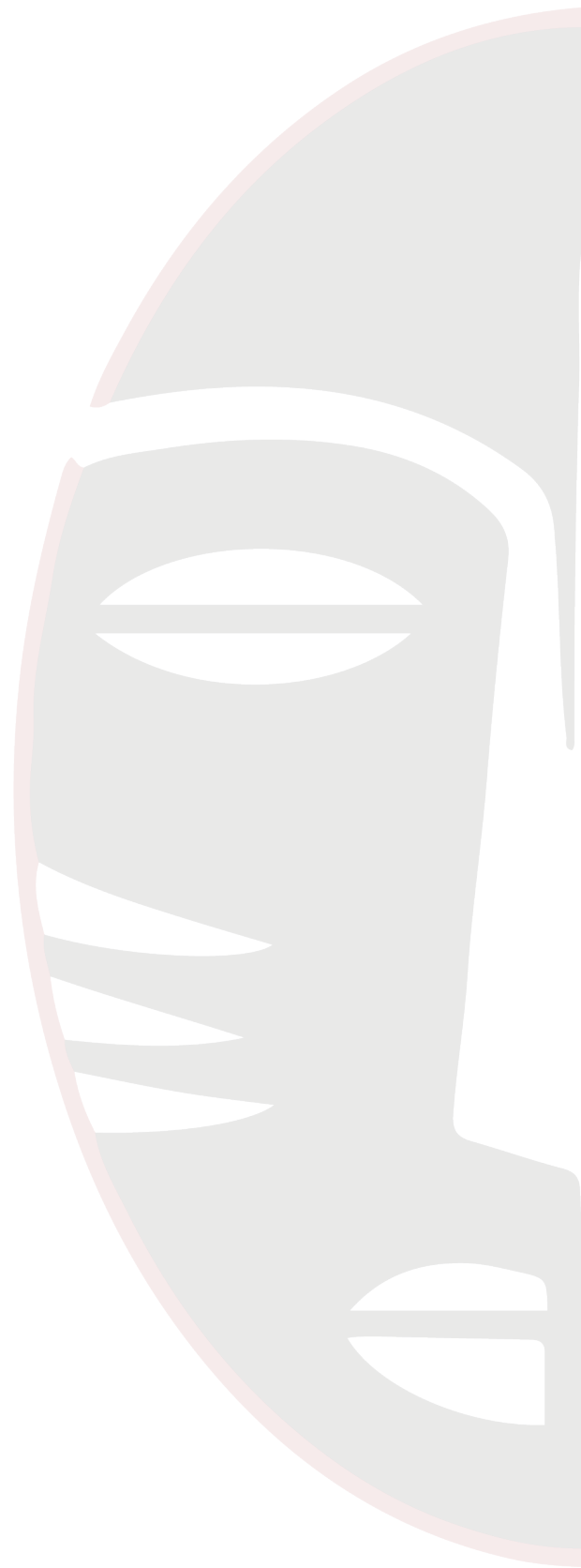




ANNUAL REPORT 2020







Mission Statement

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



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MESSAGE FROM THE OMBUDSMAN



On 1 July 2004, I took up the position of Ombudsman of Namibia, succeeding Bience Gawanas, Pio Teek, Efraim Kasuto and Judge Justice Mtambanengwe who all had made a strong and distinctive mark on the position for a period of 13 years. On 1 July 2020 I served as Ombudsman for a period of 16 years and at the end of July 2021 I will retire. Required under section 6(2) of the Ombudsman Act, (Act No 7 of 1990) to report to the National Assembly, all successive Ombudsmen faithfully complied with the statutory duties. The purpose of the annual report is to provide a means through which the Ombudsman is accountable to the people because the National Assembly represents the people and the people participate in the management of public affairs through the National Assembly. The Ombudsman is thus accountable to the Legislature and the people of Namibia through a comprehensive, open annual report. Therefore, the performance of my office can only be gauged by those reading my reports. This will be my last annual report to the National Assembly.

2020 is without a doubt the most significant year; on 21 March the country celebrated its 30th Independence Anniversary with the Covid-19 pandemic on our doorsteps; our Constitution turned 30 on 9 February and we celebrated this milestone under the theme: *"The Namibian Constitution.... 30 years on - Are we the Namibia we want to be?"* with school learners in different parts of the country; and on 23 July 2020, the Ombudsman institution celebrated its 30th anniversary under the theme: *"30 years- making a difference"*. We celebrated these milestones because the Constitution and the Ombudsman institution are not historic monuments, on the contrary, the Constitution is a living document and the Ombudsman is a living institution.

Despite the challenges brought about by the Covid-19 pandemic, we managed to comply with our statutory duties. As required by the Ombudsman Act, all the activities undertaken during the past year are reported on in this report.

There were changes in our work environment which impacted negatively on our output. Mrs. Eileen Rakow, Chief: Office of the Ombudsman was appointed as Acting Judge of the High Court in June 2019 for a period of three months. She acted for more than a year until she was appointed as a permanent judge of the High Court on 1 October 2020. Ms. Jennifer Nghishitende, Chief Legal Officer resigned and left the office on 8 October 2020 to further her studies in the UK. In their absence somebody else in our office had to do their duties as well as his/her own. At the time of the preparation of this report, both positions were not filled. Besides these vacancies, the position of Deputy Director: Management Services and Administration has remained vacant since the retirement of Ms. Elize Cline in 2018. These positions make up the top structure of my office and their absence had a huge impact on our efficiency; i.e. how well the Ombudsman institution does the things it does- not whether these are the best things for it to be doing.

Despite these challenges our staff remained committed and focused on providing quality service to our people. Therefore, it is important to recognize that the success of the office is the result of the hard work of staff. I wish to commend them and assure them that their dedication made a difference.

It is with deep regret that I have to report that I will leave the office with unfinished business. The draft White Paper on the Rights of Indigenous People

developed by my office lies somewhere in an office, while H.E. the President on 17 March 2019 in his State of the Nation Address stated: *"a draft White Paper on the Rights of Indigenous People in Namibia has been developed and is due for Cabinet approval."* The National Human Rights Action Plan (NHRAP) (2015-2019), also developed by my office and mandated to implement it with no or sometime little resources did not achieve its desired outcomes. This would not have happened if only I was provided with an appropriate level of funding to guarantee my independence and my ability to freely determine my office's priorities and activities and the power to allocate finding according to these priorities. If the Ombudsman hopes to remain relevant, effective and efficient the new Ombudsman Bill must be passed into law as a matter of urgency. The Bill addresses all the challenges of the Ombudsman and gives expression to the constitutional guarantee of the independence of the Ombudsman.

Our strategic goal of establishing a sixth regional office in one of the Kavango Regions was not realized. All our efforts were directed to obtain proper offices for our staff at Otjiwarongo, who are currently accommodated in a single office (10m²) that was made available to us by the Regional Director of Education. We were unfortunately not successful, but will continue the search in the new year.

To commemorate 30 years of Ombudsmanship in Namibia, we compiled and printed a 30th Anniversary Commemorative Book (1990-2020) of the Ombudsman's Office, which tells among others the story of humble beginnings, a journey of small steps which left inerasable footprints of the Ombudsmen and staff.

As in previous years, there were many cases in 2020 which stood out and attracted special attention, some of which we report on in more detail elsewhere in this Report.

Individuals and institutions deserve our gratitude for their excellent cooperation with the Ombudsman; those who failed to cooperate with us, I wish to remind them that their failure is a failure of public service delivery to our citizens to which they are entitled.

The government also deserves our gratitude for providing the resources to comply with our statutory duties, but I wish to caution that any cut in the Ombudsman budget, is a cut in our effectiveness.

I am grateful to the Government of the Republic of Namibia for appointing me as Ombudsman, for I have learned to serve with joy.

I am grateful for the mistakes I have made, for they taught me the most.

I am grateful for all my critics, for they have kept me humble.

In terms of section 6 (2) of the Ombudsman Act, I hereby submit this report to the National Assembly as a form of institutional accountability and for public awareness of what the Ombudsman does and how allocated resources are utilized.

SCOPE OF ACTIVITIES

Overview of the Office

a). The Ombudsman institution is included in the 1990 Constitution of Namibia, as an independent institution subject only to the Constitution and the law. The Ombudsman institution was established under the Ombudsman Act no 7 of 1990 (the Act). The powers, duties and functions of the Ombudsman are set out in the Act. The Act is outdated and needs an overhaul. Efforts to amend the Act are reported on further down in this report.

The Ombudsman seeks to ensure that administrative action by ministries, offices, agencies, local authorities and regional councils and their officials is fair and accountable. It does this by complaint handling, conducting investigations and inspections, encouraging good administration and discharging other specialized oversight tasks. The Namibian Ombudsman is also the:

- Immigration Ombudsman
- Law Enforcement Ombudsman
- Defence Force Ombudsman
- Protector of the environment

The Ombudsman has the following major statutory functions:

- Complaint investigation: receiving and conducting investigations into complaints relating to administrative action by ministries, offices, agencies and their officials, from individuals, groups or organizations. This includes investigations into complaints against public enterprises, local authorities and regional councils and their employees.
- Protecting fundamental human rights and freedoms: conducting investigations into alleged violations of fundamental human rights and freedoms by public and private persons and private enterprises, upon receipt of a complaint by individuals, groups or organizations.
- Own motion investigations: on the Ombudsman's own initiative, conducting investigations into the administrative action of ministries, offices and agencies and alleged violations of fundamental human rights and freedoms. These investigations often arise from insight gained through individual complaints, media reports

and other oversight responsibilities.

- Monitoring places of detention: where the Ombudsman and staff visit institutions for the most vulnerable groups in society, such as police holding cells, correctional facilities, psychiatric wards and facilities for the care of children with a view to check among other things, whether the relevant persons are treated in accordance with the law and ordinary humanitarian standards.
- Protecting the environment: where the Ombudsman enquires into and investigates any request or complaint concerning the over-utilization of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia.
- Misappropriation of public moneys and misuse of public property by officials: where the Ombudsman receives and investigates complaints concerning theft of public moneys or misuse of property by public officials.
- Protecting children's rights: under section 25 of the Child Care and Protection Act No 3 of 2015, there shall be a Children's Advocate in the Ombudsman office, whose duties and functions are set out in that Act.
- Law Reform and Development Commission: under section 3(1)(b) of the Act, the Ombudsman is by virtue of his office, a member of the Commission which objects are inter alia to review the laws of Namibia and to recommend the reform of laws.
- The Ombudsman also performs the following specialist roles
- Immigration Ombudsman - to investigate action taken in relation to immigration administration, including monitoring of immigration detention through a programme of regular announced or unannounced visits to police detention cells.
- Law Enforcement Ombudsman - to investigate complaints regarding the conduct and practices of the Namibian Police Force and its members. Regular announced or unannounced visits to police detention cells to receive complaints from trial awaiting inmates and inspection of the facilities. Investigating complaints by police officers against the Namibian Police Force.
- Defence Force Ombudsman - to investigate actions of a member of the Namibian Defence Force (NDF) and complaints from members of the NDF about employment matters.
- These activities will be further expanded

with the adoption of Prevention of Torture legislation which presumably places the duty on the Ombudsman to investigate all instances of alleged torture.

Organizational Structure

The head office of the Ombudsman is in Windhoek with regional offices in Keetmanshoop, Swakopmund, Ongwediva, Otjiwarongo, and in 2019 we opened an office in Katima Mulilo.

The Ombudsman is a constitutional appointed officer, appointed by the President on recommendation of the Judicial Service Commission. The Ombudsman is assisted in the execution of his duties and functions by officials appointed under the Public Service Act of 1995.

Cooperation with Ombudsman Institutions, National Human Rights Institutions (NHRIs) and other stakeholders

In compliance with the requirements of the Principles relating to the status of national institutions (Paris Principles) and the Bylaws of the International Ombudsman Institute (I.O.I) to cooperate with fellow Ombudsman institutions, NHRIs and international and regional bodies, the Ombudsman participated in the events and meetings via zoom hosted by the institutions listed hereunder. These events developed strong relations between Ombudsmen and NHRIs and allowed the sharing of useful information to enhance the work of Ombudsman Offices and NHRIs throughout the world:

■ Ombudsman Institutions

● African Ombudsman and Mediators Association Southern African Regional Meeting

On invitation of the Ombudsman of Botswana, Mr. Augustine Makgonatsotlhe the Ombudsman on 29 July 2020 participated in the Webex meeting on "Covid-19 and its impact on operations of the Ombudsman Institutions and Interventions"

● African Ombudsman Research Centre (AORC)

As a Board member of the AORC, the Ombudsman on 7 October 2020 attended the 20th AORC Board Meeting which was held virtually.

On invitation of the AORC the Ombudsman participated on 27 October 2020 in a Webinar on "The Ombudsman under Threat", where he said *inter alia* the following:

"Who is to protect the protectors? - If the Ombudsman presupposes a political and administrative system that is and wants to be a democracy, governed by the rule of law, with all the appropriate mechanism of external accountability this entails, then the Ombudsman can safely reply on the protection afforded by the democratic institutions created by the political and administrative systems. For me, they are the first line of protection of the Ombudsman; the second line of protection is external bodies"

■ International and Regional Human Rights Networks

● Commonwealth Forum of National Human Rights Institutions

On invitation of the Commonwealth Secretary-General, the Rt. Hon Patricia Scotland QC, the Ombudsman on 31 July 2020 participated in the online discussion of "Racism and Racial Discrimination in the Commonwealth."

■ Parliament

The Paris Principles *inter alia* requires that the Ombudsman as a status "A" accredited NHRI should cooperate and advise Parliament. In fulfillment of this requirement, the Ombudsman submitted his annual report to the National Assembly as required by the Ombudsman Act, No 7 of 1990. The Ombudsman also cooperate as follows with the National Assembly.

● Parliamentary Standing Committee on Constitutional and Legal Affairs

In May 2020, the Ombudsman received a Report from above Standing Committee of its oversight visit to the Osire Refugee Settlement with a request to implement their recommendations. On 25 August 2020 the Ombudsman submitted his Report to the Standing Committee (Reported on further down in this report).

■ Civil Society Organizations, Governmental Organizations and Non-Governmental Organizations

In compliance with the Paris Principles which requires that the Ombudsman should cooperate with civil society and government, the Ombudsman participated in the following events:

● 30th Anniversary of Constitution Day

The 30th Anniversary of Constitution Day was celebrated under the theme: *"The Namibian Constitution... 30 years on - Are we the Namibia we want to be?"* with school learners in Windhoek, Keetmanshoop, Swakopmund, Otjiwarongo, Ongwediva and Katima Mulilo. (Reported on more fully later in this report).

● Launch of the Human Rights Project: "Improve the understanding of Human Rights and access to service that provides safety and better outcomes for LGBTQIA + People in Namibia."

On invitation of Out-Right Namibia, the Ombudsman on 15 May 2020 in Windhoek delivered the keynote address. He said inter alia the following:

"Open minds are needed to improve the protection of LGBTQIA + people. If we do not have open minds yet, I hope that your worthwhile project will liberate our minds; remove the shackles which chain down our minds to our narrow understanding of homosexuality; if we have at all an understanding".

● Launch of the Public Sector Innovation Policy

On invitation by the Rt. Hon. Prime Minister, Saara Kuugongelwa - Amadhila, the Ombudsman on 22 July 2020 in Windhoek attended above Policy launch.

● Consultative Meeting on ILO Convention (No 190) and Recommendation (No 206)

On invitation of the Ministry of Labour, Industrial Relations and Employment Creation, the Ombudsman attended on 6 August 2020 in Windhoek above Consultative Meeting on *"Ending Violence and Harassment in the World of Work"*.

● Focus Group Discussion: Manual for NHRIs on Albinism

On invitation of Amnesty International, the Ombudsman on 29 September 2020 participated in the virtual discussion of the Manual for NHRIs on Albinism.

● Launch of the Civil Society Information Centre and Its Website

On invitation of the Chairperson of the Board of CIVIC + 264, the Ombudsman on 10 November 2020 in Windhoek attended above launch where he said inter alia the following:

"I wish to congratulate the Board on their initiative to establish this very important Centre and its website. You all know that information is the currency of transparency: I trust that the opening of this Centre and its website will provide the general public with much needed information about civil society organizations, their work and where to find them; will promote coordination and cooperation among civil society organizations themselves."

● SADC Parliamentary Forum and Amnesty International Regional Webinar

On invitation of Amnesty International Southern Africa Regional Office, the Ombudsman on 7 December 2020 participated in above webinar on *"National Human Rights Institutions and Parliaments - Perspectives on Participation and Engagement."*

■ Relations with the Media

Realizing the important role the media plays in informing public opinion, enriching debate and in increasing the visibility of the office, the Ombudsman maintains an open and constructive relationship with the media. The main media activities included the following:

● Radio Interviews

17 February 2020: the Ombudsman participated in a live interview on the Afrikaans Radio of the Namibian Broadcasting Corporation (NBC) on the "threats by the Inspector-General of the Namibian Police Force (NAMPOL) to deal with the youth regarding their disrespect for the elders."

21 March 2020: pre-recorded interview with NBC

National Radio on the “Role or impact that the Office of the Ombudsman had over the last 30 years in Namibia.”

21 March 2020: the Ombudsman participated in a pre-recorded interview with NBC Setshaba Radio on the “Role of the Ombudsman in Namibia.”

15 May 2020: the Ombudsman participated in a live interview with Kosmos Radio on the “Importance of the International Day against Homophobia, Transphobia and Biphobia.”

19 May 2020: the Ombudsman participated in a live interview on the Facebook page of the Republikein on the “Impact of the Covid-19 regulations on the enjoyment of human rights.”

19 May 2020: the Ombudsman was interviewed by Eagle FM radio station

25 May 2020: the Ombudsman participated in a live interview with Kosmas Radio on the national budget and the socio-economic challenges faced by Namibia.

9 July 2020: the Ombudsman participated in a live interview with Informante’ Radio on “Challenges faced by Namibia”

22 October 2020: the Ombudsman participated in a live interview with Fresh FM Radio on the Ombudsman’s Report on the complaint by the Popular Democratic Movement against the President.

11 November 2020: the Ombudsman participated in a live interview on the Facebook page of the Republikein on his Report on the complaints against August 26.

16 November 2020: the Ombudsman participated in a live interview with NAMPA on the new Ombudsman Bill.

• **Telephone Interview**

The Ombudsman gave more than 30 interviews to journalists from the print, broadcast and electronic media where he expressed his views on a number of current issues.

■ **International and Regional Membership**

Membership to international, regional and sub-regional human rights institutions and Ombudsman institutions is very important. It provides opportunities for cooperation and collaboration with such bodies and national institutions of other countries. Conferences,

meetings and events are excellent strategies for strengthening cooperation across institutions on specific issues. These are opportunities where Ombudsmen and national human rights institutions can share their hard-earned knowledge gained by experience over many years. Exchanging experience with colleagues is a very useful mode of interplay at domestic, regional and international level. Conference, meetings and events of the following organizations of which the Ombudsman is a member, are regularly attended.

- The Global Alliance of National Human Rights Institutions (GANHRI)
- The Network of African National Human Rights Institutions (NANHRI)
- The Commonwealth Forum of National Human Rights Institutions (CFNHRI)
- The International Ombudsman Institute (I.O.I)
- The African Ombudsman and Mediators Association (AOMA)



MAJOR ACTIVITIES

The biggest activity of the Office during the past year was the core business of receiving and investigation of complaints.

Complaints Overview

Complaints and Approaches

The table below shows how this has varied over the past 5 years

Year	Telephone	Written	In person	Complaint Intake Clinics
2020	208	725	1225	307
2019	182	841	1586	594
2018	200	1002	1653	570
2017	233	1151	1898	821
2016	243	1002	1909	594

It is interesting to note that people still prefer to approach our office in person compared to other possible means of filing complaints.

Like previous years, we received more complaints from male person, 1676 compared to 788 from female persons.

Nearly all the regions recorded decreases in the number of complaints received:

- Khomas: from 1041 in 2019 to 758 in 2020;
- Erongo: from 487 in 2019 to 427 in 2020;
- Oshana: from 326 in 2019 to 242 in 2020;
- Otjonzondjupa: from 228 in 2019 to 238 in 2020;
- !Kharas: from 269 in 2019 to 223 in 2020;
- Oshikoto: from 123 in 2019 to 78 in 2020.

An analysis of the statistic indicates that the regions where we have regional offices recorded the highest number of complaints, e.g. Khomas 785, Erongo 427, Oshana 242, Otjonzondjupa 238, !Kharas 223 compared to Omaheke 74, Kunene 71, Kavango EAST 48, Kavango West 15 and Omusati 48. These statistics provide sufficient reason for us to accelerate the establishment of a regional office in Kavango West.

In 2020 we received a total number of 2590 approaches (complaints and other approaches such as requests for information or advice) compared to 3203 in 2019; a decrease of 613. Of the total number of approaches received, 1511 were jurisdictional, compared to 1819 in 2019; a decrease of 408; 502 were non jurisdictional and 592 were requests for information or advice.

Investigations

In 2020 we resolved 78% of the complaints received, 1% more than the previous year. Most of these were finalized without substantial investigations. The majority of complaints are finalized through informal means, but a formal or substantial investigation may be required where jurisdictional complaints are complex and cannot be resolved through informal means or referral to another institution.

Despite the fact that requests for information/ advice or non-jurisdictional complaints do not require investigation, considerable time is spent listening to complainants or reading complaint letters and accompanied documents. What follows then is the capturing of the request or complaint on the computerized case management system and providing written feedback to the complainant.

In the investigation of individual complaints, the Ombudsman always gives the other party the opportunity to respond to the allegations of the complainant (the other side of the story). Unfortunately, Executive Directors of Ministries, Chief Executive Officers and individuals are not responsive to the needs of the public when the Ombudsman approaches them on behalf of the public. We must always send reminders and if no response is forthcoming, the Ombudsman must use his power of subpoena to force them to

deliver the requested information. This usually happens after the expiration of our 90 day target which we set for ourselves for completion of an investigation and informing the complainant of the outcome. The Ombudsman can accordingly not meet the justifiable expectation of the complainant, at no fault of his own. This may lead to perceptions of ineffectiveness. During 2020 we resolved 78% of the complaints received, with 22% of the complaints carried over to 2021. The obvious reason for not obtaining a 100% resolve of complaints is the failure by individuals to respond to the Ombudsman enquiries or requests for information.

The Ombudsman has a comprehensive role in the oversight of the Namibian Police Force (NAMPOL), the Namibian Defence Force (NDF) and Immigration Directorate of the Ministry of Home Affairs, Immigration, Safety and Security. When performing functions in relation to these institutions, the Ombudsman maybe called:

• **The Law Enforcement Ombudsman**

Our functions include:

Investigating complaints against members of the NAMPOL and about the NAMPOL. In 2020 we received 493 complaints against and related to the NAMPOL, compared to 596 in 2018.

Typical complaints against the NAMPOL members are allegations of assaults on inmates, failing to investigate cases or undue delays in investigating criminal charges, refusal to register criminal charges, neglecting to provide prescribed food to certain inmates, refusal to take sick inmates for medical treatment or examination.

Complaints against the NAMPOL include failure to provide inmates with three meals per day and the prescribed food according to the menu; lack of promotions, refusal of requests for transfer to other duty stations.

Monitoring police holding cells where trial awaiting inmates are detained.

• **The Defence Force Ombudsman**

We investigate complaints by serving, or former members and war veterans. Complaints typically involve Namibian Defence Force (NDF) employment matters such as pay and conditions, entitlements and benefits, promotions etc.

In 2020 we received 43 complaints about the NDF, compared to 42 in 2019.

• **The Immigration Ombudsman**

We investigate complaints about immigration detention and general immigration matters as well as monitoring of police detention cells where immigrants are detained through a programme of regular inspections. The Ministry of Home Affairs and Immigration, Safety and Security is the responsible Ministry for immigration administration. In 2020, we received 126 complaints about the Ministry, compared to 149 in 2019, a decrease of 23 complaints.

General immigration complaints include delays in the process of granting permanent residence work permits/visas, certificates of identity, etc.

We received a total number of 2590 complaints relating to these mandates. Why is this total significant? The total is important in its own right; as an indication of the frequency with which citizens turn to the Ombudsman for assistance, advice and the number of queries and grievances against government that are addressed each year by the Ombudsman and staff. It is also significant because through the Ombudsman, the Namibian people have a right to complain against government, to an independent office, without hindrance or reprisal and have their complaints resolved on their merits, always taking into account *“the other side of the story”*.

To obtain the other side of the story, remains a major obstacle in the timely resolution of complaints by the Ombudsman. Delay in responding to the Ombudsman enquiry, is the hallmark of the public administration in Namibia. It appears that public officials are under the impression they are doing the Ombudsman a favour by answering our enquiries or they conveniently forget that citizens have a right of access to public service.

Own Motion Investigations

Section 3 of the Ombudsman Act mandates the Ombudsman to enquire into and investigate any request or complaint in any matter laid before the Ombudsman by any person. The Act does not provide the Ombudsman with power to investigate matters out of own motion or own initiative. It would, however be a dereliction of duty if the Ombudsman ignores an allegation of human rights violation or a case of maladministration, reported on in the news

media or which comes to his attention in any other way. The Ombudsman assumes power to investigate such matters out of own motion. Two such own motion investigations were done in 2020.

• **No access to running water in police cells**

On 4 November 2020 the Ombudsman discovered that inmates detained at the Omungwelume Police Station do not have access to running water in their cells for more than a year. The inmates collected water in two liter plastic bottles from an outside tap for drinking, washing and flushing of toilets.

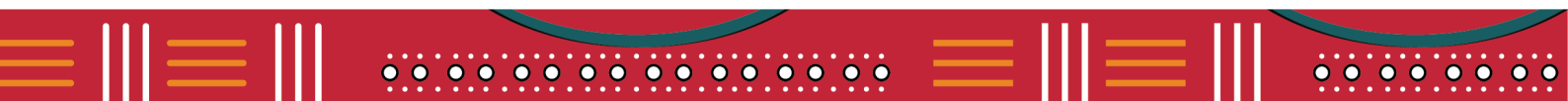
On 10 November 2020, the Ombudsman alerted the Minister of Home Affairs, Immigration, Safety and Security in writing of the situation and requested him to ensure that within the next 7 days that running water is provided to the inmates, that toilets and showers are properly functioning and that inmates receive their 3 meals per day. When the Ombudsman received no response from the Minister, he instructed legal counsel to approach the High Court for an order compelling the Minister to comply with the Ombudsman's request. The matter was settled outside court with the assurances by the Minister that the concerns of the Ombudsman will be addressed. The Ombudsman was informed that the defects were repaired.

• **Expectant mothers accommodated in a structure not fit for human habitation**

On 13 March 2020 the New Era Newspaper published an article on the conditions in which expectant mothers are living in a dilapidated house close to the Onandjokwe Hospital. This prompted the Ombudsman to cause an own motion investigation. Complaints investigators of our Regional Office met with medical staff of the Hospital, officials of the Oniipa Town Council and the owner of the building on 20 March 2020. The meeting was informed that the Town Council gave the owner notice on 22 November 2017 to close down the building which was not done.

Our complaints investigators found 47 women sitting under a tree who informed them that they are from remote villages and stay at the place to be closer to the hospital when their babies' births are due.

The building is in a dilapidated state; cracks appear all over the walls which do have windows and doors; the place does not have running water, toilets, showers or electricity. It was found not fit for human habitation and our complaints investigators recommended that the place should be shutdown. On 29 March 2020, the Town Council informed us that some of the expectant mothers are moved into the antenatal ward of the Hospital, while the rest moved back home. The Town Council undertook to erect proper structures for expectant mothers.



MANDATES

Human Rights

Human duties and responsibilities of the individual to the community

“Man should identify himself with the community, but not lose his identity in it”.

The Universal Declaration of Human Rights stipulates in article 29 that *“everyone has duties to the community because it is only within the community that the free and full development of the personality of the individual is possible”.*

The fifth preambular paragraph of the International Covenants (on Civil and Political Rights and on Economic, Social and Cultural Rights) reads:

“Realising that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.”

Namibia is a state party to both International Covenants through ratification and the provision contained in the preambular paragraph of the International Covenants is binding on Namibia. It reminds the individual explicitly that firstly he has a duty to other individuals and secondly, he is under a responsibility to strive for the promotion and observance of human rights. The primary role of the law is to protect rights, but many rights carry with them corresponding duties. Some of them are:

- **Duty to respect others**

Among the most important duties of the individual is his obligation to respect and to protect human rights and fundamental freedoms. Indeed the duty to respect and protect human rights is incumbent not only upon government and other public authorities, but upon individuals as wells.

Every individual has the duty to respect the life, liberty and security of person of others. The provision that everyone’s right to life *“shall be protect by law”* contained in the International Covenant on Civil and Political Rights was intended to emphasize the duty of the state to protect life and the duty of the individual to respect the international

and domestic law relating to protection of the life of every human being.

Every individual has the duty to protect the bodily integrity and human dignity of every other individual.

- **Duty to refrain from advocacy of national, racial or religious hatred**

The duty of the individual is to refrain from advocacy of national, racial or religious hatred that constitute incitement to discrimination, hostility or violence.

- **Duty to strive for the promotion and observance of human rights and fundamental freedoms**

This big responsibility of the individual is derived from the Preamble of the Charter of the United Nations, the 8th preambular paragraph of the Universal Declaration of Human Rights and the 5th preambular paragraphs of the International Covenants on Human Rights. In accordance with this provision, every individual and every organ of society, keeping the Declaration in mind, shall strive by teaching and education to promote respect for the rights and freedoms contained therein.

- **Duty to exercise political rights**

Every citizen has the duty to respect and protect the democratic government of his/her state. Thus, it is the duty of every citizen to vote and to be elected, when he/she is legally capable of doing so, at genuine, free and periodic elections which shall be by general and equal suffrage, and shall be held by secret ballot, guaranteeing the expression of the will of the electors. A government must be established by free popular vote.

- **Duty to protect the human environment**

It is the duty of every individual to contribute to the protection and improvement of the human environment for the growth and well-being of all members of the community.

- **Duty of mutual help and solidarity**

Solidarity is a social fact which postulates a duty for the individual to comply with the will of the community as an expression of that solidarity.

Hence, it has been considered that it is a duty to protect the weaker against the stronger and the oppressed against the oppressor.

• Duty to obey the law

The individual has an obligation to obey the law and other legitimate commands of the authorities of his country. But which law should the individual obey? The just and good law, the law which protects every individual without discrimination of any kind. The law which is based on a democratic constitution and on the principles of justice, equity, equality and clarity.

• Prohibition of the abuse of any right

Every legal right of the individual is by definition an interest which in greater or lesser degree has the protection of the law. The protection is in the first instance against the violation of the right of the individual by other individuals. As the state is not permitted to abuse its power, so an individual is not entitled to abuse his freedom.

Selected Human Rights Case Summaries

Lack of assistance for person with special needs in quarantine facility

The complainant alleged that he was being held in quarantine after he had returned from Zambia. He allegedly requested officials from the Ministry of Health and Social Services to self-quarantine at home but his request was denied. The complainant suffered a stroke that rendered him paralyzed and he needed assistance that was not offered at the facility. We intervened and the complainant was eventually released from the facility and allowed to quarantine at his residence. The Regional Health Director informed us that officials from the ministry would be monitoring the complainant on a regular basis.

Inmate denied opportunity to open criminal case

The complainant, an inmate at a correctional facility, alleged that he was indecently assaulted during a body search. He further narrated that during the search, a certain officer inserted their finger into his anus. The complainant stated that he was denied an opportunity to open a criminal

case against the alleged perpetrator. Following our intervention, the complainant was able to open a case of indecent assault.

Disregard for complainant's health needs

The complainant, a police officer, alleged that her request to be transferred closer to medical services because of a medical condition, was ignored. She stated that she was transferred to Noordoewer and this was not conducive for her and her child, who also requires regular medical attention. We engaged the! Karas Regional Commander to investigate the claims. Upon establishing that the complaint's version of events was indeed correct, we recommended that the transfer be reversed and the complainant be transferred to Keetmanshoop. The complainant was eventually transferred to the Keetmanshoop crime prevention unit.

Minor assaulted by police officers

While on in take in the Moses Garoeb constituency, our complaints investigator came across a couple of police officers who were assaulting a boy. The assault was taking place in front of other police officers, who stood by and watched as the boy (handcuffed), was physically assaulted.

Our investigator approached the officers and explained to them the proper procedures to follow when citizens are suspected of stealing a cell phone. The officers were reminded that it was not their duty to pass judgment on the boy. The child's mother was called to the scene. Upon her arrival, the boy confessed to having stolen the cell phone and agreed to give it back to the rightful owner, who opted to not open a case against the minor. The two police officers acknowledged their mishandling of the matter, apologised and assured all concerned parties that they would refrain from assaulting citizens.

Inability to claim from Motor Vehicle Accident (MVA) Fund

Ms A sustained injuries from a motor vehicle incident in May 2020. She informed us that she was required to submit an identification document to the MVA fund, in order to get compensated. Ms A could however not submit any identification documents because she was not in possession of any. She alleged that her biological parents were also not in possession of any identification documents, which made it difficult for her to obtain hers. She stated that

she had approached the Ministry of Home Affairs Immigration, Safety and Security for assistance on various occasions, but to no avail. We intervened and helped Ms. A with a sworn declaration required by the ministry. We also requested a letter from the Hai-//Om San Traditional Council at Otjiwarongo that testified that she is a Hai-//Om San person, the letter as attached to the affidavit. A day after she submitted the relevant information, Ms. A informed us that the process to produce her identification documentation had commenced.

Refusal to process maintenance payment

The complainant informed us that she has been receiving maintenance funds for her child since 2017. She alleged that when she went to the court to collect her funds, she had fallout with the clerk on duty, who then refused to payout her money. We took up the matter and intervened by speaking to the Supervisor of the clerk. Following our intervention, the complaint was asked to return the Magistrate court to receive her funds.

Alleged discrimination in recruitment processes

A concerned group from the Kunene Region submitted a complaint to our Swakopmund office with allegations of unfair recruitment processes at the Ministry of Environment and Tourism. They asserted that the Ministry had earmarked several entry levels (cleaners') positions for the children of the liberation struggle (struggle kids). The group sought our office's intervention as they considered the conduct of the ministry to be discriminatory. They alleged that they were being discriminated against on the basis that they were not "struggle kids." The matter was forwarded to Windhoek to be handled in conjunction with a similar complaint relating to the Ministry of Health and Services.

To address the plight of the struggle kids, Cabinet passed a resolution instructing all ministries, offices and agencies to reserve vacancies on their establishments for appointment of struggle kids.

In a letter dated 8 May 2020, the Ombudsman pointed out to the Secretary to Cabinet that the resolution is not only unfair but discriminating in nature. The same was pointed out to the Prime Minister and the Public Service Commission. When he did not receive any response to his letter, the Ombudsman took the matter to the High court for appropriate relief. The matter is still pending and

the outcome is expected in the new year.

Human rights under a state of public emergency

"Public emergency threatening the life of a nation," means an exceptional situation of crisis or emergency which affects the whole population, not only a certain group and constitutes a threat to the organized life the community of which the state is comprised.

One of the main functions of the police is to take preventive measures for the maintenance of public peace and order. Preventive measures in times of emergency must necessarily be different from those which are admissible in ordinary circumstances. The police should necessarily be granted some discretion in the carrying out of preventive measures. The question of discretion is particularly complicated as regards the use of force.

Under Article 26(1) of the Namibian Constitution, read together with section 30(3) of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012), the State President, with effect from 17 March 2020, declared that a State of Emergency exists in the whole of Namibia on account of the outbreak of the Corona Virus (Covid-19). What follows is a brief summary of some complaints received by the Ombudsman from the onset of the state of emergency in as far as they relate to allegations of violation or threats of violation to human rights during this time.

General Complaints

A concerned community member complained to the Ombudsman that a homeless person is sleeping/living in the courtyard of the Dordabis Police Station during the lockdown period and that she is in need of assistance. We visited Dordabis and traced the lady's family home where we found that she lives with relatives in their family house and that she sleeps in her step mother's room. The allegations were not supported.

We received a complaint that the Rehoboth Town Council is refusing to open the two standpipes water points in the Sonderwater Informal Settlement. The residents of the said area were informed by Town Council that the two standpipes will not be open. These residents now have to walk long distances in order to get access to water from other standpipes which were opened, while they have standpipes close by. The Office intervened and the water tapes

in Sonderwater block E were reopened.

The complainant, a Namibian truck driver, complained that it appeared to him that some discrimination occurred at the Wenela Border Post in Katima Mulilo. He alleged that truck drivers from other countries such as the DRC and Zambia, entered Namibia during the state of emergency, without being quarantined by the Namibian authority, as prescribed by government. He sought the intervention of our office.

Upon enquiry the Control Immigration Officer indicated that it in terms of the directives issued under the state of emergency, quarantine of everyone coming into Namibia is compulsory. He accordingly denied any exception being made for any truck drivers crossing the border into Namibia. The complainant was accordingly advised.

The complainant complained to our office that under stage one of lockdown, he was prohibited from harvesting fish, which is his means of providing food for his family. This prohibition follows from the fact that movement from a person's place of residence was prohibited and that fishing does not fall within the permitted exceptions, as explained by the fisheries inspectors to the complainant.

We consulted the Chief Fisheries Inspector and pointed out to him that the Regulations allowed a person to leave his residence to obtain essential goods and fish and fish products are essential goods. The Ministry accepted our advice and indicated that the next directives to be published, will allow for recreational fishing, with certain conditions.

The complainant alleged that the Head of State is imposing "restrictions of detention upon him illegally" and he further alleged that it is a violation of Article 24 (2)(a)(c) and (d) of the Constitution and he wanted our office to intervene. The complainant was informed in writing that the restrictions are part of the Regulations made in terms of the State of Emergency and they do not violate any of his rights.

Cases against the Namibian Defence Force (NDF)

The complainant, an 18year old, grade 12 student, alleged that he was assaulted by members of the Namibian Defence Force, during stage 1 of the lockdown. The incident occurred at his place of

residence, inside his yard as he was trying to enquire from them why they were allegedly manhandling an unknown male person. Complainant indicated that he wished to open a criminal case, and he was advised to report the matter to the station commander at Mondesa for assistance. This was done after the matter was discussed with the station commander. The complainant informed us that he had trouble opening a criminal case at which point we followed up the matter with the Internal Investigations Unit of the Namibian Police. It was later confirmed to us that an investigator was assigned to the matter. It appears that the complainant never opened a case, as he was only recently discharged from the Okonguarri Psychotherapeutic Centre where he received treatment for the trauma he suffered.

The complainant contacted our office, as she was concerned about the behaviour of NDF members patrolling in the neighborhood of Mondesa, at the start of stage 1 of the lockdown. She saw how people who were found in the streets by these members were instructed to do push-ups, beaten with pipes and one person who was riding his bicycle was instructed to carry the bicycle. She requested the intervention of our office as she regarded these actions as infringements of the right to dignity of these members of the public.

Our complaints investigator immediately drove to the residential area and upon finding the NDF members' still instructing people found in the street to do push-ups, requested them to stop such action and accompany them to the police station for the matter to be addressed.

A meeting with the station commander and commanders in charge of the operation was convened. The meeting resolved that such behavior is indeed not permitted. It was decided that complaints from the public be directed to the station commander for further handling and where needed assistance be given with the opening of criminal cases.

Cases against the Namibian Correctional Service

The complainant, a sentenced inmate complained that he had a problem tooth that needed to be removed. However, when requested to be taken to the dentist at the state hospital he was informed that due to the Covid-19 pandemic he cannot be taken as a safety precaution against possible exposure. We are attending to the matter and will

follow it up.

The complainant alleged that her brother, an inmate at the Windhoek Correctional Facility injured his eye and was admitted at Katutura Hospital, and the family was not allowed to visit him. The complainant further alleged that an inmate died at Windhoek Correctional Facility and wanted the Ombudsman to inquire, specifically on the cause of death, whether such death was not as a result of Covid-19.

Our investigations revealed that visits to Correctional Facilities were suspended which is in compliance with the lockdown regulations that suspended the operation of certain provisions of the Correctional Facilities Act. However, when inmates are admitted at a public hospital, visits by family members are allowed provided that they sign a register at the Correctional Facility where they will get a pass with which they can visit the inmate at the hospital

We confirmed with the Windhoek Correctional Facility that the two inmates died in the Facility due to natural causes.

Cases against the Namibian Police

Our complaints investigators found that the Wanahenda Police Station did not practice nor implement the preventative measures to curb the spread of Covid-19. Although we were informed that there is a specific cell for newly arrested detainees, we found newly arrested persons placed and mixed with older detainees in every cell inspected.

During our visit, we observed that the holding cells were very dirty and noted with concern that limited cleaning materials have been provided to the Wanahenda Police Station. With the limited amount of cleaning materials, it will be very difficult to enhance hygiene and curb the spread of Covid-19.

Under the Covid-19 Regulations court hearings were suspended. As a result, detainees were not taken to court, which resulted in detainees being detained with expired warrants of detention.

The Inspector General was requested by the Ombudsman to look into the concerns and inform the Ombudsman within 30 days of the measures put in place or steps taken to address the concerns.

The complainant was arrested for contravening the State of Emergency Regulations and received a spot fine of N\$ 2000. Shortly afterwards, he was arrested

again for obstructing a police officer in the execution of his duties. According to the complainant he was forced by police officers to pay an admission of guilt fine on the charge of obstruction which will prevent him spending days in detention before appearing in court. Our investigation found that the complainant was not forced but opted to pay the fine out of his own free will. The complainant was advised that he should seek legal advice.

The complainant alleged that a police officer assaulted him and when he went to the police station to open a case the police officer on duty refused to assist him. With our intervention the station commander instructed the shift commander to assist in opening a case.

The complainant alleged that he was assaulted by three police officers while in custody at Otjiwarongo police station. The police refused to take him to the hospital or to open a case as there was no J88 form available even after he was released on bail. We met the Police Regional Commander, together with the complainant who narrated his ordeal to the Commissioner. The complainant was assisted to open a case under Otjiwarongo CR 69/04/2020.

The complainant alleged that he was assaulted by members of the Namibian Police Force and Defense Force members and wanted to know how to go about to report a case against the Namibian Police Force and how to institute civil litigation.

We arranged with the Internal Investigation Unit of the police to assist the complainant to file a criminal case and issue him with a J88 form for a medical examination. After receipt of the J88 form the complainant refused to return to the police station. He was advised to apply for legal aid with the Directorate of Legal Aid for assistance to institute a civil claim against the police.

The complaint claimed that during the lockdown period he was on his way to the dunes when members of the Namibian Police Force stopped him and conducted a search on his body without his consent. The complainant wanted our office to advice on civil litigation. The complainant was advised to consult an attorney on his cost or alternatively approach the Directorate of Legal Aid for assistance to institution a claim against the police.

Our Office received a complaint from a detainee that his fellow inmate Mr. X was assaulted by police officers during a search of the cells. He further narrated that Mr. X took a dose of tablets

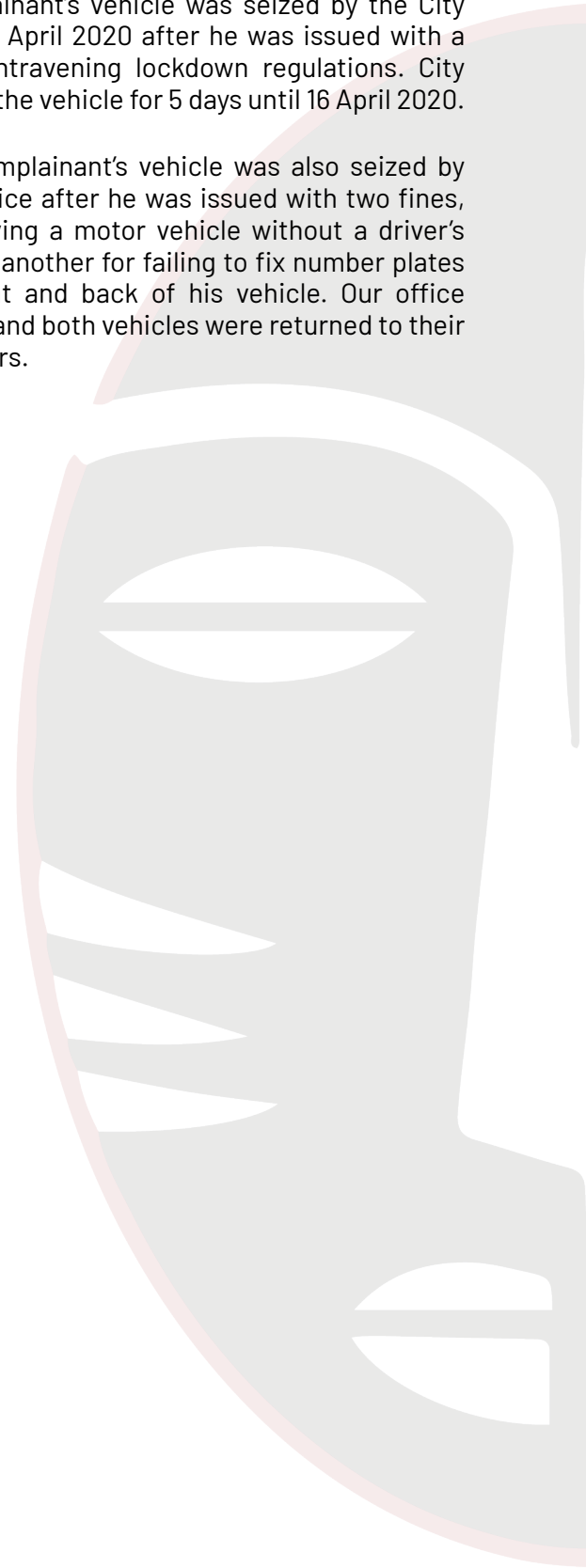
and was found unconscious. He wanted our office to intervene, so that the victim can be taken to hospital.

Our investigation revealed that the police conducted a search of the cells after it was discovered that a cell phone was smuggled into a cell. Mr X obstructed the police from entering the cell and reinforcement was called in. Members of the Task Force used the minimum force to restrain him. Mr. X then took a dose of tablets and he was taken to the hospital on the same day.

Cases against Windhoek City Police

The Complainant's vehicle was seized by the City Police on 11 April 2020 after he was issued with a fine for contravening lockdown regulations. City police kept the vehicle for 5 days until 16 April 2020.

Another complainant's vehicle was also seized by the City Police after he was issued with two fines, one for driving a motor vehicle without a driver's license and another for failing to fix number plates on the front and back of his vehicle. Our office intervened and both vehicles were returned to their lawful owners.



The Children's Advocate

Overview

The Child Care and Protection Act, Act No 3 of 2015 (CCPA) which came into operation on the 31st of January 2019 provides for the designation of a Children's Advocate in the Office of the Ombudsman. The Children's Advocate is the head of the Legal Services and Human Rights Division in the office of the Ombudsman. She is assisted in her duties by two legal officers and one social worker. Together they work closely with stakeholders in various sectors to address issues affecting Namibian children. The functions of the Children's Advocate are:

- a) receiving and investigating complaints, from any source, including a child, concerning children who receive services under the CCPA or any other law or relating to services provided to children under the CCPA or any other law or concerning any violation of the rights of children under the Namibian Constitution or any law, and where appropriate, attempting to resolve such matters through negotiation, conciliation, mediation or other non-adversarial approaches;
- b) monitoring the implementation of the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and any other international instruments relating to child protection which are binding on Namibia;
- c) monitoring the implementation of the CCPA and any other law pertaining to children;
- d) bringing proceedings in a court of competent jurisdiction for an interdict or other suitable remedy to secure the termination of an offending action or the abandonment or alteration of offending procedures to further the interests of children; and
- e) raising awareness throughout Namibia of the contents of the CCPA and the protection of children generally.

Below is a summary of the children's Advocate's activities for 2020.

Public information and media engagements

Awareness raising is one of the most important mandates of the Children's Advocate, as children

cannot claim and practice their rights and correlating responsibilities if they do not know about them. Being a fairly new role (only filled since 2015), the Children's Advocate has conducted annual awareness raising activities throughout Namibia by visiting schools and educating children about their rights and responsibilities as well as about the Child Care and Protection Act, her role and that of the Ombudsman. However, 2020 brought with it restrictions (*inter alia* on movement) imposed by the state of emergency and resultant Regulations promulgated to combat Covid-19. This meant that schools were closed for most of the year and we could not proceed with our usual programme. Like the rest of the world we had to look at alternative means to reach and communicate with children. We subsequently embarked upon a comprehensive media campaign.

Media engagements

As part of our continued effort to educate the public about the Children's Advocate's functions as well as create awareness on the Child Care and Protection Act, the Children's Advocate engaged the media on various platforms:

In 2020 the Children's Advocate conducted several radio and television interviews on issues facing Namibian children. On 27/08/2020, an interview with the Namibian Sun newspaper on the fate of a 14 year old girl with mental challenges whose parents decided to not to pursue criminal prosecution after she was raped but instead required compensation from the perpetrator in terms of customary law; an interview with One Africa Television on the reporting of Human rights violations during state of emergency which was broadcasted.

On the 16/10/2020; an interview with Kosmos radio on the necessity of financial education for kids in Schools broadcasted on the 19/05/2020 and an interview with One Africa TV addressing the question of whether society has neglected the boy child.

On the occasion of the annual celebration of Constitution day (9 February 2020) the Children's Advocate spoke to The Zone about the significance of Constitution Day, Children's rights in general and the role and functions of the Children's Advocate which was published on the 11th of February 2020. The Children's Advocate further partook in a panel discussion at Radical Books about Constitutional amendments on the 27th of February 2020.

On the occasion of the annual celebration of the

Day of the Namibian Child, the Children's Advocate participated in a panel discussion on NBC's COVID centre where the theme : "Access to a child friendly justice system" was discussed on the 11th of June 2020. She also joined another panel discussion on NBC's "Good morning Namibia" on the 16th of June 2020 on the same theme.

On 07/09/2020 the Children's Advocate issued a press release to express support for the reopening of schools for face-to-face learning and teaching which was published by all major print media houses. This followed the Ministry of Education, Arts and Culture's announcement that learners are to return to school in three phases and NANTU expressing its objections thereto. The media statement from the Children's Advocate *inter alia* said that: "We are in a better position at the moment as more research has come to light giving us a better understanding of the corona virus, which in turn will help us fight the virus, so we the Children's Advocate of Namibia and the Ombudsman's office at large support the reopening of schools."

My rights are my superpowers media campaign

The Children's Advocate ran a series of messages under the theme: "My rights are my superpowers." The campaign starts off with an introductory message that tells children what their rights are and how they can contact the Children's Advocate. The campaign, which is currently on - going, includes a radio advert that raises awareness about the Children's Advocate in English, Afrikaans, Oshiwambo, Rukwangali, Khoekhoegowab and Otjihererero. We hope to translate the message into more local languages in 2021.

The series of messages that follow are in the form of animations and they focus on the following four main clusters of rights:

The right to survival - Survival is naturally the pre-condition of all other rights - This right encompasses the right to life, health, nutrition, shelter, and an adequate standard of living.

The right to development - All people are entitled to participate in, contribute to, and enjoy the benefits of development. The right to development encompasses the right to education, care, leisure and recreation.

The right to protection - ending violence against

children, children should live free from violence and crime, free from exploitation, free from abuse and free from armed conflict.

The right to participation - includes the freedom of expression, active participation in the media etc.

Children's rights as super powers were emulated in the form of the above four clusters of rights in the following manner:

The concept is around an actual super hero figure who wears a shield of survival, a helmet of development, a sword of protection and a cape of participation.



The characters of the Children's Advocate campaign

Children's home outreach and donation



On the second of October 2020, we visited the Orlandi place of safety, a children's home located in Katutura. Founder and principal caretaker, Ms. Claudia Namises welcomed us and informed us that they rely solely on donor funding for the upkeep of the home. The purpose of the visit was to speak to the children about their rights and educate them about the Children's Advocate. Staff members of the Ombudsman as well as organisations and individuals in the legal fraternity donated, food, nappies, toiletries, clothing, toys, books and other items to the home. We would like to thank the British High Commission, Kataerua Legal Practitioners, Shikongo Law Chambers, Namibian Mom support group and Henry Shimutwiken & Co Inc. for their donations.

Report on Child Care Facilities

Introduction

As part of our annual visitation program, the Children’s Advocate conducted follow up visits to five Child Care Facilities (CCF) in Erongo, Otjozondjupa, Oshikoto, Oshana, Hardap and !Karas regions from 17 to 21 September and 21 - 22 October 2020 respectively. During these visits special emphasis was placed on monitoring each facility’s compliance with the regulations aimed preventing and curbing the spread of Covid-19. These facilities were previously visited in 2017 & 2019 for the purpose of familiarization with their operations and the services they offer. The general purpose of these visits are to inspect compliance with the National Minimum Standards for Residential Child Care Facilities (RCCF’S) as determined by the then Ministry of Gender Equality and Child Welfare, and the Minimum Standards for child care facilities as provided in section 71 of the Child Care and Protection Act, Act, 3 of 2015 (CCPA).

The facilities visited

1. SOS Children’s Village Ondangwa and Tsumeb



The two facilities are both children’s homes which accommodate children in need of care, and - especially orphans. With regard to the administration and execution of their services, both facilities in Tsumeb and Ondangwa are operated in a similar manner

Coping with Covid -19

They designed and implemented protocols in line with the national protocols for Covid-19, but some of these protocols were adapted for the specific circumstances of their facilities. In Tsumeb all house mothers and children remained at the facility throughout the lock down period. No outsiders were allowed to enter the premises. One house was left open for isolation purposes.

Observations

Overall both facilities are operating within the provisions of the Minimum Standards. However, the Tsumeb facility has some houses that need repairs and renovations. According to the facility manager, the roots of some of the big trees around the building lead to new cracks appearing on the walls every now and then. Although it has never harmed any of the residents at the facility, it still poses as danger if nothing is done about these trees. She further claims that the maintenance of the structures at the facility takes up much of their budget and sometimes they struggle to afford it.

2. Dr. Aupa Frans Indongo – Oshakati

The facility is a children's home for children living with disabilities, and they have been in operation since 2002 when they started as a Kindergarten. They are still not registered with the Ministry in compliance with section 68 (5) read with section 74 of the CCPA despite their attempts and requests to be registered.



At the time of the visit, they did not have enough food to feed all the children. The facility primarily depends on the manager's personal income to fund its operations. Most of the parents do not give any money from the disability grants they receive for the children who are accommodated at the facility. The donations they receive only come in sporadically.

Observations

Based on our observations, not much has changed at this facility since our last visit in 2019 in terms of compliance with the Minimum Standards, except that they now have a small garden from which they get produce to feed the children.

Coping with Covid-19

Covid-19 protocols were being observed as far as possible. The number of children were reduced as some had to stay behind with their families during the lockdown period.

3. Ngatuevatere Children's Home – Kalkfeld

The facility is registered as a children's home. All children were placed with court orders, and all of those who are of school going age were enrolled into school. At the time of the visit they had 23 children in total (13 males & 12 females).

They have 10 staff members which include: a facility manager; operational manager; cook; cleaner; house mother and father; gardener; and two volunteering house mothers.



Main block



Coping with Covid-19

All the children were kept at the facility. All staff members from outside had to stay at their houses for a period of two weeks during the lock down period. Protocols of Covid-19 were practiced at

the facility although it was a challenge to get the children to adhere to social distancing. No one tested positive for Covid-19.

Regarding education, children were kept busy with school work and games during the lockdown period.

With regard to funding, sustainability is threatened as some of their donors especially those in Germany have allegedly indicated that they might stop funding the facility if Covid-19 does not subside by March 2021.

Observations

The facility is well kept, clean and organized. The children appeared well nourished and cared for. They have introduced a few projects from which they are able to provide food, such as gardening, poultry farming, and goat farming. They also have other projects which include needle work, wood work and a computer lab for the children.

4. Omaruru Children’s Haven – Omaruru

It is registered as a children home, and also operates as a place of safety. They provide for the day to day needs of the children until they complete school and are able to sustain themselves.

Placement of all children is done by a social worker and all children are placed with court orders.

Ninety five percent (95%) of their funding comes from donors in Germany and the remaining 5% comes from government subsidy. They however do not have any guarantees that donors will continue supporting them due to the impact that Covid-19 has had on economies worldwide.

Coping with Covid-19

They tried to comply with the Covid-19 protocols, and visits from outsiders were restricted even after the lockdown regulations were lifted.



Garden

Observation

They largely operate in compliance with the national minimum standards. At the time of the visit they had 28 children (18 males and 10 females), and 10 staff members.

The facility manager raised concerns about the current grant given by the Ministry of Gender per child. His concern is that the amount (N\$ 473.00/child) has remained unchanged for almost 20 years regardless of the changing economic situation. He feels there is need to increase it.

5. Help Me Centre - Gibeon

Without any form of registration, the facility continues to operate as a place of care / children's home. It is a two bedroom house with a kitchen, living room and a toilet. There is also an iron sheet house behind the main house where the boys sleep.

During the visit they had eleven children in their care, 5 boys and 6 girls. Some of these children are those of farm workers from the area, and some of the children do not have birth certificates. The facility manager took them to the Ministry of Home Affairs, Immigration and Safety and Security to assist them with the registration of their births. Some other children came on their own, as they had no one to care for them or they had no food at their homes.

All children of school going age are enrolled in school except one child who dropped out of school.

At the age of 18, some of the children choose to return to their parents or families while others venture out on their own.

Funding

The founder of the facility is a small scale farmer. They have no regular funding, and rely on good Samaritans who contribute financially when they are in a position to do so. Based on the fact that they are not registered with the Ministry yet, they are unable to seek funding or ask for donations.

Issue of registration

The manager indicated that officials from the Ministry came to inspect their place in 2017, but no feedback or guidance was given to her since.

She also attempted to register the facility as a

welfare organization with the Ministry of Health and Social Services (MOHSS), but she did not succeed.

Observations



The boys' room behind the main house

The place appeared clean and neat, however the household items (such as furniture, bedding, etc.) looked worn out and in poor condition. It appeared clear that the facility Manager did not have the correct information regarding the need for registering their facility with the Ministry; hence there is need for guidance from the Ministry. We will bring the matter to the attention of the Ministry.

6. Aussenkehr Child Care Centre



The facility functions as a children's home even though they are still not registered with the Ministry of Gender. At the time of our visit, there were no children at the facility. The children whose parents were able to care for them were sent home, while others were discharged or residing in the hostel. They cater for 30 children in total, 18 boys and 12 girls. Out of this number only 8 are accommodated at the Centre, and the remaining children only come to the Centre to receive a meal and other provisions.

Funding

The facility had a contract in place with donors in South Africa; however, the Covid-19 pandemic hit before new terms could be negotiated and the contract could be renewed. Before Covid-19 restrictions were enforced, the facility would rent out its hall to churches for extra income, but unfortunately the pandemic put a stop to this.

The facility manager, a pastor in one of the churches, had to use his own personal allowance which he receives from church and mahangu harvested on the farm to ensure that the children receive their daily meals and other necessities. Sometimes they also receive once off donations from individuals, some of which assisted them during the lockdown periods in 2020.

Issue of registration

According to the facility manager, they are waiting for the officials from the Ministry's office in Keetmanshoop to conduct an inspection of the facility and record the personal information of each of the children in their care.

We followed up with the social worker responsible for the registration, and she confirmed that she is aware of the facility's pending registration and admitted that she has been unable to visit the facility as promised due to staff shortages in her office. She indicated that she planned to visit the facility once she gets back from her vacation leave in November 2020.

Observation

With regards to the structures at the centre, not much change was observed since our last visit in 2019. They have a garden where they grow vegetables and other produce. Unlike our previous visit in 2019, there were no children at the facility.

Concluding observations

Based on our observations, all these facilities appeared to be in the same condition they were during our previous visits in 2017 and 2019. The only new phenomenon is the Covid-19 pandemic which they all tried to manage as prescribed by the Government with the limited resources they had.

A concern was raised about the current amount of the grant given by the Ministry per child placed in the care of child care facilities. The amount is said to have remained static for that the past 20 years, despite the changes in the economy.

Although no Covid-19 infections were reported, it was highlighted that Covid-19 has had a negative impact on the operations of the visited facilities. Some facilities lost their donor funding whilst others were facing the possibility of losing their funding with some donors stating that they will have no other option but to withdraw their funding if the pandemic and its subsequent restrictions do not subside.

Three of the visited facilities (Dr. Aupa Frans Indongo Centre, Help Me Centre & Aussenkehr Child Care Centre) are not registered with the Ministry yet, despite their attempts to be inspected and accorded with registration certificates.

All the facilities visited, except the Help Me Centre in Gibeon, have embraced the concept of food production for themselves by way of growing vegetables and other produce. Each of these facilities has a garden of their own.

It is evident that there are not enough Social Workers in the employment of the Ministry.

In light of the above mentioned, it is recommended that:

The Ministry considers to review and increase the amount of N\$473 per month per child paid to Child Care Facilities;

Child Care Facilities should reduce their dependency on donor funds by initiating money generating projects to fund their operations;

The Ministry accelerates the inspection of facilities and the registration process so that facilities can benefit from government funding;

The Ministry approaches the Office of the Prime Minister for an enlargement of their staff establishment in order to recruit more Social Workers

A report which highlighted the findings of our previous visits to Child Care Facilities conducted in 2019 and subsequent recommendations was forwarded to the Ministry of Gender Equality and Child Welfare in September 2020. To date, there has not been any response in this regard from the Ministry.

School visits

Introduction

This year, the focus of our annual school visits was mainly to monitor schools' compliance with Covid-19 regulations since the annual programme of teaching learners about their rights and the functions of the Ombudsman and Children's Advocate were discontinued due to lengthy school closures and restrictions on movement and public gatherings. When schools did reopen, children were divided into groups and attended school in shifts on a rotational basis as a means of ensuring that proper social distancing measures could be employed. None the less, we remain committed in sensitizing schools as we believe human rights education should be prioritised, especially during a state of emergency, where we observed law enforcement officers abusing their powers and often taking the law into their own hands. To this end we distributed a **"My rights - My responsibilities"** booklet aimed to serve as a guide to life skills teachers in their duty to educate primary school children on their rights and responsibilities. Below is a summary of our 2020 countrywide school visits.

Schools visited

Bethanie Primary School

The school, situated in Southern Namibia, accommodates learners from grades one to seven. The school had a Covid-19 register, a tippy tap for people to wash their hands, and hand sanitiser. The school also adhered to the social distancing guidelines by arranging school desks one meter apart. We also observed that all learners and staff were wearing face masks as per the national Covid-19 guidelines. The Principal, Ms. Amwaala informed us that the school has a Health and Safety Compliance and Prevention Plan in place and that certain staff members attended training on guidelines for Covid-19 prevention in schools in Namibia. She further added that the school has an active Covid-19 Compliance Committee.



SOS Ondangwa

Schmelenville Combined School

The school is situated in Bethanie and caters for learners from grades 0-12. The school provided learners with masks. We observed various sanitising points across the school grounds. The school prepared an isolation room to be used, in case there was a suspected positive Covid-19 case.



Mariental Secondary School

At the time of our visit on 04 August 2020, the school was closed off to members of the public. However, our complaints investigator was allowed entry by the school secretary as prior arrangements for the visit were communicated and agreed upon. Although the school caters for grades 8-12, only learners from grade 10-12 were in attendance at the time of our visit. The pupils were divided into smaller groups and hand sanitisers were provided for both staff and learners. The staff informed us that some learners failed to adhere to the health regulations, outside the classroom.

The school placed signs across the premises, reminding learners and staff to practice social distancing, sanitise their hands and wear their face masks. Overall, the school was found to be in compliance with the health regulations.

Daweb Senior Secondary School

We observed that the school had made provision for hand washing and sanitising at designated areas across the premises. Temperatures of both staff and learners were taken on a daily basis, as per COVID guidelines. Teachers complained about the ablution facilities being blocked. They stated that they had reported the matter to Ministry of Works and transport, but to no avail.

Lüderitz Secondary School



Tippy taps were placed at various places across the school grounds. We observed that the learners were adhering to the Covid-19 regulations, especially social distancing. The school had a register, hand sanitizer and thermometer in place at the entrance of the office building. Certain teachers at the school formed part of the town’s Covid-19 Committee. The school had a Covid-19 prevention and response plan in place. Learners were issued with face shields, and we observed that the learners and staff were wearing their masks.

Omuthiya lipundi Combined School

According to our observation, the school was in compliance with Covid-19 regulations. Classes were demarcated into smaller groups of learners per class and there were hand washing stations around the premises. Signs calling for social distancing could also be observed on the school’s premises. At the time of our visit the school was only conducting face to face learning for grades 11 and 12.

The school further put up posters depicting information about Covid-19 prevention in the classrooms. Pupils and staff members were found wearing face masks and practicing social distancing.

Okanguati Combined School

Our complaints Investigator paid a surprise visit to the school. The purpose of the visit was to follow up on an issue of a blocked sewerage that we found during our first visit. We were pleased to find that the process of fixing the broken pipes was in full swing. The school had written several letters to the Director of Education in the Region pleading with them to assist with the rectification of the blockage of sewerage pipe but to no avail. This prompted the School Board and management to approach Kaokoland Project- a German association based in the Kunene Region to assist with the repair of the infrastructure. The association responded positively by purchasing the needed material and they replaced the old sewer pipe, with the assistance of the Ministry of Works and Transport. The infrastructure in the school hostel is in a dilapidated state, some learners are sleeping on cardboards due to a lack of mattresses. The hostel which was built in 1975 is in need of renovation.



Coblenz combined school



The school is situated 60 Kilometers from Grootfontein in the Otjozondjupa Region and has a total of 886 learners, ranging from grades 0-11. Most of the learners attending the school live in the hostel. Learners were divided into smaller groups and social distancing was being practiced, they were also issued with face masks. Face masks and sanitisers were available around the school grounds. The school faces a shortage of furniture, particularly tables and chairs. The school grounds were filled with several chairs and tables that were damaged beyond repair. The school principal informed us that the issue of insufficient furniture was reported to the regional circuit inspector, but to no avail. We followed up with the inspector who informed us that the matter was with the office of the Regional Education Director. We then took up the matter with the office of the Director and were informed that the matter was receiving attention by the office of the Executive Director of the Ministry of Education, Arts and Culture.

Palm Secondary Junior Secondary School

The school accommodates learners from grades eight to 12; at the time of our visit, learners were attending school on a rotational basis. We found hand sanitiser placed at the school entrance, along with a log book where contact details of visitors were recorded. There was also a thermo-gun to check people's temperatures. In the classrooms, markings on the floor indicated the appropriate social distances and the desks were arranged accordingly. Part of the hostel was used for isolation when a positive case was reported at the school. The learner who tested positive was living in the hostel and all primary contacts were moved to a separate part of the hostel which had its own entrance. The principal informed us that they were

doing their best to adhere to the regulations and keep the learners and staff safe. However, there were still some challenges as social distancing during break times and the correct wearing of face masks were not being practiced by everyone.



The school recorded a positive case which they immediately reported to the Ministry of Health and Social Services. They were however informed that there was no immediate transport available for an official from the Ministry to attend to the learner. The principal had to make arrangements for the child to be isolated. This incident was discussed with Dr Kabanga, the chairperson of the COVID response team for the Usakos area. He indicated that following the incident it was decided to create a COVID Whatsapp group with all the principals in the area, to ensure the effective dissemination of information on current guidelines and policies relating to action to be taken where positive cases are identified as well as relating to preventative measures.

Ebenhaeser Primary School

The Usakos based school has a total of over 1000



learners from grades zero to seven. The principal informed us that they were having classes on a rotational basis, to avoid having many learners on the premises at the same time. Tippy taps were set

up all over the school yard with signs encouraging the washing of hands posted on classroom doors and corridors. Rocks marking appropriate social distancing could be seen at the areas where learners lined up in front of the classes. The principal informed us that acquiring sanitisers and cleaning material was an expensive process which the school could not afford; she alleged that the funding received from government in this regard, was insufficient. The correct wearing of masks proved even more difficult at this school, since all learners are very young and struggled to grasp the importance of the exercise.

Erongosig Primary School

The school caters for 333 learners from grade zero to seven. At the time of our visit, we found that hand sanitisers were available in each class. At the entry to the school, visitors were required to sanitise their hands and complete the visitor's register. As was the case with the other schools we visited, this school was also operating on a rotational basis to avoid having a large number of children on the premises. The school did not have a room for isolation. The school occasionally faces a shortage of water. The matter was taken up with the Town Council, who indicated that the delays in water supply are attributed to the layout and construction of the pipes supplying water. New booster pumps were however procured to boost the water supply to that specific area



Usakos Junior Secondary School

The school caters for learners from grades eight to 12. At the time of our visit, classes were divided into smaller groups. Sanitiser was placed at the school entrance, along with a visitors' book. There was someone at the entrance of the school office, taking the temperature of everyone entering the office. Tippy taps were placed in front of each class and Covid-19 information, was posted around the school in different languages. The staff cited a lack of parental involvement with regards to Covid-19 prevention.

Blouberg Primary School



The majority of the learners at the school are children of farm workers, who work on surrounding farms. The school has an enrolment capacity of 300 learners and a community hostel. The principal informed us that the hostel was in dire need of mattresses. In addition, the hostel capacity is insufficient; this makes it difficult for Covid-19 regulations to be adhered to. During the time of our visit, the hostel and toilets were in the process of being renovated. The pit toilets were being removed and being replaced with flush toilets. Temporary structures were being added, which are to serve as additional hostel accommodation.

Selected children's Rights case summaries

Minors detained in police custody with adults

Our office was inundated with complaints relating to the detention of a 13-year-old boy in the Hardap region. Upon inquiry we received statistics from the Inspector - General indicating that a significant number of children are being detained in police holding cells across Namibia, specifically 32 children (30 males and two females).

On the 22nd of October 2020 the Ombudsman wrote a letter to the Minister of Gender Equality, Poverty Eradication and Social Welfare and pointed out that:

The Child Care and Protection Act 3 of 2015 (CCPA) prohibits the pre-trial detention of children in police holding cells, and that accordingly any detention of children which is in conflict with the provisions of the CCPA at police holding cells is not only undesirable but also illegal.

The Minister is responsible for the implementation of Chapter 5 of the CCPA which provides for the establishment of places of safety and child detention facilities where children can be legally detained.

The Minister needs to ensure the speedy implementation of Chapter 5 of the CCPA and further that she takes the necessary steps to cause all children who are currently detained in police holding cells across the country to be immediately released or placed in places of safety, children's homes or child detention facilities.

Our investigation revealed that there are currently no places of safety or children's detention facilities approved and/or established and/or operational in Namibia. The Minister can approve appropriate places of safety in terms of section 64 of the CCPA; there are currently no such places approved, despite the CCPA being promulgated five years ago and being in operation for almost two years. The police have not been informed by the Minister of the existence of the Chapter 5 places of safety or child detention centers and so continue (usually by court order) to detain children in police holding cells. The dereliction of the statutory mandated duty entrusted to the Minister infringes upon the fundamental and statutory rights of children.

The Minister failed to respond to the letter of the Ombudsman and his subsequent reminder.

The Ombudsman on the 8th of December filed an urgent application at the High Court seeking to protect the human and statutory rights of at least 32 minor children who were arrested and detained in various police holding cells across Namibia. On the 18th of December 2020 the Minister as the First Respondent and all other 19 Respondents filled their Notice of Intention to Defend and all subsequent court documents. On the 22nd of December 2020 the matter was heard on an urgent basis and the Court made the following order namely that-

- "2.1. where possible and applicable, the Second to the Nineteenth Respondents shall ensure that the children detained at the police holding cells/ prison reflected on annexure "JRW5" be separated from major detained thereat;*
- 2.2 the Second Respondent (**Inspector General of the Police Force**) to report his compliance with paragraph 2.1 hereof within five (5) days of this order;*
- 2.3 on the next court appearances of the minors reflected in "JRW5", in the relevant lower courts, the concerned magistrates to conduct the relevant enquiries contemplated in terms of Section 69 of the Correctional Services Act 9 of 2012 and Section 69 of the Child Care and Protection Act 3 of 2015;*
- 2.4 in the interim, the First Respondent's (**Minister of Gender Equality, Poverty Eradication and Social Welfare**) qualified personnel are directed to assess the minors reflected in annexure "JRW5" for purposes of assisting the enquiry in paragraph 2.3.*
- 3. The First respondent on or before 31 March 2021 must deliver to the applicant and to this Court, under oath, a plan and programme which she will implement without delay so as to ensure that she carries out her duties contemplated in Chapter 5 of the Child Care and protection Act, 2015, addressing the following matters:*
 - 3.1 what steps the Minister has taken to ensure that the places of safety and child detention centers are approved, established and operated as required in Chapter 5 of the Child Care and Protection*

Act 3 of 2015 without delay;

3.2 what further steps the Minister will take in this regard;

3.3 When the Minister will take each step.”

Neglect of children and a lack of national documents

The complainant, an inmate at Oluno Correctional Facility alleged that his children were neglected by their mother (his common law wife), and her new partner. The children are allegedly forced to beg for food. Upon our investigations, it came to light that the family was living in extreme poverty. None of the children or their mother have national documents, although all the children were born in Namibia. The father is a Namibian citizen and the mother a Zambian national who came to Namibia in the late 1980s. We involved the Ministry of Gender Equality, Poverty Eradication and Child Welfare for the children to get national documents in order for them to receive social grants and other assistance- and for the mother to apply for citizenship as she has lived in Namibia for more than 20 years.

Student with disabilities’ struggle in acquiring electric wheelchair

A teenage girl with disabilities approached us for assistance. She informed us that she struggles with her mobility as the wheelchair she was using was not electric. The complainant lost an arm and a leg in a train accident a few years ago. We approached the Deputy Minister of Disability Affairs in the Office of the Vice President. She responded positively by informing us that her office would procure an electric wheelchair for the girl. The wheelchair was procured and delivered to the girl, she confirmed receipt thereof and expressed her gratitude to our office and to Deputy Minister Ncube.



Dispute over child’s wellbeing

A complainant approached us, alleging that his daughter who is the biological mother of his adoptive 10 years old son, refused to release money which she receives on behalf of the child for his up keep. The complainant further stated that the child’s mother allegedly indicated that she wants to take the child with her when she moves out of the family home. We intervened and mediated between the two parties, following our intervention, a consensus was reached whereby the biological mother agreed to have the complainant receives the monthly allowance on behalf of the child. Furthermore, it was agreed that the biological mother could move with the child once the kinship agreement is signed by both parties. A kinship agreement was signed by both parties. The matter was resolved, in the best interest of the child.



MONITORING PLACES OF DETENTION

Introduction

As part of the protection mandate of the Ombudsman, places of detention are annually visited and conditions found at these places are reported on. Places of detention include police cells (for detention of trial awaiting inmates) and correctional facilities (for detention of sentenced inmates). We also visit places where illegal immigrants and other immigrant detainees are detained. In general, the purpose of these visits is to monitor the condition of these facilities, the food provision as well as the legality of such detention. We further provide inmates the opportunity to submit their complaints to us. In this regard, the Ombudsman fulfils the role of a national mechanism for the prevention of torture in compliance with Article 17 of the Optional Protocol to the Convention against Torture and Other Inhumane or Degrading Treatment or Punishment, which Namibia did not ratify yet. This year, Covid-19 affected our visits to places of detention, but we still managed to visit several places across the country.

Places visited

! Karas Region

Bethanie Police Station:



Upon arrival, our complaints investigator noticed that there was a Covid-19 register and hand sanitiser available, however there was no urgency when it came to people filling in their details in the register. This was a cause for concern and the acting station commander was encouraged to enforce the practice of people signing in, as it is for their own safety.

The capacity of these holding cells is 55 and at the time of our visit, we found 17 male inmates. There were no juveniles and female inmates in custody. Inmates informed us that the facility was constantly running out of toilet paper. Complaints of not being taken to hospital for medical intervention are a common occurrence across the country and this facility was no exception. The inmates' concerns are to be taken up with the station commander as soon as he becomes available. Despite the infrastructure being old and needing renovation, the holding cells were found to be in a neat condition. The kitchen was clean and food was prepared on clean surfaces.

Mariental Police Station:

At the time of our visit, we found the holding cells to be over capacity by 19 people. We found a total of 60 inmates, amongst these were one female, one juvenile and one foreign national. The Acting Station Commander informed us that the overcrowding is due to the courts denying the accused bail, or setting bail amounts too high. We found that most of the taps and toilets were either malfunctioning or completely broken. Most of the complaints were addressed and cleared up on site. One allegation by inmates was that they were not taken for medical intervention when they needed it. The station commander refuted this by showing us records of inmates' visits to health care facilities; the entries were recent and fairly frequent. The acting station commander stated that a lack of transport led to inmates missing or being late for follow ups but emphasised that no inmate was denied access to medical care when they required it.

Gochas Police Station:

At the time of our visit, we found only four male inmates detained in the holding cells. The cells have a capacity of 15 people and were found to be in a clean and neat condition. Inmates informed our investigator that they were inconvenienced by malfunctioning and broken taps. The station commander assured us that the issue of the taps was in the process of being resolved. At the time of our visit, the longest detained inmates were in custody for nine and 10 months respectively.

Gibeon Police Station:

This station is relatively small but caters for a large number of people. The station was recently renovated and we found the infrastructure to be in a good condition. We found 27 male inmates in custody; the station has six holding cells with a holding capacity of 10 people each. Inmates were provided with masks when they had to go to the

hospital and to court. One of the Police officers complained about a lack of transport which hampers the efficient execution of their duties.

Lüderitz Correctional Facility:



The facility houses 150 male inmates; all new inmates were first quarantined before being placed with the rest of the inmates. Our complaints investigator educated the inmates about the role and functions of the Ombudsman and provided them with information on how and where they can lay complaints. Social distancing was a challenge in this facility as it was overcrowded. A total of 16 inmates had one on one consultations with our investigator, while six complaints were registered.

Oranjemund Police Station:



The holding cells were clean and there were no complaints received from the inmates. The food supply was sufficient, however the delivery of food items is sometime delayed due to challenges with transport. We found 11 male inmates in custody at the time of our visit; the cell capacity is 15.

Aus Police Station:

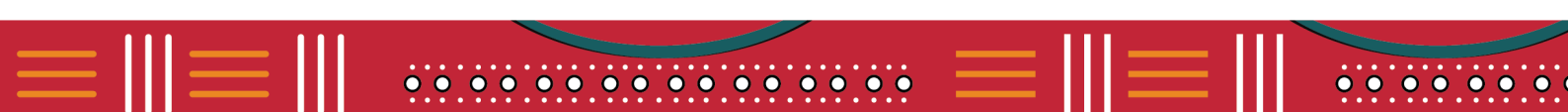


This station is in a deplorable condition. The infrastructure is old and broken. The sewerage system is not properly functional, sewage can be seen oozing through the walls and flowing freely across the premises. The station commander informed us that a blockage in the sewerage system had been reported to the Ministry of Works and Transport and they were waiting for the Ministry to send workers to attend to the problem. We found six inmates in detention at the time of our visit. The capacity of the holding cells at the station is 36.

Oshikoto Region

Omuthiya Police Station:

At the time of our visit, we found 307 inmates in detention; these included a total of 42 foreign nationals. All foreign detainees had pending criminal cases. The cells were extremely overcrowded as the total capacity is 150. There were 10 women in detention; the women were kept separately from the male detainees. The station was not in compliance with the Covid-19 regulations at all. There were no thermo guns, no separate cells for new inmates or to isolate those with Covid-19 symptoms and of course the aforementioned overcrowding. There were no complaints recorded at the station. Inmates were educated on the role and functions of the Ombudsman and given copies of the Constitution.



Oshivelo Police Station:



The station commander informed us that the station has six holding cells with a total capacity of 60 inmates. We found a total of 65 inmates in custody; eight were foreign nationals with pending criminal cases. There was only one female inmate, at the time of our visit. The station commander further informed us that they had one cell set aside for isolation of new inmates, before integrating them with the others. Despite an infestation of cockroaches, the kitchen appeared clean. The condition of the cells were satisfactory. The ceiling and other infrastructure in the charge office are in a dilapidated state.

Tsumeb Police Station:



The total cell capacity of this station is 42; however at the time of our visit, we found a total of 111 inmates in custody. The acting station commander informed us that the overcrowding of the cells was due to the refusal of bail by the court and the inability of some inmates to afford bail. He further informed us that the station was understaffed, with only one institutional worker who does not work over weekends. This situation has led to the station making use of detainees for tasks such as cooking. The showers, taps and ablution facilities are in need

of repair as most of them are leaking. A certain inmate alleged that he was assaulted by another inmate and the assault resulted in him losing the tip of his finger. The inmate further narrated that the police officers on duty refused to assist him when he wanted to open a case against the assailant. We assisted the inmate and he managed to open a case of assault.

Evaristus Shikongo Correctional Facility:



We visited this facility on 08 October 2020 and found 606 inmates. There was no overcrowding as the capacity of the facility is 672. We found hand sanitiser at the entrance of the facility but there was no register or thermo gun. We further observed that there was no sanitiser at the entrance of the cell units. Due to Covid-19 regulations, we were unable to address the inmates collectively as we have done in the past. Written complaints and enquires were received. Our complaints Investigator saw some inmates with confidential complaints separately. At the time of our visit we found the construction of new units to be at an advanced stage. These units are set to house those offenders who are about to reach the completion of their sentences as well as those sentenced for minor offences.

Kunene Region



Okanguati Police Station:

This station had 23 inmates in detention at the time of our visit. The total capacity of the cells is 24. Inmates were not issued with face masks and there was no hand sanitiser, visitor's register or thermo gun. There was however a separate holding cell for inmates suspected of having Covid-19. The holding cells were clean and there were no major issues with regard to maintenance. Inmates informed us that they receive three meals a day, the kitchen and storage facility for the food were kept neat and clean.

Opuwo Police Station:

On 11 November 2020, we visited this facility and found a total of 100 inmates in detention. Amongst these detainees were six Angolan nationals with pending criminal cases. At the time of our visit we were informed that three inmates had tested positive for Covid-19, two had recovered fully while one was still recovering in isolation. The majority of inmates complained about the constant postponement of their cases and not being granted bail. There were no reports or complaints about human rights violations. The station commander informed us that cleaning supplies and blankets for the inmates were insufficient.

Oshana Region**Ongwediva Police Station:**

The station has two holding cells with a capacity of seven inmates each. We were informed that the holding cells are only for female detainees; at the time of our visit we found eight women in custody. The bulbs inside the cells were not functioning. The station has no kitchen; food is transported from the Oshakati Police station.

Ondangwa Police Station:

The Station Commander informed our investigator that, there are 12 cells with a total capacity of 211 inmates. There were 142 inmates in custody at the time of our visit. The station did not have an overcrowding problem; however, there was no lighting in the cells. Three of the cells are empty because they were not fit for habitation. Our investigator was unable to have contact with the inmates due to COVID-19 restrictions.

Oshakati Police Station:

At the time of our visit, this station was overcrowded

by 72 inmates. The total cell capacity is 130 and we found 202 detainees. The general condition of the cells was not good. Inmates complained about only receiving two meals a day, the station commander confirmed this. The institutional worker in charge of the kitchen attributed the two meals a day to the fact that they are not at liberty to order surplus food, this leaves them in short supply.

Omusati Region**Onandjamba Police Station:**

The station has six holding cells with a total capacity of 30. We found 72 inmates in custody at the time of our visit. The Acting Station Commander attributed the overcrowding to the transfer of inmates from Wakasamane border post and Oshikuku Police station. The station has a separate holding cell for female inmates.

Okahao Police Station:

In another instance of overcrowding, we found 110 inmates in this station, which has a capacity to house 45 persons. This is a serious issue as the hygiene of the cells and inmates is compromised. The transfer of inmates from surrounding areas such as Onaanda, Onamatanga, Uutsathima and Tsandi is the reason for the overcrowding. The absence of a court in the area further contributes to overcrowding as inmates have to wait for long periods of time before appearing in court or being granted bail.

Otjozondjupa Region**Otjituu Police Station:**

We found 15 male inmates in detention at the time of our visit, the station has three holding cells with a total capacity of 15. Of the 15 inmates in custody, two were said to be mentally ill. The two inmates allegedly terrorise the rest of the inmates but were not put in separate cells. The Station Commander informed us that he was awaiting confirmation from the hospital for the observation of the two inmates. The inmates stated that there was no separate cell to isolate suspected Covid-19 cases, as well as new detainees. We enquired with the station commander who confirmed that space was an issue; hence they could not demarcate a cell for isolation. With our intervention, the two inmates awaiting mental observation were put in a separate cell.

Coblenz Police Station:

There were only seven inmates at the station during the time of our visit. Inmates alleged that police officers consume the food that is meant for them. We took the matter up with the Regional Commander who informed us that he was aware of the allegations. As is the case in Otjiuuo, the newly detained inmates were being placed with the existing ones and this raised fears of Covid-19 infection amongst inmates. Inmates informed us that they were not provided with masks when they go court, and most inmates claimed to have been arrested without masks. Although visiting was suspended at the time of our visit, our complaints investigator requested the regional commander to allow family members to bring the inmates masks. Our complaints investigator made a follow up visit to the station and found that the inmates were issued with masks, provided to them by their relatives.

Grootfontein Police Station:

The condition of the holding cells was not conducive for human habitation, with most of the toilets and showers being out of order. The cells were dirty and overcrowded. We found 88 inmates, of these, one was female and four were foreign nationals. The station commander informed us that they had transferred some inmates to surrounding holding cells, in order to mitigate overcrowding.

Otjiwarongo Police Station:

We visited this facility on the 24th of August 2020. At the time of our visit, we found 88 inmates, three of them were women. We were informed that, the station constantly runs out of cleaning material. The shortage of toilet paper forces inmates to make use of newspapers, and these newspapers caused blockage to the sewage pipes. The shortage of cleaning material and toilet paper is caused by delays in processing requisitions. As was the case in 2019, we found that most cells had broken toilets and showers, and a number of the lights in the cells were not functional. We were informed that the defects were reported to the Ministry of Works and Transport for repairs, but that the Ministry has not responded yet.

Otavi Police Station:

There were a total of 25 male detainees at the time of our visit. The station had been experiencing a shortage of toilet paper for over two months. Requests have been made for toilet paper, but to no avail. We took up the matter at the regional police

headquarters, and a week after our intervention we were informed that the station received 100 rolls of toilet paper.

Erongo Region

Karibib Police Station:

In an effort to prevent the spread of Covid-19, new detainees were kept separately from the older inmates for a week. However, inmates informed us that they were not provided with masks and hand sanitiser. We found 36 male inmates at the time our visit. Seven inmates alleged that they were either referred to see the doctor and not taken or that they had to go for follow-up treatment and were to date not taken. We requested to view their medical passports and found that only one of the inmates missed a follow up hospital visit. Arrangements were made to take the inmate to the hospital, the following day.

Usakos Police Station:



At the time of our visit we found 19 male inmates, this number included one juvenile who was detained separately from the majors. There were three cells in use; one for the juvenile, one for isolation and one for the rest of the inmates. The cells were relatively clean as the inmates regularly clean them. There was also sufficient cleaning materials and the Station Commander informed us that they use it sparingly. Inmates stated that the cells were dark at night because there were no bulbs. The Station Commander indicated that certain inmates break the bulbs to try and charge cellphones illegally brought into the cells; this prompted him to cut electricity supply to the cells. With regards to food supply, the inmates alleged that they were only receiving two meals a day. The institutional

worker responsible for making the food informed us that procuring food on a monthly basis is a lengthy process that results in her trying to stretch the supply for as long as possible.

Omaruru Correctional Facility:

We recorded a total of 20 complaints at the facility. Newly detained inmates were kept separately for seven days before being integrated with the rest of the inmates. Unlike the other facilities visited around the region there were no complaints of food shortages at this facility. There were no visitors allowed at the time of our visit, posters containing Covid-19 information could be seen around the facility. Hand washing stations and sanitisers were placed around the entrances of the facilities and a visitors’ register was kept. At the time of our visit, the facility had a total of 61 male inmates.

Swakopmund Correctional Facility:

At the time of our visit the facility had 53 male sentenced inmates which included one juvenile and one trial awaiting inmate. We consulted 14 inmates one on one, as we could not address the inmates in a large group due to Covid-19 restrictions. Inmates raised concerns about a lack of visitation from their friends and relatives. We explained to the inmates that this restriction was for their own safety. There seemed to be confusion amongst inmates with regard to their court appearances under stage four lockdown regulations. Some inmates claimed they were not going to court, while others were appearing in court as normal. The officer in charge of security advised that conflicting information was received from the clerk of court, particularly at the Swakopmund Magistrate’s Court. We urged the officials to get the correct information and apply it in order to avoid misunderstandings and unfair treatment.

Walvis Bay Police Station:



The total capacity of the cells is 50, however at the time of our visit there were 79 detainees. We were informed that the overcrowding was due to the fact that 45 inmates were transferred from the Swakopmund Police Station holding cells. There was no visitation allowed but inmates were allowed to receive blankets from their relatives. New detainees were isolated for seven days and those exhibiting Covid-19 symptoms were referred for testing. According to our observation, the station had sufficient food supply in storage. There was a variety of food items ranging from maize flour to canned and frozen fish and meat. Inmates were not allowed to receive food from visitors, even prior to the outbreak of Covid-19. This is because they use the food parcels as means to smuggle contraband into the cells.

Walvis Bay Correctional Facility:

At the time of our visit we found 192 male inmates in custody. Inmates were not provided with hand sanitisers, but running water and soap were however readily available in the cells. The facility had a total of 23 inmates who tested positive for Covid-19; we were pleased to note that at the time of our visit, all but three of the inmates had recovered. A number of inmates informed us that they had opened cases of assault against the officers, they were however concerned that the case would not be looked into. We promised to follow up on their concerns.

Omaheke Region

Epukiro Police Station:



At the time of our visit, we found 20 inmates in the holding cells. The cells were dilapidated and unfit for human habitation. The Station Commander informed us that there were not enough personnel at the station. Our investigators recorded four complaints. Most of the inmates complained about not receiving bail and long delays in receiving legal aid.

Leonardville Police Station:

This station has a total of four cells with a capacity of 45. We found 35 inmates, of whom 34 were males and one was female. We found four juveniles who were all charged with stock theft. The toilets in the cells were not functioning properly and insects could be seen all over the cells. We registered three complaints from this facility.

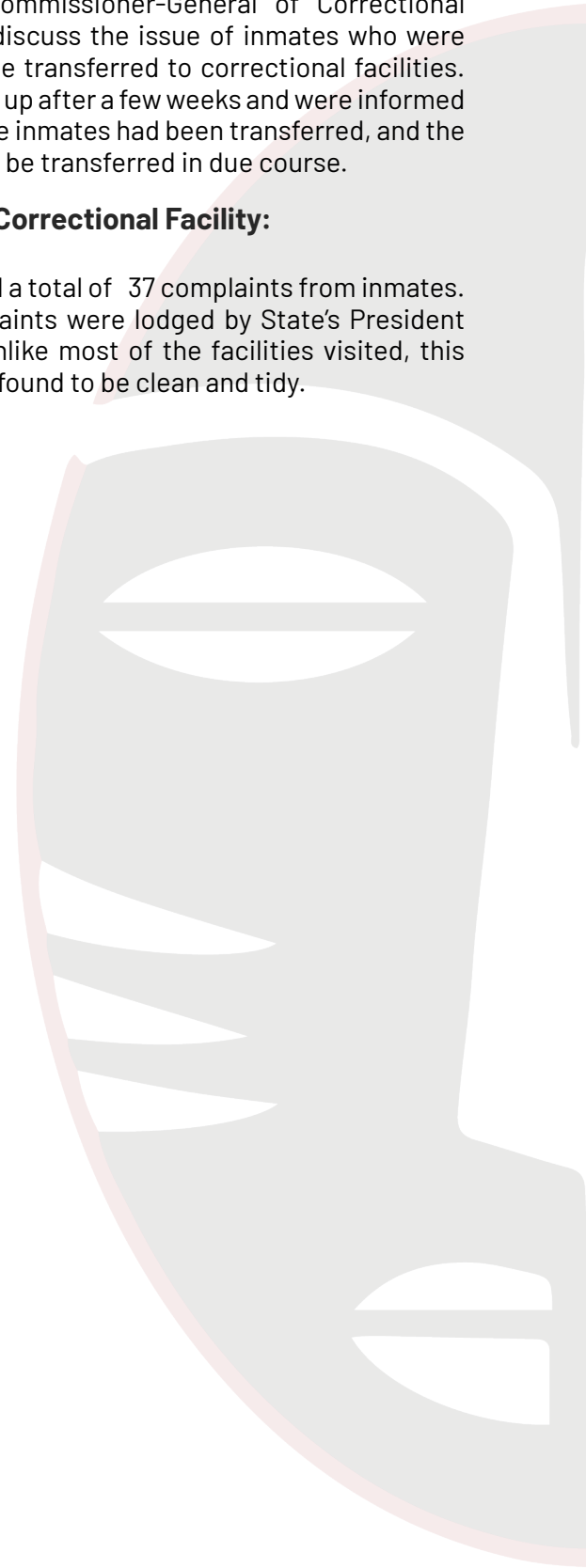
Gobabis Police Station:

We visited this station on 11th of September 2020. At this facility, we found 22 inmates who have been sentenced and are detained with trial-awaiting inmates. This was apparently due to fear of integrating new inmates with old ones, due to Covid-19. There was visible overcrowding and the cells were dirty and infested with cockroaches and other insects. We requested the Station Commander to arrange for the cells to be fumigated. We spoke

to officials of the Ministry of Works and Transport to repair the broken toilets. On 15 September, we met with the Commissioner-General of Correctional Service to discuss the issue of inmates who were waiting to be transferred to correctional facilities. We followed up after a few weeks and were informed that 18 of the inmates had been transferred, and the rest were to be transferred in due course.

Gobabis Correctional Facility:

We received a total of 37 complaints from inmates. Most complaints were lodged by State's President Patients. Unlike most of the facilities visited, this facility was found to be clean and tidy.



MALADMINISTRATION

Overview

As was the case last year, the majority of complaints received fall under the maladministration mandate. In 2019 we received a total of 1795 maladministration complaints, in 2020 this number decreased by 394; with only 1401 cases recorded. We hope that this decline in cases is as a result of state owned enterprises, agencies and organisations addressing issues successfully through internal complaint resolution mechanisms or an improvement in overall service delivery. We are cognizant of the possibility that the Covid-19 pandemic might also have played a role in the declining number of cases.

Selected maladministration case summaries

Stalling of police investigation due to missing document

The complainant approached us with allegations that his father was hit by a vehicle in 2018. His father opened a police case against the driver of the motor vehicle in 2018 but the case was stalled. Upon enquiring why the case was not proceeding, he was informed that the J88 form was missing from the police docket. We engaged the police and arrangements were made to take the complainant's father back to the hospital in order for a new J88 form to be completed. The form was eventually completed and investigations into the case were proceeded.

Delay in payment of separation funds

A teacher who was on contract at the Ministry of Education, Arts and Culture, laid a complaint against the Ministry for allegedly delaying the payment of her separation money. She alleged that money dating back to 2018 and 2019 was owed to her. We investigated the matter and sought answers from the finance department for the Ministry. The complainant received the money due to her within two weeks of our intervention.

Ministry's reluctance to fix windmill

The complainant who is a communal farmer informed us that he and other farmers in their area had no water for themselves and their livestock due to non-functional windmills. The complainant

further informed us that he had reported the matter to the Ministry of Agriculture, Water and Forestry but to no avail. He stated that officials from the Ministry told him to buy the parts required to fix the windmill, despite this being the Ministry's responsibility. During our investigations, we found that the communal farm had two windmills and neither of them was functional. Following our intervention the Ministry dispatched a team to fix one of the windmills. We confirmed that the windmill was indeed repaired and operational.

Refusal to issue former employee with PAYE 5 document

The complainant alleged that a certain Village Council (his former employer) refused to issue him a PAYE 5 certificate for the year 2018. He added that not being in possession of the document denied him the right to claim his pension from the Government Institution Pension Fund (GIPF). During our investigations, we established that the Ministry of Finance refused to issue PAYE 5 books to the said Village Council because they deduct tax from their employees but failed to pay over the funds to the Ministry of Finance. This in turn, negatively affected the employees as it meant that they had outstanding balances with the Ministry of Finance, despite the money being deducted from their monthly salaries. We took up the matter with the Acting Director at the Ministry of Finance, after consultations with the Village Council; the tax directive was issued to the complainant. Following this development, the complainant had his tax file updated with the Ministry of Finance and was able to claim his pension monies from GIPF.

Wrongful billing of municipal account

The complainant approached our Ongwediva Office with claims that she was being overbilled on her municipal account. We engaged municipality officials and perused the relevant documentation. During our investigation we established that the complainant's claims were indeed correct. The Municipality was presented with our findings, and we requested them to rectify the error as soon as possible as the complainant was negatively impacted by the wrongful billing. The municipal CEO informed us that the matter would be rectified. We followed it up with the complainant and her account was credited with the amount that she had overpaid, and she expressed her satisfaction with the outcome.

Promotion unfairly withheld

We were approached by a long serving Namibian police officer who claimed he was being unfairly treated because his promotion was withheld. According to the complainant, he was surprised to learn that he was removed from the promotion list, due to a pending criminal case. He informed us that the case of assault which was registered in 2016 was finalised and he was acquitted in 2019. We commenced investigations and found that the criminal case which was indeed finalised, could not serve as ground to prevent the complainant from being promoted. We submitted our report and recommendations to the Regional Commander. The complainant was subsequently promoted from the rank of Sergeant Class 1 to Warrant Class 1.

Delay in obtaining legal aid

The complainant was a trial awaiting inmate who claimed that he had applied for legal aid, but did not receive any feedback. He was initially making use of the services of a private lawyer, however he could no longer afford the costs and was thus in need of legal aid provided by the state. He further stated that the bail amount, which was set at N\$ 1000 was too high for him to pay. Upon our intervention, the complainant's bail was reduced to N\$ 500 and he was provided with legal aid. Tjitja Harases Legal Practitioners appeared *pro bono* for the application for the reduction of the bail amount.

Wrongful deduction for accommodation

A police officer, who was once accommodated at a police flat in the Oshana Region, alleged that monthly rent of N\$ 1414.95 was deducted from his salary despite him no longer residing in the said accommodation. The complainant informed us that he completed a form to cease the deductions in 2016, but the money was however deducted until May 2019. We initiated investigations and established that the complainant's version of events was indeed factual. The complainant was owed a refund for the period of August 2016 to May 2019. The matter was taken up with the head of finance at the police department; who acknowledged receiving a letter from the regional commander of Oshana Region regarding the matter. Following our intervention, the head of finance admitted that she misinterpreted the letter and apologised for causing inconvenience. Thereafter, the refund was processed and the amount due was paid to the complainant on the 18 June 2020.

Long delays in processing overtime claims

An immigration officer approached us in September 2020 alleging that the claims for overtime of the staff have not been processed since February 2020. He stated that since a new director was appointed, there are long delays in the processing of the claims of the staff. Upon enquiry we established that overtime claims are to be signed in the first week of every month. Employees had been waiting to receive payment for over seven months and claimed to have been greatly inconvenienced. We engaged the relevant persons in the Ministry of Home Affairs, Immigration, Safety and Security. The officials informed us that the person responsible for signing off the overtime claims was unavailable. We recommended that they assign another person to sign off the claims, if the appointed person is unavailable for long periods of time. Our suggestions were accepted and the claims subsequently processed.

Application for citizenship not recommended

The complainant applied for Namibian citizenship by naturalisation because he has resided in the country for more than 40 years. His application for citizenship was not recommended by the citizenship committee of the Ministry of Home Affairs, Immigration, Safety and Security. He approached the Ombudsman for assistance and with our intervention the complainant was informed on 03 December 2020 by the Ministry that he qualifies to be registered as a citizen of the Republic of Namibia.

Difficulty returning to Namibia to continue studies

The complainant, a South African citizen who is a student of the University of Namibia experienced difficulties to return to Namibia during the period of lockdown. According to her, she exhausted all avenues but could not manage to get approval to return to Namibia. She feared that she may have to repeat the 2020 academic year if she did not return to Namibia. With our intervention the Ministry of Home Affairs, Immigration, Safety and Security approved her application to return to Namibia.

ENVIRONMENT

Overview

The Constitutional and statutory duty of the Ombudsman with regard to the environment, is to: *“investigate complaints concerning the over-utilisation of living natural resources, the irrational exploration and destruction of eco systems and failure to protect the beauty and character of Namibia.”* Great pressure is placed on the environment due to poor waste management practices which inevitably leads to degradation of our environment. Therefore, waste disposal sites that are badly sited, designated and separated, increase the risk of soil, water and atmospheric pollution.

Growth in development and in population brings about an increase in pollution and waste. More people produce more waste which has a negative effect on our environment; groundwater; and more generally the toxic contamination of the soil. Therefore, waste (solid and liquid) management and pollution control are essential in terms of environment protection. Household waste accounts for a significant amount of waste produced in all urban and rural areas of Namibia.

The Environmental Management Act 2007 (Act no 7 of 2007), is an important tool for environment protection. The Act gives effect to Article 95(1) of the constitution by establishing general principles for the management of the environment and natural resources.

While the Ministry of Environment and Tourism oversees the implementation of the Act, the Ombudsman exercises oversight over the management of solid and liquid waste by Local Authorities. Great pressure is placed on the environment due to poor waste management practices which inevitably lead to degradation of our environment. Therefore, waste disposal sites that are badly sited, designated and separated increase the risk of soil, water and atmospheric pollution.

The office follows an annual complaint intake clinic programme whereby complaints investigators of head and regional offices visit all towns, villages and settlements in their area of jurisdiction to receive complaints from residents. They are also required to visit and inspect waste sites and report defects to the local authority concerned. Sometimes we act out of our own motion where we observe leakages in the sewers where sewerage is spilt on the soil.

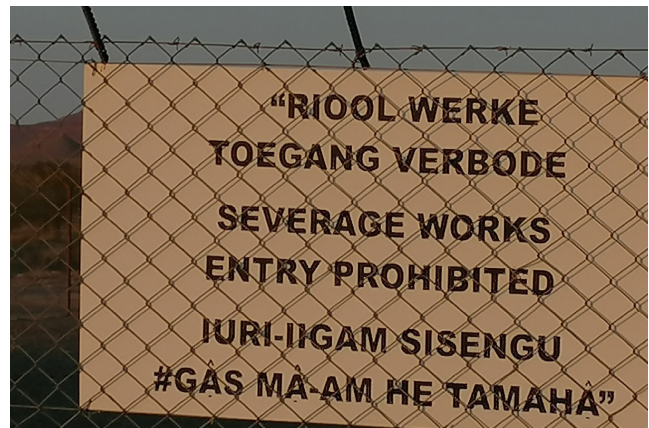
We did not receive many environment complaints during 2020. The complaints which we received, including those we acted upon our own motion, are all resolved.

Inspection of solid and liquid waste sites

Vaalgras settlement

Observations by our office confirmed the random dumping of building waste or rubble between residential homes at Vaalgras Settlement. The waste was from the construction of a school in that area. Consultations were held with the relevant stakeholders and we recommended that a suitable site be identified for discarding of the waste. During our follow up meeting on 15 September 2020, we were informed that a suitable place was identified outside of the settlement for dumping. On our visit to the dumping site we observed that residents were collecting recyclable materials. The contractor was requested to collect all other waste deposited by his company at residential properties to be dumped at the designated place.

Bethanie



Our complaints Investigator from Keetmanshoop visited the site and found that the liquid waste management system seemed to be fully operational and well maintained. However, management lamented the fact that residents failed to adhere to the warnings informing them to not dump their waste in undesignated areas around the village. Despite the fact that the village has a designated dumping site for both solid and liquid waste, some residents ignore these sites and dump their waste anywhere they see fit. The CEO further informed us that the fees charged by the council for service rendered, to residents, are too low. The signage at the liquid waste management site is legible and in a good condition.



Oranjemund



The town has well maintained solid and liquid waste sites. The facility is fenced off and the warning sign is legible and in a good condition. We did not find any unauthorised persons on the site. The Town Council informed us that plans for a new solid waste site were at an advanced stage. This is because the current site is too close to residential suburbs. Some houses are only 50 meters away from the site.

The workers were found to be wearing the correct protective gear. The road leading to the waste site was in a good condition.

Omuthiya

Complaints investigators visited the liquid and solid waste sites of Omuthiya on the 10th of August 2020. The solid waste dumping site was fenced off with diamond mesh wire. The gate is fitted with a lock and there is a security guard at the site for 24 hours a day. We observed strict supervision at the dumping site and there were visible warning signs.

Upon arrival at the liquid waste site, we found that the security guard was not wearing a mask or other protective clothing. The ponds are situated about 10 km south of the town. We were informed that the Council was making use of the free running system and the inflow of waste can be seen at the intake to the primary pond. The town has seven ponds but only five were found with water.

Otjiwarongo



Despite having designated dumping sites for solid waste, the Otjiwarongo Municipality still experiences instances of illegal dumping. The dumping sites are fenced off and gates are kept locked; there was a legible warning sign at the one we visited. Unfortunately we were unable to meet the town's CEO in order to get a more in depth view of the town's waste management situation. Waste could be seen around residential areas and at undesignated sites, despite the Town Council assuring us that households are provided with waste bins. We were also informed that the Town Council collects residential waste on a weekly basis.

With regards to liquid waste management, the town has a septic dam. The water in the dam was yellowish and appeared to be unfit for consumption. We found animals drinking the water and children playing in the ponds. This is extremely hazardous as children can accidentally swallow the water and become sick, there are also other diseases such as bilharzia that can affect the children when they play in this water. The pond is located about 12 Kilometers out of town, it is fenced off with clear warning signs.

Arandis



Solid waste is collected once a week by the three private contractors and the dumping site is located five kilometres from the residential areas. The site was not properly fenced off; there was no gate and no warning signs. Waste is dumped and burned, outside the designated dumping area. There was no supervision on the site, and waste was not segregated. The waste is not compacted; this leads to the waste dispersing all over the area when the wind blows.

The liquid waste site is located nearly five kilometres from the residential area. We found the site properly fenced off with a gate and appropriate warning signs. There is supervision available at the site throughout the week between 08h00 – 17h00. There is a small building, with toilets, for the workers. The site appeared to be well maintained. The waste water is semi-purified and it is used to water the plants and grass that are planted along the road in town. Road contractors also make use of the water for dust suppression.

Karibib

The dumping site is still located in the area where the expansion of the township is to take place.



We were informed that plans to rehabilitate the area and set up a proper site were at an infant stage. The dumping site is still not fenced off (same as last year) as it is not properly demarcated. Waste is dumped everywhere, including along the road leading to the site. There was no segregation of waste and the waste is burned as a means of disposal. There is no supervision at the site, and we found some people, including children, loitering in the area. Car wrecks were also found at the site.

The liquid waste disposal site was fenced off; however the gate did not have a lock. There were no warning signs; there was also no supervision at the site. Weeds were found growing in the area surrounding the ponds. An abandoned garden was also found next to the ponds. The sewage was overflowing into the surrounding areas.

Otjimbingwe



The Settlement office has embarked upon a pilot waste removal project, including the removal of waste from schools and businesses in the Settlement. Removal takes place once a week. There were 200 waste bins distributed to household within the community. Home owners are sometimes required to take the waste to the dumping sites as the Council only has one vehicle for waste removal.

The dumping site is about two kilometers outside the Settlement, and there is waste dumped all along the road leadings to the site. It appears that distributions of the waste bins to the community has attributed to considerably less waste being dumped in open areas within the Settlement. We were informed that plans were underway to segregate the waste. The site is easily accessible as the fencing was not complete; there is no supervision at the site.

The liquid waste site was properly fenced with a gate and a padlock. Although two warning signs were observed, the Control Officer indicated that more warning signs will be put up around the premises. One of the oxidation ponds was lined and operational. The Control officer stated that the installation of new pumps was still pending. He attributed the delay to the state of emergency lockdown and travel restrictions. The blockage previously experienced has since been addressed by enlarging the pipe to allow for greater flow to the oxidation ponds. This has also addressed the issue of the previously experienced leakage of sewage into the riverbed. There was no supervision on site.

Usakos



People have set up shacks, meters from the dumping site

At the time of our visit, we found that the site was not fenced off. Waste was still dumped all over the area leading to the designated site. Uncontrolled dumping of waste in that area is so bad that one is unable to tell where the actual designated dumping area begins. There was no supervision or security at the site and the waste was not segregated. The burning of waste was a common occurrence, at the dumping site as well as along the road leading up to the site.

Although skip containers are placed next to the road waste was still being dumped next to it. There are no penalties imposed for littering. There were no warning signs put up on the site. There are people living near the dump site; the site is located on private land.

The liquid waste site was fenced off and had a lockable gate. There was vegetation all around the site and there were no warning signs.

Misappropriation of Public Moneys and Public Property by Officials

Under section 3 (1) (e) of the Ombudsman Act, the Ombudsman has *“the duty to enquire into and to investigate all instances or matters of alleged or suspected misappropriation of public moneys and other public property by officials”*.

The word *“misappropriation is not define in the Act, but the ordinary dictionary meaning is: “to apply to one’s own use or a wrong use, steal, embezzle, misuse, misemploy.”* Theft is a common law offence, which must be reported to the police for investigation and prosecution by the Prosecutor-General. We do not receive complaints of this nature and if we do, we refer them to the police.

Although we did not deal with the following case during the reporting year, it is one of the unfinished businesses of the Ombudsman:

The Swakopmund Waterfront Development or the Kerry McNamara case

The complaint has a long history, but for purposes of this report, I will summarize, my interventions and that of the former Attorney-General (Mr. Shanghala) during 2016 to 2018. In a letter dated 21 April 2016, I informed Mr. Shanghala that I discovered that the Swakopmund Town Council *“illegally”* extended its township scheme boundary. I based this finding on the failure by the Town Council to provide me with the ministerial authorization for the extension of the scheme boundary and the Government Gazette in which the new scheme boundary was published. I further informed him that the Town Council did not comply with section 2(1) (b) of the Sea Shore Ordinance, no 37 of 1958 by applying to the President *“to have the position of the high-water mark relative to that area or to any portion of that area [be] determined and defined by beacons.”*

I concluded that the Town Council acted unilaterally and in conflict of the Ordinance by moving the high-water mark, illegally claimed state land and sold it to a private developer. I requested Mr. Shanghala to take the necessary remedial action.

In a Report dated 11 October 2016, Mr. Shanghala seek the guidance of the Rt. Hon Prime Minister in this matter.

In an Agenda Memorandum to Cabinet date 21 February 2017, Mr. Shanghala made inter alia the following conclusions:

"... the sale of the portion of land extended without complying with procedure set out in section 29 of the Township and Division of Land Ordinance, 1963, and subsequent sale of the land to private developer are unlawful and void;

The 1 meter of land outside the boundary of erf WF 71 belongs to the state and can only be privately owned, provided that an extension is effected in terms of section 29 of the Township and Division of Land Ordinance, 1963.

The Local Authority of Swakopmund or the private developer should apply or that the President (Minister) should apply in order that a new high-water mark be determined, beacons be erected and such be recorded in the deeds registry and by the Surveyor-General as required by the Sea Shore Ordinance, 1958.

Charges be laid in terms of section 20 (8) of the Environmental Management Act, 2007"

I was informed that Cabinet instructed the Government Attorney to take legal action against the developer, but the legal process has not yet started.



REPORTS

Report on the complaint by Mr. Nico Smith MP (Complainant) against August 26 Holding Company (Pty Ltd) for its failure to submit annual audited financial reports in the National Assembly

9 July 2020

The Complaint

The complainant alleged that while August 26 Holding Company (Pty) Ltd (hereinafter referred to as August 26) is a wholly owned Government owned enterprise, it has never in its existence published audited financial reports in the National Assembly as required by law. Furthermore, this is despite the fact that August 26 or its subsidiaries have been recipients of multimillion dollar government contracts. August 26 has been immune to public scrutiny and internationally recognized standards of accounting and reporting, as the enterprise has neither appeared before the Standing Committee on Public Accounts, and neither is it audited by the Auditor-General. If in fact the Auditor-General has carried out an audit at August 26, these reports have not been publicly disclosed.

Public Enterprises Governance Act, 2019 (Act no 1 of 2019)

This Act came into operation on 16 December 2019 and repealed the Public Enterprises Governance Act, 2006 (Act no 2 of 2006), the State-Owned Enterprises Governance Amendment Act, 2008 (Act no 5 of 2008) and the Public Enterprises Amendment Act, 2015 (Act no 8 of 2015). For purposes of this investigation and the drafting of this report, the relevant legislation is the:

Public Enterprises Governance Act, 2006. For the purposes of the report, it is necessary to quote section 26 verbatim. Section 26 provides:

- (1) *The board of a Public enterprise must as soon as possible, but in any case not later than six months after the end of each financial year of the Public enterprise, submit an annual report on the operations of Public enterprise in that year concurrently to the portfolio Minister.*
- (2) *The annual report of a Public enterprise must include –*

- (a) *the audited financial statements of the Public enterprise;*
 - (b) *the auditor's report on those financial statements;*
 - (c) *a statement on the extent to which the Public enterprise has met its objectives for the financial year;*
 - (d) *quantitative information respecting the performance of the Public enterprise, including its wholly-owned subsidiaries, if any, relative to the Public enterprise's objectives; and*
 - (e) *such other information in respect of the financial affairs of the Public enterprise as is required by the portfolio Minister to be included therein, and must be prepared in a form that clearly sets out information according to the major businesses or activities of the Public enterprise and its wholly-owned subsidiaries, if any.*
- (3) *The portfolio Minister must cause a copy of the report of a Public enterprise to be laid before the National Assembly within 30 days of the receipt thereof if the National Assembly is then in ordinary session, or, if the National Assembly is not then in ordinary session, within 30 days after the commencement of its first ensuing ordinary session."*

Performance of powers, duties or functions

I extended the investigation of the complainant in terms of section 3(2) (c) of the Ombudsman Act, 1990 (Act no 7 of 1990), because I had reason to suspect that powers, duties or functions which vest in the State, boards or public enterprises are either performed in an irregular manner or are not exercised or performed at all. They (powers, duties or functions) include amongst others:

Public Enterprises (boards) and Portfolio Minister

- Governance agreement with board: Portfolio Minister's duty to enter into a written governance agreement with board (section 17)
- Performance agreement with board members individually: Portfolio Minister's duty to enter into a performance agreement with board members. (section 18)

- Business and financial plan: Public Enterprise's duty to submit a business and financial plan to the portfolio Minister (section 19).
- Approval of annual budget of Public Enterprise (section 20)
- Performance agreements of management staff of Public Enterprises: duty of management staff to enter into a performance agreement with the board (section 21)
- Declaration and payment of dividends: duty of Public enterprise (section 25)
- Annual reports of public enterprises: duty of board to submit annual report on the operations of the public enterprise to the portfolio Minister (section 26(1)). Duty of portfolio Minister to cause a copy of the report of the public enterprise to be laid before the National Assembly (section 26(3))
- Obligations concerning investments (section 27)
- Obligations concerning subsidiaries (section 28)

All the sections of the Public Enterprises Governance Act, referred to above, provide that the portfolio Minister must or the board or the public enterprise must. The tenor and intention of the Act is to give the greatest possible protection to the public interest and public funds. The language of the Act is peremptory and does not give the portfolio Minister or board of discretion. Although there is no sanction provided for failure to comply, the use of the compelling word "must" is decisive (emphasis added).

Concluding Observations

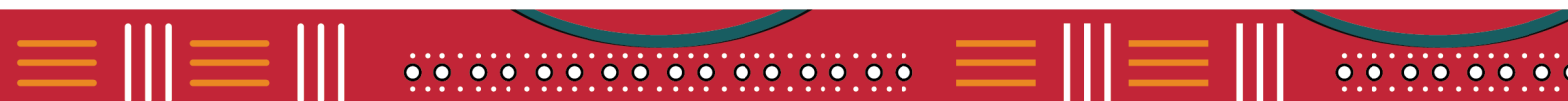
- Annexure "E" referred to above, provides sufficient proof of the sporadic nature of compliance by boards of public enterprises and portfolio Ministers with the mandatory provisions of the Act and the portfolio Ministers' failure to hold these boards accountable.
- I could not find neither were I informed of any of these public enterprises that were exempted from any of the provisions of the Act (section 45)
- I did not investigate what measures if any, the National Assembly took to compel the boards and portfolio Ministers to submit outstanding annual reports, because the Ombudsman is

accountable to the National Assembly and does not have the competency to investigate the National Assembly.

- My investigation is limited; it only points out the failings. I could not ascertain:
 - the reasons for such failings;
 - the financial losses to the state caused by such failings;
 - whether public funds were used for the intended purposes;
 - whether public enterprises submit annually a business and financial plan to the portfolio Ministers.
 - whether public enterprises incurred any expenditure except in accordance with an estimate of expenditure approved under section 20 of the Act;
 - whether performance agreements were entered into;
 - whether relevant public enterprises declared and paid dividends;
- On the specific complaint of Mr Smith, I find that the consecutive boards of August 26 Holding Company (Pty) Ltd failed since its incorporation on 14 August 1998 to submit annual reports to the portfolio Ministers. In the event they did, then the portfolio Ministers failed to submit these annual reports to the National Assembly.
- I find it necessary and desirable for the reasons set out above to recommend that the above matters and others be fully investigated.

Recommendation

I recommend that the Minister of Public Enterprises takes appropriate action or steps to remedy or correct these matters by directing a special investigation to be conducted in relation to above failings and other matters concerning the business, trade, dealings affairs, assets or liabilities of the defaulting public enterprises (section 25 of Act 1 of 2019) and inform the Ombudsman and the public on the outcome of the investigation.



Report to the Speaker of the National Assembly in terms of Section 6(1) of the Ombudsman Act, 1990 Act no. 7 of 1990 on a complaint against August 26 Holding Company (PTY) LTD

28 September 2020

Introduction

Section 5 of the Act requires that the Ombudsman must notify the person (complainant) who laid the matter before him of the outcome of his investigation. In the instant matter, the complainant was provided with a full report which includes a recommendation to the Minister of Public Enterprises. A copy of the report was sent to the Minister with a written request to implement my recommendations and inform me of the outcome. I am of the opinion that the matter investigated by me can be rectified or remedied by the Minister. Section 5(2) requires that the Minister notifies the Ombudsman whether he rectified or remedied the matter in the manner recommended by the Ombudsman or in any other manner.

The report with the recommendation was hand delivered on 10 July 2020 at the office of the Minister. When I received no acknowledgement of receipt thereof or any response, I sent a written reminder on 11 August 2020, requesting the Minister to inform me on or before 28 August 2020 whether he will comply with my recommendations. I received no response which necessitates the compilation of this report in terms of Section 6(1) of the Act for submission to the National Assembly.

Section 6(1) provides inter alia:

“The Ombudsman shall forthwith compile a full report in respect of every matter enquired or investigated by him ... which has not been rectified, corrected

or remedied and shall submit such report ... to the Speaker of the National Assembly...” (Emphasis added).

In the report, I set out the complaint and the circumstances under which it came to my attention; the nature and extend of the investigation; the defects or deficiencies which exist in the public enterprises and failings by boards and portfolio ministers; whether or not any action or steps have been taken to implement my recommendation; and the opportunity given to the Minister to respond to my report and his non responsiveness.

On 28 September 2020 the Ombudsman submitted his Report to the Speaker of the National Assembly for tabling in the National Assembly as required by section 6(3) of the Ombudsman Act.

On 30 November 2020 the Speaker laid upon the Table of the National Assembly the Ombudsman's Report on the Complaint against August 26 Holding Company (Pty) Ltd. The Speaker then moved that the Report be referred to the Parliamentary Standing Committee on Public Accounts to deal with it in terms of Rule 69 of the Standing Rules and Orders.

Rule 69 provides that the Standing Committee on Public Accounts has the duty to examine and consider the Report, reports on its finding and makes it recommendations to the Assembly for consideration and debate.

At the time of writing this report the Ombudsman was not informed whether or not the Standing Committee has examined and considered his Report.

Report to the Parliamentary Standing Committee on Constitutional and Legal Affairs on challenges and shortcomings at Osire settlement and other ancillary matters

25 August 2020

Introduction

During May 2020, The Parliamentary Standing Committee on Constitutional and Legal Affairs provided the Ombudsman with a report of inter alia its oversight visit to Osire as from 23 to 27 July 2018 (the report). The Committee concluded that the general state of affairs due to certain identified shortcomings and challenges at the Osire Refugee Settlement is a matter of serious concern, which if left unattended, could compromise human rights and security in the country.

The Committee recommended that the Office of Ombudsman and other selected Ministries visit Osire Refugee Settlement as a matter of urgency to assess, and find possible solutions to the shortcomings and challenges such as lack of accommodation, shortage of food, crime and compliance with laws of Namibia, education, lack of health and social services.

In response to the said request and certain other complaints received by the Ombudsman (involving inter alia allegations of child marriage and the general safety and security of refugees) the Ombudsman’s Investigators visited Osire from 22 to 24 June 2020 to investigate the shortcomings and challenges at the Osire Settlement. Our investigations focused primarily on the following:

- Safety and security of the refugees in general
- Allegations of the existence of harmful cultural practices, in particular child marriage;
- The state of health and social services offered and provided to the refugees
- The provision of education to the children at the settlement
- The provision of housing and sanitation at the settlement
- Food security and provision of non- food items
- Provision of clean water
- Livelihood (projects and produce)

To assess and evaluate the above, our investigations included site visits; and one on one interviews with various officials (based at Osire) from the Ministry of Home Affairs Immigration Safety and Security, Ministry of Health and Social Services, Ministry of Education, Arts and Culture, UNHCR officials, Legal Assistance Centre staff and individual refugees and asylum seekers. We also conducted group discussions with the respective Community Leaders, to get their perspectives. We perused registers and various documents kept by the administrators of Osire.

Conclusion

The Ombudsman as part of its annual intake program have always included and will continue to include Osire when raising awareness, receiving and investigating complaints, conducting human rights education and monitoring of human rights. We will continue our investigations into and consultations with relevant institutions on the new matters brought to the Ombudsman’s attention during our visit to Osire in June 2020. Our findings and recommendations will be recorded in our annual report.

Based on the above observations our finding is that Osire is a relatively safe place, compared to other places in Namibia. The refugees’ safety and security are not disproportionately compromised and we did not find serious human rights violations of the refugees in Osire. On the face of it the Namibian Police provides for the safety and security needs of refugees within the settlement. There does seem to be several threats to children’s rights which the Children’s Advocate will continue to report to the various authorities and continue to closely monitor.

We noted improvements in areas of housing provision; the new Refugee Housing Units have decreased significantly the time of constructing a house (Refugee Housing Unit can be set up in two days) and once sufficient serviced land is made available the problem will be significantly alleviated.

The standard of education has similarly improved in that the recruitment of new teachers and administrative staff, has significantly improved the teacher learner ratio from 70 to 40 learners per teacher. The school feeding program is extended to the primary school.

Despite the various challenges noted, there is no reason to believe that refugees in Namibia are ill-treated or that Namibia is not complying with the Namibia Refugees (Recognition and Control Act),



Act no 2 of 1999, UN Convention on Refugees and OAU Convention on Refugees.

The Office will continue to monitor the service delivery and conduct intake clinics at Osire to look into issues affecting refugees in Namibia.

Persistence of race - a report on the inquiry into the complaint by the Popular Democratic Movement (PDM) against the President of the Republic of Namibia (The President)

23 November 2020

The Complaint

The complainant, the PDM alleged that on or about 17 October 2020 the President was recorded on live footage from The Namibian newspaper uttering the following words:

"We have seen white people registering... In big numbers. I have never seen that happening. And they said.... anything else but SWAPO. I have noted it.... and I won't forget that. People declaring war against SWAPO... SWAPO who made them to enjoy peace and unity... enjoy their comforts... till the comforts they have all this time... to declare war against SWAPO. I heard you"

According to the complainant the comments by the President were made at the launch of the SWAPO Party's campaign for the upcoming Regional and Local Authority elections slated for 25 November 2020. *"We view the comments of the President as oppressive, intimidating and in contravention of a number of provisions in the Namibian Constitution which protects fundamental rights of all Namibians, particular the right to participate fully in political activity without intimidation or coercion....."*

The comments by the President directly infringe on the fundamental rights of white people to participate fully in political activity as protected by Article 17 of the Namibian "Constitution....."

The complainant further alleged that the President's comments are also in contravention of the Racial Discrimination Act 26 of 1991, in particular section 11. According to them: *"The President's comments were without a doubt intimidating white people and inciting racial division in Namibia against white people. His comments are so dangerous, and could lead to catastrophic consequences for peace and stability of the country if not condemned and dealt with accordingly."*

The complainant therefore brought the complaint before the Office of the Ombudsman for investigation and remedy.

The Other side of the story

Any Ombudsman's inquiry or investigation requires that the other party to the complaint be heard; to respond to the allegations made in the complaint and such response must be considered along with all the other information gathered.

Our motto says it all: *"The other side of the story,"* The rules of natural justice, in particular the *audi alteram partem rule* **requires that the other party be heard. Section 4(1) of the Ombudsman Act, empowers the Ombudsman to determine the nature and extent of the inquiry or investigation. In exercising my discretion and in compliance with the rules of natural justice, I provided the President with the opportunity to respond to the allegations and he responded as follows through his legal representative:**

"The comments were made at a political event at the time when political parties and politicians are seeking support from members and sympathizes in the upcoming Regional and Local Authority elections set for next week, 25 November 2020. The comments are therefore political comments to address an observation of a particular state of affairs by the President. The statements do not impliedly or expressly seek to intimidate white people as PDM contends, nor do they seek to make out a case that white people have diminished political rights."

The President was making an observation of big numbers of white people suddenly registering this time around in comparison to the recent past where it was generally observed that that section of the community showed less interest in the National elections. These statements were made in reaction to statements by section of that population to the effect it will vote for anything else but not SWAPO."

The President was entitled to express his view as a citizen of the country and as the President of the SWAPO Party. He was, in the circumstances, entitled to make such comments without infringing any rights under the Constitution or the provisions of section 11 of the Racial Discrimination Prohibition Act. By the way, it is absurd to expect the president at political events to shy away from stating that it was the SWAPO Party that brought peace, freedom and independence in this country. This will be fearlessly restated for years to come."

It follows from the above that the President did not violate any fundamental rights. Had the President's statements been read in a proper political context and together with the rest of his statement at that occasion PDM would have realized that their interpretation of the statement is quite unfortunate. The President therefore assures PDM and the section of the population concerned that he continues respecting and protecting, as he has always done, every citizen's right of freely participate in any political activity without hindrance."

Why a Report

In terms of section 3(1) of the Act, the Ombudsman must enquire into and investigate the request or complaint and inform the complainant of the outcome. In exercising my discretion, I decided to inform the complainant of the outcome in the form of this report and in the public interest to release the report to the public in view of the media attention which the objectionable utterances attracted.

The legal grey area in which the term "hate speech" finds itself, the lack of judicial precedents on the term, the fact that the amendments to the Act were not "carefully designed to obtain the objective", necessitated me to look also at past legislation and decisions of foreign jurisdictions to reach my findings.

The full Report is discussed under the following headings:

- Placing the objectionable utterances in proper context
 - Constitutional Protection from Criminal Proceedings
 - Do the objectionable utterances constitute a violation of white peoples' Article 17 constitutional rights to participate in peaceful political activity or not?
- ## Concluding Observations
- An individual complainant should be resolved in a manner that has an educational purpose; therefore the need for me to step back in our race history to refresh memories of where we came from, where we are and raise the question why "race" persists after 30 years of independence. The question is partly answered in the Report on the National Inquiry into Racism, Racial Discrimination and Other Forms of Discrimination and Tribalism
 - Hate speech per se is not an offence in our country. We do not have legislation prohibiting hate speech and the term is not define so that all speech can be measured against such definition.
 - The term "population group" has it origin in the Representative Authorities Proclamation, AG 8 of 1980, which Proclamation was repealed by the Constitution.¹⁹ A case in point of the "past still haunting the present," is the use of the word "population group" on the application form of NUST which requires students to classify themselves, which has no legal basis and no place in a non-racial democratic society.
 - The term "racial group" too with its origin in past colonial laws, has no place in a non-racial democratic society.
 - Another case in point of the "past haunting the present", is the continuous use and recognition of the SWA Identity document. It has no place in a non-racial democratic society.
 - Public statements which cause, encourage or incite disharmony, feeling of hostility and ill-will between different racial groups or persons belonging to different racial groups, are no longer punishable under the Act.
 - The amendment of section 11 of the Racial Discrimination Prohibition Act, 1991 by the 1998 Amendment Act, did not achieve the "valid societal objective of preventing the scourge
- The Constitution and statute on the complaint. (Racial Discrimination Prohibition Act, no 26 of 1991 as amended by Act 26 of 1988
 - Treaties relevant to the complaint
 - The Actual Audience
 - The True Audience
 - The Media Reports and the Public's Reaction
 - Reaction on Social Media
 - The video and written speech
 - What do the uttered words mean?
 - The Test
 - The objectionable utterances in context
 - Words can simultaneously have different meanings and mean different things to different persons.

of racism raising its ugly head again in this country".²⁴ The Act has fallen in disrepute and disuse because it made it extremely difficult for the prosecution to prosecute and almost impossible to obtain a conviction in a court of law for contravening section 11.

- It appears that "race" has become our identity, that "the wounds which racism has inflicted on us (Namibian people) for so long" are still open and that we have lost our commitment to build a new nation. It further appears that we are now building on the foundation of the segregated Namibia laid by Proclamation A.G. 8. There is an urgent need to "unlearn" racial language and behavior and make "race" irrelevant.
- A draft bill called the Prohibition of Unfair Discrimination, Harassment and Hate Speech Bill has been developed, was circulated amongst stakeholders for input, but the number of responses was not very encouraging. The next step is public consultations during this month or early December 2020. The Bill essentially has five features:
 - It prohibits unfair discrimination
 - It prohibits harassment
 - It prohibits hate speech
 - It establishes equality courts to hear breaches of the prohibitions
 - It promotes equality.

Findings

I find that:

- It is clear from the analysis of the meaning of the objectionable utterances that different persons imputed different meanings to them and they meant different things to different persons;
- The main thrust of the President's speech was the acknowledgement that "we have heard you".
- The general theme of the President's speech as indicated in the heading and by its content itself is victory at the November 25 polls if all SWAPO Party members come in full force to vote for the SWAPO Party candidates.
- The objectionable utterances read in context of the speech as a whole suggest shock at the lack of gratitude the President expects from white people; incite action from Party members which is to unite with the objective of winning

the elections in the face of adversary. It is a call to mobilize against opposition.

- The objectionable utterances, viewed contextually were not likely to bring about hatred between different racial groups or between persons belonging to different groups.
- The objectionable utterances had just the opposite effect of uniting people in their condemnation of the President.
- The objectionable utterances may be offensive to some people and citizens were justified in exercising their right to speak and "criticize freely without fear which is an ingredient of democracy."
- The President enjoys constitutional protection against criminal proceedings.
- It is unlikely that the objectionable utterance were capable of inducing white people to vote for the SWAPO Party only and for no other political party.
- It is common knowledge among Namibians that "one's vote is one's secret".
- The objectionable utterance read in context of the speech as a whole do not constitute a violation of white peoples' Article 17 constitutional rights
- Intimidation is a criminal offence which should be addressed by the police
- It is also misconduct under the Guidelines for Conduct of Political Activities by Political Parties in Respect of Election and should be reported to the Electoral Commission.

Report on the complaint of unfair recruitment of staff by the Central Procurement Board of Namibia

1 December 2020

The Complaint

It appears that the complaints by two different complainants were prompted by an advertisement on 11, 12, 14 and 15 May 2020 in local newspapers and on the Board's website, in which the Chairperson of the Board announced the appointment and welcomed the appointees to "the family of CPBN". It further appears that only nine (9), vacancies were advertised but for some positions, the advertisement invited applications for three or four vacancies. Mr H. one of the complainants alleged

that the recruitment process showed that the elected candidates “are all from one ethnic group”. According to him one would expect “the Board to have a fair, balanced and be an equal (sic) employer of all Namibians” what happened amounts to unfair and unequal treatment.

The National Unity Democratic Organization (NUDO) alleged and questioned whether “the criteria used to select and appoint them were transparent, free and why other Tribes in the country could not qualify for these positions.

The complainant added: “However if amongst 16 new Positions in a public company only one tribe candidates are employed this raises serious red flags and this should be investigated”.

The Ombudsman is requested to investigate the recruitment process to establish whether it was fair, transparent and unbiased with regard to each of the vacant positions.

The Investigation

The questionable recruitment processes were in regard to the following fourteen (14) newly appointed staff, as appointed in the following nine (9) positions:

- Manager Internal Procurement (Ms Saara Shapua)
- Manager Finance and Administration (Ms Aune Ndeutapo)
- Procurement Specialist Goods (Ms Rebecca Haiping)
- Senior Procurement Officer (Ms Zambwe Manyando and Mr. Charles Sipiho)
- Procurement Officer (Ms Elise Theopellus, Ms. Twenty-One-March Kakonga, Ms Kristof Shiwal, Mr Petrus Niinkoti)
- Bid Evaluation Committee Secretary (Ms Shirley Diaz, Ms Daphney Muetudhana, Ms Ulla Gabriel, Ms Rosalia Endjala, Mr Leonard Tsheehama)
- Senior Registry Officer (Ms Nakanyala)
- Registry Officer (Ms Prisca Nashilunda)
- Technician Administration (This post was not advertised)

- The investigation included amongst others:
 - Site visits
 - Interviews and discussions with Board Management, administrative staff and human resource officers
 - Perusal and studying of the following documents:
 - copies of the relevant advertisements, the applicable applications, short and long lists of applicants and score card sheets,
 - recommendations of the different panels,
 - CPBN recruitment policy and related laws.

Our investigation revealed that a total number of 429 applicants applied for the 9 vacant positions of which 303 were females; out of the total number, 72 applicants were shortlisted of which 58 (81%) were females. It appears that the names of all applicants are placed on a long list and those chosen for interviews are placed on a short list.

Findings

I find that:

- The recruitment process and appointment of the following persons were irregular, unfair and prejudicial to other candidates:
 - Ms Aune K Ndeutapo: Manager Finance and Administration
 - She did not meet the advertised requirement of ten (10) years experience; she only had eight (8) years and eleven (11) months experience and should not have been shortlisted, interviewed and appointed.
 - Ms Zambwe Manyando: Senior Procurement Officer
 - She did not meet the advertised requirement; has a degree in Human Resource Management as opposed to the advertised requirement of a Bachelor Degree in Supply Chain or related field.
 - She did not have the required five (5) years experience in a supervisory role;
 - She did not obtain the required 65% pass rate during the interview; she obtained a rate of 64.58%;

- She should not have been shortlisted, interviewed and appointed.
- Ms Twenty-One-March Kangonga: Procurement Officer
 - She did not meet the advertised requirements of a National Diploma in Procurement or Supply Chain, three (3) year experience in the procurement or public procurement administration of which two (2) years must be in the execution of procurement administrative tasks.
 - She has only five (5) months experience at CPBN as an intern, six (6) months experience at City of Windhoek as an intern and one year (1) and four (4) month experience as a lecturer at a colleague (the CPBNs own long list indicates that she does not meet the advertised requirement).
 - She should not have been shortlisted, interviewed and appointed.
- Kristof Shiwalu: Procurement Officer
 - He failed the interview pass rate of 65%; he obtained only a rate of 62.5%
 - He should not have been appointed.
- Ms Daphney Meutudhana: Bid Evaluation Committee Secretary
 - She did not meet the advertised requirements; she has only a Grade 12 qualification as opposed to the advertised requirements of a Diploma in Secretarial Studies/Office Administration/Paralegal or Business Administration;
 - She did not have the required minimum of two (2) to three (3) years typing and minute taking experience; she had

only nine (9) months experience that she gained at CPBN where she served as secretary of the Bid Evaluation Committee and experience as a Sales Consultant at Micca Sales and Marketing

- She should not have been shortlisted, interviewed and appointed.
- Leonard Tsheehama - Procurement Officer
 - He did not meet the advertised requirement of two (2) to three (3) years of typing and minute taking experience; he has only 1(one) year and seven (7) months working experience at CPBN where he started as an intern in November 2017.
 - He should not have been shortlisted, interviewed and appointed.

It was unfair, irregular and prejudicial to add afterwards additional short listing criteria, which were not part of the advertised requirements, to benefit Mrs Daphney Meutudhana and Mr Leonard Tsheehama at the expense of other shortlisted candidates.

- The employees of the Board were grossly negligent by short listing for interview applicants who did not meet the advertised requirements and who were appointed afterwards, or appointed applicants who did not obtained the pass rate of 65% during the interviews.
- The successful candidates made no misrepresentations on their application documents; they have not been guilty of any misrepresentations.
- The mistakes (as set out above) on the part of the employees of the Board were not reasonable ones in the sense of having been induced by misrepresentations on the part of

the applicants.

- The successful candidates as reasonable persons armed with letters of their appointments and contracts of employment would be entitled to assume that they were properly appointed and as such have a reasonable expectation of security of tenure.
- No adverse inference (of favouritism) can be drawn from the fact that the vast majority of the appointees were females, because the majority of the applicants are females and it is to be expected that the majority of those shortlisted, interviewed and appointed would be female.
- I cannot make a definite finding in regard to the allegation that the majority or all of the appointees are from one "tribe", "racial group", "population group" or ethnic group", since the Board could not provide any explanation for the happening, neither could I draw any reasonable inference from the available information.

Recommendations

I recommend that:

- The Board takes the necessary disciplinary action against those who were responsible for the mistakes which led to the irregular appointments of persons and inform the Ombudsman of the outcome
- The Board reviews its Recruitment policy, especially paragraph 4.5 thereof to give more "flesh to the body", a good example to imitate is the Recruitment Policy of the Public Service.
- The Board strives to achieve a balance structure of its staff and equal access to all to its recruitment process.

SPECIAL EVENTS AND PUBLIC EDUCATION/ OUTREACH ACTIVITIES

30th Constitution Day Celebration

When the Namibian Constitution was enacted, it was hailed as a groundbreaking document, “a shining example”. An important indication of our Constitution’s success is the fact that it has been a lasting document; except for a new amendments the past 30 years, the same Constitution still applies, the same institutions are still in place, regular elections still take place and the same promises are still entrenched. The difficulty lies in keeping these promises. Failure to deliver on these promises should not be blamed on the Constitution.

The Namibian Constitution is not an ordinary law of Parliament; it correctly described itself as the “Supreme Law of Namibia”.

Realizing that a national pride in our Constitution is missing, the Ombudsman started to popularize Constitution Day - 9 February. The Ombudsman in collaboration with the National Assembly celebrated Constitution Day on 9 February 2006 (the first of its kind) under the theme: “Ensuring that the Constitution remains a living document.” On 7 February 2010, we celebrated Constitution Day under the theme: “The Namibian Constitution 20 years on,” with members of the Constitution Assembly. In 2020 we celebrated Constitution Day with school learners in different parts of the country under the theme: “The Namibian Constitution... 30 years on - Are we the Namibia we want to be?”

We hope that we can cultivate a national pride in our Constitution among Namibians. After all the drafting of our Constitution within 80 days and its unanimous adoption remains one of the most significant events of the past 30 years.

Celebration in pictures





Celebrating 30 years of the Namibian Ombudsman



On 21 May 1990, the Minister of Justice tabled the Ombudsman Bill in the National Assembly for its First Reading. On 22 May 1990 it was read for the second time, where the Minister of Justice motivated it, *inter alia* as follows:

"It is the considerate opinion of this Government that this Office of the Ombudsman is one of the various constitutional mechanism enabling citizens to assert the rights and freedoms granted by Chapter 3 of our Constitution. As such I commend this Bill to the honourable National Assembly and I trust that it will enjoy and expeditious passing so that my Ministry can get on with the job of getting this very institution functional again..."

Hansard: National Assembly 22 May 1990; p170-172

Mr. Moses Katjuonga (MP) wanted to introduce a number of amendments, which were not accepted because they were not on the prescribed form and the Bill was adopted without amendments. He had these last words to say:

"Mr. Speaker, I want to place on record my dissatisfaction at the fact that the amendments that I attempted to bring in here to strengthen this institution were more or less ignored.

I am firmly convinced that the Minister concerned and whoever is going to be the Ombudsman one day will come back to me and say the teeth that we wanted to give institution were somehow lost in the sands of the Namib Desert....

Hansard: National Assembly 28 May 1990, p.238

We trust that the new Ombudsman Bill (2020) when pass into law will give the Ombudsman the teeth which Mr. Katjuonga wanted the National Assemble to give to the Ombudsman 30 years ago. The Ombudsman Act was promulgated on 14 June 1990 and the first Acting Ombudsman, Judge (Rt) Pio Teek was appointed on 23 July 1990.

On 23 July 2020 we celebrated the 30th Anniversary of the Namibian Ombudsman institution. An important indication of the institution's success is the fact that it has been a lasting institution, the same institution still exists, although there have been a number of changes in our work environment, our staff remained committed and focus on providing quality service to our people; their dedication made the difference.



Ombudsman John Walters poses for a photograph with old and current staff members.



Ombudsman John Walters and staff members pose for a photograph together. From the left: Chris Tjivangurura, Bertha Simunji, John Walters, Ileni Indonga, and Utjitiraije Mberirua



A toast on 30 years of the Office of the Ombudsman

From the left: Ombudsman, John Walters; Deputy Executive Director, Gladice Pickering; Executive Director, Issaskar Ndjoze; Children's Advocate, Ingrid Husselmann; and Chief of the Office of the Ombudsman, Eileen Rakow



Human Rights Day outreach

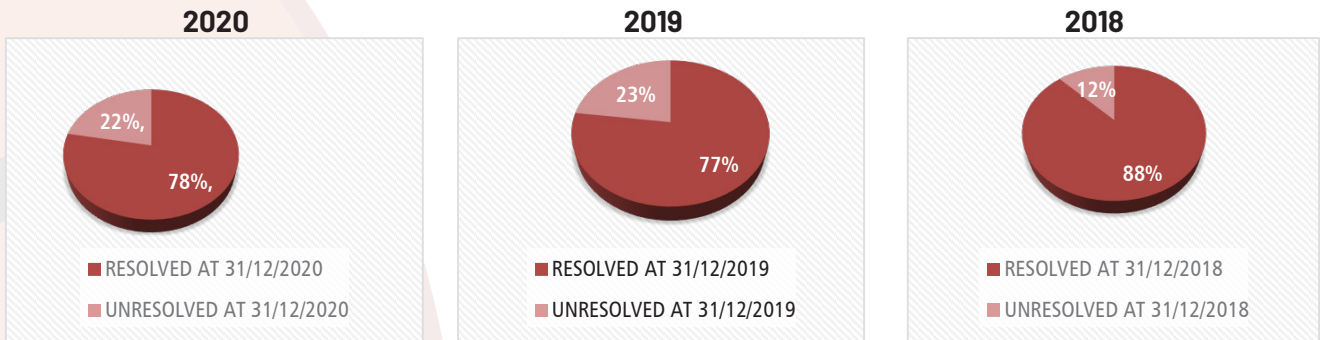
To commemorate Human Rights Day, Ombudsman staff handed out copies of the Namibian constitution along with pamphlets containing information about the office. We also visited the SOS Children's Home to speak to the staff and children about the human rights and the functions of the office. After the information session, the children were provided with refreshments. This year's theme was "Recover better-stand up for human rights"



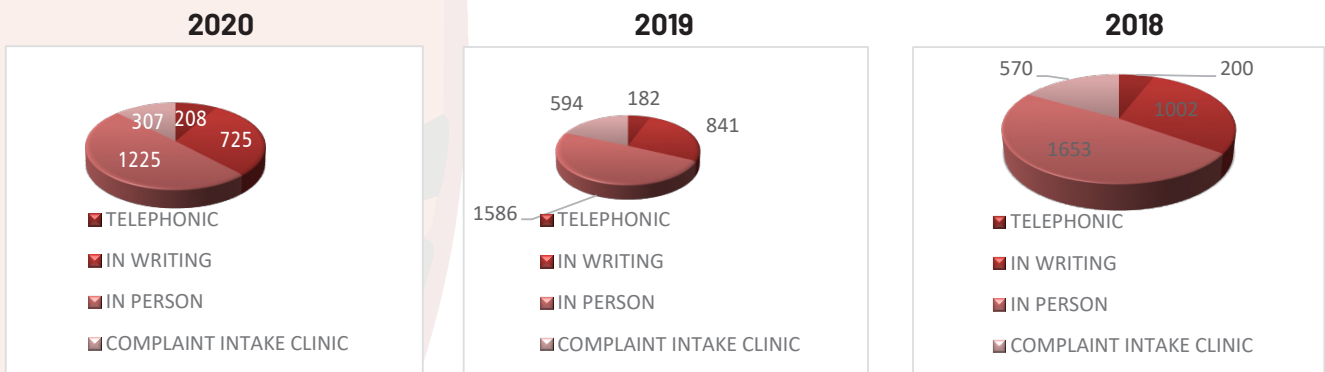
Statistics

The Ombudsman statistics provide insight into the cases investigated in the previous year. The statistics serve as a tool for planning and improving on certain aspects of our investigations. The statistics are derived from data entered into our electronic case management system and comprises of data from all our offices.

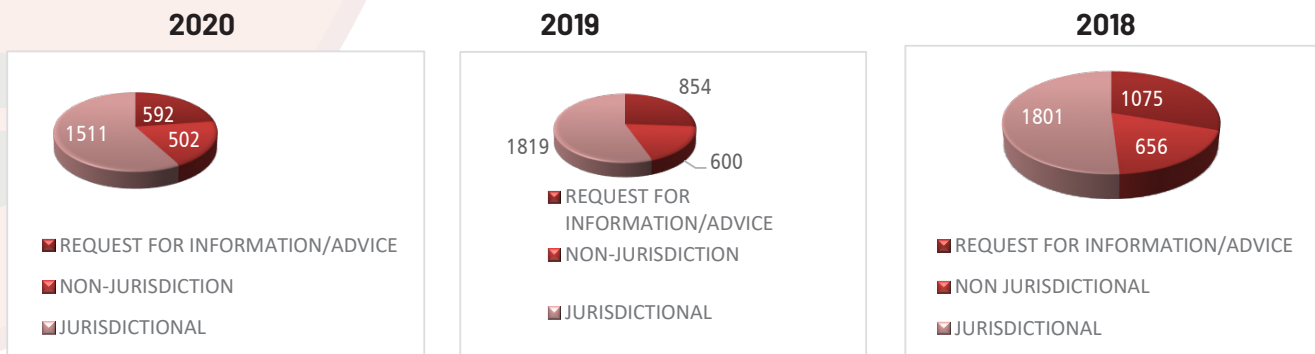
Complaints resolved/unresolved



Complaints by intake type

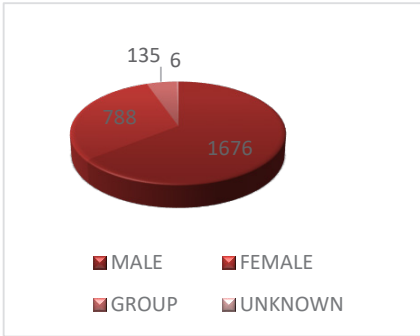


Complaints by complaint type

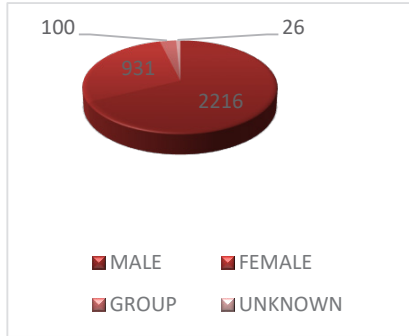


Complaints by gender

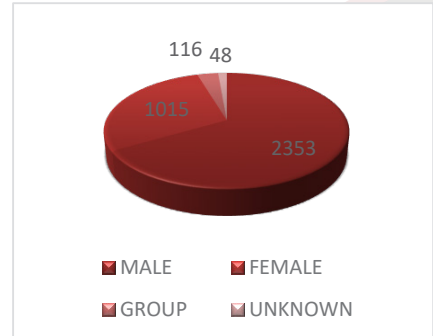
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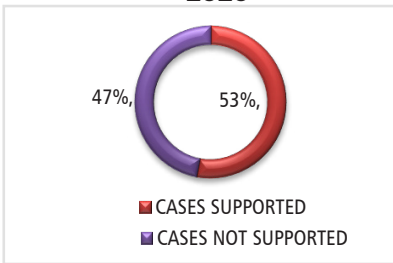


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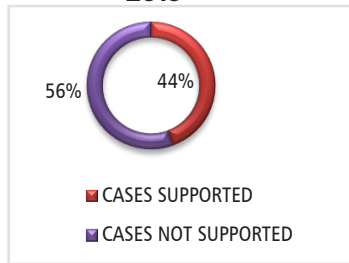


Complaints supported/not supported

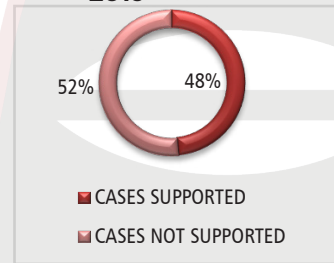
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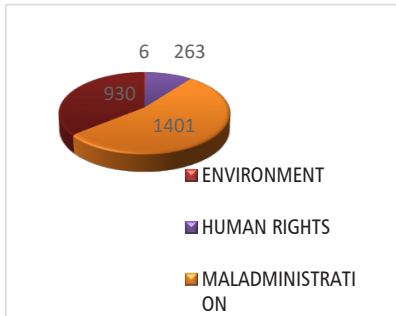


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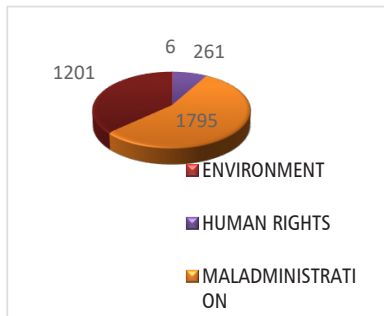


Complaints by mandate

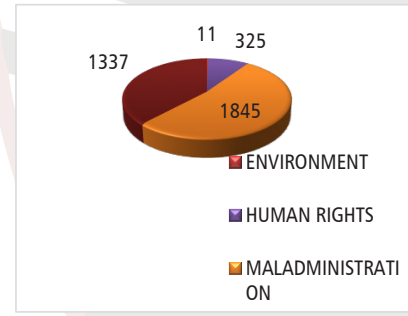
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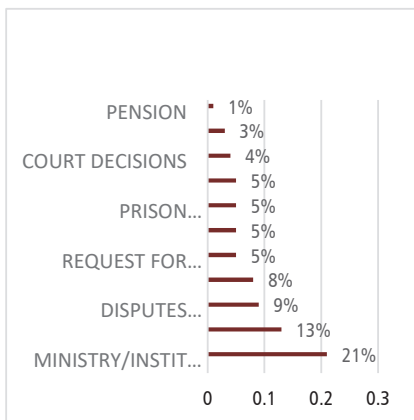


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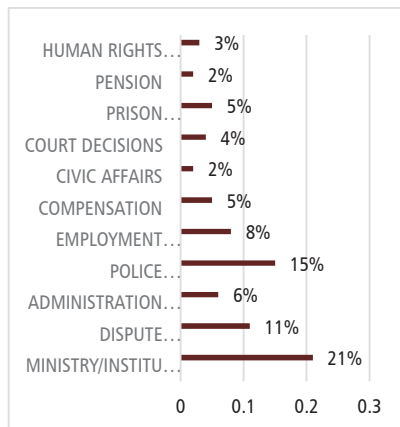


Complaints by category

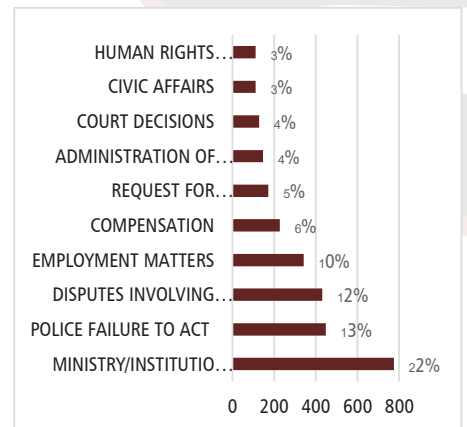
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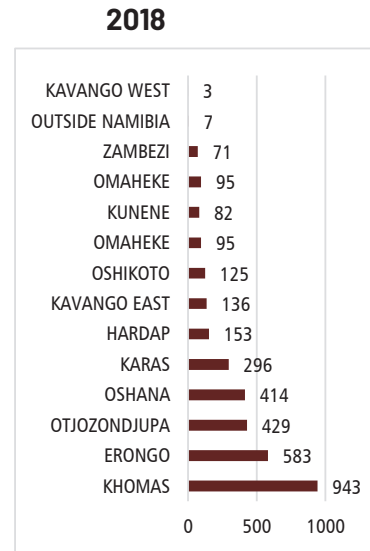
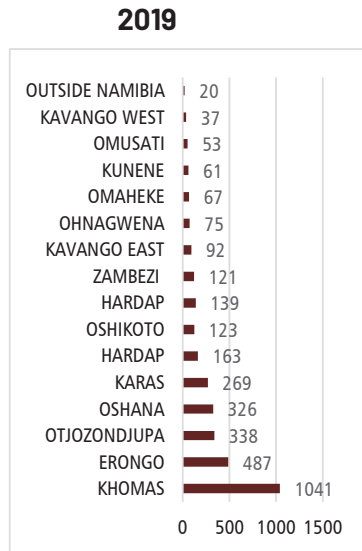
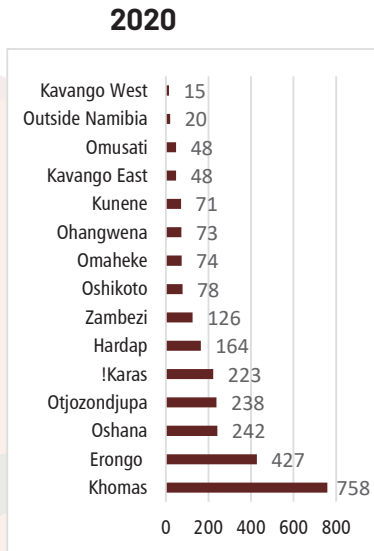
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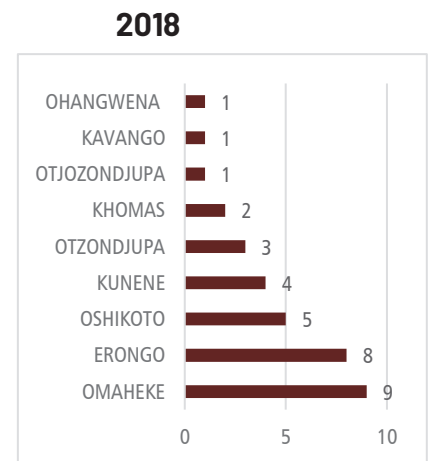
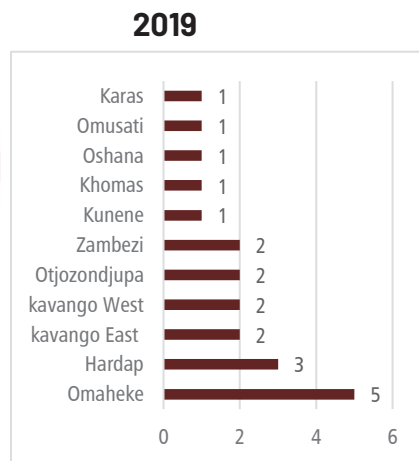
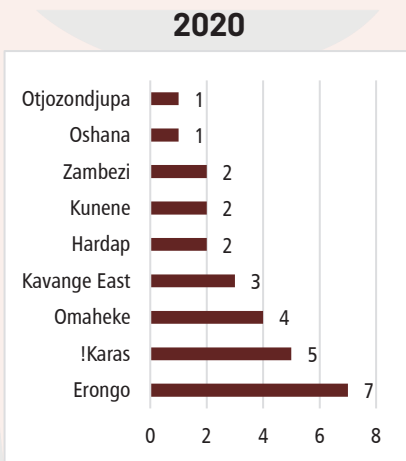
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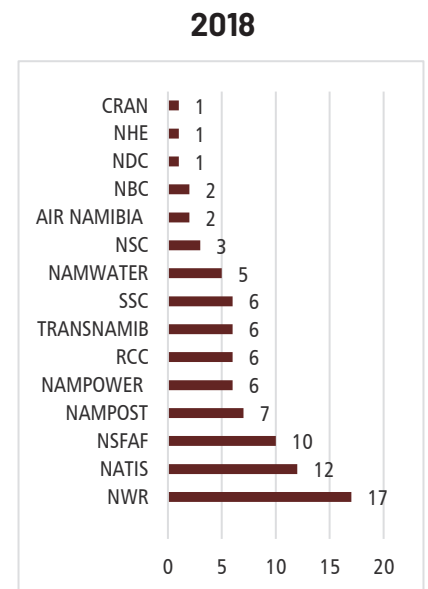
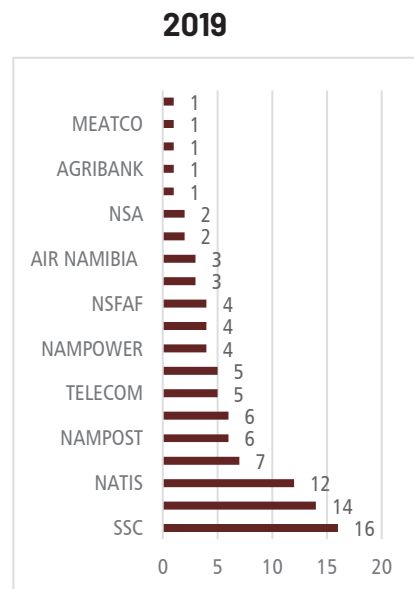
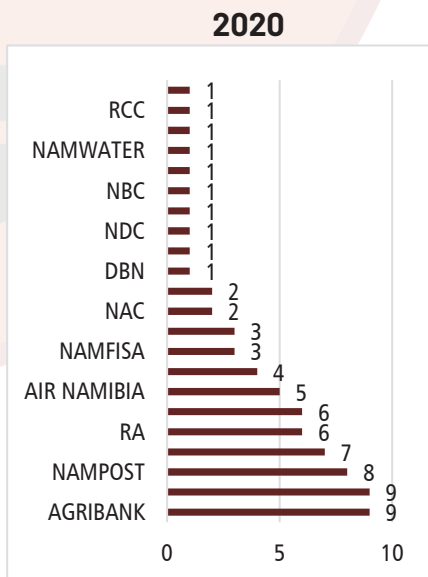
Complaints by Region



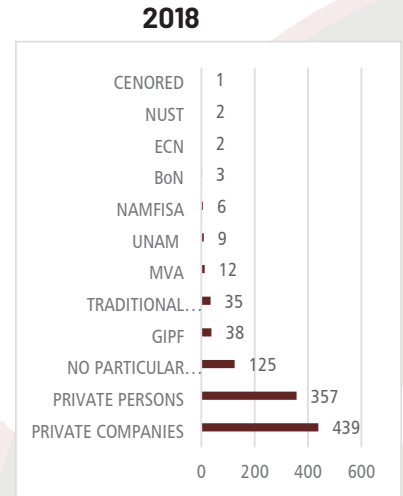
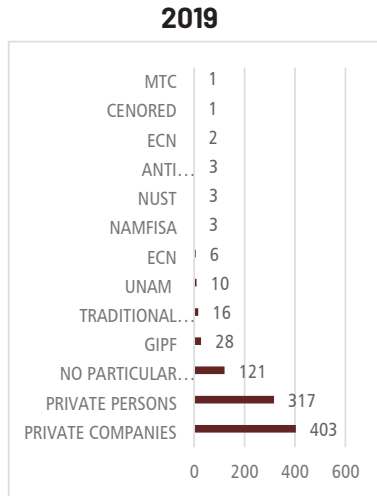
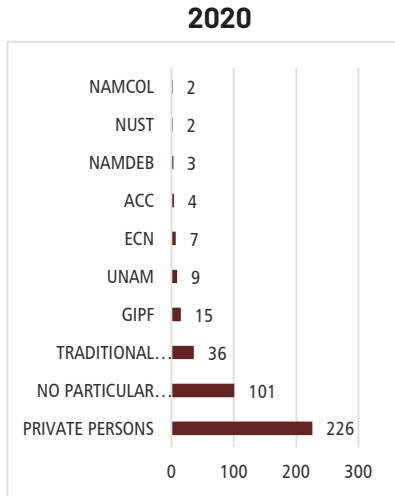
Complaints against Regional Councils



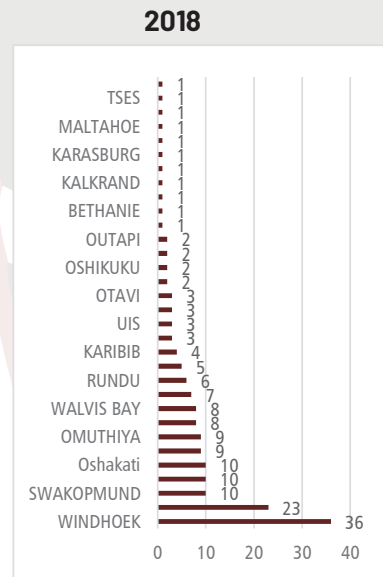
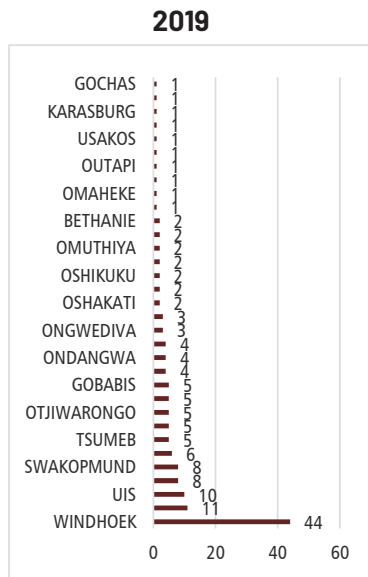
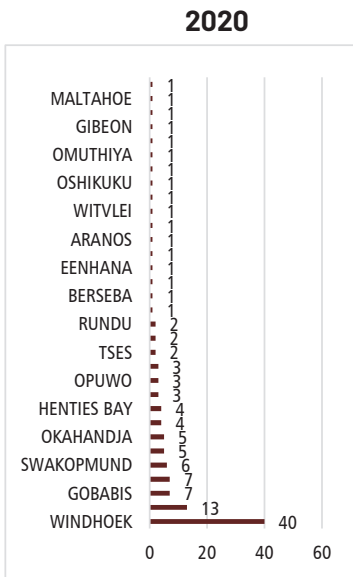
Complaints against parastatals



Complaints against other institutions

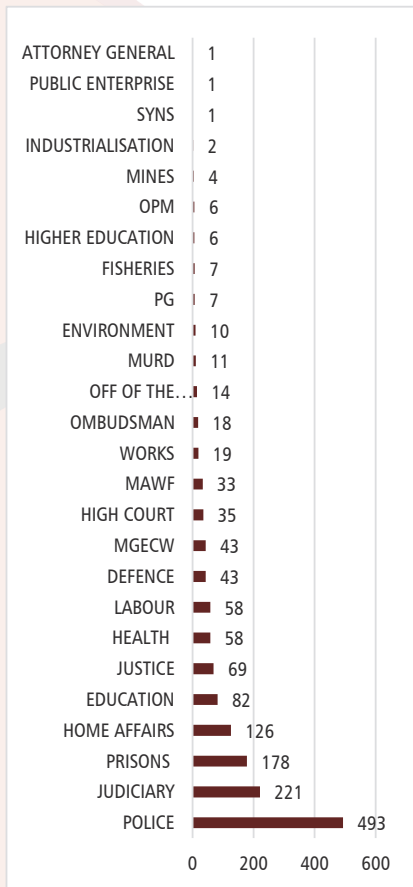


Complaints against Local Authorities

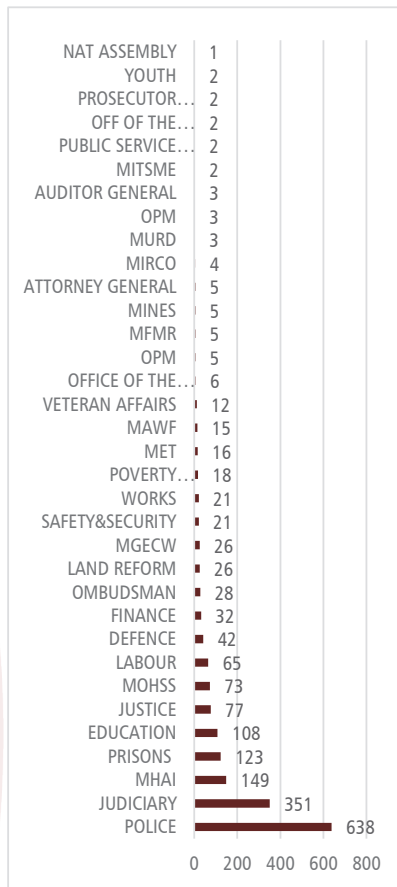


Complaints against Government Ministries, Institutions, Offices and Agencies

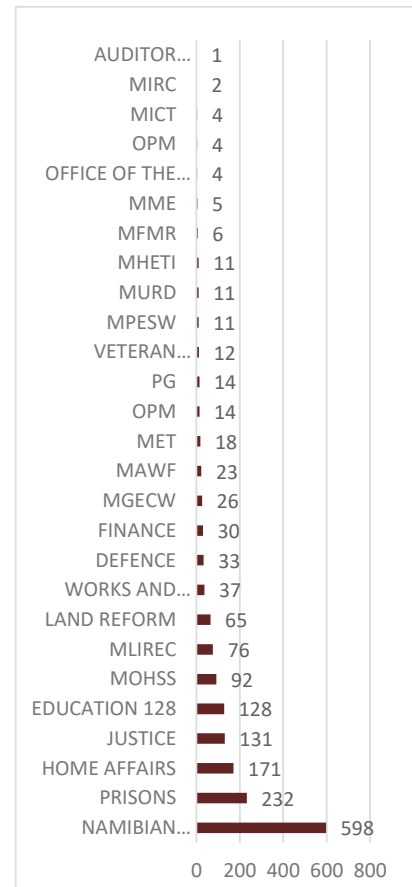
2020



2019



2018



MANAGEMENT SERVICES AND ADMINISTRATION

Overview

The Ombudsman has a total of five Regional offices, with the head Office situated at the Corner of Feld and Lossen Streets in Windhoek. We have fully functional Regional Offices in Otjiwarongo, Ongwediva, Katima Mulilo, Keetmanshoop and Swakopmund.

General Human resources

New appointments



Liseli Mwambwa was appointed as Complaints Investigator with effect from 01 October 2020

Ms. Bonida Khaibes was promoted to Senior Complaints Investigator in the Swakopmund office, effective 01 July 2020. Ms. Khaibes previously served as a Complaints Investigator at the same duty station.

Advocate Eileen Rakow who served in the position of Chief: Office of the Ombudsman, was appointed as a Judge of the High Court, effective 01 October 2020.

Ms Jennifer Nghishitende who served as Chief Legal Officer, left the employ of the office in October 2020. She went to further her studies in the United Kingdom.

Financial resources

Description	Amount (N\$)
	2019/2020
Personnel expenditure	15 536 000
Employees contribution to GIPF	1 950 000
Leave gratuity	70 000
Employers' contribution to social security	42 000
Travel and Subsistence allowance	850 000
Office refreshments	6000
Membership fees and subscriptions	18 489.00
Total appropriation	18 472 489.00

Training

Despite the challenges caused by the COVID19 pandemic, staff members managed to attend some training during 2020. Most of the training was on performance management, something that is vital in ensuring that our staff executes their duties as effectively and efficiently as possible.

Staff member	Type of training	Place	Date
G. Jacob & U Mberirua	Performance management	Swakopmund	January 2020
H. Apollus	Performance management	Otjiwarongo	February 2020
B. Simunji, H. Baepi & B. Muchila	Performance management	Rundu	February 2020
S. Shitambi	In-house induction training	Windhoek	June 2020
R. Mwambwa	In- house induction training	Swakopmund	October 2020

Employee fun day



Staff members from Windhoek and the Regional Chiefs had a fun day in Windhoek where they participated in go-karting and enjoyed a barbecue. The event was organised to boost employ wellness and moral and to provide an opportunity for staff members to socialise and take some time off, from their daily duties. Complaints Investigator Leonard Utsi and driver Stephanus Boois received medals for being the fastest on the track.

Logistical resources

The office has a fleet of 11 motor vehicles, these include sedans and light delivery vehicles. These vehicles are used for daily operations such as deliveries, attending meetings and for long distance trips. The vehicles are spread across the regional offices as follows:

OFFICE	DESCRIPTION OF VEHICLE
Ongwediva	4X4 bakkie & sedan
Katima Mulilo	4X4 bakkie
Otjiwarongo	4X4 bakkie
Keetmasnhoop	4X4 bakkie & Sedan
Swakopmund	4X4 bakkie & sedan
Windhoek	4X4 bakkie & 2 sedans

Stock Control

Stock registers and inventories at both head office and the regional offices are updated on a regular basis. Most materials and supplies which were budgeted for were mostly acquired, however, the unstable budget situation impacted significantly on other areas of expenditure.

Accommodation

The office occupies a leased building situated at the corner of Feld and Lossen Street, in Windhoek. We have regional offices in the towns of Keetmanshoop, Ongwediva, Katima Mulilo, Swakopmund and Otjiwarongo. Construction of a new building for the Keetmanshoop office is nearly complete. The Otjiwarongo office is still situated in the Ministry of Education, Arts and Culture building, space is currently a challenge as all three staff members have to share one office. We are currently looking into plans to relocate to a larger office space, on an urgent basis. As it stands the regional office cannot operate to its fullest extent.

Offices	Printers	Scanners	Photocopy Machines
Windhoek	20 (3 Color Printer)	-	2 (on rental)
Keetmanshoop	3	1	1 (On rental)
Ongwediva	4 (1 Color)	1	2 (On rental)
Otjiwarongo	2	1	-
Katima Mulilo	3 (1 color)	1	-
Swakopmund	4 (1 Color)	1	1 (On rental)

Information Technology

Staff members in Windhoek as well as the entire regional offices have access to the main server and the computerized case management system as well as e-mail and internet facilities. The office website, www.ombudsman.org.na, is updated and maintained regularly, as is the Facebook page.

Office support systems

A switchboard with adequate incoming and outgoing lines is in use at head office in Windhoek, while one each, is in use across our regional offices. Three fax machines are in use at head office in Windhoek and one each at the regional offices.

All staff members have access to computers and complaints investigators and other key staff are issued with laptops and cellular phones.

Regional Offices

The Ombudsman believed that all persons have a right to complain and a right of access to the Ombudsman. In a bid to make the services of the Ombudsman accessible to all Namibians, the Ombudsman has five fully - functional regional offices. We recognize the fact that most of the citizens who make use of our services hail from previously disadvantaged backgrounds, and as such are unable to access us through email or telephones. Having offices strategically placed in some regions of the country helps us to reach those who could otherwise not afford to do so. We have offices in Katima Mulilo, Keetmanshoop, Otjiwarongo, Swakopmund and Otjiwarongo. Complainants are encouraged to express themselves in their mother tongue as we have a diverse staff complement across our regional offices.

Swakopmund



Ombudsman Swakopmund Staff. From Left to right: Sylvanus Andreas, Hermiena Appolus, Cheryline Cloete & Bonida Khaibes.

The Swakopmund Office caters for the Erongo Region as well as parts of the Kunene Region. The staff complement of six includes; a chief complaints investigator, a senior complaints investigator, a senior administrative officer and a cleaner. The contribution of the Swakopmund office is noted under various sections throughout this report.

There is currently a vacancy for a complaints investigator since Ms. Bonita Khaibes was promoted to the position of senior complaints investigator in July 2020. The vacancy will be filled in the new year.

Ongwediva



Ombudsman Ongwediva staff, from left to right: Lamek Nauta, Ileni Indongo, Tate David, Monica Ngoshi & Oiva Amuthenu

Established in 2005, the Ongwediva office caters for the far northern regions of the country. There are five staff members, namely; a chief complaints investigator, two complaints investigators, a senior administrative officer and a cleaner. The Ongwediva office's investigators also conduct intake clinics in the Kunene and Kavango Regions, when the need arises. The contribution of the Ongwediva office is highlighted throughout this report, the complaint intake schedule at the end of this report showcases the regions and places visited throughout the year.

Keetmanshoop



Ombudsman Keetmanshoop staff, from left to right: Chris Tjivangurura, Elizabeth Nembiya, Johannes Muleka and Hansie Swartz

The Keetmanshoop office has a staff complement of four, namely; a chief complaints investigator, one complaints investigator, a senior administrative officer and a cleaner. This office caters for the !Karas Region and parts of the Hardap Region. The Keetmanshoop office, along with Ongwediva office are the oldest regional offices, they were both established in 2005. The Keetmanshoop investigators regularly monitor the police holding cells at the Noordoewer border. The contributions of the office are highlighted in various aspects of this report.

Otjiwarongo



Ombudsman Otjiwarongo staff, from left to right: Simonetta Shitambi, Beliud Mberirua & Gisela Jacob

The Otjiwarongo office was established in 2017 and serves the Otjozondjupa and parts of the Kunene Regions. The staff complement at Otjiwarongo is three, this includes; a Chief complaints investigator, a senior complaints investigator and a senior administrative officer. As previously allude to, office space at Otjiwarongo remains a challenge as the staff is currently accommodate in the Ministry of Education, Arts and Culture building. Despite this challenge, the office is equipped with the necessary IT infrastructure and is fully functional.

Katima Mulilo



*Ombudsman Katima Mulilo staff, from left to right:
Bertha Simunji, Humphrey Baepi & Besia Muchila*

The Katima Mulilo Office caters for the Zambezi and the Kavango Regions. The office was established in 2019 and has a staff complement of three, namely; a senior complaints investigator, a complaints investigator and a senior administrative officer. The office is located in the former Zambezi Regional Council's building. We were allocated five offices in the building.

Complaint intake schedules for 2020

Swakopmund Regional Office

PLACE	JULY	AUGUST	SEPTEMBER	OCTOBER	VENUE
Swakopmund (Prison)	30/07/2020 09h00 - 13h00		02/09/2020 09h00 - 13h00		Swakopmund Prison
Swakopmund (Police cells)	31/07/2020 09h00 - 13h00		03/09/2020 09h00 - 13h00		Police station (cells)
Swakopmund (Solid & Liquid Waste dumping sites)	14/07/2020 10h00 - 12h00			06/10/2020 10h00 - 12h00	Site visits
Swakopmund Schools	07/07/2020 9h00 - 11h00		09/09/2020 09h00 - 11h00		Respective school & hostel
Henties Bay (Police cells)	15/07/2020 11h00 - 13h00			14/10/2020 11h00 - 13h00	Police station (cells)
Henties Bay Schools & Community	15/07/2020 09h00 - 11h00 14h00 - 16h00			14/10/2020 09h00 - 11h00 14h00 - 16h00	Respective school Town Council Venue
Hentiesbay (Solid & Liquid Waste dumping sites)	16/07/2020 10h00 - 12h00			16/10/2020 10h00 - 12h00	Site visits
Uis Schools & Community	20/07/2020 08h00 - 10h00 14h00 - 17h00			20/10/2020 08h00 - 10h00 14h00 - 17h00	Respective school Council's office
Uis (Police station)	20/07/2020 10h00 - 12h00			20/10/2020 11h00 - 12h00	Police station
Uis (Solid & Liquid waste dumping sites)	12h00 - 13h00			12h00 - 13h00	Site visit
Okombahe School	21/07/2020 09h00 - 11h00			21/10/2020 11h00 - 13h00 14h00 - 17h00	Respective school Constituency office
Tubuses School & Community	21/07/2020 11h00 - 13h00 14h00 - 17h00			21/10/2020 09h00 - 11h00	Respective school Community hall

Otjiperongo School & Community	22/07/2020			22/10/2020	Respective school
	09h00 – 11h00			11h00 – 13h00	Constituency office
				14h00 – 17h00	
Omatjete Schools & Community	22/07/2020			22/10/2020	Respective school
	11h00 – 13h00			09h00 – 11h00	Community hall
	14h00 – 17h00				
Omaruru School & Community	23/07/2020			23/10/2020	Respective school
	08h00 – 10h00			08h00 – 10h00	Town Council Venue
	14h00 – 17h00			14h00 – 17h00	
Omaruru (Police station)	23/07/2020			23/10/2020	Police station
	10h00 – 13h00			10h00 – 13h00	
Omaruru (Solid & Liquid waste dumping sites)	24/07/2020			24/10/2020	Site visits
	08h00 – 10h00			08h00 – 10h00	
Omaruru (Prison)	24/07/2020			24/10/2020	Omaruru Prison
	10h00 – 14h00			10h00 – 14h00	
Walvisbay (Prison)		12/08/2020			Walvisbay Prison
		09h00 – 13h00			
Walvisbay (Police cells)		13/08/2020			Walvisbay Police station
		09h00 – 11h00			
Narraville (Police cells)		13/08/2020			Narraville Police station
		11h00 – 13h00			
Walvisbay (Solid & Liquid Waste sites)	28/07/2020		29/09/2020		Site visits
	10h00 – 12h00		10h00 – 12h00		
Walvisbay Schools		14/08/2020			
		09h00 – 11h00			
Otjimbingwe School & Community		03/08/2020			Respective school
		09h00 – 11h00			Constituency office
		14h00 – 16h00			
Otjimbingwe (Solid & Liquid waste dumping sites)		03/08/2020			Site visits
		11h00 – 13h00			

Karibib		04/08/2020			Respective school
School (see annexed list)		08h00 – 10h00			Community hall
Community		15h00 – 17h00			
Karibib (Police cells)		04/08/2020			Police station
		10h00 – 12h00			
Karibib (Solid & Liquid waste dumping sites)		04/08/2020			Site visits
		12h00 – 13h00			
Usakos		05/08/2020			Respective school
School (see annexed list)		08h00 – 10h00			Community hall
Community		14h00 – 17h00			
Usakos (Police station)		05/08/2020			Police station
		10h00 – 12h00			
Usakos (Solid & Liquid waste dumping sites)		05/08/2020			Site visits
		12h00 – 13h00			
Spitzkoppe		06/08/2020			Respective school
School (see annexed list)		09h00 – 11h00			Community Trust Office
Community		11h00 – 14h00			
Arandis		07/08/2020			Respective school
School (see annexed list)		09h00 – 11h00			Community hall
Community		14h00 – 16h00			
Arandis (Police cells)		07/08/2020			Police station
		11h00 – 12h00			
Arandis (Solid & Liquid waste dumping sites)		07/08/2020			Site visits
		12h00 – 14h00			
Kamanjab		18/08/2020			Respective school
School (see annexed list)		09h00 – 11h00			Community hall
Community		14h00 – 16h00			
Kamanjab (Police station)		18/08/2020			Police station
		11h00 – 13h00			

Fransfontein School & Community		19/08/2020			Respective school
		09h00 - 11h00			Gathering point
		11h00 - 14h00			
Khorixas (Solid & Liquid Waste dumping sites)		19/08/2020			Site visits
		15h00 - 17h00			
Khorixas School & Community		20/08/2020			Respective school & hostel
		08h00 - 10h00			Community hall0
		14h00 - 17h00			
Khorixas (Police cells)		20 /08/2020			Police station
		10h00 - 13h00			
Utuseb School & Community	29/07/2020			28/10/2020	Respective school & hostel
	10h00 - 12h00			10h00 - 12h00	Gathering point
	12h00 - 16h00			12h00 - 16h00	



Otjiwarongo Regional Office

PLACE	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	VENUE
OTJITUUO (OKATJORUU)		20-Jul-20		14-Sep-20		(Schools) Otjituuo P.S. 9:00-10:00 (Police Stataion) 11:00 - 13:00 Community 14:00 - 16:00 & Solid & Liquid waste
COBLENZ		21-Jul-20		15-Sep-20		(Schools) Coblenz Combined school 9:00-10:00 (Police Stataion) 11:00 - 13:00 (Community) 14:00 - 16:00, Solid & Liquid waste
GROOTFONTEIN POLICE STATION		22-Jul-20		16-Sep-20		(Schools) Groofontein SS, OtjiwandaSS, Wilhem Nortier P.S schools at 9:00-11:00 (Police Stataion) 12:00 - 14:00 (Community) 14:00 - 16:00
GROOTFONTEIN PRISON		23-Jul-20		17-Sep-20		(Schools) Kalenga PS. Makalani PS, Frdriech waseb SS, Omulunga PS at 9:00-11:00(Police Stataion) 11:00 - 13:00 & Solid & liquid waste
KOMBAT						(Schools) Kombat PS 9:00-10:00 Police station 11:00 - 12:00 (Community) 14:00 - 16:00, Solid & Liquid waste
GAM		6-Jul-20			5-Oct-20	(Schools) Gam PS & Gam SS 9:00-11:00 (Police Stataion) 11:30 - 12:30 (Community) 14:00 - 16:00, Solid & liquid waste
TRUMKWE		7-Jul-20			6-Oct-20	(Schools)Tsumkwe PS & Tsumkwe SS 9:00-11:00 (Police Stataion) 11:30 - 13:00 (Community) 14:00 - 16:00, Solid & Liquid waste
MANGETTI DUNE		8-Jul-20			7-Oct-20	(Schools) Mangetti Dunne PS (Police Stataion) 10:00 - 12:00 (Community) 14:00 - 16:00
OMATAKO		9-Jul-20			8-Oct-20	(Schools)Omatoko PS 09:00 - 10:00 (Community) 14:00 - 16:00 Solid & Liquid waste
MAROELA BOOM		10-Jul-20			9-Oct-20	(Police Stataion) 09:00 - 11:00 (Community) 12:00 - 14:00 Solid & Liquid waste
ROOIDAG GATE						(School) Rooddag PS 09:00 - 10:00 (Community) 12:00 - 14:00
UITKOMS (OTJOMISAONA)						(Schools) Uitkoms PS 09:00 10:00 (San Community) 10: 30-12:30
OKAMATAPATI			3-Aug-20		19-Oct-20	(Schools) Okamatapati Combined 09:00-10:00 (Police Stataion) 11:00 - 13:00 (Community) 14:00 - 16:00, Solid & Liquid waste
OKONDJATU			4-Aug-20		20-Oct-20	(Schools) Okondjatu Combined 09:00-10:00 (Police Stataion) 11:00 - 13:00 (Community) 14:00 - 16:00 Solid & Liquid waste
OTJIWARONGO	29-Jun-20			1-Sep-20		(Schools) Otjiwarongo, Donatus, Paresis, Monica Geingos, Karundu SS, Vooruit, Donatus, Rogate, Spesbona, Orwetoveni PS(Police Stataion) 10:00 - 13:00
HOCHFELD			5-Aug-20		21-Oct-20	(Police Stataion) 10:00 - 12:00
OSIRE			6-Aug-20		22-Oct-20	(Schools) Osire PS & Secondary 09:00-10:00 (Police Station) 11:00 - 13:00 (Refugee Camp) 14:00 - 16:00
KALKFELD	30-Jun-20			2-Sep-20		(Schools) Kalkfeld PS (Police Stataion) 10:00 - 12:00, Solid waste
OUTJO		1-Jul-20		3-Sep-20		(Schools) Outjo PS & Secondary 09:00-10:00 (Police Stataion) 11:00 - 13:00 (Community) 14:00 - 16:00 Solid waste

PLACE								
Places to visit	May	June	July	August	Sept.	October	November	December
1.Katima police station		22/06/2020		03/08/2020	14/09/2020		02/11/2020	14/12/2020
2.Katima Combined School		09h00 local		09h00 loca	09h00 local		09h00 local	09h00 local
1.Luhonono police station				04/08/2020	15/09/2020		03/11/2020	15/12/2020
2. Luhonono Combined School				09h00 Day trip	09h00 local		09h00	09h00 local
1. Impalila police station		24/06/2020		05/08/2020	16/09/2020		04/11/2020	16/12/2020
2. Impalila Combined School		10h00 Day trip		10h00 Day trip	10h00 Day trip		10h00 Day trip	10h00 Day trip
1. Ngoma police station		23/06/2020		06/08/2020	17/09/2020		05/11/2020	17/12/2020
2. Kabbe Combined School		09H00 local		local	09h00 local		09h00 local	09h00 local
1. Kongola Police		25/06/2020		07/08/2020	18/09/2020		06/11/2020	18/12/2020
2. Sesheke combined School		14h00 Day trip		10h00 Day trip	10h00 day trip		10h00 Day trip	10h00 Day trip
Sibbinda constituency								
1.Omega police station		25/06/2020		07/08/2020	18/09/2020		06/11/2020	18/12/2020
2. Omega primary School		10h00 day trip		14h00 Day trip	14h00 Day trip		14h00 Day trip	14h00 Day trip
KAVANGO WEST								
1.Nkurenkuru Police Station			06/07/2020			12/10/2020		23/11/2020
2.Mukwe combined School			09h00	10/08/2020 09h00		09h00		09h00
1.Nepembe Prison			07/07/2020	11/08/2020		13/10/2020		24/11/2020
2. Nyangana School			08h00	08h00		08h00		08h00
1. Mururuani police station			08/07/2020	12/08/2020		14/10/2020		25/11/2020
2. Mururuani combined School			09h00	09h00		10h00		10h00
1.Diyona Police			09/07/2020	13/08/2020		15/10/2020		26/11/2020
2. Diyona primary School			09h00	09h00		09h00		09h00

KAVANGO EAST								
1.Rundu police station			10/07/2020 08h00	14/08/2020		16/10/2020		30/11/2020
2. Sikanduko combined School				08h00		08h00		08h00
1.Divundu police station			16/07/2020	20/08/2020		19/10/2020		03/12/2020
2.Divundu combined School			08h00	08h00		09h00		09h00
Divundu Prison			17/07/2020	21/08/2020		20/10/2020		04/12/2020
			08h00	08h00		08h00		08h00

KATIMA MULILO REGIONAL OFFICE

Ongwediva regional office

PLACE	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	ONGWEDIVA REGIONAL OFFICE -INTAKE 2019
Werde			22/6/2020			7/9/2020		Werde Police / Omakange police station
Okangwati			23/6/2020			8/9/2020		Okangwati police station/ Community
Ovatwe			24/6/2020			9/9/2020		Otjiyandjasemo/Ohaiwa Community centers
Ovatwe			25/6/2020			10/9/2020		Otjomuro/Otjikoyo Community centers
Opuwo			26/6/2020			11/9/2020		Opuwo Police Station/ Community Center
Ongwediva	6/4/2020	(day-trip)			4/8/2020	(day-trip)		Ongwediva /Okaku Constituency offices
Oshakati	7/4/2020	(day-trip)			5/8/2020	(day-trip)		Oshakati / Ongwediva Police Stations
Ondangwa	8/4/2020	(day-trip)			6/8/2020	(day-trip)		Ondangwa Police Station
Oluno	9/4/2020	(day-trip)			7/8/2020	(day-trip)		Oluno Prison
Omuthiya		11/5/2020					5/10/2020	Omuntele Const. Office/ Omuthiya police
Oshivelo		12/5/2020					6/10/2020	Oshivelo Police Station/ Constituency Office
Tsumeb		13/5/2020					7/10/2020	Tsumeb Police Station/ Constituency Office
Tsumeb		14/5/2020					8/10/2020	Evaristus Shikongo Prison
Tsumeb		15/5/2020					9/10/2020	Tsintsabis Community Centers
Omungwelume				8/7/2020 (day-trip)	(day-trip)		(day-trip)	Omungwelume Police Station
Oshikango				9/7/2020	(day-trip)		(day-trip)	Oshikango Police Station
Ohangwena				10/7/2020	(day-trip)		(day-trip)	Ohangwena Police Station
Eenhana				13/7/2020			26/10/2020	Eenhana Police Station
Okongo				14/7/202			27/10/2020	Okongo Police station/ Constituency Office

Okongo				15/7/2020			28/10/2020	Ekoka San Settlement Center
Okongo				16/7/2020			29/10/2020	Onamata-diva/ Eendobe Settlement Centers
Okongo				17/7/2020			30/10/2020	Oshana shiwa San Settlement Center
Okalongo			1/6/2020			21/9/2020		Okalongo Police Station/ Constituency Office
Outapi			2/6/2020			22/9/2020		Outapi Police Station
Ruacana			3/6/2020			23/9/2020		Ruacana Police Station/ Ruacan Const. Office
Tsandi			4/6/2020			24/9/2020		Tsandi Police/ Amalika San Com.Center
Okahao			5/6/2020			25/9/2020		Okahao Police station/ Constituency Office

JULY

Keetmanshoop regional office

TOWN	MAY	JUNE	JULY	AUGUST	SEPT.	OCTOBER	NOVEMBRE
Keetmanshoop (Police cells)	07/05/2020 09h00-12h00 & 14h30-16h00 LOCAL			05/08/2020 09h00-12h00 & 14h30-16h00 LOCAL			
K/HOOP (Correctional Facility)	12/05/2020 09h00-12h00 & 14h30-16h00 LOCAL			12/08/2020 09h00-12h00 & 14h30-16h00 LOCAL			
Tses (Police cells)	19/05/2020 09h00-16h00 DAY TRIP				08/09/2020 09h00-16h00 DAY TRIP		
Koës (Police cells)	28/05/2020 09h00-16h00 DAY TRIP					06/10/2020 09h00-15h00 DAY TRIP	
Aroab (Police cells)		10/06/2020 09h00-15h00 DAY TRIP					10/11/2020 09h00-15h00 DAY TRIP
Karasburg (police cels)		22/06/2020 10h00-13h00 & 14h00-16h00				21/09/2020 11h00-13h00 & 14h00-16h00	



Ariamsvlei (police cells)		23/06/2020 10h00-13h00 & 14h00-16h00			22/09/2020 10h00-13h00 & 14h00- 16h00	
Warmbad (police cells)		24/06/2020 10h00-13h00			23/09/2020 10h00-13h00	
KOMSBURG (Familiarizing & taking the office to the community)		25/06/2020 09h00-13h00				
Noordoewer (Police cells)		26/06/2020 09h00-13h00			24/09/2020 09h00-13h00 & 14h00- 16h00	
Ausenkehr (Familiarizing & taking the office to the community)					25/09/2020 09h00-13h00	
Lüderitz (police cells)			20/07/2020 11h00-13h00 &14h00-16h30		02/11/2020 11h00-13h00 &14h00-17h00	
Lüderitz (correctional f)			21/07/2020 09h00-13h00 & 14h00- 16h00		03/11/2020 09h00-13h00 & 14h00-16h00	
Oranjemund (Police cells)			22/07/2020 09h00-13h00 &14h00- 16h00		04/11/2020 10h00-13h00 & 14h00-16h00	
Rosh Pinah (Police cells)			23/07/2020 09h00-13h00 &14h00- 16h00		05/11/2020 09h00-13h00 & 14h00-16h00	
Aus (police cells)			24/07/2020 09h00-13h00		06/11/2020 10h00-13h00	
Bethanie (police cells)		02/06/2020 09h00-13h00 DAY TRIP			01/09/2020 09h00-13h00 DAY TRIP	
Gibeon (police cells)			29/06/2020 11h00-13h00& 14h00-16h00			23/11/2020 11h00-13h00 &14h00-16h00

Mariental (police cells)				03/08/2020 11h00-13h00 &14h00-16h00			
Mariental (correctional facility)				04/08/2020 09h00-13h00 &14h00-16h00			24/11/2020 08h00-13h00 &14h00-16h00
Maltahohe (Police cells) Uibes Familiarizing & taking the office to the community)				05/08/2020 10h00-13h00 &14h00-16h00			25/11/2020 08h00-13h00 &14h00- 16h00(Uibes)
Kalkrand (police cells)				06/08/2020 09h00-13h00 -&14h00-16h00			26/11/2020 09h00-13h00 &14h00-16h00
Stampriet (police cells)				07/08/2020 09h00-13h00			27/11/2020 09h00-13h00
Grunau Familiarizing & taking the office to the community)				19/08/2020 10h00-13h00 DAY TRIP			
Mariental (police cells)						05/10/2020 10h00-13h00 &14h00-16h00	
Aranos (police cells)			30/06/2020 10h00-13h00 &14h00- 15h00			06/10/2020 10h00-13h00 &14h00-15h00	
Derm(police cells) & Schlip(police cells)			01/07/2020 10h00-13h00 (Schlip) &14h00- 15h00(Derm)			07/10/2020 10h00-13h00 (Derm)&14h00- 16h00(Schlip	
Hoachanas (police cells)			02/07/2020 10h00-13h00 &14h00- 16h00			08/10/2020 10h00-13h00 &14h00-16h00	
Gochas (police cells)			03/07/2020 10h00-13h00			09/10/2020 10h00-13h00	



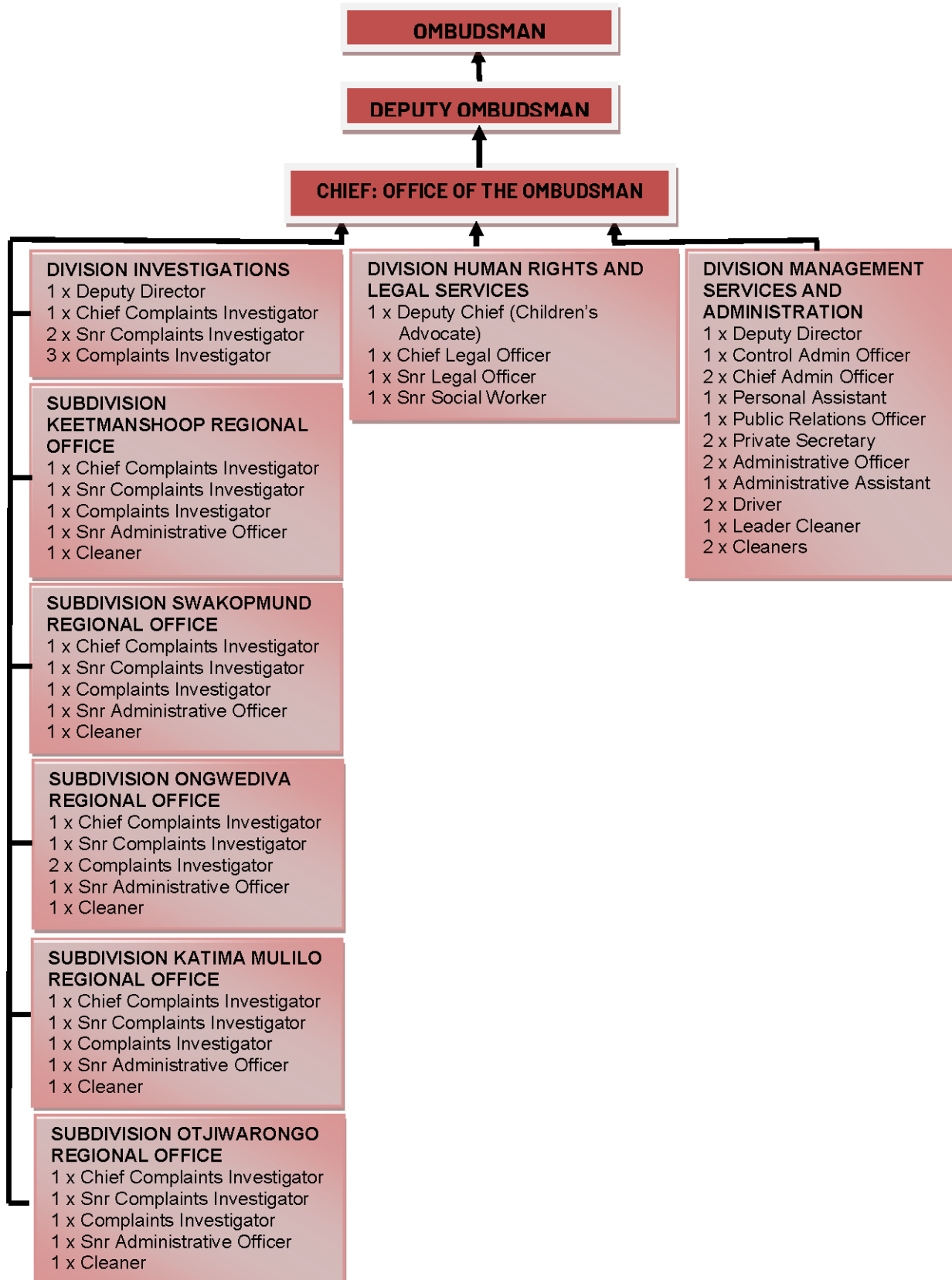
Windhoek: Head office

	APRIL	MAY	JUNE	JULY	AUGUST	SEPT.	OCT.
WINDHOEK DAY TRIPS							
Rehoboth Police	20 (09h00-13h00)						19 (09h00-13h00)
Groot-Aub Police	20 (14h00-16h00)						19 (14h00-16h00)
Dordabis Police	21 (09h00-13h00)						20 (09h00-13h00)
Hosea Kutako Police	21 (14h00-16h00)						20 (14h00-16h00)
Omitara Police	22 (09h00-13h00)						21 (09h00-13h00)
Sees Police	22 (14h00-16h00)						21 (14h00-16h00)
Okahandja Police	23 (09h00-13h00)						22 (09h00-13h00)
Ovitoto Police	23 (14h00-16h00)						22 (14h00-16h00)
Hochfeld	24 (09h00-13h00)						23 (09h00-13h00)
Windhoek Correctional	27 (9h00-16h00)			13 (9h00-16h00)			
Windhoek Police	28 (9h00-16h00)			14 (9h00-16h00)			
Wanaheda Police	29 (9h00-16h00)			15 (9h00-16h00)			
Otjomuise Police	30 (9h00-16h00)			16 (9h00-16h00)			
Klein Windhoek Police		01 (9h00-13h00)		17 (9h00-16h00)			
OMAHEKE REGION							
Transkalahari police & Immigrations		11 (09h00-16h00)					
Gobabis Police & Prison		12 (08h00-17h00)					
Gobabis Community		13 (08h00-17h00)					
Leonardville Police & Community		14 (8H00-17H00)					
Aminuis		15 (09h00-16h00)					
Tallismanus					10 (09h00-17h00)		
Epikuro Post 3					11 ((09h00-17h00)		
Otjinene					12 (10h00-16h00)		
Skoonheid& Du plessis plaas					13 (09h00-16h00)		

Gobabis Police & Prison					14 (09h00-13h00)		
HARDAP REGION							
Gibeon Police & Community			1(08h00-17h00)			7(08h00-17h00)	
Maltahohe Police & Community			2(08h00-17h00)			8 (08h00-17h00)	
Mariental Police & Community			3(08h00-17h00)			9 (08h00-17h00)	
Hardap Correctional			4(08h00-17h00)			10 (08h00-17h00)	
Stampriet Police & Community			5(08h00-17h00)			11 (08h00-17h00)	
Aranos Police & Community			8(08h00-17h00)			14 (08h00-17h00)	
Gochas Police & Community			9(08h00-17h00)			15 (08h00-17h00)	
Hoachanas Police & Community			10(08h00-17h00)			16 (08h00-17h00)	
Kalkrand & Schlip			11(08h00-17h00)			17 (08h00-17h00)	



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