# FACT SHEET FOR THE ACERWC

## COUNTRY: NAMIBIA

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| **SESSION** | 25th Ordinary Session of ACERWC to be held on 20-24 April 2015 |
| **LAWS, POLICIES AND GUIDELINES RELATED TO CARE FOR CHILDREN** | ▪ Child Care and Protection Bill (*draft*);<br>▪ Children's Act (No. 33 of 1960);<br>▪ Children's Status Act (No. 6 of 2006);<br>▪ Residential Care Standards (2009);<br>▪ Standards for Foster Care Services (2012);<br>▪ UNCRC-OPSC ratified in 2000;<br>▪ UNCRC ratified in 1990;<br>▪ HC-1993 not acceded to. |
| **GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY** | ▪According to a 2006 Demographic Health Survey by the Ministry of Health and Social Services, Namibia had an estimated 155,000 orphans, and 250,000 orphans and vulnerable children (OVC), which encompassed more than a quarter of all children in Namibia. According to UNICEF, in 2012, 130,000 children were orphaned due to all causes, whilst 76,000 had been orphaned due to AIDS.<br>▪ The National Agenda for Children 2012-2016 was launched in June 2012 by the former Right Hon. Prime Minister, Mr. Nahas Angula. Other initiatives have been undertaken by the Namibian government including the National Policy on Orphans and Vulnerable Children, which was followed by the National Plan of Action for Orphans and Vulnerable Children (2006-2012).<br>*Sources*: UNICEF-Namibia, 'Setting Minimum Standards for Residential Child Care in Namibia', 12 August 2009, http://www.unicef.org/infobycountry/namibia_50761.html; UNICEF, Namibia, Statistics, http://www.unicef.org/infobycountry/namibia_statistics.html. |
| **ALTERNATIVE CARE OPTIONS** | ▪*Support to families and children*: The Namibian government offers grants to those children no longer in parental care (state maintenance grant, special maintenance grant for children with disabilities, foster care grant, place of safety allowance). The coverage of grants has expanded in recent years, but the grant criteria remain restrictive. The Child Care and Protection Bill – the new legal framework that is being drafted – addresses some of those concerns. In addition, local authorities are running after-school programmes for OVC at community centres. In this regard, the Committee on the Rights of the Child noted 'that the State party provides disability, foster care and child maintenance grants and also notes that the Fourth National Development Plan (2012/13–2016/17) advocates for the gradual expansion of the grant system to include all children and additional measures to empower families to look after their children'. However, the Committee was concerned that 'due to a shortage of social workers and community child workers, the measures do not yet reach all families and children that require them'.<br>▪*Kinship care*: Over 105,000 children receive government child welfare grants to help their families provide for their care and support. Kinship care, including informal adoptions, is very common in Namibia since most families in Namibia make their own arrangements for children, who are no longer living with their birth parents. It is estimated that grandparents in Namibia are caring for over half the children orphaned by AIDS. Extended families are increasingly overwhelmed with the caring burden and these kinship care systems, mainly unregulated by the state, are under strain because of poverty, the high numbers of orphans and the low level of financial support from the government, etc. The government has declared that kinship care is the most preferable option for children without parental care in Namibia.<br>▪*Foster care*: A 2010 study found that foster care in Namibia most often takes the form of kinship care, and that it is often motivated by the desire to get access to the foster care grant. In early 2009, the Ministry of Gender Equality and Child Welfare paid foster care grants for almost 14,000 children. Few data on children fostered by non-relatives exists; |

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| | according to the 2008 report *Capacity to Manage Alternative Care*, the number of cases is probably small. According to a 2009 report from the Ministry of Gender Equality and Child Welfare on foster care, the group of children in need of foster care is growing, and this need cannot be met by the existing available foster parents. In this context, the Ministry of Gender Equality and Child Welfare released the 2012 Foster Care Standards and Guidelines which are aimed to guide social workers and other service providers in recruiting, assessing, training, matching, supporting, supervising and monitoring foster care services.<br>▪*Residential care*: There is increasing pressure on facilities, their number increased from nine in the year 2002 to 42 in 2008; only half of these facilities would be registered, while just one is government-operated. A total of 1,008 children in 2008 were known to be living in these institutions. In registered institutions, the majority of children are placed by court order. According to an assessment by the Ministry of Gender Equality and Child Welfare, fewer than 20 % of the residential facilities for children are qualified to provide care and support for children. In response, UNICEF partnered with PACT/USAID and MGECW to create the Minimum Standards in 2009.<br>▪*Child-headed households*: Namibia's legal system recognises child-headed households as a form of alternative care. A 2004 census identified over 7,000 households headed by 18-year-olds and younger children.<br><br>*Sources*: UNICEF-Namibia, 'Setting Minimum Standards for Residential Child Care in Namibia', 12 August 2009, http://www.unicef.org/infobycountry/namibia_50761.html; UNICEF-Namibia, 'Fostering Alternatives for Orphaned or Neglected Children in Namibia', 22 November 2010, http://www.unicef.org/infobycountry/namibia_56973.html; Ministry of Gender Equality and Child Welfare, Foster Care Report 2010; U.S. Department of State, Country Information – Namibia, May 2011, http://adoption.state.gov/country_information/country_specific_info.php?country-select=namibia; Ministry of Gender Equality and Child Welfare, Draft Child Care and Protection Act, Adoption Fact Sheet, http://www.lac.org.na/projects/grap/Pdf/CCPA16-Adoption.pdf; Ministry of Gender Equality and Child Welfare, Standards for Residential Care 2009; GRAP & LAC, Alternative Report to Namibia's First, Second and Third Periodic Reports, January 2012, http://www2.ohchr.org/english/bodies/crc/docs/ngos/Namibia_LAC_GRAP_CRC61.pdf; Statement by Namibia pronounced at the launch of the Implementation handbook of the Guidelines for the alternative care of children, Human Rights Council, 7 March 2013; Foster Care in Namibia, Recommendations for the framework, Report, 2010, Ministry of Gender Equality and Child Welfare; Standards for foster care services, 2011, Ministry of Gender Equality and Child Welfare, http://www.crin.org/docs/MGECW%20-%20Standards%20for%20Foster%20Care%20-%20web%20quality.pdf; Lena N Kangandjela and Clever Mapaure, Work in progress: The Child Care and Protection Act in Namibia, http://www.kas.de/upload/auslandshomepages/namibia/Children_Rights/Children_g.pdf; Ministry of Gender Equality and Child Welfare, Standards for Foster Care Services in Namibia, 2012, https://www.crin.org/docs/MGECW%20-%20Standards%20for%20Foster%20Care%20-%20web%20quality.pdf; Committee on the Rights of the Child, Concluding Observations: Namibia, 2012, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=NAM&Lang=EN. |
| **ADOPTION** | ▪The Ministry of Gender Equality and Child Welfare stated in a 2010 report on foster care that intercountry adoption is the absolute last resort and is regarded as undesirable and unnecessary for Namibian children.<br>▪A 2007 Namibian High Court ruling makes intercountry adoption possible but intercountry adoption is granted only to nationals living abroad, who are also related to the prospective adoptive child. Although, exceptions are sometimes made in cases in which residents have applied and qualified for naturalisation as Namibian citizen.<br>▪Domestic adoptions as such are not widely practiced in Namibia. Particularly when children are placed with kin, people do not see any added value in legally adopting the child. Namibia approves a relatively small number of adoptions each year, with an average of about 80 adoptions registered each year in recent years in comparison to the high numbers of orphans |

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| | and children in foster care (in 2009, 13,800 were in foster care).<br>▪In relation to adoption, the Committee on the Rights of the Child expressed its concern at the fact that 'domestic and intercountry adoptions take place unofficially through unauthorised private channels, and without any oversight by the State party. The Committee also note[d] with concern the absence of national legislation on intercountry adoptions [and the] absence of a legal framework and a specific body to monitor domestic and intercountry adoption'.<br>*Sources*: GRAP & LAC, Alternative to the Namibia's First, Second and Third Periodic Reports, http://www2.ohchr.org/english/bodies/crc/docs/ngos/Namibia_LAC_GRAP_CRC61.pdf January 2012; U.S. Department of State, http://adoption.state.gov/country_information/country_specific_info.php?country-select=namibia; Committee on the Rights of the Child, Concluding Observations: Namibia, 2012, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=NAM&Lang=EN. |
| **POTENTIAL RECOMMENDATIONS** | ▪The provisions of the final Child Care and Protection Act should be fully in line with international principles and standards relating to alternative care and adoption, in particular the UNCRC, the HC-1993 and the Guidelines for the Alternative Care of Children.<br>▪The country should strengthen its efforts to ensure that those mechanisms already in place to support families and children without parental care (including child-headed households) truly reach all those in need of them.<br>▪ Efforts have been made to strengthen the human resources in the social work sector, and a further increase and further training should be provided, in particular for those working at community level.<br>▪As mentioned above, the new legal framework relating to children must clearly establish a reliable domestic and intercountry adoption process, in line with international principles and standards, which ensures that the rights of children, their biological families and others are respected whilst preventing potential abuses or irregularities in the process (which could lead to child trafficking), in particular as many adoptions appear to be undertaken unofficially without the supervision or intervention of a child protection authority, which should also be established to this effect.<br>▪Once the country has enacted comprehensive legislation on adoption and assessed the need for domestic and intercountry adoption, the country should take measures to promote official domestic adoption and consider the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.<br>▪When is the new Child Care and Protection Bill expected to be enacted? |