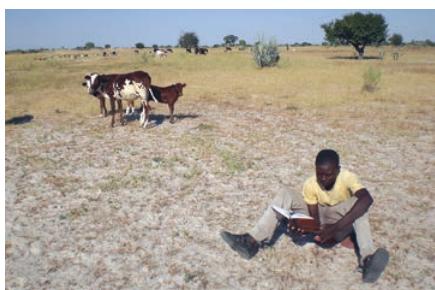




GENERAL PROTECTIVE MEASURES

- ⌚ CHILD EXPLOITATION
- ⌚ CHILD SAFETY AT PLACES OF ENTERTAINMENT
- ⌚ CHILDREN AND ALCOHOL



1. Worst forms of child exploitation

Article 15 of the Namibian Constitution protects children against exploitative labour practices. Namibia has also signed the International Labour Organisation (ILO) Conventions on Minimum Age for Admission to Employment, and on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour. The Labour Act gives effect to the Constitution and the ILO Conventions by making it illegal to employ a child under the age of 14, and by restricting employment for children between the ages of 14 and 18.

The Child Care and Protection Act complements the Labour Act by providing additional provisions on the worse forms of child labour. The Act says that no child may be used in:

- ⌚ slavery or practices similar to slavery, including debt bondage
- ⌚ public or private armed forces or security forces, or in any armed conflict
- ⌚ commercial sex work or pornography
- ⌚ drug trafficking
- ⌚ begging
- ⌚ any form of labour that is likely to be harmful to the child
- ⌚ any performance, display, activity, contest or event that is likely to be harmful to the child.

The Act also regulates child participation in activities such as performances, sports activities, beauty contests and cultural events. If the event is a profit-making venture, it will require a licence from a children's commissioner before children may participate. The licence may impose conditions to protect the children involved.

For example, suppose that a child is acting in a school play where tickets are being sold to raise money for new school playground equipment. The school would not require a licence. But if a child is acting in a commercial film, the film-makers would have to obtain a licence which will probably include provisions to make sure that the children are safe and treated without exploitation.

Any person who is aware of a situation of illegal child labour must report it to the police. Failure to report is a criminal offence.

2. Child safety at places of entertainment

In certain circumstances, places of entertainment must take steps to ensure that children are entertained in a safe environment.

In situations where:

- ◎ the majority of the people attending the entertainment will be children
AND
- ◎ the total number of people in attendance (adults plus children) is expected to be more than 50.



The person providing or hosting the event must:

- ◎ determine the number of people who can safely attend the event/venue
- ◎ station a sufficient number of adult attendants to ensure that this maximum number is not exceeded
- ◎ control the movement of people while they are entering and leaving
- ◎ take all other reasonable precautions for the safety of the people attending the event/venue.

The Minister can also designate specific places of entertainment, or specific classes of places (such as all miniature golf courses or all public swimming pools) which must comply with the rules on child safety at places of entertainment.

No alcohol or tobacco products may be sold or given away for free to children at places of entertainment.

Police and local or regional officials may inspect places of entertainment which are covered by the law, to make sure that the children are safe and that all the legal rules are being followed.

3. Children and alcohol

Underage drinking is a significant problem in Namibia. To address this issue, the Child Care and Protection Act amends the Liquor Act 6 of 1998 to make the current provisions clearer and to cover issues which have been neglected. The amendments:

- ◎ require alcohol sellers to confirm the age of the buyer by checking identification
- ◎ strengthen offences and penalties for using fake IDs, and authorise liquor-liscence holders to confiscate fake IDs and hand them over to the police
- ◎ prohibit children under age 18 from being present in certain types of drinking establishments except when accompanied by a parent or guardian
- ◎ prohibit the manufacture of homemade alcoholic beverages by children
- ◎ authorise police to confiscate alcohol from persons under age 18.

These amendments also make it illegal for anyone to sell or provide liquor to a parent or care-giver who is accompanied by a child if the parent or care-giver appears to be intoxicated, or in any other circumstances where there is concern about the child's safety.

The Act also makes it an offence for an adult to force, allow or encourage children to drink alcohol or take illegal drugs. An adult who violates this law could be required to attend an educational programme on the dangers of underage drinking or drug abuse, as well as being subject to a possible fine or prison sentence. This provision is intended to address situations such as where parents take young children to shebeens and give them alcohol to keep them quiet, or where adults try to profit from providing alcohol to children.

