



Republic of Namibia

MINISTERIAL STATEMENT

ON THE

**PROGRESS MADE IN RESPECT OF AMENDING EXISTING
LEGISLATION ON COMBATING OF RAPE, COMBATING OF DOMESTIC
VIOLENCE AN OTHER LAWS ADMINISTERED BY THE MINISTRY OF
JUSTICE**

IN THE NATIONAL ASSEMBLY

BY

THE MINISTER OF JUSTICE

MS. YVONNE DAUSAB, MP

29 October 2020

– To be checked against delivery –

Honourable Speaker,
Honourable Members,
Members of the public,

1. I am pleased to inform you today of the progress made in respect of the law reform efforts to amend the Combatting of Rape Act, 2000 (Act No. 8 of 2000) and the Combatting of Domestic Violence Act, 2003 (Act No. 9 of 2003), the Criminal Procedure Act, 1977 (Act 51 of 1977) as amended, The Magistrate's Court Act, 1944 (Act 32 of 1944) as amended, The High Court Act, 1990 (Act 16 of 1990). I also want to make use of the opportunity to apprise this August House and the nation at large on the developments in respect of the Child Justice Bill, the Small Claims Court Bill, the Ombudsman Bill, the Divorce Bill and the Maintenance Bill.
2. The following Bills were certified by the Attorney General and submitted to the National Assembly and will be tabled in the National Assembly when it resumes during February 2021:
 - Combatting of Rape Act, 2000 (Act No. 8 of 2000) as amended;
 - Combatting of Domestic Violence Act, 2003 (Act No. 4 of 2003);
 - Criminal Procedure Act, 1977 (Act 51 of 1977) as amended;
 - Magistrate's Court Act, 1944 (Act 32 of 1944) as amended;
 - The High Court Act, 1990 (Act 16 of 1990)

The Bills cover various matters of public interest such as (1) increase in sentencing, (2) better protection for children, particularly children with disabilities in rape cases, (3) revised safeguards for victims of sexual and domestic violence such as obligations on station commanders of various police stations to enquire into cancellations of protection orders, (4) and the consideration of stricter bail conditions of people charged with sexual and domestic violence. The other bills cover issues of (5) safeguards for protection of primary homes against repossession,

and (6) introduction of plea bargaining in an effort to address issues of backlog in courts, to name a few.

3. It is true, that every attempt was made to table particularly the rape and domestic violence amendments during this session, but the processes involved in the review, drafting and certification of these important amendments, took much longer than we anticipated but it affirms the reality that law reform is a slow and in - depth process. Equally, every effort was made to table it on an urgent basis following the certification from the AG, which was received towards the end of last week (21 October 2020) and we needed to accept the limitation of time being against us.
4. Despite these efforts, we also recognise the importance of the discussions envisaged on these two pieces of legislation and the associated amendments and thought it prudent to provide scope and opportunity for law makers to engage with the documents. This meant that we needed to accept the postponement of the tabling of the Bills until February 2020 in order to enable every member of this August House to meaningfully and constructively participate in the intended discussions.
5. The time lapse between now and February 2021 grants us all a golden opportunity to study the content of all the Bills which text is also available on our ministerial website: www.moj.gov.na and will also be shared on our social media platforms. Members of the public are invited to obtain copies of the Bills from our ministry if they are unable to access these Bills on these platforms and to engage with the content.
6. It is my hope that the time provided to read, reflect and consider the objective the amendments and proposals is adequate. But more importantly that it will demonstrate to the public that members of the National Assembly and Government's resolve that rape, domestic violence and other ills have no place in our communities, in our homes or anywhere else in our country.
7. In addition to the above Bills, every effort (despite the law reform and law- making constraints) will be made to submit to the National Assembly the following Bills during the resumed session of Parliament in February 2021:

- Child Justice Bill;
- Small Claims Court Bill;
- Ombudsman Bill;
- Divorce Bill;
- Maintenance Bill

These Bills are all at a very advanced stage. They either need final stakeholder consultations on implementation mechanisms, CCL approval or certification by the Attorney General.

8. The relevant implementing agencies within the Ministry of Justice, Office of the Judiciary and other institutions are already hard at work to put in place (1) the physical infrastructure, (2) conduct capacity building of the officials, and (3) allocating other available resources needed to efficiently and swiftly implement the provisions of the proposed laws when enacted. We further recognize that enactment should not be our main focus but rather, it should be our ability to implement the laws that we pass.
9. Therefore, I want to ensure that we are able to implement the noble initiatives set out in these Bills once enacted. For instance, our success in combatting sexual and gender-based violence and enhancing our criminal justice system and other social protection laws, depends on our ability to effectively implement these laws. We are in the process of putting up specialised courts for SGBV in Windhoek, Walvis Bay and Oshakati as a first tier of implementation of this initiative (we commit to do so by January/February 2021). I therefore urge the nation at large to allow us adequate time to put in place these measures as alluded to above.

In conclusion, Honorable Speaker, Honorable Members, I look forward to the discussions in February 2021 and I am hopeful that we will pass the anticipated legislation, once discussion are done, within the shortest possible time, as part of our responsibility to protect our women, boys and girls against the scourge of sexual and gender based violence.

I thank you.