



OVERVIEW OF THE PROPOSED CHILD CARE AND PROTECTION ACT

Namibia's main law on children is the Children's Act 33 of 1960, which was inherited from South Africa at independence. This law is very outdated. It is also a colonial law which is not well suited to African situations. The Ministry of Gender Equality and Child Welfare wants to replace the old law with a new Child Care and Protection Act. The new law should work better to protect and assist Namibian children.

Key topics in the new Child Care and Protection Act

definition of "child": a child is defined as anyone below age 18, but at what age should a person become an adult in the eyes of the law: 18, 21 or some other age?	overall objectives and guiding principles: what principles should apply to children's rights? how do we know what decisions are in a child's "best interests"?	Child Welfare Advisory Council: a group of experts appointed by government to monitor the implementation of the law and advise on child rights issues
Children's Ombudsman: a new government official who would investigate and act on complaints about abuses of children's rights	children's courts: measures to make court proceedings more comfortable for children and to ensure that children can participate in decisions that affect them	parenting plans: 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
prevention and early intervention services: services to help families address problems that may harm children, before they become too serious	children in need of protection: procedures for removing children from their usual homes and placing them in alternative care when this is necessary for their safety and protection	foster care: procedures for putting children in the care of persons who act in the place of parents temporarily, or sometimes for longer periods of time
facilities for the care of children: facilities which must be registered under the new law <ol style="list-style-type: none"> (1) places of safety: places where children can stay temporarily in emergencies (2) children's homes: institutions which provide residential care for children (3) educational and vocational centres: more secure institutions suitable for children with behavioural problems or young offenders (4) shelters: places which provide services and overnight accommodation for street children and other children in need (5) places of care: places which provide short-term care, such as crèches and day-care centres 		adoption: rules, procedures and safeguards for adoption of children by Namibians and citizens of other countries
consent to medical procedures: at what age may children get medical treatment without the permission of a parent? have access to contraceptives? have an HIV or pregnancy test?	corporal punishment: guidelines to help parents and other care-givers apply discipline without being abusive	child trafficking: measures to protect children who are moved from one place to another for the purpose of exploitation
Child Protection Register: a proposal to establish an official record of child abuse incidents and individuals who are not suitable to work with children		
other child protection measures: protective measures for children in particularly vulnerable situations <ol style="list-style-type: none"> (1) child-headed households: rules to support and protect households where there is no responsible adult to take care of the children (2) worst forms of child labour: offences aimed at preventing the sexual and economic exploitation of children (3) 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 		

The international framework

A new law 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, 1990:** This set of minimum standards for children's rights has been adopted by almost every country in the world. 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.
2. **African Charter on the Rights and Welfare of the Child, 1990:** This Charter focuses on issues particularly relevant to African children and emphasises the role of the extended family.
3. **ILO Convention on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, 1999:** This Convention addresses (1) slavery and similar practices, including the sale and trafficking of children; (2) using children for prostitution or pornography; (3) involving children in unlawful activities; and (4) work that is likely to be harmful to children.
4. **Protocol to the Convention Against Transnational Organised Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000:** "Trafficking in children" means involvement in moving children from one place to another for purposes such as sexual exploitation or forced labour. This Convention is aimed at preventing trafficking and assisting victims of trafficking.
5. **Convention on the Rights of Persons with Disabilities, 2006:** This Convention is aimed at ensuring that persons with disabilities can enjoy full human rights without discrimination. It calls for "respect for the evolving capacities of children with disabilities".

YOU CAN HELP IMPROVE THE PROPOSED CHILD CARE AND PROTECTION ACT

The Ministry of Gender Equality and Child Welfare wants to make sure that the planned Child Care and Protection Act will be appropriate to the issues faced by children in Namibia today. To do this, the Ministry needs your input.

We will be providing information about the proposed new law in newspapers, on radio, through community organisations and through workshops in different parts of the country.

We want you to tell us about the problems faced by children in your community. We want your opinions on the proposals for the new law. We want to know if you identify other issues that should be included in the law.

Send your comments to:

SMS: 0814241591

Email: CCPA@lac.org.na

Fax: 088613715

Post: PO Box 604, Windhoek



For more information on the draft Child Care and Protection Act, contact
Monalisa Zatjirua (061-2833116) or Celeste Feris (061-2833179) at the Ministry of Gender Equality and Child Welfare,
or Rachel Coomer at the Legal Assistance Centre (061-223356).