



PERSONS UNFIT TO WORK WITH CHILDREN

The Act requires police clearance certificates to ensure that persons who work directly with children do not have a previous record of proven violence or child abuse.

What crimes would disqualify a person from being fit to work with children?

Convictions on the following crimes will disqualify a person from working directly with children:

- Ⓞ murder
- Ⓞ rape
- Ⓞ indecent assault
- Ⓞ incest
- Ⓞ kidnapping
- Ⓞ any statutory sexual offence
- Ⓞ any offence relating to pornography
- Ⓞ any offence relating to trafficking
- Ⓞ abduction (excluding the wrongful removal or retention of a child by a parent with parental responsibilities)
- Ⓞ assault with intent to cause grievous bodily harm.



These crimes would disqualify a person from being fit to work with children **regardless of whether the victim was a child or an adult**. A person who uses violence against any other person should not be working closely with children.

Who is required to get police clearance certificates?

The following people will be required to get police clearance certificates:

- Ⓞ persons who operate or have direct access to children at facilities which provide welfare services to children, including child protection organisation, residential child care facilities, places of care, early childhood development centres, shelters, schools or associations that provide welfare services to children.

This would include, for example, school principals, teachers and people who work in children's homes. It would even include a cleaner who works at a school or a children's home, for example, if that cleaner had access to the children. People who prey on children are known to sometimes seek out work in places where children are vulnerable. Anyone who has contact with children at a facility which provides services to children is covered, including volunteers.

- Ⓞ prospective foster parents and prospective adoptive parents
- Ⓞ an adult designated to supervise a child-headed household
- Ⓞ anyone who works in any other form of employment or activity listed by the Minister responsible for child welfare in regulations.

What time period is covered?

A person who has been convicted of one of the listed crimes within the last 10 years is not considered fit to work with children.

What about people already working with children when the Act comes into force?

The Act says that no one may employ a person who has been convicted of one of the listed crimes within the last 10 years in a capacity which involves access to children in any of the listed institutions. The mechanisms for enforcing this rule will be explained in the regulations.

Does the police clearance certificate have to be renewed?

No, but the Ministry responsible for child welfare will keep a register of convictions so that persons who commit any of the specified offences after they have provided their police clearance certificates can be identified and prevented from working with children.

What is the penalty for a person working with children who works with children after committing one of the listed offences?

It is a crime for a person to work with children if he or she has been convicted of one of the listed offences within the last ten years. An employer who allows someone to work in violation of this rule has also committed a criminal offence. The penalty is a fine of up to N\$20 000 or imprisonment for up to five years, or both.

