



A CHILDREN'S OMBUDSMAN

What is an Ombudsman?

The Ombudsman is an independent public official that investigates complaints against government agencies, officials and employees. An Ombudsman may also conduct research and make recommendations about how to protect constitutional rights. The Ombudsman must be impartial.

Does the Ombudsman work for the government?

The Ombudsman is appointed by government, but makes independent decisions (like a judge). Government, political parties and individuals are not allowed to interfere with the work of the Ombudsman.

What is a Children's Ombudsman?

A Children's Ombudsman protects and promotes the rights and interests of children in society. Many European countries have Children's Ombudsman offices. Mauritius is the only African country to have a Children's Ombudsman, although many other African countries have more generalised agencies which fulfil a similar role.

What would the Children's Ombudsman do?

The draft Child Care and Protection Act says that the Children's Ombudsman would have two main roles:

- (1) investigating complaints about anything related to the Child Care and Protection Act;
- (2) monitoring the implementation of the United Nations Convention on the Rights of the Child and other international agreements on child welfare which Namibia has signed.

The Children's Ombudsman could also be given other tasks. For example, the Children's Ombudsman could monitor the general implementation of the Child Care and Protection Act as well as investigate specific complaints. The Children's Ombudsman could also have more general and proactive involvement in the promotion of children's rights.

Some countries give their Children's Ombudsman the power to bring court cases on behalf of children. They use this power for influential "test" cases aimed at changing legislation, policy, or state practice.

Appointment

The draft Child Care and Protection Act says that the Children's Ombudsman will be appointed by the Minister of Gender Equality and Child Welfare. Currently the draft law does not specify any qualifications, criteria or term of office. Namibia's general Ombudsman holds office until retirement. The African Ombudsman Association recommends a four-year term of office, with a maximum of one re-appointment.

Structure

Namibia already has a general Ombudsman, so it is necessary to decide how the two officials could work together. Maybe they could make use of the same regional offices or even share staff and budgets to some extent. They should probably have similar powers to question people and carry out investigations.

Please turn the page to find out how to contribute your opinions to the public debate on this issue.

DOES NAMIBIA NEED A CHILDREN'S OMBUDSMAN?

Arguments *for* having a Children's Ombudsman

- ⑨ It is important to have a special official to monitor children's rights to ensure that children receive adequate protection.
- ⑨ Since there is already a general Ombudsman in Namibia, the Children's Ombudsman could utilise existing structures and networks. This would reduce start-up costs.

Arguments *against* having a Children's Ombudsman

- ⑨ There is no need for a special Children's Ombudsman as the general Ombudsman could fulfil this role.
- ⑨ Many other countries do not have a special Children's Ombudsman.

Issues for discussion

- ⑨ Would a Children's Ombudsman be useful in Namibia?
- ⑨ What qualifications should a Children's Ombudsman have?
- ⑨ What should the term of office be?
- ⑨ Should the Children's Ombudsman have a narrow role (focused on investigating specific complaints) or a broad role (general monitoring, research and recommendations)?
- ⑨ What should the duties of the Children's Ombudsman be?
- ⑨ How could the Children's Ombudsman and Namibia's general Ombudsman work together?

WHAT DO YOU THINK?

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).