

NAMIBIA

CHILD RIGHTS CONVENTION COUNTRY REPORT



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FOR:
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1. INTRODUCTION

The Republic of Namibia, formerly called South West Africa, is in southwestern Africa, bounded on the north by Angola and Zambia, on the east by Botswana and on the south by South Africa, and on the west by the Atlantic Ocean. The capital city is Windhoek and the official language is English. German, Afrikaans and 11 local languages are spoken in the country. The official currency is the Namibian Dollar. Most of the people are Christians, but traditional beliefs still plays a big role. Namibia has a population of 1,670,000 people in a vast country of 824,268 sq km (318,252 sq miles)

The 2004-2005 Namibian Country Team consists of 3 women from the most southern region of the country:

- Fenny Shangengange – Fenny is a Primary School Principal in the Region's only harbour town, Luderitz.
- Dinah Steenkamp – Dinah is an Education Officer in the Regional Office of the Ministry of Education in Keetmanshoop. Keetmanshoop is the capital of the Region.
- Maree Smit – Maree is a Regional School Counsellor in the Regional Office of the Ministry of Education in Keetmanshoop.

To protect, defend and advocate the welfare of children everywhere in the world, the Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly of 20 November 1989. The Convention enters into force on 2 September 1990. By 30 November 2003, 192 nations of the world had ratified the Convention. Namibia ratified the Convention on 30 September 1990.

To monitor the implementation of the Convention by State Parties, the United Nations established the Committee on the Rights of the Child. All State Parties that are signatories to the Convention are mandated to make periodic reports to the Committee. (UNICEF: 1998). Namibia submitted its first report to the Committee in 1992. The report covered general principles, civil rights and freedoms, the family environment and alternative care, basic health and welfare, education, leisure and cultural activities and special protection measures (GRN: 1992). According to Rubenson Namibia's next report was due in 1997 (2002: 66). This report is still outstanding. Since 1992, Namibia has promulgated and drafted for consideration a variety of legislations to protect the rights of children and to promote their welfare.

Zimba and Zimba (2004:2) mentioned several legislations that have an impact on Namibian children:

Enacted legislations are:

- Combating of Domestic Violence Act, 2003
- Maintenance Act, 2003
- Combating of Rape Act 2000
- Education Act, 2001
- Married Persons Equality Act, 1996 especially as it pertains to the domicile of minor children and the guardianship of minor children of a marriage.
- The Criminal Procedure Amendment Act, 2003
- The Vulnerable Witness Act, 2004

Examples of Bills relating to children before Parliament are:

- The Children's Status Bill
- The Labour Bill

Examples of bills on children that either are under discussion by stakeholders or are being prepared by legal drafters:

- The Child Care and Protection Bill
- The Child Justice Bill
- The Divorce Bill

2. PURPOSE

The general purpose of this project was to sensitise stakeholders on the Child Rights Convention, to investigate the present stance of Child Rights in Namibian schools and to lobby for improvement where there are still shortcomings in implementation. As the Convention has 52 Articles, the team specifically focused on Article 28, with specific reference to (a) and (e):

1. State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance and the reduction of dropout rates at schools

2. State parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. RATIONALE

The Namibian Constitution – Article 20 (2) states:

- Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

The Education Act – Article 59 (2) states:

- Non-payment of the school development fund contribution in respect of any learner is not sufficient reason for withholding a report.

Ministerial letters to parents/guardians and principals of schools states that: “The School Development Fund or school uniform should not be used as a condition to admit learners to a public school.

Notwithstanding abovementioned legislation, withholding of examination reports due to learners not making a full contribution to the School Development Fund is however a common practice. Several children drop out of school because they cannot afford to pay their School Development Fund. Principals turn Orphans and Vulnerable Children away because of their inability to pay school fees.

Corporal punishment is also still administered in Namibian schools, although prohibited by the Education Act.

4. OBJECTIVES

The specific objectives of the team were:

- To encourage the Ministry to progress in the direction of primary education free of charge.
- To sensitize partners in education on CRC
- To take measures to encourage regular attendance at school and the reduction of dropout rates.

5. METHODOLOGY

On the return of the team from Sweden in October 2004 we had a meeting with the Karas Regional Educational Office staff:

- To give feedback on the visit to Sweden and to explain about conditions in Swedish schools
- To compare Swedish schools with Namibian schools with specific reference to free and compulsory education
- To get input on the choice of a project topic

The team met in November 2004 to:

- compile an Action Plan
- compile Questionnaires for parents and teachers. The project was piloted in 3 urban and 3 rural schools. Each team member took responsibility for 1 urban and 1 rural school.

At the pilot schools, team members interviewed principals to get information on schools, to give information on the project and to arrange meetings with parents and teachers.

The team had meetings with teachers and parents at the 6 pilot schools. The meetings started with a sensitization session on Child Rights. Teacher questionnaires and parent questionnaires were completed at the meetings. The last part of the meetings was devoted to questions. In question time some more information was given and some issues were clarified.

In November 2004, one team member took part in syllabus writing for the subject Life Skills at the National Institute for Educational Development. Through this action, it was ensured that Child Rights was included as a topic in Life Skills syllabuses for Grades 5 to 10.

This team member also met with an Education Officer responsible for Human Rights and Democracy at the National Institute for Educational Development. A discussion was held on the inclusion of Human Rights and Democracy as a cross curricular topic.

One team member had 2 workshops with teacher college lecturers at the National Institute for Educational Development. Child Rights, Learner-Centred Education and Discipline were some of the workshop topics.

Two team members met with Junior Town Councillors to get their perspective on the role of the Junior Town Council. The meeting also aimed to determine the involvement of the Junior Town Council in the management of the town. The Junior Town Council was considered as a measure to give children a voice in community matters.

Meetings were held with the Chief Executive Officer of the Keetmanshoop Local Authority Council and the Mayor of the Local Authority Council of Luderitz. During the meetings team members endeavoured to get the perspectives of Local Authority Councils on Child Rights. Partnerships between the team and the Local Authority Councils were established in the raising of awareness and the application of the CRC in the community.

The team met with the Legal Assistance Centre Head in Keetmanshoop to discuss and share experiences on the management of an art competition for learners on the CRC. The Legal Assistance Centre has some experience in this regard, as they previously conducted an art competition on the CRC for schools.

One team member had a meeting with the UNICEF Child Rights Officer in Windhoek to explore their role in the application of the CRC.

Two team members met with the Early Childhood Development National Coordinator (Education for All Committee). The discussion was on the integration of ECD in formal Education. The advantages and disadvantages of such an action were discussed.

One team member met with officials of the Ministry of Gender Equality and Child Welfare. During this meeting, a National Child Census was introduced in order to get proper statistics on children in Namibia. These statistics will include information on school attendance.

One team member had an interview with the Social Worker in Luderitz. During this meeting, her knowledge and awareness of the CRC were determined.

In Luderitz one team member had interviews with street children to find out what their reasons are for not attending school. In Keetmanshoop one team member organised an excursion for school dropouts. They were taken back to school, where they did some fun activities. They completed a questionnaire on their circumstances and the reason for school dropout. In the process principals, teachers and learners were sensitized on the needs of street children.

One team member attended the Launch of the State of the World's Children Report presented by UNICEF in Luderitz. The member reported to the team on the status of Namibian children. Through this report, it was possible to determine the needs of the country to improve the quality of life for children in Namibia.

One team member attended the National Conference on Orphans and Vulnerable Children. At this Conference, a Policy was launched on Orphans and other Vulnerable Children.

During the visit of the team's mentor in July 2005, all pilot schools were visited. A meeting was held in Keetmanshoop with principals, teachers and learners of all local schools. The focus during these visits was mainly on class visits, in order to evaluate the application of Child Rights in the classroom.

Furthermore, the team and the team's mentor paid a visit to the National Institute for Educational Development. We met with several education officers working with Human Rights as a cross-curricular topic. We also met

with the education officer for student teacher training. We had discussions on the inclusion of Child Rights in the curricula of schools and teacher colleges.

Moreover, the mentor and the team had an interview with a Senior Official in the Head Office of the Ministry of Education in Windhoek. During the interview, compulsory and free education was the main discussion point.

Finally, the team had a meeting with the Local Authority Council and principals in Luderitz. Several issues concerning children were discussed and the team pledged their cooperation in council activities. The same meeting was organised in Keetmanshoop for Local and Regional Authorities. None of the authorities turned up at the meeting.

6. RESULTS

6.1 Meeting with Karas Regional Educational Office Staff:

After staff members were informed on the stance of Education and Child Rights in Sweden, they realised that there are still a lot of challenges in Namibian Education that need to be tackled. There were however a few staff members who considered the Swedish education system as a far-fetched dream. They felt comfortable with education as it is in Namibia and do not want to change anything.

6.2 Planning meeting – November 2004

Pilot schools were identified and 1 rural and 1 urban school were allocated to each team member. An Action Plan was compiled. Two questionnaires on the attitude of teachers and parents on child related issues were designed.

6.3 Interviews with Pilot School Principals

Principals were informed about the Child Rights Project and their selection as pilot schools. They provided the team with some general information on their schools. They were eager to organize an event for team members to meet with their teachers and parents.

6.4 Meetings with teachers and parents

All meetings at pilot schools were well attended by teachers and parents. The CRC was explained to the meeting. After a brainstorm session on the rights of children, they were amazed to discover that they are already busy to implement certain aspects of the Convention. There were some complaints about the abolishment of corporal punishment. Teachers and parents completed the questionnaire. The results were:

Parents: 19 Parents participated

In general urban and rural parents are aware of the rights of children.

- 37% feels that children should not be part of decision making in the household.
- 32% feels that schools have the right to hold back performance reports if the School Development Fund is not paid.

Parents view a child as: A Gift from God, who should be looked after.

The reasons parents gave for children leaving school early were:

Poverty, Disobedience, Teenage Pregnancy, Learning Disabilities, Lack of Parental Care, Negative Peer Pressure, Alcoholic Parents and Being Orphaned.

Teachers: 56 teachers participated

- 56% feels that they have no responsibility towards a learner's academic performance.
- 26% still feels that a learner should listen quietly in class, not interrupting the teacher with contributions.
- 38% feels that less able learners should attend a separate school.
- 41% does not want education to be free.
- 43% feels that verbal abuse is not equal to physical abuse. They felt that verbal abuse is more acceptable than physical abuse.
- 38% still discriminate against minority groups.
- 52% feels uncomfortable with the presence of children in conflict with the law.

Teachers rate their knowledge of CRC from average to good.

Reasons given by teachers for learners leaving school early, are: -

Distance to school

- Lack of School Development Fund and school uniform
- Lack of Parental Care
- Lack of motivation
- Negative Peer Pressure
- Being orphaned
- Poverty
- Poor academic performance
- Unfriendly school environment
- Violence and alcohol abuse at home
- Children affected by HIV and AIDS

6.5 School visits in July 2005

During the visits of the mentor and the team to pilot schools, several class visits were done. In most of the classes learner-centred seating arrangements were observed. Several learner-centred activities were observed. There were

however some smaller issues at individual schools that were observed as not very child-sensitive. These issues were discussed with principals during the visits.

6.6 Meeting with teachers and learners in Keetmanshoop

The meeting was very fruitful and several issues related to Child Rights were discussed. Learners also took the opportunity to discuss several issues about their teachers that are bothering them. It was evident that learners were aware of their responsibilities towards their education. They however felt that they are not respected as human beings if teachers use cell phones, smoke and eat in classrooms.

6.7 Syllabus writing activity in 2004

The Life Skills syllabuses for Grade 5 to 7 with Child Rights as one of the topics were piloted in schools this year. The syllabuses, Grades 5 to 10 will be implemented in schools in 2007.

6.8 Meeting on Human Rights and Democracy in NIED

Human Rights and Democracy as a cross-curricular topic was piloted at some schools in Namibia in 2005. After this program alterations will be made, for implementation in 2006.

6.9 Workshops with Teacher College Lecturers

As College Lecturers are not directly in contact with children, they are not very sensitive on child issues.

They were very resistant to discipline, without corporal punishment. Their knowledge on the Teachers Code of Conduct was very outdated. They are therefore not really equipped to sensitize student teachers on Child Rights. A lot more sensitization and awareness raising is necessary amongst college lecturers.

6.10 Meeting with staff at NIED

The mentor and the team attended a meeting at the National Institute for Educational Development. The Staff is very much aware of the CRC. There are several projects to sensitize teachers on Human Rights and Democracy. The absence of Child Rights issues in Teachers College Syllabuses is however an alarming fact.

6.11 Meeting at Head Office of the Ministry of Education

The official, the mentor and the team met, was well prepared for the interview. His excuses for the delay in

the implementation of a National School Development Fund, which will be able to refund schools for children who cannot pay school fees, was vague. According to this official free education means the provision of a teacher, a classroom and stationary. He explained that the Ministry is not enforcing school attendance, as school attendance is not possible everywhere in the country. He considered the word “compulsory” as irrelevant in the Namibia’s constitution.

6.11 Meeting with Junior Town Councillors

It was discovered that the Junior Town Council was just a body in name. It was not functional and they were

never allowed to attend a Local Authority Council meeting. They never received any assistance and were not sure about their role.

6.12 Meetings with Local Authority Councillors

The meetings with the Local Authority Councillors in Luderitz were very fruitful. They addressed several child related issues at Luderitz schools. The main discussion was on the limited classroom and movement space at the primary and secondary school in the town. At the primary school the lack of space resulted in the inability of teachers to do physical training with learners. Several learners are experiencing motor development problems, which teachers cannot attend to, due to limited space.

6.13 Meeting with the Legal Assistance Centre

As the Legal Assistance Centre was previously involved in a Regional Art Competition in schools on the topic of Child Rights, the Head could share with us the strategies he used. During the competition, he concluded that children do not have much knowledge of Child Rights. He was able to give the team some valuable information on how to administer the art competition.

6.14 Meeting with UNICEF

It was a surprise to find that UNICEF has a specific officer who deals with Child Rights. UNICEF had a lot of information material available on Child Rights. UNICEF even initiated and funded a study on the compliance of Namibian legislation to the CRC. UNICEF now started a program on training parents on the rights of the child.

6.15 Meeting with National Early Childhood Coordinator

Communities are advocating strongly for Early Childhood Development being again under the control of the Ministry of Education. This will enable more children to attend pre-primary education. It will also help children to be more prepared for formal education and prevent the early dropout from school. It will improve the quality of pre-primary education.

6.16 Ministry of Gender Equality and Child Welfare

The National Child Census was piloted. The Ministry has now done the necessary alterations to the Census Form. They will now train people to conduct the survey in 2006.

6.17 Meeting with Social Worker in Luderitz

There is currently a very close cooperation between the Social Worker and schools in Luderitz. She especially assisted schools in cases of learners with poor school attendance.

6.18 Street Children

Through the talks and questionnaires with street children, it was noticed that many street children mentioned their inability to pay school fees as a reason for leaving school. The lack of parental care should also be mentioned here. Although parents cannot afford to pay school fees, they do not take the trouble to negotiate with schools on the payment of school fees. They rather allow the child to leave school and through this create a new generation living in poverty.

6.19 State of the World's Children Report

According to the report, Namibia is seen as a lower middle-income country. Their level of deprivation among children is similar to countries from the low-income group (Bellamy, 2004:23). Therefore, a lot is still needed to be done to improve the quality of life of children in Namibia

6.20 Orphans and other Vulnerable Children

With a policy on Orphans and Vulnerable Children the group is no longer so vulnerable. Some measures were put in place to protect the interest of this group of children.

7. ANALYSIS AND OUTCOME

Legally it appears as if Namibia has largely complied with Article 28 of the CRC, looking at the provisions of the Namibian Constitution and the Education Act of 2001.

There are, however, a number of issues that still needs attention. Although 2001 statistics showed that 89% of children aged 7-13 were in school, 66% of those in Grade 6 could not read proficiently and are more likely not to complete their school education. This and other issues communicate the message that although there is legislation, there is still gaps in the education system. Notwithstanding, legislation on exemptions on School Development Fund a number of learners are still unable to attend school due to the failure to pay the various fees. The National Education Development Fund as mentioned in the Education Act is still not active. This fund is supposed to refund schools for learners who are exempted from School Development Fund. There is

also a contradiction between the Namibian Constitution and the Education Act. While the Constitution mentions free education, the Education Act only mentions that the payment of School Development Fund cannot be forced. It became evident that parents see the importance of School Development Fund, but because they are not able to pay it, they just ignore it. Teachers do not want education to be free, as they see free education as an influx of more learners into schools, which will resulted for them in overcrowded classrooms. Teachers know how limited the resources are which they receive from government. They are scared that the stationary contribution of the Ministry will even reduce, if education should become free.

Although primary school education is compulsory, there is no provision in the **Education Act** on mandatory school attendance and it seems as if the Ministry is even eager to get rid of the word “compulsory” in the Constitution.

The requirement in Article 28 of the **CRC** of making higher education accessible to all, based on capacity has not yet been complied with by Namibia due to a lack of financial resources. Presently, the demand for loans to study at tertiary institutions outstrips the number of loans the State is able to provide.

Although the **CRC** requires from a State to make educational and vocational information and guidance available to all children, the

positions of guidance teachers were abolished from school establishments.

Teachers and parents in Namibia are still not comfortable to get rid of corporal punishment. They still need some confidence to tackle discipline with discipline from within.

Children in Namibia are often still viewed as object by parents and teachers and not as subjects, who have their own rights.

The team is of the opinion that Namibia has made a lot of progress towards the goal of complying with the requirements of the **Convention on the Rights of the Child**. Namibia has put in place some legislations aimed at protecting its children and enhancing their well-being. Although Namibia has some well-formulated laws in place, the application and enforcement of laws still need a lot of attention.

8. INDICATIONS FOR THE FUTURE

The team will continue with their work on CRC. The work they have done in pilot schools will be continued in all other schools in the region. The team will also join hands with the participant, who is in training at present. This will strengthen the team and will remove the stigma of an “all women team.” The team did receive several questions on the compilation of their team. It seems as if the all women contingent was threatening to some teachers.

The team envisage continuing with their plan to have an art competition in schools on CRC. The team already managed to get hold of some prizes for the competition.

The team is of opinion that they never will be able again to remain silent on child rights issues. The team foresees that their work with CRC will go from strength to strength.

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