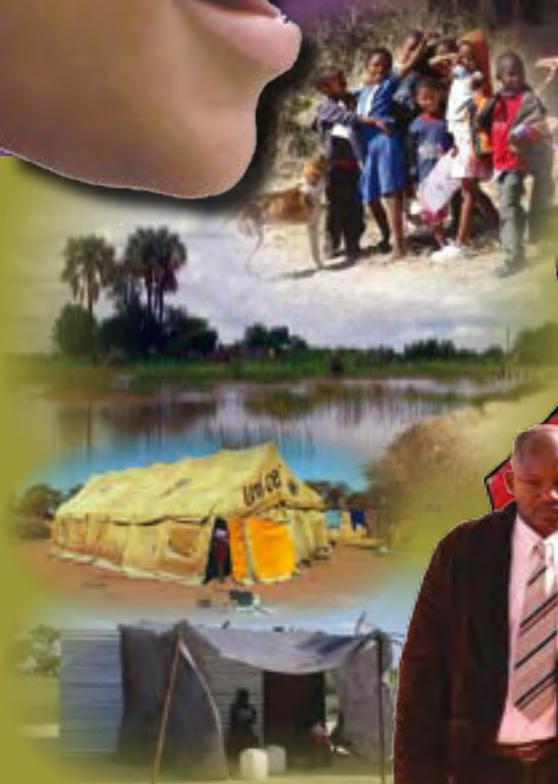


**LEGAL  
ASSISTANCE  
CENTRE**

**LAC**

**17 YEARS:  
STILL A  
POWERFUL  
VOICE FOR  
CHANGE**

**2005  
ANNUAL  
REPORT**





# Multi-functional and focused



**Adv. Dave Smuts**, chair of the Legal Assistance Trust which oversees the work of the LAC.

Covering the work of the Legal Assistance Centre (LAC) in 2005, this report reflects another year of commitment to strengthening the human rights principles upon which the Centre was founded 17 years ago.

After independence in 1990 the LAC shifted from an almost exclusive focus on gross human rights violations to a focus on entrenching human rights (civil, political and socio-economic) in law and practice. This focus continues, and today the LAC is a multi-functional organisation serving as a research institute, a policy think-tank, a training provider, a lobbying NGO, a public interest law firm and an advice office for matters of law and human rights. As one of Namibia's most prominent NGOs, the LAC has contributed substantially to the country's democratisation, and continues to play a crucial role in national efforts to entrench human rights in law and practice.

The range of LAC beneficiaries indicates the wide demand for the services offered. The Centre works with Parliament and government ministries, NGOs and community-based organisations, rural communities, women's groups, youth groups, farm workers, communal and commercial farmers, educational institutions, professional organisations, and individuals. It also continues to mobilise and assist marginalised people, such as those living with HIV and AIDS, farm workers arbitrarily evicted, victims of domestic violence and San communities without secure land rights. Thus important components of the LAC's work are advocacy and supporting government initiatives to address the vital need for law reform. In 2005 LAC-Government relations were strengthened through, for example, the LAC's active involvement in the reform and implementation of legislation such as the Labour Act, Combating of Rape Act and Communal Land Reform Act.

It seems likely that fund-raising will be one of the most challenging tasks facing the LAC in future. Like many other non-profit organisations in Namibia, the LAC has found it increasingly difficult in the last few years to fund its activities, and hence has been forced to scale down or even close some departments and programmes. But the daunting financial reality will not deter the Centre from continuing to contribute to building a human rights culture in Namibia, serving the most vulnerable people in our society and particularly those who have the least access to legal advice and representation.

The trustees of the Legal Assistance Trust thank the LAC Director, Norman Tjombe, and all LAC staff members, for their commitment and dedication during these difficult times.

My thanks to my fellow trustees for their invaluable input in 2005 and their ongoing commitment to supporting the LAC.

Finally, on behalf of the trustees and the LAC staff, I thank our donor partners for enabling the Centre to continue its work.

**David Smuts**  
Chairperson, Legal Assistance Trust

## TRUSTEES OF THE LEGAL ASSISTANCE TRUST (LAT)



**Dr Sakeus Akweenda**



**Nico Hosea Kaiyamo**



**Mr Hosea Angula**



**Nakazibwe-Sekandi**



**Mr Clement Daniels**



**Mr Norman Tjombe**



**Hon. Wilfried Emvula**



**Dr Teopolina Tueumuna**



**Adv. Bience Gawanas**



**Hon. Ben Ulenga**

- ▶ **Dr Sakeus Akweenda**, a legal practitioner, is General Manager of the Regulatory and Legal Business Unit of the Namibia Power Corporation (NAMPOWER)
- ▶ **Mr Hosea Angula** is a practising lawyer and senior partner at a Windhoek-based law firm, Lorentz & Bone.
- ▶ **Mr Clement Daniels** is the previous Director of the LAC and a practising lawyer in Windhoek as from mid 2004.
- ▶ **Hon. Wilfried Emvula** is Namibia's Ambassador to France.
- ▶ **Adv. Bience Gawanas**, formerly Namibia's Ombudswoman, is now the African Union Commissioner for Social Affairs.
- ▶ **Nico Hosea Kaiyamo**, formerly a member of Namibia's Parliament, is now a businessman in northern Namibia.
- ▶ **Ms Gida Nakazibwe-Sekandi** is a Senior Manager at Bank Windhoek.
- ▶ **Adv. Dave Smuts** is a full-time practising advocate at the Windhoek Bar.
- ▶ **Mr Norman Tjombe** is the current Director of the LAC.
- ▶ **Dr Teopolina Tueumuna** is a medical doctor practising in Windhoek.
- ▶ **Hon. Ben Ulenga** is the President of the Congress of Democrats (CoD) and a member of Namibia's Parliament.

# LAC at 17 years: undaunted by challenges



**Norman Tjombe**  
LAC Director  
since June  
2004.

The year under review was the Legal Assistance Centre's 17<sup>th</sup> anniversary year. Our celebratory activities provided opportunities to re-evaluate our work within the context of Namibia's ever-changing social realities, and to measure our progress and chart the road ahead.

The demands placed on the LAC are as numerous as they are diverse. The fact that the centre is the only organisation of its kind in Namibia places on us an even heavier burden to succeed. Namibian civil society organisations are relatively small, while the political system is heavily dominated by the ruling party, poverty levels are desperately high all over the country, and many people country-wide have little or no access to essential services. In this broad context, the work of the LAC is vitally important.

Looking at the brighter side, Namibians can be proud of the fact that we have enjoyed, throughout our 15 years of political independence, a stable and peaceful life as a non-racial multiparty democracy, and this fact testifies to our society's determination to make a success of the country's future. The LAC will go on playing a meaningful and active role in the national development process.

The LAC recognises that the formal entrenchment of human rights in Namibian law does not guarantee that these rights will have real meaning in the lives of all the country's peoples, and particularly weaker populations such as children, marginalised rural communities and people living with HIV/AIDS. The fundamental challenge for the LAC is to give 'real-

life' meaning to the full range of human rights, and we will do this by many different means, as exemplified in this report.

As do many other non-profit organisations in Namibia and Southern Africa, the LAC is finding it increasingly difficult to raise funds sufficient to fully implement its programmes and projects. Several long-term donors have either reduced their commitment to or withdrawn altogether from Namibia, or their focus or interests in the country have changed. As a result, sadly, we anticipate having to scale down our activities to accord with the decline in funding. Furthermore, it is highly likely that such scaling down would lead to the LAC not being able to attract and retain experienced staff, which would have dire consequences for the centre's ongoing and future work. Judging from the status quo, it is clear that a lack of funds and experienced staff will be major challenges for the LAC henceforth.

Already facing such challenges in 2005, we continued undaunted to deliver on our mandate.

The LAC has always played a major role in the development of civil society, and it is not surprising that for the second time in the centre's history, it chairs the Namibian Non-Governmental Organisations Forum (NANGOF), the national NGO umbrella organisation. The LAC is also a founding member of civil society's Coalition on the Basic Income Grant, founded in 2005, and considers its role in this forum as an extension of its traditional role of working towards social justice for everyone in the country.



# Making the law accessible: PARALEGAL ADVICE OFFICES

During the period under review the LAC also cemented its good relations with the Government. Our collaborative and complementary efforts with many different government departments are ongoing with even more vigour than ever before. This report conveys, for instance, that the LAC is still decisively instrumental in the reform and implementation of laws – the Labour Act, Combating of Rape Act and Communal Land Reform Act being three key examples.

Training and disseminating information on important laws to help ensure their effective implementation are other areas in which the LAC collaborates with and complements the Government's efforts. In these areas a top priority for the LAC is that of running training and information-sharing workshops on the Communal Land Reform Act and related legislation and policies for communal area conservancies, traditional authorities and government staff.

Two other long-term LAC projects, *The Namibian Law Report* and the *Index to the laws of Namibia (NAMLEX)*, are also important projects for a country seeking to implement its laws effectively and to ensure that all its people have access to the law. Facilitating this access is one cornerstone of the LAC's work, and despite the lack of funding, we have continued to produce both publications. We will have to secure funding for these projects in future, however, as the present situation is obviously unsustainable.

I would like to take this opportunity to publicly thank the Trustees of the Legal Assistance Trust for their guidance and input, as well as the LAC's donors. As this review of 2005 indicates, without external funding it would not have been possible to execute most of our activities.

My special thanks also to the LAC staff members, whose passion for and commitment to protecting human rights are admirable. In executing the LAC activities, frequently working intolerably long hours for days on end, our staff go well beyond the call of duty. As the centre's director I am deeply grateful for both their selflessness and competence in fulfilling the LAC mission.

I also wish to acknowledge here the many thousands of clients of the LAC, who are men and women dedicated and brave enough to stand up and be counted in challenging violations of human rights in Namibia. I believe that their legacy gives courage to others to do the same, and thereby to fashion a future for the country based on 'all human rights for all'. The LAC will continue to serve as a dedicated partner in making that vision a reality.

**Norman Tjombe**

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👤 Ms Beata Hakaye

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👤 Mr Michael Britz

## RUNDU PARALEGAL OFFICE

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👤 Mr Lukas Kasera

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👤 Ms Jannety Kazibe

**(See pages 27-29  
for information  
on the paralegal  
services.)**



Photo: Harry van Rooy

Namibia's Prime Minister Nahas Angula was involved in non-governmental organisations himself, and finds their work important.

## Civil society meets with the PM

• KRISTINA JUUTINEN

THE challenges facing civil society were discussed, when a delegation from the Namibia Non-governmental Forum (Nangof) met with Prime Minister Nahas Angula on Wednesday.

Both parties expressed concern about individuals working towards self-enrichment instead of assisting the communities whose interests they were appointed to protect.

They were equally concerned about the financial inequalities in the country.

The main objective of the meeting was to brief the Prime Minister about the strategic plans of civil society organisations for the next three years and to discuss issues of common concern in the development sector.

The delegation also wanted to introduce the new National Executive of Nangof, which is chaired by Norman Tjombe. Ne-

lago Koofoembolo is the Vice Chairperson.

Besides talking about civil society's challenges, such as networking,

Nangof members urged the Prime Minister to ensure that a policy document about Government's relationship with civil society organisations would be signed by Cabinet.

The document has been on the table for the last three years. The last draft was made October last year.

Nangof

organisations. Its aims are to help consolidate democracy in Namibia, by providing opportunities for communication in different areas, promote partnership between organisations, undertake joint efforts, facilitate participation of women, build the necessary local capacity, strengthen the institutional capacity of the NGO community, assist in making public administration more accountable and mobilise



# MISSION AND STAFF



Norman Tjombe



Eva Weitz



Sophie van Wyk



Joy Bartlett



Patricia Farmer



Justice Basson



Anitha van Wyk



Romy Zwirner



Rudolf Gabriel



Linda Dumba

## MISSION STATEMENT

The LAC is a non-profit public interest law centre in Namibia, southern Africa, committed to creating a human rights culture and promoting access to justice in Namibia. The LAC focuses primarily on constitutional and human rights cases that we anticipate will have a broader impact on Namibian society. Apart from general human rights cases, the LAC deals with cases involving discrimination against people living with HIV/AIDS, and cases involving land and housing disputes. The LAC litigates only in the public interest: where a case is likely to have an impact beyond the people directly involved. It acts for people who cannot afford legal fees.



Amalia Shipingana



Michaela Clayton



Ilda dos Santos



Joseph Kahuika



Evelyn Zimba-Naris



Basilia Ngairo



Collette Campher



Damoline Muruko



Amon Ngavetene



Delme Cupido



Willem Odendaal



Shadrack Tjiramba



Zeka Alberto



Dianne Hubbard



Anne Rimmer



Naomi Kisting



Mercedes Ovis



Rob Gordon



Robert Mugabe Avenue



Lynita Conradie



Toni Hancox



Beatrix Greyvenstein



Erenstine Kalomo



Wairimu Munyinyi



Celeste Zaahl

The people below staffed the LAC's Regional Advice Offices in Ongwediva (north) and Keetmanshoop (south). The latter was closed in 2005 when the LAC Community Paralegal Training Programme replaced the advice office structures. The Ongwediva office remains open, but only as a part-time (monthly) legal advice service.



Victor Mutumbulwa

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**COLOUR CODE**

- Administration
- HIV/AIDS
- Land, Environment, Development
- Gender
- Litigation
- Legal Education
- Law Reports
- Child Justice

6 LAC 2005



John Nakuta



Trudy Narimas



Joshua Vaendwanawa



Senorita Gases



Julia Shuuya



Aloysius Katzao



Theodora Isaack



Ruth Hekandjo



Josua Dumeni



Esther Kambalala



# Looking at laws to fight AIDS

As the only entity in the country working full time to tackle the multiple legal problems associated with HIV/AIDS, this LAC project continues to play a vital role in combating the epidemic both in Namibia and further afield as a member of a Southern African network of AIDS service organisations.



## RESEARCH, POLICY DEVELOPMENT AND LAW REFORM

**T**he ALU continues to assist with HIV policy development in the workplace and at national level. The project had a significant impact in 2005, especially on national policy development.

### Contracted to develop Namibia's National Multi-Sectoral HIV/AIDS Policy

Through the Ministry of Health and Social Services (MoHSS) and in partnership with the European Union, the Namibian Government contracted the project to develop the National Multi-Sectoral HIV/AIDS Policy. The contract included providing administrative and logistical support for stakeholder meetings and national and regional consultations, conducting a literature review of comparative national and international policy instruments, and developing working drafts based on widespread national, regional and multi-sectoral consultations. The drafts will be discussed and approved by the National AIDS Executive Committee, the National Multi-sectoral AIDS Coordination Committee (NAMACOC) and the National AIDS Committee (NAC) before going to Cabinet and finally to both Houses of Parliament for adoption as a national policy.

As technical advisor to the MoHSS on the policy development process, in which broad consultation at all levels is required by the ministry's Medium Term Plan III, the ALU coordinator conducted consultations with the legal, health, productive, social, youth and planning sectors and other stakeholders in all 13 administrative regions of the country, assisted by staff of the MoHSS including members of its Technical Advisory Team.

The coordinator collated the hundreds of inputs obtained from these consultations, and from partner organisations, civil society and the general public, into a draft document for presentation to various MoHSS committees including the National AIDS Executive Committee (NAEC) and the Policy Management Unit (PMDRC).

The policy development process is in its final stages and it is anticipated that the President of Namibia will formally adopt and launch the policy in 2006. ■



**The ALU continued making use of available public fora and opportunities to advocate for appropriate policy reform based on human rights.**

### **Securing disability grant for people living with HIV/AIDS**

In July 2005 the Permanent Secretary of Health and Social Services issued a circular directing MoHSS staff to stop disability grant payments to people living with HIV/AIDS, on the grounds that these payments are in conflict with Namibia's National Pensions Act. A number of AIDS service organisations and concerned MoHSS staff brought the circular to our attention. At the request of ALU partner organisations, we conducted research to establish whether the grant conflicts with any Namibian law. The research also focused on current MoHSS policy as the ALU believed the Permanent Secretary's directive was in conflict with his ministry's views. Based on the research, the coordinator wrote an open letter to the Minister of Health setting out the ALU's concerns with the proposed withdrawal of this grant. The letter, published in a national daily newspaper, generated much discussion in Namibia and internationally among ALU partner organisations, many of whom complied with the unit's request to direct their protests to the Minister. As a direct result of the unit's intervention and the subsequent public outcry, the Permanent Secretary issued a press statement stating that contrary to the perception created by his circular, people living with HIV/AIDS and with a disability would continue to receive the disability grant. ■

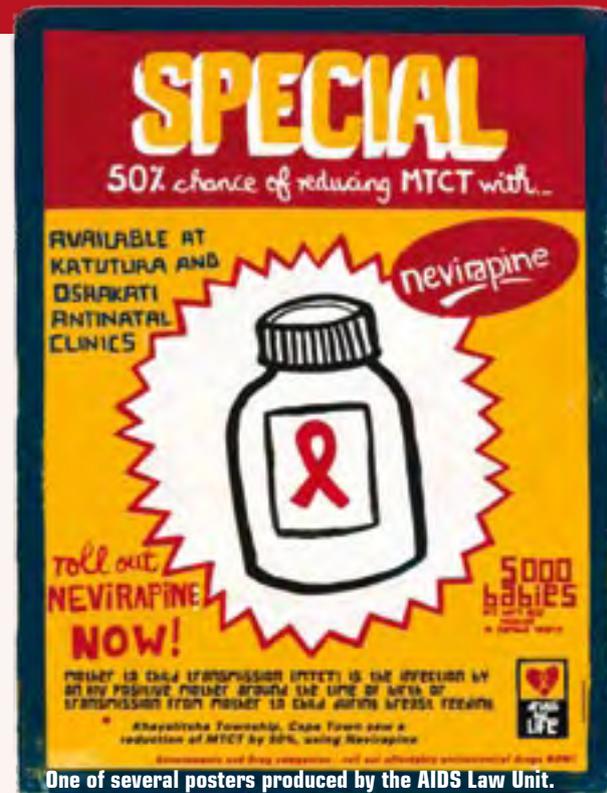
### **Protecting groups most vulnerable to HIV**

The project made submissions to the National Council's Standing Committee on Gender, Youth and Information on the plight of sex workers, street children and other groups vulnerable to HIV. The submissions were based partly on the doctoral thesis entitled "Prostitution, HIV/AIDS and human rights: A case study of sex workers in the township of Katutura, Namibia" by Carolina Hjorth, a PhD student from the Centre for the Study of Human Rights at Goteburg University, Sweden, whom the ALU hosted in 2005 with the coordinator acting as supervisor.

In November 2005 the Standing Committee held public hearings on the plight of these vulnerable groups. Together with the LAC Gender, Research and Advocacy Project, the ALU contributed to a joint submission with other groups, focusing on socio-economic factors that render sex workers vulnerable to HIV. These submissions included recommendations on mandatory testing of sex workers for HIV, access to treatment for sex workers, and information, education and awareness campaigns targeting sex workers as a vulnerable group. Based on these and other submissions, the ALU also submitted a report to the National Council. ■

### **Developing policy for employers and trade unions**

The ALU continues to assist employers and trade unions in developing appropriate HIV/AIDS policies for the workplace. In 2005 assistance was rendered to Novanam Ltd, Namibian Central Intelligence Services, the Namibian Network of AIDS Service Organisations, and the commercial agricultural sector trade unions (employers and employees). In addition, reviews of existing workplace policies were finalised for Barlow World, the Polytechnic of Namibia, the Namibian Association for Community-Based Natural Resource Management Support Organisations (NACSO) and its affiliates, namely RISE Namibia, Rössing Foundation, the Namibia Nature Foundation, the Namibia Development Trust, the World Wildlife Fund and the Namibia Community Based Tourism



One of several posters produced by the AIDS Law Unit.

Association (NACOBTA). The project is also finalising a Charter on the Management of HIV/AIDS within the Public Service for the Office of the Prime Minister. ■

### **Developing National Policy on Orphans and Other Vulnerable Children (OVC)**

The ALU coordinator is a member of the National Task Force on OVC, and chairperson of the subcommittee on Human Rights and Child Protection which was tasked to develop a National Policy on OVC. ALU drafted the policy after facilitating a process of national consultation with stakeholders. Former Namibian President Sam Nujoma launched the policy in Windhoek in August 2005. ■

### **Developing intestate succession laws**

The project presented a paper at a workshop on inheritance organised by the LAC Gender, Research and Advocacy Project. The purpose of the workshop was to develop a legal framework which, it is hoped, will lead to the formulation of intestate succession laws that take into account traditional practices. The paper focused on ALU experiences with the writing of wills in marginalised and under-resourced communities. The workshop was attended by lawyers, academics, community activists, parliamentarians, traditional leaders. ■

### **Eradicating human rights abuses in prisons**

As part of a joint initiative with the Namibian Law Society and the SADC Lawyers Association, the project was asked to conduct research among female inmates of Windhoek Central Prison to determine the nature and extent of the problems female inmates face with HIV-related human rights issues including access to treatment, confidentiality and discrimination. The findings will be given to the Ministry of Safety and Security as the ministry responsible for Prisons and Correctional Services. It is anticipated that this research will be revisited continuously for the purpose of monitoring the progress made in eradicating human rights abuses in prisons, and potentially for providing legal services to inmates. ■



### Dealing with discrimination on the basis of HIV/AIDS

The project deals with cases of discrimination on the basis of HIV/AIDS where confidentiality is breached by public servants entrusted with confidential information relating to HIV status, HIV testing without an employee's consent, access to employment and insurance, harassment on the basis of HIV status, will-writing, inheritance, medical negligence and guardianship. We also render a broad range of legal services to AIDS service organisations (ASOs), faith-based organisations (FBOs), NGOs and support groups for PLWHA. ■

### Extending legal advice services to rural communities countrywide

The ALU runs a **legal advice clinic** for people living with and affected by HIV/AIDS, at the **offices of Catholic AIDS Action, Katutura, every Thursday from 10h00 to 11h30**. The project lawyer at the clinic gives advice both telephonically and in person to individuals and institutions.

Also, we have expanded the geographic scope of our legal advice activities through strategic partnerships with NGOs, FBOs and community-based organisations (CBOs) located in remote or rural communities, e.g. the New Start VCT Centres. Issues dealt with include will-writing, maintenance and social security claims, insurance, unprofessional conduct by medical practitioners including breaches of confidentiality, and adoption.

The clinic is also an important referral agency for problems not of a legal nature. ■

### Caseload increasing as stigma decreases

As anticipated at the outset of the litigation and advice project, the initial caseload is fairly low. This is largely attributable to the discrimination and stigma currently attached to HIV/AIDS, in that people living with HIV/AIDS are reluctant to seek advice and litigate as this inevitably involves a disclosure of their HIV status. However, we have observed an increase in the number of cases referred to us as a result, we believe, of our advocacy, education and training work, and as we progress in promoting a non-discriminatory approach to HI/AIDS, the demand for this type of assistance is bound to increase.

Currently the majority of cases emanate from northern Namibia, and predominantly involve dismissal on the basis of HIV status or disinheritance of a widow/widower. ■

### Rendering legal services to partners

The project renders legal services to partner organisations when required. In 2005 we drafted the following:

- ▶ A Service Agreement for **People in Need**, an organisation in Keetmanshoop providing jobs to people living with HIV/AIDS.
- ▶ A Constitution for the **Rehoboth Aids Association** which acts as an information 'clearing house' for its members and their organisations, and also coordinates, supports and strengthens community initiatives around HIV/AIDS, people living with HIV/AIDS and OVC.
- ▶ A memorandum for **New Start VCT Centres** on HIV and the workplace, willful transmission, HIV/AIDS and education, confidentiality, pregnancy and HIV/AIDS, and various other HIV-related legal issues that arise in the course of the centres' work.

*The LAC's AIDS Law Unit is really doing great work. It is the only organisation that provides cutting-edge legal work on HIV/AIDS. All the AIDS service organisations rely heavily on the LAC to provide it with drafting of policies ..., to interpret laws and to take cases to the courts. The educational materials provided by the LAC on HIV/AIDS have really helped all of us to understand the links between human rights and HIV/AIDS. We will continue to work with the LAC's AIDS Law Unit."*

– Penina Ita, Director of the AIDS Care Trust of Namibia.

### Confidentiality breached

The daughter of a deceased woman alleged that a clerk of the Magistrate's Court who works with deceased estates had stated publicly that her mother had died of AIDS, thus subjecting her family to harassment and trauma. We demanded a disciplinary enquiry, which was instituted, and we expect a speedy conclusion.

### Dismissed due to HIV

Our client was dismissed from his job as a security guard on the basis of his HIV status. We lodged a complaint in the District Labour Court, and settled the matter in a pre-trial settlement conference, with compensation paid to the client's satisfaction.

### Access to treatment refused

A policeman on duty refused a man in the holding cells access to his HIV treatment under the government ARV programme, on the grounds that no vehicle was available to take him to the hospital. In partnership with the NGO Lironga Eparu we were able to secure the client access to his treatment.

### Insurance payout refused

Our client felt aggrieved by the actions of an insurance company which declined to pay her daughter's policy claim due to her HIV status. We wrote a letter demanding the company's reasons for refusing to honour its obligations. They agreed to revisit the claim, and we are assisting the client in submitting a new claim.

### Pressurised to test for HIV

A medical doctor was pressurising a young and newly diagnosed HIV-positive mother to have her child tested for HIV after the child allegedly bit another child at school. She was reluctant to have her child tested as she was only just coming to terms with her own status. We intervened on her behalf and the doctor withdrew her demand. Both of our client's children subsequently tested negative for HIV.

### Disowned due to HIV

Our client cohabitated with her boyfriend for 30 years, and when she tested positive for HIV he abandoned and disowned her. During the course of their relationship they had built up a considerable estate consisting of livestock and other valuables, which he refused to divide with her. He subsequently succumbed to AIDS, and she requested our assistance with lodging a claim against his estate on behalf of herself and their minor children. Tragically our client passed away shortly after we took her instructions, but we assisted the surviving family members with appointing an executor, and then we assisted the executor with lodging a claim against the boyfriend's estate. The matter was successfully resolved.

### Paralysed by medical negligence?

Our client was wrongfully diagnosed with HIV and refused a brain scan for epilepsy on that basis. Then a stroke rendered him paralysed. We assisted him with a medical negligence claim, and arranged for him to be examined by a neurologist to determine whether there is a sound basis for a claim of medical negligence against the doctor concerned.



## ADVOCACY

### Making treatment accessible

In 2004, as part of its Treatment Literacy Campaign, the ALU produced a booklet entitled *Treatment for HIV/AIDS: A Guide*. The launch of this booklet followed the largest march of people living openly with HIV/AIDS. For the first time in Namibia, senior government officials including the Prime Minister joined people living with HIV/AIDS in a public demonstration of solidarity. Both the march and the launch were given prominent coverage in the press. The booklet is being updated to accord with changes made to the National Treatment Guidelines and the increase in rollout sites for antiretroviral treatment (ARV). ■

### Advocating through art

With funding from Standard Bank, the ALU acquired the art collection entitled **"Breaking the Silence"**, which focuses on HIV and human rights, to display at various venues during 2005 to raise awareness of the connection between HIV and human rights. The collection is on long-term display in the National Art Gallery of Namibia in Windhoek.

In support of the Polytechnic of Namibia, and as part of a week-long commemorative event, the ALU commissioned a local artist to design a panel for a quilt depicting the relationship between HIV and human rights. The positive response of the public to the panel encouraged the project to purchase the rights to the artwork, which we reproduced on T-shirts printed for World AIDS Day 2005. ■



### Correcting misperceptions about treatment

An advert in *The Namibian* newspaper in 2005, placed by the Dr Matthias Rath Foundation, which is headed by a prominent "AIDS denialist", made a number of false and misleading claims about the efficacy of antiretrovirals (ARVs) for treating HIV/AIDS. Concerned that the advert would sow confusion, undermine our treatment literacy efforts and even harm people being treated with ARVs, the ALU published an open letter correcting the misrepresentations and also advocating for access to treatment. The letter generated very extensive public discussion on the efficacy of ARV treatment, and contributed to a better understanding of the benefits of treatment and a greater awareness of false claims that could undermine treatment initiatives. The ALU also asked *The Namibian* to refuse to run the advert again. ■

### Reducing HIV vulnerability with BIG Coalition

As part of its advocacy campaign for measures to alleviate poverty and reduce vulnerability to HIV, the ALU played a major role in instituting the Basic Income Grant (BIG) in Namibia. The ALU advocacy initiatives in 2005 culminated in the launching of the BIG Coalition, composed of groups representing people living with HIV/AIDS, as well as the Namibian Non-Governmental Organisations Forum (NANGOF), the major churches and major FBOs. ■



## EDUCATION AND TRAINING

The ALU provides education and training to stakeholders in all sectors of society, all over the country, on a wide range of HIV/AIDS issues. Following are examples of the extensive training activities in 2005:

- ▶ **Regional AIDS Coordinating Committees, community activists, NGOs, government service providers and others:** regional seminars on stigma and discrimination, access to treatment, HIV and human rights, access to social grants and the rights of PLWHA in the workplace.
- ▶ **Traditional authorities and their communities:** presentations on different HIV/AIDS issues.
- ▶ **Post-test clubs** (PLWHA support groups): capacity-building for advocacy on human rights.
- ▶ **Project Hope, Ministry of Labour:** capacity-building for peer educators at the ministry's regional offices.
- ▶ **Chamber of Mines:** HIV/AIDS in the workplace.
- ▶ **Grinaker LTA and Road Contractor Company** (employers of truck drivers and other workers who constitute 'mobile populations'): HIV/AIDS in the workplace.
- ▶ **Other training recipients:** AIDS Care Trust, Walvis Bay Multipurpose Centre, Mbandjuka Cultural Group, Namibia Business Coalition on AIDS, Institute for Democracy in South Africa (IDASA), Media Institute of Southern Africa (MISA), Southern Africa Regional Centre for HIV and AIDS Research and Training, UNICEF, UNDP.



## PUBLICATIONS

The project published numerous **translations** of existing materials, in various Namibian languages – see details on the inside back cover of this report. ■



## NETWORKING

- ▶ A consultative meeting initiated by the ALU in 2003 led to the launching of the **AIDS Rights Alliance of Southern Africa (ARASA)** in 2004. The ALU hosts ARASA and serves on its Advisory Board.
- ▶ The ALU serves on the steering committee of the **Pan African Treatment Access Movement (PATAM)**, a loose network of treatment advocates across Africa.
- ▶ The ALU coordinator serves on the boards of several **local AIDS Service Organisations**, i.e. Ombetja Yehinga, the Heighten Centre and Ibis/Yelula, and is a member of the **Namibian Bioethics Committee**.
- ▶ ALU staff participate in national **radio and television** discussions.
- ▶ ALU **staff development initiatives** are ongoing.



## ALU STAFF AND DONORS 2005

**Michaela Clayton** – Coordinator (until 31 March)  
**Delme Cupido** – Project Lawyer; Coordinator (from 1 April)  
**Damoline Muruko** – Project Lawyer (from 1 April)  
**Amon Ngavetene** – Legal Educator and Trainer  
**Basilia Ngairo** – Project Assistant

**Ford Foundation**  
 and  
**United States Agency for International Development (USAID)**  
 through **Family Health International (FHI)**



# LAND, ENVIRONMENT AND DEVELOPMENT (LEAD) PROJECT

# Securing LAND for the landless

**LEAD's overall aim is to improve marginalised groups' rights to communal land and security of tenure, and to remove legal barriers hindering their access to these rights. We target rural populations who are socially, culturally and economically marginalised, such as farm workers, peasants and landless people, most of whom are women. We also render legal research, advice, litigation, education and training services to urban settler organisations such as housing groups, and to government and civil society institutions dealing with land reform. As the only project in Namibia focusing full time on land-related legal issues, LEAD continues to play a key role in the land reform programme.**

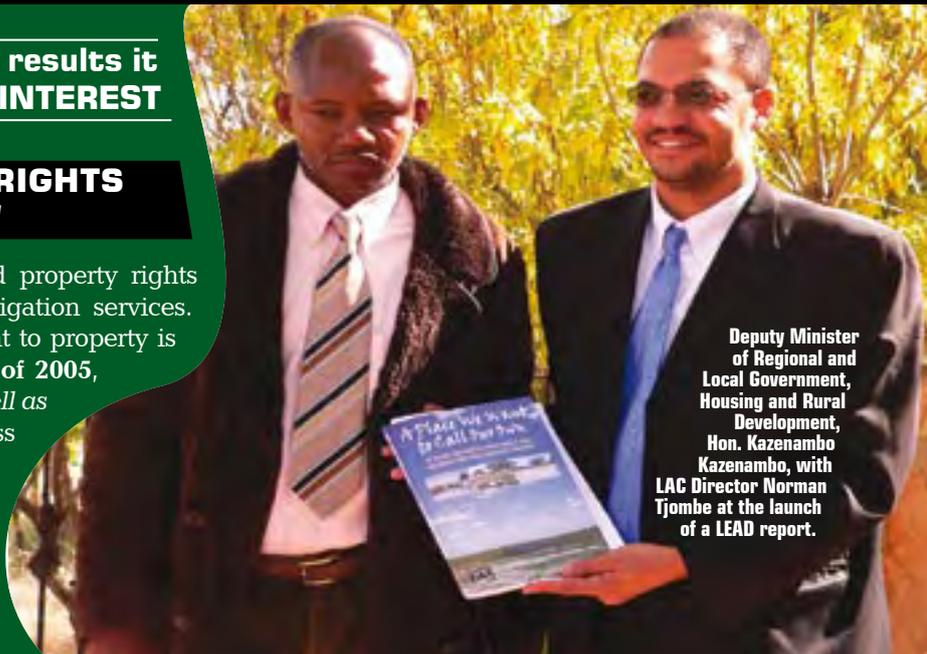
**In 2005 LEAD achieved most of the results it expected in SIX FOCAL AREAS OF INTEREST**



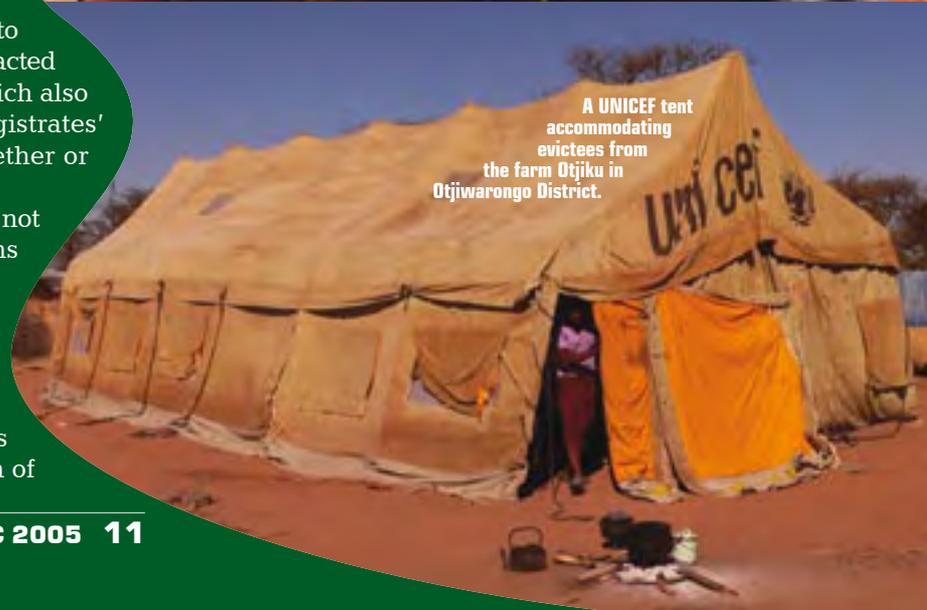
## **WOMEN AND PROPERTY RIGHTS UNDER CUSTOMARY LAW**

**L** EAD deals with cases involving women and property rights by rendering legal advice, mediation and litigation services. One breakthrough for women to access their right to property is the **Estates and Succession Amendment Act 15 of 2005**, which compels the Master of the High Court *as well as* magistrates' courts to deal with *all* estates, regardless of the deceased's colour or race. In 2003 LEAD took the case of *Berndt v Stuurman* to the High Court of Namibia to challenge the provisions of the Native Administrative Proclamation which set out differing procedures in the administration and distribution of estates based on a deceased's race or colour. The Court found these provisions to be unconstitutional and ordered the Government to remedy the Act. In November 2005 Parliament enacted the Estates and Succession Amendment Act, which also compels the Master of the High Court and magistrates' courts to deal with all estates regardless of whether or not the deceased left a will.

However, in LEAD's opinion the new law does not protect women from the discriminatory provisions of customary law, since the Act does not provide unified substantive rules for estate devolution; it still contains different sets of rules for devolution based on the diverse customs of Namibia's black populations. This flaw in the legislation leaves room for 'greedy' family members to use fictitious customary practices to strip women and children of their property.



**Deputy Minister of Regional and Local Government, Housing and Rural Development, Hon. Kazenambo Kazenambo, with LAC Director Norman Tjombe at the launch of a LEAD report.**



**A UNICEF tent accommodating evictees from the farm Otjiku in Otjiwarongo District.**

## CASE EXAMPLES

### Traditional Authority recognises widow's right to own land

Our client's husband died leaving her and their two children residing on communal land. Shortly after his death, his mother and brother instituted legal proceedings to have our client evicted. The Uukwambi Traditional Authority ruled that in terms of the Communal Land Reform Act, a widow has a right to remain on the land where she lived with her husband and should not be forcibly removed, and further that removing a widow is contrary to Uukwambi customary law too. The Omusati Communal Land Board and Uukwambi Traditional Authority together acted quickly to approve our client's customary land right and furnish the documentary proof that she owns the land. LEAD intervention was minimal in this case as both the Omusati Land Board and Uukwambi Traditional Authority were acquainted with and willing to apply the Communal Land Reform Act, and to do so quickly.

### Land Board takes too long

A man has been threatening his deceased's brother's children with eviction from their father's land. On the children's behalf LEAD has sent several letters of demand to the Ohangwena Land Board for a customary land right. We have not received a response. Meanwhile the children are suffering the trauma of insecurity and harassment.

### Polygamy deprives children

LEAD acted to have the appointment of a deceased man's second wife as executrix, and the marriage, set aside. The portion of the deceased man's pension reserved for his second wife was distributed among the deceased's children.

### Council concedes right to occupy

Her local headman gave our client permission to occupy a piece of land, but then the Ohangwena Regional Council threatened her with eviction on the grounds that it holds a registered permission to occupy. LEAD stopped the eviction, the parties are negotiating a settlement and our client will be compensated for any losses.

The trend of disinheriting widows and children continues – a problem exacerbated by the escalation of deaths due to AIDS. Increasingly LEAD finds families of deceased men blaming the widows for their deaths, the punishment being disinheritance. In most cases a widow is told to return with her children to her parents' home, thus most are dispossessed of the land and other property accumulated during their marriage.

Though the **Communal Land Reform Act** does protect widows and their children living on communal land, there are stumbling blocks in its implementation, the biggest being family and traditional authority interpretation and application of customary laws on inheritance. Most customary laws in Namibia are gender-biased in favour of men, and women and children are not viewed as people with a right to own property.

Another big stumbling block is that the **Communal Land Boards** responsible for granting customary land rights often take a long time to do so, and in the interim heirs are intimidated and forced off their land.

**Polygamous marriage** – which Namibian law deems *void ab initio* (invalid from the start) – can also be a problem for heirs. This phenomenon in Namibia is due largely to labour migrancy. In a number of cases brought to LEAD, a deceased migrant labourer was married both under civil law to a woman in the urban area where he was employed, and under customary law to a woman in the rural area from which he came.

LEAD also deals with cases of **people in powerful positions** using their power to deny women and children the right to inherit.

We assist disinherited orphans. A high number of orphans are left in the care of family members who take advantage of their **guardianship powers** by maladministering funds left by the children's parents or claimed from the state for their benefit. Making false claims for state grants is not an uncommon offence among guardians in Namibia. LEAD approached the Master of the High Court to establish what mechanisms were in place to ensure the legitimacy of guardians' claims, and we alerted the Master to the types of offence a guardian might commit.

In some cases we acted to have corrupt estate executors removed and replaced.

LEAD has achieved its expected result in the area of women and their land rights – though it is not easily measured. In our follow-up workshops we found that traditional leaders do know and are enforcing the Communal Land Reform Act provisions giving widows the right to stay on their land, but some widows are then dispossessed of their *movable* property, e.g. cattle, farming implements and furniture. LEAD has advised several clients to lay criminal charges against family members, or we assisted clients with civil actions for the restoration of their properties. Thus there is still a need for **educating traditional leaders on the right of women and children to inherit all forms of property**. Some traditional leaders remain adamant about enforcing customary laws that prevent women inheriting certain movables, e.g. farming implements. The impact of our workshops and legal advice is measurable by the legal decisions of traditional leaders – see the first case overview on the right for example. ■



A LEAD film team meeting during the making of the film *Carry My Weight*.



LEAD visited a rural housing scheme in Ohangwena Region.



Pastor Pauly in Oshikuku helped with LEAD's study on church land.



Edith Mbanga, Chairperson of the Shack Dwellers Federation of Namibia, speaking at the launch of *A Place We Want to Call Our Own*.

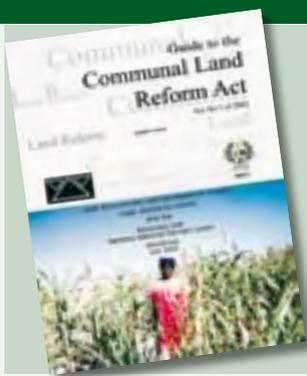
### Women's property rights: **FILM** to inform

LEAD commissioned an educational film, entitled *Carry My Weight*, based on the case of Agnes Katusha (see first case overview on this page). Launched in November 2005, it tells the story of a woman's right to inherit land, and how the applicable Traditional Authority dealt with her case in terms of the Communal Land Reform Act as well as the community's own customary laws. The film is meant to raise the question of whether the Communal Land Reform Act really is having a positive impact on people in rural areas. LEAD will use the film in its workshops focusing on women and property rights, and copies (video/dvd) will be distributed to the Traditional Authorities and the Ministry of Land and Resettlement officials and NGOs dealing with women's issues as part of our joint awareness-raising and education campaign on communal land rights. ■



"Without doubt ... through this training ... we have learnt a lot ... it is very clear to us what the Act says and what is expected from us when we perform our duties. ... I am confident to express my appreciation, satisfaction and hope that this support and assistance from your institution will grow in the future for the benefit of all Namibians. ..."

– Augustinus Ucham,  
Chairperson of the Karas  
Communal Land Board,  
letter to LAC, 4 February.



## Communal Land Reform: a **GUIDE** for all parties

In 2003 the project published 2500 copies (in English) of its **Guide to the Communal Land Reform Act**. By the end of 2005 only 10% had yet to be distributed. There is a high demand countrywide for copies – among our partners, NGOs, conservancies, Communal Land Boards and government departments, and we have received many requests for translations in the indigenous languages. Translations will be printed in 2006 in Afrikaans and five indigenous languages: Nama/Damara, Oshiwambo, Otjiherero, Rukwangali and Silozi. ■

*“As the land reform process will be legally tested, the LAC can and probably will play a role in the process.”*

*– Ministry of Lands and Resettlement, Communication Strategy, January 2006.*



## **ILLEGAL FENCING IN COMMUNAL AREAS**

**L** EAD ran a total of 10 **workshops** for traditional leaders in Omusati, Kunene, Otjozondjupa and Omaheke Regions on the Traditional Authorities Act and Communal Land Reform Act, to sensitise the leaders to certain key provisions, particularly those concerning illegal fencing and those prohibiting payment to traditional leaders for granting customary land rights.

LEAD also undertook **field visits** to Omusati, Oshikoto, Otjozondjupa and Omaheke, and wrote to Communal Land Boards where necessary to ask them to exercise their powers in terms of Section 44 (3) of the Communal Land Reform Act:

*“If any fence is found to be on any communal land in contravention of subsection (1) the Chief or Traditional Authority or the board concerned may, in accordance with the prescribed procedure, cause such fence to be removed and may dispose of the material used for the erection of the fence in such a manner as may be prescribed.”*

LEAD has identified **stumbling blocks** to the expeditious removal of illegal fencing. Firstly, the Communal Land Boards lack funds to hold their meetings, so they meet infrequently. LEAD has lobbied the Ministry of Lands and Resettlement (MLR) to address this problem as it is stalling all the work of the boards. Secondly, it is unclear what will become of outstanding cases when the current board members' term of office ends countrywide in February 2006. To help ensure a smooth transfer of cases, the MLR has asked LEAD to train the new board members.

LEAD achieved its expected result insofar as we **helped many people to apply for the removal of fences** – though the boards took no decisions on the applications. Two other problems traditional leaders have raised are: (1) the Communal Land Reform Act is weak with respect to enforcement of their decisions, i.e. a traditional authority and land board can only *ask* a culprit to remove a fence, not *ensure* its removal, which requires the police; and (2) some wealthy people have attempted to bribe leaders to leave their fences intact.

There is an ongoing **need for LEAD to monitor the decisions of the Communal Land Boards** and lobby the relevant ministries to give the boards the necessary support. An important role for LEAD is that of **lobbying the MLR** more regularly to help ensure that the boards know and comply with the Communal Land Reform Act. ■



## **COMMUNAL LAND RIGHTS AND TENURE SECURITY FOR THE SAN**

**I**n collaboration with the Working Group of Indigenous Minorities in Southern Africa (WIMSA), LEAD continues to support Namibia's four **San advice offices**: the Omaheke San Trust in Omaheke Region, the Outjo office serving the north-central regions, the Omega office in Caprivi and the Tsumkwe office in Otjozondjupa. LEAD trains and where necessary assists the paralegals in these offices.

The majority of cases in Otjozondjupa involve an **invasion of San communal land** by farmers from other groups searching for grazing for their cattle. As the San are being displaced, mostly to infertile land with no boreholes, their right to communal land is being infringed. Some San communities are moving to urban areas in search of better living conditions.

On an extensive tour of Namibia in 2005, Deputy Prime Minister Libertina Amathila visited San communities to ask how they thought the Government could assist them. The Government then launched its **San Development Programme** to assist San communities for the next three years. The funds set aside will be used to support different aspects of San development through scholarships, crop plantation, animal husbandry, bee-keeping, honey production and other projects. The Government wants to focus on educating San and assisting them to start small projects that enable them to support their families. Though the Government's intentions are good, it has omitted to focus in the three-year programme on securing and protecting the San's land tenure rights. LEAD communicated this critical problem to the Office of the Deputy Prime Minister. The Office expressed interest in commissioning LEAD to facilitate workshops on the communal land rights of the San.



Members of a San community surveyed for LEAD's study on securing of land tenure.

LEAD continues to publicise and educate on the San plight in **papers** it presents in various fora, e.g. “Protecting the rights of marginalised minority groups in Namibia”, a paper presented to University of Namibia students who were going to work with San

communities in different regions and therefore needed to be acquainted with the policies that protect the San as a minority group in Namibia.

LEAD has also embarked on **research** to investigate the degree to which conservancies and resettlement projects, and the land reform programme in general, have empowered the San communities.

There is still a great need for **educating, training and disseminating information on communal land rights issues affecting San**. This work will go on in conjunction with the San advice offices. Workshop target groups will be San traditional leaders, officials of the MLR and Ministry of Agriculture, Water and Forestry, conservancy committee members, farmers' associations, farm workers' associations, Communal Land Boards, regional councillors, and partner NGOs working with communal land issues in rural areas. As the only law-orientated organisation actively working to improve San human rights in Namibia, LEAD has achieved **positive results**. ■



## LAND AND ESSENTIAL SERVICES FOR URBAN DWELLERS

LEAD gives legal advice to and intervenes on behalf of settlers in urban areas and the community-based organisations they form, such as **housing groups**. Some housing group committees have problems collecting money from members to pay the municipal bills. We succeeded in negotiating a settlement with the City of Windhoek for outstanding debts on behalf of two groups. There is a need to initiate intensive educational workshops with the housing committees on their rights and obligations. LEAD workshops with the housing group committees and members are ongoing.

We also help these organisations to draft and amend their constitutions. A constitutional amendment enabled one group to purchase more land in 2005. The **free legal drafting service** has been decisive in getting the City of Windhoek's approval of the constitutions where at first it was denied. LEAD is the only entity in Namibia providing a legal drafting service for free.

We assist communities **threatened with eviction** or deprived in some way of their land rights. For example, we are awaiting instruction from a large community in Ohangwena facing eviction from their communal land due to a major business development.

In 2005 LEAD launched its publication entitled ***A Place We Want to Call our Own: A study on land tenure policy and securing housing rights in Namibia*** (see photo on back cover). This study formed part of a larger study commissioned for the UN Habitat Law and Land Reform Review, and focused on the legislation and policies applying in urban land reform in Namibia. Copies were distributed to all key stakeholders, such as the National Housing Action Group, the Shack Dwellers Federation of Namibia, local authorities, NGOs and CBOs, and the MLR. The study makes recommendations on a broad range of land-related issues including housing, inheritance and marital property. LEAD monitoring and follow-up advocacy work will be ongoing. ■



## REVIEW OF THE LAND REFORM PROCESS

***Our Land We Farm*** is another LEAD publication of 2005. This is partly a report on a needs assessment we conducted with farmer initiatives and partly an overview of 15 years of land reform in Namibia. We anticipate that the report will broaden awareness of the farmer initiatives and highlight the problems of resettlement beneficiaries, resettlement farmers and farmers in the Affirmative Action Loan Scheme. The report has proved to be a useful resource for policy-makers, the MLR and donor organisations who want to support the land reform process.



We received a flood of complaints from farm workers concerning illegal eviction. The project lawyers gave them legal advice and assisted them with negotiations. In addition, with support from GTZ, the project commenced with research to determine the impact of farm worker evictions on farm worker livelihoods. This study will be completed by mid 2006. LEAD is committed to undertaking qualitative research on land reform and related topics not yet studied. The aim of LEAD's **farm worker eviction study** is to provide accurate information to the MLR on farm worker evictions – most particularly on *why* they occur. This study can help the Government to develop policies that secure farm workers' tenure rights and improve their working and living conditions in general. ■



## NEW OPTIONS FOR ACCESSING COMMUNAL LAND RIGHTS

### Feasibility study on aboriginal land titles

This LEAD study focuses on current land-use plans in communal areas, potential new and alternative land-use practices in these areas, communal land boards, illegal fencing, women's property rights, and the land tenure security of San communities specifically. The areas studied were West Caprivi and Ntja Jaqna Conservancy and Nyae Nyae Conservancy. With assistance from PhD student Saskia Vermeulen, we completed the first study phase in 2005. Prof. Sid Harring from Columbia University in New York will assist in the second phase, consisting of extensive field research in collaboration with San communities in Mangetti West and Tsumkwe Constituency. The report will be published by late 2006. ■

### Feasibility study on churches and land ownership in Namibia

This LEAD study determined how churches have obtained land in Namibia, and their potential contribution to resolving the 'land question'. This study will be helpful in developing sustainable and fruitful relationships between church hierarchies and occupants of church-owned land, and encourage joint church and community planning for a prosperous future by applying secure land rights and sustainable economic development on church-owned land and property. ■



## CONCLUDING REMARKS

LEAD did not achieve *all* expected results in 2005 in our six fields of interest, but we are satisfied that the project is still very relevant, making a positive impact, and growing from strength to strength.

Though we do network a lot with officials in the government ministries working in our areas of interest, we will have to place more emphasis on lobbying government to ensure that legislation is properly enforced.

One of LEAD's great strengths is that it offers the full array of LAC services, i.e. legal advice, litigation, education and research, and thus is well-placed to identify land-related problem issues countrywide as well as further research needs. ■



Evelyn Zimba-Naris – Coordinator  
Linda Dumba-Chicalu and Erenstine Kalomo – Project Lawyers  
Willem Odendaal – Legal Researcher  
Shadrack Tjiramba – Research Assistant  
Zeka Alberto – Trainer on Communal Land Rights  
Ilda Do Santos – Project Assistant  
Joseph Kahuika – Project Paralegal  
Stephan Carpenter, Saskia Vermeulen and Alice Göttler – Interns

Evangelischer Entwicklungsdienst (EED)  
HORIZONT3000  
Humanistisch Instituut voor Ontwikkelingsamenwerking (HIVOS)  
Namibia Nature Foundation (NNF)  
through a grant from the  
Swedish International Development Agency (SIDA)



# GENDER RESEARCH AND ADVOCACY PROJECT (GR&AP)

# Giving VULNERABLE people a voice

Through its research, advocacy, lobbying, education, training, publishing and networking activities, GR&AP plays a major and decisive role in law reform affecting its target groups, primarily women and children. GR&AP also directly helps individual clients and marginalised communities to understand and utilise the law to improve their life circumstances.



## RESEARCH, ADVOCACY AND LOBBYING ACTIVITIES

GR&AP is the only Namibian non-governmental source of legal research and advocacy on gender- and child-related issues. For this reason, it plays a vital role in Namibia's women's movement. By disseminating information about forthcoming bills in simple language and educating people at grassroots level on how to make their views known more effectively, it enables a broader section of the public to play an active role in Namibia's democratic processes. Here we report in some depth on our research and advocacy activities to give the reader insight into how we work on the issues.

The key pieces of legislation that GR&AP has been monitoring are the Labour Act, the Children's Status Bill, the Child Care and Protection Bill, the Estates and Succession Amendment Bill, the Divorce Bill, and the Recognition of Customary Marriages Bill. In addition, a GR&AP report on Marital Property is being used by the Law Reform and Development Commission (LRDC) to make recommendations for a law on this issue.

## WOMEN'S PROPERTY RIGHTS AND INHERITANCE

Of late, customary law has enjoyed particular attention in Namibia. Several bills that regulate aspects of customary law were either passed or released for public input. There has been in particular a renewed focus on women's property and inheritance rights, attributable in part to the *Berendt v Stuurman* case. In 2003 this case ruled that several sections of the Native Administration Proclamation 15 of 1928 are unconstitutional violations of the prohibition on racial discrimination in Article 10 of the Namibian Constitution. These complicated provisions treated the estates of deceased blacks as if they were "Europeans" in some circumstances, while requiring in other circumstances that they be distributed according to "native law and custom". The case also struck down the legal provision giving magistrates power to administer "black estates" while other estates go to the more specialised jurisdiction



of the Master of the High Court. Parliament had until 30 June 2005 to replace the offensive sections with a new system. In response, GR&AP undertook an **investigation and review of women's property and inheritance rights under customary systems**.

The LRDC circulated a **draft bill on succession** for comments from stakeholders in February 2005. This was followed by a second draft put forward by the Ministry of Justice in April. The LAC put forward submissions highlighting some of the shortcomings of the proposed approach, based on research into the impact of similar laws in other countries. One of our key concerns was that the government proposal departed so radically from current customary law that it would be unlikely that the proposed statute would be followed in practice.

We then undertook **extensive and in-depth field research** on inheritance, contrasting Namibian patrilineal, matrilineal and double descent systems, and looking at the comparative position in South Africa, Zimbabwe, Zambia and Ghana. We developed recommendations for law reform in Namibia, giving particular attention to the plight of rural women, as in our opinion government has to focus on raising the status of rural women if it wishes to improve the status of women generally. The results of this study were published in a report entitled **Customary Laws on Inheritance in Namibia: Issues and questions for consideration in developing new legislation**. Our news article summarising the key recommendations was published in *The Namibian* newspaper and *Sister* magazine. We also gave a presentation highlighting our key recommendations at a UN conference on women's property and inheritance rights. In her speech to this conference the Minister of Gender Equality and Child Welfare singled out the LAC as a key partner (the only NGO acknowledged in this way), and a representative of the Minister of Lands and Resettlement praised the LAC for publishing a simplified version of the Communal Land Reform Act – a LEAD initiative which included input from

*The LAC's most effective lobbying has been within the realm of gender and family issues. ... It forms part of (and serves as mouthpiece for) an umbrella organisation called Multi Media Campaign (MMC), [which] was closely involved in drafting the Domestic Violence Act ... It also played a role in commenting on and influencing the drafting of the Maintenance Act and the Combating of Rape Act ... The fact that these acts now finally exist is a major victory for a number of NGOs that have been lobbying for many years to reach this point. Although all three acts can have a significant impact on the well-being of women in Namibia, there seemed to be little urgency from the side of government to finalise them ...*

**Talitha Bertelsmann-Scott**, *Strengthening Parliamentary Democracy in SADC Countries: Namibia Country Report*, The South African Institute of International Affairs, 2004.

GR&AP. This speech also noted that the government relies on NGOs "like the LAC" to help sensitise women to their rights.

We also commissioned a series of articles on inheritance practices in different Namibian communities, with a special focus on marginalised communities, our aims being to raise public awareness of the richness and complexity of these practices and to feed into the forthcoming parliamentary debate. Nine articles were compiled into a book entitled **The Meanings of Inheritance: Perspectives on Namibian inheritance practices**.

The High Court granted an extension for the law reform to 31 December 2005, and government contracted a consultant to prepare a **third draft of the Succession Bill**. We gave input on this bill, and sent a memorandum to the LRDC summarising our concerns with the proposed approach. To facilitate public input we formulated three broad options for reform based on the various proposals which had been considered. We hosted a workshop in Windhoek for discussion of the options and held supplementary consultations in communities not well-represented at the workshop. A summary of the feedback was published in a lively magazine-style document entitled **Inheritance Issues: Information and feedback from community consultation on inheritance law reforms**.

The set of three inheritance publications was sent to all Members of Parliament and other key stakeholders prior to the introduction of the Succession Bill. We introduced these publications during the launch of the LEAD film **Carry My Weight** (see LEAD section), gave an interview to NBC on these publications and led a short audience discussion on the law on land and inheritance. We have drafted educational material on inheritance, which will be published in several languages in 2006.

The government ultimately decided to focus on procedural changes to the law on succession in its Estates and Succession Amendment Act 15 of 2005, postponing substantive changes until after further consultation has taken place.

We have drafted **educational material on the current legal position**, which will be published in several languages in 2006, to encourage informed public discussions of future proposals for law reform on inheritance.

We also reviewed two proposals from Zimbabwe and Zambia on women's property rights and inheritance for the ICRW/UNAIDS/FAO Women and Girls' Property and Inheritance Rights Small Grants Program, and made recommendations as to whether or not they should be funded. ■



### **Proposed amendments to Communal Land Reform Act**

GR&AP worked with the LAC's LEAD Project to prepare a submission for the Ministry of Lands and Resettlement recommending amendments to the Communal Land Reform Act. GR&AP contributions focused on the need to make provision for wives in polygamous marriages, and to require that communal land rights be registered jointly in the names of spouses residing on the land. Also, in light of calls for repealing the provision giving widows the right to remain on the land of their deceased husbands, we called for the retention of this important provision. Further investigation of the implementation of this law will be considered in consultation with LEAD.



Due to the widely diverging opinions both inside and outside Parliament, the committee let its report lapse without further debate.

The newly constituted Parliament opened in March 2005, and the new Minister tabled a **revised bill** in November 2005. We circulated a **memo to our network of partners** highlighting key issues. These points formed the basis for a **newspaper article, an opinion piece and a shorter piece on comparative law** looking at similar issues in South Africa (*The Namibian*, 10 and 11 November).

## CHILDREN'S STATUS BILL

In 2004 the LAC and 17 other organisations representing women and children sent a **submission to the Parliamentary Committee on Human Resources and Social and Community Development** assigned to assess the Children's Status Bill. This committee tabled a report on the bill in late 2004 which incorporated most key points made in the submission. The report noted that these points were also supported by a majority of the people consulted in 21 hearings across the country.

But the then Minister of Women Affairs and Child Welfare disagreed with many of the committee's recommendations, so the committee tabled a revised report with many key recommendations changed. Astonishingly, the revised report, like the original, purported to represent the opinion of most people consulted. It recommended, for example, joint custody and equal guardianship from birth for parents of children born outside of marriage, and provided that in almost all cases of one parent dying, the surviving parent would become the child's custodian and guardian, even if the deceased parent had sole custody of the child prior to death – which might be the case, for example, in a context of family violence.

Our advocacy continued in 2005. GR&AP kept the NGO network informed of the status of the committee report and the bill in Parliament. We distributed **two new sets of lobbying materials in point form** to all members of the National Assembly and to the NGO community: **"Six reasons why automatic joint custody is a bad idea"** and **"Six reasons not to give automatic custodianship and guardianship to surviving parents."**

The LAC also liaised with local journalists on the issue of the committee's abandonment of its duty to report on public opinion – particularly on that of the rural populations consulted in the 21 hearings. As a result, a local newspaper ran an article critical of the committee's change of heart.

Thereafter the Gender Sector Committee of the Namibian Non-Governmental Organisations Forum (NANGOF) organised a **panel discussion** on the revised bill, which was aired in full on NBC TV.

The revised bill was passed by the National Assembly without taking the NGO concerns into account, and then tabled in the National Council. The NANGOF Gender Sector Committee planned a public demonstration within a week of the tabling. Meanwhile GR&AP made **submissions to the relevant National Council standing committee to motivate a committee referral, and communicated concerns about the bill to the Minister**. As a result, the bill was referred to committee before the date of the demonstration. GR&AP **met with the committee** to give input on the bill's history and relevant background documentation. In this meeting the committee went through the bill clause by clause in preparation for the hearings.

In early January 2006 GR&AP drafted a **submission** which it **circulated to the NGO network**, with the aim of presenting a joint submission from the NGO community at the hearings. Due to budgetary constraints the National Council did not hold hearings on the bill outside Windhoek. The Windhoek hearings took place in February 2006. GR&AP also had very fruitful discussions on the bill with the Minister during 2006.

GR&AP has drafted **educational material** on this new legislation, to be published in several Namibian languages in 2006.

In addition, GR&AP was interviewed on children's rights and children's legislation for the NBC TV programmes *Open File* and *Good Morning Namibia* respectively. We were also interviewed regarding the Children's Status Bill on NBC radio a number of times and by journalists from the printed media.

Further GR&AP advocacy action on the Children's Status Bill will depend on the next steps taken by government. ■



## VIOLENCE AGAINST WOMEN AND CHILDREN

### Child rape

In January 2005, in a case that shocked the nation, Supreme Court Justice Pio Teek was charged with the rape and attempted rape of two girls, aged 9 and 10. Shortly thereafter, two girls aged 3 and 6 were raped and brutally murdered. These high-profile cases brought the issue of child rape to the fore in the public eye. GR&AP drafted the LAC press statement on the Teek case, and appeared on NBC TV's *Talk of the Nation* speaking about child rape (28 February).

These rape cases spurred **public debate on reintroducing the death penalty**. GR&AP wrote a newspaper article headed "Why the Death Penalty is Not the Answer" (*The Namibian*, 18 February), and commissioned an article against the death penalty from a different angle (*The Namibian*, 25 February).

We also contributed information on child rape to articles in *The Namibian*, *New Era*, *The Namibian Economist* and the *Legal Shield Newsletter*, and compiled materials from studies on child rape in Namibia and the region for use by the press and in workshops.

### Guidelines for service providers

For the last five years GR&AP has facilitated the drafting and revision of **guidelines on rape and domestic violence for police, prosecutors, magistrates, social workers and medical professionals**, the main idea being that the guidelines will set the standard for a consistent and sensitive professional response. The guidelines are being used especially by police and social workers who have incorporated them into their internal manuals and directives. A final round of government consultation was undertaken prior to publication due to the 'regime change' in March 2005, and the two publications appeared later in the year: ***Guidelines for Service Providers on the Combating of Rape Act*** and ***Guidelines for Service Providers on the Combating of Domestic Violence Act***.

In addition, an **explanation of the rights of accused perpetrators** was prepared and published as part of a manual for social workers working with perpetrators of abuse. Funds permitting, this statement of rights will also be published in a separate pamphlet in future.

### Distribution of domestic violence guide to prosecutors

GR&AP produced a **Guide to the Domestic Violence Act** in 2004. The Prosecutor-General praised this publication and in 2005 asked for 80 copies, to be sent to all stations, and copies of any future materials simplifying legislation. We followed up immediately on her request, and all subsequent educational materials have been supplied to her office for distribution to all prosecutors.

### Rape research

There are many reports of **problems with the implementation of the Combating of Rape Act of 2000**. For example, no one knows whether the marital rape provision is being utilised in practice. Also, we have heard evidence that post-exposure prophylaxis (PEP) to prevent HIV is not routinely offered to rape victims. Further, there are big questions about the sentencing of HIV-positive perpetrators, and about how child rape is being dealt with. It is questionable whether one of the key aims of the legislation – to reduce the trauma of rape victims – is in fact being realised. To explore such concerns, GR&AP is



conducting research to monitor the implementation of the act by observing selected court cases, examining court records and police dockets, and interviewing complainants, accused persons and key informants. The study will be completed in 2006.

Our study will be significant as the **first assessment of Namibia's new legal measures on violence against women and children**. It will also assess the implementation of the criminal procedure provisions intended to reduce the trauma of court appearances for vulnerable witnesses. We presented preliminary information from this research to the **Elected Women's Forum**, in the form of a case study on problems with the implementation of the act.

Meanwhile we have met with the consultants appointed by UNICEF to assess the operation of the **Woman and Child Protection Units**, to ensure that these two studies dovetail usefully.

### WCPU stakeholders conference

In October, GR&AP led two panel discussions at a **National Conference on Women and Child Protection** hosted by the Woman and Child Protection Units (WCPUs) and UNICEF, on the theme "Speak Out Against Abuse". One panel discussed the question of mandatory versus voluntary reporting of suspected child abuse by professionals working with children and by members of the public. The other panel discussed case withdrawals and what steps can be taken to support victims and discourage withdrawals.

### National database on gender-based violence

GR&AP participated in a retreat organised by the Ministry of Gender Equality and Child Welfare on the creation of a National Data Base on Gender Based Violence (GBV), where we presented a paper on how GBV manifests in Namibia. We were elected onto the advisory committee for the database, and provided reference material to the consultant appointed to assist the committee.

### Networking on violence against women and children

Public concern about gender-based violence was stimulated in October by the **horrific beheading of Juanita Mabula** in Windhoek. In his speech at the launch of the UNFPA World Population Report, the Prime Minister highlighted the need for more action on gender-based violence. In response to this statement, GR&AP sent a letter to the Prime Minister

In the recent report of the Law Reform and Development Commission on Customary Law Marriages, significant portions of the text are "**a summarised version as taken from the Report of the Legal Assistance Centre titled 'Proposals for Law Reform on the Recognition of Customary Marriages'**".

Law Reform & Development Commission, Project 7: Report on Customary Law Marriages, LRDC 12, October 2004, pp 8-16.

outlining **government measures that could usefully be taken**. An **expanded list of ideas for future action** was circulated among NANGOF members, and in the form of an article for a newspaper supplement to coincide with the international 16 Days of Activism against Violence against Women.

We tendered successfully for a Red Cross consultancy to provide a **literature review and case studies** on various forms of gender-based violence for a publication to accompany Desert Soul, the Namibian version of the successful Soul City initiative in South Africa.

GR&AP is cooperating with a **new support centre for violence against women** opening near Oshakati.

An 11-year-old boy interviewed GR&AP for a **magazine-style radio programme on domestic violence** organised by Lifeline for children aged 8 to 14. **Katutura Community Radio** interviewed us on the Combating of Rape Act. ■

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## MARITAL PROPERTY

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We published a report on this long-term research project in September 2005, entitled **Marital Property in Civil and Customary Marriages: Proposals for Law Reform**.

The LRDC has told us that our publication will be the key starting point for its subcommittee addressing this issue. ■

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## LABOUR ACT

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The Labour Act 15 of 2004 did not come into force in 2005 as debate between employer and employee organisations on some key provisions continued. Several **controversial provisions involve gender-related issues**: the new family responsibility leave, increased remuneration for women on maternity leave and the definition of sexual harassment. There was also concern about some drafting errors.

To ensure that we were ready to lobby effectively around possible proposed amendments, we carried out **brief research on family responsibility leave, maternity leave and breastfeeding practices**. In addition we discussed our concerns with the Namibia Employers' Federation and the ILO Chief Technical Advisor on the new law, and prepared submissions recommending further amendments, after consultation with the National Union of Namibian Workers. Amendments are expected to be tabled in early 2006, when we will consider further action.

Meanwhile we have given input on gender issues in the new law to a congress of the Public Service Union Women's Desk, and we have drafted **educational material** on the gender provisions, to be published in several languages as soon as the law is final. ■

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## COMMERCIAL SEX WORK

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### Testimony before parliamentary committee

The National Council mandated the Standing Committee on Gender, Youth and Information to investigate "the plight of sex workers, street kids and other vulnerable persons". The committee carried out investigations in a few towns, and GR&AP presented extensive testimony based on its 2001 study, joined by Women's Action for Development. This received significant media attention. The committee report recommended legalising sex work: **"Many social scientists and reputed academics across the globe strongly believe that sex-work should be legalized ... When this trade practices as an underground trade, it violates the right to life of vulnerable women who sell their flesh to survive. If it were legalized, the**

**health authorities would monitor the health of sex-workers and protect their health and that of their clients. Moreover, this is a critical step to minimize the spread and impact of HIV/AIDS."** The suggestion that sex work be legalised proved so controversial that the National Council initially rejected the committee report, on the grounds that it deviated from the mandate by focusing only on sex workers. However, the report was ultimately accepted as the first phase of ongoing investigation.

### Sex tourism

GR&AP and LEAD visited Epupa Falls in northern Namibia to investigate an allegation that sex tourism involving Himba women was taking place. It appeared that a film crew had made a soft porn film in the area, featuring Himba women. Fortunately we found no evidence of ongoing organised sex tourism.

### Sex trafficking

We have arranged for a US-based academic to spend six months with GR&AP in 2006 researching trafficking in sex workers, sex work by children and related topics. ■

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## MOTOR VEHICLE ACCIDENT BILL

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The LAC was invited to comment on a draft Motor Vehicle Accident Bill. GR&AP worked with the LAC's Huricon to provide comment. The bill involves a number of pertinent gender issues, such as a problematic approach to the concepts of "dependant" and "breadwinner". ■

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## PUBLIC INPUT ON FORTHCOMING BILLS: CUSTOMARY MARRIAGE AND DIVORCE

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### Customary marriage

A 2004 Human Rights Committee Report on the International Covenant on Civil and Political Rights best articulates GR&AP's concern regarding the non-recognition of customary marriages and the impact this has on women's rights in Namibia: **"... it remained concerned by the high number of customary marriages that continued to be unregistered and about the deprivation of rights that women and children experienced as a consequence, in particular with regard to inheritance and land ownership [and] encouraged the state to take effective measures."** The LRDC released a proposal for the long-awaited Recognition of Customary Marriages Bill in February 2005. The bill seeks to give legal recognition to customary marriages and proposes to regulate matters such as the registration, proprietary consequences and divorce of customary marriages. If passed, it should strengthen women's property and inheritance rights.

We prepared a simple summary of the LRDC proposals, which we distributed to our key partners. A condensed version was published in *The Namibian* and *Sister* magazine. We wrote an additional article on the controversial issue of polygamy, which also appeared in *The Namibian* and *Sister*, encouraging the public to make their views known to policy-makers. Another GR&AP article on civil and customary marriage issues appeared in *OYO*, a magazine published by the AIDS activist group Ombetje Yehinga, distributed to schools in Windhoek and selected rural areas.

We incorporated aspects of the proposed bill into training sessions with rural men and women, thereby combining

advocacy training sessions with the collection of feedback. More public feedback will be collected in 2006, and a report will be compiled for advocacy purposes.

### **Divorce**

We prepared a simple summary of the LRDC proposals on divorce and distributed this to our key partners. As with customary marriage, discussions of the divorce proposals are being incorporated into our training workshops and other activities, and additional feedback will be collected and compiled in 2006. ■

### **MAINTENANCE**

We have begun collecting information on problems with the implementation of the Maintenance Act, particularly in rural areas, for use in lobbying the government to improve implementation. Information collection on this topic will continue in 2006. ■

### **COMMUNITY COURTS**

We planned to conduct research on the gender-sensitivity of the new customary courts, but despite the promulgation of Community Courts Act 10 of 2003, no customary courts were established as provided for during our period of field research. This law formalises unofficial customary courts, and provides for the recognition and establishment of community courts whose

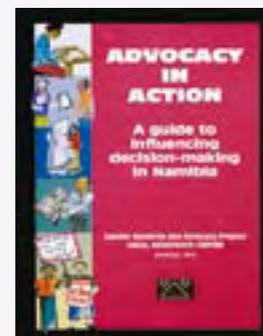
primary aim will be to apply customary law. We have postponed this research until the courts are fully operational. ■

### **WORKING WITH PARLIAMENT**

At an induction workshop for incoming parliamentarians, GR&AP gave a presentation on "**Parliament and Civil Society: Public Participation in the Law-making Process**", and we were interviewed on the national radio programme *The Big Question* on **public involvement in the law-making process**.

### **Advocacy in Action**

We are using this GR&AP publication regularly in our training workshops, particularly in rural areas. It has been distributed to all parliamentarians and other partners. We are preparing an insert updating the lists of parliamentarians and ministries since the change of government in 2005. ■



### **MISCELLANEOUS**

We provided brief legal research in response to queries on:

- ▶ **surrogacy in Namibia;**
- ▶ **age of consent to medical treatment;** and
- ▶ **age of consent for HIV testing.**



## **PUBLIC EDUCATION AND TRAINING – PROVIDED THROUGH WORKSHOPS, INFORMAL MEETINGS AND THE MEDIA**

Public education and training contributes to GR&AP's work in a number of ways. It disseminates knowledge to rural women – the least empowered in Namibia – and to service providers who receive little or no training otherwise. In training sessions GR&AP incorporates information on new draft laws. The feedback received on these proposed Acts is incorporated into our advocacy work. In addition, issues raised by participants alerts GR&AP to concerns about existing laws and their implementation.

Many workshop participants later contact GR&AP for further advice and information, and we record details of new contacts to add to the materials distribution list in the future.

In 2005 GR&AP conducted a total of **12 training sessions for members of the public**, directly reaching **218 persons from all of Namibia's 13 regions**. There was a special emphasis on reaching out to rural women. The participants included the following:

- ▶ **Women from rural communities** across Namibia.
- ▶ **Women's Action for Development** members.
- ▶ **Namibia Women's Manifesto Network** members.
- ▶ **Diverse participants in Advocacy Training of Trainers Workshops in Ongwediva and Keetmanshoop.**
- ▶ **National Federation of People with Disabilities** members.
- ▶ **Rural community members** at Epupa Falls, including traditional **Himba** women and men.
- ▶ **Regional community drama organisers** from the National Theatre of Namibia, and local **community drama group members** from 8 regions.
- ▶ **Congregants** of the Evangelical Lutheran Church in the Republic of Namibia and sister churches.

- ▶ **Sister Namibia** workshop for **representatives of media institutions.**
- ▶ **Youth Against Crime** in Caprivi and Kavango Regions.
- ▶ **Community Resource Monitors and Peer Educators on HIV/AIDS** in Katima Mulilo, with the Integrated Rural Development and Nature Conservation Programme (IRDNC).
- ▶ **Students** from the Polytechnic and **school learners** from Windhoek.
- ▶ **Church Alliance for Orphans.**

The training covered selections of the following topics, depending on the needs of participants and draft laws being initiated:

- ▶ The **Combating of Rape Act, Combating of Domestic Violence Act and Maintenance Act** – focusing on the content of these laws, the practical remedies that can be used and how to overcome any problems with implementation.
- ▶ **Women's property and inheritance rights**, including the Married Persons Equality Act and will-writing.
- ▶ The proposed **Customary Marriage Bill** (includes polygamy), **Divorce Bill** and **Children's Status Bill** (covering the rights of children born outside marriage).
- ▶ **Advocacy**, including how laws are made and planning an effective advocacy campaign.
- ▶ **Gender** – focusing on defining gender and stereotyping impacts on women's lives.
- ▶ Improving **training skills**, and **training techniques for trainers** on many of the above topics.

Throughout the year we also provided public education through the broadcast and print media. ■



## TRAINING FOR SERVICE PROVIDERS

GR&AP provides training to service providers on request from relevant ministries and agencies. In 2005 we conducted **9 training workshops**, directly reaching **235 professionals**:

- ▶ **Psychologists and social workers** in private practice – Maintenance Act and provisions for vulnerable witnesses.
- ▶ **Ministry of Health and Social Security social workers, programme managers, rehabilitation instructors and trainers** – Maintenance Act, Married Persons Equality Act, Combating of Rape Act, Combating of Domestic Violence Act, and provisions for vulnerable witnesses.
- ▶ **Magistrates and established and new prosecutors** – Maintenance Act and Combating of Domestic Violence Act.
- ▶ **Clerks of court** – Combating of Domestic Violence Act.
- ▶ **VSO volunteers and staff** – gender in Namibia.
- ▶ **UNDP staff** – gender-based violence in Namibia.

### Video training – domestic violence, rape, maintenance

We produced **three training videos** in 2005: for clerks of court on the **Domestic Violence Act**, for prosecutors on the **Rape Act** and for maintenance officers on the **Maintenance Act**. Apart from helping to standardise training sessions, video can facilitate training in rural areas and where there is a rapid turnover of staff. The videos will be accompanied by a training package of educational material and training exercises.

### Gender Training Manual and Resource Guide

The Ministry of Gender Equality and Child Welfare awarded GR&AP the tender for producing this publication to be used by ministry staff and other relevant stakeholders. It covers **all topics in the National Gender Policy**, takes a **participative approach** to teaching gender analysis skills, and includes **group exercises** and **case studies**. A draft has been submitted for comment and the manual will be published in 2006. ■



## GR&AP PUBLICATIONS OF 2005

- ▶ **Customary Laws on Inheritance in Namibia: Issues and questions for consideration in developing new legislation.**
- ▶ **Inheritance Issues: Information and feedback from community consultations on inheritance law reforms.**
- ▶ **The Meanings of Inheritance: Perspectives on Namibian Inheritance Practices.**
- ▶ **Marital Property in Civil and Customary Marriages: Proposals for Law Reform.**
- ▶ Updated reprint of the **Namibia Domestic Violence and Sexual Abuse Service Directory** (first printed 1999).
- ▶ **International Human Rights and Gender** – reference manual of international instruments pertaining to gender.
- ▶ **Guidelines for Service Providers on the Rape Act.**
- ▶ **Guidelines for Service Providers on the Combating of Domestic Violence Act.**
- ▶ **Guides to the Domestic Violence Act and Maintenance Act** in English, both being translated into Afrikaans, Oshiwambo, Otjiherero and Khoekhoegowab.
- ▶ Summaries of the **Domestic Violence Act and Maintenance Act** in English.
- ▶ **Educational materials** on the **Married Persons Equality Act** – translations into 5 indigenous languages.
- ▶ **Newspaper supplement** on recent publications and the work of GR&AP in general for publication in early 2006.

“Nobody told us about these things before.”

– Polytechnic student

“The way Anne and Naomi get us/me the message was excellent. Today I can really say I’ve learnt some stuff happening around me which I didn’t recognise or knew nothing about. I can go home proud, with the aim to make a difference.”

– Community drama group member

“I think everyone of us who attend this workshop will go back with something [to] share with the community ... [and] the community will learn more.”

– Community drama organiser

“The workshop was excellent as I learnt new ideas which are productive to our community.”

– Affiliate of Youth Against Crime

“It was really educating and informing.”

– Affiliate of Youth Against Crime

“... excellent presentation and feedback from participants shows that she certainly opened their eyes to some key issues ... was an informative speaker and answered many difficult questions from pastors and church workers ... the literature and information was well received and has been taken back to congregations across Namibia ... she was very helpful in assisting our members to appreciate the size and nature of domestic violence in Namibia ...”

– Church Alliance for Orphans  
Training and Communications Advisor

“I am happy how LAC try to summarise this difficult terms of bills and laws for us to understand. Keep it up. Congratulations!!”

– Member of the Women’s Manifesto Network

“I thought I knew a lot about these acts, but I learned so much.”

– Lecturer, University of Namibia

“I used to run when I saw a domestic violence case [complainant] walking in. Now I will say ‘welcome.’”

– Clerk of Court

“[We appreciate] your undoubted determination to make the enforcement of the Legislation a success”.

– Head of Office, Windhoek Magistrate’s Court

“excellent”, “lively”, “exciting”, “well-informed”, “brilliant”, “perfect”, “proficient”, “great”, “fast and clear”, “very active”, “well-prepared”, “well presented and articulated”, “knows her job”

– Trainees’ written comments on the GR&AP trainers





## NETWORKING – NATIONAL, REGIONAL, INTERNATIONAL

### Council of Churches in Namibia (CCN)

GR&AP initiated a meeting with the CCN Secretary-General, which resulted in the drafting of a **Memorandum of Understanding** covering a number of activities, such as training and promotion of family law topics through the churches. This is a historic undertaking as it is the first time that the LAC has entered into a formal agreement with the CCN, which undoubtedly has the largest reach of any civil society organisation in Namibia. We hope this partnership will increase our impact in rural areas.

### UN Secretary-General's report on children

GR&AP attended a **regional meeting** in Cape Town aimed at collecting information for a report of the UN Secretary-General on children's rights. This meeting gave us a good opportunity to make contact with people working on similar issues in and around Southern Africa.

### General

Within the LAC, GR&AP worked particularly closely in 2005 with **LEAD**, and cooperated on specific projects with **Huricon**, the **ALU** and **Legal Education Project** (until the latter was replaced by the Communal Paralegal Training Project midway through the year).

GR&AP is represented on the following bodies:

- ▶ **National Advisory Committee on Gender-Based Violence, Sexual Harassment and Legal Affairs** (convened by the Ministry of Gender Equality and Child Welfare)
- ▶ **Women and Child Protection Unit Advisory Committee** (As a result of this involvement, the WCPUs are using LAC educational materials in their training.)
- ▶ **Steering Committee of Namibia Women's Solidarity** (An attempt to revive Women's Solidarity which closed in 2004 due to a lack of funds.)

Our key **media partners** are *The Namibian* newspaper and *Sister* magazine, which publish our work regularly.

Our key training partners are **Women's Action for Development** and the **Namibian Women's Manifesto Network**, both of which have established networks with grassroots women in various regions. We also work closely with the **National Federation of People with Disabilities** and the **Omaheke San Trust**. We hope to work more

with the **Namibian Women's Association (NAWA)** and the **Namibia Girl Child Organisation**. In 2005 we also networked with the following:

- ▶ **Women's Leadership Centre**
- ▶ **Friendly Haven Shelter**
- ▶ **Women with a Purpose**
- ▶ **Gender Sector of the Namibian Non-Governmental Organisations Forum (NANGOF)**
- ▶ **Groups affiliated to the Multi-Media Campaign on Violence against Women and Children** – convened by the Ministry of Information and Broadcasting, but defunct in 2005

### Key government partners

- ▶ **Ministry of Gender Equality and Child Welfare**
- ▶ **Ministry of Justice**
- ▶ **Law Reform and Development Commission**

### Key regional contacts

- ▶ **Centre for Applied Legal Studies**, South Africa
- ▶ **Women's Legal Centre**, South Africa
- ▶ **Women's Legal Rights Initiative**, Southern African Development Community (SADC)

### International contacts in 2005

- ▶ **Canadian Bar Association**
- ▶ **Catholic Institute for International Relations (CIIR)**
- ▶ **Voluntary Service Overseas (VSO)**
- ▶ **Evangelical Church in the Rhineland**, Germany



## ASSISTING CLIENTS AT THE LAC

GR&AP also assists people in need who approach the LAC. For example, in 2005 we assisted a mother and her 5-year-old daughter who is speech and hearing impaired. The woman believed that the girl had been raped by the driver attached to the special school she attended. The Prosecutor-General had dropped the case due to a lack of evidence. We assisted in having the girl placed in another school and arranging with the PEACE Centre in Windhoek for family counselling. We also assisted the Omaheke San Trust in advising a young rape victim. Other clients, service providers and members of the public who approached GR&AP were given the information and educational materials they sought. We receive a great many requests for our materials every year. ■



## GR&AP STAFF AND DONORS 2005

### PERMANENT STAFF

**Dianne Hubbard** – Co-ordinator  
**Naomi Kisting** – Project and Training Assistant

### EXTERNALLY FUNDED POSTS

**Anne Rimmer** – Catholic Institute for International Relations (CIIR)  
**Wairimu Munyinyi** – Voluntary Service Overseas (VSO)

### CONTRACT STAFF

**Mercedes Ovis**

### INTERNS

**Hilary Blain**  
**Tracy Orr**  
**Amanda Dodge**

### CONSULTANTS

**Dr Beth Terry, Dr Robert Gordon, Dudley Viall, Perri Caplan, Nicky Marais, Dr Michael Bollig, Leigh Anne Agnew, Christa Schier, Adelheid Awases**

### DONORS

**Austrian Development Cooperation** through the **North-South Institute**

**Malaga Association of Lawyers**

**Namibian Literacy Trust**

**Royal Danish Embassy**

**Royal Netherlands Embassy**

**Swedish International Development Agency (SIDA)**

**United Nations Children's Fund (UNICEF)**

**United Nations Development Programme (UNDP)**

**US Embassy**

**Women's Legal Rights Initiative**

**GR&AP also raises funds through the solicitation of donations and occasional facilitation fees.**



# HUMAN RIGHTS AND CONSTITUTIONAL UNIT (HURICON)

# Winning rights with LITIGATION

Despite a severe lack of financial and human resources – Huricon presently has no funders – 2005 was a fruitful year for the unit. The staff was reduced to only two full-time lawyers who had to handle over 200 cases involving a wide range of issues, as well as provide training and support to other organisations, and a daily case-screening service. The lack of human resources was alleviated slightly by the ad hoc assistance of an in-house counsel (the editor of *The Namibian Law Report*), but exacerbated by a lack of funds to employ external counsel. We report here only on cases finalised in 2005 and a few particularly interesting cases still ongoing.



## CASES LITIGATED TO SET PRECEDENTS IN CONSTITUTIONAL LAW

### Caprivi pleadings close with all matters ready to proceed to trial

Pleadings have closed in this widely publicised case involving about 135 separate matters relating to the torture of alleged Caprivi secessionists, and all are ready to proceed to pre-trial conferences and trial.

In 2005, more claims for malicious prosecution were added to the claims of the five detainees released without charge after spending four years in jail on charges of high treason, murder, etc. To support these new claims it was necessary to bring applications to join the Government of Namibia to the action. The Government filed its plea in December 2005 and the matter proceeds.

Another five civil matters set down had to be postponed for a second time due to all the plaintiffs and their witnesses still being involved in criminal proceedings. Unless a settlement can be reached in these matters, which is doubtful, the civil claims will only be finalised after the criminal trial. To encourage the Government to reconsider settlement negotiations in these cases, we visited the detainees in prison again to photograph their still-visible scars.

The criminal trial also prevented Huricon from proceeding to court in some other matters. For instance, Rule 15 notices were filed where plaintiffs died before their claims were finalised. The plaintiffs were replaced by the executors in the pleadings, but most executors know nothing of the civil claims and so depend totally on other witnesses to testify on behalf of the deceased plaintiffs. These witnesses are still involved in the criminal trial and thus are presently unavailable to testify in the civil hearings.

Huricon is concentrating on finalising the claims of those plaintiffs already released from detention while awaiting the conclusion of the criminal trial of the others. Some witnesses of the 'released' plaintiffs are also still involved in the criminal trial, but it seems possible to proceed without their testimony in some of the civil hearings. Five civil matters are set down for trial from 19 June to 6 July 2006. ■



## Caprivi detainee labour reviews

At least five of the Caprivi detainees previously worked as police officers. The Ministry of Home Affairs suspended them from duty after their arrest and then dismissed them. The dismissals were contrary to the ministry's undertaking at the time of the suspensions, and all were **unfair dismissals** – no disciplinary hearings were held, etc. Though the LAC no longer handles labour matters and the police do not fall under the Labour Act, we took up this case because this is another way in which the detainees' human rights and dignity have been infringed while they have been in prison and vulnerable.

Huricon filed an application to review firstly the suspensions for so long a period, and secondly the dismissals done with retrospective effect and with no hearing. The High Court heard the case in July 2005. As the Ministry already conceded in its heads of argument that all the dismissals were unlawful, the Court heard argument only on the suspensions. It found firstly that the applicants had not brought the review applications on their suspensions within a reasonable time, and secondly that the Inspector-General has no discretion but to suspend an officer who is arrested, so this part of the application was dismissed with costs. The outcome is that the applicants are no longer dismissed from the police force, but are only on suspension pending the outcome of their criminal hearings in the Caprivi criminal case. ■



## Police assaults

In December 2005 Huricon visited the Caprivi detainees at Windhoek Central Prison. They noted their dissatisfaction with the fact that the same police officers who had assaulted them at the time of arrest were appearing in Court still as employed police officers. They laid charges against the officers, but to date the Prosecutor-General has not taken a decision to prosecute them, thus they instructed us to take the matter up with the Prosecutor-General again, and if necessary to file a *mandamus* (a court order forcing someone to act) to force her to comply with her constitutional duty to decide whether or not to prosecute.

In another case, a man arrested on suspicion of being involved in a robbery was **handcuffed to a bed** in the police mortuary for four hours while being **assaulted and electrically shocked** on his genitals. He has suffered severe physical and mental repercussions. Pleadings have been exchanged and the matter is set down for trial in February 2006. ■

## Unlawful arrest, detention and assault in detention

We issued summons against the Minister of Defence and the Minister of Home Affairs for unlawful arrest, detention and assaults of our client, who was arrested on suspicion of being an **illegal immigrant** and detained by the Namibian Defence Force for a week, and then by the Namibian Police for 44 days, without being brought before a court. The police had a warrant to detain him, but not for so long. An out-of-court settlement was reached with the police, but the Minister of Defence still denies the allegations and we will proceed to trial as soon as possible.

In another case, our four clients were severely assaulted by other prisoners at Windhoek Central Prison in full view of 11 prison members who did nothing to stop the assaults despite our clients' pleas for help. These matters were consolidated and argued in October 2005. Judgement is awaited. ■

## State President's Patients (SPDs)

We forwarded recommendations to government two years ago for changes to the law on SPDs, but to date nothing has been done – the Law Reform Commission says that the matter is not one of its priorities. Because there is no proper review process in place, SPDs are incarcerated for unduly long periods. Another five SPDs have asked us for assistance. Huricon's appeal to the Mental Health Unit to facilitate their release bore no fruit – it appears there is insufficient communication and cooperation between the government roleplayers. We finally met with a representative of the Attorney-General who will liaise with the Prosecutor-General to streamline the law reform process. In the interim, to expedite this reform, we issued summons on behalf of a client whose release was delayed by the government departments concerned. We have claimed a substantial sum in damages and expect that the matter will be defended. ■

## Irresponsible police action

To stop a fight between our client and another woman, a policeman shot our client in the leg. The High Court ordered the Ministry of Home Affairs to pay our client N\$100 000 plus interest and disbursements.

Another client was allegedly shot by a police officer who was chasing a suspect. We issued summons, and the Minister of Home Affairs filed a notice of intention to defend, but then made a settlement offer which our client accepted. ■

## Safety of inmates on work duty outside

Our client, a prison inmate, was assaulted by a farm manager while on work duty outside the prison. Huricon's view is that the Ministry of Safety and Security is responsible for prison inmates out on work duty. We issued summons, and both the Ministry and the farm manager defended the matter. The latter entered a counter claim alleging that our client used abusive language and insulted him, which our client denies. Pre-trial proceedings are underway, and a trial date will be obtained. ■



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## Unfair dismissal

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In a case instituted in 2004, the Supreme Court confirmed in 2005 that in terms of section 47 of the Labour Act, an employer may not furnish an employee with a notice period without giving a reason, and if the employee elects not to accept the notice, proper disciplinary proceedings must follow, failing which the employer will be guilty of an unfair dismissal in terms of section 45. ■

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## Corporal punishment in school

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A teacher severely assaulted our client with a hard plastic pipe during school hours. We instituted claims against both the Ministry of Basic Education, Sport and Culture and the offending teacher. After a marathon trial the defendants were ordered to pay our client N\$35 000 plus costs. The ministry has appealed the issue of costs. This case had a major impact as the ministry sent circulars to all government schools informing them of the judgement and reminding them that corporal punishment in school is unlawful. To build on this judgement we issued summons in another case of assault by a teacher during school hours and our client was compensated. In still another case of assault by a teacher, we are awaiting a full report from the psychiatrist who treated the child, and will decide on that basis whether to take further action in our effort to eradicate corporal punishment in school. ■



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## Sexual abuse of children by teachers

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We issued summons against the Minister of Basic Education, Sport and Culture on behalf of a schoolgirl (represented by a *curator ad litem*) and her grandmother for damages suffered after the girl was allegedly raped by one of her teachers. The girl, who has a mental disability, resided in a hostel on the school grounds. Without her grandmother's permission, the superintendent allowed her to go home with a hostel staff member for the weekend, when the rape took place. Our basis for the claim was that the Minister has a duty of care towards all children in his/her care, and this duty was severely neglected in this case. The matter went to court in September 2005. Several witnesses testified for the plaintiffs, including the school principal, a teacher who looked after the girl in the hostel, the child psychologist in the ministry's employ, the doctor who examined the girl a few weeks after the incident, a private psychologist and the chairperson of the disciplinary committee appointed by the ministry to investigate the charges against the teacher. When the plaintiffs closed their case, the defendant applied for absolution from the instance, but the High Court refused this and the matter will proceed again in February 2006. ■

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## Rape

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Our client claimed that she was raped while in hospital. We found no mention of a rape in her medical records. On hearing that the suspect had been arrested, the Woman and Child Abuse Centre was asked for a copy of the case docket. Before summons is issued against the Minister of Health and Social Services, the matter will be fully investigated to

ensure sufficient evidence of a rape.

In another case, a minor instructed us to issue summons against the Minister of Safety and Security for damages consequent to his rape while incarcerated at Hardap Prison. At the plea stage our client advised that he no longer wished to proceed. After the social worker concerned with the case discussed it with him again, we were instructed to withdraw the claim. We reached an agreement with the government attorneys on costs and closed the file. ■

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## Sodomy

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A local law firm instructed us to assist two men who were caught in a sexual act in a toilet in a private bar and arrested. They were charged with sodomy, among other things. There is an international move towards abandoning sodomy as a criminal offence, and in a bid to do so in Namibia, we agreed to assist the men. But the prosecutor withdrew the sodomy charge before we could file our application. We are keeping the file in abeyance, as the men's lawyer thinks they could be charged with sodomy later on. ■

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## The right to privacy

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Our client was in prison when he agreed to participate in a Namibian Broadcasting Corporation (NBC) TV documentary on youth in prison. He specifically asked that his face not be shown in the film, but it was shown, and the film aired during prime time. He felt that his right to privacy had been violated and instructed us to institute action. We issued summons against the NBC and the Minister of Prisons (as an interested party only), and both filed a notice of intention to defend. ■

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## Medical negligence

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Two cases outstanding from 2004 were settled favourably. Here we report on a new case.

We were approached in relation to a possible claim against the Minister of Health and Social Services on behalf of a mother whose son's arm was amputated despite hospital treatment directly after he cut the arm while falling through a broken window at Oshakati Hospital, his mother brought him to Windhoek Central Hospital, but was told on arrival that gangrene had set in and the arm had to be amputated, which was duly done. The mother felt this was due to a lack of proper medical attention in Oshakati. We reported the case to the Namibia Medical Board, which is investigating. We also asked a local doctor for an expert opinion. He found no negligence in the handling of the injury in Oshakati, and stated that with some injuries, doctors simply have no option but to amputate. We will decide whether or not to institute an action after consulting with the mother again and obtaining the board's findings, and possibly another opinion. ■

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## Accident injuries

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Our client, a male youth, suffered severe injuries to the head and spinal cord in a car accident and is now a quadriplegic. Our application for a *curator bonis* (curator for property) was successful. ■

## Citizenship and immigration

Huricon regularly assists people in their dealings with the Ministry of Home Affairs. Only two cases are outlined here.

One client's application for citizenship was rejected as he was previously found guilty of using forged documentation. He had been married to a Namibian citizen for 10 years and had fathered four children here, so in our view his documentation should be irrelevant to an application for citizenship based on marriage. We brought a High Court application requesting the ministry to grant him citizenship on the basis of his marriage to a Namibian citizen. The case was argued but judgement was reserved after the filing of further heads of argument on the concept of being 'ordinarily resident'.

Another client and his family are refugees. It seems that the ministry will reject their citizenship applications based on naturalisation. We submitted to the ministry an opinion alleging unlawful discrimination, and if the matter is not favourably reviewed, we will file an application in 2006 to clarify this issue as it will affect many former refugees. ■

## Other litigation

We favourably settled another 13 cases of police assault and/or detention. In a few cases we did not succeed in court due to a lack of evidence or the court not accepting our client's version. We closed a few files on the client's instruction or due to lack of merit. In some cases we could not trace our client/s. Prescription was an issue in two cases which we closed. In at least two cases we had to close the file as the client died before pleadings closed. ■

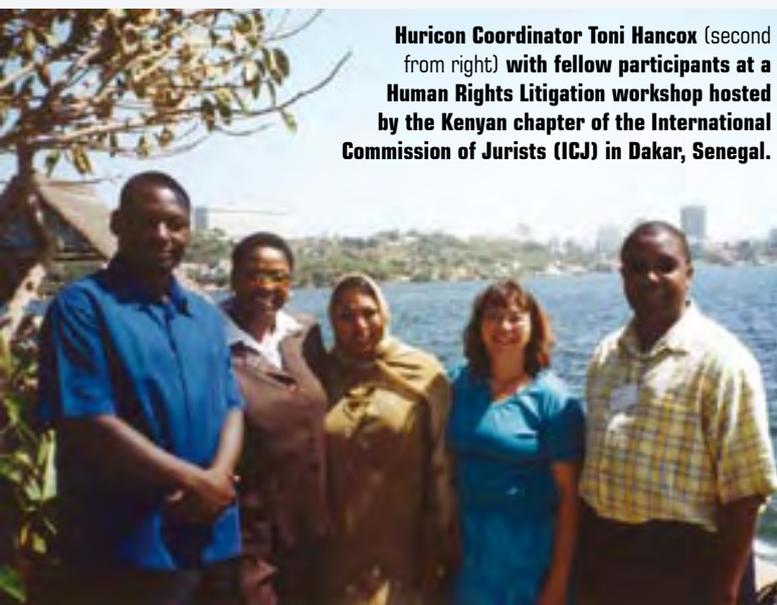


## NON-LITIGIOUS INTERVENTIONS

### Caprivi detainees – various problems

We continually assist the Caprivi detainees with such issues as obtaining visitation rights from a wife, getting stolen pension monies refunded by a bank, and claiming lost property never returned after arresting police confiscated it. Most of the latter claims consist of some clothing or small amounts of cash, but one client is claiming a motor vehicle and another his pistol. The authorities will entertain most of these claims.

We are assisting about 30 detainees in claiming pensions and other benefits from the government. Most have received their outstanding benefits, while all the other claims are being processed and we anticipate that all will be settled soon. ■



**Huricon Coordinator Toni Hancox** (second from right) with fellow participants at a **Human Rights Litigation workshop** hosted by the Kenyan chapter of the International Commission of Jurists (ICJ) in Dakar, Senegal.

## Pensions and workman's compensation

We submitted an opinion to the Government Institutions Pension Fund (GIPF) when a client contended that her father should not receive any GIPF benefits after her mother died because her father had not lived with the family for 20 years and was the 'spouse' in name only. The rationale for such benefits is to place a surviving spouse in the same position as he or she was when the deceased contributed to the household, but in this case the deceased and her spouse did not share a household or support each other in any way, so this rationale held no ground. The trustees subsequently used their discretion in deciding that the full benefits should go to the children of the deceased.

We helped a woman to get the employer's portion of her husband's pension when he died in custody.

We helped a man injured in the workplace to claim compensation from the Social Security Commission. ■

## Access to children

We helped a woman to gain access to her daughter who was adopted by her paternal grandparents when our client found herself in financial dire straits. It was agreed that she could have access to the child at any time, but this was proving difficult so she wanted the access regulated. We approached the magistrate who finalised the adoption. After consulting with the parties she informed us that the case seemed to be resolved. We are awaiting final instructions from our client. ■



## TRAINING AND SUPPORT TO OTHER ORGANISATIONS

Huricon provided training to a few institutions in 2005, e.g. training for the Office of the Ombudsman on State President's Patients, and for the Patrick Iyambo Police Training College on the role of the defence lawyer.

We were also interviewed on NBC national radio on the issue of capital punishment.

Huricon supports these organisations: Hoofbeats Trust; Archillen Gawanab Trust; Maria Geelbooi Trust; Professional Arbitration and Mediation Association of Namibia (PAMAN); and the Inter-ministerial Committee on Human Rights. ■



## HURICON CLIENT-SCREENING AND GENERAL ADVICE SERVICE

Huricon and other LAC departments continue to screen clients on a daily basis to identify important cases and needy clients. A Huricon paralegal takes a statement and the co-ordinator reviews this to determine whether or not the unit should take the case. All new correspondence from prospective clients is channelled through the co-ordinator who assists the paralegal in drafting appropriate responses. This screening service makes a general legal advice service available to the public all the time and at no cost. ■



## HURICON STAFF 2005

**Toni Hancox** – Legal Practitioner / Coordinator  
**Beatrice Greyvenstein** – Senior Legal Practitioner  
**Adv. Lynita Conradie** – Part-time In-house Counsel (full-time Editor of *The Namibian Law Report* – see page 33)



# COMMUNITY PARALEGAL VOLUNTEER TRAINING PROJECT

## Training to increase ACCESS to justice

The purpose of this project is to invest in human resource development to ensure that poor and marginalised people have access to justice. The CPVTP primarily provides legal training, an information service and logistical support to community volunteers to equip them to offer legal advice services from service points in their communities. We also train government officials, NGOs and CBOs, and play a key role in the Namibia Paralegal Association. Formerly a project of the LAC's Legal Education Unit (LEU) which operated from advice offices in Windhoek, Keetmanshoop and Ongwediva, the CPVTP effectively replaced the LEU in 2005 to focus exclusively on training paralegals and setting up advice offices or service points across the country, while the other LAC projects now take responsibility for all other training in their respective fields.



### OVERVIEW OF PROJECT IMPLEMENTATION PHASES

The CPVTP commenced in 2001 as part of the LAC Legal Education Unit. By December 2004 when the first phase of the project ended, **over 280 people** from across the country had been trained as paralegals. The trainees are selected by their respective communities.

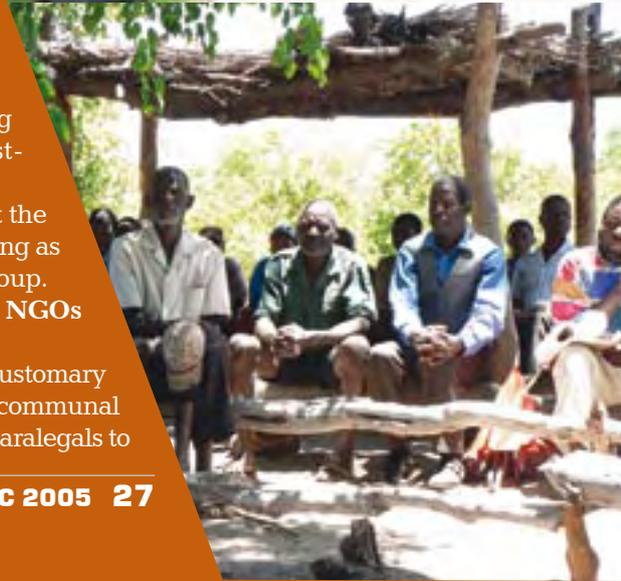
The second phase commenced in January 2005, with more focus on establishing permanent **advice offices or service points** where communities and individuals can access legal advice from paralegals. Training has been ongoing in the second phase, but several problems have come to light, such as a lack of commitment from most of the trained paralegals, inadequate resources for the service points and a lack of funding for the project as a whole.

Despite these problems, the project has thus far managed to establish **service points in 11 towns and villages** across the country, 5 of which are full-fledged advice offices, meaning that they are operational on a full-time basis and have the resources necessary to perform all the basic functions of a legal advice office. Establishing so many service points in one year is a major achievement. More will be established as funding, logistics and other factors permit. For the time being the project strives to provide a consistent and efficient service to the existing service points to help ensure their effectiveness.

Training for the initial 280+ trainees was meant to continue throughout the second phase, but after a needs assessment found only 86 still actively working as paralegals, we decided to work only with this clearly interested and active group.

In 2005 the CPVTP also commenced with paralegal training for selected **NGOs and CBOs**, and selected staff in the relevant **government ministries**.

A typical community paralegal training course covers constitutional law, customary law and several pieces of legislation, such the laws on labour, maintenance, communal land reform, traditional authorities, inheritance and divorce, and enables the paralegals to provide basic legal advice to indigent people in their communities. ■





## BUILDING THE NAMIBIA PARALEGAL ASSOCIATION

The Namibia Paralegal Association (NPA) is an integral part of the CPVTP. We assisted in establishing the NPA in 2004 and continue to help build its capacity. In 2005 we provided **institutional support** to the NPA as a whole and **financial management training** to its coordinator whom we assisted in appointing in 2004.

One priority of the coordinator in 2005 was to attend to crucial basic needs of the countrywide paralegal network, such as installing telecommunication facilities (telephone, fax, email) at some service points. Other priorities were to put in place the formal NPA structures (regional and district committees), and to ensure that all NPA members formally registered as such.

The coordinator is also tasked to conduct regular needs assessments and follow-ups on issues arising from the assessments, and to develop and implement a monitoring and evaluation plan as well as a communication strategy.

With a full-time coordinator the NPA is able to take over much of the logistical and institutional work thus far handled by the CPVTP, while the latter concentrates on providing training, information on legal issues and other forms of legal assistance to the paralegals and their clients. ■



## TRAINING NGO, CBO AND GOVERNMENT PARALEGALS

The CPVTP also provides paralegal training to staff of selected NGOs and CBOs in especially remote locations. The National Society for Human Rights, Women's Action for Development and several trade unions were trained in 2005, and others have been or will be approached to join this training effort. The organisations with staff paralegals complement and greatly aid the community paralegals, and one strength of the CPVTP in 2005 was its ability to support civil society organisations in rendering paralegal services to their constituencies. This training also fosters sustainability and continuity where community paralegals are hampered in their duties by unemployment or employment obligations.

The CPVTP also trains government staff, especially in ministries concerned with social issues and law. Thus far we have trained social workers, police officers, prosecutors, communal land boards, traditional authorities and staff of the Ministry of Gender Equality and Child Welfare. The training for government focuses on laws such as the Combating of Domestic Violence Act, Maintenance Act and Labour Act. It encourages and facilitates contact and good working relations between community paralegals and the relevant government departments, as well as cooperative education initiatives. ■

***"The work of the LAC through its Community Paralegal Training has been very valuable. Not only are individuals trained to be knowledgeable on the law, but their communities also benefit through the work of properly trained paralegals. We thank the LAC for their commitment of making human rights accessible to the poor people."***

– **Victor Amunyela**, President of the National Paralegal Association



## ASSESSING AND ADDRESSING THE PARALEGALS' NEEDS

For two months in 2005 the CPVTP conducted a needs assessment to determine the paralegals' precise needs, with the main aim of ensuring maximum and effective use of the project's limited resources. The assessment revealed that most paralegals needed more intensive training on labour law, criminal law, and the laws on domestic violence, maintenance and communal land reform. It also found only 86 of the original 280+ trained paralegals still actively working as such and still interested in continuing with the project.

Communication between the project office in Windhoek and paralegals in the regions was identified as a problem due to their not having easy access to communication technology. Another factor contributing to this problem is that the contact addresses of many local paralegals change quite often due to their changing jobs or relocating in search of jobs, which makes it difficult for the project to stay in touch with them. For this and others reasons the project undertook regional visits in 2005. These visits revealed, among other things: a breakdown in communication between paralegals in some localities; very low commitment levels due mainly to the lack of financial incentive; a lack of community support in many places; a lack of community structures through which to publicise the service and lobby for support; internal leadership struggles in some communities which hampered the paralegal work; and a lack of basic resources such as stationery and office equipment.



Communication strategies were developed following the regional visits, more training was provided with a focus on the project shortcomings – especially strategies for networking, lobbying and identifying human and financial resources – and we are endeavouring to solve the other problems and generally to meet the paralegals' needs.

The paralegal activity has to be monitored but we lack funds for this task, so we asked that all the project paralegals register with the Namibia Paralegal Association (NPA) and report to its regional and district structures to enable monitoring and evaluation of the project. Regional and district project committees formed in 2005 have to submit a report every two months to the NPA structures and the central project office.

The assessment also made clear that working with NGOs and CBOs greatly enhances the CPVTP's own vitality, sustainability and effectiveness, thus we will strive to continue providing training to these organisations. ■



## MAJOR CHALLENGES STILL TO OVERCOME

The CPVTP is clearly achieving its overall objective of investing in human resource development to ensure that poor and marginalised people countrywide have access to justice, but many challenges arising in the second phase of the project have yet to be overcome.

The biggest challenges are those of **keeping the trained paralegals in the project, properly equipping all service points, providing ongoing capacity-building training** to ensure that all paralegals deliver an efficient service; and **increasing community support** for the project.

As can be expected, many paralegals are very hard put to volunteer their time for no financial reward. Nonetheless, the group of 86 remain committed to working in a voluntary capacity for their community's development and will strive to continue without pay. The project will therefore use its limited resources to meet needs of these 86 paralegals and their service points rather than expand to other parts of the country in the second phase as originally planned.

In the first phase all the communities appeared to take their development very seriously and many people contributed to setting up service points, in a few cases providing even costly office equipment. But in the second phase, lobbying for and identifying local resources, and networking locally in general, proved a major challenge for many paralegals. This can be attributed partly to paralegals and community members lacking communication technology, transport to cover long distances to outlying areas and time for such additional tasks, and partly to community members lacking interest in and not participating in development initiatives whose sustainability *depends* on community participation. It is essential that communities take ownership of their own development by helping to raise the necessary resources for local volunteer-based projects such as this, and we call on the communities with service points to render more support to them or the project may not be sustainable and the access to legal services now available will disappear. If we are ever to expand the project to all regions as per our implementation plan, we need to overcome the lack of human and financial resources, which we can do only with community support.

Whether or not funds permit expansion soon, only once we are satisfied that the existing service points are operating at full capacity will we consider training new paralegals and establishing service points in more towns and villages.

Another challenge is to carry out **important tasks** which could not be carried out as planned in 2005 due to the lack of funds. Most important of these tasks is **monitoring** of the paralegal activities and service points. This continual task must begin as soon as funds permit.

The CPVTP is incontestably a relevant and much-needed project in poor and marginalised Namibian communities, and we call on donors to consider its enormous significance and render support to sustain it. Without this project a great many lives will be ruined by terrible life circumstances that could easily be remedied through a free legal service. We are now undertaking a major fundraising drive. ■



## LAC 'parents' of credible legal services for Namibia's poor

*"I must stress that training community paralegals is a creative way of making the law accessible to rural area residents. It is common that legal services are expensive and do not reach all the remote areas of Namibia. In the majority of cases, people do not even know that their human rights had been violated, or that they can seek protection or relief from a Court of Law. People also do not have the means to travel to town centres where lawyers are based in order to seek their assistance. It is that void that the paralegals will fill. Paralegals will play that important role of facilitating the understanding and protection of human rights for poor people – a very important building block in our young democracy.*

*The LAC has been instrumental in establishing the National Paralegal Association. Now we can coordinate the training of paralegals all over the country. Importantly, all the paralegals joining the Association can now subscribe to a unified code of conduct. We can also now approach the authorities with a unified voice for the recognition of the importance of the work of paralegals.*

*The National Paralegal Association will live up to the expectations of providing a credible paralegal service, such as legal education and information, advocacy, legal assistance and referrals to lawyers and other institutions. We are very thankful to the LAC for the parenting role it played and continues to play.*

*– Victor Mutumbulwa,  
Director of the National Paralegal Association,  
interviewed for this report.*



## CPVTP STAFF AND DONORS 2005

**Senorita Gases** – Coordinator  
**Trudy Narimas** – Legal Educator  
**Josua Vahendwanawa** – Legal Educator

**Evangelischer Entwicklungsdienst (EED)**  
**Embassy of Finland in Namibia**

**At the time of going to press in 2006 there are 12 functioning paralegal advice offices in the country. On page 5 of this report we provide contact details for all of them.**



# CHILD JUSTICE PROJECT (CJP)

# Steering children away from CRIME

As a signatory to the UN Convention on the Rights of the Child and associated international legal instruments such as the UN Standard Minimum Rules for the Administration of Juvenile Justice, the Government of Namibia has introduced many multi-sectoral child-centred programmes, one being the Child Justice Programme instituted in 1999. The LAC convened the first Juvenile Justice Forum in 1994,\* and established its Juvenile Justice Project in 1995 to help develop a child justice system conforming to the international instruments, especially to the principle of *restorative justice*. As one of only four NGO members of the Interministerial Committee on Child Justice (IMC) which currently oversees the programme, the LAC-CJP continues to play a major role.



## OUTLINE OF SYSTEM COMPONENTS AND IMPLEMENTATION PROCESS

The IMC planned for the government to take over the LAC-CJP services at the end of first phase of the programme implementation process in 2005, but various factors prevented this, such as the Child Justice Bill not yet being passed and some ministry portfolios being changed in 2005. The LAC sourced funding to continue the project for another year, and was informed that more funds will be granted for 2006-07 if necessary, but as yet further funds have not been forthcoming and the project's future is uncertain. This uncertainty hampered the planning and implementation of CJP activities in 2005.

The stakeholders have continued meeting to develop the system structures and components, evaluate results and solve problems. Although the Child Justice Bill has yet to be enacted, it is in its third draft form and thus is unlikely to change much more, so this work of the stakeholders will not be in vain, and in Windhoek and Mariental, where the system components have been piloted, the system is more or less fully operational.

Ultimately the Child Justice Programme will be administered by a Directorate or Department of Child Justice in the Ministry of Justice or perhaps the Ministry of Gender Equality and Child Welfare. A National Commission for Child Justice and regional multi-sectoral Child Justice Forums have also been proposed.

The child justice structures and components must primarily provide for the following services and activities:

- ▶ **Appropriate treatment** of children upon arrest and in police custody.
- ▶ A thorough **pre-trial assessment** of all children arrested, conducted by a social worker trained in child justice.
- ▶ **Tracing of parents/guardian** of a child arrested and immediate release of the child into parental care if possible.
- ▶ **Diversion** programmes to divert children from the criminal justice process and **rehabilitate** them.
- ▶ Programmes to **reintegrate** children into their communities and schools.
- ▶ **Aftercare** services to prevent recidivism.
- ▶ **Training** for all roleplayers, especially new staff.
- ▶ **Crime prevention** initiatives for children.
- ▶ **Monitoring and evaluation** of the system.



*“The Legal Assistance Centre’s Child Justice Project is indispensable to the proper treatment of young offenders. Magistrates and prosecutors received valuable training from the Child Justice Project on international human rights law as it is applicable to young offenders, which is very helpful in our work in the Courts when a young offender is charged with a crime.”*

– Johanna Salionga, Senior Magistrate,  
Windhoek Magistrate’s Court.



## STAKEHOLDER SUBCOMMITTEE MEETINGS IN 2005 – IRREGULAR AND NOT ALWAYS FRUITFUL

### Interministerial Committee on Child Justice (IMC)

The IMC met only three times in 2005 due to its long-standing chairperson, Dr Huaraka, retiring. Soon before his departure, the programme’s main donor, HORIZONT3000, an Austrian NGO, tasked a **Core Team** to develop ‘work packages’ for implementing the second phase of the programme. Each work package focused on a different system component, the overall aim being to ensure that all structures and services will be in place to fulfil all the provisions of the Child Justice Bill.

This process was not successful and the Core Team was disbanded in favour of employing one individual to coordinate the second phase, much as the Child Justice Programme Coordinator had done in the first phase. This person has yet to be appointed.

Meanwhile the other programme donor, UNICEF, has commissioned a **feasibility study for a Directorate/Department of Child Justice** in the Ministry of Justice.

Through the IMC, UNICEF has funded the drafting of the Bill as well as workshops for magistrates, prosecutors, social workers, youth officers and police, and a video entitled **Child Justice in Namibia: A system in transition**, emphasising the difference between the retributive and restorative approaches to dealing with children who conflict with the law.

The IMC has a new chairperson and will continue to oversee the programme until a Directorate/Department of Child Justice is established. ■

### IMC MEMBERS – the key stakeholders

- The Bridge (Mariental)
- Change of Lifestyle Homes Project (COLS) (Windhoek)
- Child Justice Project of the Legal Assistance Centre
- Ministry of Gender Equality and Child Welfare
- Ministry of Health and Social Services
- Ministry of Justice (lead ministry)
- Ministry of Safety and Security
- Ministry of Youth, National Service, Sport and Culture
- National Planning Commission – Central Bureau of Statistics
- Office of the Prosecutor-General
- UNICEF

### Diversion options currently offered in Namibia

For a serious offence a child will be sentenced to a term of imprisonment or a suspended sentence, but for less serious offences the goal is to divert children from the criminal justice process, keep them out of prison and use appropriate means to rehabilitate them and reintegrate them into society, and thereby steer them away from a life of crime. The diversion options piloted or already on offer in Namibia, but not yet in all regions, are the Life Skills Programme and Weekend Camp, the Journey Programme, Wilderness Therapy, Pre-trial Community Service, Counselling, Victim-Offender Mediation, Family Group Conferencing, Formal Apology, Compensation, and Payment of a Fine. Other options may be introduced in future. In some cases the court orders a combination of diversion programmes. Charges are withdrawn only when a child has met all the diversion conditions set by the court.

### Child Justice Forum (CJF)

In 2005 the Directorate of Youth in the Ministry of Youth, National Service, Sport and Culture (MYNSSC) took over responsibility for coordinating the Windhoek CJF. Apart from a two-day planning session, the CJF did not meet after the directorate took over, mainly due to a radical change in the ministry’s portfolio. The planning session focused on the Child Justice Bill, the programme’s draft **manual based on the developmental model of assessment**, and diversion. ■

### Children’s views on the diversion programmes

The stakeholders organised a focus group discussion in 2005 with children who had been through the child justice system, the youth officers facilitating the Life Skills Programme, and the volunteer assisting with tracing parents, to assess the diversion programmes. The discussion focused on the successes and shortcomings of each programme, and recommendations for each programme.

The children were **all positive** about the programmes. Their recommendations included: transportation for those living far from the programme venue (Multi-Purpose Youth Centre, Katutura, Windhoek); programme facilitation on weekends; more time for the skills training component of the Journey Programme; and formation of support groups for children who have been diverted. The Directorate of Youth Development will accommodate Social Work interns in 2006 to work with other organisations to form support groups. The other recommendations are being considered. ■

### Training youth officers to work with child offenders

The MYNSSC regional youth development officers play a role in child justice by helping to run diversion programmes. The stakeholders met a few times in 2005 to plan for training the youth officers in the north and south of the country, especially to assist the Journey Programme – a much-used diversion programme for older children. The stakeholders also reviewed a draft manual for the Journey Programme and drew up a plan of action for piloting it with the youth officers in the north and south. This programme has been running very successfully in the central region for some time. The execution of these plans was hindered by changes in the ministry, thus much of this training and the piloting have yet to be done. ■

## Pre-trial community service as a diversion option

The CJP is a member of the programme Steering Committee on Community Service. A Community Service Bill has been drafted, and the Minister of Safety and Security agreed to take responsibility for the community service programme for children who conflict with the law. The programme for children will be piloted in four regions in northern Namibia. The roleplayers were trained in 2005 prior to the launch of the pilot in Tsumeb in June. ■

## Treatment of children arrested and awaiting trial

The Child Justice Programme has a committee dealing with the treatment of children in police custody and awaiting trial, to help ensure that the UN Standard Minimum Rules for the Administration of Juvenile Justice are applied. For example: children must be separated from adult prisoners and held in cells suitable for children; all children arrested should be assessed by a social worker as soon as possible; the police must treat children in a certain manner; every child's parents/guardian must be informed of the arrest as soon as possible; a child must be released into the care of a parent/guardian wherever possible; and children in need of medical treatment must be referred for it. If complaints have been received, the committee addresses them in its monthly meetings.

As a member of this committee the CJP has been responsible for visiting the Windhoek Police Station every fortnight to monitor the conditions in the cell reserved for children. A volunteer working in the programme visits the cell every weekend, and other stakeholders are also meant to visit – though none did in 2005. Problems are reported back to the committee and taken up with the relevant authorities.

In 2005 the children's cell in Windhoek was often found to be overcrowded – on one occasion 34 children were in a cell meant for 10. The cell was also found to be dirty at times, and adults milling around in the corridor were using the toilets in the children's cell. The police were asked to rectify these problems, and the CJP made a donation of cleaning materials and a hair clipper to cut the children's hair.

A big problem for the system in Windhoek is that social workers conduct assessments only three times per week, meaning that some children are neither assessed nor released into parental care as soon as possible, and some spend long periods in the cell. This has long been a problem wherever the system is operating in the country due to a dire shortage of social workers. The Bill seeks to remedy this by giving "child justice workers" the necessary training to assess children. ■



## REGIONAL TRAINING FOR NEW ROLEPLAYERS

MYNSSC regional youth officers from Omaheke, Hardap, Karas and Khomas Regions received training in Windhoek on restorative justice, their role in child justice, the content of the Life Skills Programme, programme facilitation, communication and the Child Justice Bill.

Together with the Chief of the Lower Courts and an advocate in the Office of the Prosecutor-General, the CJP provided training to youth officers in Katima Mulilo, Rundu, Oshakati and Opuwo in the north, on pre-trial community service as a diversion option. The trainers met with the trainees' supervisors to discuss their supervision role and programme referral procedures. The CJP coordinator also presented an overview of the Child Justice Programme in each town, and met with social workers, prosecutors and magistrates in each town to discuss the progress made to date in child justice in their towns. ■



## OTHER ACTIVITIES IN 2005 – MATERIALS AND MEDIA

The CJP is compiling a **manual for the child justice Life Skills Programme based on the developmental approach to assessment**, meaning that an assessment focuses on a child's core values, these being belonging, mastery, generosity and independence.

The draft manual will be tested in the Life Skills Programme in Windhoek and evaluated for finalisation and dissemination. The CJP is trying to raise funds for translations of the manual into Afrikaans and Oshidonga.

The Southern African Project Coordinator of the **Institute of Criminology at the University of Cape Town** contacted the CJP for permission to produce a review of Namibia's Journey Programme for child offenders for a **best-practices manual** to be published by the Institute.

Independent reviewers interviewed the LAC director, the CJP coordinator and children who had completed the programme. We believe the best-practices manual will be of great value to Namibia's Child Justice Programme.

The producer of a Namibian TV programme entitled *Tupopyeni* contacted the CJP to join a panel discussion on child justice and the Child Justice Bill. Children who had been through the system were included.

The CJP coordinator contributed to a live talk show on Katutura Community Radio (KCR), and to an article on conditions for children in Namibian prisons published in the Afrikaans daily newspaper *Die Republikein*. ■



## CJP STAFF AND DONORS 2005

Celeste Zhaal – Coordinator

**HORIZONT3000** (Austrian NGO)  
**United Nations Children's Fund (UNICEF)**

"My child was very naughty and uncontrollable. He ended up in problems with the law, and would have been sentenced to prison. Sending him to prison would not have helped, but only for him to receive more information from hardened criminals in prison. With the assistance of the LAC, we could find a good solution for the problem, and my child is making progress in taking responsibility for his actions. If it was not for the LAC, he would have been in prison now."

– Mother of juvenile offender assisted by the CJP.



# THE NAMIBIAN LAW REPORT



# FINANCIAL REPORT

# Recording Namibian legal HISTORY

# Making good use of FUNDING

This publication is an annual record of all the decisions of the Namibian Supreme Court, High Court and Labour Court since independence in 1990.



Need info on the funding situation to write an introductory/overview para.

The LAC has housed the editorial office of *The Namibian Law Report* since 1994. Adv. Lynita Conradie has been responsible for the editing work from the outset of this LAC project. The report is published and distributed by Juta & Co. in South Africa. The latter is also responsible for the sub-editing and proofreading. All cases are carefully selected, edited and headnoted.

In 2005 Adv. Conradie worked on the report for 2004, expected to be ready for distribution in October 2006.

There is some concern among legal practitioners regarding the future of the report due to a lack of donor funds.

Adv. Conradie also serves part-time as in-house counsel for the LAC, especially for the Huricon lawyers, and as a litigator for selected cases. In 2005 she litigated in a few cases in the High Court.

In addition Adv. Conradie serves as a part-time member of the Namibian Law Reform and Development Commission.

For more information on the content of *The Namibian Law Report*, and to place orders, see the Juta & Co. website, <http://www.jutastat.com/catalogue/>. ■

**“The Law Reports are an invaluable tool for any person practising law in Namibia. Our legal system can only develop through the development of precedent captured in the Law Reports.”**

– Adv. Andrew Corbett, a practising advocate in Windhoek and LAC Director from 1992 to 1999.

## CONSOLIDATED BALANCE SHEET as at December 2005

ASSETS	2005 (N\$)	2004 (N\$)
<b>NON-CURRENT ASSETS</b>		
Property, motor vehicles and equipment	2 238 444	2 449 793
<b>CURRENT ASSETS</b>		
Donations receivable	148 069	56 427
Trade and other receivables	176 006	179 678
Cash and cash equivalents	764 224	1 231 392
	1 088 299	1 467 497
<b>TOTAL ASSETS</b>	<b>3 326 743</b>	<b>3 917 290</b>
<b>FUNDS AND LIABILITIES</b>		
<b>FUNDS AND RESERVES</b>		
Accumulated funds	1 612 757	2 518 581
<b>CURRENT LIABILITIES</b>		
Bank overdraft	563 897	428 255
Trade and other payables	1 150 089	571 138
Donations received in advance	–	399 316
	1 713 986	1 398 709
<b>TOTAL FUNDS AND LIABILITIES</b>	<b>3 326 743</b>	<b>3 917 290</b>

**CONSOLIDATED INCOME STATEMENT  
for the year ending 31 December 2005**

INCOME	2005 (N\$)	2004 (N\$)
Windhoek Office – core unit	2 578 815	3 843 987
<b>EXPENDITURE</b>		
Windhoek Office – core unit	(4 658 083)	(4 981 555)
<b>DEFICIT FOR THE YEAR</b>	(2 079 268)	(1 137 568)
<b>ACCUMULATED FUNDS AT BEGINNING OF YEAR</b>	709 043	1 846 611
<b>ACCUMULATED (DEFICIT)/FUNDS AT END OF YEAR</b>	(1 370 225)	709 043
<b>ACCUMULATED SURPLUS – PROJECTS</b>	2 982 982	1 809 538
<b>CONSOLIDATED ACCUMULATED SURPLUS AT END OF YEAR</b>	1 612 757	2 518 581

**INCOME – DONATIONS AND OTHER SOURCES**

DONATIONS	2005 (N\$)	2004 (N\$)
Bischöfliches Hilfswerk Misereor	770 000	–
Business Connection Africa	–	1 000
Development Corporation Ireland	769 080	1 170 504
Electoral Institute of Southern Africa	–	44 962
Embassy of Finland	–	400 000
Embassy of France	–	80 000
Embassy of Sweden	5 251 655	1 966 142
ES January	–	1 000
Evangelischer Entwicklungsdienst	894 800	659 513
Family Health International	466 169	612 859
Ford Foundation	465 980	585 200
Futures Group International	88 412	–
HIVOS	2 244	542 712
HORIZONT300	1 020 406	566 860
IBIS	–	51 623
International Commission of Jurists	12 248	88 062
J van der Merwe	–	1 000
Legal Assistance Trust (of the LAC)	1 443 091	996 255
Ministry of Health and Social Services	70 875	–

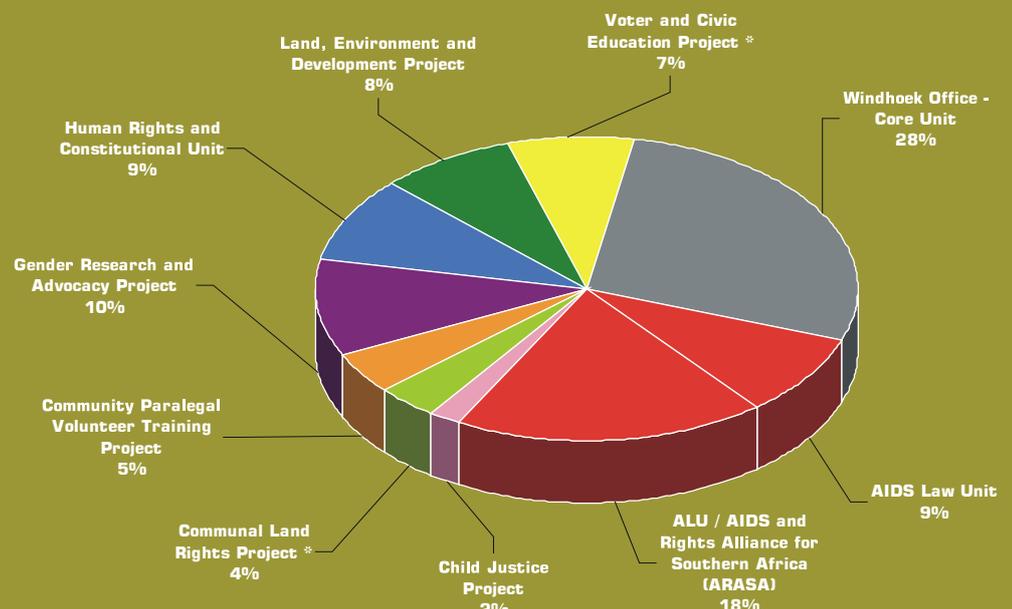
Namibia Association of Norway (NAMAS)	–	32 484
Namibia Institute for Democracy (NID)	–	25 340
Namibia Nature Foundation	52 953	95 098
Namibian Catholic Development Commission (NACADEC) Women's Desk	600	–
National Democratic Institute for International Affairs (NDI)	–	48 950
NG Church of Namibia	–	500
North/South Institute for Development (Child Justice Project)	320 000	2 097 158
Open Society Initiative for Southern Africa (OSISA)	–	652 150
Oxfam America Inc	228 711	–
Population Service	78 313	6 000
Pupkewitz Holdings	500	1 500
RBC Canadian HIV/AIDS	–	15 694
Royal Danish Embassy	481 982	–
Royal Netherlands Embassy	324 493	24 960
Swedish International Development Agency (SIDA)	1 295 337	1 579 671
Telecom Namibia	2 000	–
United Nations Children's Fund (UNICEF)	148 600	–
United Nations Development Programme (UNDP)	48 240	–
United States Agency for International Development (USAID)	–	62 168
Women's Action for Development (WAD)	–	3 000
Working Group of Indigenous Minorities in Southern Africa (WIMSA)	–	103 773
World Health Organisation (WHO)	–	29 728
Other donations	772 101	–
<b>Sub-total donations</b>	<b>15 008 790</b>	<b>12 545 866</b>
<b>OTHER INCOME –</b> bookkeeping and management fees; publication sales; insurance claims; interest received; booklets and manuals; Labour Manual sales; legal fees recovered; profit on sale of vehicles and equipment; rent received and sundry income	<b>835 764</b>	<b>1 563 611</b>
<b>TOTAL INCOME</b>	<b>15 844 554</b>	<b>14 109 477</b>

**“The Embassy of Finland in Namibia is a long-standing partner of the LAC. The LAC is managing funds on behalf of the Embassy for the Oruano Artists Union, and is also receiving funding in partnership with the National Paralegal Association and the Working Group of Indigenous Minorities in Southern Africa (WIMSA) to provide human rights litigation and training services to rural communities. In both such instances the LAC is managing the funds. We are indeed pleased to have the LAC as a partner.”**

**Elise Heikkinen,**

Programme Officer at the Embassy of Finland in Windhoek.

**EXPENDITURE 2005 – as proportion of total LAC funds spent by each unit/project**

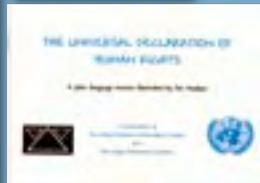


\* LAC projects implemented on an ad-hoc basis as circumstances demand.

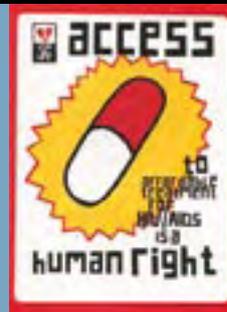


# Constantly WRITING to educate and inform

Since its inception in 1988, the LAC has been a prolific publisher of different kinds of publications, including information, education, training and advocacy materials, research reports, opinion papers, summaries of and guides to new legislation, media articles and documentary films. Many publications are free of charge; some cost a minimal or higher amount. The publications are obtainable in person or by order from the office. Many are available on the LAC website ([www.lac.org.na](http://www.lac.org.na)). The LAC also houses an extensive library which can be made available to legal researchers.



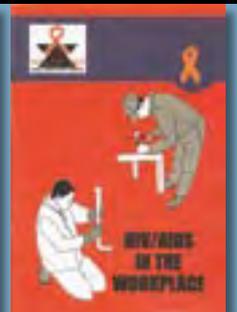
The LAC publishes a quarterly newsletter, *LAC News*, reporting on current LAC activities. As from 2006 this newsletter will be published in a newspaper format. The LAC also publishes booklets and other materials on different topics – sometimes in collaboration with other organisations.



A simple guide that answers many questions about treating HIV/AIDS and accessing affordable treatment in Namibia.



A simple, user-friendly booklet providing information on important issues concerning access to treatment for HIV/AIDS, and clarifying confusing treatment-related issues in Namibia specifically.



A simple guide to dealing with HIV/AIDS in the workplace, for employers and employees, covering basic facts about HIV/AIDS, related workplace issues, and advice for preventing transmission of HIV in the workplace.

# NAMLEX

The purpose of this publication is to make the law more accessible to the public. Its starting point was the *Index to the Laws of Namibia* compiled by the NAMLAW Project under the direction of the late Adv. Anton Lubowski in the late 1980s. Dianne Hubbard, Coordinator of the LAC's Gender Research and Advocacy Project, has been the chief author of NAMLEX since its inception, and other LAC staff contribute to keeping it up to date. This publication has numerous subscribers and has been widely praised.

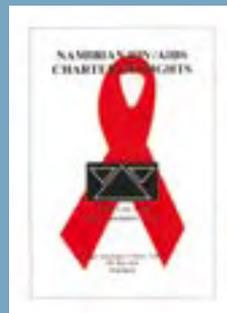
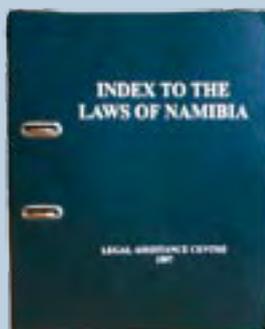
Initial funding for NAMLEX was provided by the National Democratic Institute for International Affairs with support from the United States Agency for International Development (USAID). USAID funded the 1999 update, and since then NAMLEX has been without funding.

### NAMLEX contains:

- ▶ an alphabetical list of all statutes in force in Namibia;
- ▶ individual statutes in each index category listed chronologically, starting with the oldest statute;
- ▶ transfer proclamations;
- ▶ a brief legal history of Namibia; and
- ▶ the legal background of specific areas in the country.

### The current issue includes:

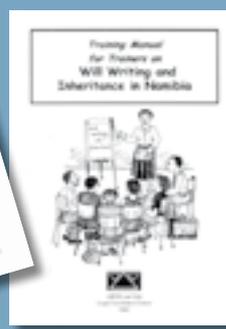
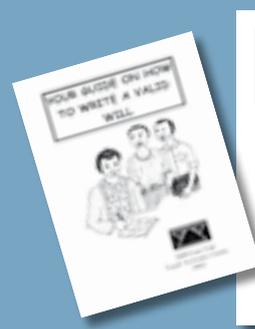
- ▶ laws and regulations up to *Government Gazette* 3008 (30 June 2003);
- ▶ law report cases through 2001;
- ▶ Namibian cases in *The South African Law Reports* up to 30 June 2003;
- ▶ Namibian Labour Court opinions as of 31 October 2001; and
- ▶ multilateral treaties signed or ratified as of 30 June 2003.



This booklet is the product of a consultative process involving government, commerce and industry, NGOs, AIDS organisations, trade unions, churches, medical professions and people living with HIV/AIDS.

**Rather than producing new publications in 2005, the AIDS Law Unit (ALU) focused on translating some existing publications into Namibian languages.**

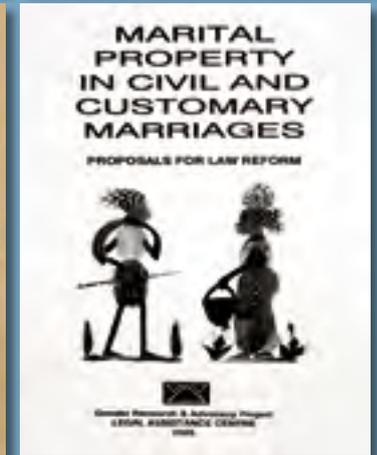
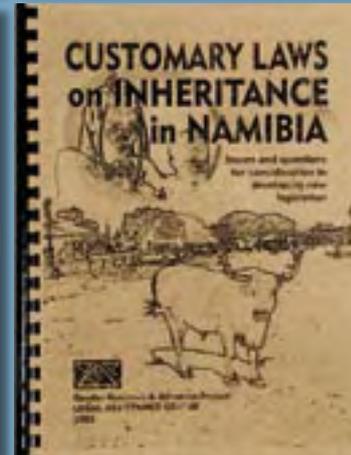
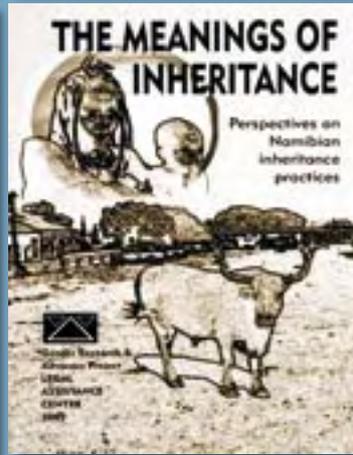
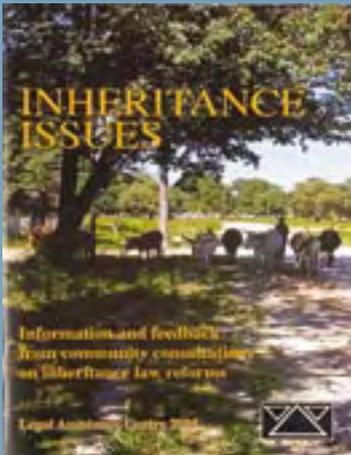
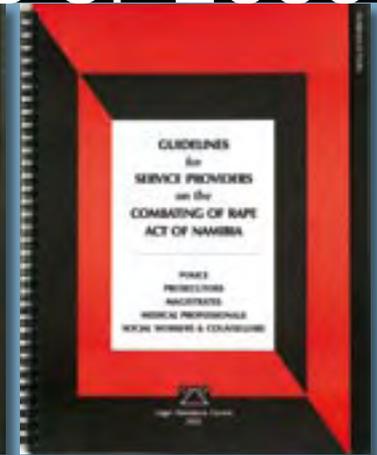
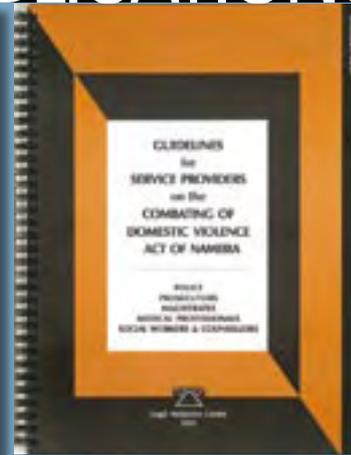
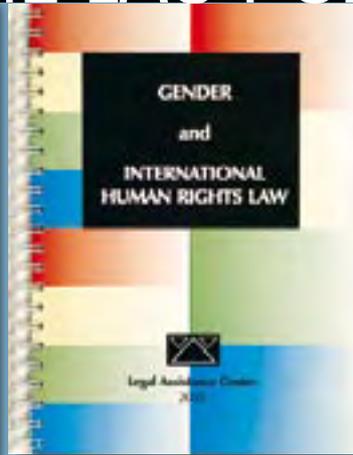
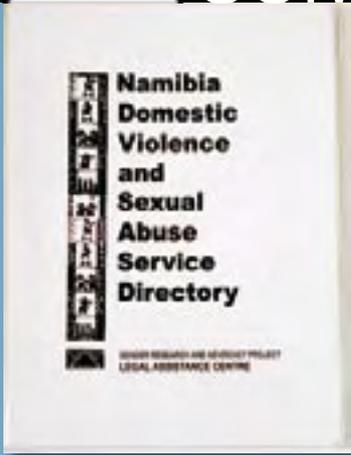
- ▶ *Namibian HIV/AIDS Charter of Rights*: Afrikaans; Khoekhoegowab (Damara>Nama); Oshindonga; Otjiherero
- ▶ *HIV/AIDS Charter of Rights*: Afrikaans; Khoekhoegowab; Oshindonga; Otjiherero; Rukwangali
- ▶ *HIV/AIDS in the Workplace*: Khoekhoegowab; Rukwangali; Otjiherero
- ▶ *Educators Handbook on Will Writing and Inheritance*: Khoekhoegowab; Otjiherero; Oshindonga reprint; English reprint
- ▶ *Guide to Will Writing and Inheritance*: Otjiherero; Oshindonga reprint; English reprint
- ▶ *Treatment for HIV/AIDS: A Guide*: Afrikaans



A simple guide to writing a will and dealing with other inheritance issues in Namibia, and a user-friendly handbook for educators on these issues.

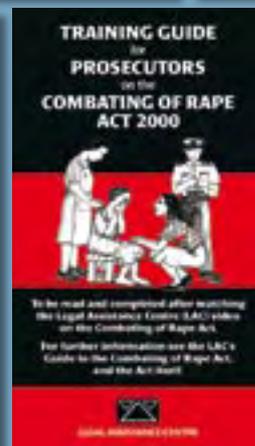
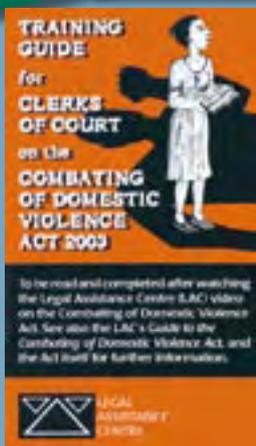
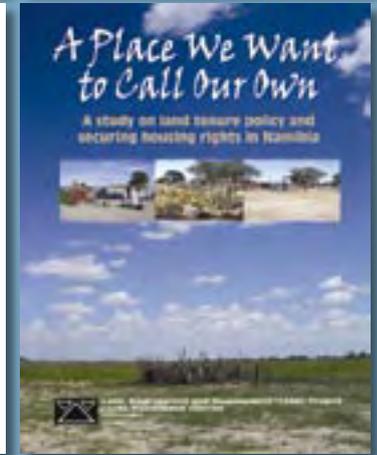
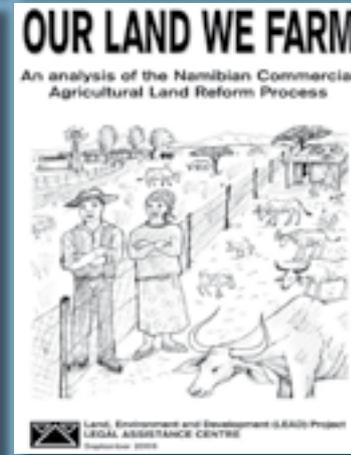
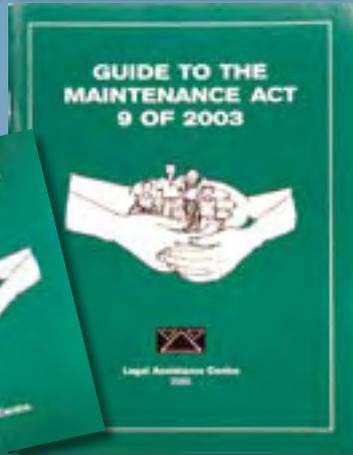
Publications of 2005  
continue ... ▶

# SOME LAC PUBLICATIONS OF 2005



See Land, Environment and Development Project and Gender Research and Advocacy Project sections inside for details on these publications and videos.

See inside back cover for publications on HIV/AIDS.



Carry My Weight is available as a VHS video or DVD.

"The LAC's publications have become a primary reference source for all sorts of people. The common understanding was that the LAC publications target laypeople, but currently they make essential reading for just about anybody including lawyers and prosecutors who are using them to understand the laws better. The publications are well researched, concise, exemplary and easy to read and thus informative." – Hilma Hitula, private lawyer practising in Oshakati, Namibia.