Domestic Violence Act, Combating of Rape Act, Maintenance Act and Married Persons Equality Act.

The pilot training, which involved 14 female participants from Khomas, Caprivi, Hardap, Karas, Erongo and Omaheke Regions, was very successful and informative, leading to the expansion of the planned one-week training guide into a two-week format.

The *Manual* was published by government and launched on 22 November. The GR&AP Coordinator spoke at this event, which was attended by representatives of government agencies and NGOs who work with survivors of violence. Other speakers were Deputy Commissioner #Nariseb of NAMPOL; Ms Khin Sandi-Lwin, UNICEF Country Representative; and Ms Petrina Haingura, Deputy Minister of Health and Social Services.

### **3.9 Simple educational materials on key gender-related laws**

During 2007, GR&AP continued to expand its publication of materials on gender-related laws in indigenous languages by producing the popular *Guide to the Combating of Domestic Violence Act* in Oshiwambo, Otjiherero and Khoekhoegowab.

Where funds could be sourced, we also arranged re-prints of educational materials which are running low or out of stock.

### **3.10 Additional publications**

In late 2007, GR&AP prepared a draft text for an educational booklet on family law for church-based marriage counsellors. This will be finalised and given to the Council of Churches in Namibia for production in 2008. The goal is to reach more rural residents with information about gender-related laws which are relevant to their lives.

## **4. TRAINING ACTIVITIES**

Our objective in training is to raise awareness and understanding of the laws relating to women and children amongst the public and amongst service providers. IN addition to the training programmes which we initiated during the year, training activities are carried out on request from communities, service providers (including magistrates, prosecutors, police and social workers), pastors, church groups and NGOs on gender-based violence and family law issues.

GR&AP's training and media work were curtailed in the last few months of the year, as we lost our Development & Training Manager at the end of September 2007 due to our inability to offer her permanent employment or even a long-term contract, due to the insecurity of our funding situation. The GR&AP Coordinator will take on some training duties in future, but not as much as could be accomplished with a staff member devoted to this set of activities. In 2008, GR&AP expects to focus on supplying training manuals and materials to other groups which can carry out training and media activities on gender topics. For example, GR&AP has supplied materials on rape, domestic violence, maintenance and the Married Persons Equality Act to several Woman and Child Protection Units to use in outreach work, and to Women's Action for Development which conducts training nationwide.

### **4.1 "Star trainers"**

Namibia is vast. The official language is English, but the main additional languages are Afrikaans, Oshiwambo, Khoekhoegowab, Otjiherero, Rukwangali and Silozi. GR&AP receives many requests for training which we cannot meet, and our language skills are necessarily limited in light of our small staff size. Therefore, we came up with the idea of attempting to train a network of two

indigenous-language trainer in each of the 13 regions, to equip them to do further training in local languages on gender-related laws. Our goal was to provide intensive "training of trainers" to selected persons linked to existing organisations, then to provide funding for them to use their new knowledge to train other community members in workshops that they would host and organise. We identified 26 participants who were linked to organisational structures (Women's Action for Development/Women's Voice, and Women's Solidarity Namibia). These 26 persons covered all 13 regions, with most regions being represented by two people.

All 26 participants were invited to the **first "training of trainers" session**, which took place 11-15 June in Windhoek. Only one person who was expected did not turn up. The remaining 25 participants were 19 women and 6 men, aged between 21 and 55. These participants collectively speak eight different languages: English, Afrikaans, Oshiwambo, Otjiherero, Khoekhoegowab, Rukwangali, Silozi and Setswana. The training was conducted in Windhoek by GR&AP's Anne Rimmer, together with John Nakuta, a Namibian trainer with a masters' degree in human rights. The "training of trainers" session covered training skills, workshop organisation, the meaning of "gender", and the laws relating to rape and domestic violence. Clear guidelines on arrangements for conducting workshops in their home languages in their own localities were presented and discussed.

The evaluations of this training session were uniformly positive, although a number of people said that they wished the training had been longer. A few sample comments:

- "It improved my knowing how different things happen and how to handle it eg rape and domestic violence."
- "I will prepare myself to pass on this information through workshops and individuals."
- "Now I am understanding the law."
- "I feel like a professional now."
- "I would be able to train others."
- "To me, it was better than any other training I attend during 3 years time."

Two participants were not invited to continue with the full workshop programme because of an evident lack of commitment and/or insufficient understanding of the material covered. Following the initial training session, the other **23 participants carried out 18 workshops on the laws on rape or domestic violence (or both) in 12 regions** (Caprivi, Erongo, Hardap, Karas, Kavango, Khomas, Kunene, Omaheke, Omusati, Oshana, Oshikoto and Otjozondjupa). As these were the first workshops most participants had ever conducted, they were asked to include only about 10 people. A total of 197 participants were trained, 107 of them male and 90 female. The participants tended to be unemployed people and youth, with a number of teachers, pastors and church elders. The trainers were required to provide evaluation forms completed by the participants as proof that the workshops had taken place as planned. These forms indicated that the training was well received, with a number of people saying they had not heard much about the issues and the laws before.



The **second "training of trainers" session** took place in Windhoek on 24-29 September and was once again conducted by Anne Rimmer with assistance from John Nakuta. There were 12 participants (8 women and 4 men) out of the 25 trainers who had completed the first session. As discussed above, two participants were not invited to continue with the programme at the close of the first training session. Two other participants who had submitted questionable reports and evaluations were not invited back. (One of these had submitted some workshop participants' evaluation forms completed in her own handwriting and could not explain this satisfactorily. The other submitted participant evaluation forms which all had identical comments.) Two participants who had not contacted our office or conducted a workshop after the initial "training of trainers" session were not invited back. Three participants could not attend on the relevant dates, and four participants either cancelled on the day of the workshop or did not turn up. A key topic covered in the second training session was how to enhance training skills -- eg dealing with problems experienced; giving strong presentations; considering types of training techniques most likely to lead to behaviour change; controlling difficult or unruly participants; and working from different training modules. This session also covered the Married Persons Equality Act and the Maintenance Act.

Again, the training was positively received. Comments on the evaluation forms included:

- "I gain more skills and confidence. I feel proud to be a well-trained trainer."
- "I regarded it as best of any workshop I attended."

The trainers who completed this second session were expected to run one more workshop each on the Married Persons Equality Act and/or the Maintenance Act.

Following the second training session, the remaining star trainers carried out 9 workshops on the laws on rape and domestic violence, the Married Persons Equality Act and maintenance (in some cases two topics were presented per workshop). **Workshops were held in 6 regions (Hardap, Khomas, Omaheke, Otjozondjupa, Erongo and Omasati), with 10-20 participants each.** A total of 102 participants were trained, 45 of them male and 67 female. As previously, participants tended to be youth, church members and rural women. The participants' evaluation forms sent in by the trainers indicated that the training was well-received, with almost all participants requesting more training.

As previously, the participants' evaluations were very positive, as the following examples indicate:

- "Request the LAC to conduct more radio talks so that the information reach the entire nation as it is very informative."
- "I will now be able to assist or advise others on the different laws."
- "I will make use of the knowledge and skills obtained from the workshop to teach my community."
- "I have a better understanding about laws which I was never aware off."
- "Request that such encouraging workshops be conducted for our grassroots people for awareness."
- "I have learned how to go about to lay a charge and where to seek for help."

**Assessment of initiative:** This project, which was a new venture for the Legal Assistance Centre, turned out to be extremely burdensome administratively. Only two of the participants had landline telephones, and contacting others in remote rural areas by cell phone was difficult (often no coverage) and problematic (poor sound). The number of cheques and bank transfers made (two per trainer) also put a heavy burden on our accounting department. Cheques were delayed in the post, or misdirected by the post office. Bank transfers expected to take three days ended up taking a week or so. Some workshops had to be postponed because the funding had not come through in time because of problems such as these. Checking the trainers' budgets, receipts and reports was also very time-consuming. In effect it was virtually a full-time job simply to administer the project.

All in all, we believe that the "star trainer" programme was a valuable experience. To our knowledge, trainers have not before been trained in Namibia with the specific intention of equipping them then to run workshops in their mother tongues for people of that language group. It also seems that many of the participants they reached in turn had not been exposed to workshops on such law before. We believe we reached villages in the country which had never before focussed on the gender issues which were addressed. However, given the enormous administrative burden entailed in this project (primarily in monitoring the budgets for so many small workshops), we will in future focus on using media (especially radio) to reach indigenous language audiences. A list of our star trainers has been passed on to various Namibia groups who conduct training, and Lifeline in particular has plans for building on our work with some additional training opportunities for the best "star trainers".

## **4.2 Empowering communities to tackle the causes of violence**

Another project aimed at empowering communities was designed to facilitate community-based initiatives to tackle the causes of gender-based violence. Namibians have insights into violence in their own communities. Stopping violence is an issue that involves more than legal tools. Furthermore, even when women do know their rights, they are hesitant to use legal mechanisms due to lack of confidence, cultural norms, poverty and family pressures. Our goal was to build capacity in communities, by assisting them to identify positive actions which they could take to prevent or reduce the occurrence of violence. An initial pilot workshop was held in Rehoboth in 2007, with the goal of extending the pilot initiative to four other communities in 2008 to assess the effectiveness of this model. If this approach proves successful, we will seek funding to extend it.

The initial workshop took place in Rehoboth on 3 September. Rehoboth was identified because there is a high rate of rape in the region, and because the workshop could be linked to related training of police and of the Woman and Child Protection Unit Management Committee.

There were 25 participants (17 female, 7 male) plus 1 interpreter. Age range from 17-60. There were 3 police officers from the Woman & Child Protection Unit, 3 social workers from the Ministry of Health, and 2 members of Women's Action for Development. The others were

members of small NGOs or community members. GR&AP organized inter-active work, including role-plays, on what domestic violence and rape are, and on actions communities can take to address them. Since this is the first workshop of its kind, the outcomes are summarised in the box below. Four more pilot workshops will take place in early 2008.

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**Summary of community workshop on causes of violence**  
Rehoboth, 3 September 2007

**What are the root causes of violence?**

- inequality between women and men
- feelings of weakness and powerlessness leading to violence
- incorrect interpretation of the Bible (ie that the man is superior)
- alcohol – a root cause or a contributing factor?
- unemployment and poverty leading to low self-esteem

**Other issues**

- Women can also be abusive (sometimes due to alcohol).
- Women sometimes encourage men to get drunk so that the men will spend money on them.
- Female headed households may lead men/boys to become weak as the ideal role-model is not available.
- Some women don't allow the man to drink in the house - so he has to go out, which leads to more abuse of alcohol and abusive behaviour.
- Alcohol problems drive men away or lead women to lose self-esteem.
- Hate/anger affects the whole community.
- Extra-marital affairs (which can happen with men or women) can lead to violence.
- Child-rearing practices - ie "children should be seen and not heard" - can be contributory.
- The system does not help abused children.
- The number of shebeens in the community has an impact.

**What actions could community members take?**

Participants brainstormed in small groups and came up with a variety of suggestions, with a common thread of community education. They agreed to take the following actions:

- to carry out an intensive month-long public education campaign with leaflets, radio programmes and t-shirts saying that "Domestic Violence is against the law" (GR&AP provided 550 publications for use in this initiative)
- to hold a second meeting two weeks later (without GR&AP facilitation) to discuss other activities, as there were differing ideas about seminars and workshops which could not be resolved in the time available.

The LAC was asked to provide short, simple guides to assist people to petition against liquor licensing for shebeens, which GR&AP will attempt to incorporate into its year plan for 2008.

The evaluations of this first workshop in the pilot were generally very positive. A few samples:

**Did the workshop meet your expectations?**

- All except 2 said yes. One of those 2 thought the workshop should have been more about educating the community than taking action; the other was not happy at being given N\$30 to buy lunch instead of being catered for and that the workshop lasted less than 2 days.

**What did you learn?**

- "Rape & Domestic Violence Acts; Causes of domestic violence"
- "To stand up for my right"
- "For me violence was always just like a picture. But at this workshop it has become reality. That it is a serious problem needing attention."

### 4.3 Other information-sharing and training activities

All information-sharing and training activities facilitated by GR&AP are summarised in the table below.

DATE & PLACE	AUDIENCE	TOPICS	COMMENTS
23 Jan Windhoek	12 VSO volunteers: 9 women & 3 men	gender & HIV-AIDS	The volunteers trained were to be deployed in different parts of Namibia
5-9 Feb Windhoek	14 women seeking training to enable them to support survivors of violence from Khomas, Caprivi, Hardap, Karas, Erongo and Omaheke	assertiveness, counselling skills, gender concepts & laws on domestic violence, rape, maintenance and equality in marriage	This training session was used to pilot the draft <i>Manual for Training Community Survivor Supporters</i>
28 Feb-1 Mar Windhoek  1.5-day workshop	36 participants, representing government agencies & NGOs	Children's Status Act, strategies for its successful implementation, suggested issues to be covered in regulations	This workshop is discussed in detail above (section 2.5).
4 Apr Windhoek  $\frac{1}{2}$ -day workshop	25 Polytechnic students: 21 females and 4 males	rape and sexual harassment	One male participant commented that a definition of sexual harassment using the word "repeatedly" (as in repeatedly making unwanted advances) would be a problem in his culture where a woman is traditionally supposed to refuse a man six times before she agrees to a relationship with him.
16 April Windhoek  $\frac{1}{2}$ -day workshop organised by Law Reform and Development Commission	12 representatives of government agencies working with inheritance or law reform, as well as legal practitioners active in this field	$\frac{1}{2}$ -hour power-point presentation on GR&AP research and recommendations on inheritance	This workshop is discussed in detail above (section 2.5).
27 April Windhoek  workshop organised by Women's Leadership Centre	13 female participants (age 20-35) from Parliamentarian Women for Health	presentation and facilitation of sessions on how laws are made and advocacy skills	
11-15 June Windhoek	25 participants from all 13 regions: 19 women and 6 men	training skills, workshop organisation, the meaning of "gender", the laws relating to rape and domestic violence.	This was part of the "star trainer" initiative discussed in the narrative report above.

19-22 June Windhoek  National Conference on Gender-Based Violence organised by MGECEW	350 participants from all regions	1-hour presentation giving an overview of gender-based violence in Namibia (Norman Tjombe)  1-hour presentation highlighting key recommendations from rape study (Dianne Hubbard)	This Conference is discussed in detail above (section 2.1).
26 June Windhoek	17 blind & visually impaired women and 1 man (age 19-55)	domestic violence and rape	This workshop was organized together with the Namibian Federation of the Visually Impaired. Participants applauded the Braille material produced by GR&AP as well as our call for stiffer sentencing for those who rape people with disabilities.
23 July Windhoek  one-hour input at a 3.5-day workshop organised by GenderLinks to coincide with the launch of the book "At the Coalface: Gender & Local Government in Southern Africa"	59 people from all regions, some 35 of whom were local authority councillors (80% women), along with Ministry of Gender Equality and Child Welfare personnel		GR&AP gave a power point presentation on gender-related law reform and court cases since independence, accompanied by a hand-out for the participants based on the power point slides. The input was well-received and was followed by a lively discussion session. The purpose of the meeting was to equip and inspire local councillors to formulate a Draft Gender Strategy for Local Government in Namibia. The presentation is suitable for use with other groups.
3 August Windhoek	about 20 members of the Namibia Association of Visual Artists	copyright law	Information on copyright law was provided at a workshop organised by the Namibia Association of Visual Artists, and provided in a form which could be published as a pamphlet by the Association if they wish. Although not strictly a gender issue, this task was undertaken by a visiting law student with a personal interest in the visual arts.
5-8 August Tsumkwe  organised jointly with LEAD	15 participants (11 men and 4 women) from several police stations in the vicinity (Gam, Maroelaboom, Rooidaghek, Mangetti Dune & Botswana border post)	human rights & policing, Combating of Domestic Violence Act, Maintenance Act, seeking solutions to policing problems  (This was part of a series of four workshops held by LAC in the area during the course of the year, to cover a range of human-rights related topics. )	The police expressed great frustration at their inability to perform their jobs properly because of the lack of crucial resources such as transport and communications equipment. A typical comment from the participants on the workshop was: "It gave more knowledge and clarity on how to handle issues." As a follow-up to the workshop, GR&AP directed a letter to the Deputy Prime Minister, who has expressed a particular interest in San issues, about the resource problems faced by police in the area.

13 August Windhoek	20 female social workers from the Ministry of Gender Equality & Child Welfare	Combating of Rape Act, Combating of Domestic Violence Act, provisions for vulnerable witnesses	<p>Comments from participants included the following:</p> <ul style="list-style-type: none"> <li>• "I like the fact that we could integrate [our own] case studies and work on them"</li> <li>• "On both Acts I was really enlightened about a lot of issues"</li> <li>• "I found the topic on vulnerable witnesses quite informative. It is the first time for me to hear about this topic."</li> </ul>
6 Sept Rehoboth	17 Rehoboth Woman and Child Protection Unit Management Committee members (13 women, 4 men)	domestic violence, rape, recommendations from the LAC study on rape; practical problems and solutions relating to gender-based violence	<p>The following LAC publications were distributed to participants:</p> <ul style="list-style-type: none"> <li>• Guide to the Combating of Rape Act</li> <li>• Guide to the Combating of Domestic Violence Act</li> <li>• Guidelines for Service Providers on the Combating of Rape Act and the Combating of Domestic Violence Act</li> <li>• Rape in Namibia: Summary Report.</li> </ul> <p>The workshop was rated <i>"well researched; appropriate for the audience"</i> by one participant, while another described the trainer as <i>"very perfect and very interesting and very educative."</i></p>
7 Sept Rehoboth	24 people (9 men and 15 women), including 9 police officers, 4 social workers, and participants from clinics and schools	domestic violence, rape, recommendations from the LAC study on rape; practical problems and solutions relating to gender-based violence	<p>Hand-outs as at 6 Sept workshop above. One practical problem cited was the fact that complainants often lay charges of domestic violence or rape but then want to withdraw them. Possible solutions identified were:</p> <ul style="list-style-type: none"> <li>• Explain the cycle of violence to complainants (using the diagrams in the LAC materials provided) as a way to try to persuade complainants to proceed with their cases.</li> <li>• Explain to complainants that they can apply to traditional court for compensation AND lay a criminal charge at the same time if they wish.</li> <li>• Find out WHY complainants want to withdraw with cases: is it intimidation? frustration with the time it takes for police officer to get there because of shortage of police transport?</li> <li>• Refer complainants for counselling support.</li> </ul> <p>Similar analysis was carried out for other practical problems identified by participants, drawing on findings from the</p>



			study <i>Rape in Namibia</i> . In the workshop evaluations, one participant said that it taught "how police officers should behave". Another participant wrote: "No comment because it is the best."
11 Sept Windhoek  (½-day workshop jointly organised by NANGOF and GR&AP)	members of the NANGOF Gender Sector, including representatives of 13 organisations	family-related law reforms which are very slow in moving forward (recognition of customary marriage, divorce, inheritance and the Child Care and Protection Bill)	GR&AP gave power point presentations on the law reform proposals and facilitated discussion on advocacy strategies.
25-29 Sept Windhoek	12 participants (8 women and 4 men) from a range of regions	enhancing training skills, Married Persons Equality Act, Maintenance Act	This was part of the "star trainer" initiative discussed in the narrative report above.

#### 4.4 Preparation for future workshops

We finished most of the preparation for a workshop for Parliamentary staff which will take place in early 2008. We have researched and prepared a power point presentation on internet research, which will be combined with a presentation on gender law and analysis which has also been completed. As of end 2007, we were in the process of preparing exercises which the participants will be asked to research on the Internet during the workshop, followed by group discussion of the successes and difficulties experienced. This is somewhat time-consuming, as we must test all of the exercises first to be able to see what Internet search results are likely to be returned and tailor the exercises so that they are not too broad.

### 5. GR&AP Media Work

DATE & MEDIA	TOPICS
Jan-Feb RADIO: interviews on several programmes in English, Afrikaans, Khoekhoegowab Naomi Kisting	simple information on the correct legal procedure for registering a birth, after many people reported problems with this issue
12 March TV: <i>Talk of the Nation</i> Anne Rimmer	appeared with Chief of Lower Courts, Mr Unengu, to discuss the law on maintenance
19 April RADIO: several 10-minute recorded interviews rape to be aired on Katutura Community Radio in April and May Dianne Hubbard	sexual harassment, domestic violence, rape, policy on teen pregnancy
April PRINT: OYO Magazine local youth magazine produced by Ombetja Yehinga Organisation Dianne Hubbard	article on the consequences of false statements and charges concerning rape and domestic violence.

15 May TV: <i>Open File</i> Dianne Hubbard	statutory rape
May RADIO: NBC Herero Radio Service Shadrack Tjiramba	rape, domestic violence and maintenance
25 June TV: <i>Talk of the Nation</i> Dianne Hubbard	<p>The topic was the recent unsolved murders and dismemberment of two young women, and whether or not the death penalty should be re-imposed to combat such horrific crimes. The other panellists were Minister of Gender Equality and Child Welfare Marlene Mungunda, Deputy Minister of Justice Uutoni Nujoma, Deputy Commissioner #Nariseb of NAMPOL and President of Namibian Men for Change, Rev Nakamela. All of the panel members opposed the reintroduction of the death penalty on human rights and Constitutional grounds.</p> <p>LAC's wide-ranging influence was evident in several ways: the presenter and several panellists made reference to LAC's research on the topic of violence against women and children; the Deputy Minister of Justice was carrying the LAC research report on rape along with his copy of the Constitution, and the presenter closed the programme with a powerful quote from international guest Michael Kaufman at a conference hosted by LAC on the role of men in preventing gender-based violence in 2000.</p>
29 July RADIO: set of German language programmes on German radio service Martin Schulze-Allen Katharina Kleikamp	domestic violence, maintenance and rape
July RADIO: NBC Herero Radio Service Shadrack Tjiramba	Using a document prepared by GR&AP as a guide, Shadrack presented a 1-hour programme in Herero on void and voidable marriages (as this applies to situations when sisters and brothers were married pre-independence to keep property in the family). The presentation was based on legal research on void and voidable marriages prepared in advance. There were 3 calls to the programme and 7 more calls to the Legal Assistance Centre the next day. However, all of the follow-up calls concerned divorce rather than void or voidable marriages.
Aug-Sept PRINT: <i>Interact</i> , the quarterly magazine produced by the organisation Progressio in the UK (Spring 2007 edition) Anne Rimmer	article on gender issues in Namibia
October PRINT: OYO Magazine local youth magazine produced by Ombetja Yehinga Organisation Anne Rimmer/ Dianne Hubbard	article on the Children's Status Act
October PRINT: <i>Sister Namibia</i> magazine Dianne Hubbard	article on the findings of the GR&AP research report <i>Rape in Namibia</i>
Nov-Dec PRINT: <i>Gems</i> magazine Dianne Hubbard/Rachel Coomer	Dianne reviewed several draft articles on the topic of maintenance written by Rachel for this new Namibian magazine aimed at women

Dec TV: <i>One Africa</i> video material provided	In response to a request from the television channel <i>One Africa</i> , we provided LAC-produced films on rape and domestic violence in a range of local languages for screening during the Christmas holidays (when violence usually increases)
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## 6. WORKSHOPS ATTENDED BY STAFF

### 6.1 Office of the Prosecutor-General: Medical evidence in rape cases

On 13 April, the GR&AP Coordinator attended an information workshop organised by the Office of the Prosecutor-General on the collection of medical evidence, where South African expert Dr Frantz presented information on this topic. We agreed at this workshop to work further with Eileen Rakow of the Office of the Prosecutor-General on further development and popularisation of the rape protocols published by GR&AP several years ago.

### 6.2 Canadian HIV/AIDS Legal Network

The GR&AP Coordinator attended a workshop in Johannesburg convened by the Canadian HIV/AIDS Legal Network on 18-19 October. The workshop was part of an initiative to develop model legislation on rape and domestic violence to be used in advocacy efforts in developing countries. It is exciting to see Namibia's laws being used as key examples of "best practices". The next phase of the project in 2008 will focus on laws on property/inheritance and marriage/divorce, which should provide useful input for Namibia's efforts in this area.

The Canadian HIV/AIDS Legal Network is currently developing a draft legislation resource for women's rights in the context of HIV/AIDS. The resource is designed for advocates and policy makers, including those in sub-Saharan Africa. The resource will provide draft legislative provisions along with supporting commentaries, references and a list of selected resources, in order to inspire and support law reform efforts. The resource will cover four areas: rape and sexual assault; domestic violence; marriage and divorce; and property and inheritance.

As this project has developed, the Legal Assistance Centre has been an extremely valuable partner. The Legal Assistance Centre's detailed, evidence-based publications on these issues have been an important reference point for our work. Their participation at our two recent regional consultation meetings on this project has been invaluable, as the thoughtful input from their staff on draft versions of the resource have helped us to refine the text. Their experiences have also helped guide our strategies with respect to law reform advocacy.

Alison Symington, Canadian HIV/AIDS Legal Network, 28 January 2008

## 7. NETWORKING

### 7.1 Networking with other NGOs

- On 27 March, GR&AP Anne met with the new capacity builder at the **National Federation of People with Disabilities**. As noted above, GR&AP also worked together with the National Federation of People with Disabilities on the production and distribution of Braille materials on gender-based laws.
- A VSO volunteer based at GR&AP prepared a brief of GR&AP's activities for fellow **VSO volunteers** which was presented during their annual programme meeting. GR&AP also trained 12 VSO volunteers on gender and HIV/AIDS issues in Namibia.
- GR&AP attended the **Red Cross** launch of "Stop the abuse against women" booklet and Desert Soul TV series on 8 May. The booklet incorporated some material prepared by LAC on consultancy to the Red Cross in 2006. We also took the opportunity to distribute some GR&AP publications at the launch.
- In October, GR&AP provided advice to **Family Health International** on sexual abuse matters for a draft curriculum which will be used to train Namibian health care workers on how to counsel HIV+ children and their families.
- In November, GR&AP reviewed several successive drafts of a script for a film on rape to be produced by the local group **Ombetja Yehinga Organisation**, and suggested substantial revisions. This film will be used for HIV and sexuality awareness-raising in schools.
- GR&AP reviewed and provided comments on draft terms of reference for the **NANGOF Gender Sector**. (NANGOF is the Namibia NGO Forum.) GR&AP regularly attended NANGOF gender sector meetings, and (as noted above) co-hosted a workshop with the NANGOF Gender Sector on gender-related law reform and worked with the group on strategies to deal with implementation problems. GR&AP also assisted NANGOF in a letter to the President of Namibia on recommendations to combat gender-based violence (following up on a similar letter sent in 2007).
- GR&AP gave an interview to Randolph Mouton of **SIAPAC** as part of a study on harmful cultural and traditional practices which contribute to gender-based violence, commissioned by the Ministry of Gender Equality and Child Welfare. GR&AP subsequently reviewed the first draft of the study and offered suggestions for improvement.
- GR&AP shared its research and proposals for affirmative action for women in local, regional and national government with Claire Mathonsi, Women and Governance Project Coordinator of the **Gender Advocacy Programme in South Africa**. She wrote in response: "A million thank yous. This is really going to give us a great deal of direction in terms of drafting a bill for SA" (email communication, 29 June 2007).
- GR&AP shared its research on rape and domestic violence with the **Canadian HIV/AIDS Legal Network**, which has drawn substantially on the Namibian material in drafting model legislation for developing countries in Africa and Asia.
- In November, the GR&AP Coordinator participated in two different one-hour conference calls with students and staff at **Georgetown University Law Clinic** to discuss research they are preparing for LAC on discriminatory aspects of customary law, to discuss strategic issues pertaining to this research. As already noted above, GR&AP is also

working with student research groups at **Harvard Law School** and the **University of Pennsylvania Law School**.

- The GR&AP Coordinator completed a "Child Effort Index Questionnaire" for **UNICEF** aimed at monitoring Namibian government performance on children's rights issues, and provided more detailed follow-up information for this project.
- GR&AP assisted a **local gender activist**, Ngamane Karuihe-Upi, with the formulation of ideas for potential donors on adding more support structures to his popular radio show on gender issues, which is resulting in a flood of requests for advice, information and counselling.

## **7.2 Support to elected officials**

- We provided large numbers of GR&AP publications to the **Parliamentary Women's Caucuses of the National Assembly and the National Council** for use in constituency outreach efforts. Two LAC staff members attended a workshop on 13 August on the National Council's Women Parliamentarians Outreach Programme for the Khomas Region. The workshop explained the Combating of Rape Act, the Combating of Domestic Violence Act, the Married Person's Equality Act and the Maintenance Act including inheritance rights - drawing from the GR&AP publications provided. The role of the GR&AP representatives was to assess the information being disseminated (which was based on the GR&AP publications provided), to help interpret or explain the laws if necessary, and to correct any misperceptions. Most of the information from the GR&AP publications was correctly interpreted and presented by the MPs. However, the GR&AP representatives offered some clarifications on the interpretation of the Native Administration Proclamation 15 of 1928 with respect to inheritance, specifically regarding its race-based nature.
- GR&AP attended two meetings with the South African-based organisation **GenderLinks**, in May and July, to plan for a workshop for aimed at equipping local authorities to incorporate gender issues into their planning. GR&AP also made a one-hour input on 23 July at a 3.5-day GenderLinks workshop for local authorities and Ministry of Gender Equality and Child Welfare personnel, which was organised to coincide with the launch of a book entitled "At the Coalface: Gender and Local Government in Southern Africa". The workshop was attended by 59 people from all regions. Some 35 of the participants were local authority councillors, about 80% of whom were women. The presentation on gender laws and cases was accompanied by a hand-out for the participants based on the power point slides. The input was well-received and was followed by a lively discussion session. The purpose of the meeting was to equip and inspire local councillors to formulate a Draft Gender Strategy for Local Government in Namibia.
- GR&AP also gave feedback to Hon. Mensah-Williams of the National Council on a paper she was preparing for presentation to a **Regional Conference for Women MPs** on the topic "Supporting Women in Parliament and Other Decision-Making Positions-Working with Partners". Our suggestions pertained to the issue of partnership between Parliament and civil society.



- As noted briefly above, GR&AP researched and prepared a power point presentation on internet research which will be combined with the presentation on gender-related law and analysis prepared by Dianne in August for use in a **2008 workshop aimed at training Parliamentary staff**. We are in the process of preparing exercises which the participants will be asked to research on the Internet during the workshop, followed by group discussion of the successes and difficulties experienced. This is somewhat time-consuming, as we must test all of the exercises first to be able to see what Internet search results are likely to be returned and tailor the exercises so that they are not too broad.

### 7.3 Partnership with other LAC departments

- GR&AP's Development & Training Manager met with staff of LAC's **Aids Law Unit** in February to discuss gender mainstreaming in ALU's training programmes. In March, GR&AP assisted ALU by facilitating a workshop with stakeholders on HIV/AIDS.
- The partnership between GR&AP and LAC's **Land Environment and Development Project (LEAD)** on research pertaining to widows and communal land has already been described above. GR&AP also worked together with LEAD to convene a meeting with environmental stakeholders on the issue of environmental protection as it relates to mining and exploration activities in Namibia, and to prepare this issue, and to draft terms of reference for further LAC involvement.
- GR&AP worked together with LAC's **Human Rights and Constitutional Unit (HURICON)** to bring the first sexual harassment case in Namibia, as discussed in more detail above. GR&AP also provided detailed comments on the draft Mental Health Act being prepared by HURICON.

## 8. CLIENT QUERIES

Throughout the year, GR&AP handled a large number of face-to-face and telephonic requests for information and advice on specific problems. In most cases, the queries did not result in the opening of a file for a client; our goal was, wherever possible, to equip people who approached us with the information they needed to help themselves. Many individuals approached our offices to request copies of our educational publications on rape, domestic violence, maintenance and the Married Persons Equality Act, as well as copies of Advocacy in Action. We also regularly received requests for copies of our research reports on various topics. There was a notable increase in related public queries immediately after radio programmes on gender-related topics.

The following topics were particularly common subjects of requests for information and advice:

- child custody and the Children's Status Act (which was not yet in force as of the end of 2007)
- child maintenance
- various questions pertaining to marriage and marital property regimes
- civil and customary divorce

- domestic violence and information how to obtain protection orders or how to address situations where individuals felt that their application for a protection order had not been properly handled
- registration of births and surnames (especially as these issues relate to children born outside of marriage)
- queries about the right and responsibilities arising from cohabitation
- stalking (four cases reported to GR&AP in 2007)
- inheritance issues
- sexual harassment (queries in five cases during 2007)
- orphans, child maintenance grants and foster care grants.

The following were amongst some of the more unusual queries:

- a request for advice in a stalking case involving a male client who was even pursued to the LAC offices by the female stalker
- request for information on the powers and duties of the City of Windhoek in respect to roads
- a query about laws relevant to Black Economic Empowerment and women
- a query from the Immigration & Refugee Board of Canada concerning the possibility of the extent of gender-based violence in Namibia as a potential basis for refugee status
- a query from the South African periodical "Behind the Mask" on the legal position of homosexuality in Namibia
- a request from the accused that we monitor a case where a woman who was experiencing domestic violence was charged with culpable homicide in connection with the death of her husband, whereas she asserted that she had acted in self-defence
- a telephone query from a man enquiring whether a husband married in community of property should have to provide perfume and make up for his wife as a "necessity" (We responded with an equity argument - if he buys aftershave, she should expect perfume!)
- a query about the current legislation on abortion from a social worker
- a query about the possible adoption of Namibian child by non-Namibian foster parents
- a request for a copy *Rape in Namibia* from a convicted rapist (we provided a copy to the prison library)
- a query about the application of the right to education to a child with a mental disability who wishes to attend a mainstream private school
- a query about the rights of informal traders from Zimbabwe whose goods were confiscated by a store-owner.

The following were amongst the most affecting stories brought to GR&AP during the year:

- A female teacher who experienced sexual harassment at a school in the north was assaulted by the harasser after she reported the harassment to the principal. Working through concerned intermediaries, we provided advice on actions she could take for her own protection.
- We received a query pertaining to a case where a young girl was reportedly raped by her uncle on the advice of traditional healer, to ensure luck and prosperity, who was then threatened by her own family when she wanted to report the rape to the police.

We also took follow-up action by sending a letter to the Deputy Prime Minister to try to resolve the deadlock on waiving the costs for surname changes for a limited time period for San people who bear surnames imposed upon them against their will during the colonial era. We have been negotiating with the government on this issue for several years now, without success.

## 9. FUNDING

During 2007, GR&AP received donor funds from the following agencies:

- **HIVOS**  
partial funding to end 2008
- **US-AID, through the Namibia Institute for Democracy**  
project funding ending March 2008
- **Royal Danish Embassy**  
project funding for work anticipated to be complete by March 2008
- **Royal Embassy of the Netherlands**  
funding for a single project anticipated to be complete by March 2008
- **Embassy of the United States of America**  
funding for production costs involved in re-printing a single publication

Numerous funding proposals were submitted to a range of potential donors. However, no other agencies had made any commitment to the future funding of GR&AP as of end 2007.

## 10. ADMINISTRATIVE

In addition to the activities described above, a substantial amount of staff time was taken up with administrative activities, including meetings of LAC's Policy and Planning Committee, staff meetings, preparing monthly reports for internal circulation, preparation and editing of GR&AP's portion of the 2006 Annual Report, reporting to donors, drafting funding applications and budget coordination and monitoring.