



OUR SHARED DUTY TO PROTECT NAMIBIA'S CHILDREN

Reporting child abuse and neglect under the Child Care and Protection Act 3 of 2015

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2021



Mandatory reporting

Certain professionals **MUST** make a report to a State social worker or police if they suspect that a child needs help or protection. Failure to make a report in this situation is a crime, because it leaves a child in danger.

These professionals are legally required to report any suspicion of child abuse or neglect:

- Ⓞ school principals, teachers and counsellors
- Ⓞ doctors, nurses, dentists, pharmacists
- Ⓞ psychologists, psychological counsellors
- Ⓞ physiotherapists, speech therapists, occupational therapists
- Ⓞ traditional leaders, traditional health practitioners
- Ⓞ lawyers (where the information is not covered by attorney-client privilege)
- Ⓞ religious leaders
- Ⓞ labour inspectors
- Ⓞ staff members at registered child care facilities
- Ⓞ private social workers and private child protection organisations
- Ⓞ any other person who performs professional or official duties for children.

Voluntary reporting

Members of the general public **SHOULD** make a report to a State social worker or police if they suspect that a child needs help. Reporting by members of the public is encouraged, but failure to make a report is not a crime.

Protection for good faith reporting

Where reports are made out of genuine concern about a child, the persons who make the reports are protected.

- Ⓞ Their identity can be kept confidential unless disclosure is necessary in the interests of justice.
- Ⓞ They are protected against civil claims such as lawsuits for defamation.

A person who makes an intentionally false or misleading report could be charged with one of several crimes.

Children may not be able to ask for help on their own – due to their young age, fear, shame or lack of information about where to get help.
We all have a duty to protect Namibia's children!

Reporting by children

Children may report abuse or neglect involving themselves or another child to any social worker (State or private), to police or to a community child care worker. The child may communicate the problem in any way. Anyone who receives a report from a child must refer it to a State social worker within 48 hours.

Children in need of protective services

A child **DEFINITELY** needs protective services when the child –

- Ⓞ is abandoned/orphaned AND has insufficient care
- Ⓞ is engaged in behaviour likely to be harmful AND the parent/caregiver does not or cannot control the behaviour
- Ⓞ lives/works on the streets or begs for a living
- Ⓞ is being neglected, maltreated or abused
- Ⓞ is addicted to alcohol or drugs AND is without support to obtain treatment
- Ⓞ is involved in a criminal matter
- Ⓞ is an unaccompanied foreign child
- Ⓞ is chronically or terminally ill AND lacks a suitable care-giver
- Ⓞ is living in an extremely overcrowded, highly unsanitary or dangerous place.



- A child **MAY** need protective services if the child –
- Ⓞ is a victim of child labour, trafficking, commercial sex work, other forms of sexual exploitation or a serious crime
 - Ⓞ is living in a child-headed household
 - Ⓞ lacks a suitable care-giver because the parent is in prison
 - Ⓞ is *under* age 16 and is regularly absent from school
 - Ⓞ is *under* age 16 and pregnant or suffering from a sexually-transmitted infection (which could signal sexual abuse)
 - Ⓞ is *over* age 16 and suffering from multiple or repeated sexually-transmitted infections
 - Ⓞ is exposed to circumstances which may seriously harm the child's physical, mental, emotional or social well-being
 - Ⓞ is living in a violent family environment
 - Ⓞ is living with a parent, guardian or care-giver who unreasonably withholds consent to necessary medical treatment or therapy
 - Ⓞ is involved in a case that is under investigation by the Children's Advocate or the National Advisory Council on Children.



Any report that a child may be at risk of harm will trigger a social worker investigation.

Factors that trigger social work investigations

- Ⓞ a report about suspected child neglect or abuse from a professional or a member of the public
- Ⓞ where a child or an alleged offender has been removed from the child's usual home by police or a social worker on an urgent basis to prevent harm to the child
- Ⓞ where a court requests an investigation in any case involving a child
- Ⓞ when a child has been abandoned
- Ⓞ when there is a report of child labour, child exploitation or child trafficking
- Ⓞ when there is a report of misuse of a child grant
- Ⓞ when someone makes a complaint that a child's guardian is not acting in the child's best interests
- Ⓞ whenever a problem involving a child comes to the attention of a social worker in any other way.

Timeframe

The social worker investigation must be completed within:

- Ⓞ 45 days if the child was NOT removed from the home
- Ⓞ 30 days if the child was removed from the home.

Result

If the social worker's investigation concludes that a child is in need of protective services –

- Ⓞ The social worker must apply for a child protection hearing without delay. A child who was removed from the home for protection might continue to be cared for in a safe place until the hearing is over.
- Ⓞ The social worker may, as an interim measure, arrange for early intervention services to be provided to the child or the child's family.

A children's court will consider the social worker's report and give all interested parties a chance to give input. The children's court can then apply a remedy that fits the problem.

What protective services might be provided to assist a child?

"Protective services" are State services aimed at safeguarding a child's safety, security and well-being.

These are some of the protective services that the court might put in place:

- Ⓞ temporary placement with relatives, in foster care or in a children's home
- Ⓞ an order forbidding an abusive person from having contact with the child
- Ⓞ treatment for a medical problem, assistance with any special needs or help to overcome substance abuse
- Ⓞ support to the family to address family problems or improve parenting skills
- Ⓞ social worker supervision of the situation
- Ⓞ assistance to arrange a State grant for the child.

The comic pictured below is available on the LAC website

Text:
Celine Engelbrecht, Yolandé Engelbrecht, Dianne Hubbard

Illustrations:

Nicky Marais

Design and layout:

Perri Caplan

Printing:

John Meinert Printing (Pty) Ltd

Funding:

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the LAC and do not necessarily reflect the views of the European Union.



Legal Assistance Centre
Phone: 061-223356
SMS: 081-6000098
Email: info@lac.org.na
Website: www.lac.org.na