



REPUBLIC OF NAMIBIA
MINISTRY OF JUSTICE

REPORT ON PUBLIC CONCERNS

1. INTRODUCTION

The Honourable Minister of Justice, Mr. Sakeus Shanghala, MP invited public input on matters concerning access to justice. The Ministry of Justice email address, info@moj.gov.na, was carefully monitored and people were given feedback as soon as they sent an email. During February 30 emails were received and 4 whatsapp messages were sent to the Minister in the same vein. The identity of all persons who made submissions is kept strictly confidential. On 1 March 2019, the Ministry posted a thank you note on the website and indicated that a report with possible solutions would be forthcoming in due course. This report captures all the issues submitted, the issues falling within the ambit of the Ministry of Justice, and specifically considers each item relating to the Ministry and a possible solution.

2. ALL ISSUES

ISSUE	DESCRIPTION EXTRACTED FROM EMAIL
Stricter bail requirements	Accused with previous accusation of murder or other serious crimes must not be granted bail
Gender -based violence- false accusations	Men are being denied legal aid for gender-based violence accusations which often turn out to be false or are withdrawn later, but in the interim the accused is held in custody without bail
Law to regulate the establishment of churches	Legislation to deal with the registration of religious and faith based organizations, the certification of their functionaries and the punishment of those that seek to abuse the

	public with various schemes
Access to information	Promotion of transparency and accountability
Independence of the Anti-Corruption Commission	
Communal Land as collateral on a bank loan	Access to financing for subsistence farmers
Regulation of charcoal harvesting	The current practice is not sustainable
Stop illegal sand mining	
Red line marriages	The discrimination between marriages above and below the red line is causing great inconvenience for many people who did not know about this. A choice should be given to change the regime once.
Death penalty for rape and murder	Botswana has set the example of what is possible with a zero tolerance approach. People are no longer deterred by long custodial sentences.
Clear the court backlog	The court trials are taking so long even after all investigations are completed, that's why you can find our court full and most cases are just being postponed for trials. We need to deal with smaller cases and do away with them in a short time immediately after the investigations are complete.
Decriminalise sodomy	Because of laws such as the Sodomy law, LGBTQ community members face discrimination when accessing health care and education, further alienating the community.
Credit protection policy for previously disadvantaged	We have no policy that protects previously disadvantaged individuals from financial mistakes (debt, default, insolvency) caused by being in business the first time. Hence, many Namibians that have great potential to add value to Namibian economy are caught in debt spiral
Consumer Rights Protection	There are worrisome gaps especially with regards to consumer protection in relation to ITC and food products.
Legalise abortion	
Paternal responsibility towards child	I would like the MOJ to draft up a law for the fathers to be strictly responsible for their

	children and support them regardless of unemployment status, as there are unemployed mothers too out there busy trying all means to support those children, without any excuses.
Child support grants	Parents misuse the grant without meeting the child's needs. MoJ must collaborate with MGE CW to manage purchases based on a list of needs submitted to the Ministry.
Pregnant school girls allowed back into school	Girls who fall pregnant in school, to be allowed to attend school just like the boys that impregnated them.
Create sexual offenders register	The Domestic Violence Disclosure Scheme has been introduced in countries such as England and Wales. The rationale behind this is for people to find out from the police if their partner (boyfriend, husband, fiancé) has a previous history of domestic or sexual violence.
Introduce better sex education in schools	Teenage pregnancies and baby dumping have grown exponentially over the years in Namibia. Introduce contraceptive education to stop the problem.
Stricter traffic laws and better enforcement thereof	Revocation of driving licenses for recidivist of traffic offenses; Consider sanctions by Judiciary for certain traffic offenses to be calculated in relation to income
Use tax on alcohol to build rehabilitation centres	
Restructure liquor boards in rural areas	Requires structure review in its entirety as the Community affected is left out in the decision making
Restrict operating hours of bars and shebeens	Review of operating hours of liquor outlets in particular Shebeen/Bars 2 weeks prior and during examination hours to close as well at 7pm similar to Bottle Stores
Travelling client education on justice	Information is empowerment, hence more regular sessions on awareness surrounding judiciary is needed to prompt public opinion on topical issues which could expedite review process on certain and or key issues, and especially in remote areas whereas Youth Volunteers could be trained as well in

	communities to be your foot soldiers and satellite services as far as information is concerned.
Increase the age of criminal liability to 18	Children must not be arrested before they are considered adults.
Children should not be allowed to leave school before 18	
Divorce proceedings easier and cheaper	Many women are trapped in abusive marriages and cannot afford legal help and thus are being put in the position where they fall victims of GBV
Remove payment of TV licence	Why should I keep funding NBC through their TV licences while I do not watch NBC?
Equal sharing of natural mineral resources	Mining and fishing contracts must be based on the De Beers model which gives GRN 50% interest.
Small Claims Courts	People require simple, fast access to justice where they can represent themselves up to a threshold of N\$ 25 000.
Improved police training in court procedures for the chain of evidence and correct investigation	

3. TOP 5 MOST RAISED ISSUES

- 3.1 Stricter bail conditions;
- 3.2 Divorce proceedings;
- 3.3 Consumer Protection;
- 3.4 Death Penalty; and
- 3.5 Same sex marriages.

4. ISSUES WITHIN THE AMBIT OF THE MINISTRY OF JUSTICE

ISSUE	LEGISLATION	PROPOSED ACTION
Stricter bail requirements	Criminal Procedure Act, 1977	Investigate why bail is given for serious offences and repeat offenders
False accusations in gender-based violence cases	Combating of Domestic Violence Act, 2003	Consider amending legislation to include offence of false accusation
Independence of the Anti-Corruption Commission	Anti-Corruption Act, 2003	Investigate possibility of independent institution

Death penalty	Namibian Constitution	Consider alternative measures to deter criminals, such as proper enforcement of the existing laws and swift court proceedings
Clear the court backlog	High Court Act, 1990 and Magistrates' Court Act, 1944	Implement suggestions of Chief Justices' Criminal Justice Reform Task Team
Decriminalise sodomy	Combating of Rape Act, 2000	Further consultation will be undertaken
Credit protection	Insolvency Bill	The Law Reform and Development Commission extensively reviewed insolvency legislation and has included it in the drafting of the Insolvency Bill
Paternal responsibility towards child	Maintenance Act, 2003	Proper enforcement of existing maintenance legislation.
Mobile client education on access to justice	Legal Practitioners' Act, 1995	The Act may be amended to include pro bono and pro deo work
Age of criminal liability	Child Justice Bill, 2019	Children from the age of 14 be will criminally liable, but will not be exposed to the normal criminal justice system.
Divorce	Divorce Bill, 2019	Proceedings will be more accessible, easier and cheaper.
Small Claims Court	Small Claims Bill, 2004	This Bill is updated and requires improvement.

5. ISSUES FOR OTHER MINISTRIES

ISSUE	MINISTRY/ ORGANISATION
Establishment of Churches	Ministry of Home Affairs and Immigration
Access to information	Ministry of Information and Communication Technology
Communal land as collateral on bank loan	Ministry of Land Reform and Ministry of Finance
Charcoal harvesting	Ministry of Environment and Tourism and

	the Department of Forestry in the Ministry of Agriculture, Water and Forestry
Illegal sand mining	Ministry of Environment and Tourism and the Environmental Commissioner
Red line marriages	Ministry of Home Affairs and Immigration
Consumer Protection	Ministry of Trade, Industrialisation and SME Development
Abortion	Ministry of Health and Social Services and Ministry of Justice
Pregnant Schoolgirls	Ministry of Education, Arts and Culture
Sexual Offenders Register	Ministry of Safety and Security and Ministry of Justice
Traffic offences	Ministry of Works and Transport;; Ministry of Justice; Ministry of Finance and Office of the Judiciary
Alcohol tax	Ministry of Health and Social Services; Ministry of Finance; and Ministry of Trade, Industrialisation and SME Development
Liquor Boards	Ministry of Industrialisation, Trade and SME Development
School leaving age	Ministry of Education, Arts and Culture
Natural Mineral Resources	Ministry of Mines and Energy
Police training	Ministry of Safety and Security; Ministry of Justice; and Office of the Judiciary

6. CONCLUSION

The Ministry of Justice hereby thanks the public for taking the time to submit contributions and suggestions. The suggestions within the scope of the Ministry's mandate will be acted upon and the public will be kept informed through the Ministry's website and Facebook page. The suggestions which fall within the ambit of other Ministries and at Cabinet will be shared with those Ministries for their further handling.

At the end of March the Honourable Minister of Justice will deliver a Ministerial Statement to address some of the most prominent issues highlighted during this public request exercise. The purpose of the statement will be to provide an action plan to tackle some of the issues this year and to respond to some of the suggestions.

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