



# INTRODUCTION

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## NOTE

In this publication, “Ministry” and “Minister” refer to the Ministry and Minister responsible for child protection, and “Guide” means this *Guide to the Child Care and Protection Act* (which is published in separate chapters).

EDITION  
2019

*“ Children cannot care for themselves in the same way that adults do. This means that children fall under an extremely vulnerable group and need special attention. ”*

**Hon Rosalia Nghidinwa,**  
Minister of Gender Equality  
and Child Welfare,  
24 September 2014, Second Reading  
of Child Care and Protection Bill

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**T**he Child Care and Protection Act 3 of 2015 is Namibia’s key law on children. This is the first chapter of the Guide to the Child Care and Protection Act, which consists of 28 separate booklets. Together, these booklets form a comprehensive manual on the law. This chapter gives a brief overview of the background and context of the law.

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## 1. Overview

**The Child Care and Protection Act 3 of 2015 is Namibia’s key legislation on children.** Before it was enacted, Namibia’s main law on children was the Children’s Act 33 of 1960, which was inherited from South Africa at independence. That outdated statute was a colonial law that was not well suited to African situations. The Child Care and Protection Act provides better systems for protecting and assisting Namibian children.

The process of developing the Child Care and Protection Act involved the largest national law reform consultation held to date in Namibia. It was a multi-media, multi-language campaign that involved all sectors of society, including children.

### The consultation process

The consultation process was documented in detail so that it could serve as a model for other law reforms. You can read about it in these documents which were published jointly by the Ministry of Gender Equality and Child Welfare, the Legal Assistance Centre and UNICEF.



The Act covers many different topics relating to children. The chart on the following page shows the key themes covered in the Act.

## Key topics in the new Child Care and Protection Act

### Definition of “child”:

A child is defined as anyone under age 18, and the age of majority is accordingly lowered from 21 to 18.

### Objectives and guiding principles:

The paramount concern in decisions about children is the best interests of the child. The Act emphasises the rights and duties of parents and children, and the importance of child participation.

### National Advisory Council on Children:

The Act establishes a cross-sectoral body to monitor the implementation of the law and to advise on child rights issues.

### Children’s Advocate:

This official in the Office of the Ombudsman is empowered to investigate and act on complaints about abuses of children’s rights.

### Parenting plans:

The Act provides procedures to help parents and other care-givers make agreements about issues such as custody, access and maintenance, as a way of preventing future disputes.

### Replacement of the Children’s Status Act:

This 2006 Act is repealed and re-enacted as a chapter in the Child Care and Protection Act, with improvements based on practical experience, to bring all related child laws together in one unified whole.

### Kinship care:

The Act acknowledges the role of the extended family and close family friends in caring for children and makes it possible for kinship care-givers to have easier access to social grants for the children in their care.

### Prevention and early intervention services:

The Act provides for services to help families address problems that may harm children, before they become too serious.

### Foster care:

The Act provides for persons to volunteer to take in children who have no family members to care for them. This is a different concept than in the past, as the Act makes a distinction between kinship care by family members and foster care by strangers.

### Facilities for the care of children:

The Act provides for the registration of various facilities which care for children, as well as providing minimum standards for all such places:

- ④ **places of safety:** places where children can stay temporarily in emergencies
- ④ **children’s homes:** institutions that provide residential care for children
- ④ **child detention centres:** more secure institutions suitable for young offenders or children with behavioural problems
- ④ **shelters:** places that provide services and overnight accommodation for victims of abuse (adults and children), as well as street children and other children in need
- ④ **places of care:** places that provide short-term care by arrangement with parents or care-givers, such as crèches and day-care centres
- ④ **early childhood development centres:** places that provide a structured set of learning activities for children who are below school age

Chart continues ►

### Combating baby-dumping:

The Act provides procedures and safeguards so that children who are unwanted can be dropped off anonymously at safe places instead of being left to die.

### Consent to medical procedures:

The Act provides for independent consent to medical interventions and HIV testing by mature children, and also provides for the examination and treatment of children without parental consent where abuse is suspected.

### Other child protection measures:

There are other protective measures for children in particularly vulnerable situations:

- ④ **corporal punishment:** measures to eliminate corporal punishment, and programmes to help parents and other care-givers learn how to apply discipline without being abusive
- ④ **child-headed households:** rules to support and protect households where there is no responsible adult to take care of the children
- ④ **worst forms of child labour:** offences aimed at preventing the sexual and economic exploitation of children
- ④ **harmful social, cultural or religious practices:** prohibitions on child marriage and other harmful practices
- ④ **child safety at places of entertainment:** safety measures at events likely to be attended by large numbers of children
- ④ **crimes relating to child abuse and neglect.**

## Other important laws on child protection

Although the Child Care and Protection Act is the key law on child protection, it must be read together with other Namibian statutes that cover specific issues on children.

- ④ **Births, Marriages, and Deaths Registration Act 81 of 1963** (birth registration)
  - replacement statute under discussion as of 2019
- ④ **Education Act 16 of 2001** (compulsory education)
  - replacement statute under discussion as of 2019
- ④ **Child Justice Act** (forthcoming) (young criminal offenders)
  - draft bill under discussion as of 2019
- ④ **Divorce Act** (forthcoming) (parental rights and responsibilities after a divorce)
  - under discussion as of 2019
- ④ **Intestate Succession Ordinance 12 of 1946** (inheritance in the absence of a will)
  - replacement statute under discussion as of 2019
- ④ **Labour Act 11 of 2007** (child labour)
- ④ **Maintenance Act 9 of 2003** (child maintenance)
  - amendments under discussion as of 2019
- ④ **laws which protect children against violence and abuse**
  - Combating of Domestic Violence Act 4 of 2003
  - Combating of Immoral Practices Act 21 of 1980
  - Combating of Rape Act 8 of 2000
  - Combating of Trafficking in Persons Act 1 of 2018

## 2. Background

The first comprehensive law on child protection in pre-independence Namibia was the **South West African Children's Ordinance 31 of 1961**, which replaced several separate enactments on individual topics pertaining to children. It covered the establishment of children's courts; protection of infants and children in need of care or protection; the prevention of neglect, ill-treatment and exploitation of children; places of safety; foster care; adoption; registration of child care facilities; consent to medical treatment and operations on children; various grants; and contribution orders from parents for the costs of keeping children in alternative care.

This law was replaced in 1977 by the **South African Children's Act 33 of 1960**. The Act was made applicable to "South West Africa" by the Children's Amendment Act 74 of 1973, which came into force only on 1 January 1977. The 1973 Act also made a number of amendments to the Children's Act as it was to apply to "South West Africa", to provide continuity with the repealed Children's Ordinance. The Children's Act covered children's courts; protection of infants and children in need of care or protection; places of safety; foster care; adoption; registration of child care facilities; the prevention of neglect, ill-treatment and exploitation of children; and consent to medical treatment and operations on children. It also authorised grants for places of safety, foster care grants, child maintenance grants, and contribution orders from parents for the costs of keeping children in alternative care.

Shortly after independence, it became clear that the Children's Act needed to be amended to be more appropriate for an independent Namibia. A layperson's draft was prepared by a government legal adviser for the Ministry of Health and Social Services. This draft included few substantive changes to the Act, but focused primarily on adapting the Act to the new political dispensation.

In 1994, the Ministry of Health and Social Services commissioned the Legal Assistance Centre and the Human Rights and Documentation Centre to prepare new children's legislation for Namibia. This draft bill was based on stakeholder input collected at a national conference held in 1994. It also took into account recent developments in South Africa and other countries. To make the law less unwieldy, the initial draft legislation was split into two pieces – a Children's Status Bill and a Child Care and Protection Bill. It was anticipated (wrongly as it turns out) that the Child Care and Protection Bill, which covered similar ground as the Children's Act, would be less controversial and quicker to enact than the Children's Status Bill, which reformed the common law and established new rules on access, custody and guardianship.





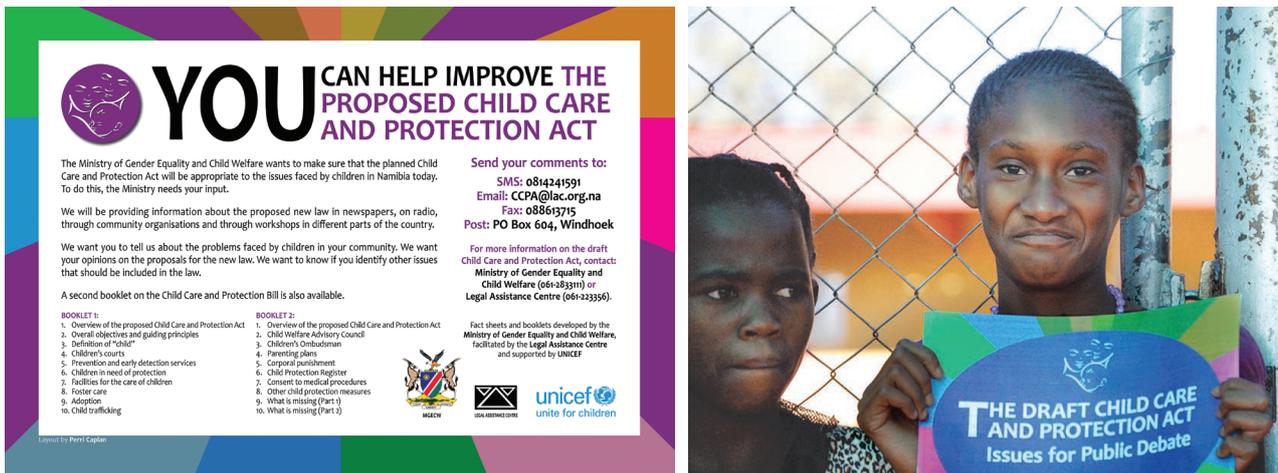
**Changes in personnel at the Ministry of Health and Social Services slowed progress on the draft bills, which were eventually transferred to the new “Ministry of Women Affairs and Child Welfare” that came into existence in 2000** (renamed as the Ministry of Gender Equality and Child Welfare in 2005). A consultation meeting with stakeholders took place in 2001. The Ministry appointed a Task Force of persons with expertise in children’s issues to refine the two draft bills. The Task Force met during 2002 and early 2003, and the draft legislation was submitted to the technical legal drafters in the Ministry of Justice in 2003, along with recommendations for revision.

**The Children’s Status Bill was tabled in Parliament in 2003 and passed in late 2006**, after extensive amendments were made to it at Cabinet and as a result of committee hearings held by both the National Assembly and the National Council.

**Changes in personnel at the Ministry of Gender Equality and Child Welfare interrupted the progress of the lengthier Child Care and Protection Bill**, which remained with the technical drafters at the Ministry of Justice until mid-2008.

**A revised draft Child Care and Protection Bill was completed by the Ministry of Justice in 2008.** Since South Africa had recently replaced its child protection law, the draft provided by the Ministry of Justice to the Ministry of Gender Equality and Child Welfare for review was based primarily on South Africa’s new Children’s Act 38 of 2005 rather than on the previous Namibian drafts. Because of the extended lapse of time since the last public consultations, and the many developments in the situation of Namibian children during the intervening period, a new round of public and stakeholder consultation was undertaken to ensure that the proposed law would meet the needs of Namibia.

With support from UNICEF and technical assistance from the Legal Assistance Centre, the Ministry of Gender Equality and Child Welfare made extensive efforts to solicit public input. The consultation processes included national and regional workshops, outreach through radio, television and newspaper, and a Facebook group. Many outreach initiatives were aimed specifically at children, using child-friendly materials on the draft bill. Other persons consulted included regional councillors, traditional leaders, social workers, community activists and members of civil society. Input was also received from international experts based on three continents. All of the input was considered, and used as the basis for a revised bill which was approved in December 2009 by the Technical Working Group which guided the consultation process.



**The Child Care and Protection Bill was considered by the Cabinet Committee on Legislation in July 2011 and again in March 2012, and then approved by Cabinet with revisions recommended by the Cabinet Committee on Legislation. The Bill [B. 8-2014] was tabled in Parliament on 24 September 2014.** The National Assembly passed it with amendments to three clauses on 8 October 2014. It was tabled in the National Council on 17 November 2014. On 18 November 2014 it was referred by the National Council to a Joint House Committee comprising the Women Caucus and the Standing Committee on Gender, Youth, Informational and Communication Technology. After holding additional consultations in Khomas, Karas, Erongo, Hardap and Omaheke Regions from 8-12 December 2014, this Joint Committee tabled a report supporting the Bill. On 18 December 2014, the National Council sent the Bill back to the National Assembly, supporting it with a recommendation for an amendment to correct a drafting error in the clause on police clearance certificates. It was re-introduced in the National Assembly in the next session of Parliament, on 4 March 2015. The National Assembly accepted the amendment proposed by the National Council and made some additional amendments to the same clause.

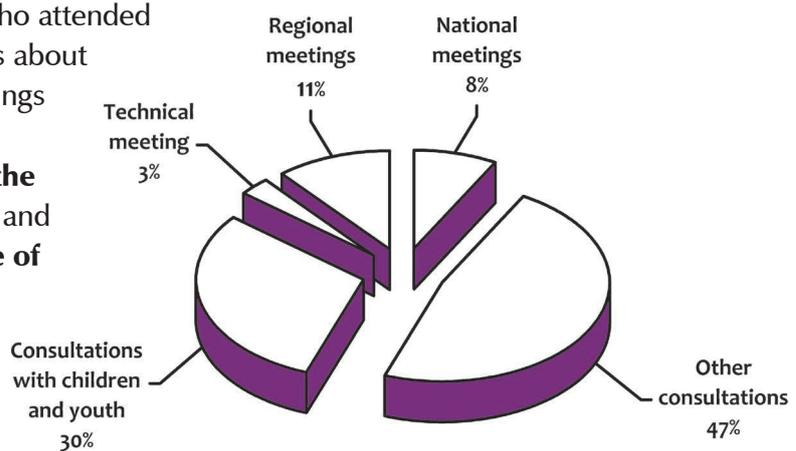
**The Bill was passed on 4 March 2015, signed by the President on 22 April 2015 and published in the *Government Gazette* on 29 May 2015. It was brought into force on 30 January 2019, after the accompanying regulations were completed.**

**The Child Care and Protection Act repealed several statutes.** It replaces the Children's Act completely. It also repeals the Children's Status Act and incorporates its provisions, thus reuniting the two laws which had previously been separated. It also repeals the Age of Majority Act 57 of 1972 and the obsolete Consent to Operations on Native Minors Proclamation 37 of 1943.

## HIGHLIGHTS OF A SUCCESSFUL PROCESS

The revision process of the Child Care and Protection Bill was the largest national law reform consultation held to date in Namibia. It was a multi-media, multi-language campaign that involved all sectors of society. The following were some of the highlights:

- ⑨ Twenty-one different **factsheets** were produced about the Child Care and Protection Bill. The factsheets were produced in a total of **five languages**.
- ⑨ Approximately 40% of the Namibian population saw information about the draft bill in factsheets circulated as **newspaper inserts** in three languages.
- ⑨ **Regional consultations** involved participants from all 13 regions in Namibia.
- ⑨ **National consultations** involved international guests from three continents.
- ⑨ **Children and youth represented 30% of all people consulted.**
- ⑨ Thirty-nine **workshops, conferences, consultations, focus group discussions or other meetings** were held to discuss the revision of the draft bill, with 16 of these targeting children or youth.
- ⑨ About 47% of the people who attended workshops and conferences about the draft bill did so at meetings that had not been originally planned – a **reflection of the public interest** in the topic and a **lesson in the importance of flexibility**.
- ⑨ At least 38 **radio slots** about the bill were broadcast.
- ⑨ A total of 25 **articles, opinion pieces, letters or text messages** on the bill appeared in Namibian newspapers over a period of seven months.
- ⑨ Eight articles appeared in Namibian **magazines** over a period of ten months.
- ⑨ The consultation process was featured on **television** nine times.
- ⑨ A total of seven topics were discussed on **Facebook** in a group which ultimately had almost 300 members.
- ⑨ Information about the revision process was circulated in five **electronic newsletters**, both national and international.
- ⑨ One in eight people who were asked for **detailed written input** responded with submissions.



# 3. Constitutional framework

Namibian legislation on children must be consistent with the Constitutional protections for children. In addition to the specific provisions on children in the Namibian Constitution (reproduced below), it is important to remember that children also enjoy all of the fundamental rights and freedoms protected by the Constitution – except in the few instances where there is a specific age limitation, such as on the right to vote and the right to stand for public office.

## Namibian Constitution

### Article 10: Equality and Freedom from Discrimination

- (1) All persons shall be equal before the law.
- (2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or **social** or economic status.

### Article 14(3): Family

- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

### Article 15: Children's Rights

- (1) Children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents.
- (2) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral, or social development. For the purposes of this paragraph children shall be under the age of sixteen (16) years.
- (3) No children under the age of fourteen (14) years shall be employed to work in any factory or mine, save under conditions and circumstances regulated by Act of Parliament. Nothing in this paragraph shall be construed as derogating in any way from Paragraph (2).
- (4) Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of an employee to work for or in the interest of the employer of such employee, shall for the purposes of Article 9 be deemed to constitute an arrangement or scheme to compel the performance of forced labour.
- (5) No law authorising preventive detention shall permit children under the age of sixteen (16) years to be detained.

### Article 20(1)-(3): Education

- (1) All persons shall have the right to education.
- (2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

- (3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.

**Article 95(b): Promotion of the Welfare of the People**

The State shall actively promote and maintain the welfare of the people by adopting, *inter alia*, policies aimed at the following:

...

- (b) enactment of legislation to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength ...

## 4. International framework

Namibian laws on children must support Namibia's international commitments on children's rights. Since independence, Namibia has signed several key international agreements aimed at protecting children's rights:

1. **United Nations Convention on the Rights of the Child:** This set of minimum standards for children's rights has been adopted by almost every country in the world, and is in fact the most widely-accepted human rights treaty in history. Its four core principles are (1) non-discrimination; (2) commitment to the best interests of the child; (3) the child's right to life, survival and development; and (4) respect for the views of the child. The Committee which monitors the Convention's implementation has issued a number of General Comments as guides to the Convention's interpretation and application.

**1.1 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict:** Namibia is also party to this Protocol, which requires governments to "take all feasible measures to ensure that persons below the age of 18 do not take a direct part in hostilities and that they are not compulsorily recruited into their armed forces".

**1.2 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography:** Namibia is also party to this Protocol, which obligates governments to protect the rights and interests of child victims of trafficking, child prostitution and child pornography, child labour and especially the worst forms of child labour.

2. **African Charter on the Rights and Welfare of the Child:** This Charter was modelled on the UN Convention on the Rights of the Child, but with an aim to emphasise issues particularly relevant to African children. It recognises the child's place in African society, as well as the role of the extended family. It requires that "that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child". It also provides for the protection of children against "harmful social and cultural practices affecting the

welfare, dignity, normal growth and development of the child” and particularly against “customs and practices prejudicial to the health or life of the child and those customs and practices discriminatory to the child on the grounds of sex and other status”. The African Charter also addresses child marriage and betrothal, refugee children, inter-country adoption, protection of children separated from their parents, sexual exploitation, drug abuse and trafficking. One unique feature of the African Charter is its specific articulation of child responsibilities in addition to child rights and protection.

**3. International Labour Organisation (ILO) Conventions:** There are two important ILO Conventions which are specifically applicable to children.

**3.1 ILO Convention 138 on the Minimum Age for Admission to Employment and Work:**

This Convention sets minimum ages for various forms of work by children. It contains three different categories of rules: **(1) Hazardous work:** Any work which is likely to jeopardize children’s physical, mental or moral health, safety or morals should not be done by anyone under the age of 18 (with a possibility of reducing this to age 16 in developing countries, subject to strict conditions). **(2) Basic minimum age:** The minimum age for work should not be below the age for finishing compulsory schooling. **(3) Light work:** Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training (with a possibility of lowering the relevant ages to 12 and 14 in developing countries).

**3.2 ILO Convention 182 on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour:**

This Convention addresses (a) **slavery and similar practices**, including the sale and trafficking of children and the forced or compulsory recruitment of children for use in armed conflict; (b) the **use of children for prostitution or pornography**; (c) the **involvement of children in illicit activities**, including the production and trafficking of drugs; and (d) **work which is likely to harm the health, safety or morals of children**. This includes child trafficking and slavery, commercial sexual exploitation of children, children being used by adults to commit crimes and very hazardous labour.

**4. Protocol to the Convention Against Transnational Organised Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children:**

“Trafficking in children” means the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. This Protocol is intended to harmonise national approaches to trafficking, in order to advance international cooperation in trafficking cases. It also provides for measures to protect and assist trafficking victims.

**5. Convention on the Rights of Persons with Disabilities:**

This Convention is aimed at ensuring that persons with disabilities can enjoy full human rights without discrimination. One of its key principles is “respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities”. It includes several specific provisions on non-discrimination and the rights of children with disabilities to family life. It also requires governments to “put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of

exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted”. Children’s needs are also explicitly addressed in provisions on education, health, and sport and recreation. The **Optional Protocol** to this Convention, which Namibia has also ratified, allows for individual complaints to the Committee on the Rights of Persons with Disabilities.

There are other international commitments with relevance for children in addition to those listed here, including some aimed at the girl-child in particular.

The Act also supports the signing of the four key **Hague Conventions** on children. These Conventions were drafted by the Hague Conference on Private International Law, which is a global inter-governmental organisation.

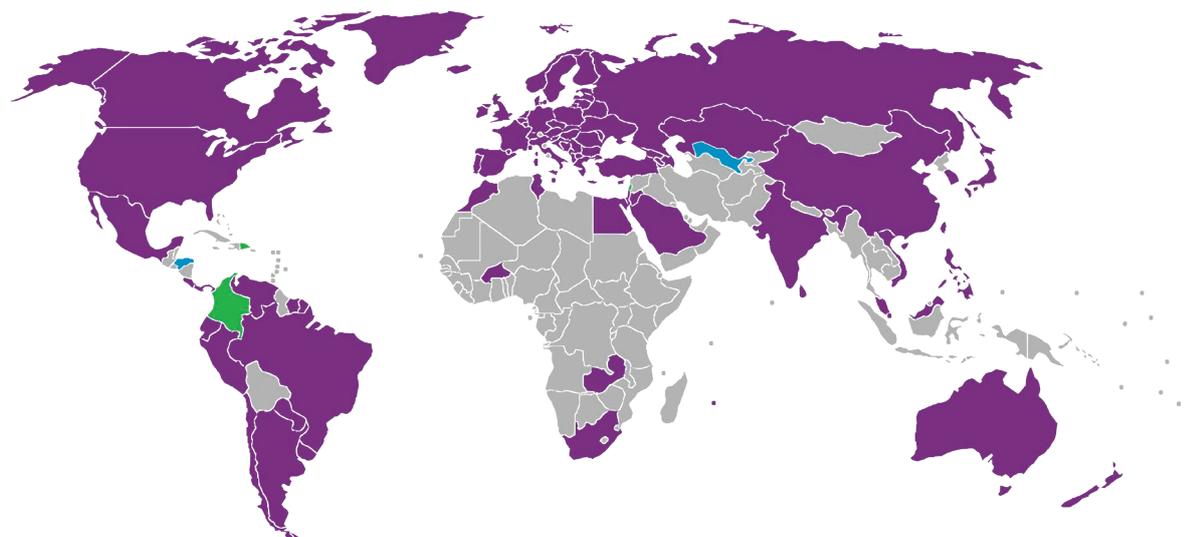
- 1. Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption:** This Convention is designed to ensure that inter-country adoptions take place in the best interests of the child. It recognises that inter-country adoption may offer the advantage of a permanent family to a child who cannot be placed with a suitable family in his or her country of origin, but it requires that possibilities for the placement of the child within the country of origin be considered first. The Convention establishes a system of co-operation between authorities in countries of origin and receiving countries, and provides safeguards against abuses as abduction, exploitation, sale or trafficking of children. The Convention also guarantees the recognition in all contracting states of adoptions made in accordance with the Convention. Namibia is a party to this Convention, which came into effect in Namibia on 1 January 2016.
- 2. Hague Convention on the Civil Aspects of International Child Abduction:** This treaty seeks to combat parental child abduction. If a child is removed from the country of habitual residence by one parent in breach of the other parent’s custody or access rights, the child must be returned and the dispute resolved in the original country. It is an important mechanism for international cooperation where the child is no longer within the jurisdiction of the courts in the country of habitual residence. As of 2019, Namibia is not yet a party to this Convention.
- 3. Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children:** This treaty provides a structure for effective international cooperation in child protection matters. For example, the Convention could be relevant where there is a parental dispute over custody or contact in respect of a runaway teenager who has crossed international borders, where there is a question about jurisdiction in respect of refugee children or internationally displaced children, or where there is a need to place a child in foster or institutional care in a country other than the one where the child habitually resides. The Convention: (a) allows any country where a child is present to take necessary emergency or provisional measures of protection; (b) determines which country’s laws are to be applied and which authorities are competent to take the necessary protective measures; (c) gives primary responsibility to the authorities of the country where the child has his or her habitual residence; (d) prevents the possibility of conflicting decisions in the different countries involved; and (e) provides for the recognition and enforcement of measures taken

in one contracting state in all other contracting states. The Convention is also intended to facilitate exchange of information and collaboration between child protection authorities in different countries. As of 2019, Namibia is not yet a party to this Convention.

4. **Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance:** This Convention is designed to offer children and other dependants a simpler, swifter, more cost-effective international system for the recovery of maintenance where the child’s parents reside in different countries. As of 2019, Namibia is not yet a party to this Convention.

## Members of the Hague Conference on Private International Law

(as of July 2019 • source: [www.hcch.net/en/states/hcch-members](http://www.hcch.net/en/states/hcch-members))



### Candidate State

State that has applied for membership and for which the six-month voting period is running (with indication of end of voting period)

**Honduras** (6 September 2019)  
**Uzbekistan** (12 October 2019)

### Admitted State

State that has applied for membership and has been admitted by affirmative vote, but which still needs to accept the Statute to become a Member State

**Dominican Republic,**  
**Colombia, Lebanon**

### 83 Members:

82 States plus the European Union

The Hague Conference on Private International Law is a global inter-governmental organisation with 83 members (as of July 2019) representing all continents. It meets every four years. It is sometimes abbreviated as “HCCH” for its bilingual name (“**H**ague **C**onference / **C**onférence de La **H**aye”). It is called the “Hague Conference” because it is located in The Hague, which is a city in The Netherlands. This group develops and services multilateral legal instruments which address personal, family or commercial issues involving more than one country. Non-member states can become parties to Hague Conventions. Several of the Hague Conventions are aimed at civil law protection for children at risk in cross-border situations. A common feature of these Conventions is the establishment of authorities in the contracting states with treaty obligations to co-operate with one another to protect children.

# 5. Using the *Guide to the Child Care and Protection Act*

The *Guide to the Child Care and Protection Act* provides a detailed explanation of the Act and its accompanying regulations. It is aimed primarily at service providers such as social workers, magistrates and police. It should also be useful to community leaders and organisations that work with children.

The *Guide* has been designed in a flexible format. Because the Child Care and Protection Act covers many different topics, some people will be interested only in specific portions of it. Each separate topic is covered in a separate chapter of the *Guide*. The individual chapters are printed as separate stand-alone booklets. They can also be combined into a single lever arch file to produce a comprehensive manual for the entire law. Each chapter has a companion PowerPoint presentation to facilitate training sessions.

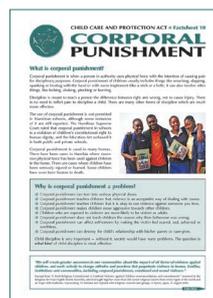
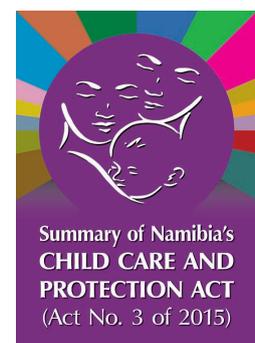
This flexible format also makes it easier to handle amendments to the law. If amendments are made to one aspect of the law, the individual chapter which is affected can be revised and re-printed. This will be more cost-effective than having to re-print the entire *Guide*. Those who are making use of the comprehensive manual collected in a lever-arch file can exchange the affected chapter with the revised version to keep their manual current.

The last page of this booklet contains a list of the separate chapters of the *Guide* so you can identify the ones you need.



## Other resources

Members of the public will probably prefer to learn about the law from the *Summary of Namibia's Child Care and Protection Act*. This short booklet gives an overview of each key topic on a one-page factsheet. The 23 factsheets which have been combined in the booklet can also be made available individually. The factsheets and the *Guide* chapters are colour-keyed to make it easier to connect them for use as a training package.



Available as of 2019 in English, Afrikaans and Oshiwambo

## *Guide to the Child Care and Protection Act*

1. Introduction
2. Objectives and guiding principles
3. Age of majority
4. National Advisory Council on Children, Children's Advocate & Children's Fund
5. Social workers and child protection organisations
6. Children's courts
7. Facilities
8. Proof of parentage
9. Parental rights and responsibilities for children outside marriage
10. Guardianship after death of parent or guardian
11. Parenting plans
12. Kinship care
13. Prevention and early intervention services
14. Children in need of protective services
15. Foster care
16. Contribution orders
17. Adoption
18. Medical interventions and HIV testing
19. Child-headed households
20. Harmful social, cultural or religious practices
21. Baby-dumping
22. Corporal punishment
23. Child safety at places of entertainment
24. Children and alcohol
25. Children in prisons or police cells
26. Child exploitation
27. Police clearance certificates and register of convictions
28. Grants and emergency aid

### NOTE

The Child Care and Protection Act initially contained a chapter on child trafficking (Chapter 14). However, this chapter was repealed by the Combating of Trafficking in Persons Act 1 of 2018, which addresses trafficking of both children and adults. For more information about child trafficking and the Combating of Trafficking in Persons Act, you can consult the Legal Assistance Centre publication pictured on the right.

#### TRAFFICKING IN PERSONS

A Guide to Namibia's Combating of  
Trafficking in Persons Act 1 of 2018



LEGAL ASSISTANCE CENTRE  
2018