

LAC

ISSUE 1  
FREE

# afraid no more



LEGAL ASSISTANCE CENTRE



The Child Witness Protection Programme is a project of the Legal Assistance Centre's AIDS Law Unit in partnership with Lifeline/Childline and Peace Centre.

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Kauna is upset. She is unhappy. She has a secret. She feels really bad. So she goes to her mother and talks to her.

MAMA, I NEED  
TO TALK TO YOU ABOUT  
UNCLE MANTUME. UNCLE  
IS A BAD MAN.

WHAT  
HAPPENED?!



Her uncle has been touching her private parts. Finally, one day, her uncle raped her.



Even if you were raped a long time ago, you can still report it. The police will assist you in gathering evidence. It is important to know that if you have been raped, that you should not wash yourself as you will still be examined by the doctor.

Kauna cried. Her mother cried as well. Kauna's mother was upset.

EVERYTHING WILL BE ALRIGHT, BABY. THE LAW WILL PROTECT US. WE SHALL REPORT THIS TO THE WOMEN AND CHILD PROTECTION UNIT.

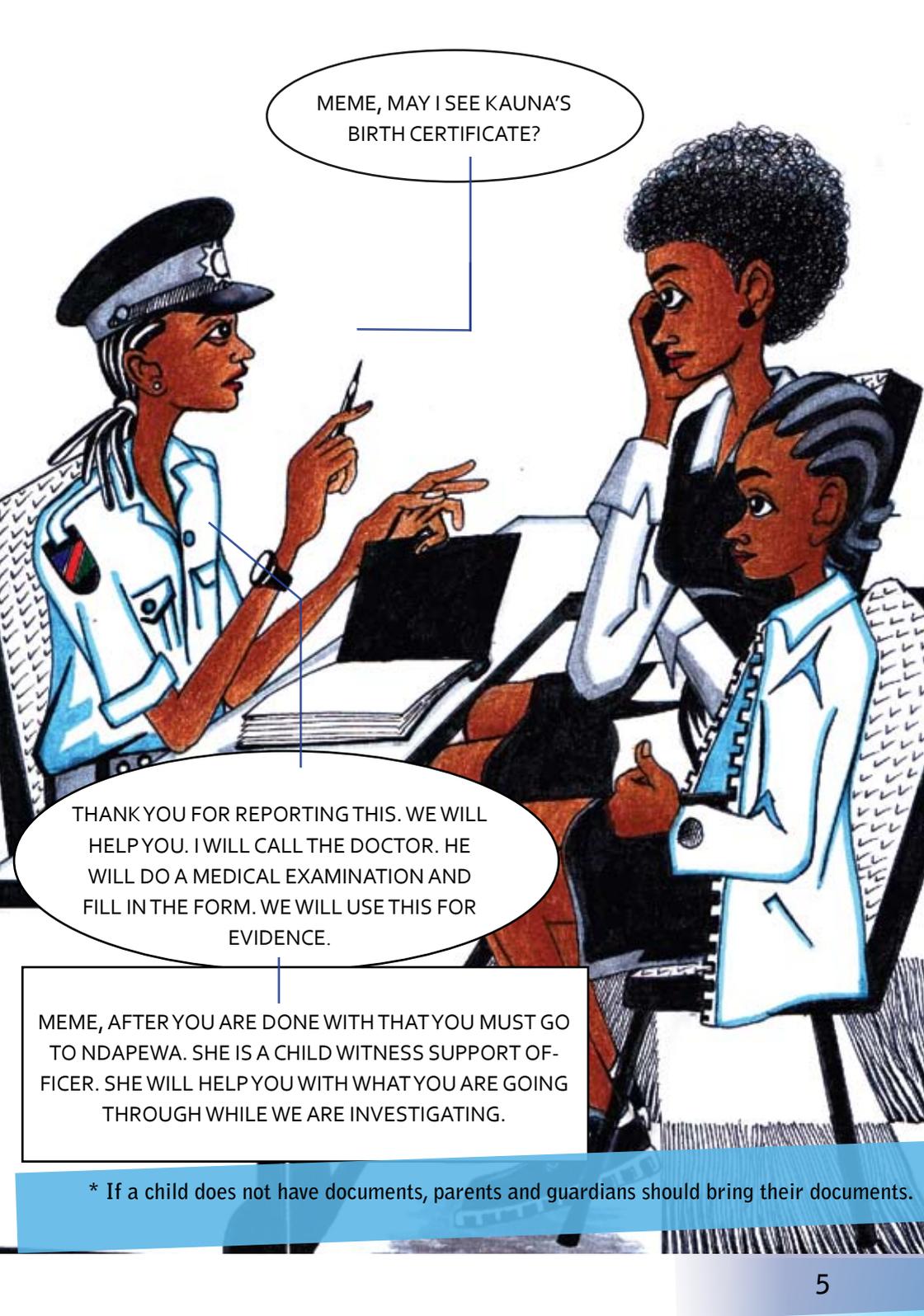


The Women and Child Protection Unit (WACPU) is a place where you report violence and abuse against women and children. If you can't go to WACPU, you should report it to the nearest police station. You can also call 116 (toll-free) to report what happened to you .

So Kauna and her mother went to the Women and Child Protection Unit.



Kauna told the police officer that her uncle raped her. The police officer listened and took her statement.



MEME, MAY I SEE KAUNA'S BIRTH CERTIFICATE?

THANK YOU FOR REPORTING THIS. WE WILL HELP YOU. I WILL CALL THE DOCTOR. HE WILL DO A MEDICAL EXAMINATION AND FILL IN THE FORM. WE WILL USE THIS FOR EVIDENCE.

MEME, AFTER YOU ARE DONE WITH THAT YOU MUST GO TO NDAPEWA. SHE IS A CHILD WITNESS SUPPORT OFFICER. SHE WILL HELP YOU WITH WHAT YOU ARE GOING THROUGH WHILE WE ARE INVESTIGATING.

\* If a child does not have documents, parents and guardians should bring their documents.

So, Kauna's mother brought her to the Child Witness Support Officer, Ndapewa. Ndapewa is a friendly person. Child Witness Support Officers are based in Windhoek, Rehoboth and Rundu.



WELCOME. MY NAME IS NDAPEWA. I AM A CHILD WITNESS SUPPORT OFFICER. I AM HERE TO HELP YOU. MY JOB IS TO HELP PREPARE KAUNA FOR COURT. I KNOW TESTIFYING CAN BE A SCARY EXPERIENCE. THERE ARE MANY BENEFITS TO COURT PREPARATION. I WILL SUPPORT YOU AND YOUR MOTHER THROUGH THE COURT PROCESS. THIS PROCESS WILL TAKE MONTHS. I WILL GIVE YOU UPDATES ON THE CASE. I CAN ARRANGE FOR YOU AND YOUR MOTHER TO MEET WITH THE PROSECUTOR. I WILL GO WITH YOU WHEN YOU GO TO COURT . I WILL HELP EXPLAIN THE COURT DECISION TO YOU. I KNOW THIS IS GOING TO BE A LONG, HARD AND PAINFUL JOURNEY FOR YOU, KAUNA...BUT...IT DOES GET BETTER.

I KNOW IT'S BEEN HARD FOR YOU. SO I WILL REFER YOU TO LIFELINE/CHILDLINE AND PEACE CENTRE. THEY CAN HELP YOU WITH YOUR TRAUMA.

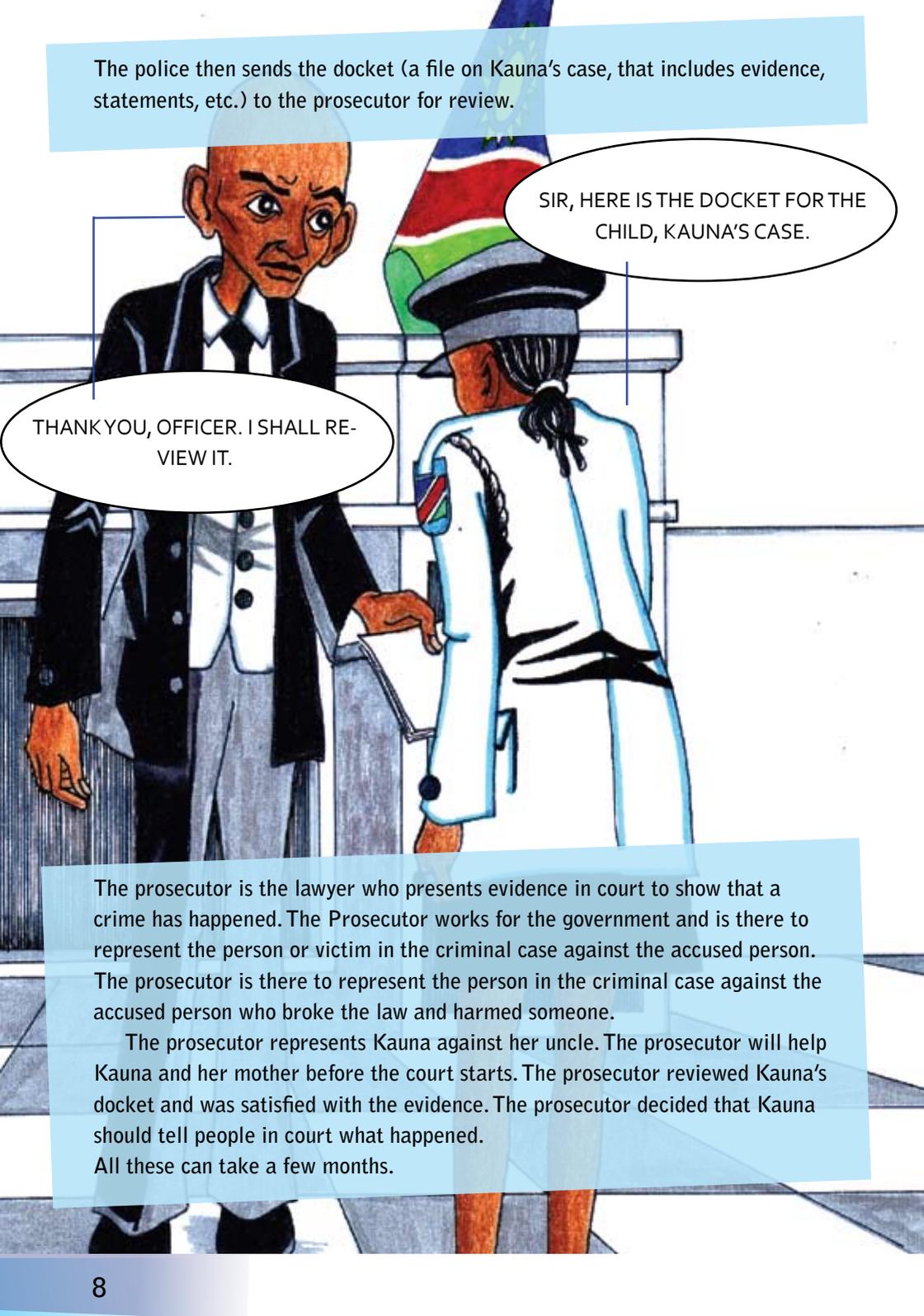


Meanwhile, the police investigated the case. They gathered enough evidence so that they can charge Kauna's uncle.

He was arrested and given bail. People who are arrested can get bail. This means he is allowed to get out of prison, on condition that he doesn't leave the country or go near the victim. During this time, the date for the next court appearance is set.

\* Trauma - is the serious personal and mental stress you feel after experiencing something terrible like rape.

The police then sends the docket (a file on Kauna's case, that includes evidence, statements, etc.) to the prosecutor for review.



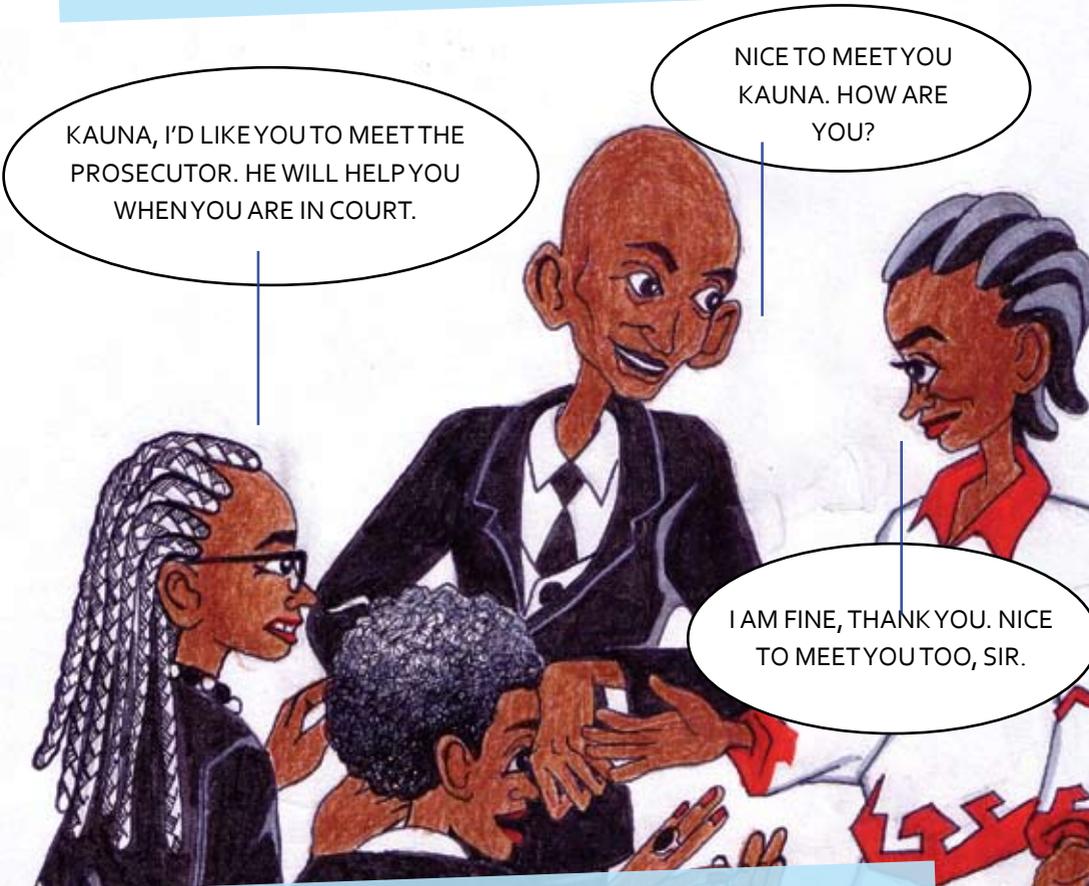
THANK YOU, OFFICER. I SHALL REVIEW IT.

SIR, HERE IS THE DOCKET FOR THE CHILD, KAUNA'S CASE.

The prosecutor is the lawyer who presents evidence in court to show that a crime has happened. The Prosecutor works for the government and is there to represent the person or victim in the criminal case against the accused person. The prosecutor is there to represent the person in the criminal case against the accused person who broke the law and harmed someone.

The prosecutor represents Kauna against her uncle. The prosecutor will help Kauna and her mother before the court starts. The prosecutor reviewed Kauna's docket and was satisfied with the evidence. The prosecutor decided that Kauna should tell people in court what happened. All these can take a few months.

Ndapewa worked with Kauna in preparing her for court. The court preparation programme is a series of 10 sessions for each child witness.



KAUNA, I'D LIKE YOU TO MEET THE PROSECUTOR. HE WILL HELP YOU WHEN YOU ARE IN COURT.

NICE TO MEET YOU KAUNA. HOW ARE YOU?

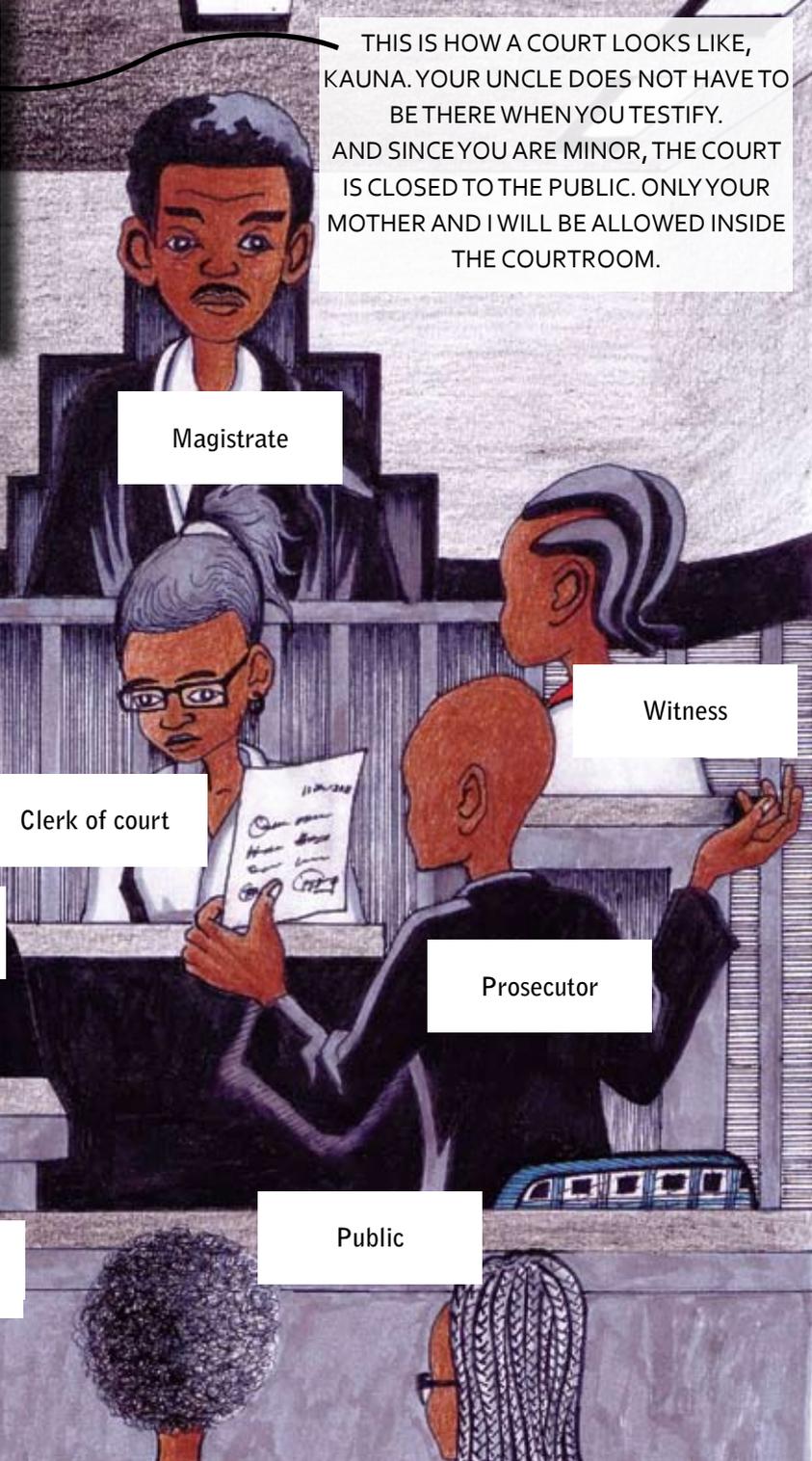
I AM FINE, THANK YOU. NICE TO MEET YOU TOO, SIR.

During this court preparation, Ndapewa explains to Kauna about why she should go to court. Ndapewa also explains who is who in court and what happens in court. She tells Kauna what her role is. Finally Ndapewa explains to Kauna what happens after court. Ndapewa also tells Kauna that she will be there on the day Kauna testifies.

Two weeks before the trial, Ndapewa showed Kauna around the court. Ndapewa wanted Kauna to see what the court looked like. All this time, Ndapewa taught her how to relax and to cope with her nervousness. As Ndapewa worked with Kauna, Kauna became more and more confident to go to court. Her fears and her worries about going to court disappeared. Her fears about telling strangers in court about what happened slowly disappeared, too. She also went to Lifeline/Childline and Peace for counselling.



THIS IS HOW A COURT LOOKS LIKE, KAUNA. YOUR UNCLE DOES NOT HAVE TO BE THERE WHEN YOU TESTIFY. AND SINCE YOU ARE MINOR, THE COURT IS CLOSED TO THE PUBLIC. ONLY YOUR MOTHER AND I WILL BE ALLOWED INSIDE THE COURTROOM.



Magistrate

Witness

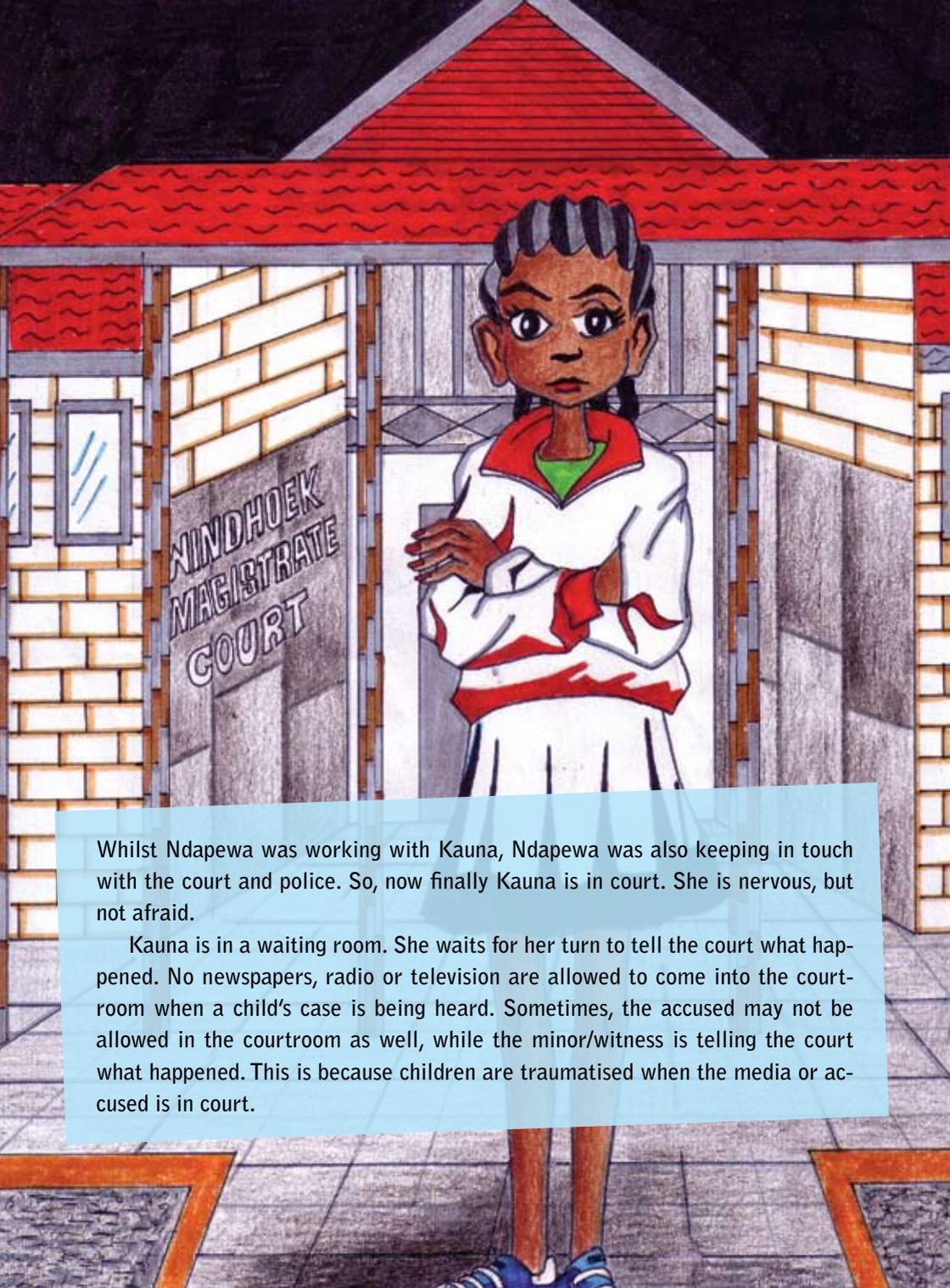
Clerk of court

Defense Lawyer

Prosecutor

Officer of the court

Public



Whilst Ndapewa was working with Kauna, Ndapewa was also keeping in touch with the court and police. So, now finally Kauna is in court. She is nervous, but not afraid.

Kauna is in a waiting room. She waits for her turn to tell the court what happened. No newspapers, radio or television are allowed to come into the courtroom when a child's case is being heard. Sometimes, the accused may not be allowed in the courtroom as well, while the minor/witness is telling the court what happened. This is because children are traumatised when the media or accused is in court.

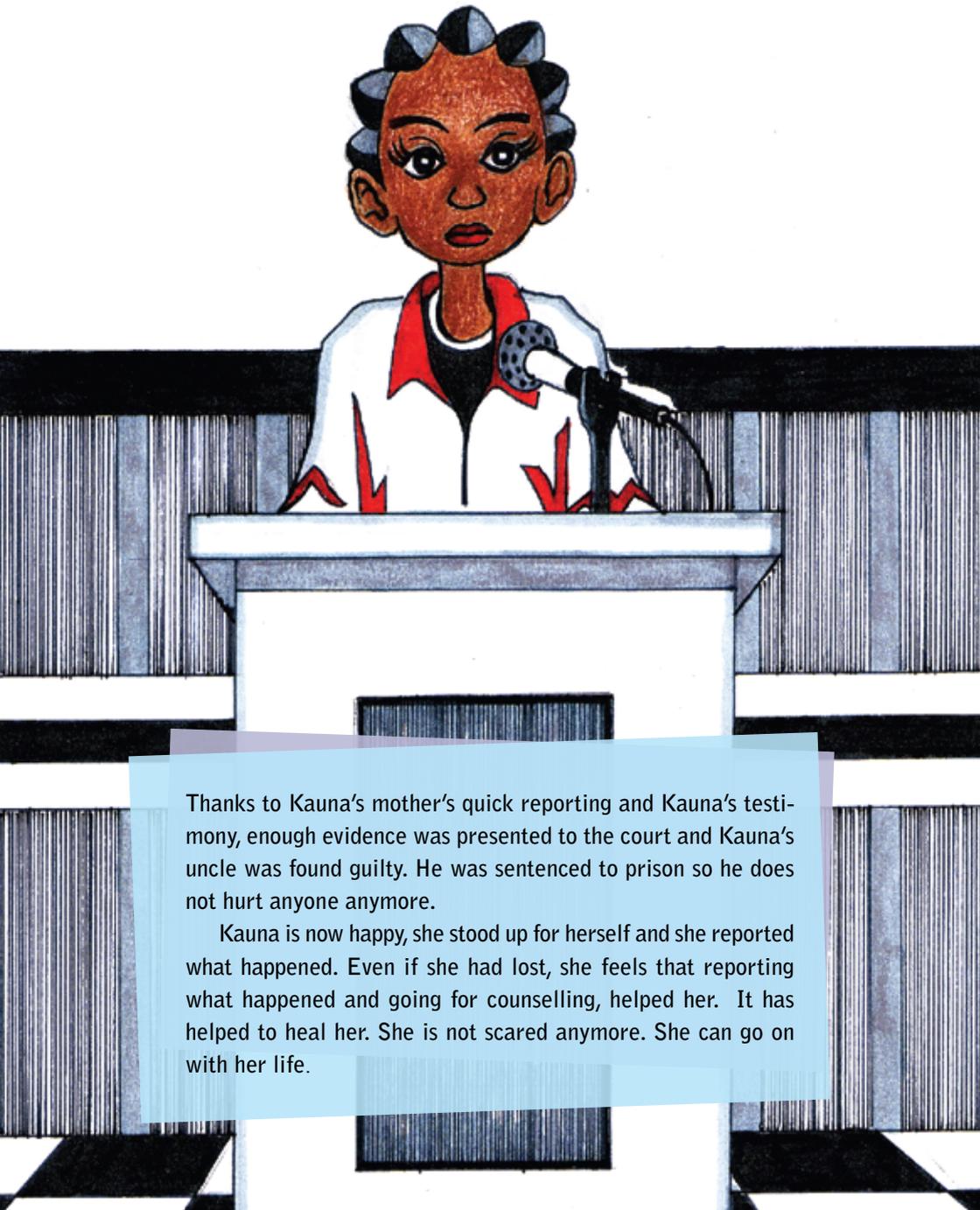
On the day of Kauna's case, Kauna is called to the witness stand.



Kauna is asked some basic questions first.

After that, the prosecutor asks Kauna what happened. Kauna tells the people at court what happened to her, this is what we call testifying. To testify means that Kauna has to give evidence. It also means she has to tell people in court what happened to her.

Kauna knows that she will be asked questions about what happened to her. The prosecutor makes sure that Kauna understands the questions. When the prosecutor is done, the defense lawyer, who is her uncle's lawyer, also asks her a few questions about what happened.



Thanks to Kauna's mother's quick reporting and Kauna's testimony, enough evidence was presented to the court and Kauna's uncle was found guilty. He was sentenced to prison so he does not hurt anyone anymore.

Kauna is now happy, she stood up for herself and she reported what happened. Even if she had lost, she feels that reporting what happened and going for counselling, helped her. It has helped to heal her. She is not scared anymore. She can go on with her life.

After Kauna testifies...

THANK YOU KAUNA.  
WE ARE SO PROUD  
OF YOU



What about you?  
What if you were Kauna?  
What would you have done?

# REMEMBER

SOMETIMES OTHER PEOPLE HURT US PHYSICALLY AND EMOTIONALLY.

It is important for you to know that if someone has hurt you, and you feel sad, scared or upset about it, YOU CAN TELL SOMEONE STRAIGHT AWAY. You can tell a friend, an adult or a teacher. They will make sure the right thing is done for you. There are people who care. You can talk to them. They can help you.

## ABUSES AGAINST CHILDREN AND YOUTH

It takes many forms, for example:

### PHYSICAL ABUSE

When somebody hits you with their hands or with an object (a belt, a stick), shakes you, slaps you or kicks you repeatedly.

### NEGLECT

When your parents or the one who is taking care of you refuses to give you food, refuses to send you to school, refuses to pay for your school fees and refuses to take care of you when you are sick.

### EMOTIONAL ABUSE

When your parents or anyone who is taking care of you, shout at you, make you feel stupid, insult you, tell you they wish you were never born or make you feel worthless.

### SEXUAL ABUSE

When somebody touches your private parts (your chest, or the area below your waist) or when somebody older asks you to touch their private parts and it makes you uncom-

fortable. It may also be somebody showing you pictures, drawings, videos of people touching other people's private parts.

## WHAT IS THE CHILD PROTECTION PROGRAMME?

The Child Protection Programme serves child victims and witnesses under the age of 18. This programme was created to protect, respond to incidents of, and prevent violence, exploitation and abuse of children. It also seeks to help child survivors of abuse cope with the consequences of abuse. Furthermore, abuse and violence against children in any form is unacceptable. Hence the programme aims to reduce the acceptance of violence against children. It also aims to increase reports of violence against children to referral points such as the police station and the Women and Child Protection Unit. It also aims to ensure that child survivors of violence receive quality services.

The Legal Assistance Centre's AIDS Law Unit (ALU) component focuses on the Child Witness Support Programme.

## WHAT IS THE CHILD WITNESS SUPPORT PROGRAMME?

Most children are too vulnerable and unable to cope with a complicated criminal justice system. Children are anxious and afraid and are easily traumatized by the process/procedures of the system. This is why the Child Witness Support programme was created. The court preparation programme informs and assists the child in understanding the court process and their role in the process. This in turn helps to reduce the child's anxieties and fear. Child Witness Support Officers (CWSO) do the court preparation. The programme helps child victims and witnesses to share their testimony with the court without being traumatized. The programme prepares children to testify in criminal courts. In addition, the programme answers any questions that a parent, guardian and the child may have about the legal system.

## WHAT DOES THE CHILD WITNESS SUPPORT OFFICER DO?

The CWSO supports the child witness by:

- Preparing the child for court
- Offering support and assistance through each stage of the court process
- Providing the child and family with updates on the case

- Arranging and attending meetings for the child with the prosecutor pre-trial
- Accompanying the child to court
- Explaining the verdict
- Making appropriate referrals for counselling or psychological assistance.

In addition, the CWSO also support the child's parents, guardians or caregiver by:

- Providing parents with an understanding of the court procedure
- Assisting parents to understand what will happen to their children in the process
- Assisting parents in understanding the different emotional experiences both they and their child will be going through
- Advising parents on how to support children through this process
- Discouraging withdrawals from the case

## HOW CAN YOU GET IN CONTACT WITH A CWSO?

It is important that a child or a young person be referred to a CWSO as soon as possible after a charge has been laid against an alleged offender, whether or not a decision has been made about the child's case going to court or not. You can ask the police officer at the Woman and Child Protection Unit to provide the child with a CWSO.

## FOR MORE INFORMATION, YOU CAN CONTACT THE FOLLOWING



### LEGAL ASSISTANCE CENTRE, AIDS LAW Unit

Child Protection Programme  
4 Marien Ngouabi Street  
PO Box 604  
Windhoek, Namibia  
Tel: (0)61 223 356  
[www.lac.org.na](http://www.lac.org.na)

#### Child Protection Programme offices:

Windhoek - based at the Women and Child Protection Unit  
Cell: 0855518099

**Rehoboth** - based at ERF No. 55 Block B  
Cell: 0851491474

**Rundu** - based at the Women and Child Protection Unit, Rundu  
Cell: 0851246268



### LIFELINE/CHILDLINE

45 Bismarck Street  
P.O. Box 5477  
Windhoek, Namibia  
Tel: Crisis Line: 061- 232 221  
Tel: Child Helpline: 116 toll free from any cellphone or landline  
Tel: Office: 061 - 224 339  
[www.childhelplinenamibia.org](http://www.childhelplinenamibia.org)



### PEACE Centre

26 Rhino Street  
P.O. Box 59617 Bachbrecht  
Windhoek, Namibia  
Tel: 061 – 371 793  
[www.peace.org.na](http://www.peace.org.na)

