

# PUT YOUR CHILDREN FIRST

Dianne Hubbard, Legal Assistance Centre, 1998

*The Day of the African Child which was celebrated in Namibia this week is an appropriate occasion to look at the welfare of Namibia's children. One serious problem in Namibia which has a profound impact on our children's lives is child maintenance. In this article **Dianne Hubbard** of the Legal Assistance Centre describes the Child Maintenance Campaign which is currently underway.*

Child maintenance is at the centre of a constellation of children's rights issues. For example, children without adequate parental support are more likely to drop out of school or to turn to crime. Women who are experiencing domestic violence are often reluctant to assert their legal rights or to leave abusive environments because they fear that they will not be able to provide for their children adequately. Improvements in parental responsibility are crucial to the realisation of children's rights to survival, protection and development.

## **A child's right to maintenance**

The Namibian Constitution guarantees to children the right "to know and be cared for by their parents". The UN Convention on the Rights of the Child obligates its signatories to "use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child". It also points out that a child's parents have the primary responsibility to secure the conditions of living necessary for the child's development. The governments who are parties to the Convention have committed themselves to providing appropriate mechanisms for the recovery of child maintenance from the parents.

When Namibia presented its first country report to the United Nations Committee on the Rights of the Child in 1994, the Committee's official report listed under principal subjects of concern "the apparent lack of widespread understanding among parents of their joint parental responsibilities." The Committee further highlighted the need for "measures and programmes to educate the general public on parental responsibilities".

Namibia has a Maintenance Act which is supposed to provide a simple procedure whereby a parent or relative who has custody of a child can get financial support from an absent parent, but recent research reveals serious flaws in the system. Moreover, it is not financial support alone that children need from their parents -- it is also emotional support and security. They need their parents' love and involvement.

## **The purpose of the Child Maintenance Campaign**

The Child Maintenance Campaign, which is being co-ordinated by the Legal Assistance Centre, was officially launched by the Minister of Justice on 4 June. Its primary purposes are to lobby for the passage of an amended Maintenance Act before the end of the year, and to highlight more broadly the importance of parental responsibility on the part of both parents. At the heart of the campaign is a wide range of groups throughout the country, who are organising activities to suit their own communities.

Maintenance is all too often perceived as a battle of the sexes, when it is in fact intended purely to supply the basic needs of the child. The campaign will attempt to increase public discussion and awareness about responsible parenthood. There will be a particular emphasis on encouraging fathers to take greater emotional and financial responsibility for their children. Another goal is to inform and educate the public about the maintenance court system and how to use it effectively.

### **Campaign activities**

Even though the campaign is still in its early stages, it has generated an enthusiastic response in meetings in various different locations. Marches and meetings organised by local groups in Outjo, Okahandja, Arandis, Gobabis, Tsumeb, Stampriet and Hoachanas took place this week to coincide with the Day of the African Child.

Feedback is still filtering in from these locations. At Outjo, 30 children marched with placards which focused on maintenance. The Stampriet community decided to mark the day by initiating a local awareness campaign on the concept of maintenance and what it entails. In Tsumeb, a representative from the Woman Child Protection Units spoke about maintenance to 1000 primary school children, and plans were laid for similar inputs to other segments of the community. There was a particularly big turn-out in Arandis, where an estimated 1000 children marched to a community hall for a briefing on maintenance and children's rights. This event will serve as a kick-off for further workshops on the same topic. As Elizabeth Kavendji of Arandis pointed out, "This is a passionate issue for women."

In Windhoek, children from the After School Centre in Katutura worked with the Kitso Poets to prepare dramas, songs and poems highlighting the parent-child relationship. These were performed at the Independence Arena on 16 June, as part of the national celebrations in honour of the Day of the African Child. Public demonstrations and marches in other towns are already in the planning stages and will continue in July and August. Public information meetings have taken place during recent weeks at Gobabis, Okakarara, Opowu, and several locations in Windhoek, and will continue in other regions in the coming months. Since May, radio programmes on the various language services have begun to highlight the issue of maintenance, inspiring a high level of discussion and debate.

Several teenage children who have grown up without any contact with their fathers have already approached the Legal Assistance Centre asking to be part of the campaign. One is a twelve-year old boy who says that he has received financial support from his father, but no emotional support. "I only have half a heart", he says.

A petition calling for the passage of the amended Maintenance Act before the end of the year is being circulated for signatures. Meetings to brief members of Parliament on the importance of this issue are also on the agenda. Plans are afoot to supplement these efforts with posters, pamphlets and television slots which highlight the father-child relationship from the perspective of both the father and the child.

It is not only the Maintenance Act which is being discussed in these forums, but also the proposed Children's Status Act which will re-examine the position of children born outside of marriage and make provision for contact between such children and both parents. The theory is that children have a right to know and be cared for by their parents, regardless of whether or the parents are single, married or divorced. The proposed law will of course include appropriate safeguards, to ensure that children are protected from harm by irresponsible or abusive parents. This piece of legislation, which will complement the financial aspects of maintenance with greater emphasis on other facets of the parent-child relationship, is currently with the legal drafters in the Ministry of Justice.

It is clear that the focus on these issues is striking a chord throughout the nation. The overwhelming level of interest in the issue of maintenance demonstrates a growing public concern in the welfare of Namibia's children. The campaign slogan sums it up nicely: Your Children are Your Future.

**How can you help?**

- Lobby Parliamentarians to support the forthcoming amendments to the Maintenance Act, and to make sure that they are passed as quickly as possible.
- Organise activities in your own community to raise awareness about maintenance and parental responsibility.
- Convince any of your friends and relative who do not support their children to change their ways.
- Donate money towards the costs of the campaign.
- Offer suggestions on how to make the campaign a success.

*If you would like more information about how to get involved in the Child Maintenance Campaign, contact Doufi Namalambo, Nepeti Nikanor or Sophie James at the Legal Assistance Centre in Windhoek (tel: 223356). You can also contact Legal Assistance Centre advice offices in Gobabis, Katutura, Keetmanshoop, Opowu, Oshakati, Rundu or Walvis Bay. Copies of the petition are also available at these locations.*

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