

What does the Legal Assistance Centre do?



Legal Assistance Centre

What is the Legal Assistance Centre?

Mission statement of the Legal Assistance Centre:

We, the Legal Assistance Centre, being a public interest law centre, collectively strive to make the law accessible to those with the least access, through education, law reform, research, litigation, legal advice, representation and lobbying, with the ultimate aim of creating and maintaining a human rights culture in Namibia.

The Legal Assistance Centre is a public interest law firm based in Windhoek. It has five major units or projects which focus on different areas of work:

- (1) Social Justice Project (SJP);
- (2) Gender Research & Advocacy Project; (GRAP) and
- (3) Land, Environment and Development Project (LEAD)

Litigation

The LAC only takes on public interest cases. A public interest case is a legal case which will have a wider impact on the community than just assisting the individual concerned. Such a case may establish a new legal rule, which will change the law for the entire country or address a discriminatory policy or practice. Or it may attract attention to a problem that is affecting many people.

The LAC's time and resources are limited, so we have to choose carefully which cases we can take. We normally only consider assisting when the person concerned cannot afford a lawyer. When we have decided to take up a case, we provide a lawyer's services free of charge, although the client may be asked to contribute to certain cost, depending on the circumstances.

Examples of public interest cases taken up by the LAC include:

- the right of a school learner to return to school soon after her child was born
- the right of an accused in a complicated criminal trial to obtain legal aid
- the right of a widow to keep the land she lived on during her marriage after the death of her husband
- the right of an HIV-positive person not to be dismissed from employment based on his or her HIV status

The number of legal cases we can take up varies from time to time, depending on the resources available. During 2006 we are particularly keen to hear about cases which relate to:

- property grabbing following a death
- problems with customary marriage and divorce
- your right to health, housing, water, a clean environment and basic education

We usually can NOT help with the following types of cases, unless they involve a Constitutional issue such as discrimination or violation of fundamental rights:

- criminal cases
- divorce cases
- labour cases
- maintenance cases
- debt collections
- motor vehicle accident claims
- contractual disputes between individuals
- liquidation and distribution of deceased estates
- debt collector

Even if we cannot help you with your case, we may be able to give you information on your rights and on steps you can take to help yourself.

Legal information and advice

We provide legal information and advice on human rights issues to anyone requesting it, particularly on the following topics:

- HIV/AIDS – including advice on what to do if you are discriminated against, information on workplace policies, access to treatment for HIV
- Child Justice – children who committed a crime, and whose rights were violated during the pre-trial stage
- Gender equality - including information on rape, domestic violence, sexual harassment in the workplace, inheritance, marriage, divorce and maintenance
- Human rights and the Constitution – such as the right to basic education, the right to health, citizenship, immigration issues and the right not to be tortured or ill-treated
- Land, Environment and Development – including inheritance, conservancies, illegal fencing, environmental issues, and issues affecting especially disadvantaged groups such as the Himba and the San

If you want to speak to a paralegal about a legal issue you are concerned about, phone us or come to the office. The office is open for this service on Monday to Friday, 08h00 to 11h30, and 14h00 to 16h00.

Our procedure at the LAC is that a paralegal takes your statement and then gives it to one of our lawyers to see if they can help in your case. If it is a very urgent case, we will try to refer it to one of our lawyers right away. Otherwise, we will contact you after a lawyer has read your statement to tell you if we can help or not. We have this procedure because our lawyers cannot deal directly with the many requests for help we receive each day. Also, it may become clear that your case is not one that the LAC can take on, and if so the paralegal may be able to give you information about where you can go to get help. All the information you give is confidential to the LAC.

Education and training

We produce information for educational purposes – books, booklets, leaflets, videos and radio programmes. Examples of our publications include a simple guide to the Constitution,

simple guides to laws on rape, domestic violence, maintenance and communal land. Most of these are available in a number of languages. Our office has a list of all the publications. Or see our website for full information.

We also run training workshops for communities and service providers (such as legal officials, police and social workers) on:

- Advocacy – influencing decision-making at all levels
- Gender-friendly laws including rape and domestic violence
- Communal Land Reform Act and conservancy-related legislation
- HIV/AIDS and rights, including testing, confidentiality, affordable drugs and discrimination
- Child justice (including the restorative justice approach, diversion programmes, assessment/screening)
- Basic human rights training

There is a big demand for our training. We will consider all requests, but due to limited resources we may not be able to agree to everyone. If we cannot conduct training we may be able to offer other resources.

Research

The LAC carries out research, particularly on the need for new laws and the implementation of existing laws. Some recent research reports which are available are:

- Proposals for Law Reform on Marital Property in Civil and Customary Marriages
- Proposals for developing new legislation on Customary Laws on Inheritance in Namibia
- Implementation of the Combating of Rape Act
- A study on land tenure policy and securing housing rights in Namibia
- A manual on how to influence decision-making at all levels.

Law reform and advocacy

We advocate for law reform based on our research. Recent laws which the LAC contributed to and advocated for are:

- Combating of Rape Act
- Combating of Domestic Violence Act
- Maintenance Act
- Non discrimination on the basis of HIV in the Labour Act

We welcome any comments about our work and the services we provide.

All our services are free of charge (with the exception of litigation where certain costs may be recovered the client may be asked to contribute to certain costs, depending on the circumstances). Donations are very welcome.

Legal Assistance Centre

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