

# ANNUAL REPORT 2010



Adv Pio Teek, Acting  
Ombudsman: 23 July 1990-28 May 1992



Adv Fanuel Kozonguizi  
Ombudsman: 20 May 1992-1 January 1995



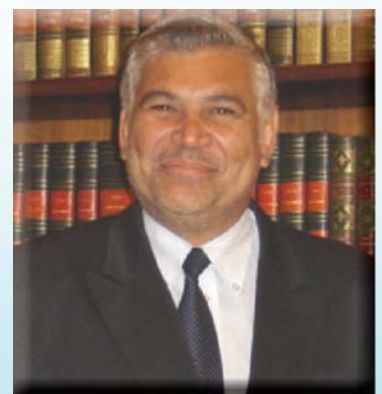
Adv Ephrain Kasuto, Deputy  
Ombudsman: 2 March 1993-31 March 1997



Justice Simpson Mtambanengwe  
Acting Ombudsman: September 2003-June 2004



Adv Bience Gawanas  
Ombudsman: 24 December 1996-15 September 2003



Adv John Walters  
Ombudsman: July 2004-Current

**1990-2010**  
**20 Years of serving the Namibian people**



# MISSION STATEMENT

The Office of the Office of the Ombudsman of Namibia strives to promote and protect human rights, fair and effective administration, combat corrupt practices and protect the environment and natural resources of Namibia through the independent and impartial investigation and resolution of complaints and through raising public awareness.



# C O N T E N T S

MESSAGE FROM THE OMBUDSMAN

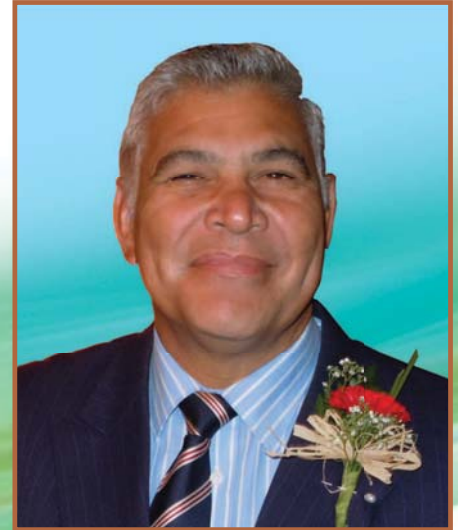
SCOPE OF ACTIVITIES

MAJOR ACTIVITIES

- Investigations
- Management Services and Administration
- Special Reports/Events and Public Education/Outreach Activities

# MESSAGE FROM THE OMBUDSMAN

This is the 20th Annual Report of the Ombudsman and it coincides with the 20th Anniversary of the Republic of Namibia. After 20 long years the question is not “*quo vadis* (whereto) Ombudsman?”, but rather “*respire prospice* (look back; look forward) Ombudsman.” In our pursuit of “a world where people can live a life they deserve,” we take a moment to reflect on how far we have come to be where we are today. It was a long and arduous journey, a journey that was embarked upon on 23 July 1990 to promote and protect human rights, fair and effective administration, combat corrupt practices and protect the environment and natural resources of Namibia through the independent and impartial investigation and resolution of complaints and by raising awareness. In the past 20 years we have had many satisfying experiences serving people with joy, but also regrets that we could not find in favour of all complainants.



With the hard earned independence in 1990 came the firm establishment of the Ombudsman as a totally independent institution of the State under the Constitution, free from outside interference and control. It happened with the promulgation of the Ombudsman Act no 7 of 1990 on 14 June 1990 and the Office of the Ombudsman came into being with the appointment of the first acting Ombudsman. It was indeed a humble beginning on 23 July 1990. The accommodation consisted of four offices only and three staff members, namely a deputy director cum investigation officer, a private secretary cum receptionist cum typist and a messenger. The total number of complaints received up to 31 December 1990 was 510 of which 431 complaints were satisfactorily resolved. What an accomplishment. The total number of complaints received from 1 January up to 31 December 2010 was 2127.

July 2010 saw the completion of 20 years of continuous service to the Namibian people by the Office of the Ombudsman. During this period more than 22759 people, either in person, in writing or telephonically have approached the Office seeking help. The services of the Office as detailed in all Annual Reports, impact on the lives of ordinary citizens from all walks of life, including but not limited to people who do not receive payment of their pensions, prisoners who need assistance with appeals unduly delayed, people who struggle to have their national documents issued by the relevant authority, police officers who are not promoted, individuals seeking assistance to institute civil claims against Government, persons who just visit the Office for advice or any individual who may have suffered from prejudice, maladministration, violation of basic rights and freedoms or any form of impropriety committed by any organ of the State or its officials.

Over the past 20 years there were two Acting Ombudsmen, one Deputy Ombudsman and three permanent Ombudsmen at the helm of the Office. We salute them for their achievements and contributions to the development of the Office.

The number of staff members also increased from 3 in 1990 to 33 in 2010, of which 13 are investigating officers supervised by a Director and a Deputy Director at the head of the administration division; it is important to recognize that the achievements of the Office are the result of the hard work of staff members over the years. There have been a number of changes in the working environment due to the resignation of key personnel, relocation of the Office, budget shortages, etc; however, despite these challenges, the staff remained committed and focused and it goes without saying that the quality of work done by this Office is a direct reflection of the quality of staff who performs it. I wish to commend and thank them for that.



The humble office complex consisting of only 4 offices in 1990 and various relocations to different premises around the city, grew into an impressive three-story building with 39 offices in 2009. The daunting task of making the Office accessible to the entire Namibian nation was met with astounding success. During 2005 two regional offices were established in Keetmanshoop and Oshakati respectively, with 62 additional visiting points; both offices are manned by permanent staff. A total of 52 places which are not covered by the regional offices, are covered by staff from Windhoek head office. A third regional office which was scheduled to be opened in Swakopmund in 2010, unfortunately did not materialize, but it is trusted that it will be opened as soon as possible. Two more regional offices are in the pipeline for Otjiwarongo and Rundu.

The Office has an enormous but unique mandate. As a hybrid office, it is:

- firstly, classical Ombudsman mandated to assist any individual who has suffered prejudice or maladministration or any form of impropriety committed by any organ of State or its officials;
- secondly, the national human rights institution obliged to assist any individuals who suffered violations of basic rights and freedoms;
- thirdly, the protector of the environment; and
- lastly, the investigator of instances of misappropriation of public funds and property by officials.

These broad mandates can be addressed by acknowledging three fundamental requirements for a successful Ombudsman institution as follow:

- Ensure that Ombudsman who are appointed are, and are perceived to be, independent at the time of appointment and by conduct and performance are perceived to retain that independence;
- that the Office established to support an Ombudsman is adequately resourced to fulfill the mandated responsibilities of the office holder; and
- that the office holder is accountable for performance and effectiveness to the elected representatives of the people, i.e. Parliament.

In April 2006, after its application for accreditation, the office of the Ombudsman was granted a status “A” accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). It means that the Ombudsman fully complies with the Paris Principles. The office is up for re-accreditation during May 2011.

The journey that started in July 1990 is far from over. We still have much to do, yet we feel satisfied about what we have achieved thus far.

We are cognizant of the needs of our people and we will strive to meet those needs with humility, dignity and integrity. Our principles/values of independence, impartiality, fairness, accessibility, responsiveness and service to all members of the community do not only serve as our guiding light in carrying out our wide range of functions, but it is indeed what the people expect of us. We will remain loyal to these principles and values.

As stated in previous reports, we do not work in isolation; many organizations, ministries, institutions, individuals and our donors have played an important part in making our role in assisting citizens immensely satisfying. I want to commend and thank them for that, especially the French Embassy, the US Embassy, the Konrad Adenauer Stiftung, the Raoul Wallenberg Institute and the Ministry of Justice.

Lastly, I wish to express my gratitude to everybody whose efforts contributed to the appearance of this report.



# SCOPE OF ACTIVITIES

## Overview

The core business of the Ombudsman remains the receiving and investigation of complaints. Ombudsmen traditionally only deal with maladministration but the Namibian Ombudsman is multifunctional (hybrid office) and deals with four broad constitutional mandates. The activities set out in this Report reflect this multi-functionality which presents the Office with quite a challenge considering the lack of appropriate capacity in some areas. The complaints we received cover a multitude of matters pertaining to a variety of government agencies and officials. Our complainants are at the heart of what we do, but complaints about maladministration, violation of basic rights, destruction of the environment and misappropriation of public funds will not reach us unless citizens know that the Ombudsman exists, what they can expect from us and where to find us. We strive to be accessible to all those who seek our assistance.

## Complaints

During the past year we received 2127 complaints, 519 more than the previous year. This can mainly be attributed to the expansion of the regional complaint intake clinic programme to cover more towns and villages in the regions and the effect of awareness raising campaigns. We managed to finalize 74% of the complaints received while the rest is carried over to the following year. However, I believe that if we do what is required from us, we will manage to resolve 90% or more of the complaints in the following year. Our target for timeliness in handling of complaints is still 90 days after receipt of a complaint. However, due to the workload increase, the average processing time of complaints was 111 days during the past year. We continued to reduce the number of complaints outstanding at the end of the previous year. Most of the complaints have been resolved through informal enquiry while full investigations, which are time consuming were only conducted in more complex matters.

## Participation in events/workshops/seminars

### International and regional

9-15 April 2010	:	Luanda, Angola: Attended the Third General Assembly of the African Ombudsman and Mediators Association (AOMA)
28-30 July 2010	:	Johannesburg, South Africa: Attended the East and Southern Africa Regional Workshop on the Continental Human Rights Systems in Africa
27-29 September 2010	:	Johannesburg, South Africa: Attended a Workshop on the Universal Periodic Review
6-14 October 2010	:	Scotland: Attended the Biennial Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)
15-22 October 2010	:	Bermuda: Attended the Board of Directors Meeting of the International Ombudsman Institute
25-29 October 2010	:	Geneva, Switzerland: Attended the 3rd Universal Meeting of National Committees further Implementation of International Humanitarian Law by the ICRC

## 1990-2010



- 5-16 November 2010 : Cape Town, South Africa: Attended a Conference: LGBTI Rights are Human Rights: Challenges in Africa. Presented a paper on the Namibian Experience
- 7-10 December 2010 : Addis Ababa, Ethiopia: Attended a Workshop on the Development and Implementation of National Action Plans against Racial Discrimination and Related Intolerances

### Local

- 9 February 2010 : Windhoek: Celebration of Constitution Day
- 18-19 February 2010 : Okahandja: Attended the Office of the Ombudsman Retreat
- 5-6 March 2010 : Midgard Country Estate: Attended a workshop on Legal Education in Namibia sponsored by the Konrad Adenauer Stiftung
- 19 March 2010 : Windhoek: Guest speaker at the 20th Anniversary of Independence Day, celebrated by the Windhoek High School
- 26 April 2010 : Windhoek: Attended the launch of the 2009 Human Rights Report of the National Society for Human Rights; Presented launching statement
- 21 May 2010 : Windhoek: Attended the University of Namibia Law Society Internal Moot Court Competition
- 11 June 2010 : Windhoek: Attended a Breakfast Meeting of the Business Woman of the Year
- 15-17 June 2010 : Otjikuvore (Kunene Region): Attended the Day of the African Child celebrations at the Kephaz Muzuma Primary School
- 13 July 2010 : Windhoek: Presented Brief remarks on Protection Orders at the media briefing on the mid-term review of the Country-wide Gender Based Violence workshop conducted by Women's Action for Development (WAD)
- 14 July 2010 : Windhoek: Attended the Launch of the E-Law by the Law Reform and Development Commission. Presented the Welcoming Address
- 16 July 2010 : Windhoek: Launched the Research Study: Discriminatory and Unrepealed Laws 20 Years after Independence as well as the Human Rights Training Manual for Prison Officials
- 18-21 July 2010 : Kavango Region: Visits to Traditional Authorities and Community meetings

## 1990-2010



- 21 July 2010 : Rundu: Meeting with students of UNAM (Rundu Campus)
- 5 August 2010 : Windhoek: Attended the official Launch of the National Criminal Justice Forum
- 12 August 2010 : Keetmanshoop: Attended the Regional Celebrations of the 20th Anniversary of the Office of the Ombudsman
- 25 August 2010 : Oshakati: Attended the Regional Celebrations of the 20th Anniversary of the Office of the Ombudsman
- 6 September 2010 : Okahandja: Attended a workshop on the Effect of the Accusatorial System on Child Witnesses
- 7 September 2010 : Windhoek: Attended the Biennial National Conference of the Ministry of Education present a paper on Children's Rights in Namibia
- 9-10 September 2010 : Otjikuvare, Kunene Region: Visited the Kephaz Muzuma Primary School for handing over of furniture and computers.
- 17 September 2010 : Windhoek: Attended the Annual Conference of WIPSA presented a paper on Children's Rights
- 23 September 2010 : Windhoek: Presented a Report on the Activities of the Law Reform and Development Commission to the Parliamentary Standing Committee on Constitutional and Legal Affairs
- 4 October 2010 : Windhoek: Attended a workshop on the Review of the Rape Act
- 11 November 2010 : Windhoek: Attended the Refugee, Asylum Seekers and Economic Migrants Project Stakeholders Meeting
- 19-22 November 2010 : Kunene Region: Visit to Traditional Authorities and Community Meeting
- 24 November 2011 : Windhoek: Keynote Speaker at the Graduation Ceremony of the non-governmental organization CHANGE
- 25 November 2010 : Windhoek: Attended the Launch of the 16 Days of Activism against Gender Based Violence and the Africa Unit Campaign
- 3-4 December 2010 : Swakopmund: Attended and presented a paper on 'The Right to be Tried within a Reasonable Time or Without Undue Delay' at the Annual Conference of the Magistrate's and Judges Association of Namibia under the theme "Justice Delayed is Justice Denied"



## **Visitors to the Office**

- 8 February 2010 : A delegation from the Directorate Corruption and Economic Crimes of Botswana
- 8 March 2010 : Ms Susan Roff with Law Students from the USA
- 12 May 2010 : Mr Juan Ignacio Iquino: Deputy Head of Mission: Spain
- 28 June 2010 : Mr Philipa Markus: International Committee of the Red Cross

4 August 2010:  
Ambassador Dennise Mathieu  
of the US Embassy came to say  
goodbye to the Ombudsman



- 1 September 2010 : Malawi delegation consisting of Mr Joseph Kazima: Assistant Director of Gender Affairs, Mr A Mbengombe: Law Commission and Ms Chrispine Sibande: Malawi Human Rights Commission
- 1 December 2010 : Ms Yanine Poc, Regional Representative: Office of the United Nations High Commissioner for Human Rights, Regional Office for Southern Africa and Niraj Dawadi, Associate Human Rights Officer: Office of the United Nations High Commissioner for Human Rights, Regional Office for Southern Africa
- 13 December 2010 : Ms Emily A Plumb: Political Officer; USA Embassy

## **International Membership**

The Namibia Ombudsman is a member of the following international organizations whose conferences and meetings are regularly attended:

- The International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights
- The Commonwealth Forum of Human Rights Institutions
- The Network of African Human Rights Institutions (NANHRI)
- The International Ombudsman Institute (IOI)
- The Africa Ombudsman and Mediators Association (AOMA)

## Forthcoming Activities

- Celebration of Constitution Day on 9 February 2011
- Continuation of the development of the National Human Rights Action Plan
- Attending the Universal Periodic Review
- Attending the Biennial Conference of the Africa Network of Human Rights Institutions
- Attending the Launch of the Africa Ombudsman Resource Centre in South Africa
- Hosting the “Sharpening Your Teeth” Training Workshop which will be presented by the Ontario Ombudsman
- Community visits to the Hardap and Karas regions



*The Ombudsman with some of the beautiful Ovahimba women on his visit to the traditional leaders in the Kunene region*



# MAJOR ACTIVITIES

## INVESTIGATIONS

### General Overview

The functions of the Ombudsman are well defined in both the Namibian Constitution and the Ombudsman Act; however, he cannot fulfill his duties without the assistance of his staff, who do the basic “legwork” which include the receipt, recording and investigation of complaints. In order for the investigation staff to do their work properly, they need to have ample knowledge regarding a whole range of different subjects; it is thus important that the staff must continuously be capacitated and in this regard, we have to acknowledge all the fully sponsored training invitations which we received and utilized and which went a long way in assisting us to enhance our capacity.

From the statistics that we keep, it is significant to mention that the total complaints received increased with 26% from 1568 complaints in 2009, to 2127 complaints in 2010; this increase in complaints had a negative impact on the workload of investigators and directly influenced the average length of investigations.

It is also significant to note that there was a 34% increase in complaints against the Ministry of Justice from 330 in 2009, to 400 in 2010. There was also a major increase in complaints against the Ministry of Home Affairs and Immigration, from 74 complaints in 2009 to 166 in 2010 (an increase of 55%). It is also the first time that the Ministry of Home Affairs and Immigration moved into the “top 3” most complained against ministries/offices/agencies. This increase explains why the complaint category “civic affairs” appeared on the list of the 10 most complained about categories for the first time.

It is also noted that complaints regarding Human Rights violations increased with 30%, from 165 in 2009, to 236 in 2010. If one however compare the statistics for 2008 with that of 2010, it is clear that complaints regarding Human Rights violations have steadily been increasing and was 58% more in 2010 than in 2008.

Interesting to note is that the number of complaints received, doubled in the past ten years, from 1049 complaints received in 2000, to 2127 received in 2010.

### Mandates

#### Maladministration

The investigation of maladministration complaints are regarded by many as unnecessary, of lesser value, or plainly a waste of time and taxpayers’ money. These assumptions cannot be further from the truth; the significance of maladministration is clearly visible if one revisits the Namibian Constitution, which amplifies maladministration issues as follow:

The functions of the Ombudsman shall include the following: the duty to investigate complaints concerning alleged or apparent instances of abuse of power, unfair, harsh, insensitive or discourteous treatment of an inhabitant of Namibia by an official in the employ of an organ of Government, manifest injustice, or conduct by such official which would properly be regarded as unlawful, oppressive or unfair in a democratic society.



The fact that more than 65% of all complaints received relate to maladministration, is testimony to the fact that officials are in fact failing our citizens who have to rely on services to be provided speedily and in a courteous manner, but receive exactly the opposite. What makes it more worrying is the fact that the same type of maladministration complaints keep on cropping up, in most cases from the same ministries; this means that officials are looking at these matters as if they are isolated cases, refusing to see the bigger picture, which is a total disregard of citizens' rights.

I say rights, because that is what they are, although some officials may regard good service as a privilege; as long as officials do not realize and accept that they are delivering a service to the citizens of the country and that there is a legitimate expectation from the citizens that they will receive those services on an acceptable standard, the attitude of those serving the nation will not change and there will be no improvement. What is also disconcerting, is that staff members within ministries are treated with the same contempt and that the Ombudsman have to be approached to ensure that staff members receive the treatment which they are entitled to.

The case summaries will give more insight into the gravity of the maladministration complaints received by the Ombudsman.

### **Case summaries**

#### **Wrong deductions not corrected**

The complainant, a nurse employed with the Ministry of Health and Social Services, approached us during an intake clinic in the North regarding the fact that the house which she was renting from government, was transferred to the Town Council; as a result the Ministry of Local Government and Housing issued a directive that rent previously paid to government, should forthwith be paid to the Town Council. The Ministry of Health and Social Services was further instructed to stop with the deduction of the rent from complainant's salary with effect from 30th June 1998, however, the deductions continued until September 2000 while the complainant tried in vain to recover the money wrongly deducted from her salary during that period. Following intervention by the Ombudsman's Office, she finally received her refund shortly afterwards.

#### **Pension**

The complainant married her husband on the 28th of December 1985, under the Swapo Party Family Act of 1977, whilst they were both in exile. Upon their return her husband, who meanwhile found employment with government, moved out of the common home and started to live with another woman. He passed away in 1999 and his partner claimed a widow's pension from GIPF, while his legitimate wife did not receive anything. She was assisted by us to receive both a lump sum as well as a monthly widow's pension.

#### **Ministry of Home Affairs and Immigration's failure to act**

The complainant approached the Ombudsman regarding the fact that she had been a Permanent Residence Permit Holder since 1974. Her husband and two children were South African's Passport holders but residing in Namibia with her.

She informed us that she applied for study permits for her two children and Namibian citizenship for herself, while her husband applied for a work permit; the Ministry of Home Affairs and Immigration however did not respond to any of the applications.

Following persistent intervention by us, the children's study permits were granted and the application for citizenship as well as the work permit application were approved.

#### **Pension not paid due to contributions not paid over to pension fund**

The complainant informed us that her husband, who was employed at the Ministry of Health and Social Services passed away in 2005. She submitted her claim for benefits to the pension fund in the same year, but there was no response. We followed up the matter with the pension fund and was informed that the file had been returned to the Ministry because there were some contributions that were not paid over to the pension fund.



When we pursued the matter with the Ministry regarding the contributions, they paid the contributions and the file was eventually sent back to the pension fund; it took another six months for the Board of Trustees to approve the payment, which was eventually done in December 2010.

### **Problem with the Town Council**

The complainant informed us that she was nominated in her capacity as town councilor to attend a sports tournament with other councilors.

A vehicle was allocated to them but she was not a driver nor was she informed that she would be the responsible person. The allocated vehicle was damaged in the process but no-one claimed responsibility and the Council decided to split the repair cost amongst all the councilors who were part of the delegation.

The complainant was not happy with the decision and requested the Office to intervene. Upon enquiry, we discovered that the decision was not taken in a fair and just manner and we informed the Council accordingly, which resulted in the decision being reversed.

### **Failure to prosecute**

The complainant informed us of a fraud case against the Chief Executive Officer of a Town Council which was registered with the police in 2007, but which was not attended to. Upon engaging with the police regarding the progress made with the investigation into the matter, we were informed that the investigations were completed and that the matter was already forwarded to the Public Prosecutor in August 2008.

The Public Prosecutor was contacted and asked to look into the matter and we were eventually informed that the prosecutor decided to prosecute the CEO on charges of fraud and that she was summonsed to make her first appearance in the latter part of 2010.

### **Recruitment policy not followed**

The complainant approached us alleging that his institution had a vacant position of Senior Accountant. The said position was initially advertised internally, however all the candidates were disqualified unprocedurally.

We investigated the matter and discovered that the company did not follow its own recruitment policy in attempting to fill the position. The Ombudsman recommended that the position be re-advertised internally and the institution in turn informed the Ombudsman that they were already in the process of doing exactly that.

### **Study Loan contract violated**

The complainant approached the Ombudsman regarding the fact that she was a student doing media studies at the University of Namibia with a study loan granted to her by the Ministry of Education in July 2010. In September 2010 when the UNAM demanded settlement of her outstanding balance, she approached the Ministry in order to find out why the funds were not yet paid. She was informed that the Ministry discovered, after signing of the contract, that her father's salary was high enough to pay for her studies and that she did not qualify for a study loan, based on that.

The Ombudsman requested the Ministry to rescind their decision based on two reasons. Firstly, the complainant was staying with her mother and not with her father; secondly, information of her father's income was indicated on the loan application and the Ministry approved the application and entered into the contract with that information on hand. The Ministry agreed with the Ombudsman's opinion and settled the outstanding account with the UNAM.

### **Claim against NDF**

The complainant in this matter, a taxi driver, informed us that an NDF truck driven by a member of the Defence Force, reversed into his taxi and caused significant damage. After the incident he was informed by a Defence Force member that he should only submit three quotations for the repair of the taxi, which he did. However, in spite of the fact that he complied, nothing happened and all his follow ups proved futile; also, that no-one could inform him who was responsible to deal with his claim



Following our intervention, the claim was processed and the complainant informed us that he was duly compensated.

### **Unpaid housing allowance**

We received a complaint from a group of institution workers alleging that some of their colleagues received housing allowances, while others have never received it since it was introduced in 2006. The Office forwarded a letter of enquiry and asked the Ministry to provide an explanation why some institution workers received the housing allowance whereas others did not.

In its response, the Ministry acknowledged that there was an oversight from the Ministry's side, however, that arrangements were made for the payment of housing allowance to all institution workers who were affected with effect from the date of inception.

### **Non-payment of subsistence and travel allowance**

The complainant, a member of the Namibian Defense Force stationed in Grootfontein, informed us that he did not receive his subsistence and travel allowance for two respective periods, i.e. for official duties in Ondangwa from 19-30 October 2009 and official duties in Katima Mulilo from 5-13 January 2010.

We enquired from the Ministry about the status of the claims and after some months we were informed that the reason why the claim for the Ondangwa trip was not processed, was due to the fact that there was no money in the budget at the time; they proceeded to process the claim and paid the member. Regarding the claim for Katima Mulilo, we were advised that they did not receive the claim and we advised the member to re-submit it.

### **Payment of leave gratuity long overdue**

A former teacher who was employed at a school in the Ohangwena region, approached us regarding the fact that he resigned in July 2002, but that the Ministry of Education did not pay out his leave gratuity.

The complaint was taken up with the regional office in Ondangwa, who informed us that they could not process the payment because they did not receive the complainant's file from Windhoek after decentralization in 2004. In the end, the Ministry managed to calculate the leave gratuity using a formula approved by the Office of the Prime Minister in the absence of a personal file with proper records.

### **Pension unpaid for four years**

The complainant's husband was a police officer in Oshakati before he died on 23 October 2006. Since that time, she has endeavoured to have her late husband's pension processed, but without any success.

We took up the matter with the Government Institutions Pension Fund in Oshakati, following which the complainant's claim was processed and finalized on 22 October 2010. The complainant was paid a lump sum of N\$113 124,80 and is currently receiving a monthly payment of N\$1 675,18.

### **Contributing to pension fund but not registered**

We received a complaint from two teachers from whose salaries monthly contributions towards the pension fund were deducted, however, the deductions were not paid over to the pension fund, while they were allegedly also not registered as members of the Fund. All their attempts to have the matter rectified, failed.

Following intervention by this Office and several enquiries lodged with the Education Office in question, we found that one of the teachers was registered under her first name and not her surname, which would be the correct way; this was corrected by the Fund.

The second teacher was not registered at all despite monthly pension deductions from his salary, while the money deducted was not paid over to the Fund; in this case the Ministry of Education paid all arrears and he was registered by the Fund.



### **Application for study leave not processed**

The complainant was teaching at the same school for 7 years already and she improved her qualifications through distance learning. However, when she registered for an honours degree in Education she struggled to do it through distance learning and could only manage to complete the 1st year's subjects. She thus approached the school Principle for permission to take paid study leave; she was told to discuss the matter with the Head of Department which she did and he did not have a problem, but advised her to apply to be released during the 2010 academic year. She submitted her application to the Principle in February 2009, who informed her that her application was submitted to the Circuit Inspector; when she did not hear anything, she contacted the Circuit Inspector, who denied any knowledge of such an application. Upon confronting the Principal, she was informed that he in fact did not forward the application because he did not want her to go.

We took up the complaint with the Director of Education in the Regional Office, who promised to investigate the matter and revert to us, but we did not receive any feedback. Only after several reminders were we informed that the complainant would be released to complete her studies.

### **Communication problems not attended to**

The complainant informed us that he managed a hunting farm in northern Namibia and was a Telecom client for more than 15 years. Throughout these years he experienced problems with the service being rendered by Telecom in that he was stranded without any service for weeks on end and that it was at times impossible to transmit telefaxes or receive emails. This situation resulted in overseas clients not always being able to contact him and had an impact on the business operations; the problems also seemed to have worsened since December 2009.

He reported the problems to the local Telecom office, and was advised to switch from the UltraPhone used at the time, to a satellite telephone; he followed the advice and applied for a satellite telephone. However, it seemed as if this system would take quite a long time to be installed and he was left without services as the UltraPhone service also did not work. The problems were continuously raised with Telecom, which only resulted in verbal abuse from the Telecom staff with comments such as "if you don't like Telecom you can go back to where you came from".

Following our intervention, Telecom repaired the damage to the UltraPhone system while the client waited for the satellite phone system to be installed. They also apologized in writing for their employee's discourteous behaviour.

### **Retirement privilege not honoured**

The complainant informed us that he retired a year ago and by the time he received his retirement letter, in which he was amongst others informed of the transport privileges, he already relocated to Walvis Bay at his own cost. He approached his former employer to reimburse him for the costs that he incurred, but received no response from the Ministry.

We approached the Ministry on behalf of the complainant and after some exchange of correspondence, the Ministry agreed to reimburse the complainant in the next financial year, due to their budget being depleted at the time.

We informed the complainant accordingly and a few months later, the complainant sent us an email to thank us for our assistance.

### **Overtime not paid out**

The complainant approached us during a cell inspection at a police station in the Kavango Region, alleging that she and others were employed as cooks at the holding cells and that they had to work over week ends and public holidays; however, they were not paid overtime despite claims submitted to that effect.



Following our intervention, all outstanding overtime claims were paid out.

### **Outstanding leave gratuity**

The complainant informed us that he resigned during 2002, but was not paid his leave gratuity in lieu of a court case against him at the time; however, he was found not guilty of fraud and acquitted in 2008, but the Ministry still refused to pay out his leave gratuity.

Following our intervention, the Ministry paid out the leave gratuity within a short period of time.

### **Cases not opened against police officers**

In the first instance, the complainant alleged that he was shot by a police officer during 2009, but that no action was taken against the police officer. Following our intervention, a case of attempted murder was opened against the police officer.

In the second instance, the complainant alleged that he was assaulted by police officers in Opuwo and taken to hospital afterwards, but when he wanted to open a case against the police officers, he was denied the opportunity to do so. Following our intervention, a case of assault was opened against the police officers in question.

## **Human Rights**

This Report coincides with the 20th Independence Anniversary of our country. We do not need to build a monument to mark the 20th anniversary of constitutionalism, but we should commit ourselves to the objective of “better standards of live in larger freedom” set forth in the charter of the United Nations. That will require the necessary resources and the political will to put in place policies and programmes that will deliver better service in areas such as health, education, housing, food security, water, job creation, poverty eradication and social welfare, especially to the vulnerable.

## **Civil and Political Rights**

The experience of a long period of apartheid colonial rule in total disregard of human rights and in defiance of the international community, reminded the drafters of our Constitution that they have to ensure that human rights are entrenched in the Constitution. Therefore the Preamble to the Constitution states that “... these rights have for so long been denied to the people of Namibia by colonialism, racism and apartheid (therefore) we the people of Namibia have finally emerged victorious in our struggle against colonialism, racism and apartheid “. The Bill of Rights in our Constitution, in which 15 fundamental rights and 10 fundamental freedoms are entrenched, is a declaration of the values and a statement of our nation’s concept of the society it hopes to achieve. Therefore the declaration of fundamental rights must become a living force shaping our people’s way of life and discipline our leaders to observe democratic practices.

Civil and political rights cover a wide spectrum of fundamental rights and freedoms, mostly based on the principles of liberty, including the right to life and physical integrity, the right to liberty, freedom of association, assembly, thought, religion, expression, the right to take part in the governance of the country, the right not to be arrested arbitrarily, the right to a fair trial, to property, etc.

Violations of civil and political rights are regularly denounced in the media and our courts have progressively interpreted the provisions of our Constitution in matters such as the right to a fair trail, the right to legal representation, the right not to be discriminated against, the right to property and the right to dignity.

General Assembly Resolution 60/251, which created the Human Rights Council, decided that the Council should “undertake a universal periodic review (UPR), based on objective and reliable information, of the fulfillment by each state of its human rights obligations and commitments.....”. On 30 January 2011 Namibia will have the opportunity of participating in the UPR to provide an overview of its human rights landscape. The Office of the Ombudsman, a status “A” accredited human rights institution, is entitled to file its own submission. The Ombudsman filed its submission to the UPR mechanism on 28 June 2010 and emphasized the following key human rights issues that need to be addressed to give effect to constitutional guarantees:





- **Fair Trial**

The administration of justice is subject to systemic problems of delay in courts whereby criminal cases may take more than 4 years before coming to trial and judgments are unavailable for years in the High and Supreme Court. Unending postponements of criminal trials in the lower courts, sometimes longer than four years, add to the delays. The right to appeal or review is seriously affected through delays in producing the transcripts of trials and undue delays in preparing the appeal/ review records of proceedings by Clerks. The Ombudsman call on government to develop an administration of justice policy that would address the systemic problems of delays in courts.

- **Prisons**

A serious concern is the conditions under which detainees are kept and fed in cells at police stations. The conditions are, to say the least, horrendous and most cells are extremely overcrowded. The Ombudsman calls on government to make a re-examination of these conditions and establish detailed and up-to-date standards for these places of detention. The Ombudsman also calls on government to introduce measures to combat overcrowding in places of detention.

- **Children's Rights**

A welcome development in the promotion and protection of children's rights is the Draft Child Care and Protection Bill which will eventually replace the outdated Children's Act of 1960. The Bill embodies all the existing international commitments, it makes provision for a children's advocate and criminalizes the trafficking of children. The Ombudsman calls on government to move swiftly to enactment of the Bill.

- **Domestic Violence**

Namibia has good legislation (Combating of Domestic Violence Act, 2003) that provides protection and mechanisms to protect women and children against domestic violence, but not all women and children have equal access to such protection or mechanisms. In terms of the Act, only magistrates can issue protection orders.

There are a number of towns in Namibia that do not have resident magistrates, with the nearest more than 100km's away, with no public transport to easily reach a magistrate. Although the Act (regulations) makes provision for the application of a protection order outside court hours or court days, no mechanism is in place to access this provision. The Ministry of Gender Equality and Child Welfare is in the process of drafting a plan to combat violence against women and children. The Ombudsman calls on government to place magistrates at all towns, or provide alternative measures to give equal access to the protection of the Act for all victims of domestic violence.

In this regard I wish to recommend that the Combating of Domestic Violence Act should be amended to:

- authorise station commanders of police stations at places where there are no resident magistrates, to issue interim protection orders;
- the four page protection order application form be simplified so that applicants can complete the forms themselves.

## Economic, Social and Cultural Rights

Economic, social and cultural rights have traditionally been assumed to be mere aspirations and goals and not real rights.

In Namibia, like some other countries, the drafters of our Constitution have for some policy reasons, not placed economic, social and cultural rights on the same footing as civil and political rights, but casted them as Principles of State Policy (see Art 95 of the Constitution). Nevertheless, Namibia has ratified the Covenant on Economic, Social and Cultural Rights on 28 February 1995 and that means that the poor and most vulnerable are entitled to the effective promotion and protection of both their economic, social and cultural rights and their civil and political rights. By ratifying the Covenant, Namibia became a State Party which requires Namibia to realize these rights progressively.



The principle of progressive realization acknowledges that Namibia may not have adequate resources to immediately realize these rights, but clear steps towards realization of effective exercise of these rights must be taken by government. In this regard, Namibia has taken the following steps in attempting to realize these rights: Vision 2030, National Development Plans (NDP) and the Millennium Development Goals (MDG's).

### **Vision 2030**

Namibia's Vision 2030 provides the long term development framework for the country to be a prosperous and industrialized nation, developed by her human resources, enjoying peace, harmony and political stability. It contains eight broad goals or objectives, but for the purpose of this discussion, only Objective 5 is highlighted: "Ensures a healthy, food-secured and breastfeeding nation, in which all preventable, infectious and parasitic diseases are under secure control, and in which people enjoy a high standard of living. Ensure that the people have access to high quality education, good health and other vital services, in an atmosphere of sustainable population growth and development".

### **National Development Plans (NDPs)**

The National Development Plans are seen to be the main vehicle to translate the Vision into action and make progress towards realizing the Vision by 2030. NDP3 is the first intermediate development plan that aims to guide national activities up to 2012 in the direction of Vision 2030. It has eight Key Result Areas (KRA's) that match the main goals of Vision 2030. NDP3 presents for the first time in Namibia, an overall resource developed to implement the Plan by all State and non-state holders in order to achieve the projected Plan targets.

### **The Millennium Development Goals (MDG's)**

The MDG's are a series of commitments intended to be met by 2015. They are:

- o Eradication of poverty and hunger
- o Achieve Universal Primary Education
- o Promote gender equality and empower women
- o Reduce child mortality
- o Improve maternal health
- o Combat HIV and AIDS, malaria and other diseases
- o Ensure environmental sustainability
- o Develop a global partnership for development

The right to live a dignified life can never be attained unless all basic necessities of life, i.e. work, food, housing, water, health care, education and culture are adequately and equitably available to every one. The question is not whether these rights are basic human rights, but rather what entitlement they imply and the legal nature of the obligation of the government to realize them. The right to health, education, food, water, housing, work, social welfare and development, all essential in fighting poverty, are not mere aspirations. Government has a legal duty to respect, protect and fulfill these rights as well as the right to a clean and healthy environment and the right to human rights education.

We further need to adopt an inclusive and holistic approach to human rights and effectively advance economic, social and cultural rights, environmental rights as well as the right to development in order to "build a just, equitable social contract between state and citizens" (Green D. 2008).

A human rights-based approach would require government to develop a national human rights action plan to place human rights improvements in the context of public policy. Such a national action plan should stimulate a more comprehensive assessment of needs in our country, set achievable targets and propose realistic activities aimed at reaching these objectives. It should generate a commitment to achievement that would otherwise not exist, engage all relevant sectors of government and civil society and sufficient resources should be allocated for a successful implementation.

In our pursuit of "a world where people can live a life they deserve" we take a moment now to reflect on how far we have come to realizing economic, social and cultural rights in Namibia.



In the 2006 Annual Report (pages 8 – 24), I attempted to describe and assess the extent to which the Government of Namibia has taken appropriate legislative, policy, administrative and budgetary steps and other measures to ensure the realization of economic and social justice in respect of the right to work, health, food, water, adequate housing, culture and social security. I do not wish to repeat the same exercise in this Report, but only wish to compare the 2006 position as set out in above Report with the current position and only in regard to certain rights.

### **The 2006 Position:**

#### Unemployment

It is an undeniable fact that Namibia is faced with a huge unemployment problem. The 2004 Namibian Labour Force Survey revealed that the rate of unemployment in Namibia was 36,7% when the broad definition is applied and 21,9% when the strict definition applies. The broad definition of unemployment include all those without work, who are available for work and looked or did not look for work. The strict definition of unemployment considers those without a job, available for work and were actively looking for work. It excludes those who did not look for work.

To address the unemployment problem, the education system needs to be tailor made to the labour market needs. It is necessary for Namibia to invest time and money in the development of its human resources (i.e. human capital) because of the benefits which result from increased levels of efficiency and productivity of those who received training.

Government recognizes that the only way to eradicate poverty and improve Namibia's income distribution is by creating productive employment. The speedy implementation of capital projects remains central to government because the believe is that this will stimulate economic activities, create employment opportunities and contribution to economic reconstruction efforts. The high rate of population growth continues to expand the size of the labour force, compounding the employment problem. This, coupled with limited government resources, will place the onus of employment creation on the private sector.

#### The Right to Adequate Housing

The right to adequate housing is derived from the right to an adequate standard of living. It comprises of certain components that require fulfillment of certain conditions for its realization to be achieved:

- **Legal security of tenure:** this would ensure protection against forced eviction, harassment and other threats
- **Availability of services, materials and infrastructure:** adequate housing requires access to clean drinking water, energy for cooking and heating, lighting, proper sanitation and washing facilities, food storage facilities, refuse disposal, site drainage and emergency services
- **Affordability:** the cost of adequate housing should be such that the attainment and satisfaction of other basic needs are not threatened or compromised
- **Habitability:** housing must provide adequate space and protection from weather elements, threats to health and physical safety and well being of inhabitants, structural hazards and disease vectors
- **Accessibility:** this component seeks to ensure that all entitled persons have housing. Particular emphasis is placed on the principle of non-discrimination and the vulnerability of certain groups of persons. Measures should be taken to ensure that they are able to access adequate housing
- **Location:** adequate housing must take into consideration accessibility to other essential services such as schools, hospitals, employment options etc. Housing should also be located away from hazardous sites, which can affect the health of inhabitants
- **Cultural adequacy:** construction of housing should be sensitive to the cultural needs of their inhabitants including material used, design and structure. In order to reach government's aim of providing 70% of households with access to adequate housing by 2010, much more should be done. Local authorities and the private sector should form partnerships to find ways and means to realize this right. Land should be made available at affordable prices and housing loans at much lower interest rates.

### The Right to Education

Year after year Namibians are pleading for improvement in the education system. Of great concern is the increasing number of full-time Grade 10 learners who fail the examinations and cannot proceed to Grade 11. Most of them are older than 16 years and they are not allowed to repeat the Grade in the formal education system.

We are faced with a real challenge regarding these school leavers who end up on the streets with no hope of finding employment or to advance their careers due to shortage of money and study opportunities.

Opportunities must be created for them to further their studies or to have access to vocational training. The programme of vocational education should be expanded to accommodate these young school-dropouts as well as those who completed primary and secondary education but without skills to offer in the urban labour market. We hope that the implementation of the Education and Training Sector Improvement Programme(ETSIP) will result in an increase in the pass rate.



*Children attending primary school at Ojomoro in the Epupa Constituency. Equal education is a visible challenge if considering that these children have no proper chairs or tables. Empowerment of the marginalised must focus on education to enable a better future for our children.*

Education is a key factor in sustainable development and for eradication of poverty. While education has become more accessible in all parts of the country, the level of educational attainment of the Namibian population is still very low. Only 2% of the population has attained higher education (University, Postgraduate and Teachers' training), about 49% have either completed or attained primary education, 13% have no formal education, which imply that they are not yet in school. This calls for an urgent intervention by the government to strengthen its policy of free basic education and enforce monitoring mechanisms to oversee its actual implementation. There is also a need for the Ministry of Education to intensify its efforts to provide educational facilities that are on par in all parts of the country. There is a need to align education to economic needs, which can be addressed by providing incentives and disincentives to steer pupils and students into particular specialization and away from others as demanded by the strategy of employment promotion.

### **The 2010 Position:**

#### Poverty and Unemployment

Namibia has the greatest income inequality in the world, with a Gini Coefficient of 0.71. Namibia's inequality has grown worse over time and the richest 10% of the population now earns 128 times as much as the poorest 10%. The causes of poverty are many and varied. Namibia's record of creating employment opportunities has been poor. Market orientated policies that rely on the private sector and foreign investments have not yielded the desired results and the lack of decent employment opportunities is a major reason for continuing poverty. It is an undeniable fact that Namibia is faced with a huge unemployment problem. In 2004 the rate of unemployment was 36,7%. It is currently estimated to be 50% and more. Of note is government's support to large projects in the south of the country which stand to generate thousands of employment opportunities, seasonal as well as non-seasonal, i.e. the establishment of a date and grape farm at the Naute dam, and the development of the Desert Star Studios and Motion Picture Resort on the banks of the Orange River.



There is also a huge employment opportunity being created in the west through the development of a large retirement village as well as several uranium mines. The Ombudsman calls on government to continue prioritizing the creation of productive employment thereby improving Namibia's income and combating poverty.

### The Right to Housing

Through the National Housing Policy, the Government recognizes shelter as a fundamental right and being a basic need, it is crucial to the realization of Vision 2030, NDP3 and the MDG's. The goal in NDP2 was to enable 70% of households to have access to adequate shelter by 2010. The MDG's task Namibia to *create 'an overview of the shelter situation with the emphasis on security of tenure, right to adequate housing (sufficient living area – not more than 2 persons sharing the same room), access to land, access to credit and access to basic services such as sanitation, water, energy and roads.'*

Through the NDP2 programmes improved shelter to poor and low-income families were provided. When compared with the scale of migration to urban locations that is taking place, these programmes seem small in comparison. People moving into urban areas face uncertain tenure arrangements and they only erect the most basic form of shelter. The flow of migrants places pressure on towns to provide access to water and sanitation through service land. For example the City of Windhoek is spending N\$75 million per annum to service land for migrants, but expect to run out of land by 2016.

Under NDP3 the key activities in regard to “affordable and quality housing for lower income groups” are:

- Finalize White paper and review National Housing Policy
- Compile information on land delivery and urban and regional planning for NDP4
- Complete construction of the Habitat Research and Development Centre
- Review, update and share the National Habitat Plan of Action
- Construct 40,000 new houses by 2012, of which 10,000 houses through “build together” programme
- NHE to construct 7,000 houses by 2012
- The Shack Dwellers Federation of Namibia to construct 1,000 houses, and 2,000 under the Decentralized Build Together Programme (DBTP) by 2012
- Encourage private sector to construct 21,000 houses by 2012 for middle and higher income groups
- Establish Home Builders register by 2009
- Facilitate access to secure land for 15,000 households
- Organise 30,000 households in saving groups to improve their living conditions
- Provide improved services for 15,000 households
- Enable NHE to maintain a favourable financial system for housing financing for the middle and higher income groups
- Decentralize urban and regional planning

Water and sanitation are basic services. In 2008, 97% of urban households had access to safe drinking water, as did 80% of rural households. These figures suggest that Namibia is likely to meet the MDG's for safe drinking water in rural areas and could meet the goals for urban areas. Progress towards access to sanitation is less satisfactory with only 58% of urban and 14% of rural households having access to acceptable levels of sanitation. Looking at the detail, it becomes clear that those who miss out on these services are more likely to be poor.



Very few poor people have access to electricity for either lighting, heating or cooking. Slightly more Namibians use candles for lighting than those who use electricity. Wood is the cooking fuel of most Namibians and 90% of severely poor and poor households use wood for cooking and this requires walking kilometers to collect and carry the wood back home.

In order to satisfy the housing needs of the poor and reach the goals set out in NDP3 by 2012, much more should be done very urgently. Local authorities and the private sector should form partnerships to find ways and means to realize this right. Land should be made available at affordable prices and housing loans at much lower interest rates.

In order to provide public officials with access to credit, the Government Institutions Pension Fund (GIPF) should consider granting housing loans to beneficiaries at lower interest rates, to build or renovate houses.

### Education

Education is a key factor in sustainable development and for eradication of poverty. While education has become more accessible in all parts of the country, the level of educational attainment of the Namibian population is still very low. While primary education net enrolment keeps improving at levels of 92,3% in 2007 to 98,3% in 2009, there is a worrying trend of not retaining the number of enrolled primary school learners in secondary education. The education net enrollment for secondary education stood at 52,6% in 2007 and 54,8% in 2009.

This means that proportionally more children drop out or do not get access to education at all. The Namibian Constitution guarantees free and compulsory primary education. However, parents must contribute to the school development fund, pay for stationary, uniform, school books, transport and examination fees. Parents who cannot afford the school development fund may apply for exemption. The Ombudsman calls on government to:

- abolish the school development fund for primary education and to introduce legislative, administrative and other measures to compel children to attend school, thereby reducing the school drop out rate;
- to introduce steps towards progressively achieving free secondary and higher education;
- encourage a culture of respect for human rights from an early age by introducing human rights education in schools;
- expand the program of vocational education to accommodate school-dropouts as well as those who complete primary or secondary education but without skills to offer in the urban labour market.

### The Right to Health

Health is a basic need that is crucial to the achievement of Vision 2030. Improving life expectancy from the recent 49 years to the previous 61 years and higher can only happen if quality health and social care services are provided to citizens. The provision of quality health and social care service to all Namibians can only be achieved if there are enough qualified human resources, uninterrupted supplies of medicines and pharmaceuticals, well constructed and maintained health facilities, good information systems, sufficient health financing and good policies, laws and guidelines. The health system of health care and quality service delivery are expensive to address but unavoidable.

There are 3 regional referral hospitals around the country, one national referral hospital, 30 district hospitals, 38 health centres and 269 clinics providing institutional medical and nursing care. There are also 844 private health facilities in the country. The costs of running a health facility are very high given Namibian's low population density of about 2 persons per km<sup>2</sup>. This makes it difficult to get health facilities closer to the people. Government has responded to this issue by establishing 1,150 outreach service/mobile clinics managed by district hospitals and health centres to communities lacking access to fixed health facilities.

Namibia has a large private health care sector with roughly the same number of health care professionals as the public sector. It is estimated that there are 8 private health care professionals per 1000 of the population it serves. For the public sector the ratio of health care professionals to population served is below 2, which does not meet the World Health Organisation bench mark of 2 per 1000. Government has responded to this issue by establishing a medical school at UNAM at the beginning of 2010 which will certainly address the shortage of medical doctors in the near future.

Namibian's efforts to combat HIV/AIDS must be applauded, but AIDS remains one of the top 5 leading causes of death in the country. Survey results indicate that knowledge on HIV has increased and is relatively high in Namibia,



but there are hardly positive signs towards behaviour change. There has been a successful roll out of anti-retroviral treatment (ART) to all 37 hospitals country wide targeting people living with HIV/AIDS.

A general concern is the lack of health care workers in rural areas. A shortage of staff means that only one nurse per clinic is for example the situation in the Kavango region. Understaffing at clinics leave gaps in services, e.g. rural clinics are closed after hours (17h00) and over weekends. That means that people in rural areas have limited access to health services. Better service conditions should be offered to nursing staff who are prepared to work in rural areas. A concerted effort should be made to renovate and maintain existing hospitals and clinics at acceptable levels.

### Children's Rights

In 1867 John Ruskin remarked as follows;

**“The first duty of a state is to see that every child born therein shall be well housed, clothed, fed and educated until it attains years of discretion”**

Namibia has ratified the UN Convention on the Rights of the Child (CRC) as well as the African Charter on the Rights and Welfare of the Child.

Article 3 (1) of the CRC provides:

**“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, “the best interest of the child shall be a primary consideration” (my emphasis)**

Article 4 of the African Charter on the Rights and Welfare of the Child provides:

**“In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration”**

Simply put, the best interest of the child means considering the child before a decision affecting his/ her life is made.

In its General Comment No 7 of 2005 the UN Committee on the Rights of the Child states the following:

**“The principle of the best interest applies to all actions concerning children and requires active measures to protect their rights and promote their survival, growth, and well-being, as well as measure to support and assist parents and others who have the day-to-day responsibility for realizing children’s rights.”**

In regard to the promotion and protection of children’s rights in Namibia, I wish to borrow extensively from the study: “Children and Adolescents in Namibia 2010: A situation Analysis” and highlight shocking statistics to challenge leaders, service providers, parents, communities, children advocates, NGO’s, civil society organizations, etc to do much more to realize the fundamental and development rights of children.

In the Preface to above study, the Minister of Gender Equality and Child Welfare, Hon Doreen Sioka states the following:

**“In spite of the progress made in ensuring policies, systems and resources are in place, it is evident that many children continue to face challenges in meeting their basic needs and fulfilling all their rights...children in some settings do not have their universal rights fulfilled and they cannot rightfully access and enjoy the benefits of services established for them. In many respects, the interests of children are left to come after those of adults...”**



The following statistics from the above study are highlighted to challenge leaders, service providers, communities, children advocates, NGO's and civil society organizations to work together and much harder to ensure the implementation of agreed human rights standards for children:

- Namibia is the most unequal society in the world as indicated both by the Gini Coefficient and the ratio of income of the richest 10% to the poorest 10% of the population
- 67,7% Of 20 to 24 year olds are unemployed
- 38,2% Of rural households are poor
- 3500 - 4000 Households are headed by children
- Over 90% of poor households do not have enough food to meet their basic daily requirements
- In 1992, 225 mothers died for every 100 000 children born. In 2006/7 the figure had doubled to 449
- 13 Dead babies are found every month at the sewerage works in Windhoek
- 50% Of children and mothers in the Kavango region do not receive a post natal checkup. In the Erongo region, only 8% are not checked
- 36% Of children are not fully vaccinated before their first birthday
- 33% Of children do not have their births registered
- One child in 5 does not reach secondary school
- Six out of 10 learners do not reach the final 2 years of secondary school
- There were 83000 children in school feeding programmes in 2008
- 5 Of the regions, i.e. Kavango, Ohangwena, Omusati, Oshikoto and Otjozondjupa account for 62% of all school leavers; of these, 70% leave school because of pregnancy
- 13 000 Children under the age of 14 are HIV positive
- 14% Of all children leave school because of pregnancy
- During the 2009 northern floods, 94 000 learners had their education interrupted and 328 schools were damaged
- 18% Of commercial sex workers at Oshikango are under the age of 18
- 27,4% Of children under 12 are forced into sexual intercourse
- High levels of public expenditure do not sufficiently translate into good child-related outcomes

I wish to encourage citizens to get a copy of this report and “use it as a tool for policy dialogue and advocacy at all levels of government and civil society.”

### Good Administration as a Human Right

In the final communiqué issued at the conclusion of the 7th International Ombudsman Institute World Conference held in Durban, South Africa in 2000, the following was noted in terms of good administration as a human right:

“To live in a society which pursues good governance is considered by the Conference today to be a basic human right. The quality of an individual citizen’s life is materially affected by both the decisions taken by government and the manner in which these decisions are implemented”

International human rights instruments have long provided for the right to a fair and public hearing, as well as the Namibian Constitution under article 12(i)a. By contrast, the right to good administration is only now gaining a foothold as a human right in international human rights law. It is quite uncommon for good administration to have the status of a fundamental right in legal systems. This is also the case in Namibia, although the Constitution provides for administrative justice in article 18. But we lack legislation on administrative procedures and it is the duty of the Ombudsman to now develop a set of Principles of good Administration

Proper administration and good governance cut across all public service delivery and as such have a direct bearing on fundamental human rights; promotion of good administration is “central to the task of all ombudsmen”. Neglecting or refusing to reply to queries, failure to provide information, failure to give reasons, carelessness, undue delays, harsh or improper treatment, etc are everyday realities in the lives of citizens and Ombudsman. It is through their work that Ombudsman are developing good administration and raising it to the level of a fundamental right. It naturally follows





that Namibian citizens are entitled to replies on their queries, information, proper treatment, reasons for decisions, etc.; these must be regarded as rights, not privileges.

### Ready Access to the Ombudsman as a Fundamental Right

If good administration is a human right to which each citizen is entitled, aggrieved persons are entitled to speedy, free and informal procedures to address the wrongs. Citizens demand fair and just treatment and the state has a duty to provide aggrieved persons with ready access to an institution such as the Ombudsman to correct the wrongs. It is however quite uncommon to have a guarantee of the service of an Ombudsman as a basic right entrenched in a Constitution, but it is the case in Namibia.

I agree with Prof Victor Ayeni where he states that, ready access to the Ombudsman is a right in itself that every citizen in Namibia is entitled to. The service of the Ombudsman as a basic right is guaranteed in the Namibian Constitution. Article 25 (2) of the Constitution, in Chapter 3 on Fundamental Human Rights and Freedoms, provides that:

“Aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or protect such a right or freedom, **and may approach the Ombudsman to provide them with such legal assistance or advice as they require, and the Ombudsman shall have the discretion in response thereto to provide such legal or other assistance as he or she may consider expedient.**” (emphasis added)

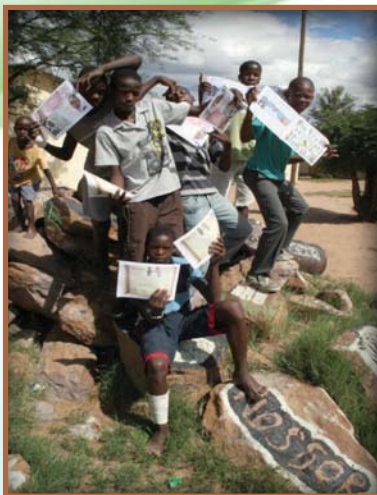
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**Human Rights Complaints:**

Of the total number of 2127 complaints received during 2010, 236 related to human rights violations, which is 71 more than the previous year. It represents an increase of 30%, which may be attributed to the expansion of the regional complaint intake clinics to cover more towns and villages in the regions, as well as the effect of awareness raising campaigns, as follow:

- During January 2010, the Ombudsman, with the assistance of the Sun Newspaper, designed the Children's Human Rights Passport of which more than 400 000 copies were distributed amongst school children.





- During a media conference on 16 July 2010, the Training Manual on Human Rights for Prison Officials which was developed with the financial assistance of the French Embassy in Namibia, was officially handed over to the prison authorities for distribution to all prison officials. On the same occasion, a research study of legislation on Apartheid related statutes called “Discriminating and Un-repealed Legislation in Namibia 20 years after Independence”, was launched.

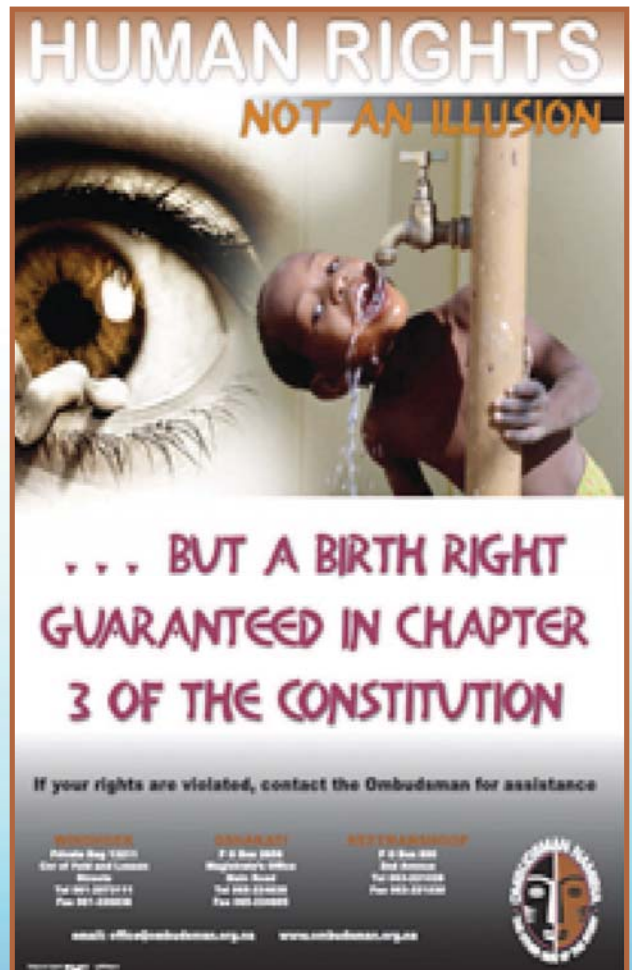
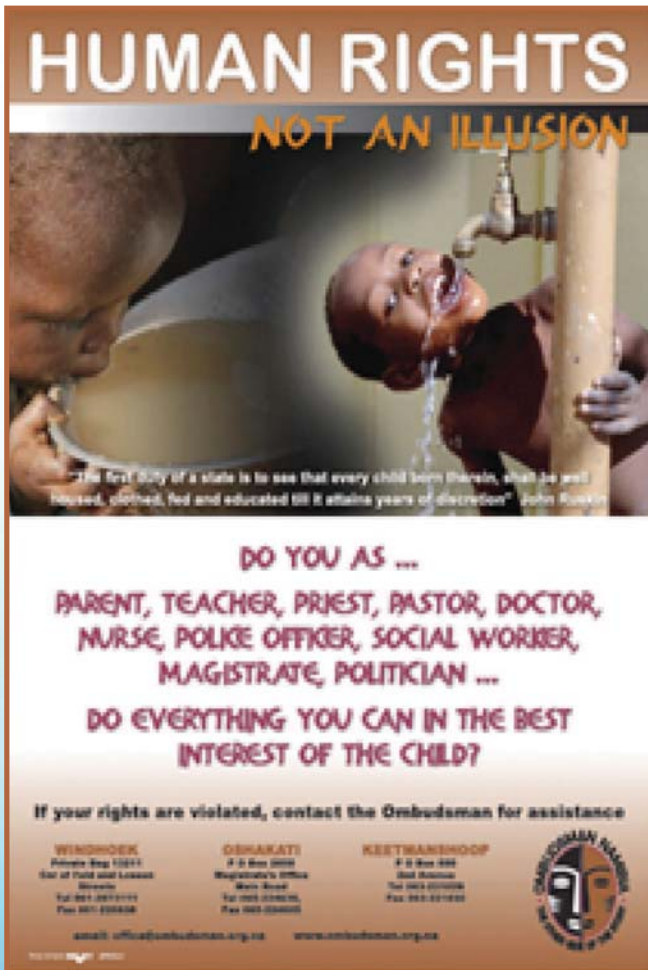


The Ombudsman with the French Ambassador, his Excellency Mr Jean Louis Zoël and the Deputy Commissioner General of Correctional Services, Mr Nyoka, during the handing over ceremony of the Training Manual on Human Rights



From the left: Sacky Shanghula, Melissa Mungunda, Tony Bost of the Konrad Adenauer Foundation, sponsor of the research study of legislation on Apartheid related statutes, Angelique Groenewald, Adv John Walters, Ombudsman of JNamibia

- Two posters under the theme “Human Rights...Not an Illusion” was designed, printed and widely distributed.





- A three-minute TV insert which was filmed of the Ombudsman talking to the nation about the work of the Ombudsman, including human rights, appeared on national TV 10 times between 25 October and 10 December 2010 during peak hours; in addition, 30 live radio reads per station (all local languages) about the work of the Ombudsman were broadcasted during the same period.
- Training of Community Activists on Domestic Violence

The Ombudsman solicited the assistance of the Namibia Paralegal Association (NPA) and the Women's Action for Development (WAD) to conduct training workshops with members of communities in an effort to get community members to understand the Domestic Violence Act versus traditional law and cultural practices as well as how it is linked to other legal frameworks as follow:

- Combating of Domestic Violence Act;
- what is a domestic relationship;
- examples of domestic violence;
- effects of violence to family;
- what is a protection order;
- how to apply for a protection order;
- enforcement of protection orders;
- police powers and duties.

The training was facilitated in a practical and interactive way to maximize understanding of the training components. The trainers drew upon the latest thinking and research on gender based violence and the Domestic Violence Act whilst ensuring that examples drawn on real experiences which participants could relate to.

### **The following issues were raised by participants:**

- Domestic violence is viewed as a private family matter that can only be solved by the victim and the perpetrator; family members who are aware of the abuse must keep it secret;
- it is still a (cultural) believe that beating a wife is a way to instill discipline and respect for the husband;
- negative connotations follow a woman who reports abuse; she is called all kinds of names and other women are discouraged to befriend her, believing their marriages might end up with the same problems;
- alcohol abuse contributes greatly to domestic violence;
- men are also victims of abuse by women;
- children are victims of sexual abuse by family members;
- traditional leaders are called upon to deal with cases of domestic violence and sexual abuse of children;
- there are no shelters for victims of domestic violence;
- if a protection order is obtained, it is seldom served on the perpetrator;
- women are discouraged by the distance they have to travel to report an incident and police are insensitive to their plight and unwilling to assist them;
- participants appreciated the workshop, but called for regular workshops to make all women aware of their rights.



### Case Summaries

**A case of illegal detention:** The complainant alleged that he was arrested on 7 September and detained for 9 days in the police cells before he appeared before a magistrate. Our investigation revealed that the complainant was indeed arrested on 7 September and appeared in court on 9 September before an assistant magistrate who postponed the matter to 15 September for application of bail and further investigation. We found that the complainant was not detained illegally and he was informed accordingly.

**A case of police assault on a detained person:** A complaint was received from a detainee at the Rundu Police Station that police officers brutally assaulted an inmate who died as a result of the assault. After a thorough investigation, we found that the deceased person was on medication for suffering from ill-health and he was constantly taken to hospital for medical attention; however, his condition only became worse and in fact deteriorated to such an extent that he could no longer be kept in the cells, but had to be admitted to hospital, where he subsequently died. Several inmates who shared a cell with the deceased, including his nephew, also testified that he was never assaulted.

**A case of police assault on a farm worker:** A complaint was lodged with us involving police officers in plain clothes who allegedly assaulted a San man employed on a farm. It was alleged that the farm worker was beaten to death to force him to confess to poisoning a water borehole that resulted in the death of 61 cattle. The allegation was further that the matter was reported to the police but that no action was taken, allegedly because the incident involved a person of the marginalized San people.

After a thorough investigation, we found that no complaint of such a nature was ever laid with the police; it was also found that the deceased person died of liver failure as a result of alcohol abuse.

**Right to Education violated:** During 2010, the Ombudsman on numerous occasions spoke out against the misuse of the School Development Fund (SDF) and its purpose, specifically towards denying learners access to schools because their contributions towards SDF were still outstanding.

During 2010 we received various complaints against the Ministry of Education regarding the exclusion of learners from schools because of outstanding SDF contributions. As examples we can refer to the matter where the complainant complained to us that her sister was refused her report at the end of the term as her SDF contribution of N\$3300 was not paid. Upon investigation it was found that the Ministry of Gender Equality and Child Welfare indicated in 2009 already that the child should be regarded as a Vulnerable Child as the whereabouts of the father was unknown and the mother could not work due to ill health. We intervened and met with the principle of the school and an agreement was reached whereby they undertook to release the school report as well as address the matter of the outstanding SDF contribution. The complainant gave us feedback and indicated that everything was now solved.

A similar complaint was also received where the child who was at that stage in grade 3, was told not to return to school because the mother could not afford to pay the School Development Fund contributions for 2010 and was also in arrears with the contribution of 2009. The mother is a domestic worker and asked to pay the amount in installments but the school secretary refused such an arrangement. We met with the school principle and an agreement was reached where the child was allowed back into school and the mother's offer of paying in installments, was accepted.

**A case of traditional authority sentence violating a community member's human rights:** A complainant approached us with an allegation that his rights were grossly violated by the traditional authority, in that he was accused of having an affair with a married woman, was found guilty of the offence by the traditional court and sentenced to pay five heads of cattle, while he was further evicted from the village and his family banned from collecting water from the community borehole.

When the traditional authority was upset and eagerly awaiting us under the informed that all our discussions shall be village Headman and the entire village



approached, we found the community leadership of their Headman. We were in public before the senior Headman, his community.



During the discussion, it came to light that the complainant was reported to the village Headman for alleged indecent conduct of a sexual nature toward a married woman and for assaulting her husband. He was summoned to the Headman for a hearing, but was disrespectful; at a later stage he appeared before the senior Headman where he was found guilty and fined as follows:

- 3 cattle for assault and sexual misconduct - to be paid to the victims
- 1 cattle for disrespecting traditional authority - to be paid to the traditional authority

When the complainant failed to comply with his sentence, he was taken to the Chief who not only confirmed the sentence, but added one more cattle and further ordered that the complainant, after complying with the sentence, should leave the village.

During the discussion it also came to light that a fight erupted between the complainant and members of the water committee because the complainant did not regularly pay the monthly N\$10,00 for household water and the committee then resolved that the complainant as well as members of his household should no longer be allowed to get water from the community borehole which was drilled by government, but managed and supplied with diesel by the community.

Our finding in the matter was that the traditional authority fined the complainant with 5 cattle and ordered him to leave the village, while the water committee banned the complainant and his household from collecting water from the borehole. The traditional authority was informed that the sentence to leave the village was too harsh, while the water committee was informed that people have a right to water and that they could not prevent the complainant and members of his household from fetching water from the borehole, despite the fact that they manage and supply diesel for the borehole operation and that the complainant did not make regular payments.

The Chief Investigator in the matter was also of the opinion that such practices might not be confined or limited to the case in question and thus requested the Ombudsman to visit the traditional authorities in the Kavango and Kunene regions to share with them the importance of respect for human rights and fair treatment for all.

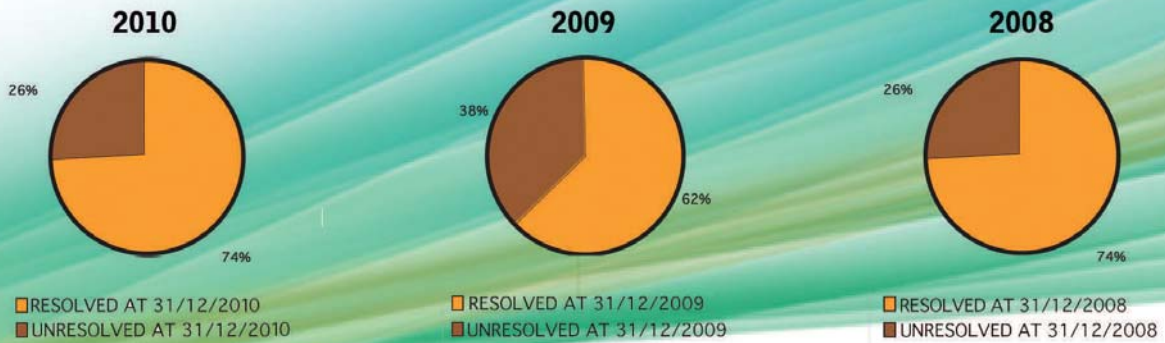
### Environment

The Office has not yet embarked on a campaign aimed at making citizens aware of their right to complain about environmental issues and has as a result still only received a very limited number of complaints relating to the environment (4 in total). There is however an interesting project in the pipeline which will amplify some of the environmental challenges facing Namibia.

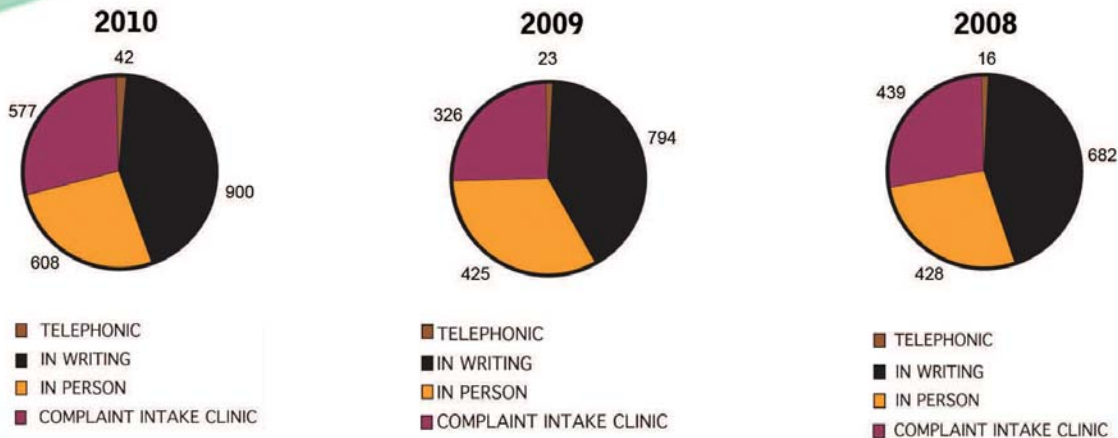


Statistical breakdown

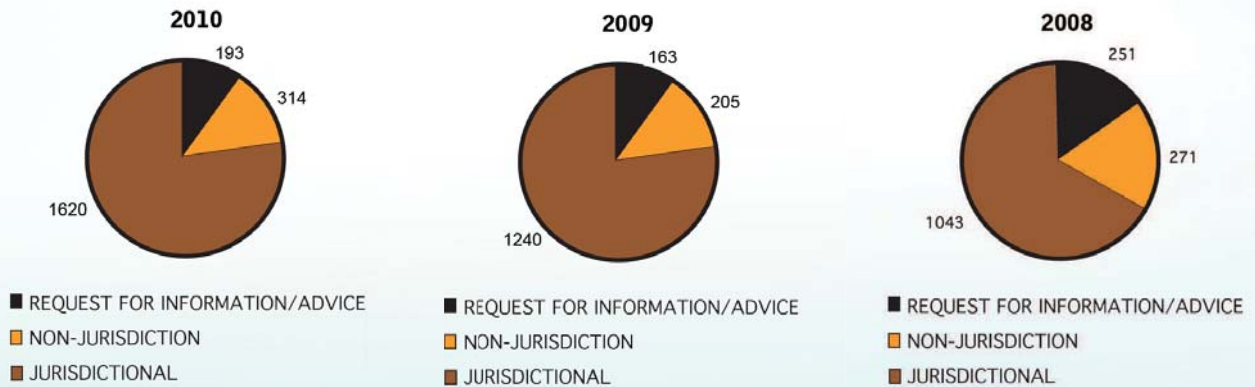
Cases resolved/unresolved



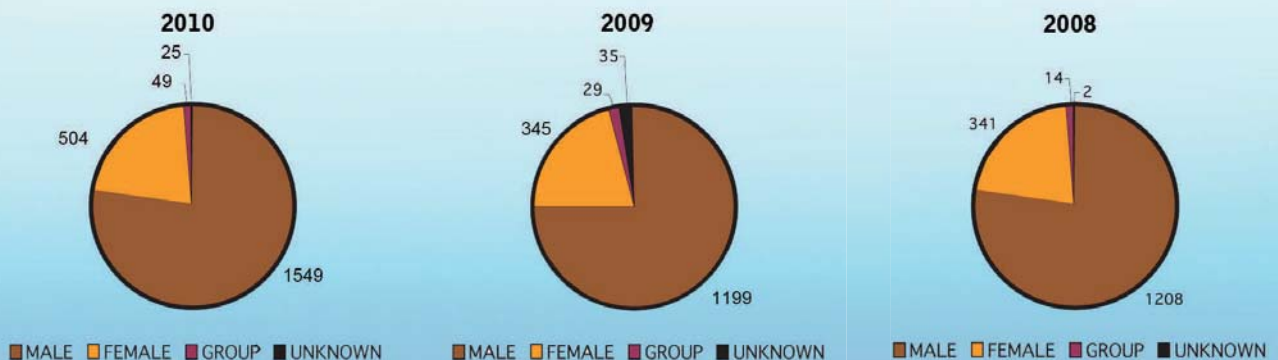
Complaints by intake type



Complaints by complaint type



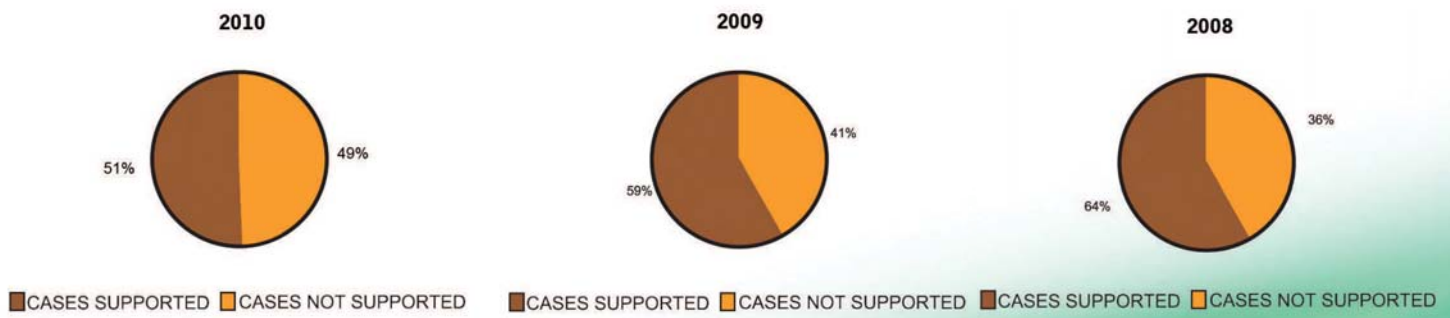
Complaints by gender



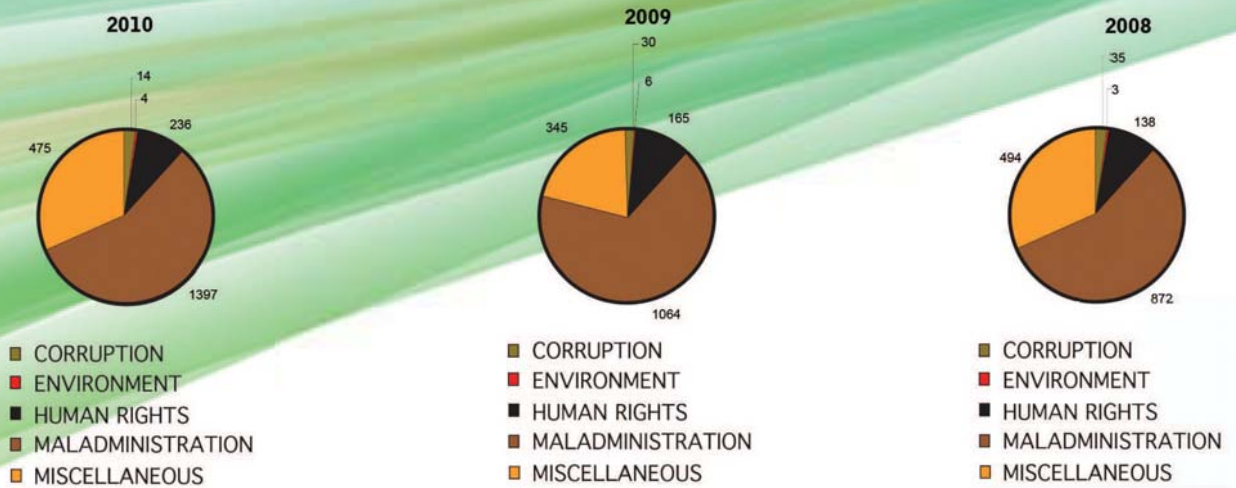
# 1990-2010



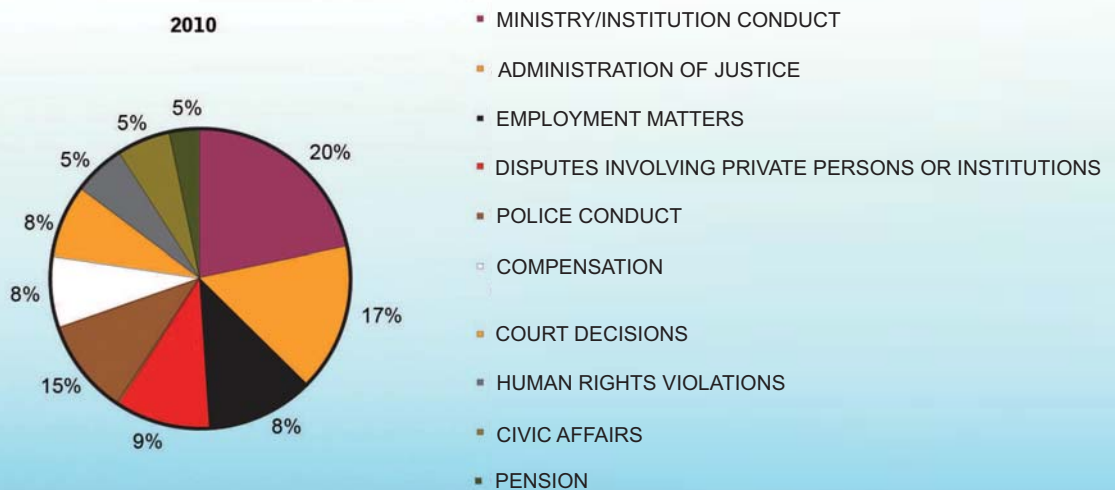
## Complaints supported/not supported



## Complaints by Mandate



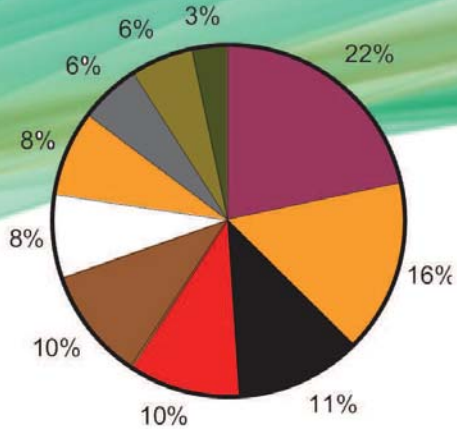
## Complaints by Category





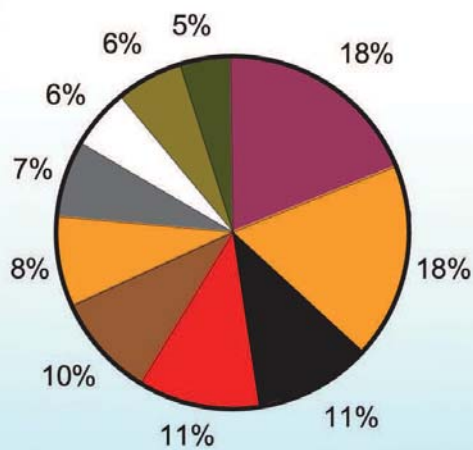


2009



- MINISTRY/INSTITUTION CONDUCT
- ADMINISTRATION OF JUSTICE
- POLICE CONDUCT
- EMPLOYMENT MATTERS
- COMPENSATION
- DISPUTES INVOLVING PRIVATE PERSONS OR INSTITUTIONS
- HUMAN RIGHTS VIOLATIONS
- PRISON CONDUCT
- PENSION
- COURT DECISIONS

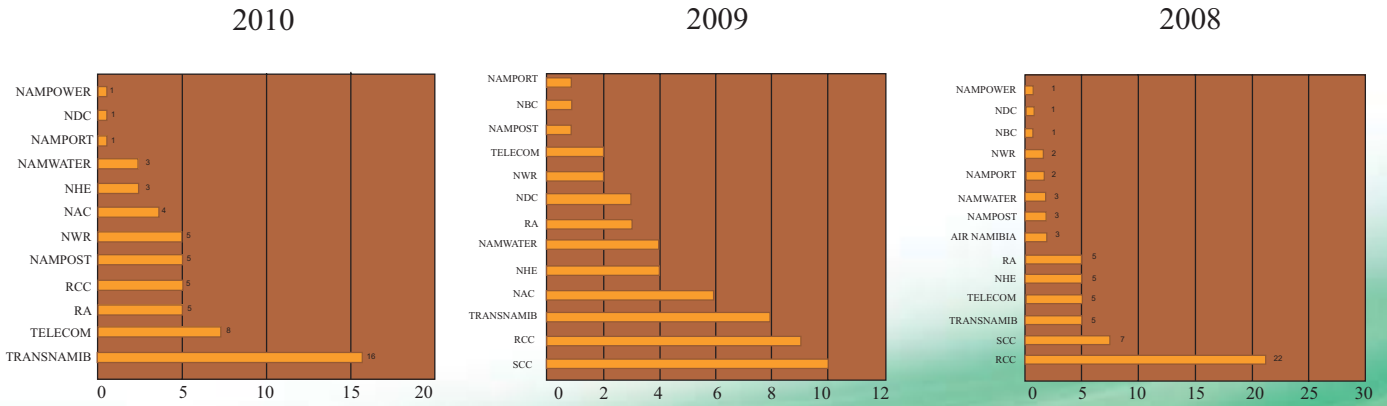
2008



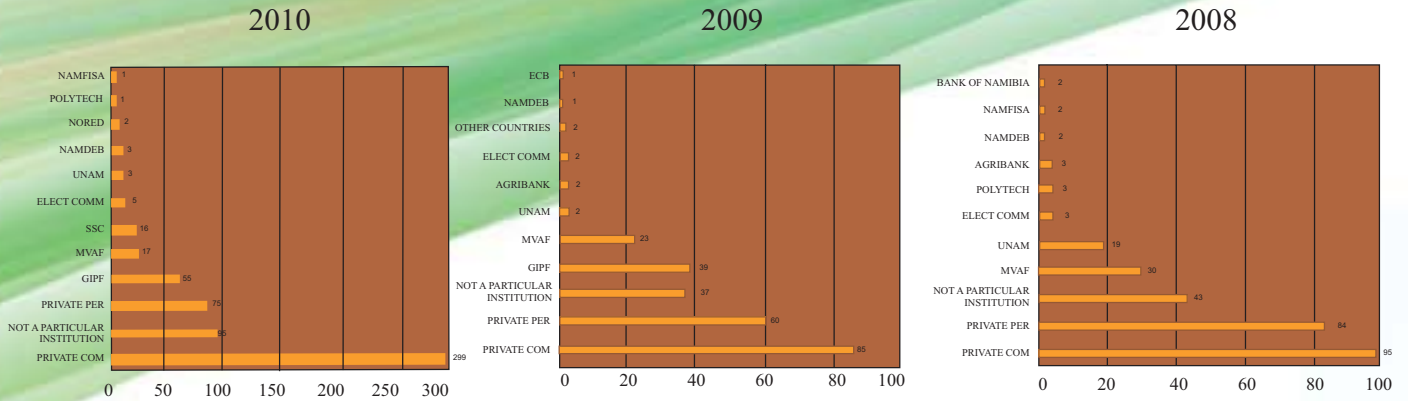
- MINISTRY/INSTITUTION CONDUCT
- ADMINISTRATION OF JUSTICE
- EMPLOYMENT MATTERS
- DISPUTES INVOLVING PRIVATE PERSONS OR INSTITUTIONS
- POLICE CONDUCT
- COMPENSATION
- COURT DECISIONS
- HUMAN RIGHTS VIOLATIONS
- PRISON CONDUCT
- PENSION



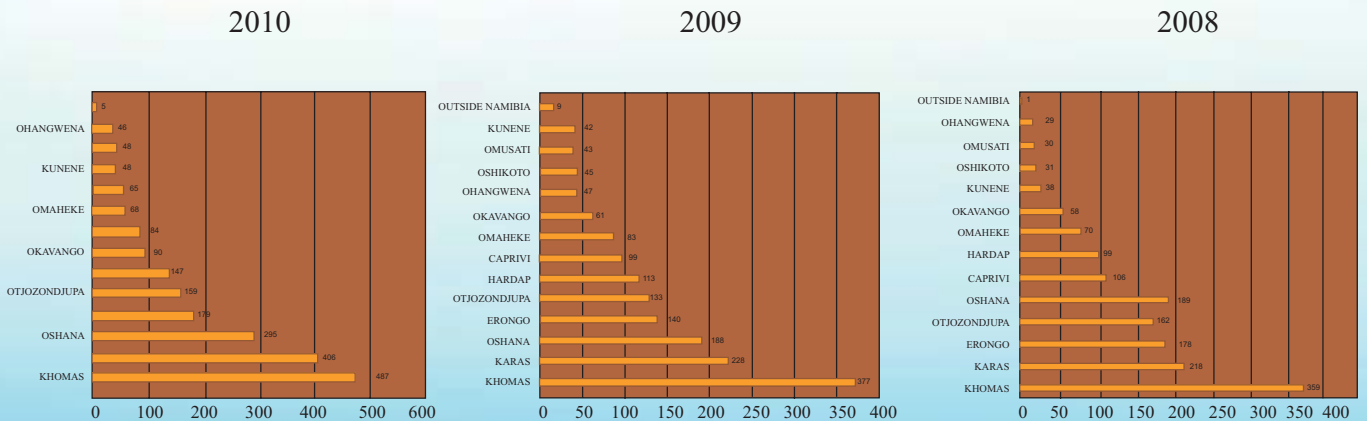
Complaints against Parastatals



Complaints against Other Institutions



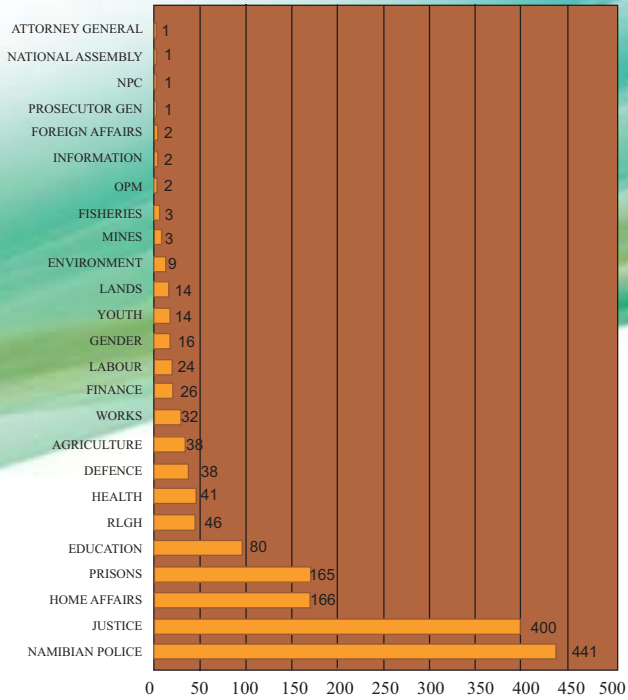
Complaints by Region



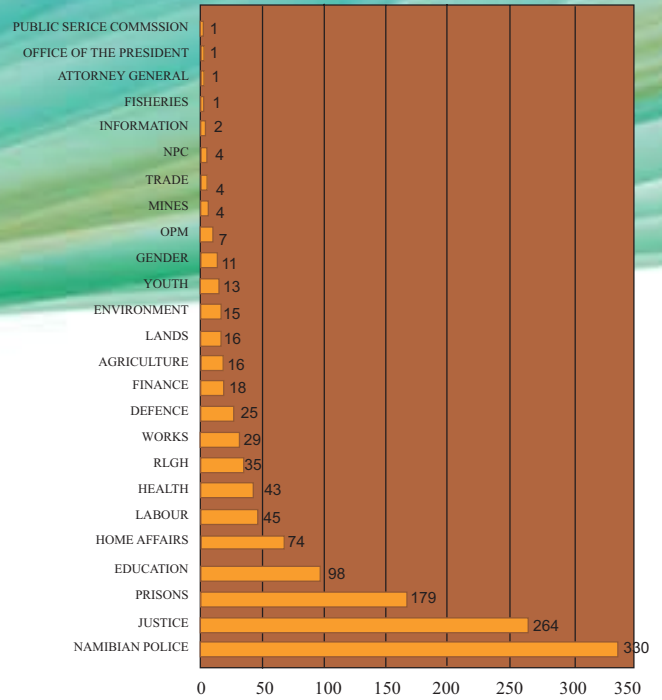


Complaints against government institutions

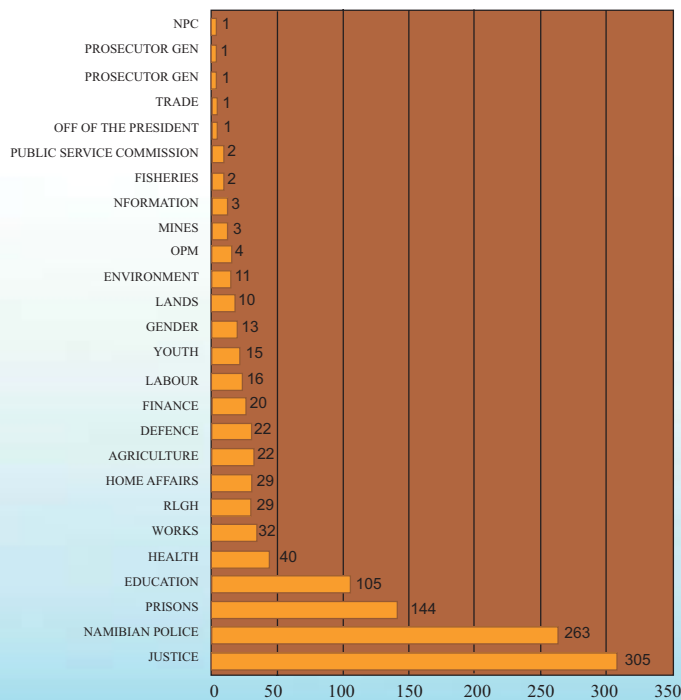
2010



2009



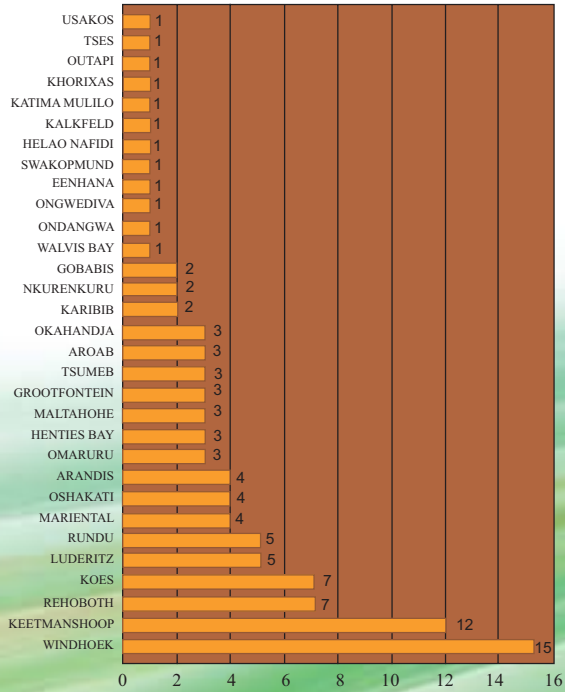
2008



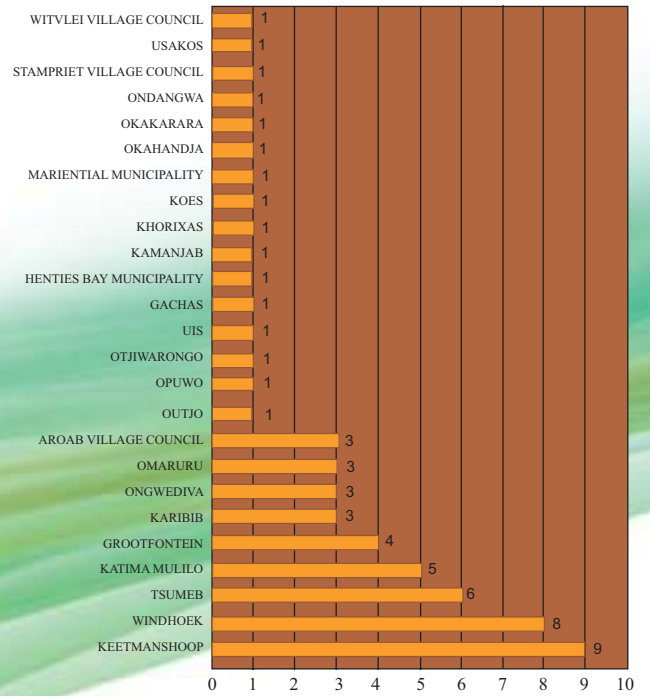


Complaints against Local Authorities

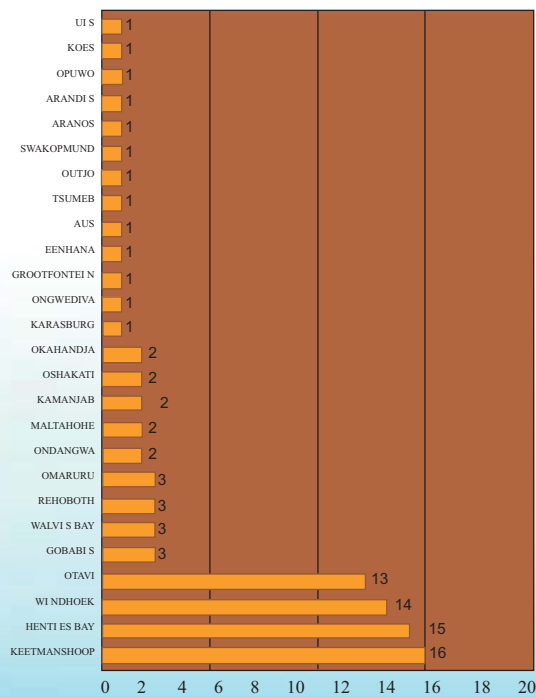
2010



2009



2008



ON A LIGHTER SIDE....



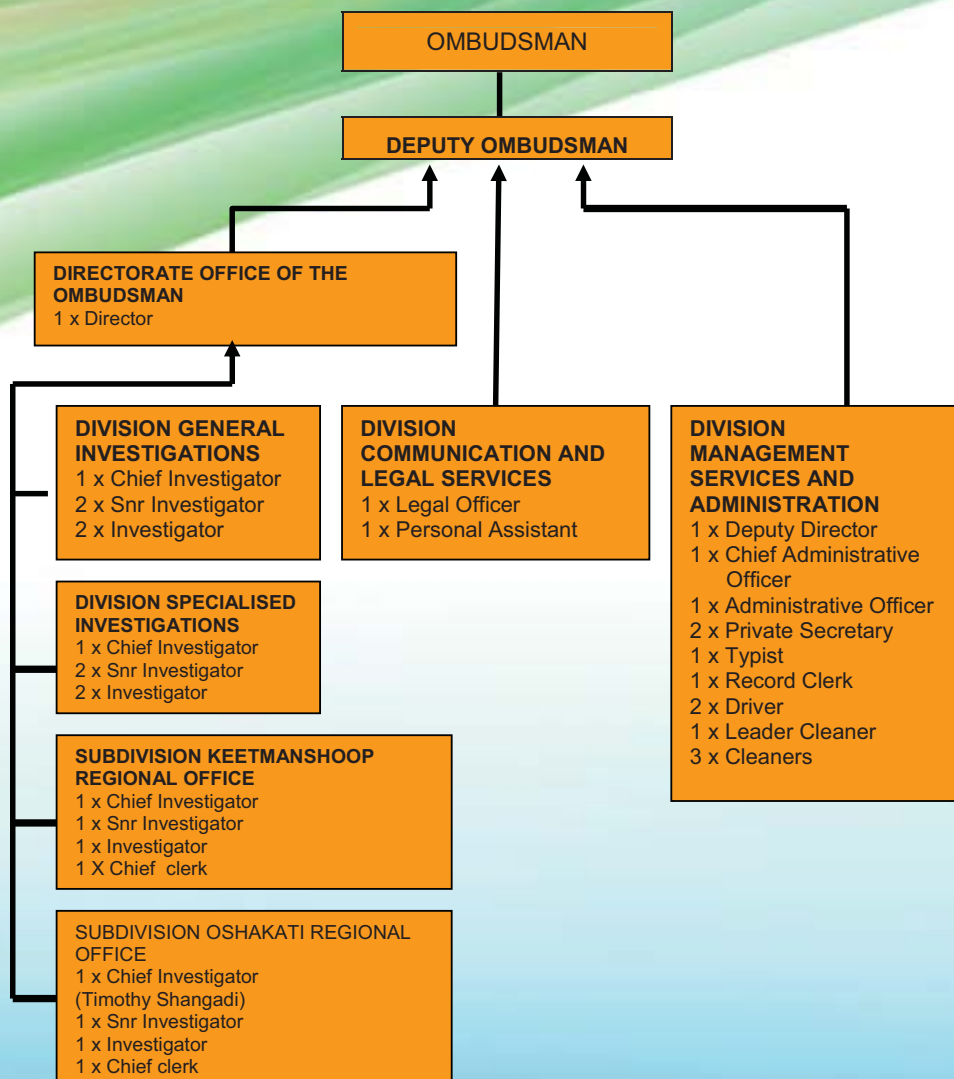


## MANAGEMENT SERVICES AND ADMINISTRATION

### Organisational structure

The Office structure greatly evolved since its establishment in June 1990; however, a number of problems existed which, for various reasons, have not been addressed. To mention but two, the investigators in the Office are appointed and regarded as Clerks, with the accompanying payment scale; secondly, the current structure does not make specific provision to properly deal with the additional responsibilities incumbent on the Ombudsman as the National Human Rights Institution. In 2010, we vigorously embarked on the business of having the Office restructured to address the problems that were experienced. In this regard, a comprehensive submission was made to the Ministry of Justice with a request that they should approach the Public Service Commission with the proposed restructuring. Below we reflect the current structure, as well as the proposed new structure.

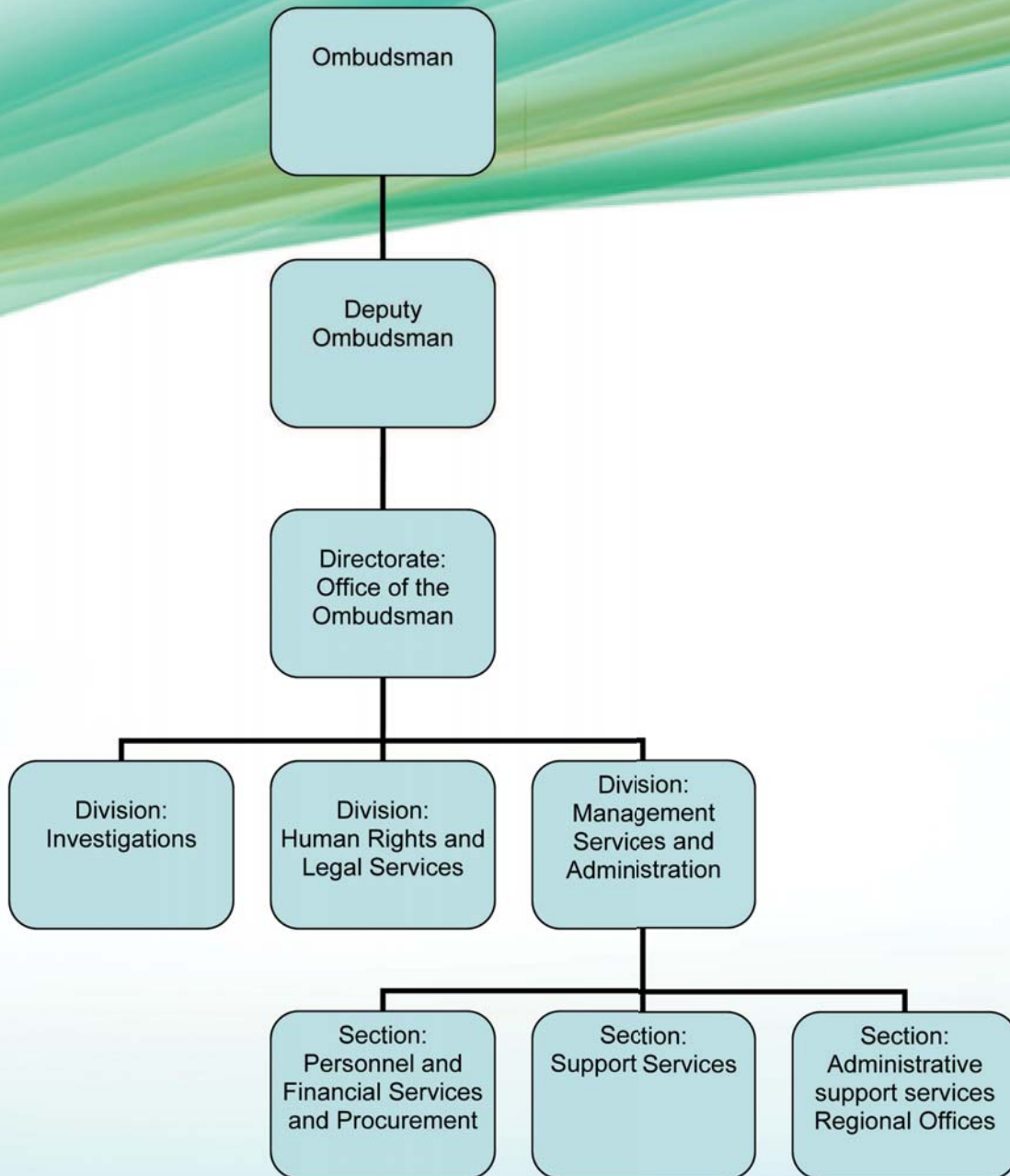
Current structure:





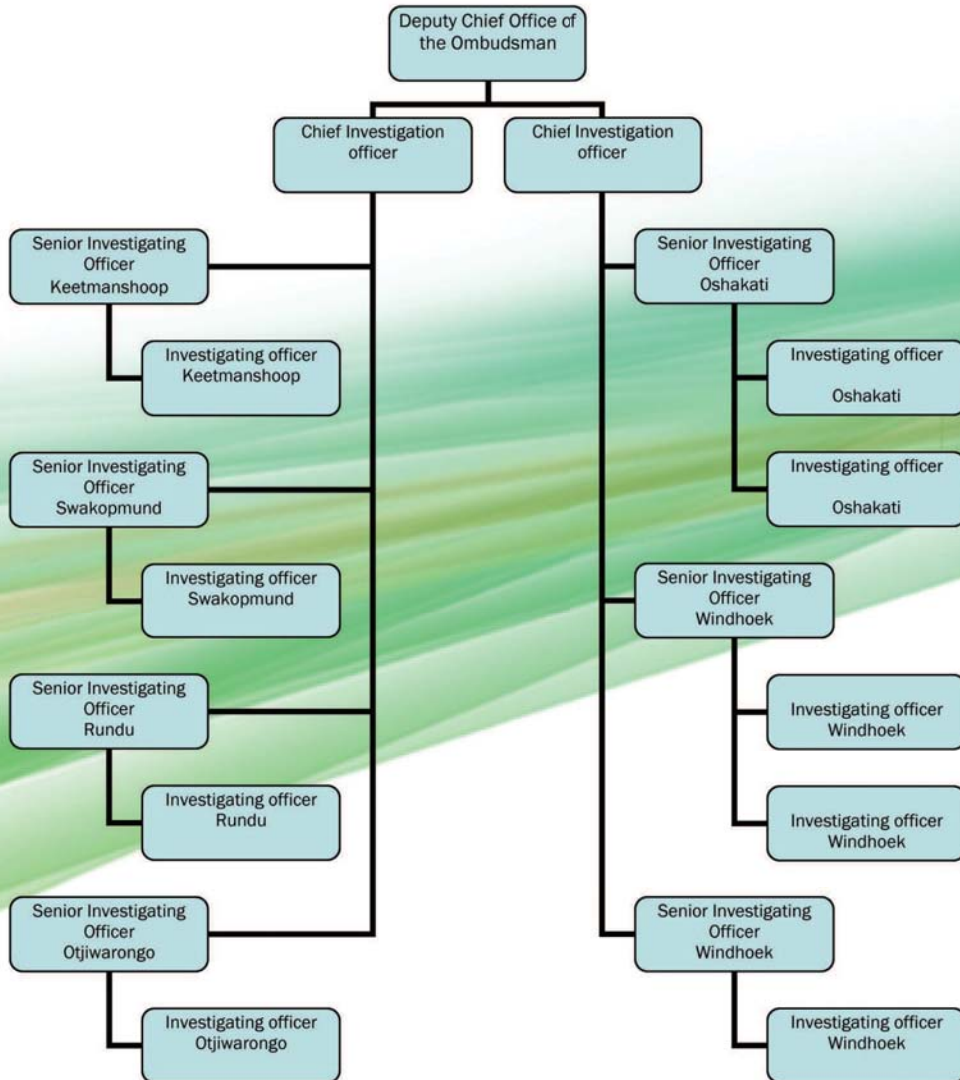
Proposed new structure:

Generic:

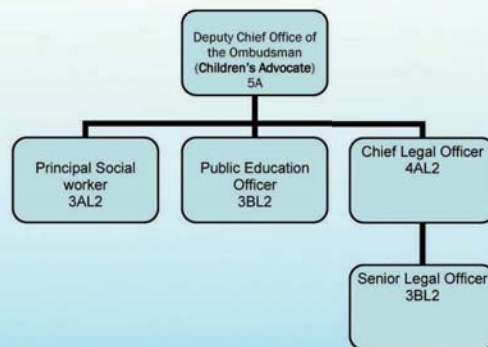




Division: Investigations



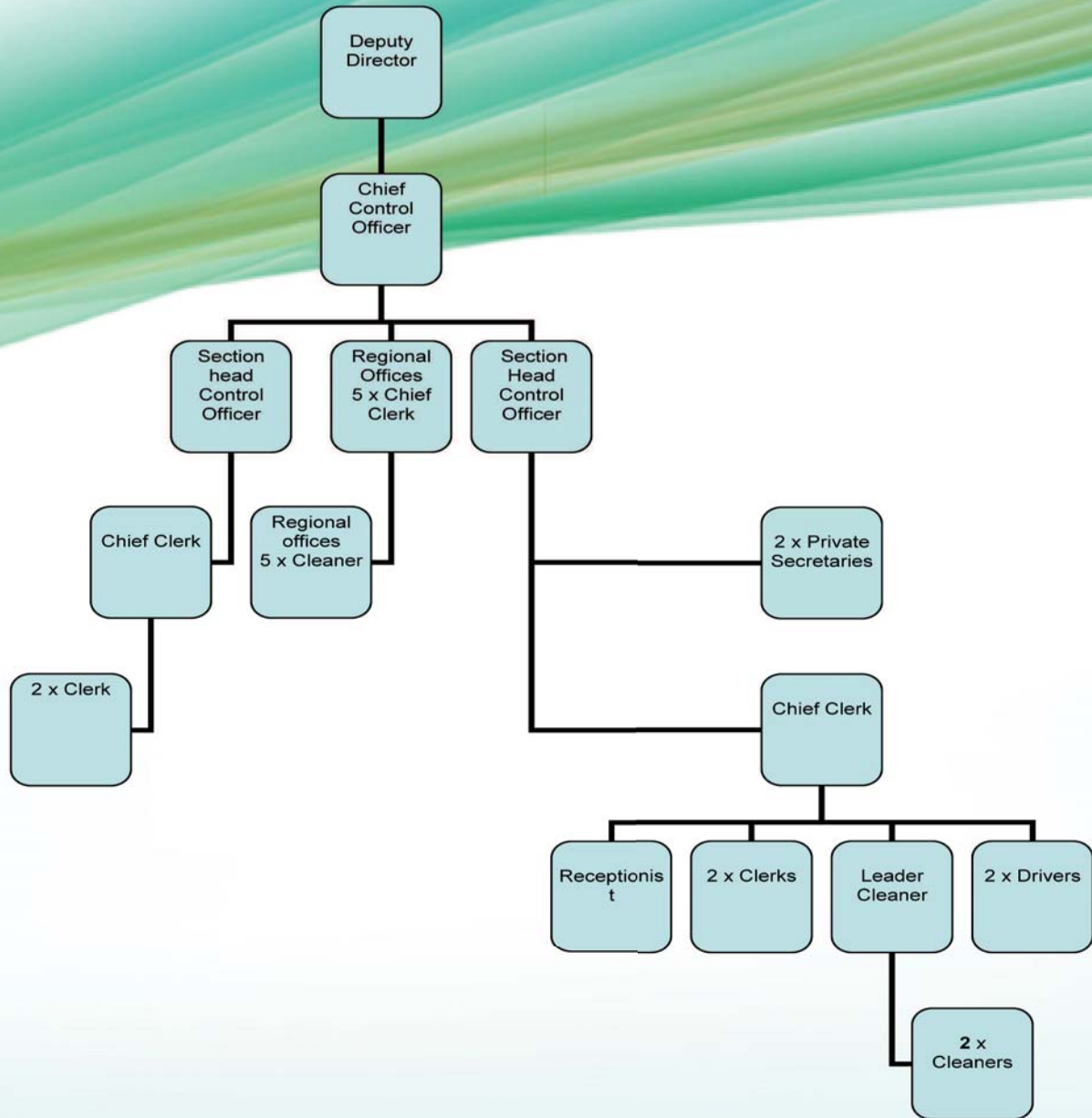
Division: Human Rights and Legal Services







Division: Management Services and Administration





**General**

The Management Services and Administration Division provides support to the line function in terms of human resources and financial administration, logistical management and general administrative support.

**Human Resources**

Appointments and terminations of service

The following new staff members assumed duty at the Office during 2010:



Vanessa Boesak; legal officer; January 2010



Christa Orlam; chief administrative officer; January 2010



Trodah Kalaluka; private secretary; January 2010



Paulus Nambala; investigator; February 2010



Monika Nghoshi September 2010

Katharina Hagel, a student from Germany, did her practical administrative training in our Office from February – April 2010. It was nice having you with us Katharina!



Two staff members terminated their service with the Office during 2010, as follows:

- Vincentius !Goraseb, Snr Investigator, Keetmanshoop Regional Office
- Ms Josephine Oiva, Chief Clerk, Oshakati Regional Office

Staff training and participation in workshops/seminars/conferences

Staff were involved in the following training activities/workshops during the course of 2010:

Staff retreat	:	Okahandja, Namibia
Human Resource Education Training	:	Windhoek, Namibia
Leader Cleaner training workshop	:	Swakopmund, Namibia
Procurement workshop for administrative staff	:	Otjiwarongo, Namibia
Emerging Leadership training workshop	:	Otjiwarongo, Namibia
Strategic Review	:	Swakopmund, Namibia
Leadership training workshop	:	Walvis Bay, Namibia
Corporate Punishment seminar	:	Walvis Bay, Namibia
Regional consultative workshop: Education for All (Director was one of the presenters)	:	Ondangwa, Rundu Namibia
Workshop to discuss the Report: Promoting Access to Justice in the High Court of Namibia: The Case for Judicial Case Management	:	Midgard, Namibia
HIV Conference	:	Johannesburg, South Africa
Seminar on Strengthening and Establishing National Human Rights Institutions in Southern Africa	:	Pretoria, South Africa
Human Rights Training for African National Human Rights Institutions	:	Kigali, Rwanda
4th World Forum on Human Rights	:	Nantes, France



The Director, Eileen Rakow, attended the **4th World Forum on Human Rights** held in Nantes, France from the 28th June to the 1st July 2010 with the topic **‘In a World in Crises, what about Human Rights?’** and reported as follows:

This World Forum on Human Rights is held every two years in Nantes, France and opens a large public debate on issues that are of critical importance for the present and future of human rights, but it was the first time that someone from this Office attended the event. The 4th forum specifically looked at the impact of the various crises that the world is currently experiencing for eg. food crisis, economic and social crisis, and even a moral and political crisis and the consequences these crises may have on human rights. The Nantes Forum also examined how human rights may contribute to finding feasible solutions.

The objective of the World Forum on Human Rights is not to adopt resolutions or make declarations, but to provide a framework for open debate and the exchange of different points of view. The Forum’s goal was to stimulate broad thinking and intensive discussion on human rights issues, and above all promoting best practice towards advancing human rights.

The format of the forum was that the discussions took place in plenary sessions which presented an overview of one of the major themes selected by the organizers and from these, more specialized sessions flowed which were in the form of round table discussions. It was impossible to attend all these sessions as they overlapped, so one had to select the sessions which would have been to the greatest value for our situation in Namibia.

I therefore selected to attend the specific sessions addressing the “food crisis” concerns. What was most revealing is that it is projected that in the year 2020 80% of the world’s population will stay in cities with only about 20% of the population still staying in rural settings and therefore responsible for the whole of the food production that will be needed by the world population.

Taking this knowledge into account, it surely explains why something like the food crisis that hit many countries towards the end of 2008 due to the whole economic and social crisis of a scale not seen since the last world war, is expected to have such a huge impact on human rights. The initial crisis of a breakdown in the international financial system that initiated in the United States, rolled out globally and caused various other crises as this economic and social crisis in turn feeds a moral and political crisis (and vice-versa), the world currently finds itself in a situation of chronic instability.

Although the effects of the economic crisis are very different from one region of the world to another, its consequences are dramatic for the most vulnerable populations in the developing, emerging and developed countries and especially countries from Africa and the Middle East are very vulnerable to these changes. Unfortunately all these instabilities are seen all over the world, to lead to a situation where there is now less confidence in national governments, since they were unable to provide the governance that could have prevented the excesses and abuses within the financial system that ultimately led to the crisis.

There is a very encouraging increase in European and International legislation that has expanded, classified, described and combined a large number of human rights, including the right to sufficient and healthy food, and to a lesser extent the right of peasant farmers to have access to arable land. There is now a very broad consensus on the importance of these human rights. Unfortunately it is also true that the number of famine victims continue to increase steadily, along with the number of poor farmers who lack arable land and are victims of the economic system, indifference and the environment. We must understand that these “factors” are just a small part of an extraordinarily complex global problem for which there seems to be no ready solution. Human rights do not appear to be of much use in stopping global speculation on agricultural commodities, illegal deforestation, the brutal impact of global trade on the most vulnerable populations, the lack of agrarian reform, global warming, and the selfishness of all those who place their personal interest above the common good.

The solution to these problems lies in the areas of politics, economics and law and is not necessarily only a human rights solution. For example, we have had sufficient proof in our time that if the law is not used to regulate activity the results can be catastrophic for the environment, society, health and the financial system. No real solution is possible without a legal approach, because the law is the only means of regulating relationships and trade between human beings that is considered legitimate by all citizens and which takes the common good into account.

We further shared in the experiences of countries like India, Bolivia, Egypt and Tanzania to mention but a view as to how the food crisis touched them and for eg. how India started to address the allocation of land to poor peasants after a big march took place through the whole of India to deliver the request for land to government. There is now a system in place where parcels of land are given to landless people for farming purposes. The use of these parcels of land is strictly monitored and the principle that applies is that if you do not use it, you loose it!



## Financial Resources

Description	Amount (N\$)		
	2008/9	2009/10	2010/11
Personnel Expenditure	4 372 000	4 538 000	5 369 000
Travel and Subsistence Allowance	389 436	327 000	500 000
Materials and Supplies	60 000	86 000	117 000
Transport	772 000	683 000	Incorporated into General Services, Min of Justice
Utilities	44 000	130 000	60 000
Maintenance Expenses	35 000	65 000	65 000
Other Services and Expenses	315 622	255 000	255 000
Membership Fees and Subscriptions	45 000	50 000	100 000
Furniture and Office Equipment	118 942	175 000	Incorporated into General Services, Min of Justice
<b>Total appropriation</b>	<b>6 152 000</b>	<b>6 309 000</b>	<b>6 466 000</b>

### Transport

The Office fleet consist of nine vehicles, as follow:

- 1 x Nissan double cab utilised for regional complaint intake clinics
- 2 x Corsa bakkies utilised at the Southern and Northern regional offices
- 2 x Mazda 4x4 bakkies utilised at the Southern and Northern regional offices
- 2 x Nissan Tiida sedans utilised in Windhoek for administrative tasks and investigations
- 1 x Mazda 4x4 bakkie earmarked for utilization at the Swakopmund regional office
- 1 x Mazda 4x4 bakkie utilized for investigations outside of Windhoek

### Stock Control

Equipment, materials and supplies which were budgeted for, were acquired and the receipt, issuing and control of stock are now managed satisfactorily due to the appointment of a suitably qualified staff member and proper office accommodation.

### Accommodation

The Office occupies a building on the corner of Feld and Lossen Streets in Windhoek, since January 2009, with regional offices in Keetmanshoop and Oshakati. The regional office in Swakopmund scheduled to open in 2010 did not materialize, but will hopefully open its doors to the public not later than 2012.

### Information Technology

Outdated hardware and software were replaced, giving all staff members in Windhoek as well as the Oshakati and Keetmanshoop regional offices connection to the computer network and access to the computerized case management system as well as e-mail and internet facilities.

The Office maintains a website at [www.ombudsman.org.na](http://www.ombudsman.org.na)

### Office support Systems

- A switchboard with adequate incoming and outgoing lines is in use at head office in Windhoek, while one each are in use at the Keetmanshoop and Oshakati regional offices, respectively
- Three fax machines are in use at head office in Windhoek, while one each are in use at the Keetmanshoop and Oshakati regional offices
- Two photo copiers are in use at head office in Windhoek, as well as one each in the Oshakati and Keetmanshoop regional offices
- The office of the Director in Windhoek as well as both regional offices were supplied with colour laserjet printers.



*The Ombudsman and staff during the staff retreat in Okahandja*



## SPECIAL REPORTS/EVENTS AND OUTREACH/PUBLIC EDUCATION

### Constitution Day 9 February 2010

In 2010 we celebrated twenty years since the Namibian Constitution was adopted and implemented, making it a significant and most memorable occasion. All living members of the original Constituent Assembly was invited to attend the celebration which was held in grand style at the Safari Hotel and Conference Centre in Windhoek on 9 February 2010. The programme comprised an opening address by the Ombudsman, as well as short presentations on “20 years of the Namibian Constitution” by the Honourable Theo Ben Gurirab, Mr Jan de Wet, Prof M Kerina, Mr Justus Garoëb, Mr Dirk Mudge, Mr Moses Katjiuongua and Adv Veikko Rukoro; we were also particularly fortunate that Prof Kader Asmal from South Africa agreed to deliver the keynote address. The occasion will long be remembered by all those who attended.



*Most of the original living members of the Constituent Assembly*



*Dr Theo Ben Gurirab with Prof Kader Asmal*

An excerpt from Prof Asmal’s keynote address:

“Remarkable how constitutionalism and the notion of the supremacy of the Constitution has continued to be a *leit motif* of public life. No doubt irritation at being second guessed or reviewed by the Courts, harassed by a free press and having to surrender power to manipulate the democratic process (not that anyone would dream of doing so) by having external bodies effectively appointing institutions that not merely buttress democracy but really ensure that the legitimacy of the democratic process is upheld. Difficult to accept (our background in colonial Namibia and in apartheid South Africa – discretionary powers, indemnity of acts by officials) as the master’s precedents would have been easier to follow, as regrettably other African countries have done.

Our Constitutions have been the product of intense negotiations, of serious compromises and bitter confrontations. But no one, today, can cast animadversions on our Constitutions as being part of a ‘liberal agenda’ or being imposed by neo-colonial elements.”



*Some of the guests enjoying themselves during the occasion*



*Mr Dirk Mudge delivering his presentation*

**National Human Rights Action Plan: Briefing Session for Non-governmental Organisations**

A meeting was arranged to brief non-governmental organizations (NGO's) about the development of the National Human Rights Action Plan which commenced in 2009. The meeting was well attended and it is trusted that the NGO's will remain an active partner in the development process.



*Participants attending the NGO briefing session*



*The Ombudsman uses every opportunity for public education and the NGO briefing session was no exception*



### Visit to the Kephaz Muzuma Primary School

The Ombudsman was invited to address learners at the Kephaz Muzuma Primary School in Otjikuvere, Kamanjab on the occasion of celebrating the Day of the African Child; he was so touched by the spirit of both teachers and learners alike who remain so positive and focused despite lack of adequate resources that he decided to donate some redundant furniture and computer equipment to the school, while he also provided them with a printer bought from his own pocket. The handing over ceremony took place on 10 September 2010.





**The Ombudsman reaches out to traditional authorities...**

From 19 to 21 July 2010 the Ombudsman visited traditional leaders in the Kavango region, as follows:

19 July 2010

**Hambukushu Traditional Authority**

The Ombudsman addressed the community at the Mukwe Tribal Authority Office; 180 people turned up comprising chiefs, councilors, headmen of surrounding villages and community members. The Ombudsman gave a brief summary of the functions of the Office; time did not permit to raise individual issues, however the community was given an opportunity to ask general questions.

Issues of concern related mostly to traditional authority hearings and the right to practice religion. The community also requested the Ombudsman open an office in Rundu.

**Gririku Traditional Authority**

The Ombudsman was received by Senior Chief's Councilors, village headmen and their community members at Ndiyona Tribal Authority Office, about 60 people in total. After the Ombudsman briefly explained the functions of the Office, the Community engaged the Ombudsman with direct questions, amongst others compliance with decisions of the Traditional Court, respect for customs and the role of Traditional Authority in a democratic society. Among those who attended was an old man who thanked the Ombudsman for assisting his brother to get his pension payout after struggling for over two years.



*Community members listening attentively to the Ombudsman during his visit to the Kavango region*

20 July 2011

Mbunza Traditional Authority

The Ombudsman was received by the Tribal Hompa honourable Alfons Kaundu, his Chief Councillors, village headmen and members of the community at the Kapako Tribal Authority Office. The Ombudsman had fruitful discussions with the community, who amongst others requested that the Namibian Constitution be made available to them in the local languages.



*The Ombudsman with Hompa Alfons Kaundu of Mbunza Traditional Authority at Kapako*

21 July 2010

Ukwangali Traditional Authority

The Ombudsman was received at Kahenge Tribal Authority Office by the Senior Advisor and Councilor to the Hompa of Ukwangali, Mr Kandjimi and His Worship Hon Heikki Hausiku, the Mayor of Nkhrurenkuru. About 100 people, mostly village Headmen attended. The discussion was dominated by matters concerning human rights and how the Ombudsman can protect such rights. The community appreciated the visit of the Ombudsman and encouraged him to vigorously perform his task fairly and without fear.

The Ombudsman also made a quick visit to Katwitwi border post, where he saw first hand the living conditions of our brave men and woman serving at this important border post.

Sambyu Traditional Authority

The Ombudsman was received at the Kayengona Tribal Office by the Advisor to the Queen of the Sambyu, together with the Tribal Secretary and village Headmen and their people. Keen interest was expressed in the functions of the Office. Approximately 90 people attended the meeting and general issues brought to the attention of the Ombudsman included the plight of the orphans and problems with the Ministry of Home Affairs in issuing National Documents.



Rundu Unam Centre

The Ombudsman ended his program with a public lecture at the former Rundu College of Education, now Unam Centre, which was attended by a total of 260 staff and student teachers. The Ombudsman's lecture touched mostly on his human rights mandate and stressed the importance of tolerance. The evening was fascinating as the student teachers engaged the Ombudsman in an academic debate.



*The Ombudsman addressing students at the Unam Centre*

From 19 – 22 November 2010 the Ombudsman visited Traditional Leaders in the Kunene region, as follows:

19 November 2010

Otjikaoko Traditional Authority

The Ombudsman held a community meeting at Swartbooidrift in the Otjimuhaka area where approximately 160 people turned up, amongst others the Constituency Councilor, Hon JK Mburura, Senior Chief Councilors and various Headmen from surrounding villages. The well attended meeting was held under the Pohamba tree on the bank of the beautiful Kunene River, where the Ombudsman gave a brief summary on the functions of the Office.

The community raised issues pertaining to the non-recognition of Traditional Leaders, the need to upgrade the local clinic to a health centre, as well as the provision of medical services around the clock.

They also touched on dissatisfaction with the Communal Land Reform Act, mostly about leaseholds and demarcation, the ignorance on the part of State officials of the Ovahimba traditions (e.g. the Ministry of Home Affairs requires children to mention their father's names when applying for national documents, while the Ovahimba culture prohibits a child from mentioning the name of his father), while there was also concern about communication problems and lack of understanding of the Otjihimba customs by non-Otjihimba police officials manning sub police stations in the Constituency.



## 1990-2010



20 November 2010.

Epupa

The Ombudsman was received by Chief Kapika of Epupa, his Councilors, village Headmen and approximately 170 community members. The meeting was held under magnificent palm trees on the bank of Epupa water fall.

Chief Kapika informed the Ombudsman about his unhappiness with Government's refusal to recognize him as a Traditional leader. He also conveyed his people's need for a border crossing at Epupa, additional pay points and water boreholes.

The community raised the following concerns: reluctance to pay the salary of the community kindergarten teacher by Lodge and Tourist Camp owners as per agreement, mistreatment of Namibian citizens by Angolan State officials as well as inconveniences resulting from reduction of visit days to relatives in Angola from 30 to 10, Government's lack of consultation on the development of a dam at Baines, as well as dissatisfaction with tourists taking pictures of naked woman/men when bathing along the Kunene River. Further issues raised included the impoundment of unlicensed fire arms, the repair of cattle kraals and the need for veterinary services.



*The Ombudsman listening attentively to Chief Kapika. The Ombudsman was issued with a spot fine for failure to observe tradition (failure to pay the necessary respect and recognition to the Chief before sitting down).*

21 November 2010

Ohaiwa - Ovatuua Centre

The Ombudsman was received at Ohaiwa by the Centre Headman and about 70 people. The Ombudsman had fruitful engagements with the community, who raised concerns about the issuing of national documents; the community also informed the Ombudsman that the registration requirement for Orphans and Vulnerable Children by the Ministry of Gender is not accommodative to the Ovatuua and Ovahimba people. They further informed the Ombudsman that there is a need for proper, coordinated policies or arrangements to help keep children far from home who progress to higher grades, in school.



*The Ombudsman with the community of Ohaiwa*



Okanguati – Vita Traditional Authority

The Ombudsman was received at Okanguati by Chief Tjimbare Thom of Vita Royal Houses and his Senior Councilors as well as approximately 60 of his subjects.

The community raised concerns about the abolishment of corporal punishment, which they feel causes great indiscipline amongst the youth; a request was made to the Ombudsman to request the Ministry of Home Affairs to look into the possibility of issuing national documents at Constituency level. They further asked the Ombudsman to request the Ministry of Education to increase the hostel capacity at the Okanguati School, which is 150, but currently accommodating 300 students. Compensation to parents of the freedom fighters who died and never returned from exile was also raised.

22 November 2010

Etanga - Otjikakurukouje Royal House

The Ombudsman was received at Etanga by Chief Vemuii Tjambiru, accompanied by his Senior Advisors, village Headmen and approximately 70 members of the community, who expressed a keen interest in the functions of the Ombudsman. General issues brought to the attention of the Ombudsman included the need for earth dams, bad road conditions and the interruption of movement during the rainy season due to non-availability of a bridge at the Oute River, about 35km's from Opuwo to Etanga. The need for additional pay points, upgrading of the clinic to a health centre, a mortuary and a mobile clinic were also raised, while it was proposed that registration or old age pension be done at the village clinic or police station to relieve old, poor citizens from the burden of travelling to Opuwo, 200km's away. The need for radio and cell phone communication was also raised.



*School children entertaining the Ombudsman at Etanga*





## 20-Year Celebrations in Windhoek, Keetmanshoop and Oshakati



The Office was 20 years old in 2010 and we celebrated the occasion in Windhoek as well as at the regional offices in Keetmanshoop and Oshakati. The keynote address at the Windhoek celebration was delivered by Pendukeni Iivula-Ithana, the Honourable Minister of Justice as follows:

I thank you for the opportunity to address you on this auspicious occasion, the 20th anniversary of the Ombudsman in Namibia.

As some of you may know, the institution of the Ombudsman originated in Sweden as far back as the 1800's. The classical Ombudsman model stands outside the executive branch of government and have close ties with, and indeed report to Parliament as the ultimate supervisory body in a democratic system.

The latter-day Ombudsman emerged during the 1960's-1980's as a variation of the Swedish model and spread to countries outside Scandinavia, starting with New Zealand. During the 1990's, with the emergence of newer democracies notably in Africa, Latin America, Eastern and Central Europe which faced challenges of socio-economic development, respect for human rights and good governance in general, the Ombudsman assumed a wider jurisdiction which extends to the infringements of human rights.

In Africa, the Ombudsman has been in existence for almost 35 years, with Tanzania the first country in Africa to establish an Ombudsman office in 1966, which was then called the Permanent Commission of Enquiry and changed to the Commission of Human Rights and Good Governance during 2002. As many other countries throughout Africa chose the path of democratisation in the 1990's, the number of Ombudsman institutions grew to the current 23 countries on the African continent with Ombudsman Institutions.

The institution of the Namibian Ombudsman was established by Chapter 10 of the Namibian Constitution and the Ombudsman Act 1990 (Act 7 of 1990) defines and describes the powers, duties and function of the Ombudsman. The fact that the Ombudsman Act was the 7th Act proclaimed by the first democratically elected Parliament, bears testimony to the serious light within which this pillar of democracy was viewed at the time.

Also, the fact that the Ombudsman can investigate actions of any elected or appointed official or employee of any organ of the central or local Government and parastatals, bears testimony to Government's sincere belief that not just supervisors and other ordinary staff members, but also members of the Forces as well as members of the executive should be open to scrutiny by the Ombudsman without fear or favour, in an effort to ensure that the injustices of the past may never reign supreme in our Country again.

At the same time, we were fortunate to have had in our midst people whom could be appointed as formidable Ombudsman who all contributed to shape the institution into what it is today; we started with the appointment of Acting Ombudsman Advocate Pio Marapi Teek, followed by the appointment of the first permanent Ombudsman, the late Advocate Fanuel Jariretundu Kozonguizi and Deputy Ombudsman Advocate Ephraim Katatu Kasuto, followed by the appointment of Advocate Bience Gawanas (Namibia's Ombuds"woman" as it were), then the appointment of Acting Ombudsman Justice Mtambanengwe and finally our current Ombudsman, Advocate John Walters who was appointed in 2004.

We have noticed the growth of the Office over the last twenty years into a formidable institution that not only assist our citizens with the administrative and bureaucratic frustrations which they encounter on a daily basis, but who was responsible for a number of substantial investigations involving the National Housing Enterprise, the Social Security Commission and Transnamib Ltd, to name but a few; some of these investigations which was initiated by the Ombudsman culminated in the appointment of Commissions of Enquiry which opened the actions of the culprits to public scrutiny.

## 1990-2010



During 2006, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights afforded the Ombudsman a status A accreditation as the National Human Rights Institution of Namibia; the Ombudsman subsequently embarked on a human rights public education drive that can only be applauded by all.

Adv Walters, I want to give you the assurance tonight that your efforts have not gone unnoticed; I want you to know that the government is as committed as ever to support you and to provide your Office with the assistance which it needs to go from strength to strength in the next twenty years. On behalf of government, I wish to congratulate you on your 20th anniversary.



The celebration in full swing...



*20 Years of serving the Namibian people*

1990-2010



.....celebrating 20 years in Keetmanshoop





.....celebrating 20 years in Oshakati

**Remarks by Mr Skinny Hilundwa, Deputy Mayor of Oshakati, at the dinner function to celebrate the 20th anniversary of the Office of the Ombudsman on the 25th August 2010**

It gives me the greatest of pleasures to formally and honestly record my invaluable gratitude for the honour to address this historic dinner marking the 20th anniversary of the office of the ombudsman. I will be remiss if I do not also state unequivocally and without hesitation that the decentralization of the office of the Ombudsman to Oshakati and Keetmanshoop have given real meaning to our political independence and the enjoyment of the human rights that we struggled for, suffered for, were condemned to wrongful and unlawful imprisonment during the apartheid era. It is common knowledge that the office of the Ombudsman was created by the constitution of the Republic of Namibia as well as the Ombudsman Act of 1990. These two spell out the key mandate areas and powers of the office as far as human rights violations, which include the protection, promotion and enhancement of respect for human rights in Namibia, THE LAND OF THE BRAVE.

Although the constitutional provisions are stark clear, I venture to say that the accessibility, transparency and knowledge about the office of the Ombudsman has dramatically increased among the ordinary Namibian population. I think I speak for the majority of the citizens and residents of this part of the country that disproportionately suffered the brunt of Namibia's colonial period. Against this background, we owe your predecessors and especially you Advocate John Walters a big thank you for the good work you are doing.

We applaud your investigation and recommendations on the conditions prevailing at police cells and prisons throughout Namibia. As we celebrate the 20th Anniversary in the comfort of Oshandira Lodge, it will just be proper that you take steps that your report does not only gather dust on the shelves in offices, but that it is fully implemented. The most important is your outreach programmes and public education. I believe and submit that here your Office has to redouble its efforts by educating our government officials, our politicians, our police and army officers, our prison officials, our teachers and students, our youth, our churches, our community organizations and indeed, the general and overwhelming citizens of this country.

My bias is naturally those citizens and residents of Ovamboland, I am sure the Regional Councils and Local Authorities and all other stakeholders will be ready to co-operate and assist you in this regard. Congratulations and keep up good work!

I thank you





### Regional Offices

#### Keetmanshoop

The regional office in Keetmanshoop is situated on the corner of 2nd Avenue and Sam Nujoma Drive, while office space for complaint intake clinics in Mariental is provided in the Ministry of Lands and Nampol complex, in Luderitz at the Old German Hostel and at Karasburg at the Old Hospital premises.

The regional office is in dire need of extensive renovations, a matter which has been raised with the Ministry of Justice since 2008. It is trusted that the matter will receive the necessary attention as soon as possible.

The office is equipped with a switchboard with four extensions, a colour printer, a photocopier, a fax machine and computers with access to the main server in head office, Windhoek. They also have two vehicles, a Corsa bakkie and a Mazda 4x4 which are utilized to cover a vast area. Two lock up garages on the premises of the PK de Villiers High School are assigned to these vehicles, ensuring their safekeeping.

The intake clinic visiting points were increased to meet the demands of the people, while visits to police cells have become a regular feature on intake clinic schedules.

To meet the challenges envisaged by a new proactive approach with the Office being established as the National Human Rights Institution, it will be necessary to restructure.

#### Oshakati

The office is for the time being still situated in the Magistrate's Court building in Main Street, Oshakati while awaiting the erection of the new office building in Ongwediva, which is underway.

The office is equipped with a switchboard with four extensions, a colour printer, a photocopier, a fax machine and computers with access to the main server in head office, Windhoek. They also have two vehicles, a Corsa bakkie and a Mazda 4x4 which are utilized to cover a vast area with terrible and sometimes, non existing roads. Many towns and settlements in the Northern part of Namibia lack essential facilities like petrol stations and the vehicles are not equipped with additional fuel tanks; this is a challenge faced by the Office in its efforts to reach and be accessible to as many citizens as possible.

However, despite the difficulties encountered, the outreach visiting points increased from 16 in 2008 to 38 in 2009 and 52 in 2010; a distance of 60 000 km's were travelled to reach all the points.

Staff of the office accompanied the Ombudsman during his visits to the Traditional Chiefs in the Kavango and Kunene regions, while they also partook in the Ongwediva Trade Fair where the Ombudsman's stand received a considerable number of visitors, as well as attending activities organized by other stakeholders such as the Ministry of Health and Social Services and the Ministry of Safety and Security.



## Intake Clinics

## Regional Programme Windhoek Head Office: April to October 2010

TOWN	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	VENUE
REHOBOTH	12 (09h00-13h00) (14h00-16h00)			26 (09h00-13h00) (14h00-17h00)				Museum Police Cells
GROOT AUB	13 (09h00-13h00) (14h00-16h00)			27 (09h00-13h00) (14h00-17h00)				Groot Aub Jr Primary School Police Cells
DORDABIS	14 (09h00-13h00) (14h00-16h00)			28 (09h00-13h00) (14h00-17h00)				Police Cells
SEEIS	27 (09h00-11h00)			29 (09h00-11h00)				Police cells
HOSEA KUTAKO	15 (12h00-14h00) (14h00-16h00)			29 (12h00-14h00) (14h00-16h00)				Police Cells
OMITARA	28 (09h00-11h00) (11h00-14h00)			30 (08h00-11h00)				Council office Police Cells
OKAKARARA	19 (09h00-13h00) (14h00-17h00)				30 (08h00-13h00) (14h00-17h00)			Police Cells
WATERBERG	20 (09h00-13h00)				31 (09h00-13h00)			
OTAVI	21 (08h00-13h00) (14h00-17h00)					01 (08h00-13h00) (14h00-17h00)		Otavi Police Cells
OTJIWARONGO	22 (08h00-13h00) (14h00-17h00)					02 (08h00-13h00) (14h00-17h00)		Magistrate Court Otjiw Police Cells
OKAHANDJA	23 (09h00-12h00) (12h30-14h00)					03 (09h00-12h00) (12h30-14h00)		Okah Police Cells
OVITOTO				14 (10h00-13h00)		03 (14h30-1h30)		Ovitoto Clinic
KHORIXAS		17 (8h00-17h00) (14h00-17h00)					4 (8h00-13h00) (14h00-17h00)	Magistrate Building Khorixas Police Cells
KAMANJAB		18 (9h00-13h00) (14h00-17h00)					5 (9h00-13h00) (14h00-17h00)	Constituency Building Kaman Police Cells
OUTJO		19 (9h00-12h00) (12h00-15h00)					6 (9h00-12h00) (12h00-15h00)	Outjo Police Cells
TRANSKALAHARI BORDER POST			7 (11h30-13h00) (14h00-17h00)		9 (11h00-13h00) (14h00-16h00)			Trans Police Cells Public at border post
TALLISMANUS			8 (11h00-15h00)					Const Office Tallis Police Cells
AMINUIS			9 (10h00-13h00)		10 (09h00-11h00) (11h00-15h00)			Constituency Building Police Cells
CHAKA			9 (14h00-16h00)		-			
LEONARDVILLE			10 (08h00-12h00)		11 (08h00-11h00) (11h00-13h00)			Constituency Building Police Cells
GOBABIS PRISON			10 (14h30-17h00)		11 (15h00-17h00)			Gobabis Prison
GOBABIS			11 (8h00-12h00)		13 (8h00-11h00) (11h00 - 15h00)			Epako Municipal Bld Police cells
WITVLEI			14 (14h00-16h00)					Witvlei Police Cells
EPUKIRO POST 3 EPUKIRO PLESSIS PLAAS PLESSIS POLICE CELLS			15 (10h00-12h00) (14h00-16h00) (09h00-10h00) (10h00-12h00)					Epukiro RC Plessis Police Cells
OTJINENE OTJINENE PC			16 (10h30-15h00)		12 (10h00-13h00) 14h00 - 15h30)			Otjinene Police Cells
DIVUNDU PRISON			22 (08h30-11h30)			7 (08h30-11h00)		Divundu Rehab C
OMEGA			22 (12h00-15h00)			7 (12h00-15h00)		Omega Police Cells
SANGWALI			23 (10h00-15h00)					Sangwali Comb School
KATIMA			24 (14h00-17h00)			8 (14h00-17h00)		Min of Labour
KATIMA POLICE			24 (8h00-13h00)			8 (8h00-13h00)		Katima Police Cells
CHINCHIMANE			25 (10h00-15h00)			9 (10h00-15h00)		Teachers Res Centre
SIBINDA						10 (10h00-15h00)		Sibinda Com School
SESHEKE			28 (10h00-15h00)					
NGOMA			28 (09h00-11h00)			13 (09h00-11h00)		Teachers Res Centre
NGOMA POLICE			29 (11h30-16h00)			13 (11h30-16h00)		Ngoma Police Cells
SCHUMANSBURG						14 (10h00-15h00)		Schuk Comb School
KABBE/MUBIZA			30 (09h00-14h00)					Constituency Office
BUKALO						15 (09h00-13h00)		Agricultural Centre
IMPALILA ISLAND IMPALILA POLICE						16 (10h00-15h00)		Impalila Comb School Impalila Police Cells
KONGOLA				01 (09h00-14h00)				Constituency Office
UIS		10 (11h00-13h00) (14h00-17h00)			09 (11h00-13h00) (14h00-16h00)			Police cells Uis Village council
OKOMBAHE		11 (09h00-10h00) (10h30 - 12h30)						Police cells Council Office
OMARURU		11 (14h00 - 17h00) 11 (14h00-17h00) 12 (8h00-10h00)			10 (8h00-13h00) 14h00 - 17h00)			Police Station Magistrate's Court Prison and Police Cells
OTJIMBINGWE					11 (14h00-16h00)			Police Cells and community
KARIRIB		12 (11h00-13h00)			12 (8h00 - 11h00)			Police Cells and Town Council
USAKOS					11 (9h00-12h00) (9h00 - 12h00)			Magistrate's office Police cells
ARANDIS					12 (14h00 - 17h00)			Police cells Town council premises
HENTIESBAY		26 (8h00 - 11h00) (11h30 - 15h00)			17 (8h00 - 11h00) (11h30 - 15h00)			Police cells Municipality offices
WALVISBAY		27 (8h00 - 11h00) (11h30 - 17h00) 28 (8h00 - 10h00)			18 (8h00 - 11h00) (11h30 - 17h00) 28 (8h00 - 10h00)			Police cells Prison Magistrate's office
SWAKOPMUND		28 (10h30 - 11h30) (11h30 - 13h00) (10h30 - 15h00)			19 (14h00 - 17h00) (11h30 - 13h00) (10h30 - 15h00)			Prison Magistrate's office Police cells



## Regional Programme South: April to October 2010

KOES		5 (10h00-13h00) (14h00-17h00)		12 (10h00-13h00) (14h00-17h00)		17 (10h00-13h00) (14h00-15h30)		Police Station Residents
GOCHAS		6 (10h00-13h00) (14h00-16h00)		13 (10h-13h) (14h00-16h00)		16 (10h-13h) (14h00-16h00)		Police Station Village Council
GIBEON		7 (10h00-13h00) (14h00-17h00)		14 (10h-13h) (14h00-17h00)		15 (08h-13h) (14h00-17h00)		Police Station WM Jodd School Hall
TSES		3 (10-13h00) (14-16h00)		15 (10h00-13h00) (14h00 -17h00)		14 (09h00-13h00) (14h00-15h00)		Police Station Community Hall
BERSEBA		3(10h00-15h00)		16 (10h-15h)		13 (10h00-13h00) (14h00-17h00)		Constituency Office Village Council Visit
MARIENTAL	26 (10h00-13h00) (14h00-17h00)		21 (10h00-13h00) (14h00-15h00)		16 (10h00-13h00) (14h00-17h00)			Sub Office Police Station
HARDAP PRISON	27 (09h-13h) (14h00-15h00)		22 (09h00-13h00) (14h00-16h00)		17 (09h00-13h00) (14h00-15h30)			Hardap Prison
KALKRAND	28 (10h00-13h00) (14h00-16h00)				18 (10h00-13h00) (14h00-16h00)			Police Station Residents
MALTAHOHE	29 (10h00-13h00) (14h00-15h00)				19 (10h00-11h00) (11h00-13h00)			Magistrate's Office Police Station
ARANOS			23 (10h00-13h00) (14h00-17h00)					Police Station Magistrate's Office
STAMPRIET			24 (09h00-13h00)					Police Station & Residents
AROAB		17 (10h00-13h00) (14h00-15h00)		26 (10h00-12h00) (14h00-15h00)			04 (10h00-13h00) (14h00-15h00)	Police Station Residents
KARASBURG		18 (08h00-13h00) (14h00-17h00)		27 (08h00-13h) (15h00-17h00)			05 (08h00-13h00) (14h00-17h00)	Old Hospital Premises Police Station
ARIAMSVLEI		19 (10h00-12h00) (12h00-15h00)		28 (10h -12h) (12h00-15h00)			06 (10h00-12h00) (12h00-15h00)	Police Station Residents
WARMBAD		20 (10h00-13h00) (14h00-15h00)					07 (10h00-13h00) (14h00-15h00)	Settlement Office Police Station
NOORDOEWER		21 (08h00-11h00) (12h00-14h00)					08 (08h00-11h00) (12h00-14h00)	Ministry of Labour Police & Border Post
LUDERTIZ		10 (11h-13h) (14h-17h)						Luderitz Prison
LUDERITZ POLICE		11 (08h00-13h00)						Police Station
KEETMANSHOOP PRISON		12 (09h00-13h00)						Keetmanshoop Prison
KEETMANSHOOP		27 (09h00-13h00) (14h00-16h00)						Keetmanshoop Police
GRUNAU				29 (09h00-13h00)				Settlement Office
BETHANIE			7 (10h00-13h00) (14h00-17h00)		09 (10h00-13h00) (14h00-17h00)		25 (10h-13h) (13h00-17h00)	Magistrate's Office Police Station
AUS			8 (10h00-13h00) (14h00-16h00)		10 (10h00-13h00) (14h00-16h00)		26 (10h00-13h00) (13h00-14h00)	Police Station Residents
LUDERITZ			9 (08h00-13h00)		11 (08h-13h) (14h00-17h00)		27 (08h00-13h00) (14h00-16h00)	Old German Hostel Police Station
LUDERITZ PRISON					12 (09h00-13h00)			
ROSH PINAH			10 (08h00-13h00) (14h00-15h00)		13 (08h00-10h00) (10h00-12h00)		28 (08h-13h) (14h00-16h00)	Police Station Residents
ORANJEMUND			11 (08h00-15h00)				29 (08h00-15h00)	Magistrate's Office



Regional Programme North: April to October 2010

EEHNANA			5 (10h00-15h00)			4(10h00-15h00)	Police Station Magistrate's Court	
ONGENGA						06 (9h00-12h00) (14h00-16h00)	Councilor's Office Omungweluwe Police Station	
ENDOLA						7(9h00-12h00)	Councilor's office	
HELAO NAFIDI		10(10h00-15h00)		6(10h00-15h00)		8 (10h00-13h00)	5(10h00-15h00)	Ohangwena Police Station Engela Councilor's office Oshikango Councilor's office Ohangwena Magistrate's Court
OMUNDAUNGILO				7(9h00-15h00)				Council Office
EPEMBE						9(10h00-12h00)		Council office
SAN COMMUNITY CENTERES		11(9h00-13h00)					6(9h00-12h00)	Ekoka Resettlement Centre Onamata Resettlement centre Eendombe centre
OKONGO		12(9h00-13h00)		8 (09h00-12h00) (14h00-16h00)				Police Station Councilor's office and Hospital
ONDOBE							07 (12h00-14h00)	Councilor's Office
OKAHAO		26 (9h00-12h00) (14h00-16h00)						Councilor's office and Police Station
TSANDI						10(10h00-12h00) (14h00-16h00)		Councilor's office and Police Station
OKALONGO						14(9h00-13h00)		Councilor's office and Police Station
						(14h00-16h00)		
ONGONGO						15(9H00-13H00) (14H00-16H00)		Councilor's office Police Station
ONESI						11(10h00-12h00) (14h00-16h00)		Councilor's office Police Station
OUTAPI		27 (9h00-12h00) (14h00-16h00)				16 (9h00-13h00) (14h00-16h00)		Outapi Councilor's office Oshikuku councilor's office Magistrate's Court Police Station
RUACANA			7(11h00-15h00)			20 (10h00-13h00) (14h00-16h00)		Council office Town Council office Police Station
OSHIKUKU				20(9h00-13h00)				Councilor's office
ELIMI				21(9H00-13H00)				Councilor's office
OPUWO			08 (8h00-12h00) (14h00-17h00)			21(8h00-12h00) (14h00-17h00)		Constituency Council's office Police Station Town Council office Magistrate's Office
EPUPA			09 (10h00-12h00) (14h00-16h00)			22(10h00-12h00) (14h00-16h00)		Okangwati Police Otomjore and Councilor's office
OVATWE CENTERS			10(10h00-12h00) (14h00-16h00)			23(10h00-12h00) (14h00-16h00)		Ohaimua Otjikoyo
OSHAKATI	28 (09h00-13h00)					12(9-2h00) (14h00-17h00)		Police Station Okatana Constituency office Oshakati east council office
ONGWEDIVA	28 (14h00-17h00)							Police Station
ONDANGWA	29 (09h00-13h00)					13(9h00-12h00) (14h00-16h00)		Police Station Eheke Councilor's office Magistrate Court
OLUNO PRISON	8(14h00-16h00)					29(10h00-16H00)		Prison
GAM	13(9h00-15h00)			12(9h00-15h00)				Traditional Office
TSUMKWE	14 (8h00-13h00) (14h00-17h00)			13 (8h00-13h00) (14h00-17h00)				Ministry of Youth Police Station
MANGETI DUNE	15(10H00-16H00)			14 (10h00-16h00)				Ministry of Lands
OMATAKO				15(8H00-13H00)				Traditional Office
MAROELA BOOM	16 (09h00-12h00)			15(12h00-16h00)				Police Station
KOMBAT	19 (12h00-16h00)						11 (14h00-17h00)	Councilor's Office Police Station
GROOTFONTEIN	20(9h00-13h00) (14h00-17h00)		22 (14h00-17h00)				12(9-12h00) (14h00-17h00)	Councilor's office Police Station and Prison Town Council office
TSUMEB	21 (9h00-13h00) (14h00-17h00)			23(9h00-12h00) (14h00-17h00)			13(9h00-13h00) (14h00-17h00)	Councilor's office Police Station Magistrate's office State hospital
FARM SCOTT	22(9h00-12h00)						14(9h00-12h00)	
ONIIPA						24(10h00-15h00)		Councilor's office
ONYAANYA						25(10h00-15h00)		Councilor's office
TSINTSABIS	22(14h00-16h00)		24 (10h00-15h00)				14(14h00-16h00)	Resettlement centre Police Station
OMUTHIYA	23(11h00-15h00)		25 (11h00-15h00)				15 (11h00-15h00)	Councilor's office Okatope Police Station Oshivelo Police Station
MASHARA							26(9H00-12H00)	Councilor's office
NDIYONA							26(14h00-16h00)	Councilor's office
KAPAKO		17(9h00-12h00) (14h00-16h00)						Kapako Councilor's office Hakushembe SS
MUKWE							27 (10h00-13h00) (14h00-16h00)	Councilor's office Police Station S
RUNDU		18 (8h00-13h00) (14h00-17h00)						Magistrates' Court Rundu Police S
NKURENKURU		19(10h00-12h00) (14h00-15h00)		27(10h00-16h00) 28(10h00-12h00) (14h00-16h00)			29(10h00-12h00) (14h00-16h00)	Mpungu Councilor's office Kandjimi SS Kahenge Constituency office Kahenge Police Station Town Council Nkurunkuru High School
ELIZABETH NEPEMBA PRISON		20(9h00-12h00) (14H00-17H00)		29(9h00-13h00)				Prison Red cross Centre
RUNDU RURAL				29(14h00-16h00)				Constituency office

**THE OMBUDSMAN, ADV JOHN WALTERS, WAS APPOINTED AS REGIONAL VICE-PRESIDENT (AFRICA) ON THE BOARD OF DIRECTORS OF THE INTERNATIONAL OMBUDSMAN INSTITUTE**



*Chief Investigator Erastus Mwanyangapo was voted Investigator of the Year, 2010, by his peers – he receives his trophy from the Ombudsman*

During an intake clinic in the Kahenge Constituency (Kavango Region), the Constituency Councillor, Honourable J S Sikongo, raised a concern of his community about the need for national documents. We advised him to submit a list of individuals in need of such documents, which he complied with. We forwarded the list to the Permanent Secretary of the Ministry of Home Affairs and Immigration with a request that they should assist the people; the Ministry responded by sending a mobile team to the Kahenge Constituency for an entire month; the program covered 17 villages and 5008 people were issued with national documents.

On 05 August 2010, the Honourable Councillor wrote to the Ombudsman to express his appreciation for the Office's input. We want to thank the Ministry of Home Affairs and Immigration for heeding to the plight of the citizens in the Kavango Region.



# Notes

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