



REPUBLIC OF NAMIBIA

OFFICE OF THE PRESIDENT

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Friday, 07 May 2021

To: All News Editors

For Immediate Release

MINISTRY OF GENDER EQUALITY, POVERTY ERADICATION AND SOCIAL WELFARE RESPONSE ON CHILDREN IN POLICE CELLS

The Ministry of Gender Equality Poverty Eradication and Social Welfare in the spirit of accountability and transparency would like to clarify the issues surrounding the contempt of court case as stated by the Ombudsman Office. We first want to state that we are dismayed by the tactics that are employed by the office of the Ombudsman. As Human rights Watchdog, we understand the responsibility that their office holds. What we do not however understand is the lack of consultative approach to issues of mutual interest, thereby painting the Ministry as a reluctant player on issues affecting children.

In terms of Chapter 5, the Ministry has established, approved and registered government and Private Residential Child Care Facilities which are used as a Place of Safety for children in need of protective services. Though children in conflict with the law are also in need of protective services, the Ministry in good faith cannot use the above-mentioned facilities for children awaiting trial with serious offences and sentenced children for the following reasons:

1. The children currently accommodated in the above-mentioned facilities have special needs and cannot be further exposed to children with deviant behaviour as it will result in secondary trauma. The Ministry has the obligation to ensure the protection and psychosocial well-being of both categories of children (those in need of parental care and those in conflict with the law) and hosting them in the same facilities does not promote their best interest.
2. Children awaiting trial or those sentenced requires different interventions, such as secure care away from adult offenders, rehabilitative services, and the Ministry cannot use a blanket approach in addressing their needs. It is in this regard, that the Ministry is working with the Ministry of Home Affairs, Immigration, Safety and Security to explore alternative options to operationalize existing facilities for trial awaiting and sentenced children in terms of Section 64 of CCPA.

1. Furthermore, the Ministry was allocated a farm and is establishing prevention early intervention, rehabilitation and reintegration programmes as provided for in chapter five (5) Section 64, excluding children who are awaiting trial and those sentenced (who will be provided for differently).
2. Finally, designated Social Workers from the Ministry have conducted assessments on all children who have been identified in the court order. The Ministry will continue to capacitate its Social workers to ensure the provision of efficient and effective service delivery to children in conflict with the law.
3. It is important to note that most of the children who have been assessed have already been released in parental care, while those with multiple serious offences are unfortunately still in custody due to the nature of their offences.

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