

Revision of the Child Care and Protection Bill

Radio show scripts used for Your Rights Right Now
Namibia National Radio



Developed by the **Legal Assistance Centre** for the
Ministry of Gender Equality and Child Welfare
facilitated by the and supported by **UNICEF**.



This document is intended to assist radio show presenters discuss topics related to the Child Care and Protection Bill. Factsheets on these topics **have been enclosed** to provide further information for discussion. Additional factsheets on further topics have also been included should there be further opportunities to discuss some of the other topics.

Feedback from the listeners on these radio shows is very important if changes are to be made to the law. Please forward all feedback that you receive to **Mark Nonkes** at the Legal Assistance Centre:

SMS: 0814241591
Email: rcoomer@lac.org.na
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The cost to sms this number will be the standard rate from your network provider. On days/times when your network provider allows free sms messages, your message to this number will also be free.

The person sending the sms must get permission from the person who is responsible for the cost of the message.

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).

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RADIO SCRIPT 1:

AN INTRODUCTION TO THE DRAFT CHILD CARE & PROTECTION ACT

INTRO: HOST

Are children in Namibia well protected?

Since Independence, Namibia has signed several key international agreements aimed at protecting children's rights.

But are these international agreements incorporated into existing Namibian law?

SCENE 1: PRESENTER

Welcome to **Your Rights, Right Now**, a weekly show that looks at human rights issues around Namibia.

Today, we're looking at legislation currently being drafted – the Child Care and Protection Bill.

This bill is being designed to appropriately address the issues children in Namibia are facing today. The Ministry of Gender Equality and Child Welfare is leading the revision of this bill with the support of UNICEF, and they want to know about problems children in your community face so that the bill can address the real issues in today's world. This means that they want your opinions on the proposals in the new law. And they want to know if you identify with other issues that should be included in the law.

In a few minutes, we'll hear from **(name of guest) from (place)**.

SMS CALL OUT

First we will open our phone lines and sms lines up to hear from you about the need for the new act and if you think that children in Namibia, and the people who care for them, need more protection. The important question of the day is:

**What problems do children in Namibia face in your community?
What type of issues would a new law need to address?**

SCENE 2: PRESENTER

Recently, we caught up with a couple of secondary school students discussing the proposed legislation. Let's hear what they had to say.

DRAMA SCRIPT – 2 HIGH SCHOOL STUDENTS

Intro music

GIRL: Hi! I'm Inga and I'm a Grade 12 student at Jan Jonker Afrikaaner Secondary School.

BOY: And I'm Willem and my school is Immanuel Shifiti and I'm in Grade 12.

GIRL: Lately, Willem has been telling me he wants to be a politician. He says he's a man of the people, a natural born leader, a servant of society...

BOY: Yeah, yeah, okay. People say I'm good at making speeches. And my teachers always tell me I know how to argue really well, too well sometimes!

GIRL: But Willem before you head off and become the next Member of Parliament don't you think you need a bit of knowledge?

BOY: Like what? I've got lots of knowledge about lots of things. Like, did you know, that monkeys are able to see in color?

GIRL: Not that kind of knowledge Willem. We're talking about government policies, national budgets, new and upcoming legislation.

BOY: Oh, that kind of stuff. Ummm, okay.

GIRL: Yeah, like did you know that the government is planning to table the Child Care and Protection Bill later this year?

BOY: Ummmm, maybe I heard something once. Just remind me, what's it about again?

GIRL: It's called the Child Care and Protection Bill. It meant to replace an old and outdated law – the Children's Act 33 of 1960. That act was made years ago which means that it is not right for today. So now, the Ministry of Gender Equality and Child Welfare wants to replace the old law with this new Child Care and Protection Act. Hopefully, the new

law will work better to protect and assist Namibian children and the people who love them.

BOY: But adults are writing it right? So how can they be sure it is really going to benefit Namibian children?

GIRL: Well, there is a series of guiding principles that the proposed Child Care and Protection Act has to follow: It has to:

- Be consistent with the Namibian Constitution and
- Respect a child's dignity.
- It has to treat a child fairly and
- Protect a child from unfair discrimination
- It has to recognise a child's need for development, play and recreation and
- Respond to a child's special needs, like if the child has a disability.

Plus, there are the objectives too:

- To promote the protection of families
- To uphold children's rights and
- To make sure all the international agreements that Namibia has signed are in practice.

And they are consulting with children as well as they make the revisions. I think the adults have finally understood that young people need a voice too!

BOY: Great, so my rights get to be upheld. Go children's rights!

GIRL: Slow down my friend. Rights come with responsibilities. Many people misunderstand what rights mean. They don't mean what you want when you want. Rights mean upholding fundamental principles. And if you want your rights respected you have to respect other people's rights – that includes your parents!

BOY: Ok, but why should I really care about this Child Care and Protection Act?

GIRL: I thought you wanted to go into politics?

BOY: I do...I mean I think I do...I don't know.

GIRL: It doesn't matter what you want to be, both politicians and the public need to be involved in the making of new laws because they can affect each and every one of us. The Child Care and Protection Act will affect

all children in Namibia. The law will also affect adults – there will be rules for people who care for children, such as parents, school teachers, granny’s and granddads. This law that will affect anyone who either is a child themselves or has anything to do with children.

BOY: Ok, so where can I get my copy of this Child Care and Protection Act?

GIRL: No, no, no. The act is just being drafted now. I read the fact sheets that the Ministry of Gender Equality and Child Welfare has written about the draft bill. These fact sheets give you information about the various parts of the proposed law. Soon the factsheets will be given out in the newspaper and in other ways too. You should read them when you see them – or contact the Ministry of Gender Equality and Child Welfare for copies. They contain lots of information about the proposals for new law that will affect you and your family.

BOY: Ok, that sounds great.

GIRL: You know, the committee drafting this new law want people to comment and want people to participate in shaping the Child Care and Protection Act. You can write to the committee with your ideas and your comments on the new law. There’s actually four ways you can comment. By sms you send your suggestions to 081-424-1591 By mail, you write to PO Box 604, Windhoek.. If you have the internet, you can email to ccpa@lac.org.na. And if you want to fax, send it to 088-61-2715.

BOY: Great, I’ll send my comments in. But you know Ruth, you’ve got a pretty good grasp of this. And you really have a lot of knowledge. Have you ever thought about politics?

GIRL: Actually, the thought crossed my mind before. I like helping people, I like making sure that all Namibians are safe and living their best lives. But you don’t have to go into politics for that – a lot of people working on the new law work in government or work for non-governmental organisations. But I’ve got a while to decide what I want to do. I think I better finish school first. (pause) Willem, are you still thinking of becoming a politician?

BOY: Maybe I will try my hand at commenting on this new bill first and really thinking about how it can best be made to fit the Namibian situation. I still have some time left at school, ask me that question next year.

Exit music.

PRESENTER: SMS CALL OUT

**What problems do children in Namibia face in your community?
What type of issues would a new law need to address?**

Send your thoughts on the proposed CCPA.

Music break

PRESENTER: INTRO OF GUEST AND QUESTION AND ANSWER

Presenter: How do you decide what to include in this Act?

Guest: Namibia's law on children is very outdated, and was inherited from apartheid South Africa. Since 1960, which is nearly 50 years ago, new issues have emerged: such as intercountry adoption and child trafficking.

This law also looks at updating practices that have changed with time. So the Act will address corporal punishment in homes, consent to medical procedures – meaning looking at the age someone should be allowed to go for HIV testing or be able to get contraceptives without parental consent.

It also looks at reforming the rules that govern foster care grants, setting new standards for facilities for the care of children, redefining the age of majority – maybe it's time to set the age of majority to 18 instead of 21. Those are a few of the things the draft Child Care and Protect Act is proposing.

And it needs to incorporate all points from the international agreements Namibia has signed to protect children's rights.

Presenter: What international agreements has Namibia signed that will be incorporated into forming this law?

Guest: Since Independence, Namibia has signed several key international agreements aimed at protecting children's rights. They are:

- United Nations Convention on the Right of the Child, 1990
- African Charter on the Rights and Welfare of the Child, 1990
- ILO Convention on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, 1999

- Protocol to the Convention Against Transnational Organised Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000
- Convention on the Rights of Persons with Disabilities, 2006

These agreements are designed to protect the best interests of a child.

Presenter: How do you decide what's in a child's best interest?

Guest: We look at various factors. The new law includes a long list of factors people must think about when deciding the best interests of a child. Some of these issues include:

- the child's sex, age, background, maturity level and level of development
- the child's cultural ethnic and religious identity
- the nature of the child's relationship with parents, siblings and other relatives, along with other people who are significant in the child's life
- the attitude and behaviour of the parent or caregiver
- any history of family violence against the child or any other family member

But the new law also want to hear from the public and find out what they think should be incorporated in the new law.

PRESENTER: OPEN PHONE/SMS LINES

Do Namibia's children need better protection under the law?

PRESENTER: Q&A WITH GUEST CONTINUED

Presenter: Why is it important for people to send comments and opinions on this law?

Guest: 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 Namibia's children of today.

The new law wants to know about the problems faced by children in your community. It wants to hear about proposals for new laws. It want to identify other issues that should be included in the law.

Once this law passes parliament, it could be the law for the next 40-50 years. Which means, that right now, the public have a chance to have

a say on what will affect how children will be treated for future generations. You have an opportunity to ensure that important issues facing today's and tomorrow's children are tackled in this new Child Care and Protection Act.

It's truly democracy in action, where the government turns to the public and asks for comments and feedback to shape a law that will affect all Namibians.

You can learn more about the proposed Child Care and Protection Bill by getting information sheets that brief the public on the different aspects of the new bill. They are available at places such as the Ministry of Gender Equality and Child Welfare Office in Windhoek or the Legal Assistance Centre Office in Windhoek. You could phone their offices if you do not live in Windhoek.

To give your opinion, you can phone in to a show like this. Or alternatively, you can SMS your thoughts on the new law to 081-424-1591. Or email CCPA@lac.org.na, Or fax 088-613-715. Or write a letter to PO Box 604, Windhoek.

Presenter: Why is it important for children to participate in this new law?

Guest: Child participation is key because this law is about them. So encourage your child to take part in commenting, sending their thoughts.

Presenter: Remind us once more where people can give their feedback or comments on this law?

Guest: You can phone in to a show like this. Or alternatively, you can SMS your thoughts on the new law to 081-424-1591. Or email CCPA@lac.org.na, Or fax 088-613-715. Or write a letter to PO Box 604, Windhoek.

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

**RADIO SCRIPT 2:
THREE YOUNG VOICES: THE DEFINITION OF A CHILD**

PRESENTER: OPENING

21.
Finally 21.
Finally the keys to adulthood.
21 means freedom.
21 means celebration.
21 means you've finally reached the age of majority.

At least that's how it stands under current Namibian law.
But maybe Namibia's age of majority should be lowered to 18.

PRESENTER: SCENE 1

Welcome to **Your Rights, Right Now**, a weekly show looking at human rights around **Namibia**. The Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today, we're looking at the age of majority.

Currently, Namibia's age of majority is set at 21, according to a 1972 law called the Age of Majority Act.

However, the draft Child Care and Protection Act defines a child as being someone below the age of 18. This is in line with the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Both agreements define the age of a child as a person below 18.

As it currently stands in Namibia, children under 21 are considered minors. However, they are given certain rights as they mature.

In a moment, you're going to hear the opinions from three Namibian youths. The examples show how at each of their ages, the law of Namibia has given them certain legal rights.

At 16, a person has the legal right to make a will, open and operate a bank account and consent to sexual activity.

VOX POP 1 – SUZANDI

“My name is Suzandi Shifier I’m 16 years old and currently a Grade 11 student at the David Bezuidenhout High School.

I’m a minor. The concept minor relates to the child and its legal capacity. As a minor, society allows me limited rights only. I’m very happy with the limited rights I have. Imagine if I were to be given all rights. Mentally I wouldn’t be ready to handle all of them. My life would be clashing at all corners. The basic rights that I’m allowed are more than enough to help me develop positively into adulthood. However, a lot of my peers would still argue for more rights.

The common right wanted by most 16 year olds would be the right to free education. A lot of minors are less fortunate and would really love to help themselves out of their difficult situations. But the fact that they have to pay to go to school discourages them.

Here are some of my rights as a 16 year old living in Namibia.

I have a right to make a will and this be accepted by other people. But it will be my responsibility to make the right choices. That’s why I would advise every 16-year-old to consult older people before making decisions. I also have the right to open and operate a bank account and this comes with a lot of responsibility. I also have the right to consent to sexual activity. But even though I have the right to sexual activity, mentally and emotionally I’m not ready for that. With having sex has a lot of consequences.

Two years from now I will be 18 years. At this age I will be allowed to do more things. For example, I will be allowed to drive a car and drink alcohol. In some countries 16 year olds are allowed to drive and consume alcohol. But with driving a car and drinking alcohol comes a lot of risk. I feel the rights of an 18 year old in Namibia are perfectly suited for their mental capacity.

However, I am against the lowering of the age of majority from 21 years to 18 years. A person at the age of 18 is still a teenager. They are still very dependent on their parents and guardians. A person at the age of 21 is independent and responsible. Therefore I feel the age of majority should be held at 21 years.”

PRESENTER: SCENE 2

Now let's hear from someone who is 18. At this age, a person has the legal right to: work in any type of job, drive, buy alcohol, gamble, obtain a firearm, vote, give consent to medical treatment or be tried for a crime as an adult and be locked up in prison with adults.

This is what 18-year-old UijS (pron. ACE) Mushalwa had to say about his legal rights.

VOX POP 2

"My name is UijS Mushalwa. I am a student at Jan Jonker High and I am 18 years old.

In my view, a child is a young person who is not yet 18 years old. Being 18 means that a person is becoming an adult; there are more responsibilities and they are getting greater. I personally feel that what people are allowed to do at this age is quite fair considering the fact that you can make your choices and know the consequences of them. This makes you responsible for your choices.

One benefit of being 18 is that you can go out to clubs. I don't know if this is a good idea as it could distract you from your studies. Being able to get a job or a drivers license are good things because both help you become independent. Some 18 year olds take wrong paths and make wrong choices because of peer pressure. Some follow the rules and some do not.

There are certain important things that people do not feel ready for even though they are allowed.

The main one is consenting to sexual activities. I feel 16 is too young for being able to consent to sex.

I personally don't feel ready to vote, just because I don't know very much about politics.

I don't think the age of majority should be brought down to 18 because too many wrong choices would be made and many 18 year olds are not mature enough to be responsible for their actions. But I do agree with having any job and being able to drive at 18."

PRESENTER: SCENE 3

Okay, 18 year olds have a lot of rights. But let's make it clear. 18-year-olds are not considered adults by law. Minors cannot legally enter into contracts without the assistance from their responsible parent or guardian. Minors cannot get married without the consent of their parents or guardians. The government must also give permission to marry if the child is younger than 18. Minors cannot sell or mortgage land. Minors cannot administer money or property which they have inherited.

In most other countries, the age of majority is set at 18. That means at 18, young people are entitled to full legal rights and responsibilities.

Let's hear what Frans Saharia, a 21-year-old, has to say about lowering the age of majority to 18 from 21 in Namibia.

VOX POP 3 – FRANS

"My name is Franz Saharia and I am a 21 years old.

When under the age of 18 one is usually considered to be a minor child by law because the law believes that you are young and unable to take on the world. I agree with this.

I think that 16 and 17 year olds believe that they can look after themselves but in fact they cannot. Life is a mental game and minors are missing an adult mind.

Minors gradually acquire more and more legal rights as they mature. It seems as though law makers are trying to prepare minors for adulthood.

A 16 year old can make a will and open a bank account. I agree that these are good steps. A 16 year old can also consent to sexual activity. This one is debatable. Maybe this is allowed because it is too difficult to control though.

When I was 16, I didn't know very much. I was still in high school and very dependent on my parents. I lived under my parents rules and I was not allowed to do certain things like coming home late for example. Looking back now, I understand why.

An 18 year old can obtain a firearm license, buy alcohol, drive, and even vote.

As I grew older, my parents gave me certain rights and when I turned 18, I became a man of my own.

The major issue here is the rule though about the age of majority which at the moment is set at 21 in Namibia.

Personally I think that it should be lowered to age 18 now. There actually is not much difference between what an 18 year old can do and what a 21 year old can do right now. If an 18 year old can buy alcohol, own a gun, gamble and even be locked up in prison with adults why deny them the right to the age of majority?

Since I was 18, life has been pretty much the same for me until today. Just a few minor changes happened at 21.

As for 16 year olds, in my mind they are still very young, impressionable and just not ready for the responsibilities that come with the age of majority.”

PRESENTER: SCENE 4

What do you think?

We've heard differing opinions today about lowering the age of majority.

Do you think 18-year-olds are ready for the full responsibilities of being an adult?

Are they ready to enter into legally binding contracts?

Are they responsible enough to make personal and business decisions without parental consent?

The committee drafting the Child Care & Protection Act wants to hear from you. They want to create a law that reflects the views and values of Namibians. They want to hear your thoughts on whether or not the age of majority should be changed. Tell them why or why not you think the law should be changed.

You can comment and offer your thoughts by several ways. You can SMS to 081-424-1591. You can email CCPA@lac.org.na. You can fax 088-613-715. Or you can mail your comments to PO Box 604, Windhoek.

Finally, you can learn more about this topic by picking up a Fact Sheet at the Ministry of Gender Equality and Child Welfare or by visiting the Legal Assistance Centre at 4 Korner Street Windhoek. You can also download the factsheet by visiting the LAC's web site at www.lac.org.na.

PRESENTER: CLOSING

You've been listening to Your **Rights, Right Now, a Legal Assistance Centre radio production.** Today, we've been talking about lowering the Age of Majority from 21, as it currently stands under Namibian law to the age of 18, as being proposed in the Child Care and Protection Bill.

Special thanks goes out to: the crew at Physically Active Youth for participating in this discussion, to Mark Nonkes and Anne Joyce from the Legal Assistance Centre who produced this show and to (musicians) whose music you've been listening to. Finally, thank you to the Ministry of Gender Equality and Child Welfare for revising the bill and UNICEF for the support they are giving to the process.

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

Remember, change starts with you.

For Your Rights, Right Now, I'm (presenter's name).

RADIO SCRIPT 3
THE DEBATE: ACCESSING CONTRACEPTIVES –
WHAT IS AN APPROPRIATE AGE?

HOST: OPENING

At what age should a girl be able to go to the doctor and ask for the contraceptive pill without the consent of her parents? 10? 14? 18? 21? What age is the right age?

PRESENTER: SCENE 1

Welcome to **Your Rights, Right Now**, a weekly show looking at human rights around **Namibia**. Currently, the Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today, we're looking at the age that a person should be allowed to access contraceptives without the consent of his or her parents. In the proposed Child Care and Protection Bill, 14-year-olds would be allowed to access birth control pills, injections and other forms of contraceptives by themselves.

However, this is not yet law.

In fact, the age of 14 is an item in the Bill up for debate.

To get a better idea of what's happening on the ground, **Your Rights, Right Now** met a group of young people with differing opinions on the appropriate age to access contraceptives. As you will hear, the girls had a different idea than the boys.

VOX POP – SUZANDI

I'm Suzandi Schifier and I'm against lowering the age of consent to access contraceptives to 14 year old. The reason being at 14 years old you're not ready for it. Because when you do take contraceptives you need to be responsible. Cuz a 14-year-old still play. So at 14 you might forget because you're not responsible yet. I mean, the legal age to sex is at 16 so why would you want a 14 year old to have contraceptives. Then you may as just well take, make the legal age of having sex at 14 then.

VOX POP – FRANZ

My name is Franz Sakaria and I'm for 14 year olds getting a hold of contraceptives. Number 1, the reason why I support this is because girls are believed to mature quicker than boys do. This applies more to girls though. I don't know about the boys really though. When they're 14, they still tend to be a bit childish. A 14-year-old girl, for example, need to take care of themselves because at the age of 14 they start going the puberty and stuff. And feeling sexual emotions for the older boys. For this reason, they need to protect themselves. When they go out there, when they go to parties and stuff the older boys hit on them and after a drink or two the boys take them away and they end up having sex with these older boys. So they need to carry these contraceptives with them. And now, the other thing for them now, about this whole thing, let's say for example that the girls are involved and they have to talk to their parents about this stuff – they will not. Because their parents will not condone the activities that they are doing. The other thing is that peer pressure as well and independence also. Kids at the age of 14 do not like to listen to their parents, especially girls, they tend to be all cheeky and stuff like this so they will not talk to their parents about contraception.

VOX POP – COUNNEY

I'm Counney and I'm against lowering the age of consent to access contraceptives to 14. Giving kids contraceptives at an early age like 14 is like promoting sex. It's like telling everybody once you turn 14, you can start having sex. Yet again, contraceptives like condoms that can be carried around aren't very safe. So I'm totally against the motion of kids getting contraceptives of 14. When you're 16, you're more responsible and more matured. So when you use contraceptives like the pill, you'll know when to take that and at which times.

VOX POP – JASON

Hello. I'm Jason. If children have to ask for permission, parental permission from their parents, firstly they'll be shy and the subject about sex will come up. And obviously parents never talk about sex with their children and stuff. Only some parents but they tend to skip the issue of having sex and encouraging the person to have sex. At that age of 14, your friends tend to encourage you like 'just experiment, sex is good.' If you experiment it will work for you. I personally think it's okay to have contraceptives.

VOX POP – COUNNEY

This is Counney again. They keep on saying children, children, children. What does that tell us? You're still a minor, meaning you're parents are still responsible for you. How can you go for contraceptives? Contraceptives is a large word. There are different types of contraceptives you get. You get the condom, which is not 100 per cent safe. You get oral contraceptives which does not really work because you have to be totally mature to use that. And then you get surgical and rhythm contraceptives.

VOX POP – FRANZ

My name is Franz and I clearly do not agree with what my oppositions says. The main concern is the fact that the world is moving on and people do things at different ages now. Different days people owned cell phones when they were only 20 and 21. Today you'll find a 10-year-old that is owning a very expensive cell phone. Now, it's the same thing when it comes to sex now. In the days our parents would have sex when they were probably 19, 20, 21. And now, it's not the same anymore. We start at sex 11, 12, 13, 14. For this reason we have to do something about this. 14 year olds out there are having sex. For that reason we have to make sure we are trying to protect them also. We as seniors, as adults, we have to sort of try to protect the kids and make sure that we know they are having this, they are doing this so we shouldn't try to interfere and just try to help them out.

PRESENTER – SCENE 2

Lots of interesting thoughts from this group of youth.

If the age that child can access contraceptives is lowered, will children be better protected from pregnancy and sexually transmitted diseases? Or will it mean that children may be exposed to sex at a younger age than before?

Namibia is changing its main law on children. The proposed new law, the Child Care and Protection Bill, aims to protect and assist Namibian children. Part of that law looks at the age people should be able to access contraceptives without their parent's permission. Currently, the draft law is proposing that children who are 14 years old should be allowed to access contraceptives.

But what do other countries do? The age at which young people can access contraceptives varies between different countries. Even in African countries that are close to Namibia, the rules differ.

In Ghana, anyone, regardless of age, can be provided with contraceptives and reproductive health services, if they are involved in sexual activity.

In South Africa, children can access contraceptives from the age of 12.

In Zimbabwe, children who are 16 can access contraceptives without their parent's permission.

What should Namibia do?

SCENE 3 – PRESENTER

Something else to think about – in the United States, a town with only one health clinic decided to require parental consent before issuing contraceptives to anyone under the age of 20. The result: the percentage of women who became pregnant increased. In fact, a survey found that 47% of minors in the state of Wisconsin would stop using all family planning clinic services if their parents found out they were seeking birth control pills or other contraceptives.

Would the same thing happen in Namibia? Is it already happening? Are the restrictions that young people face in accessing birth control and other contraceptives leading to teenage pregnancies?

Official statistics on pregnancy-related school drop-outs in Namibia for 2007 show that a total of 1465 learners dropped out for this reason – with 96% of them being girls. Could one contributing factor be the fact that young people may currently have difficulty accessing contraceptives?

What do you think?

Should 14-year-olds be allowed to access contraceptives by themselves?

You can take part in this discussion. Your comments and input will help improve the proposed Child Care and Protection Act.

Is the age of 14 appropriate to access contraceptives without the permission of a parent?

Should there be different rules about access to condoms compared to access to other forms of contraceptives, such as the birth control pill?

Send your comments by SMS to 081-424-1591. Or write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

PRESENTER – CLOSING

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

Your Rights, Right Now sends a big thank-you to the team at Physically Active Youth, to the producers at the Legal Assistance Centre and to sound engineer Sammy Nakanyala. Special thanks to the Ministry of Gender Equality and Child Welfare for revising the bill and UNICEF for the support they are giving to the process.

Remember, in a democracy, every voice matters. **For Your Rights, Right Now, I'm** (presenter name).

RADIO SCRIPT 4
VOICES OF THE FUTURE: CONSENTING TO HIV TESTING

INTRO – HOST

If you've been for an HIV-test, you know what it's like.

There's the registration, the pinprick, the blood test and then The Wait. The wait where the world seems like it's sitting on your shoulders. The wait where every possible scenario runs through your mind. The wait where your imagination runs wild.

To go for an HIV test, you have to be ready. Ready for the unknown outcome.

But at the same time, it is an incredibly important wait. Knowing your status can be the difference between life and death in the long run so it is very important that people who need to have a test do take one.

But at what age is a person ready to go for an HIV test without permission from his or her parents? Is it 12, 14, 16, 18?

SCENE 1 - PRESENTER

Welcome to **Your Rights, Right Now**, a weekly show looking at human rights around Namibia. The Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today we are looking particularly at the age of consent for medical testing, particularly at the age when a young person can go for an HIV test without his/her parents consent.

The infection level of HIV in Namibia has recently started to go down. Governments and communities want this trend to continue, so it is important to look at all policies to make sure they support the efforts of the governments.

It is very important for people to know their HIV status so that they can adopt responsible behaviours.

But what about youth? At what age should young people be able to go for HIV testing without their parent's permission?

Recently, we asked a number of youth if 14 would be an appropriate age to consent for an HIV test. Here's what they had to say:

VOX POP – FRANS

To the point of minors 14 and 16 year olds getting themselves tested, I don't think they are mentally capable of just deciding for themselves to go for the test because as we all know they are still very dependant on their parents. Then just deciding they want to go out there and get themselves tested is not really a big yes because they do not really know the consequences and they live under their parents rule and really don't know what's good for them.

VOX POP – COUNNEY

I think 14 years olds should be allowed to go for HIV/Aids testing without the consent of their parents because why are we sent to school? To get taught things that our parents can not teach us, now in school we get taught about HIV/Aids and the risks they have now. When we go to school we get educated about these things so I think 14 year olds should be allowed to go for HIV testing. Everybody has the mental capacity or capability to know that New Start Centre you go there to get tested for HIV/Aids. Mostly it is contracted through sexual intercourse but its not the only way of contracting HIV/Aids so you can be 13, 14 or 15 and get infected by blood transfusion or something like that.

VOX POP – SUSANDI

The majority of HIV cases are amongst youth and we as young people don't like talking about our sexual, what we do, like sexuality and things, like talking about it with our parents so we wouldn't want our parents to know about our medical issues.

VOX POP – COUNNEY

Not many parents out there are very understanding, if I as a 14 year old go to my mother and tell her "mommy I think I should go for an HIV test", we grew up in such a black society, many of our parents are still very traditional they still live in the olden times. When I as a 14 year old go to my mothers and tell her "mommy I need to go for an HIV test", it's like a slap in the face for her, what are you trying to say about her family, I don't think they will accept it for you well but if you as a 14 year old child decide let me go for an HIV test and the results are positive or negative then you can go to your parents. Obviously they will be shocked if you are positive but they will give you the support that you need than when you go to them and say I want to go for and HIV test. They will tell you NO I am sorry but you are not going, what are you trying to say about our family or something like that.

VOX POP – JUNIOR

Actually I don't even know why we are talking about getting permission from our parents because it our lives that are at risk here so we do not need to involve our parents in major decisions like this so if a 14 year old wants to get tested then let them get tested because if the person learns about their status then they will be able to know or make wiser decisions for their future.

There are people out there that are very hard-headed so if you get to know about your status you will definitely try and live a normal healthy life. Young people 14, 16, 17, 18 year olds, they are in a period of party-ness, they go to parties, they drink a lot and hang out a lot so because of this if they know about their status they will be cut out on their alcohol maybe they will eat healthy and look after themselves.

VOX POP – COUNNEY

When you are 14 and you get tested at an early age this will encourage you and motivate you keep on living a safe life because when you know about your status that you are negative or positive let's say you are negative you will do everything in your power not to get positive, not to contract the disease, you will live more safe and be more protective, even if you are sexually engaged you'll do things in a more protective manner.

VOX POP – JASON

I personally think that when us young people take the decision on going for testing this will make is ready for adulthood as in we will try to be more responsible and then it will also be an advantage for us in the future because learning to be responsible at an early age will have a major effect on you when you are older, you'll be more cautious on the decisions that you are making and then you will also be open with your children about this HIV testing and stuff.

PRESENTER: SCENE 2

That was a group of young people talking about whether or not 14 year olds are ready to go for HIV testing by themselves.

In fact, the age of 14 is currently being suggested as the appropriate age that a person could go for HIV testing without the consent of their parents in the draft Child Care and Protection Act.

What do you think? Is 14 the right age for a young person to go for HIV testing without a parent's permission? Or should it be another age – 12? 16? 18?

You can take part in this discussion. We'll let you know how you can send your comment to the committee drafting this legislation in a minute.

PRESENTER: SCENE 3

Since we're talking about the age that young people can go for HIV testing without their parents, let's look at what other countries are doing. In South Africa a child over the age of 12 may consent to having an HIV test. In the United States, most states allow minors to consent to testing for all types of sexually transmitted infections. Some say that the minor must be a certain age (usually it's 12 or 14, but most have no specific age limit).

The committee constructing this law wants to hear what you have to say.

At what age should a child be able to consent to an HIV test without the permission of a parent?

And what about this - should it be easier for a child to consent to having an HIV test than to consent to other medical procedures?

What do you think?

Help shape Namibia's law by sending your comments by SMS to 081-424-1591. Or write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

PRESENTER – CLOSING

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

Your Rights, Right Now sends a big thank-you to the team at Physically Active Youth, to producers Mark Nonkes & Anne Joyce and to sound engineer Sammy Nakanyala. Special thanks to the Ministry of Gender Equality and Child Welfare for revising the bill and UNICEF for the support they are giving to the process.

For Your Rights, Right Now, I'm (presenter name) asking the question: At what age should a child be able to consent to an HIV test without the permission of a parent?

RADIO SCRIPT FIVE

FOSTER CARE

PRESENTER: INTRO

Welcome to Your Rights, Right Now, a weekly show looking at human rights around Namibia. The Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today we are looking particularly foster care.

There are 14,000 children in Namibia in foster care, most of whom are in the care of relatives but some are living with strangers.

What does the law say about how foster care should be managed and monitored?

What does the law need to say to ensure that these children are protected and well cared for?

PRESENTER: SCENE 1:

Let us look at 3 different situations.

DRAMA 1: Eliz and Ruth

Eliz: You are such a good person to care for your niece Sarah now that her mother has died. It must be hard for you though to make the money stretch.

Ruth: Don't worry about that. It's all part of being a family.

Eliz: I heard something lately - if you officially register to be a foster parent you could get a grant of N\$200.00 a month to help with costs.

Ruth: That could really help, I think I will look into this tomorrow

MUSIC BREAK

DRAMA 2. Simon talking to his wife, Mary

Mary: Simon eat some dinner, you can't go hungry again tonight.

Simon: Mary I don't earn much money and we have 3 children to care for. Somehow we have to make my money go around. The children must eat my portion of food tonight.

Mary: You are a good husband and a good father, Simon. I wish that we could get a small grant to help out with the food.

Simon: Me too, but there is nothing we can get. Grants are only available to foster parents, not natural parents.

MUSIC BREAK

DRAMA 3: Grandparents, Martha and James talking about Samuel, their grandchild

Martha: You know James, Samuel is a wonderful child. I wish his parents could have lived to see what a fine boy he is

James: Yes Martha, I agree. He would make them proud if they could see him now. He reminds me of his father at the same age.

Martha: I'd love to adopt him so that he would really be ours.

James: So would I. The problem is we can't afford to adopt him because we'd lose our grant and then we couldn't take as good care of him. Food is expensive and he is eating a lot these days.

Martha: Maybe in the long run he won't mind but he was talking about adoption just the other day. I guess it would make him feel more secure. I will show him the food bills and explain the grant situation to him. That's the best we can do

PRESENTER: SCENE 2 (SMS CALL OUT)

What do you think?

Do foster grants affect people's decisions about whether or not to foster a child?

Foster parents can receive grants while adoptive parents cannot. Does this stop some foster parents from adopting children?

Should foster grants be means tested, so that people who earn above a certain amount do not receive a grant because they do not need it so much, or should the same grant be available to all foster parents?

Send your comments to us now.

PRESENTER: INTRO OF GUEST AND QUESTION AND ANSWER

(insert info)

Presenter: What is the actual definition of foster care?

Guest: Well, the international definition is that foster care is a short-term placement of children. However, in countries like Namibia, there is kinship care where extended relatives look after children in their family. This is a type of foster care but their stay with the relatives is often long-term rather than short-term.

Presenter: Currently, the draft Child Care and Protection Act does make provisions for the different types of foster care. Do you think there should be a difference?

Guest: That is something that we have to ask the public. Kinship care is very important in Namibia, particularly with the number of orphans there are. During the consultation process for this bill, we need to hear what people in communities think, should the law make provisions for foster care by relatives that are different to foster care by strangers?

Presenter: What will be the process of becoming a foster parent?

Guest: There is an approval process that goes through the Magistrate's Court. This is to check that the foster parents are suitable to care for a child and that they have the best interests of the child at heart..

People who want to be foster parents will have to apply through the Ministry of Gender Equality and child Welfare. A social worker will visit the family and write a report which is then given to the court to review.

Once approval, foster parents are monitored at least every 2 years.

It is important to have a formalised process because it can help prevent children from being abused. Foster parents can receive a grant. It is important that the foster parents don't foster a child just for the grant and not look after the child properly. In addition, there have been some stories of foster children being looked after differently to the biological children in the family. That must not happen, so these procedures are really important. We just need to find out whether the procedures are currently working in practice, or whether there might be some differences that we need in the process.

PRESENTER: SCENE 3 (OPEN PHONE/SMS LINES)

Send us your thoughts.

The draft Child Care and Protection Act does not make a difference between foster care by a relative and foster care by a stranger. Do you think there should be a difference?

Do foster grants affect people's decisions about whether or not to foster a child?

Foster parents can receive grants while adoptive parents cannot. Does this stop some foster parents from adopting children?

Should foster grants be means tested, so that people who earn above a certain amount do not receive a grant because they do not need it so much, or should the same grant be available to all foster parents?

PRESENTER & GUEST - Q AND A CONTINUED

Presenter: Instead of foster grants, should there be a general child maintenance grant available to anyone who is looking after a child on a long term basis?

Guest: This is one option to think about. In the story about Simon and Mary, they were caring for their own children but were desperately in need of help. We need to think about what can be done about this, how all children can be best looked after.

Presenter: How can people learn more about this or take part in this discussion?

Guest: The Ministry of Gender Equality & Child Welfare, along with the partners drafting this piece of legislation, want this law to reflect the Namibia of today and the Namibia of the future. They want public input through comments about the information we've been talking about.

Presenter: Where do they send their comments?

Guest: Help shape Namibia's law by sending your comments by SMS to 081-424-1591. Or write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

RADIO SCRIPT 6

CHILD TRAFFICKING

INTRO PRESENTER: SCENE 1

Welcome to Your Rights, Right Now, a weekly show looking at human rights around Namibia. The Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today we are looking particularly at Child Trafficking in Namibia.

Child trafficking is defined as moving a child from one place to another for the purpose of using that child for sex work or forced labour. Poverty, crime and violence contribute to child trafficking. Sometimes parents or other adults responsible for the child agree to the trafficking because they think that the child will have a better life in the new situation.

It is a crime for anyone to help with child trafficking in any way. This includes knowingly providing accommodation for children who are being trafficked, or supplying information to traffickers to assist them in trafficking.

Here are reports of two recent items in The Namibian to illustrate the problem:

VOX POP: (read by Person 1)

The Namibian, June 6, 2008

A US State Dept report on child slavery noted that Namibia may be a destination country for child trafficking although it is not known how big a problem this is. Cases were reported of Zambian and Angolan children trafficked to Namibia for domestic servitude among other things.

The report also noted that there is also evidence that small numbers of Namibian children are being trafficked within the country for domestic servitude, forced agricultural labour, cattle herding and possibly vending.

VOX POP: (read by Person 2)

The Namibian February 1, 2008

Delegates to the first ever conference on child labour were told that Zambian girls as young as 12 years were being trafficked to the Caprivi region with the promise of going to school but find themselves exploited as domestic workers instead. Boys of school going age from Zambia and Angola are brought in to herd cattle in northern Namibia.

Children are also used to commit adult crimes while sexual exploitation of girls in return for food, money, school fees and school uniforms are on the increase.

PRESENTER: SCENE 2

The draft law helps stop the trafficking of children by:

- ✓ Making it a crime to recruit, sell, transport, harbour or receive a child within or across the borders of Namibia for the purpose of exploitation
- ✓ Making it a crime to remove a child from a caregivers care without permission
- ✓ Making it a crime to remove a child from Namibia without the consent of both parents or permission from the court if that is necessary
- ✓ Helping return them safely to their home countries

In a few minutes we will hear from (name of guest) from (where) for more details on this important issue.

But what do you think? Send your comments by SMS.

Are you aware of children in Namibia who may be the victims of child trafficking?

What should happen when a family member trafficks a child for their own profit or benefit?

Should family members be treated more gently by the law if the family is desperately poor or if the family believes the child will have a chance at a better future?

PRESENTER: INTRO OF GUEST AND QUESTION AND ANSWER

(insert info)

Presenter: What steps is the Ministry of Gender Equality and Child Welfare taking to try to prevent child trafficking?

Guest:: There is a study underway to try to find out the extent of the problem. The Child Care and Protection Bill will also include provisions on child trafficking to help prevent and manage the issue.

Presenter: What should be done to help children who are victims of child trafficking?

Guest: A number of steps need to be taken:

- ✓ We need to make the public aware of what steps to take if they suspect a child is being exploited.
- ✓ Adults who are involved in child trafficking should be prosecuted
- ✓ In cases where family members may be involved in trafficking, whether it is because the family think that the child will have a better life or because they need the money, trying to help communities find alternatives to taking these often desperate measures is important

PRESENTER: SMS CALL OUT

Are you aware of children in Namibia who may be the victims of child trafficking?

What should happen when a family member trafficks a child for their own profit or benefit?

Should family members be treated more gently by the law if the family is desperately poor or if the family believes the child will have a chance at a better future?

Send your comments directly to the team drafting this act. Send an SMS to 081-424-1591. Or write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

PRESENTER – CLOSING

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

Your Rights, Right Now sends a big thank-you to the Ministry of Gender Equality and Child Welfare for revising the bill and UNICEF for the support they are giving to the process.

Remember, children's rights are human rights. **For Your Rights, Right Now, I'm (presenter name).**

RADIO SHOW 7

CORPORAL PUNISHMENT

SCENE 1: PRESENTER

Welcome to Your Rights, Right Now, a weekly show looking at human rights around Namibia. The Ministry of Gender Equality and Child Welfare is revising the Child Care and Protection Bill and the public is being invited to give their opinions or raise their concerns before this draft becomes law.

Today we are looking particularly at corporal punishment.

Corporal punishment and discipline are linked in people's minds because many believe that corporal punishment is necessary in order to discipline children. Corporal punishment is the use of physical force by a person in authority to cause pain for the purposes of disciplining someone. With children it could be spanking, slapping, beating or hitting with a belt or stick.

Discipline is meant to teach a person the difference between right and wrong, not to cause injury.

But it's not the only way to ensure that children follow the rules.

Recently, Your Rights, Right Now met a school principal (name) who uses alternative methods of discipline to ensure the rules are followed.

VOX POP: (SCHOOL PRINCIPAL)

To be developed

SCENE 2: PRESENTER

In fact, the use of corporal punishment is forbidden in Namibian schools in 1991 by a Supreme Court judgment. Teachers and the Ministry of Education have a duty to ensure that children have safe classrooms, where they are able to grow without the threat of violence.

However, corporal punishment is still allowed by law in Namibian homes. The Child Care and Protection Bill will include provisions on corporal punishment. It is proposed that the bill should say that any person having control of a child must respect a child's right to physical integrity. This means preventing bodily injury to that child. The draft bill also outlaws the use of physical force to punish a child in any facility which cares for children.

Many people still support the use of corporal punishment. However, some children have been seriously injured or killed by the use of corporal punishment. This is one of the most important reasons why Namibia must decide what the new law will say about discipline.

In addition, Namibia has signed international agreements, such as the Convention on the Rights of the Child that require laws and other measures to address the abuse children face. This includes corporal punishment. This means that Namibia is obliged to revise the current law.

Finally, the Constitution of Namibia is very clear. It says that “no person shall be subject to cruel, inhuman or degrading treatment or punishment”. This statement applies to children as well. Corporal punishment can be cruel, inhuman and degrading. To prevent this, and to make the provisions in the Constitution real, it is important that we address the issue of corporal punishment and discipline in Namibia.

In a few minutes, we will encourage you to send your thoughts and comments on revising the law on corporal punishment to the committee drafting this new law.

Some questions to think about:

What should the law say about how children should be punished?

What is the best way to raise public awareness of alternate forms of discipline which are more effective and better for children?

PRESENTER: INTRODUCTION OF GUEST AND QUESTION AND ANSWER
(please insert)

Presenter: Why is corporal punishment a problem?

Guest: There is no doubt that child discipline is necessary but corporal punishment is not the answer. Corporal punishment can turn into serious physical abuse. It teaches children that violence is an acceptable way of dealing with problems and that it is OK to use violence against someone you love. There are also other reasons why corporal punishment is not a good way to discipline children:

- Corporal punishment does not teach children the reason why their behaviour was wrong
- Children punished physically are more likely to be violent as adults and are more aggressive towards other children

- Corporal punishment can make a child feel worthless, scared, sad or ashamed
- Corporal punishment can destroy the relationship between a child and his/her parents or caregiver

Presenter: What alternatives are there to corporal punishment for disciplining a child?

Guest: There are many possible ways to do this. A few examples are:

- Explain the problem
- Make children take responsibility for their actions. For example, if a child breaks something, he/she must fix it
- Time out: Sometimes children become over excited and this can lead to bad behaviour. Take the child out of the room to calm down and sit quietly to think about what he/she has done wrong.
- Take away privileges: the punishment could be not watching T.V., not being allowed to visit friends, not receiving pocket money

Presenter: Can people comment on this issue?

Guest: Yes, the bill is still being revised. And we welcome public feedback from people who want to contribute and help ensure that Namibia's children are best protected under the law. Some questions that we're looking for input on this topic are: What should the law say about how children should be punished? And what is the best way to raise public awareness about alternate forms of discipline which are more effective and better for children? Finally, if minor punishment such as spanking is still allowed, how can children be protected from physical abuse?

Presenter: Where can they send their comments?

Guest: Send your comments directly to the team drafting this act. Send an SMS to 081-424-1591. Or write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

PRESENTER – CLOSING

Just to repeat. You can send comments on the topic of corporal punishment by SMS to 081-424-1591. Or you can write a letter to PO Box 604, Windhoek. Finally, you can fax your thoughts to 088-613-715.

For more information, contact the Ministry of Gender Equality and Child Welfare or the Legal Assistance Centre.

Your Rights, Right Now sends a big thank-you to the Ministry of Gender Equality and Child Welfare for revising the bill and UNICEF for the support they are giving to the process.

Remember, children's rights are human rights. **For Your Rights, Right Now, I'm** (presenter name).