



YOU



can



help

Government

to  
write  
the new



Child Care & Protection Act




# OVERVIEW OF THE PROPOSED CHILD CARE & PROTECTION ACT

Just like schools have school rules, such as ‘come on time’, ‘don’t bunk’, ‘don’t bring sharp objects to school’, Namibia has many rules which are called laws. Namibia’s main law on children is the *Children’s Act 33 of 1960*. Namibia kept this law from South Africa at independence. So this law is very old and no longer the best law for Namibia. The Ministry of Gender Equality and Child Welfare wants to replace the old law with a new law: the *Child Care and Protection Act*. The Ministry wants YOUR help in creating this law to make it a good law that really protects and assists Namibian children.

**Do you think YOU can help?**

<b>Did you know?</b>	An <b>Act</b> is a <b>Law</b> when it has been passed in Parliament.
	When an <b>Act</b> is still in a <b>draft</b> or <b>proposed</b> form it is called a <b>Bill</b> .

## These are the Key Topics in the current Child Care and Protection Bill

<b>Overall objectives and guiding principles:</b> what principles should apply to children’s rights? How do we know what decisions are in a child’s ‘best interests’? What is meant by ‘best interests’?		
<b>Definition of ‘child’</b> In Namibia 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? Becoming an adult is called the ‘age of majority’. <b>Should this be 18? 21? or some other age?</b>		<b>Consent to medical procedures</b> At what age may children get <b>medical treatment</b> without the permission of a parent? What about <b>medical surgery</b> ? What age can they have access to <b>contraceptives</b> ? Have an <b>HIV test</b> ? Have a <b>pregnancy test</b> ?
<b>Prevention &amp; early intervention services</b> Services to help families tackle problems that may harm children before they become too serious	<b>Corporal punishment</b> Rules to help parents and other caregivers apply discipline without hurting children	<b>Parenting plans</b> Plans to help parents to stop fighting about some issues like custody, access, maintenance.
<b>Children in need of protection</b> Steps to take children from their usual homes and place them in other care, when necessary for the children’s safety and protection	<b>Foster care</b> Steps for putting children in the care of persons who act in the place of parents for short or long periods of time	<b>Adoption</b> Rules, steps, and safety measures for adoption of children by Namibians and citizens of other countries
<b>Child trafficking</b> Ways to protect children who are moved from one place to another for the purpose of exploitation	<b>Worst forms of child labour</b> Ways to prevent the sexual or economic exploitation of children	<b>Child Protection Register</b> An official record of child abuse cases and individuals who are not fit to work with children
<b>Child-headed households</b> Rules to support and protect households where there is no responsible adult to take care of the children	<b>Child safety at places of entertainment</b> Safety measures at events where many children might come to attend or participate	<b>Crimes relating to child abuse and neglect</b> Covers problems of abuse, neglect, abandonment and failing to pay maintenance.

### Facilities for the care of children

**Types of places** that must be registered under the new law:

- (1) **Places of safety:** places where children can stay for a short time in cases of emergencies or abuse
- (2) **Children's homes:** institutions where children live full-time, rather than in a family home or foster home
- (3) **Educational and vocational centres:** more secure institutions for children with behavioural problems or for children who are in trouble with the law
- (4) **Shelters:** places where street children and other children in need can sleep at night time
- (5) **Places of care:** places which provide short-term care, such as kindergartens and day-care centres

<b>Children's Ombudsman</b> A new government official who would investigate and act on complaints about abuses of children's rights	<b>Children's courts</b> Ways to make the process in a court room more comfortable for children and to ensure that children can participate in decisions that affect them	<b>Child Welfare Advisory Council</b> A group of experts appointed by government to monitor how the law is used and to give advice on child rights issues
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Some of these topics are discussed in detail in the next pages.

We want you to read through the topics. If there is something you do not understand, please ask a relative, teacher, or friend to help explain.

There may be some other topics which should also be included in the Bill before it is tabled in Parliament.

This is your chance to add more topics, more ideas.

**What other problems do you or children in your community or school face that should be covered in this Act?**

If YOU help the Ministry of Gender Equality and Child Welfare by answering this question and the questions at the end of this booklet, YOU can win a prize!!

### Did you know?

Any 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.

### Namibia has signed these international agreements

<b>United Nations Convention on the Rights of the Child, 1990</b> 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 4) respect for the views of the child	<b>African Charter on the Rights and Welfare of the Child, 1990</b> Focuses on issues particularly relevant to African children and highlights the role of the extended family.
	<b>Convention on the Rights of Persons with Disabilities, 2006</b> Indicates that persons with disabilities should enjoy full human rights without discrimination. It calls for "respect for the evolving capacities of children with disabilities."
<b>International Labour Organization (ILO) Convention on the Prohibition &amp; Immediate Elimination of the Worst Forms of Child Labour, 1999</b> This convention addresses: 1) slavery and the sale and trafficking of children 2) using children for prostitution or pornography 3) involving children in unlawful activities; 4) work that is likely to be harmful	<b>Protocol to the Convention Against Trans-national Organised Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000</b> To prevent 'trafficking in children' which means moving children from one place to another for sexual exploitation or forced labour.






# THE DEFINITION OF A 'CHILD'

## WHEN SHOULD A CHILD BECOME AN ADULT?

The *UN Convention on the Rights of the Child* and the *African Charter on the Rights and Welfare of the Child* define a 'child' as a person below the age of 18. In Namibia's Child Care and Protection Bill a child is also defined as someone below the age of 18. BUT, there is a different rule about the 'age of majority', which is set at 21 in Namibia by a 1972 law called the *Age of Majority Act*.

### Did you know?

The concepts of 'minor' and 'major' relate to the legal capacity of a person. In Namibia, a person who is below age 21 is a 'minor' and a person who has reached age 21 is a 'major'. A person who is a 'major' is legally an adult. A 'major' has full legal capacity.

Child = below age 18	Minor = below age 21	Major = age 21 and older
		

<p><b>In Namibia, what is a minor able to do?</b></p> <p>Minors slowly gain certain specific rights as they mature. They are bit by bit treated more like adults even before they reach age 21.</p> <p><b>A minor who is at least 16 years old can:</b></p> <ul style="list-style-type: none"> <li>⇒ Make a will.</li> <li>⇒ Open and operate a bank account.</li> <li>⇒ Consent to sexual activity.</li> </ul> <p><b>A minor who is at least 18 years old can:</b></p> <ul style="list-style-type: none"> <li>⇒ Work in any type of job.</li> <li>⇒ Drive.</li> <li>⇒ Buy alcohol.</li> <li>⇒ Gamble.</li> <li>⇒ Obtain a firearm licence.</li> <li>⇒ Give independent consent to medical treatment.</li> <li>⇒ Vote (although a person must be 21 years of age to stand for public office).</li> <li>⇒ Be tried for a crime as an adult and locked up in a prison with adults.</li> </ul>	<p><b>In Namibia, what is a minor unable to do?</b></p> <p>Minors can engage in certain legal actions only with the consent or assistance of a parent or guardian.</p> <p><b>A minor:</b></p> <ul style="list-style-type: none"> <li>⇒ Cannot enter into contracts without assistance from their responsible parent or guardian. Contracts entered into by minors without assistance are generally not legally enforceable. This is one of the key limitations faced by minors who are living and working on their own.</li> <li>⇒ Cannot normally act alone to bring or defend a court case.</li> <li>⇒ Cannot enter into a civil marriage without the consent of their responsible parent or guardian.</li> <li>⇒ Cannot sell or mortgage land.</li> <li>⇒ Cannot handle money or property which they have inherited.</li> </ul>
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In Namibia, what is a major able to do?	What happens in other countries?
<p>People who have reached the age of majority can do all the above mentioned things that a minor can do PLUS they can:</p> <p>⇒ Enter into contracts.</p> <p>⇒ Bring court cases.</p> <p>⇒ Perform other legal acts independently.</p> <p>⇒ Stand for public office.</p>	<p>⇒ Most countries in the world set the age of majority at 18.</p> <p>⇒ In South Africa, new children's legislation recently lowered the age of majority from 21 to 18.</p> <p>⇒ The Committee which monitors the Convention on the Rights of the Child encourages countries to harmonise the definition of 'child' and 'the age of majority' if they are not already the same. This helps to ensure that children do not lose any of their special legal protections before they get complete adult rights.</p>

WHAT ARE THE PROS AND CONS OF LOWERING THE AGE OF MAJORITY FROM 21 TO 18?	
Some arguments <u>against</u> Lowering the age of majority:	Some arguments <u>for</u> lowering the age of majority:
<p>x Lowering the age of majority would mean that 18-20 year-olds would lose certain legal protections. For example, contracts which they sign would become legally enforceable so that they would have no way to avoid their contractual responsibilities.</p> <p>x Many individual laws already give 18 year-olds permission to do many adult things, such as driving and voting.</p> <p>x Children over age 18, who might still be in school, would have to apply on their own for maintenance.</p> <p>x A lower age of majority might reduce parental control over learners who are majors but are still supported by their parents.</p>	<p>✓ The change would mean that 18-20 year-olds would be able to enter into binding contracts (including cell phone contracts), acquire property, take legal actions, and make other personal and business decisions without oversight from their parents or guardians.</p> <p>✓ A lower age would reflect the reality that many 18-20 year-old Namibians are already working, living independently from their parents, caring for their siblings or their own children, and handling other responsibilities of adulthood.</p> <p>✓ The change would make Namibian laws more consistent, that is, the age when a child becomes an adult equals the age of majority.</p> <p>✓ The change would bring Namibia in line with international law and the laws in most other nations.</p>
If you think the age of majority should remain at 21, add YOUR own arguments <u>against</u> Lowering the age of majority:	If you think the age of majority should be lowered to 18, add YOUR own arguments <u>for</u> lowering the age of majority:
x	✓
<p><b>A possible alternative:</b> Children under the age of majority who are living and working independently can apply to the High Court to be declared 'majors' at a younger age. This is called 'emancipation'. A compromise approach would be to make the option of emancipation more accessible, such as providing for an emancipation procedure in magistrates' courts rather than only in the High Court.</p> <p><b>What do YOU think about this option?</b></p>	

**Help the Ministry of Gender Equality and Child Welfare by answering the questions at the end of this booklet**





# **CONSENT TO MEDICAL TREATMENT, CONTRACEPTIVES AND TESTING**

The Child Care and Protection Bill looks at the age in which a person can give their own consent (permission) for medical treatment, for surgery, for obtaining contraceptives (family planning methods), and for taking a HIV test or pregnancy test without having their parent's or guardian's permission.

## **Consent to medical treatment**

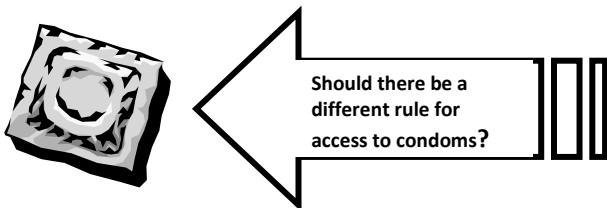
The current age of consent for medical treatment and surgical operations is 18. However, the Child Care and Protection Bill would change this to allow children to give their own consent to medical treatment if they are at least 14 years old and 'mature enough' to understand the benefits, risks, and implications of the treatment. BUT in the case of an operation (surgery), the parent or guardian must also give consent.

<p><b>There are several different options that could be written into the law:</b></p> <ul style="list-style-type: none"> <li>⇒ Set a single age for all types of medical consent.</li> <li>⇒ Set different ages for different types of medical treatment.</li> <li>⇒ Base the right to give medical consent on each individual child's capacity to understand (being 'mature enough' to understand).</li> <li>⇒ Base the right to give medical consent on the child's age <u>and</u> capacity to understand.</li> </ul>	<p><b>What happens in other countries?</b></p> <ul style="list-style-type: none"> <li>⇒ In South Africa the age of consent for medical treatment is 12, BUT the child must be 'mature enough'. In the case of a surgical operation, a parent or guardian must give consent.</li> <li>⇒ In Kenya, the age of consent is 15.</li> <li>⇒ In New Zealand children can consent to treatment at 16, <u>or earlier</u> if they are 'mature enough'.</li> <li>⇒ In Zimbabwe, Mozambique and Zambia, the age of consent is 18.</li> </ul>
<p><b>'Case Study' Examples</b></p> <p><b>Is 14 the right age to allow children to give medical consent?</b></p> <p>Sometimes it might depend on the situation. Consider the examples below:</p> <ul style="list-style-type: none"> <li>? A 10-year-old boy is dying from cancer. He has one month left to live. Should he be allowed to decide on the treatment that he receives?</li> <li>? A 17-year-old girl wants to have bigger breasts. Should she be allowed to decide to have cosmetic surgery?</li> <li>? A 13-year-old girl went behind her parents' back and had her tongue pierced. Two days later it became badly infected. Now she is too scared to tell her mother, but she needs to see a doctor to treat the infection. Should she be allowed to go to the doctor without her mother? Should the law make her get permission from her parents to have the piercing done in the first place? What about a 13-year-old boy who wants a tattoo?</li> <li>? Can you write a 'case study' example or story that will support what you think about medical consent?</li> </ul>	<p><b>Do you think the Namibian law should set a specific age for medical consent...</b></p> <p><b>For medical treatment?</b></p>  <p><b>What about for surgery?</b></p> 

Should children be able to get **contraceptives** without the permission of their parents?

At what age should they be able to do this?

### WHAT ARE THE PROS AND CONS OF YOUNG PEOPLE HAVING ACCESS TO CONTRACEPTIVES?

Some arguments <i>against</i> young people having access to contraceptives:	Some arguments <i>for</i> young people having access to contraceptives:
<ul style="list-style-type: none"> <li>x If children do not have access to contraceptives, they will not have sex.</li> <li>x If parental consent is required, the parent can use the opportunity to educate the child about the risks linked to sex and help make sure that the child understands the medical risks connected to certain prescribed contraceptives.</li> <li>x Some contraceptives, such as the pill, injection and the IUD, can have health risks. Children will not understand these risks without parental guidance.</li> <li>x Children will not use contraceptives responsibly – they might forget to take the pill each day or put condoms on inside out.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Many children will have sex regardless of whether or not they are able to access contraceptives.</li> <li>✓ Many children are too scared to let their parents know they are having sex. So they won't ask for parental permission to get contraception. Yet children must be able to protect themselves from pregnancy and sexually transmitted infections (STIs).</li> <li>✓ The doctor prescribing the pill should explain the risks clearly and should not give the medication unless it is clear that the child understands the risks.</li> <li>✓ There are many ways to educate children about contraceptives. A parent or other caregiver should talk about safe sex at any suitable time. The child should also be able to get family planning information from a clinic.</li> </ul>
	
<b>If you think children should <u>not</u> have access to contraceptives, add YOUR own arguments <i>against</i>:</b>	<b>If you think children should have access to contraceptives, add YOUR own arguments <i>for</i>:</b>
x	✓

### Consent to medical testing (especially for HIV tests)

The Child Care and Protection Bill says that children who are 14 years of age or children who are 'mature enough' to understand the implications may have an HIV test. A **mature** 10 year-old would be allowed to consent to an HIV test. The Bill says that the test may only be given if the child receives proper counselling before and after the test. Because the Bill says a child can have a test at age 14 or if the child is mature enough, rather than "**and** is mature enough", this means that it is 'easier' for a child to consent to having an HIV test than to consent to other medical procedures. **Do you agree with this?**



<b>Parents can still have their children tested</b> The age of consent for an HIV test will not change the <b>right</b> of a parent or guardian to have a child tested for HIV. Even if a 9-year-old girl is not mature enough to decide to get tested by herself, her parents could give consent if a test is needed.	<b>What happens in other countries?</b> ⇒ In South Africa, a child over the age of 12 may consent to having an HIV test. ⇒ In the USA, most states allow minors to consent to testing and treatment for all types of STIs. Some states specify that the minor must be a certain age (generally 12 or 14).
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# CORPORAL PUNISHMENT

Corporal punishment is when a person in authority uses physical force with the aim of causing pain for disciplinary purposes. Corporal punishment of children usually includes things like smacking, slapping, spanking or beating with the hand or with some implement (like a stick or a belt). It can also involve other things, like kicking, shaking, pinching or burning.

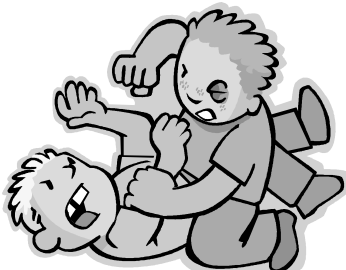
## Did you know?

Discipline is meant to teach a person the difference between right and wrong, not to cause injury.  
There is no need to inflict pain to discipline a child.  
There are many other forms of discipline which are much more effective.

## What is happening in Namibia?

Current State of Affairs	The Child Care and Protection Bill says:
<ul style="list-style-type: none"> <li>⇒ The use of corporal punishment is not permitted in Namibian schools, although some cases are still being reported.</li> <li>⇒ The Namibian Supreme Court ruled that corporal punishment in schools is a violation of children's constitutional right to human dignity.</li> <li>⇒ Corporal punishment is used in many homes.</li> <li>⇒ There have been cases in Namibia where too much physical force has been used against children in the home.</li> <li>⇒ There are cases where children have been seriously injured or burned. Some children have even been beaten to death.</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Any person who has control of a child, including the child's parents, must respect a child's right to 'physical integrity'.</li> <li>⇒ 'Respecting physical integrity' means preventing any injury to the child's body.</li> <li>⇒ This means that the punishment of a child in the home should not include corporal punishment.</li> <li>⇒ The new law would also outlaw the use of physical force to punish a child at any facility which cares for children (including children's homes, kindergartens, and day care centres).</li> </ul>

## Problems with Corporal Punishment

BEFORE you look at the list on the right, can YOU list some problems with Corporal Punishment?	
<ul style="list-style-type: none"> <li>⇒</li> <li>⇒</li> <li>⇒</li> <li>⇒</li> </ul> 	<ul style="list-style-type: none"> <li>⇒ Can turn into serious physical abuse.</li> <li>⇒ Teaches children that violence is an acceptable way of dealing with issues.</li> <li>⇒ Teaches children that it is okay to use violence against someone you love.</li> <li>⇒ Makes children more aggressive towards other children.</li> <li>⇒ Children who are exposed to violence are more likely to be violent as adults.</li> <li>⇒ Does not teach children the reason why their behaviour was wrong.</li> <li>⇒ Can affect self-esteem by making the victim feel scared, sad, ashamed or worthless.</li> <li>⇒ Can destroy the relationship between a child and the child's parents or caregiver.</li> </ul>



## Did you know?

Child discipline is very important – without it, society would have many problems. And children might not grow up into good adults.

### **BUT, the questions to YOU are:**

What kind of child discipline is most effective?

What can parents do to discipline their child without hitting, beating, spanking, etc. ?

### **Alternatives to Corporal Punishment**

**BEFORE you look at the list on the right, can YOU list other options to Corporal Punishment?**

⇒  
⇒  
⇒  
⇒  
⇒  
⇒  
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⇒



**There are many other ways that children can be punished. Here are four examples:**

- ⇒ Sit down with the child and explain the problem.
- ⇒ Make children take responsibility for their actions. For example, if the child breaks something, he or she must fix it or pay for it with their pocket money.
- ⇒ 'Time out' – Sometimes children become over-excited and this can lead to bad behaviour. A parent can take the child out of the room or place them in a corner – to calm down, sit quietly and think about what he or she has done wrong.
- ⇒ Take away privileges – such as not watching television, not being allowed to visit friends, or not receiving pocket money.

**Help the Ministry of Gender  
Equality and Child Welfare by  
answering the questions at  
the end of this booklet**





# WORST FORMS OF CHILD LABOUR

Namibia has several laws in place that cover child labour problems. But, these problems also need to be covered in the Child Care and Protection Act. *Article 15 of the Namibian Constitution* protects children against exploitative labour practices. Namibia has also signed the *International Labour Organization (ILO) Convention on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour*. The *Labour Act 11 of 2007* puts the Constitution and the ILO

Convention into action. It is illegal to employ a child under the age of 14, and there are restrictions about the type of employment allowed for children between the ages of 14 and 18.

The Child Care and Protection Bill wants to complement the Labour Act by providing additional provisions on the Worst Forms of Child Labour (WFCL). **It would be a crime:**

- ⇒ to offer or use a child for commercial sexual exploitation, e.g. prostitution, pornography.
- ⇒ to offer or use a child for any criminal activities, e.g. selling drugs, housebreaking, pick-pocketing.
- ⇒ to force a child to perform labour for any person, whether or not it is for reward, e.g. money, food.
- ⇒ to encourage or force a child to do work likely to harm the child's health, safety or morals, or work that might interfere with the child's well-being, education, health or development.

Did you know?	
<p><b>Definition of 'Child Work'</b></p> <p>Work by children under 18 which is:</p> <ul style="list-style-type: none"> <li>⇒ <b>Not</b> bad for a child's health, schooling or development</li> <li>⇒ Example: reasonable household chores that do not make child too tired to go to school</li> </ul>	<p><b>Definition of 'WFCL'</b></p> <ul style="list-style-type: none"> <li>⇒ <b>Commercial Sexual Exploitation of Children (CSEC)</b> <ul style="list-style-type: none"> <li>• Includes prostitution &amp; pornography</li> </ul> </li> <li>⇒ <b>All forms of slavery or practices similar to slavery, for example:</b> <ul style="list-style-type: none"> <li>• Child trafficking</li> <li>• Bonded labour</li> </ul> </li> <li>⇒ <b>Children Used by Adults to Commit Crimes (illegal activities), called CUBAC, for example:</b> <ul style="list-style-type: none"> <li>• Selling drugs or housebreaking gangs</li> </ul> </li> <li>⇒ <b>Children in very hazardous activities</b> <ul style="list-style-type: none"> <li>• Work that is likely to harm the health, safety or morals of children.</li> </ul> </li> </ul> <div data-bbox="1093 1512 1436 1780">  </div>
<p><b>Definition of 'Child Labour'</b></p> <p>Work by children under 18 which is:</p> <ul style="list-style-type: none"> <li>⇒ Exploitative, hazardous or otherwise inappropriate for their age.</li> <li>⇒ Bad for their schooling or stops them from going to school.</li> <li>⇒ Harmful to the child's social, physical, mental, spiritual or moral development.</li> </ul> <p><b>YOU can help the Ministry:</b></p> <p>List some <b>very hazardous</b> child labour activities that YOU think will harm a child's health, safety, or morals:</p> <ul style="list-style-type: none"> <li>⇒ Here's one as an example to get you started: Selling beer or tombo at night in a shebeen</li> <li>⇒</li> <li>⇒</li> </ul>	



## CHILD-HEADED HOUSEHOLDS

The proposed law identifies a child-headed household as a household where all three of the following conditions are present:

1. The parent or guardian of the household is terminally ill or has died.
2. There is no adult family member who can care for the children in their home.
3. A child is acting as the caregiver for some other children in the home.

?	<b>Do YOU agree with these ways to define child-headed households?</b>	?	<b>What other conditions should be used to identify child-headed households?</b>
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<p>The Child Care and Protection Bill says what should be done when a child-headed household is found:</p> <ul style="list-style-type: none"> <li>⇒ Must be placed under the supervision of an adult named by the Children's Court, a state agency or an NGO.</li> <li>⇒ The child heading the household may still make decisions about the home and the children in it.</li> <li>⇒ Where adult involvement is required, the child who heads the household should be consulted.</li> <li>⇒ The other children in the household should also be consulted if they are 'mature enough' to express a meaningful opinion.</li> <li>⇒ The state agency or NGO may collect and administer any grants the household gets.</li> <li>⇒ The individual adult who is supervising the household should not be allowed to administer the grant.</li> </ul>	
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?	Do you agree with these statements? Why?	?	What role should a supervising adult have?
?	If you do not agree, what do you think the rules should be for child-headed households?	?	Should the children be able to make complaints about this adult if necessary? If so, to whom?
?			
What is the youngest age that a child heading a household should be?			



## CHILDREN AND ALCOHOL

Namibia has a problem of children drinking alcohol. A health study found that among 13-16 year-olds, 11% of girls and 18% of boys use alcohol regularly, and that over 28% of youths aged 13-30 drink alcohol weekly, and almost 7% drink alcohol daily. To help with this problem, the Child Care and Protection Bill could amend the *Liquor Act 6 of 1998* to make the current rules clearer and to expand them to cover areas which are currently left out, for example:

- ⇒ Stop children under the age of 18 from being in drinking places (e.g. bars, shebeens) except when accompanied by a parent or guardian.
- ⇒ Make people who sell alcohol confirm the age of the buyer by checking their ID.
- ⇒ Make the penalties stronger if the buyer gives a false ID to the seller.
- ⇒ Define situations where alcohol can be supplied to persons under age 18 (e.g. religious ceremony)
- ⇒ Forbid the making of homebrew (e.g. *tombo*, *kaalgat*) by children under age 18.
- ⇒ Put in place more restrictive rules for persons under age 21 who drink and drive.

?	<b>Do YOU agree with these ways to stop children drinking?</b>	?	<b>What else should be put into the law?</b>
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## HARMFUL CULTURAL PRACTICES

Traditional cultural practices reflect values and beliefs held by members of the community over many years, often passed down from one generation to another. While some practices are beneficial to all members of a cultural group, others are harmful to specific people within a culture, such as women and children. It has been reported that some children in Namibia, most often girls, are subjected to some harmful traditional practices.

<p><b>Some harmful traditional practices include:</b></p> <ul style="list-style-type: none"> <li>⇒ Female genital mutilation (e.g. hurting or cutting the private parts of a girl or woman)</li> <li>⇒ Some forms of ceremonial male circumcision (e.g. cutting the penis without medical care)</li> <li>⇒ Sexual initiation (e.g. uncle having sex with niece to 'teach' her how to be a 'good wife')</li> <li>⇒ Children forced to be engaged or married</li> </ul> <p><b>Are these practices happening in Namibia?</b></p> <p><b>What other harmful cultural practices affect children in Namibia?</b></p>	<p><b>What happens in other countries?</b></p> <ul style="list-style-type: none"> <li>⇒ In Ghana, the Children's Act of 1998 says no person can make a child take part in any <b>cultural practice</b> which will hurt a child – physically or emotionally.</li> <li>⇒ Ghana also says no one can force a child to be engaged, to be part of a dowry (<i>lobola</i>) transaction or to be married.</li> <li>⇒ In Uganda, it is against the law to make a child take part in any social or customary practices that are harmful to the child's health.</li> </ul> <p><b>What do YOU think Namibia should say in the new law?</b></p> <p><b>What practices should be outlawed?</b></p>
---	--



## BABY-DUMPING AND INFANTICIDE

Baby-dumping and infanticide (killing babies) are happening in Namibia, although there is not enough reporting to know how big the problem is. While the killing of a baby is a crime, it can be difficult to judge these cases because of some difficult physical, mental and emotional factors involved – such as a special form of depression that some new mothers experience, called 'post-natal depression'. Some countries make 'infanticide' a separate crime to 'murder' with less punishment.

To address the issue of baby-dumping and infanticide, additional measures are needed. Some countries have '**safe haven**' laws, to encourage parents – usually mothers – to leave unwanted babies in a safe place (such as a hospital or police station). In this way, the baby can receive proper care and protection until an adoptive home can be found. The objective is to prevent infants from being abandoned in circumstances which are likely to harm them, or cause their deaths. Safe haven laws generally allow the parent to remain anonymous.

WHAT ARE THE PROS AND CONS OF HAVING SAFE HAVEN LAWS?	
Some arguments <u>against</u> safe haven laws:	Some arguments <u>for</u> safe haven laws:
<ul style="list-style-type: none"> <li>x The law could deprive biological fathers of their legal right to care for their children, as the infant may be left without their knowledge.</li> <li>x Extended family members are also prevented from having the chance to care for the child.</li> <li>x Mothers who intend to leave their infants at a safe haven may conceal their pregnancies and give birth in unsafe circumstances instead of seeking appropriate pre-and post-natal care.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Can prevent at least some infants from being left to die – infanticide.</li> <li>✓ With public awareness campaigns, it can also help to reduce the number of 'backstreet' abortions.</li> <li>✓ Once a baby has been dropped, safe havens can advertise for fathers who might suspect a baby is theirs to come forward. This gives fathers a chance to care for their children.</li> </ul>



**Rights and responsibilities go together. The African Charter on the Rights and Welfare of the Child includes sections on the responsibilities children should have. Some countries have decided to include children's responsibilities in their laws along with children's rights. For example, the Children's Act in Kenya includes a section on the responsibilities children have.**

## What should Namibia do?



This law says that a child has a responsibility to:

- ⇒ respect his parents, superiors and elders at all times and assist them in case of need;
- ⇒ serve his national community by placing his physical and intellectual abilities at its service;
- ⇒ preserve and strengthen social and national solidarity; and
- ⇒ preserve and strengthen the positive cultural values of his community in his relations with other members of that community.

**Could any of these create problems?**

**If you think the Child Care and Protection Act should include a section on children's rights and responsibilities, what rights and responsibilities should be including?**

## Child Care & Protection Bill – Issues for Discussion & Debate



# CHILDREN IN NEED OF PROTECTION

## Definition of a child needing protection

The Child Care and Protection Bill defines  
“a child in need of protection” as a child who:

.... is abandoned or orphaned, and not enough has been done for the care of the child

.... is physically or mentally neglected

.... is doing something that is likely to be harmful to themselves or others,  
where the parent, guardian or caregiver is unable or unwilling to control their behaviour

.... lives  
or  
works  
on the  
streets  
or  
begs  
for a  
living



.... is  
exposed to  
situations  
which may  
seriously  
harm the  
child's  
physical,  
mental or  
social  
welfare

.... may be at risk of being harmed if returned to the custody of the parent or caregiver

.... is likely to be maltreated or abused.

## Did you know?

More than 400 children each year are found to be in need of protection and placed in alternative care in Windhoek alone.

## YOU can help the Ministry by answering these questions:

- What can be done in Namibia to identify and protect these children?
- What can be done to avoid removing children from their home, but still keeping them safe?
- If a child has to be removed from their home, where should they be placed?
- If a child has to be removed from their usual home,  
what can be done to fix the problems so they can return to their family?

# Mandatory reporting

Child abuse and neglect usually take place privately, in a home, with no witnesses other than the parents and children.

Reporting laws are designed to bring cases of possible wrongdoing to the attention of public authorities who are in a position to help.

Mandatory reporting laws are laws that require people to report cases if they suspect that a child is being mistreated.

Voluntary reporting laws are laws that encourage people to report cases if they suspect that a child is being mistreated.

The Child Care and Protection Bill says that there should be mandatory reporting by all persons who have a 'reasonable belief' that a child 'may be in need of protection'.

This law would replace all rules about professional confidentiality except for confidential discussions between lawyers and their clients.

Do you think **everyone** must be made to report abuse? **Or** should only some types of people be required to report abuse? **Or** should reporting be only voluntary?

## WHAT ARE THE PROS AND CONS OF HAVING A MANDATORY REPORTING LAW?

Some arguments <u>against</u> a mandatory reporting law:	Some arguments <u>for</u> a mandatory reporting law:
<ul style="list-style-type: none"> <li>x Parents and caregivers may be reluctant to seek help, especially medical attention, if they know that this will lead to a report of the abuse or neglect.</li> <li>x Children may be reluctant to seek help if they know the case must be reported.</li> <li>x May lead to more abuse as a reaction to a report.</li> <li>x The family may avoid people who might have provided assistance, for fear of being reported.</li> <li>x Very hard to enforce. If a charge were laid against a person who failed to report, it would have to be proved beyond 'reasonable doubt'. The accused person could argue that they did not actually suspect that abuse had occurred.</li> <li>x May deny the children and families the opportunity of finding other ways to deal with the abuse. It may further endanger the child by disempowering the family.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Children need special protection because they are less able than adults to help themselves.</li> <li>✓ Mandatory reporting will help protect children.</li> <li>✓ Mandatory reporting will increase the number of cases of child abuse and neglect which are reported to authorities.</li> <li>✓ Namibia has a commitment to protect children. All people should be involved in achieving this goal.</li> <li>✓ Mandatory reporting raises awareness of the need for everyone in society to work together to protect children.</li> <li>✓ If a case of abuse is not reported, the abuse might continue until the child is seriously hurt or even killed.</li> </ul>
<b>If you think a mandatory reporting law is a <u>bad</u> idea, what are YOUR arguments <u>against</u> it:</b>	<b>If you think a mandatory reporting law is a <u>good</u> idea, what are YOUR arguments <u>for</u> it:</b>
x	✓



# FOSTER CARE

There are about 14 000 Namibian children in foster care. Most of these children are cared for by extended family members, often for a long time. This care is very important in Namibia and has strong cultural value. The *UN Convention on the Rights of the Child* also says that care by extended family members is the next best option if parental care is not possible.

**BUT, Namibia's current law talks about only one kind of foster care: when people who are usually strangers to the child take care of the child for a short temporary period, until the child can either return home or be placed for adoption.**

## The proposed law

Like the current law, the proposed law has only one category of foster care, regardless of whether it is short-term or long-term, and whether it involves extended family members or strangers.

### Rules in the proposed law for foster care

⇒ People who want to be foster parents must apply through a social worker to the Ministry of Gender Equality and Child Welfare.	⇒ Foster parents must be checked at least every two years by social workers. This means that a relative who is caring for a child as a 'foster parent' would also be watched by a social worker even if the child had been living with the family for many years.
⇒ The social worker must examine their situation and make a report.	⇒ The division of rights and responsibilities between the child's parents or guardian and the foster parent will be determined by the court placement order, or by an agreement made between the foster parents and the biological parents.
⇒ Children can be placed in foster care only after they have been found by the court to be in need of protection.	⇒ A foster parent has the power to give permission for medical treatment if the child is not old enough to consent.
⇒ A foster parent may foster only three children, unless the children are siblings or there is another good reason to allow care of more children.	⇒ But a foster parent cannot authorise a surgical operation or allow a foster child to leave Namibia without permission from a biological parent, the Minister, or a Children's Court.
⇒ If possible, children should be placed with foster parents of the same culture, religion and language as the child.	

### YOU can help the Ministry by answering these questions:

- ? Should there be different rules for foster care with extended family versus with strangers? Why or Why not?
- ? What decisions should foster parents be able to make about a child?
- ? What decisions should only the biological parents or court be able to make?
- ? Should a 'permanent' foster parent have different rights and responsibilities from a 'temporary' foster parent?
- ? What should be the maximum number of children fostered by one person or couple?





## Foster care grants

The current rules about grants for children in Namibia are complicated:

- ⇒ A biological parent can get a state maintenance grant if the other parent is dead, in prison or receiving an old age pension or disability grant and the income of the parent making the application is less than N\$1000/month. This grant is N\$200/month for the first child and N\$100/month for each additional child up to a total of six children.
- ⇒ All foster parents can get a grant of N\$200/month for the first foster child and N\$100/month for each additional foster child. It does not matter if the foster parent is rich or poor.
- ⇒ People who adopt children do not get any grants.

The examples below show some problems with the current system:

- ⇒ Sarah has been living with her Aunt Ruth for ten years. Ruth has a good job and has plenty of money for luxuries e.g. (cell phone, TV, car). After two years, Ruth registers as a foster parent and receives a foster care grant for Sarah.
- ⇒ Simon works as a security guard. He and his wife have three children. They struggle to buy food and clothes for their family. Simon often goes hungry so that he can provide food for his children. There are no grants which apply to this family's situation.
- ⇒ Samuel is an orphan. He lives with his grandparents. His grandparents are registered as foster parents and receive a grant to care for Samuel. They want to adopt Samuel but cannot afford to look after him without the foster care grant.

### Questions for Discussion What do YOU think?

- ? Should foster grants be means-tested to see if the foster parent is rich or poor?
- ? Or should grants be available to all foster parents?
- ? Should relatives who are acting as foster parents:
  - ☐ receive the same foster care grant as any other foster parents?
  - ☐ receive a lower foster care grant than strangers who care for a child?
  - ☐ receive no foster care grant?



- ? Foster parents can receive grants while adoptive parents cannot. Does this discourage foster parents from adopting children? Why or why not?
- ? Should there be a limit on the time period that foster parents can receive grants or should foster care grants continue until the child turns 18 (or 21)?

## ADOPTION

In Namibia the law states that when a child is adopted, all legal ties are cut with the child's biological family. Do YOU think there should be a different category: something in between *adoption* and *foster care* – such as '*permanent foster care*' – where the biological family would still have some legal rights and obligations for the child?



## FACILITIES WHICH CARE FOR CHILDREN

The Child Care and Protection Bill provides for various forms of ‘alternative care’ for children who have been abandoned or are not safe in their usual homes. Alternative care facilities may also be utilised as alternatives to police cells and prisons for young offenders. Other child care facilities, such as kindergartens and day care centres, care for children while their parents are at work. Shelters are child care facilities where children decide to come on their own.

ALTERNATIVE CARE FACILITIES	
<b>Places of safety</b>	Places of safety are places where children can stay <b>temporarily</b> . This could be at a children’s home, school hostel or hospital. Anyone who has been approved to be a foster parent can also provide a place of safety. A child should always be put in a place of safety in the community or region where the child normally lives, and the place of safety should be a foster family rather than an institution if possible (if this is in the best interests of the child).
<b>Children’s homes</b>	Children’s homes are places, which provide <b>residential care</b> for children – a place where a child sleeps every night. These can be private or government-run.
<b>Educational and vocational training centres</b>	Educational and vocational training centres are facilities specially developed <b>to help children who have specific needs and problems</b> , such as young offenders or children with behavioural problems or emotional difficulties. These can be private or government-run.
OTHER CHILD CARE FACILITIES	
<b>Places of care</b>	A place of care is any place where <b>more than 6 children are cared for on a temporary basis</b> . This includes kindergartens, day care centres, private pre-schools and kindergartens, but not ordinary schools, school hostels or medical institutions which treat children.
<b>Shelters</b>	A shelter is a facility which provides basic services, including overnight accommodation, <b>to street children and other children who attend the facility voluntarily and are free to leave</b> .

### What do YOU think?

- ? What do you want to see at these places where children are cared for? List the basic requirements needed. For example: clean water and a toilet.
- ? What kind of monitoring and inspections should take place at these different types of care facilities?
- ? If a child is released from an alternative care placement to return home, should someone monitor or supervise to make sure that the child remains safe? Who? How?
- ? What can be done to help children to live independently when they leave alternative care facilities at age 18 or 21?



## Glossary of Difficult Words or Terms

WORD	EXPLANATION
age of majority	the age when a person becomes a 'major' (an adult)
anonymous	unnamed: name is not given; preventing identification: allowing someone to go unnoticed
baby-dumping	leaving a baby in an unsafe place (dumpster, in the bush), usually because the person cannot keep the baby and does not want anyone to know they had the baby
best interest of the child	what is best for the child
bonded labour	forced to work under certain regulations or a contract; child bonded labour is often linked to the parents' work
capacity to understand	mental ability: able to understand
case studies	a study (or a story) of a situation or case which is used to draw conclusions for a similar situation; a record of someone's problems and how they were dealt with
male circumcision	removal of all or part of the foreskin from a penis
child abuse	the physical, psychological, or sexual maltreatment of a child; to treat a child cruelly on a regular basis
child marriage and betrothal (engaged)	person getting married at a young age and person getting engaged to be married at a young age; child being promised to marry someone at a later date
confidential	private or secret; anything done will be kept private, not revealed to someone else
consent (permission) for medical treatment	give permission; give permission for something to happen; agree to do something or to allow something to happen; agree to medical treatment
contraceptives (family planning methods; birth control)	a device (condom, IUD, diaphragm) or pill or injection that prevents a female from becoming pregnant
contract	a formal or legally-binding agreement; the document that records this agreement
corporal punishment	the striking of someone's body as punishment; hurting someone by hitting, beating, slapping, kicking, shaking; hitting someone with an object like a stick or belt
disciplinary purposes	relating to the enforcement of rules; punishment
dowry or <i>lobola</i>	an amount of money or property given to a bride's family to her bridegroom or his family; an amount of money or property given by a man to his bride or the bride's family when they marry
emancipation	freeing someone from restrictions (in this case, allowing them to become an adult - major - at an earlier age)
enforce	to ensure obedience to the law; to impose something by force

<b>WORD</b>	<b>EXPLANATION</b>
female genital mutilation	removal of the skin covering the clitoris or removal of the clitoris (part of a female's private parts; sensitive female sex organ)
foster	to nurture a child with care, to bring-up a child
foster care	to be responsible for a child that is not your own biological child
foster parent(s)	the person or couple who take a child into their home and takes care of the child, usually for a temporary period of time, until the child is adopted or able to go back to their own home
genitals	reproductive organs, sex organs, 'private parts'
haven	a safe place; a place sought for shelter or protection
hazardous	potentially very dangerous, can easily cause harm
hazardous activities	potentially very dangerous activities that will cause physical or emotional harm
infanticide	killing of a baby/infant; usually a new born baby
international agreements	documents or rules made by international bodies; Namibia has signed many international agreements and the Namibian Constitution says that Namibia must follow the rules in any agreement it has signed
IUD	Intrauterine device: a contraceptive device made of plastic or metal that is inserted into the womb by a doctor to prevent pregnancy
mandatory reporting	compulsory, needs to be done, official requirement or law
mutilation	damage or spoil something; to seriously injure a body part, destroy the use of a body part
neglect	to fail to give proper attention or care
non-discrimination	not allowing unfair treatment of one person or group
pornography	films, magazines or photos that are sexually explicit
prostitution	selling oneself for sex; having sex for money or other reward
terminally ill	so sick that the person will soon die; incurably sick
trafficking	being transported for exploitation (sexual or labour); with child trafficking, a child is recruited from his/her home to work in another place for commercial sexual exploitation, exploitative labour practice or the removal of a body part; can be moved to another country or within the same country
voluntary reporting	encouraged to do, but do not have to do

# **YOU CAN CONTRIBUTE TO THE CHILD CARE AND PROTECTION BILL IN TWO DIFFERENT WAYS: COMMENTS OR CONTEST**

The Ministry of Gender Equality and Child Welfare wants to make sure that the Child Care and Protection Bill meets the needs of children in Namibia today. We are providing information about the proposed new law through **this booklet**, in newspapers and magazines, on radio and television, through community organisations and through workshops in parts of the country. Help the Ministry of Gender Equality and Child Welfare to hear your views on what should go into the Child Care and Protection Bill.

We want **YOU**, as Namibian children and youth, to tell us about the problems faced by you or children in your community or school. We want **YOUR** opinions on the proposed topics for the new law.  
We want to know what else **YOU** think should be included in the new law.

**YOU can give us your ideas in two different ways:**

**No. 1**

**YOU can send your comments on any of the topics that interest YOU by:**

**SMS: 0814241591**

**Email: [CCPA@lac.org.na](mailto:CCPA@lac.org.na)**

**Fax: 088613715**

**Post: LAC PO Box 604, Windhoek**

**Make sure you include your AGE when you make your comment or suggestion.**

and/or

**No. 2**

**CCPA CONTEST: MY IDEAS ON THE CHILD CARE AND PROTECTION BILL**

Enter the contest by answering the questions on the next pages. Cut out or copy the pages with the questions and your answers. Send it all to the Legal Assistance Centre (LAC) by fax or post as above or by hand delivery to the LAC office at 4 Körner Street, Windhoek. Or type your answers and send it by email to [CCPA@lac.org.na](mailto:CCPA@lac.org.na) For any letters, write in 'CCPA Kids Contest' on the envelope. For any emails, type into the subject area: 'CCPA Kids Contest'

If YOU complete **all** the questions, YOU might win a great prize: The child or youth (12-21 years of age) who provides the best input (the most thoughtful ideas) will win a prize. We have prizes for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place. Make sure your answers reach the LAC by the deadline date.

**<< First Prize: Mp3 Player sponsored by JAC-MAT! >>**

**DEADLINE for both: 7 September 2009!**

## CCPA CONTEST: MY IDEAS ON THE CHILD CARE AND PROTECTION BILL

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_  
Sex: boy \_\_\_\_ girl \_\_\_\_ Age: \_\_\_\_\_ Grade (if in school): \_\_\_\_\_  
P.O. Box Mailing Address \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

To win, you **MUST** answer **ALL** the questions below. If you can, please answer in English. But if it is easier, you can write in your home language. **CUT OUT** these three pages and answer the questions. If you need more space, take a blank piece of paper, write your name at the top, and put in the number of the question you are answering. Don't forget to hand these papers in too!

**Remember: This is NOT a test! There are no right or wrong answers. This is your opinion!**

### Overview of topics in the Child Care and Protection Bill

1. What other problems do you or children in your community or school face that should be covered in this Act? Make a list here:

### Age of Majority

2. Write a **role play script** about a boy getting a **gun and gun licence** for his birthday, which shows what age you think a person can own a gun.
3. Write a **role play script** about a girl applying for a **cell phone contract (to pay for the phone on a regular monthly basis)**, which shows what age you think a person can sign a contract on her own.

## Consent to Medical Treatment

Non-surgical	Surgical (an operation)
<p>4. What do you think the law should say about consent for <b>medical treatment</b>?</p> <p><input type="checkbox"/> Based only on the child's age</p> <p><input type="checkbox"/> Based on child's age <b>and</b> if they are 'mature enough' to understand the benefits, risks, and implications of the treatment</p> <p><input type="checkbox"/> Based only on the 'maturity' level of each individual child</p>	<p>5. What do you think the law should say about consent for an <b>operation</b>?</p> <p><input type="checkbox"/> Based only on the child's age</p> <p><input type="checkbox"/> Based on child's age <b>and</b> if they are 'mature enough' to understand the benefits, risks, and implications of the treatment</p> <p><input type="checkbox"/> Based only on the 'maturity' level of each individual child</p>
Explain why you think this:	Explain why you think this:
<p>6. If you have ticked the 1<sup>st</sup> or 2<sup>nd</sup> box in question 4, what age do you think a child should be to give consent for <b>treatment</b>?</p> <p><input type="checkbox"/> Age _____</p> <p><input type="checkbox"/> No age – every person under the age of 21 should have parent's or guardian's consent</p> <p><input type="checkbox"/> Age should depend on type of treatment</p>	<p>7. If you have ticked the 1<sup>st</sup> or 2<sup>nd</sup> box in question 5, what age do you think a child should be to give consent for an <b>operation</b>?</p> <p><input type="checkbox"/> Age _____</p> <p><input type="checkbox"/> No age – every person under the age of 21 should have parent's or guardian's consent</p> <p><input type="checkbox"/> Age should depend on type of operation</p>
Explain why you think this:	Explain why you think this:

8. How should 'mature enough' be defined?



9. Who should decide if the child is 'mature enough'? Why do you say this?

## Access to contraceptives

10. At what age is a child old enough to make a decision about using **contraceptives** without the permission of a parent? Age \_\_\_\_\_ Why do you think this?

11. Should there be different rules about access to **condoms** compared to access to other forms of contraceptives (such as the contraceptive pill)? Explain:

### Consent to testing

12. At what age should a child be able to consent to an **HIV test** without the permission of a parent?  
Age \_\_\_\_ Why?

13. Should it be **easier** for a child to consent to having an HIV test compared to other medical interventions?  
☐ Yes or ☐ No Why or why not?

14. At what age should a child be able to consent to or have access to a **pregnancy test**? Age \_\_\_\_ Why?

### Corporal Punishment

15. Tick the box ☐ YES or ☐ NO next to each statement if you think parents should be able to:

- |  |   |  |   |
|--|---|--|---|
| a) Hit a child with his/her hand                                 | <input type="checkbox"/> YES or <input type="checkbox"/> NO | b) Hit a child with a stick                  | <input type="checkbox"/> YES or <input type="checkbox"/> NO |
| c) Spank a child   | <input type="checkbox"/> YES or <input type="checkbox"/> NO | d) Shake a small baby to stop it from crying | <input type="checkbox"/> YES or <input type="checkbox"/> NO |
| e) Burn a child's hand over a fire if they have stolen something | <input type="checkbox"/> YES or <input type="checkbox"/> NO |  |   |
- Explain why you have answered YES or NO

16. Write a paragraph to explain how you think your parents, guardians, or grandparents should discipline you.





### Worst Forms of Child Labour

17. List some hazardous child labour activities you know of that might harm a child's physical, mental, or emotional health, and should be against the law?	18. Tick <input type="checkbox"/> YES or <input type="checkbox"/> NO if you think a child under 16 should be able to do the following activities for money
	Acting: <input type="checkbox"/> YES or <input type="checkbox"/> NO
	Modelling: <input type="checkbox"/> YES or <input type="checkbox"/> NO
	Beauty pageants: <input type="checkbox"/> YES or <input type="checkbox"/> NO
	Dancing: <input type="checkbox"/> YES or <input type="checkbox"/> NO
	Who should keep the money earned?
	<input type="checkbox"/> the child <input type="checkbox"/> the parents <input type="checkbox"/> both

19. What should the law say about work done by a child within the child's own home or farm, if that work might be harmful to the child? Examples: small boy ploughing with oxen; child using insecticides (poison)?

### Child-headed Households

20. Write a 'case study' or story that supports/explains your ideas about what conditions should exist to identify a household as being child-headed and what support should be given to that household. Go back to Page 11 if you need some ideas, and then add more in your story.

### Children and alcohol

21. On a separate piece of paper, write all the rules that you think should be in the new law to prevent children from drinking alcohol. Now write a song or poem with these preventions.

### Harmful cultural practices

22. Do these cultural practices affect children in Namibia?	23. Should they be against the law?
Female genital mutilation (e.g. cutting the private parts of a girl): <input type="checkbox"/> YES or <input type="checkbox"/> NO	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Ceremonial male circumcision (e.g. cut the penis with no medical care) <input type="checkbox"/> YES or <input type="checkbox"/> NO	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Sexual initiation (e.g. uncle having sex with niece to 'teach' her how to be a 'good wife'): <input type="checkbox"/> YES or <input type="checkbox"/> NO	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Children forced to be engaged or married : <input type="checkbox"/> YES or <input type="checkbox"/> NO	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Other:	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Other:	<input type="checkbox"/> YES or <input type="checkbox"/> NO

### Baby dumping and infanticide

24. If a mother leaves her new born baby in a garbage dumpster and the baby dies from the cold, should the mother be tried for **murder** or a **less severe crime**? ☐ murder ☐ less severe crime Why do you think this?

25. Should Namibia introduce '**safe haven**' (see Page 12) into the new law? ☐ YES or ☐ NO

26. Now pretend you are going to be in a **debate** with your classmates or friends. List here all your arguments **against** safe haven laws if you do not like the idea or **for** safe haven laws if you want safe haven laws.


### Rights and responsibilities of children

27. Should there be a section on children's rights and responsibilities in the law? ☐ YES or ☐ NO

28. If you think yes, list some rights and responsibilities that should be put into the law:


### Children in need of protection and mandatory reporting

Here is a case study, after reading it, answer the questions.

*You are a Grade 9 learner. Sam, a 14-year-old boy in your class comes to school with bruises on his face. Sam has previously told you that when his father is drunk he beats him and his sister. He is afraid to tell anyone as he fears his dad will beat him and his sister even more. However, you notice that it is difficult for Sam to concentrate on his school work and his marks are beginning to drop. What also worries you is that his sister is only eight years old. You think his mom knows, but you are not sure if the teacher knows.*



29. What can be done to help Sam?

30. Should it be **mandatory** for **YOU** as his classmate to report Sam's abuse? Why or why not?

31. Should it be **mandatory** for **professionals**, such as Sam's teachers or his doctor, to report his physical abuse? Why or why not? What about Sam's **mother**? Why or why not?

#### Foster care and foster grants, and adoption

32. Foster grants should:

- ☐ only be given to foster parents who don't have enough money to care for the child
- ☐ be available to all foster parents

33. Relatives (extended family) who are acting as foster parents should:

- ☐ receive the same foster care grant as any other foster parents
- ☐ receive a lower foster care grant than strangers who care for a child
- ☐ receive no foster care grant

34. What should be the maximum number of children fostered by one person or couple?  
Number \_\_\_\_

35. The current law says when a child is adopted, all legal ties are cut with the child's biological family. Do YOU think there should be something in between **adoption** and **foster care** where the biological family would still have some legal rights and obligations for the child?

☐ YES or ☐ NO Why?

36. On the back page, draw a picture in the box of what you want to see at **alternative care places**, such as a **children's home** or a **place for children in trouble with the law**? For example: clean water, toilet. If you absolutely can't draw, then make a list of the basic requirements needed.

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



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