

CELEBRATING 30 YEARS  
OF THE  
NAMIBIAN OMBUDSMAN





## FOREWORD

**“I slept and dreamt that life was joy; I  
woke and saw that life was service; I  
acted and behold, service is joy”  
(R. Tagore 1861 – 1941)**

Every writer writes in – and is impacted by – a precise historical moment. My moment, this book's moment, is the 30<sup>th</sup> anniversary of the Ombudsman of Namibia. Thirty years of service to the people of Namibia; service of pure joy.

The book tells the story of humble beginnings, a journey of small steps which left inerasable footprints of the Ombudsman and staff. It describes the origin, establishment and development of the Ombudsman's office.

It also tells the story of how a small office successfully managed to deal with multiple functions. Despite the fact that there have been a number of changes in our work environment, the 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 past and present. I wish to commend and thank them for and assure them that their dedication made the difference.

Our principles/values of independence, impartiality, fairness, accessibility, responsiveness

and service to all members of the community do not only serve as our guiding light in carrying out our wide range of functions, but it is indeed what the people expect of us. We still remain loyal to those principles and values.

I wish to thank my Personal Assistant, Mrs. Elmi Pretorius – Ndlovu for her research and the typing of every page of this book, and her patience and commitment during the preparation of this book.

I also wish to thank the Hanns Seidel Foundation without whose assistance the printing of this book would not have been possible.

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 have taught me the most.

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



**John R. Walters  
Ombudsman: Namibia**

## OMBUDSMAN TRAVELLED TO NAMIBIA

The word **Ombudsman** is not gender-specific; it is gender-neutral. It has its origin in Old Norse and the word **Ombudsman** means representative. This model originated in Sweden where a Parliamentary Ombudsman was established in 1809 to safeguard the rights of citizens.

Some historians trace back the concept of Ombudsman to ancient civilizations. In 494 BC, the Office of the Tribune of the plebs was created in the Roman Republic. The Tribunes were charged with defending the persons and property of the plebs (**common people**) of Rome. The most important power of the Tribunes was the right of veto against acts performed by a magistrate or other government officials that might damage the welfare of the people. Originally, there were only two Tribunes, but their numbers rose to ten, as the Roman Republic grew. The Tribunes were elected annually by the people's assembly. The persons of the Tribunes were **sacrosanct**; that is, they might not be subjected to violence or coercion; they were guaranteed inviolability in the exercise of their office as public defenders. Some Greek City-States in the 5<sup>th</sup> and 4<sup>th</sup> centuries BC had Ombudsman like officials to investigate and remedy complaints by citizens against the administration.

In China, the Censorate was created with the authority to investigate and correct every level of government.

New Zealand became the first English-speaking country to appoint an Ombudsman in 1962.

Tanzania was the first African country to establish an Ombudsman institution in 1966, followed by Mauritius in 1970; Zambia in 1974; Zimbabwe in 1982; and Namibia prior to independence through the Ombudsman for South West Africa Act, 26 of 1986 which was replaced by the Ombudsman Act 7 of 1990.

### **The Ombudsman for South West Africa Act, No. 26 of 1986**

In its 4<sup>th</sup> Report to the National Assembly, the Standing Committee on Government Finance, Government Affairs and Information, informed the National Assembly (Interim Government) that they considered the fact that the Ombudsman should be appointed and that the Cabinet be requested to table the necessary legislation in the National Assembly. The Ombudsman for South West Africa Bill that served in the National Assembly during October 1986, was adopted without the amendments proposed by Mr. M.K. Katjiuonguo. The Ombudsman for South West Africa Act, No. 26 of 1986 was promulgated on 25 November 1986.

In a memorandum to Cabinet, the Secretary of Justice, on 20 November 1986 informed Cabinet that Mr. Katjiuonguo suggested that a "black Namibian" be appointed as Ombudsman. The names of Minister Kazonguizi and Adv. Pio Teek

were mentioned but not considered for appointment. Justice C.J. Mouton was appointed on 25 March to commence duties on 1 May 1987. Additional staff were Mr. S.F. Maritz, Head of the Secretariat and Ms. E.C. Jansen, clerk/typist.

The linkage of the Ombudsman to the Department of Justice started on 21 April 1986 when the Government Service Commission decided that the Department of Justice must house the Secretariat of the Ombudsman. This decision still haunts the Ombudsman after 30 years of independence.

### **The Ombudsman Act, 1990 (No 7 of 1990)**

The Constitution of the Republic of Namibia was unanimously adopted on 9 February 1990. Chapter 10 of the Constitution provides for the establishment and independence of the Ombudsman. It further provides for the appointment of the Ombudsman, functions, powers, and the removal of the Ombudsman. The 1990 Parliament was compelled to ensure that the enabling legislation of the Ombudsman complied with the dictates of the Constitution. It is understandable that there was not much debate on the clauses of the Ombudsman Bill.

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:

**MINISTER OF JUSTICE:** Mr. Speaker, Article 89(1) of the Namibian Constitution establishes the Office of the Ombudsman. However, Although Article 91 and Article 92 of the said Constitution stipulates some of the functions and powers of the Ombudsman respectively, it is up to the National Assembly to define and prescribe by way of legislation in greater detail the functions and powers of the Ombudsman.

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

**MR KATJIUONGUA:** Thank you, Mr. Speaker. I have always been a supporter of the institution of the Ombudsman in the past and now because of my Swedish background.

In my view, Mr. Speaker, the Ombudsman should not be passive, but pro-active. It is said, to enquire into and investigate anything simply on the request or complaint of anybody. I maintain that should not be the approach, but the Ombudsman, he or she, should take his or her own initiative to find things out and not wait for complaints to be tabled on the desk.

**Hassard, National Assembly 22 May 1990, P170 - 172**



Mr. Katjiuongua 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 that the teeth that we wanted to give this institution were somehow lost in the sand of the Namib Desert. Thank you.

Hassard, National Assembly 28 May 1990, P. 238

The Ombudsman Act was promulgated on 14 June 1990, and the first Acting Ombudsman was appointed on 23 July 1990.

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## Who or what is the Ombudsman?

I do not intend to redefine the concept on an Ombudsman, but wish only to share with you my understanding of the Ombudsman; an understanding that I have formed from experience over the past 14 years. I have learned that the Ombudsman is a reasonable person but not a perfect citizen. Rather, he/she strives to be gentle in their dealings with others, taking into consideration their circumstances. His/her investigations are directed by moderation and prudent common sense. The Ombudsman is not a historic monument; it is a *living* institution

Ombudsman, John Walters  
African Ombudsman Today: September 2018

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# LINKAGE VERSUS INDEPENDENCE

## Linkage

The linkage of the Ombudsman to the Ministry of Justice, is historical. Prior to Independence, the Ombudsman for South West Africa (SWA) was linked to the Department of Justice and after Independence, the practice continued, despite objections and statements, outlined below.

The linkage of the Ombudsman to the Ministry of Justice, over whom he has oversight, not only haunted the Ombudsman, but damaged his image of independence for the past 30 years.

**1986**

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The linkage of the Ombudsman to the Department of Justice started on 21 April 1986 when the Government Service Commission decided that the Department of Justice must house the Secretariat of the Ombudsman.

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**1988**

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In a letter dated 26 April 1988, the Ombudsman for South West Africa wrote to the Minister of Justice:

“Attention had already been focused on the requirement that this office must not only appear to be independent, but must also in fact be independent

- 1.1. It is for this reason that the Ombudsman must have a budget of its own, not as a part or subdivision of the Department of Justice
  - 1.2. This office must have sole and direct control over its own finances, under the audit of the Auditor General”
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1990

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During the Second Reading of the Ombudsman Bill, Mr. Katjiuonguo expressed his support for the Bill and added:

“The Budget of the Office of the Ombudsman should be an independent appropriation and not as part of the budget of the Ministry of Justice, to underline the independence of the Ombudsman and avoid possible frictions as we experienced in the past. The Auditor General is always there to inspect and to control the use of money by the Ombudsman”

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Hansard, N.A. 22 May 1990, Page 172

1995

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During the Second Reading of the Report of the Select Committee on the Ombudsman, Mr. Staby remarked:

“The question of the linkage of the Office of the Ombudsman reminds me of the recommendation contained in that report. It was contained in the 1991 report. Your Committee takes note of the fact that the Office of the Ombudsman is for budgetary purposes linked to the Ministry of Justice, (the Executive). Your Committee recommends that the budget of the Ombudsman’s Office becomes a matter between itself and the Treasury. Your current Committee then reiterated that recommendation, namely that the greatest possible degree of independence be effectively granted to the Office of the Ombudsman”

Hansard, N.A. 19 January 1995, Pages 61 -62

The Deputy Minister of Justice responded as follows:

“Cde. Speaker, Hon Members, both the Ombudsman and the Select Committee have simply failed to make out a credible case that calls for radical departure from established conventional practices worldwide, namely that as a quasi-judicial body of the Office of the Ombudsman, just like the courts of law, shall be linked to the Ministry responsible for Justice and Legal Affairs for logistical purposes only, while retaining their complete and total professional independence - as has been the case over the past five years. It is clear that the distinguished Committee did not have a full picture in front of it when it settled its recommendations in this regard.

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Hansard, N.A. 15 January 1995, P. 206 - 207

**1998**

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The Ombudsman Secretariat is headed by a Director. The Secretariat is responsible for rendering logistical and administrative services to the Office of the Ombudsman. There is a clear recognition that in the performance of its functions, the Secretariat works under the direction of the Ombudsman. The relationship between the said Office and the Ministry is excellent. There is mutual understanding that in the performance of its functions, the Office of the Ombudsman is completely independent and like the Judiciary, no person is allowed to interfere with the said Office.

Report by the Ministry of Justice, 1998, page 59

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**2000**

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The office of the Ombudsman consists of the Ombudsman Secretariat, which is headed by the director. The main responsibility of the Director is to render administrative and logistical services to the Office of the Ombudsman. The Office of the Ombudsman carries out its functions independently. Therefore, the Ministry does not control the Ombudsman in the carrying out of its day-to-day activities. The office is only linked to the Ministry as far as administration of personnel and budgetary matters are concerned.

Report by the Ministry of Justice and Office of the Attorney General, April 2000, pages 35 -36.

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**2020**

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On Tuesday 17 March 2020, the Report of the Parliamentary Committee on Constitutional and Legal Affairs was adopted by the National Assembly. The Committee recommends inter alia that the: Office of the Prime Minister and Ministry of Justice should table a Bill in Parliament to review or amend the Ombudsman Act, Act no. 7 of 1990; to provide more powers and punitive measures for non-compliance. Further to strengthen the autonomy of the Ombudsman, contemplated in Chapter 10 of the Constitution of the Republic, the Bill should provide for the appointment of an executive director and staff; and own budget vote for this important Constitutional office.

### Implementation of recommendations of Standing Committees

1. When the Assembly accepts, with or without amendments, the recommendations of a Standing Committee or any subject, the Secretary must inform the Offices, Ministries, Agencies or State Owned Enterprises and Parastatals concerned
2. Not more than six (6) months after the Assembly has adopted the recommendations of the Standing Committee, the Secretary must write to the Offices, Ministries, Agencies or State Owned Enterprises and Parastatals concerned to find out what actions have been taken as a result
3. The Standing Committee must report to the Assembly from time to time on progress with the implementation of its recommendations.

Rule 66 of the Standing Rules and Orders of the National Assembly

## Independence

The Namibian Ombudsman institution is a constitutional office whose independence is guaranteed under Chapter 10 of the Constitution.

Article 89 provides as follows:

“(2) The Ombudsman shall be independent and subject only to this Constitution and the law.  
(3) No member of the Cabinet or the Legislature or any other person shall interfere with the Ombudsman in the exercise of his or her functions and all organs of the state shall accord such assistance as may be needed for the protection of the independence, dignity and effectiveness of the Ombudsman.”

### What does this independence mean?

Independence is a key characteristic of the Ombudsman's position and essential to its effectiveness. Its independence should be viewed as statutory, financial, organizational and institutional. A suitable comparison is with the position of the judiciary in a democracy governed by the rule of law. After all, judges and magistrates too must be independent.

The independence of the Ombudsman, like that of the judiciary, should be based on and regulated by law, preferably in the Constitution. Like the Namibian Ombudsman, the independence of the judiciary is guaranteed under Article 78 of the Constitution. Interesting to note is that wording in Article 78 is exactly the same as in Article 89.

The Ombudsman is independent from the legislature, to whom it reports annually. The Ombudsman is independent from the executive, whose activities it investigates. The Ombudsman is independent from the judiciary, which in itself is independent of the other branches of state.

A key feature of the doctrine of checks and balances is that no single power in state is fully autonomous. The Ombudsman is ultimately a government institution, therefore its independence can never mean a total lack of connection to the state. The Ombudsman too, is accountable to Parliament through submission of its annual report to Parliament. In terms of section 6(2) of the Ombudsman Act, the Ombudsman ***“shall submit annually a report to the Speaker of the National Assembly in connection with all the Ombudsman activities during the previous year.”***

In terms of section 6(3), ***“the Speaker shall lay upon the table of the National Assembly the report.”*** The Act is silent on what the National Assembly should do with the reports; however, the Ombudsman reports to the National Assembly for the purpose of a decision on and enforcement of its reports. The absence of clear and strong measures on the reports and recommendations of the Ombudsman means that there is no support system available in the National Assembly to give effect to these reports and recommendations.



## APPOINTMENT OF THE OMBUDSMAN: 1990 - 2004

The Ombudsman is included in the 1990 Constitution of the Republic of Namibia, and their independence enjoys Constitutional supremacy. The Constitution further provides that the Ombudsman shall either be a Judge of Namibia or a person possessing the legal qualification, which would entitle him/her to practice in all courts of Namibia. The Constitution ensures greater permanency to the Ombudsman since he/she is appointed until the retirement age of 65 years. The Ombudsman is appointed by the President on the recommendation of the Judicial Service Commission (Article 89). In the past 30 years after the promulgation of the Ombudsman Act, there were three Ombudsmen, two Acting Ombudsmen and one Deputy Ombudsman appointed.

**Pio Teek** was appointed as Acting Ombudsman on 23 July 1990, and served until 28 May 1992 (nearly two years); **Fanuel Kozonguizi** was appointed on 1 May 1992 and served until his unfortunate death on 1 February 1995 (nearly 3 years); **Ephraim Kasuto** was appointed Deputy Ombudsman on 1 March 1993 until 31 March 1997 (four years) when he resigned; **Bience Gawanas** was appointed as Ombudsman on 24 December 1996 until 15 September 2003 (nearly seven years) when she resigned; **Justice S.V. Mtambanengwe** was appointed Acting Ombudsman for the period 15 September 2003 until 3 March 2004 (nine months), but served until

30 June 2004; **John Walters** was appointed as Ombudsman on 1 July 2004 and is still serving as Ombudsman. Each one of them brought to the institution his/her own uniqueness, own talents, knowledge, experience and vision simply to build on the successes of his/her predecessor. It is evident from the annual reports that each one put his/her individual stamp on their roles as Ombudsman. All of them were legal practitioners qualified to practice in all courts of Namibia.

**Pio Teek** was a member of the Society of Advocates and a practicing lawyer with a reservoir of legal knowledge. As inaugural Acting Ombudsman, he was tasked to lay a stable foundation for an institution open to all citizens.

**Fanuel Kozonguizi** was a British educated barrister, experienced politician and legislator, while **Ephraim Kasuto** was and is a practicing legal practitioner with great legal knowledge.

**Bience Gawanas** is also a British educated barrister and built up a wealth of experience in the public service when she served as a Commissioner of the Public Service Commission.

**Justice Mtambanengwe**, an experienced jurist with a sound legal mind in both civil and criminal law took in the interim charge of the Office until the appointment of **John Walters**. For the greater part of his career, John Walters was a public servant, serving as public prosecutor and magistrate and spent some time in private practice, before he was appointed as Acting Prosecutor General.

## THE OMBUDSMAN – A CREATURE OF STATUTE

The Constitution, in Article 89, establishes the Ombudsman who shall have the powers and functions set out in the Constitution. The Constitution further provides that the powers and functions of the Ombudsman shall be defined and prescribed by an Act of Parliament; and includes those functions and powers set out in Article 91 and 92.

The enabling Act of Parliament which defines and prescribes the functions and powers of the Ombudsman, is the Ombudsman Act, No. 7 of 1990. It requires of the Ombudsman to:

- Receive and conduct investigations into complaints relating to administrative actions by ministries, offices, agencies and their officials from individuals, groups or organizations. This includes investigations into complaints against state owned enterprises, local and regional councils and their employees;
- Conduct investigations into alleged violations of fundamental rights and freedoms, by the state, public and private persons and private enterprises upon receipt of a complaint by individuals, groups or organizations;
- Receive and investigate all matters or instances of alleged or suspected corruption and the misappropriation of public moneys or other public property by officials; and
- Protect the environment by enquiring into or investigating any request or complaint

concerning the over-utilization of living resources, the irrational exploitation of non-renewable resources and the destruction of ecosystems, etc.

The powers of the Ombudsman relate to the right to enter, after notice, any building except a private building and make enquiries and question persons employed there; to access all books, documents, etc., except private correspondence. The right to request particulars and information from any person, to make copies of any books, documents, etc., and the right to seize anything and retain it in safe custody. The Ombudsman may subpoena any person in writing to appear before him in connection with an inquiry or investigation.

The Ombudsman is a creature of statute and accordingly, his powers are limited to those conferred upon him by the statute; his jurisdiction is established in the statute. The Ombudsman cannot exercise powers which are not expressly stated in the Ombudsman Act or the Constitution. There may be instances where authority may be implied in order not to defeat the purpose of the Act.

The Ombudsman does not have an expressed duty or power to promote human rights. The definition of fundamental human rights and freedoms in the Act, limits the Ombudsman's power of investigation to complaints relating to violations of fundamental rights and freedoms, as set out in Chapter 3 of our Constitution.

The Ombudsman does not have the expressed duty or power to promote and protect economic, social and cultural rights, neither the duty nor power to monitor the implementation of these rights at a domestic level.

The Ombudsman does not have the expressed duty or power to investigate any matter or instance out of their own motion.

The Ombudsman does not have the right or power to visit places of detention unannounced.

The Ombudsman does not have an expressed duty or power to establish regional offices.

A prerequisite for the Ombudsman's functional independence is that the legislature must give the Ombudsman all the powers that are necessary to effectively fulfill his tasks.

The Ombudsman Act must provide for all these duties and powers because the Ombudsman's budget is integrally linked to the exercise of his powers and duty. While the Ombudsman does not have these legislative powers and duties, he assumed these powers and duties based on the "reading-in" principle in an attempt to make sense of the Act.

The Ombudsman Bill 2020 will address all these shortcomings and provide the Ombudsman with all the powers that are necessary to effectively fulfill his tasks.

## COMPLAINANTS – AT THE HEART OF WHAT WE DO

*“When we see numbers, we see the individuals behind those numbers”*

Tedros A. Ghebreyesus  
Director General: WHO

Every year the Ombudsman reports on the number of complaints he received during the reporting year. Not only did the Ombudsman receive nearly 55 000 complaints over the past 30 years, but more than 55 000 complainants had direct or indirect access to the Ombudsman. People have a **right of access and a right to complain** to the Ombudsman. In this regard, in 2008 Ombudsman John Walters reported:

*“Our complainants are at the heart of what we do. We always aim to be independent, impartial, fair and expert in responding to complainants and to be accessible to all those who seek our assistance”*

Annual Report 2008, P.3

The Ombudsman is not an advocate for the complainant or the person or institution complained about; a fact which sometimes evades the understanding of both complainant and officials alike. Some complainants believe that the Ombudsman has failed to do his job because they did not get the remedy they were expecting.

In this regard Ombudsman John Walters wrote in 2008:

*“Although we only found in favour of complainants in a limited number of cases, it is our general experience that we have to contend with deeply unhappy complainants convinced that they were treated unfairly, while the truth is that the administration may have acted properly, but failed to communicate the correct state of affairs to the complainant. The Ombudsman must make the complainant understand that the administration could not act differently under the existing law”.*

Annual Report 2008, P. 5

On many occasions, complainants became obsessive, overly persistent and displayed unreasonable conduct. In order to meet justifiable demands, Ombudsman John Walters introduced a review process whereby aggrieved complainants can approach the Ombudsman with a written request to review a matter investigated by a staff member. On receipt of such a request, the file is reviewed and the complainant is provided with a written report setting out the complaint, the facts, a discussion of the facts, the law and the findings.

## Reports of complaints investigated or reviewed

Besides the reports which the Ombudsman is required in terms of Section 6 of the Ombudsman Act to submit to the National Assembly, he also made reports when complainants request a review of the investigation done by staff or where the circumstances investigated demand a full report with findings and recommendations. They are:

25 Aug 2004	Report on a complaint by Serg. B about his unfair discharge from the Namibian Police Force
25 Oct 2005	Report on the investigations into allegations of maladministration and corrupt practices at Transnamib Limited Holdings in the allocation of a security tender, the appointment of staff and a study grant to the chief executive officer
29 May 2006	Report on a complaint received from Mrs. X against Mr. R alleging misuse of pension allowances
24 July 2006	Report on the complaint by Mr. M against the Ministry of Finance (Receiver of Revenue)
25 July 2006	Report on a complaint by Dr. V against the Ministry of Finance
8 March 2007	Report on a complaint by Mr. B alleging that the Founding President misused public funds to advance the interest of an NGO and the SWAPO Party
11 February 2008	Report on the complaint by Mr. S against the municipality of Walvis Bay
11 February 2008	Report on the complaint by Mr. B against the municipality of Okahandja
25 February 2008	Report on a complaint by Mr. T against the sentence imposed by the High Court in Case No: CC 28/07
28 August 2008	Report on the complaint of alleged unfair treatment and favouritism by Mr. A against officials of the Ministry of Youth, National Service, Sport and Culture
10 November 2008	Report on complaints by cleaners at 21 Brigade, Suiderhof Military Base
4 February 2010	Report on the complaint by Mr. H against the Government of the Republic of Namibia or the Directorate of Veterinary Services – Kavango
18 May 2010	Report on a complaint of unpaid subsistence and traveling allowance against the Ministry of Environment and Tourism by Mr. S

13 March 2012	Report on a complaint by Ms. G against the City of Windhoek: A case of arbitrary decision making
22 June 2012	Report on the complaints by civil society organizations, non-governmental organizations, individuals and other groups on the illegalities pertaining to the annual seal harvest in Namibia
11 December 2012	Report on the complaint of unfair labour practices/abuse of power by Mr. M against the Ministry of Education
18 December 2012	Report on the failure of the police to secure the presence of Mr. P at the High Court
20 September 2013	Report on a complaint by Mr. M against the Labour Commissioner
20 September 2013	Report on the complaint by Mr. I against the City of Windhoek
15 May 2014	A report on the circumstances which led to the detention of a four year old boy with his mother in the Wanaheda Police Cells
9 June 2014	Report on a complaint relating to the recruitment process for the position of Deputy Director: Committee Service of the National Assembly, by Ms. M
27 August 2014	Report on the investigation into the circumstances which led to the death of Frieda Ndatipo, a child of the Liberation Struggle.
3 October 2014	Report on a complaint by Mrs. G against the Master of the High Court in the matter Estate late: Mr. J
20 July 2015	Report on the investigation of the dispute between members of the Workers Revolutionary Party (WRP)
5 April 2016	Report on a complaint of alleged irregularities on procurement and stock control procedures at the Omusati Regional Council: Directorate of Education
February 2018	Report on complaints of alleged violations of children's rights at the Namibian Children's Home
5 June 2018	Report on the effect of the small stock marketing scheme: Interventions into the small stock industry of Namibia
21 February 2019	Report on the investigation into allegations of human rights violations (right to food) at police holding cells in Windhoek.
September 2019	Report on the investigation of complaints regarding the destruction of flood plains and pollution by means of sewage and rubbish dumping alongside the Okavango River near Rundu Town.



2 September 2019	Government of laws and not of men: A Report on the complaint lodged by Hon McHenry Venaani, Leader of the Official Opposition and President of the Popular Democratic Movement, alleging that the Former Vice President lodged at a Government Villa without any legal instrument backing such arrangement
19 May 2020	Report on the complaints by Mrs. B (complainant) against the Children's Advocate and other staff members of the Ombudsman
9 July 2020	Report on the complaint by Mr. S, MP (complainant) against August 26 Holding Company (PTY LTD) for its failure to submit annual audited financial reports in the National Assembly

"The final impact of the Ombudsman's work is notoriously difficult to assess. The words, **effectiveness** and **efficiency**, in English, are closely related, but have crucially different meanings in this context.

**Effectiveness** (or positive impact) is ultimately about how far the Ombudsman facilitates the enjoyment of the rights of the public, whether as citizens or simply as human beings...

**Efficiency** is about how well the Ombudsman institution does the things it does – not whether these are the best things for it to be doing..."

Richard Carver: A mission for Justice  
The International Ombudsman Institute 1978 – 2018, P.25

# OMBUDSMAN ANNUAL REPORT – A TOOL TO MEASURE

Required under section 6(2) of the Ombudsman Act, 1990 to report to the National Assembly, all successive Ombudsmen faithfully complied with their statutory duty. The section further requires that the report must be in connection with the activities of the Ombudsman during the year under review.

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.

“I submit this Annual Report to Parliament as a form of institutional accountability and for public awareness of what the Ombudsman does and how allocated resources are used; therefore the performance of my office can only ‘be measured by those reading my reports’.”

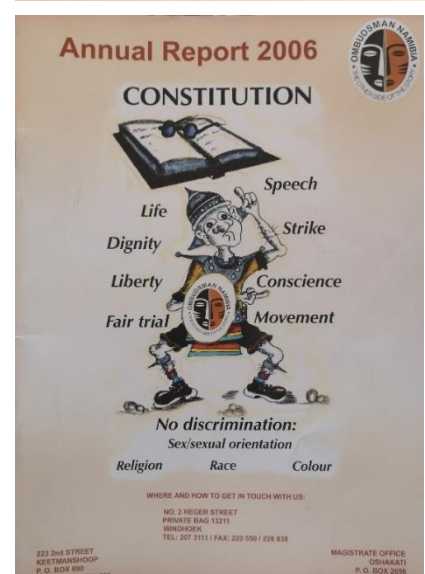
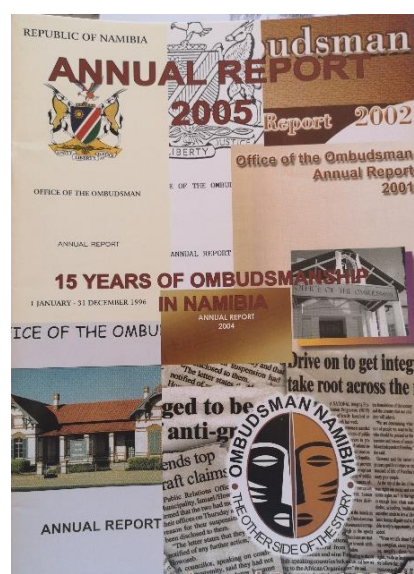
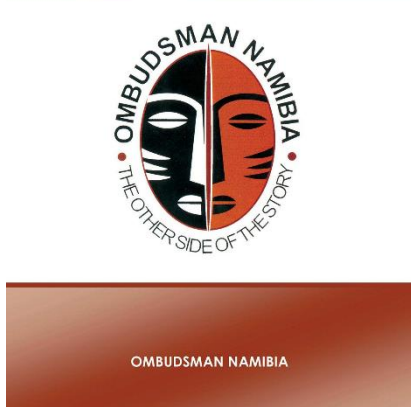
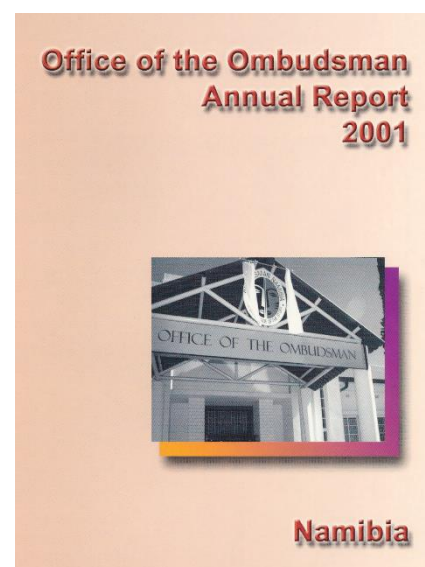
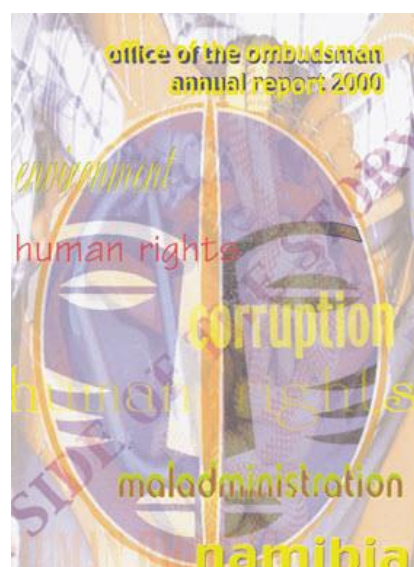
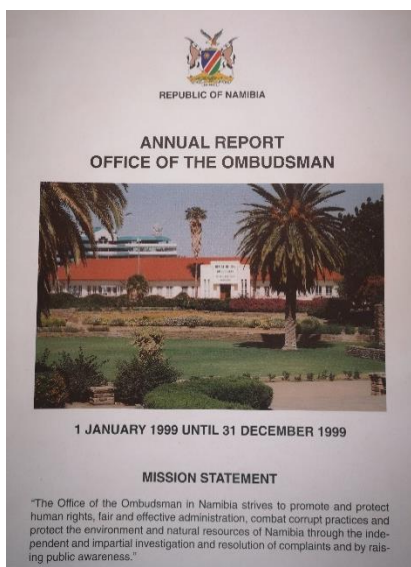
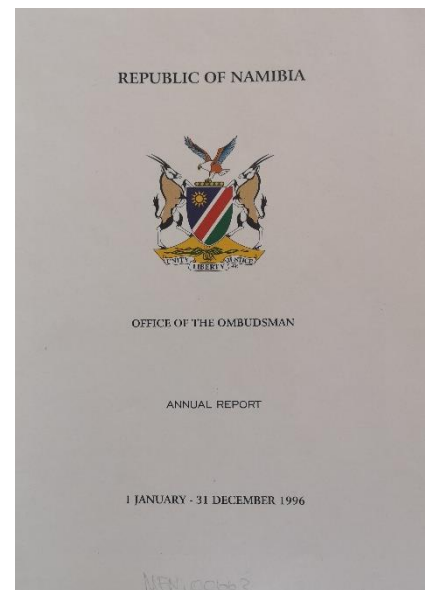
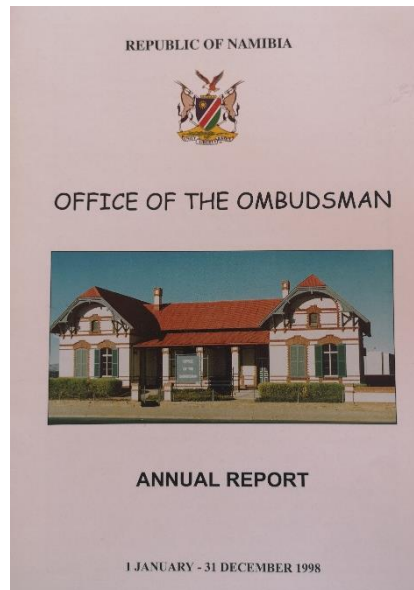
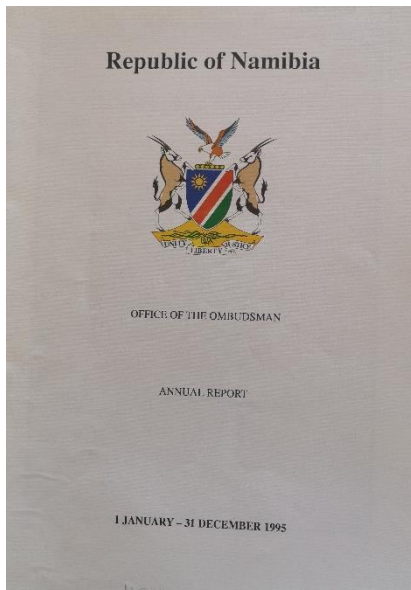
Ombudsman, John Walters

The annual report is firstly a portrait of the Ombudsman; the Ombudsman reveals himself/herself through his/her message that opens the report. It is a **personal essay** rather than an **official statement**. The Ombudsman talks about his/her concerns, hopes and achievements, and challenges faced in fulfilling his/her mandate. The Ombudsman sometimes takes strong positions on various aspects of their roles and functions.

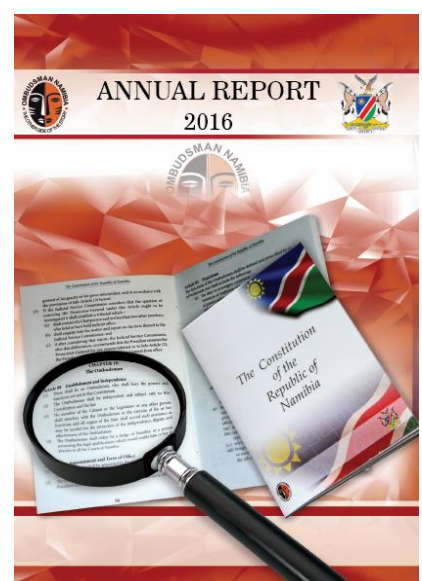
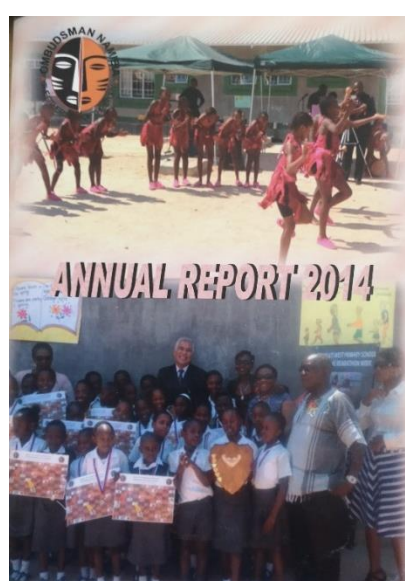
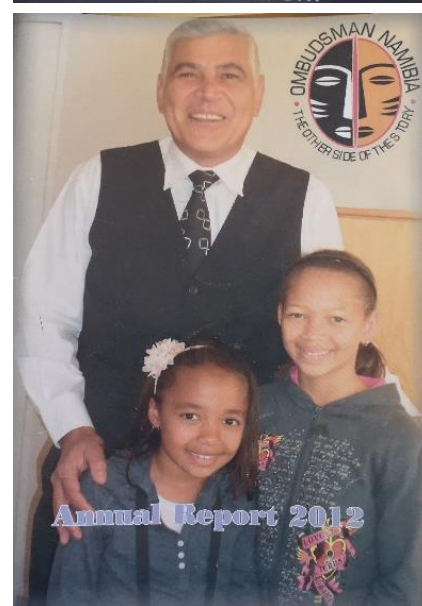
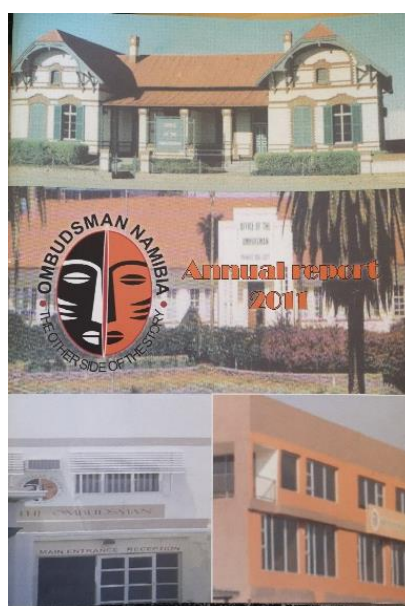
The annual report also portrays the Ombudsman’s office, who the staff are, and what they do. The report outlines the role and functions of the office; complaint handling; outreach programmes and activities; and outcomes of own motion investigations. The annual report contains case examples of complaints investigated and resolved by complaints investigators. These are the individual quality assurance mechanisms. Summaries of special reports in terms of section 6(1) of the Act are also included. Statistics are analyzed and reported on. Most reports contain recommendations for the purpose of a decision and enforcement of the recommendations by the National Assembly. The Ombudsman commends ministries/offices/agencies and individuals who were helpful and criticizes those who failed to cooperate with the Ombudsman. The report recognizes that the successes of the office are the result of the hard work of the staff.

The report details cooperation with fellow Ombudsmen and national human rights institutions (NHRIs) and regional and international bodies of Ombudsmen and NHRIs. Cooperation with domestic civil society organizations are also included.

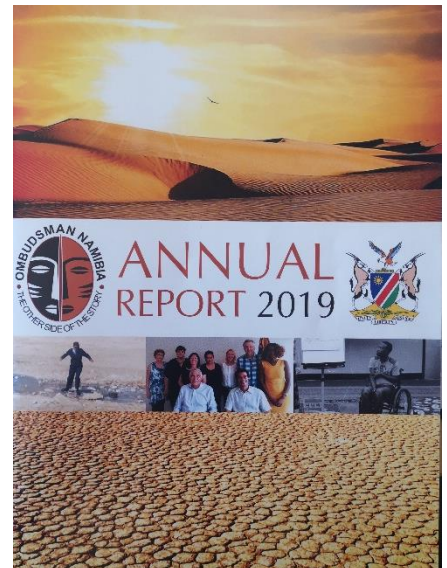
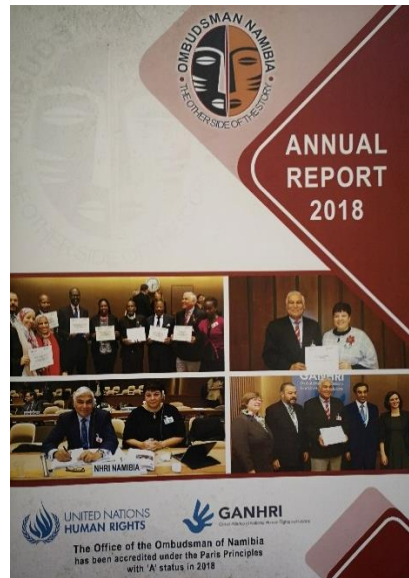
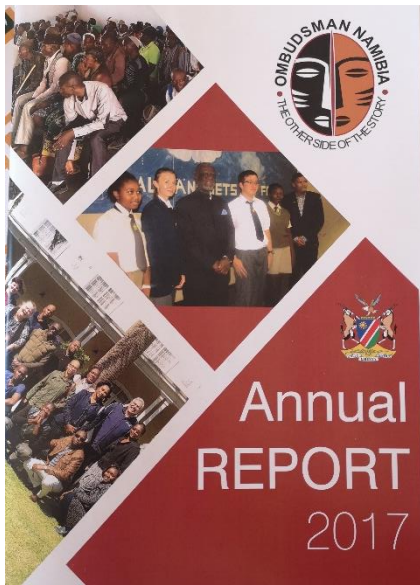
The annual report not only records the activities of the Ombudsman, but it documents the origin, establishment and development of the office. It is undoubtedly a valuable source of history.











**Longest serving complaints investigator, Erastus Mwanyangapo watches over some of the annual reports**

# Pio Marapi Teek

Acting Ombudsman: 23 July 1990 – 28 May 1992



Pio Marapi Teek was born in Mariental on 23 February 1947 and matriculated at St Joseph Catholic School at Döbra in December 1968. He enrolled at the University of the Western Cape in Bellville, Republic of South Africa and was awarded the BA (Law) Degree on 14 April 1973 and on 27 March 1976 the LLB Degree. On 28 May 1976 he was admitted as an Advocate of the Supreme Court of South Africa; the first black Namibian. He furthered his studies at the University Of Cambridge, England where he was awarded the Degree Bachelors of Law (LLB) on 24 February 1979, and the Diploma in International Law on 4 December 1979.

From January 1980 to July 1990 he practiced as an advocate in Windhoek, and on 23 July 1990, he was appointed Acting Ombudsman of the Republic of Namibia. On 13 April 1992, Pio Teek was appointed as a Judge of the High Court of Namibia; on 12 April 1999, he became Judge President of the High Court. On 28 May 2003, he was appointed as a permanent Judge of the Supreme Court of Namibia until he went on early retirement during 2005.

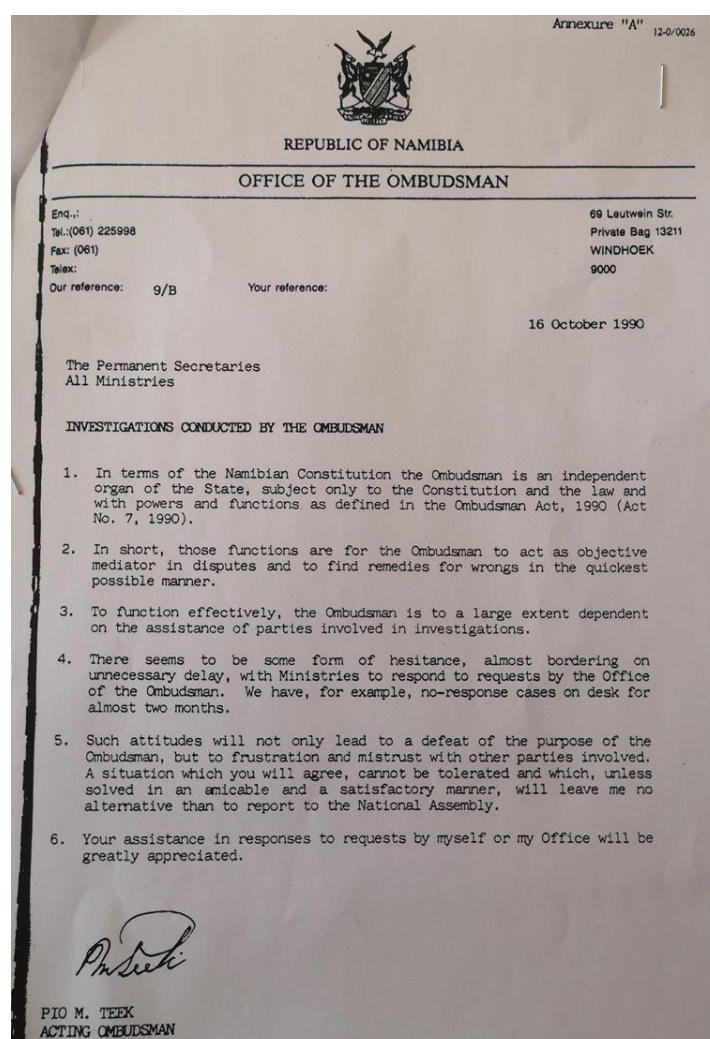
**1990**

Literally the “*new kid in town*,” Pio Teek, on this cold Monday morning of 23 July, left his familiar advocate chambers to step into the unknown world of Ombudsmanship. Asked what he knew about Ombudsmanship, he remarked: “nothing.” He found the only remaining staff member, Ms. Esme Jansen (Heenen) in one of the offices who took him through the building. In August 1990, Mr. Marius Maree was seconded to act as Head of Secretariat-cum-investigation officer. Complaints were received and investigated by the Acting Ombudsman and Mr. Maree. Approval for the appointment of additional staff was obtained but the positions were not filled due to the lack of suitable office accommodation. The building had only four offices.

Realizing that he needed to know more about Ombudsmanship and how to address human rights complaints, the Acting Ombudsman attended the Third Sintra Human Rights Conference, theme:



**“Human Rights – A Precondition for Democratic Development,”** held in Lisbon from 18 – 24 November 1990. He also visited the office of the Ombudsman in Zimbabwe from 14 – 19 December 1990 to familiarize himself with their operations and activities. The total number of complaints received up to 31 December 1990 was 510. Non-jurisdictional complaints were 60, 19 were not finalized and 431 complaints were satisfactorily resolved. A booklet entitled **Know your Ombudsman** was published and translated into five languages and was ready for wide distribution. Concerned by the lack of cooperation by some Ministries causing undue delay in finalizing investigations, which ultimately affected complaints, the Acting Ombudsman wrote the following:



**1991**

During January 1991, the Acting Ombudsman started with outreach activities. He visited Keetmanshoop, Aranos, Gibeon, Maltahöhe, and Mariental. From 08H00 – 18H00, he daily consulted individual citizens and listened to complaints and grievances. From 18H00 – 22H00, he held public meetings with

communities explaining the purpose, functions, powers, etc., of the Ombudsman. The plight of the communities was brought to the attention of the relevant Ministries.

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From 18 – 23 February 1991, the Acting Ombudsman attended and participated in a workshop on Human Rights in Swakopmund. From 12 – 13 June 1991, he attended a seminar on the *Rights of the Child in Namibia*, organized by UNICEF.

On 18 September and 2 October respectively, he addressed student prison wardens and social workers at the University of Namibia (UNAM) on the role and objectives of the Ombudsman. On 2 – 5 June 1991, he attended a meeting of the International Bar Association in Canada, discussing in-house legal service to the Ombudsman. On 22 – 25 July 1991, he attended the Second Regional Conference of the African Ombudsman in Zambia.

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The Office received 497 written complaints, 24 were non-jurisdictional, and 57 were not finalized by 31 December 1991 and were carried over to 1992.

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The staff was strengthened with the appointment of Mrs. S. Duvenhage as a legal clerk-cum-receptionist cum typist. The position of Ombudsman and Deputy Ombudsman remained vacant.

Realizing that he did not have the resources to vigorously investigate all instances or matters of alleged or suspected corruption as mandated by the Act, the Ombudsman recommended as follows →

Annual Report 1991, Page 16

#### ANTI-CORRUPTION COMMISSION

40. In the light of the widespread wanton destruction of national assets, abuse/misuse of government properties, and allegations of corruption of officials, I recommend to Government to establish a permanent Anti-Corruption Commission whose task it shall be to investigate and combat these malpractices effectively and decisively. The Office of the Ombudsman as it is composed at the moment or as envisaged by the Public Service Commission is not financial and manpower wise well enough equipped to deal with this mammoth problem. The magnitude of the corruption amongst government officials require a fulltime well-equipped department, possibly falling under the office of the Attorney-General or Prosecutor-General, to effectively deal with it. This evil is perpetual or recurrent. An investigation into corruption, abuse/misuse of government property is a time and personnel consuming exercise and would normally demand and occupy most of the time of the Ombudsman and his/her staff. This is evident from the Frank Commission currently investigating corruption, abuse and/or misuse of government property, as well as the O'Linn Commission, dealing with the fisheries question. Investigations of that nature would cause delays in investigations of other complaints by the Ombudsman, defeating the very purpose of the existence of the Ombudsman's office, i.e. expediency.

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Pio Teek left the office on 28 April and was succeeded by Fanuel Kozonguizi

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# Fanuel Kozonguizi

Ombudsman: 1 May 1992 – 1 February 1995



Fanuel Kozonguizi was born in January 1932 in Windhoek. He eventually earned his matric in South Africa in 1953. A year later, he began his career as an activist in Namibia, working to support “*contract labourers*” returning to Ovamboland.

In 1954, he formed the South West Africa Students Organization at Fort Hare University.

In 1956, Kozonguizi spoke before the United Nations on the issue of South West Africa along with Reverend Michael Scott, Mburumba Kerina, Hans Beukes, Markus Kooper, Sam Nujoma, Ismael Fortune, Jacob

Kuhangua and Hosea Kutako.

In 1959, he was elected the first President of the South West Africa National Union (SWANU), which was the first modern political party in Namibian history. This lasted until 1966, when Kozonguizi as SWANU leader stressed, among other things, an ideologically pure commitment to socialism and anti-imperialism which made SWANU unpopular in comparison to the other major political party of Namibia, the South West Africa People's Organization (SWAPO). This also led to the 1968 derecognition of SWANU by the Organization of African Unity.

After serving as a lawyer in London for a short time, Kozonguizi returned to Namibia in 1976 as a legal advisor to Clemens Kapuuo and the OvaHerero delegation at the Turnhalle Constitutional Conference.

From 1980 until independence, Kozonguizi served in the interim government of Namibia in various positions, including as the Minister of Justice, Information, Post and Telecommunication from June 1985 onward. Upon independence in 1990, he was appointed to the 1st National Assembly of Namibia as well as national Ombudsman, which he served until his death in February 1995 at the age of 63.

(Source: Wikipedia)

# 1992

The first substantial Ombudsman, Fanuel Kozonguizi, took office on 1 May 1992 and he reported that *“during the year the Office of the Ombudsman has been subjected to what amounts to a campaign of harassment which in the view of the Ombudsman was politically motivated whilst disguised as exercise of freedom of speech.”*

Annual Report 1992, page 12

The Office received 409 complaints, compared to 497 in 1991. The decrease in complaints registered was attributed to the fact that a large number of complainants were advised to first exhaust internal remedies before approaching the Ombudsman.

A major concern for the Ombudsman was the position of Mr. Maree, who had been attached to the Ombudsman’s office and at the same time also the Ministry of Justice since 1990. Since June 1992, the Ombudsman tried to get a suitable post created on his staff establishment to accommodate Mr. Maree therein, but at the end of 1992 nothing had come from it.

# 1993

Nothing that the linkage of the Office of the Ombudsman to the Ministry of Justice, or for that matter the Executive, was of a transitional nature; the Ombudsman expressed his view that the time has come for the office to be delinked from the Ministry of Justice, or for that matter from the Executive.

Annual Report 1993, page 51

During August 1993, the Ombudsman was informed that a new rationalized establishment for his office had been approved by Cabinet and a post of Director has been created but it turned out that the post was not funded.

On 2 March 1993, Ephraim Kasuto joined the office as Deputy Ombudsman.

Before 1993, no records were kept of telephonic or other forms of requests for assistance. At the beginning of 1993, records were kept of all consultations which staff members had with complainants to

find solutions for their grievances. A total number of 1641 complaints-cum-requests for assistance were attended to in 1993.

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**1994**

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Due to the sudden passing of the Ombudsman on 1 February 1995, the 1994 Annual Report was compiled under the supervision of the Deputy Ombudsman and submitted to the National Assembly on 30 March 1995.

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Compared to the 1641 complaints attended to in 1993, the office managed to attend to 978 complaints during 1994. A total number of 70 complaints were non-jurisdictional and 34 complaints were not finalized on 31 December 1994.

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An additional office block, consisting of five offices, adjacent to the existing building had been completed and was occupied during 1994. The post of Director was advertised but by February 1995 it was not filled yet. Additional posts for the Ombudsman were requested but none were filled by the end of December 1994.

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A new Ombudsman Bill had been drafted during 1994 and was submitted to the Legal Drafters early 1995. What happened to the Bill and what it entailed, is unknown.

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# Ephraim Kasuto

Deputy Ombudsman: 3 March 1993 – 31 March 1997



Ephraim Katatu Kasuto is one of the children of the storm and features among the first black legal professionals who left an indelible mark on Namibia's profile during the years of upheaval.

The first miracle of Kasuto presented itself with his schooling. He was an astute animal tenderer in his homestead in Ovitoto where the family first lived, as well as in Aminuis where they later settled. His parents were reluctant to take him to school until he was 14, and that opened the road to Advocate Kasuto.

He studied in South Africa, obtained a B. Juris qualification at the University of Zululand as well as an LLB from FortHare University during the 1970s.

He was admitted as an advocate in 1984. That was at the peak of rugged apartheid in both South Africa and Namibia, a period that came to characterise Kasuto's contribution to Namibia's struggle for justice.

After completing his articles with the law firm Fisher Quamby and Pfeifer, Ephraim was admitted as an advocate in 1984 and started his legal career in 1985. He was among the first legal practitioners of his stature and close affiliation to the liberation movement Swapo. He is also the first Advocate to be admitted and practice outside of the Bar, out of protest. At that stage, Advocates could only obtain clients by way of referral from Attorneys and thus Ephraim was mainly briefed by his ANC attorney friends from South Africa, and Attorney Andrea's Vaarz in Namibia.

Ephraim worked with the Council of Churches in Namibia (CCN) for about six years as head of the Legal Assistance Centre. This is where I came to work closely with him in the process of linking detainees and prisoners of the liberation struggle with legal services, as well as with life sustaining resources for their families.



## 1995

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After the passing on of Fanuel Kozonguizi, Ephraim Kasuto acted as Ombudsman pending the appointment of a new Ombudsman.

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Compared to the 978 complaints received in 1994, 2358 complaints and approaches were attended to in 1995. A total number of 159 complaints were non-jurisdictional; in some cases, complainants were given advice and referred to other institutions for assistance. Only two corruption cases were received and the investigation of these cases was still ongoing at the end of December 1995.

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At the end of the reporting year, the Acting Ombudsman was supported by six staff members while the positions of control officers remained vacant, although budgeted for. The position of Ombudsman was also not filled.

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From 21 – 23 November 1995, the office of the Ombudsman organized its first conference on the theme, ***“The institution of the Ombudsman.”*** Ombudsmen from Southern Africa attended the conference, as well as the Secretary of the International Ombudsman Institution (IOI). The conference was a huge success.

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In an ongoing effort to bring the Office closer to the people, the Acting Ombudsman visited a number of communities in different towns.

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## 1996

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The office received a total number of 998 jurisdictional complaints as well as 208 non-jurisdictional complaints. Only 459 case files were opened.

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As a member of the International Ombudsman Institution (IOI), the Acting Ombudsman attended a number of international workshops, seminars and conferences held by fellow Ombudsmen. He also attended the VI International Conference of the IOI in Argentina.

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As part of the office’s outreach programme, the Acting Ombudsman visited prisons, police stations and communities in different towns.

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A booklet entitled *Go to the Ombudsman*, which was printed in 8 languages, was distributed to citizens. With the resignation of Ephraim Kasuto at the end of March 1997, the duty to compile and submit the 1996 Annual Report fell on Bience Gawanas who was appointed Ombudsman on 24 December 1996.

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## Bience Gawanas

**Ombudsman: 24 December 1997 – 15 September 2002**



Advocate Bience Gawanas spent 12 years in exile as a member of the South West Africa People's Organisation (SWAPO Party) and taught in various SWAPO refugee centres in Angola and Zambia as well as a school for Namibian exiled children in Cuba. During exile, she worked with women in the refugee camps, preparing them for a meaningful role in an independent Namibia.

She returned to Namibia in 1989 and started work as a lawyer at the Legal Assistance Centre advising clients on human rights and legal issues. Since 1991 until the present, she served Namibians in various public portfolios as a

member of the Public Service Commission, member of the Board of Directors of the Central Bank of Namibia, a Member and a Chairperson of the Law Reform and Development

Commission, and was appointed the Ombudswoman of Namibia from 1996 until 2003. In 2003, she was elected by the African Heads of State as the African Union Commissioner for Social Affairs and served for two terms until 2012.

From 2013 until April 2016, she served as Special Advisor to the Minister of Health and Social Services on policy and social issues, and currently as Special Advisor on Poverty Eradication and Social Development to the Minister of Poverty Eradication and Social Welfare. In addition, she continues to serve on international commissions and taskforces and has also been actively involved in civil society organizations, and was the Chairperson of the Namibian Red Cross Society and served as the Chairperson of Kalahari Holdings.

Adv. Gawanas is passionate about human rights, gender, social development issues and uses her education, knowledge, extensive

experience to promote good governance, ethics and strategic management; towards the reform of laws particularly on gender equality such as the Married Persons Equality Act and the rights and welfare of the most vulnerable and marginalized.

As Ombudswoman, she transformed the office by introducing a computerized case management system which was tailor made with the assistance of the Ontario Ombudsman Office, received computers donated by the Swedish government, developed a website and logo for the Office and a Strategic Plan, increased staff, as well as travelled the country to meet with communities and listen to their concerns and grievances. She helped establish the African Ombudsman Association (AOA) as its first Executive Secretary and assisted with the drafting of a Strategic Plan and Constitution of the AOA. She also participated in various conferences, workshops, and meetings continentally and internationally such as the

International Ombudsman Institute (IOI) Conference, Brisbane, Accra, Burkina Faso, Uganda, South Africa, etc.

She contributed to building and transforming the civil service of Namibia and ensured that the public service was balanced in terms of race and gender and that the staff rules and regulations were favourable towards women, including their pension rights, rental allowance, promotions, etc.

Adv. Gawanas studied in the UK and completed an LLB Honours degree at the University of Warwick and an Utter Barrister Degree from the Inns of Court School of Law. She is a member of the Lincoln's Inn and was admitted both to the UK Bar and the Namibian High Court and is a qualified lawyer. She holds an Executive MBA from the University of Cape Town. She has been conferred an honorary Doctorate in Law from the University of Western Cape and has been nominated for various awards.

## 1997

Bience Gawanas assumed duty at the beginning of 1997, although she was appointed on 24 December 1996 as Ombudsman. She wrote in her first message: *They [people] prefer therefore to refer to me as Ombudsperson or Ombudswoman. I adopted the title of Ombudswoman...*

Annual Report 1997

1997 can be described as the year of assessment and restructuring of the Office. A mission statement with values and duties was adopted. The Office of the Prime Minister carried out an assessment of the organization and establishment of the Office. A consultant compiled a needs assessment document that was used to develop a training programme for staff.

During February 1997, three officials of the office went to the Ontario Ombudsman in Toronto to study their computerised case management system and complaints handling procedure. It was time for a new complaints handling procedure and the information which the officials brought back from Ontario assisted greatly in devising their own procedures which were implemented from 1 April 1997.

A programme analyst from the Ontario Ombudsman came to Namibia in August 1997 to implement the computerized case management system in the Ombudsman office.

Of the total number of 779 complaints received, 624 (80%) were resolved and only 155 (20%) were carried over to the following year.

## 1998

A new look for the front page of the 1998 Annual Report; for the first time the front page depicts a photograph, that of the office building in Robert Mugabe Avenue which housed the Ombudsman since 1990. As in the previous Report, the statistics appear in beautiful colours. The Report also contains a photograph of the staff with the Ombudswoman.

A Code of Ethics was adopted and appears on the inside of the front page of the Report.

The National Conference on **Integrity/Promotion of Ethics and Combating of Corruption** was held during October 1998. The Conference adopted a number of recommendations to deal with the menace of corruption and the creation of a society bound by high ethical standards.

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A workshop on **Human Rights and Public Administration** was held on 1 – 5 June 1998 which brought together human rights activists and public administrators.

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As part of its commitment to inform and educate the public at large about the functions of the Office, an extensive public outreach programme ran during 1998.

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A total number of 1111 complaints were received; a substantial increase over the 779 complaints received in 1997. There was also a substantial increase in non-jurisdictional complaints which may be the result of a greater awareness of the Office or the absence of viable alternative complaints mechanism to deal with these complaints.

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1999

In its Mission Statement, the Office commits itself to the speedy and effective resolution of complaints, but that depends largely on the cooperation received from institutions when information or comments are requested from them. The lack of cooperation and the issue of staffing dominated the annual reports for years. The office started out 10 years ago with only two staff members and 10 years later the number stood at 12.

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A new organizational structure and establishment for the Office was developed which the Public Service Commission in September 1999 recommended for the Prime Minister's approval; approval is still being awaited at the end of 1999.

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STAFF MEMBERS OF THE OFFICE OF THE OMBUDSMAN  
1999



M. MARÉE  
DEPUTY DIRECTOR



E. CLINE  
CHIEF INVESTIGATOR



M. NARDIMAB  
CONTROL OFFICER



L. MOKOMELE  
SNR INVESTIGATOR



E. MWANYANGAPO  
SNR INVESTIGATOR



L. MUNGUNDA  
PRIVATE SECRETARY



E. JANSSEN  
PRIVATE SECRETARY



I. ANGERMUND  
TYPIST/RECEPTIONIST



A. VAN BLERK  
RECORD CLERK



H. AMASHISHA  
DRIVER



J. TJAHURA  
MESSENGER

With the assistance of UNDP, the process of developing a strategic plan for the Office started in February 1999 with implementation thereof aimed for the year 2000.

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After years of having to cope with inappropriate and inadequate office accommodation at its former premises, the Office in June 1999 moved to its new premises at the corner of Robert Mugabe and Peter Muller (now Fidel Castro) Streets; depicted on the front page of the Annual Report, 2001.

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The Office hosted the 6<sup>th</sup> African Regional Ombudsman Conference from 18 – 22 October 1999 with the theme, ***Ombudsman in Africa: Practice in the New Millennium***. The Conference was attended by many African Ombudsman as well as from Canada. H.E. Former President Dr. Sam Nujoma officially opened the conference. He said, *inter alia*, the following:

*“...the Institution of Ombudsman should provide the people with the opportunity to have an effective, independent and impartial body for the investigation of complaints and providing remedies to injustice and unfairness. However, the success and effectiveness of the Ombudsman depends on Government’s commitment to uphold the independence of the Institution and to give the support that it needs in the execution and fulfillment of its legal mandate”*



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A total number of 1262 complaints were received during 1999, which represents a 38% increase compared to 1997 and a 10% increase compared to 1998; thus a total increase of close to 50% over the last three years. As in previous years, an increasing number of non-jurisdictional complaints continued to be received, 443 or 35% of the total number of complaints received in 1999.

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## 2000

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The Ombudswoman and a staff member attended the 6<sup>th</sup> International Ombudsman Institute's Conference hosted by the Public Protector of South Africa in Durban. The Conference was officially opened by H.E. Former President Thabo Mbeki, and the Late Dr. Nelson Mandela graced the occasion with his presence and delivered a special message.

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A total number of 1198 complaints were received during 2000, which represents a 5% decrease compared to 1999 (1262 complaints). The most notable decrease was in non-jurisdictional complaints received, totalling 236 (19.6% of the total complaints received) compared to 443 in 1999 (35% of the total complaints received).

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A new structure and post establishment for the Office was approved in April 2000 by Cabinet, which increased the number of posts to 28. All vacancies were advertised and a total number of 1700 applications were received. After a long selection process, nominations were eventually submitted towards the end of November 2000 to the Public Service Commission. It is expected that the new staff would come on-board, early 2001.

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One of the strategic goals of the Office was the establishment of regional offices, but due to the shortage of staff, this did not happen during 2000.

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The staff conducted complaint intake clinics throughout the country, and people who would otherwise not have been in a position to reach the office, used the opportunity to lay their complaints and seek advice.

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Prison visits throughout Namibia have become a regular feature on the annual programme of activities of the office and most facilities were visited at least once during the course of the year.

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2001

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## The other side of the story

"It was the belief of the Office that one of the steps towards creating a public image of the Office of the Ombudsman to foster the independent and unique position it occupies within our constitutional dispensation would be the creation of an own logo. Also, we needed a logo that would show publically who we are and what we stand for. The logo would also have a strong African context and would depict objectivity and impartiality without using the words, which are at times too difficult to be understood by the ordinary person. We decided to launch a logo competition and a large number of entries were received. Ms. Helene Blaauw, a graphic designer, entered the winning entry. The result was the logo depicted in this report, with its inscription "The Other Side of the Story," and which incorporates the following:

- Two halves of a mask depicting that there are always two sides to a story that has to be heard before it can be resolved
- Porcupine quill between the masks indicating a shield for those in need of protection against unfair and unjust treatment"

Bience Gawanas: Annual Report 2001, Page 23



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## Government Notices

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### MINISTRY OF TRADE AND INDUSTRY

No. 169

2002

#### MERCHANDISE MARKS, ACT, 1941: PROHIBITION OF THE USE OF A CERTAIN MARK

Under section 15(1) of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), I prohibit the use of the mark shown below in connection with any trade, business, profession or occupation or in connection with a trade mark, or trade description applied to goods, except the use thereof by the Office of the Ombudsman.



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The Office anticipated filling all vacant posts to increase the staff complement from 12 to 28. This did not happen and some newcomers resigned within 3 months after their appointments. Marius Maree who had been with the office since its inception in 1990, retired.

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Complaints received increased during 2001 (1413) compared to a slight decline in the previous year. Most of the complaints were resolved through a problem-solving approach, i.e. complaints were resolved through informal inquiry, while full investigations that are time consuming are conducted only in complex matters. One such investigation was conducted into the management and operation of the Social Security Commission (SSC) after the Minister of Labour referred the matter for investigation. The investigation was conducted over a period of 9 months and the report submitted to the Minister who accepted the report and is in the process of implementing the recommendations of the office.

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The Ombudswoman attended the 7<sup>th</sup> African Regional Ombudsman Conference where she was appointed as the Executive Secretary of the African Ombudsman Association (AOA).

**Seventh African Regional Ombudsman Conference**

The Ombudsman of Seychelles hosted this conference in July 2001 during which it was decided that African Ombudsmen constitute themselves into an Association and that the AOC continues to serve as a resource centre. It was also decided to strengthen the AOC with the appointment of the Namibian Ombudswoman as the Executive Secretary with the main task of promoting the Ombudsman institution on the African continent and to develop a programme of activities for the Centre.



Seventh African Regional Ombudsman Conference, Seychelles

Realizing that the 1997 case management system urgently required updating, the Ombudswoman, reached out to the Ontario Ombudsman, who sent Mr. Kwasi Frimpong to attend to the problem and to train staff in the use of the updated programme. The result was an improved, more efficient system which had resulted in complaints being logged and dealt with even more effectively than before.

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The office organized a human rights awareness week which took place from 11 – 14 December 2001 to coincide with the International Human Rights Day on 10 December. The office organized the week in order to mark a new emphasis in its operations and its role as a public educator. The highlight of the human rights awareness week was the official launching by the R/Hon Prime Minister, Hage Geingob who shared some of his thoughts as follows:

“Human rights are also economic rights. Therefore, we need to ask ourselves another question: Do we observe human rights when a person doesn’t have a house, a job or food to eat? What are human rights for if we have people who live in squatters?”

Annual Report 2001, p. 29

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**2002**

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A total number of 1433 complaints were received of which 1252 were resolved and 181 complaints were carried over to the following year.

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The office organized a national workshop from 12 – 14 July 2002 in Windhoek with members of the National Assembly under the theme: **“Parliament and the Ombudsman: Fostering Partnership for the Promotion of Good Governance”**. The workshop was opened by the Deputy Speaker, Rev. W. Konjore and resource persons included Mr. T. Mushelenga, Chairperson on the Standing Committee on the Reports of the Ombudsman; Adv. Selby Baqwa, Public Protector of South Africa; Mr. Letheme Maine, Ombudsman of Botswana; and Dr. S. Bukurura of the School of Law, University of Durban-Westville.

The workshop aimed to create a better understanding of the relationship between Parliament and the Ombudsman. Based on the recommendations made at the workshop, the Ombudswoman submitted to the Parliamentary Standing Committee a report on a review of the status of the office.

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As a founding member and Executive Secretary of the AOA, the Ombudswoman attended the strategic planning workshop of the AOA Trustees where the Constitution and Strategic Plan were developed.

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In line with the information age and technological development, it was decided to create a website for the Office in order to let people know what the office does, how it does it and what the future plans and activities are. The website: <http://www.ombudsman.org.na> was developed by Thys Thom, a California University student who was attached to the office. The website was launched on 25 September 2002.

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Bience left the Office in September 2002

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## Justice S.V. Mtambanengwe

Acting Ombudsman: 15 September 2003 – 30 June 2004



Justice Mtambanengwe was born in Zimbabwe, and after finishing school he taught for a year. He later enrolled at the then University of Rhodesia and Nyasaland and graduated in English, Economics and Latin. Served as a member of the Students Representative Council. In 1960, he left for the United Kingdom to read law at the Inner Temple (London) and was called to the English Bar in 1963, after which he read for a year in the Chambers of eminent Barrister of the time, Sir Elwyn Jones and Mr. Sam Silkin. Prominent in politics and became a founder member and first

President of the Zimbabwe Students Union in Britain. In 1964, he returned to Zimbabwe and was admitted to the local Bar as Barrister. Remained active in politics and left the country when ZANU was banned.

After the independence of Zimbabwe in 1980 ceased active politics to concentrate on his career as a legal practitioner. In November 1986 he was appointed as judge of the High Court Zimbabwe. Was seconded to the Namibian judiciary and was appointed as Judge of the High Court in October 1994. He was also appointed to some other positions, such as Acting Chief Justice, Acting Judge-President of the High Court and Chairperson of the Electoral Commission of Namibia.

He was appointed Acting Ombudsman on 15 September 2003 and served until 30 June 2004. He passed on at the age of 85 on 10 May 2017.

### Namibia: Veteran Judge Appointed Acting Ombudsman



**the namibian**

29 SEPTEMBER 2003

By Werner Menges

Windhoek — ONE of the longest-serving members of Namibia's High Court bench, Acting Judge Simpson Mtambanengwe, has been appointed to lead the Office of the Ombudsman for the next six months.

Acting Judge Mtambanengwe confirmed on Friday that he had been notified that he has been appointed as Acting Ombudsman, with effect from September 15, until the end of March.

2003

In September 2003, Bience left the office following her appointment as African Union Commissioner for Social Affairs, and Justice Mtambanengwe was appointed as Acting Ombudsman from 15 September 2003. The office equilibrium was radically distributed with the departure of Bience and the sudden resignation of the Director: Investigations, which had a huge negative impact on the staff. It was up to the Acting Ombudsman to restore the equilibrium. Good advice from a wise elder:

“...the commitment and dedication of leaders and ordinary citizens alike are needed in the fight against corruption... there can be no doubts, judging from the daily coverage of corruption-related instances in the media, that Namibia faces a tough battle ahead in realizing a corruption-free country.”

And he proceeded to caution:

“When we knowingly choose to ignore and become victims of corruption, we not only condone corruption, but support the raping of our resources by a few greedy ones at the expense of others.”

Annual Report 2003, p. 3 - 4

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After many years of trials and tribulations, a proper Complaint Resolution Manual setting out all the procedures, policies and guidelines pertaining to the handling of complaints in the office, saw the light in April 2003.

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The vacancies of Communication, Legal and Chief Administrative Officers were advertised in 2003, but only the Chief Administrative position was filled from 1 July 2003. The other two posts could still not be filled, due to the non-market related salaries offered. The crucial position of Director: Investigations which became vacant in March 2003, was advertised twice but no suitable candidate could be recruited.

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On the linkage of the Ombudsman to the Ministry of Justice, the Acting Ombudsman remarked:

“...it is a matter which should be resolved urgently if the Office of the Ombudsman is to remain a respected watchdog in the eyes of those he serves. Being a directorate in a Ministry would certainly not support such a notion.”

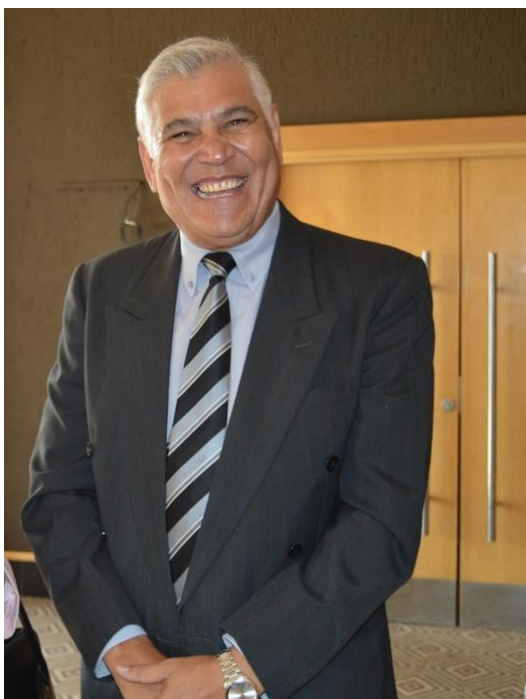
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In partial fulfilment of its duty to combat corruption, the office initiated the **National Integrity Promotion Program (NIPP)** with the broad objective to establish a coalition of public and private partners towards raising public awareness on national integrity, as well as causes and effects of corruption and ways in which to combat it. The NIPP which was officially launched by Bience on 27 February 2003 was designed around the following main components:

- National Integrity and Service Delivery Survey and Re-Survey
  - Grassroots Outreach Campaign
  - National Multi-Media Awareness Campaign
  - Risk Assessment Workshop
  - Capacity Building with the Office of the Ombudsman
- 

## John R. Walters

Ombudsman: 1 July 2004 – current



Born on 7 July 1956 in Karasburg; matriculated at Dr. Lemmer High School in Rehoboth in 1974 and graduated BA LLB from the University of the Western Cape in 1980.

Started as a public prosecutor in Keetmanshoop on 2 January 1981. Admitted as an advocate of the Supreme Court of South Africa (South West Africa Division) on 9 October 1981. Transferred to Windhoek in April 1984 as Senior Public Prosecutor and in August 1984 transferred to the Office of the Attorney-General as State Advocate to prosecute criminal cases and appeals in the Supreme Court (as it was then called). Appointed Magistrate in 1985 until March 1990 when transferred to the Office of the Prosecutor-General as State Advocate. Promoted to

Deputy Prosecutor-General in March 1992 and resigned from public service in 1996. Appointed member of the Board for Legal Education in 1996. Elected councillor in 1996 for the Council of the Law Society of Namibia as constituted under the Legal Practitioners Act, Act No 15 of 1995. Appointed member of the Board of Legal Education from 1996 to 2004. Appointed Chairperson of the Transportation Commission of Namibia in 1998.



Worked in private practice from 1996 until appointed as Acting Prosecutor-General in December 2002 until December 2003. Appointed Ombudsman on 1 July 2004. Was a founding member of the African Ombudsman and Mediators Association (AOMA) in 2005, the Network of African National Human Rights Institutions (NANHRI) in 2007 and served on the Executive Committees of both institutions. Joined the International Ombudsman Institute (IOI) Board of Directors as African Regional Vice-President in 2010, was elected First Vice-President of the IOI in 2012 and served as President of the IOI from 2014 until 2016. Awarded Honorary Life Membership of the IOI in 2016.

Elected member of the Bureau of the Global Alliance of National Human Rights Institution in 2019 representing the African Region. Serves as Commissioner (ex officio) of the Law Reform and Development Commission since 2004 and Acting Chairperson from 2005 to 2009. The term of office expires on 30 July 2021.

**2004**

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John Walters was appointed as Namibia's third substantive Ombudsman on 1 July 2004, and it became his duty to report on the activities of the office for the year 2004. This report was of necessity the shortest (20 pages), not because there were fewer activities to report on, but the new Ombudsman was still finding his feet. In his message he remarked:

The public expects the Ombudsman to become more involved with human rights issues and we should strive to become a truly national human rights organisation in line with the Paris Principles.

Annual Report 2004

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A welcome development in the office was the implementation of a new computerized case management system, which was in the pipeline for many years. The new programme was custom written to meet the specific needs of the office.

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The National Integrity Promotion Programme (NIPP) which was launched on 27 February 2003, continued until June 2004. The implementation of the NIPP has succeeded in enabling the Office of the Ombudsman, together with its many partners in the programme to become more proactive in the fight against corruption. The programme, however, needs to continue otherwise the momentum gained will be

lost. With the establishment of the Anti-Corruption Commission in December 2004, the office ceased to receive and investigate complaints of corruption.

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The groundwork for the opening of two regional offices, at Keetmanshoop and Oshakati respectively in 2005, was completed and everyone in the office looked forward to seeing the realization of one of the office's strategic goals.

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A total number of 1033 complaints were received which is less than the previous year. It can be attributed to the fact that no regional complaint intake clinics took place during 2004.

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The crucial position of the Director: Investigations which became vacant during March 2003, was advertised and Ms. Ingrid Bampton-Cupido was appointed in that position with effect from 1 December 2004.

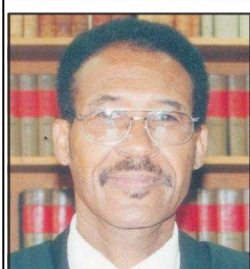
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The Ombudsman attended the 8<sup>th</sup> World Conference of the International Ombudsman Institute (IOI) in Quebec City, Canada which was his first international engagement.

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## 2005

July 2005 saw the completion of 15 years of continuous service to the Namibian people by the Ombudsman. In the 2005 Annual Report tribute is being paid to the previous Ombudsmen for their achievements and contributions to the development of the office.



*"The task of the Ombudsman will not be fully accomplished until and unless we have extended our services to the majority of our citizens in the communal and farming areas throughout Namibia, because the Office of the Ombudsman was created to serve the entire nation and not a particular segment of our population"*

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



*"The two attributes that may not be linked to education and experience are honesty and integrity in a Public Office situation".*

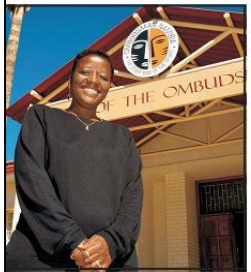
**Adv Fanuel Kozonguizi, Ombudsman: 20 May 1992-1 January 1995**





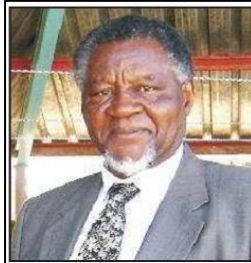
*"...the Ombudsman in Namibia, as we all know, is an independent, impartial and neutral institution..."*

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



*"...the importance of laws and codes in setting the pace of ethical change cannot be overlooked."*

**Adv B Gawanas, Ombudsman: 24 December 1996-15 September 2003**



*"...there can be no doubts, judging from the daily coverage of corruption-related instances in the media, that Namibia faces a tough battle ahead in realizing a corruption-free country."*

**Justice S V Mtambanengwe, Acting Ombudsman: 9/ 2003-6/ 2004**

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On 14 July 2005, the first regional office of the Ombudsman was officially opened at Keetmanshoop; the second regional office was officially opened on 1 September 2005 at Oshakati.

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Another highlight was the launch of the Service Charter of the Ombudsman on 30 September 2005 in which the Ombudsman set out the standards which one can expect when dealing with the Ombudsman.

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A review process offered to complainants is also set out in the Service Charter. In essence, complainants who are not satisfied with the outcome of the investigation or how he/she was treated by staff members of the Office, may report it to the Ombudsman. Because he is usually not directly involved in the handling of the original complaint, he will review the matter and conduct further investigation if needed. The complainant will then receive a full report of his investigation together with the findings and recommendation(s). Several complaints were referred to him for review.

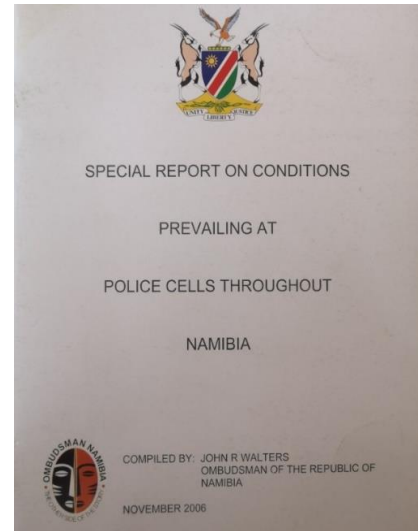
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A total number of 2257 complaints were received at the end of 2005 and 85% were resolved.

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Members of the public continue to utilise the service of the Office and during 2006; the Office received 2060 complaints of which 76% were finalised.

The first ever special report in terms of section 6(1) of the Ombudsman Act No 7, 1990 was tabled in the National Assembly on 24 November 2006. The report is named: ***Special Report on Conditions Prevailing at Police Cells throughout Namibia***. It was an own motion investigation prompted inter alia by the Ombudsman's suspicion that the fundamental rights and freedoms of inmates are violated in police cells.



In the 2006 Annual Report, the Ombudsman described and assessed the extent to which the Government of Namibia has taken appropriate legislative, policy, administrative and budgetary steps, and other measures, to ensure the realization of economic and social justice in respect of the ***right to work, health, food, water, adequate housing, culture, social security and education***.

On 15 February 2006, the Ombudsman applied for accreditation to the International Coordinating Committee of National Human Rights Institution (ICC), now called the Global Alliance of National Human Rights Institutions (GANHRI), and the Office of the Ombudsman was granted 'A' Status accreditation on 10 April 2006. The Office became a full member of the GANHRI.

## **“A” Status Accreditation – opening doors**

The Principles relating to the status of national institutions (the Paris Principles) provide benchmarks against which new and existing National Human Rights Institutions (NHRI's) can be assessed or “accredited” by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). The GANHRI is the international association of NHRI's which aims to promote and strengthen NHRI's in accordance with the Paris Principles.

The Paris Principles set out the minimum standards for the roles and responsibilities of NHRIs, what a fully functioning NHRI is, and identify six main criteria that these institutions should meet to be successful:

- **Mandate and competence:** a broad mandate based on universal human rights standards
- **Autonomy from government:** includes legal, operational and financial autonomy;
- **Independence:** guaranteed by the Constitution or Legislation
- **Pluralism:** included through membership and/or effective cooperation
- **Adequate resources**
- **Adequate powers of investigation**

Accreditation is the official recognition that NHRIs meet or continue to comply fully with the Paris Principles. There are currently three levels of accreditation: **“A” Voting Member** – complies fully with the Paris Principles; **“B” Observer Member** – does not comply fully with the Paris Principles, and **“C” Non-Members** – does not comply with the Paris Principles.

Accreditation confers international acceptance of the NHRI; opens doors to participate in the work and decision-making of the GANHRI as a voting member; can hold office in the Bureau of GANHRI or any of its subcommittees. “A” Status NHRIs can participate fully in the work and decision making of regional networks, e.g., the African Network of National Human Rights Institutions (NANHRI); as a voting member can hold office in the Steering Committee of NANHRI or any of its subcommittees. They are also able to participate in sessions of the Human Rights Council and take the floor under any agenda item, submit documents and take up separate seating.

On application, the Namibian Ombudsman was accredited with a status “A” accreditation in April 2006. It retained its “A” Status after reaccreditation in 2011, but its application for re-accreditation in 2016 was deferred to 2017, and in 2018 it received it’s “A” Status accreditation again.

Only Chairpersons/Ombudsmen of Status “A” accredited institutions can serve on the Steering Committee of NANHRI and Bureau of GANHRI

The Ombudsman was a member of the Steering Committee of NANHRI until 2012 and was elected a member of the Bureau of GANHRI in 2018, representing the African Region.

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The Ombudsman, in close cooperation with Parliament, celebrated for the very first time Constitution day on 9 February 2006 under the theme: ***Ensuring that the Constitution remains a living document.***

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The first ever Ombudsman newsletter appeared in November 2006 to coincide with the ***16 Days of Activism against Gender-based Violence***, ahead of International Human Rights Day on 10 December 2006. The newsletter was distributed as a newspaper insert with the purpose of making the general public aware of the programme of activities for the 16 Days and related information.



# OMBUDSMAN NEWSLETTER

VOLUME 1, ISSUE

NOVEMBER 2006

2007

To make good on his promise of 2004 to shift the focus more to human rights promotion, the Ombudsman undertook during August 2007 an extended visit to schools and clinics in the !Kharas Region. The Ombudsman engaged school children on their human rights, inspected clinics and held community meetings.

Staff members also participated in shows/trade fairs throughout the country to disseminate information about the functions of the Ombudsman, but specifically about human rights with the focus on violence against women and children. The stalls won the office one gold and two silver awards at the Swakopmund, Otjiwarongo and Grootfontein shows respectively.

The Ombudsman participated in the Africa Public Service Day which was celebrated on 22 June 2007 with the theme **Promoting good governance with the emphasis on anti-corruption.**

## SPECIAL REPORTS, EVENTS AND OUTREACH/PUBLIC EDUCATION

### AFRICA PUBLIC SERVICE DAY

Africa Public Service Day was celebrated on 22 June 2007 with the theme "Promoting good governance with emphasis on anti-corruption". The Ombudsman made a presentation on the day, while the Office also had a stall with material relating to the theme.



## PARTICIPATION IN SHOWS/TRADE FAIRS

The Office participated in various shows/trade fairs throughout the country during 2007, the purpose of the participation was to educate the public about the functions of the Ombudsman in general, but also specifically about human rights, with the focus on violence against women and children. The French Embassy provided the Office with the necessary funds to successfully carry out this outreach project.

The Office was fortunate enough to win one gold and two silver awards at the Swakopmund, Otjiwarongo and Grootfontein shows, respectively.



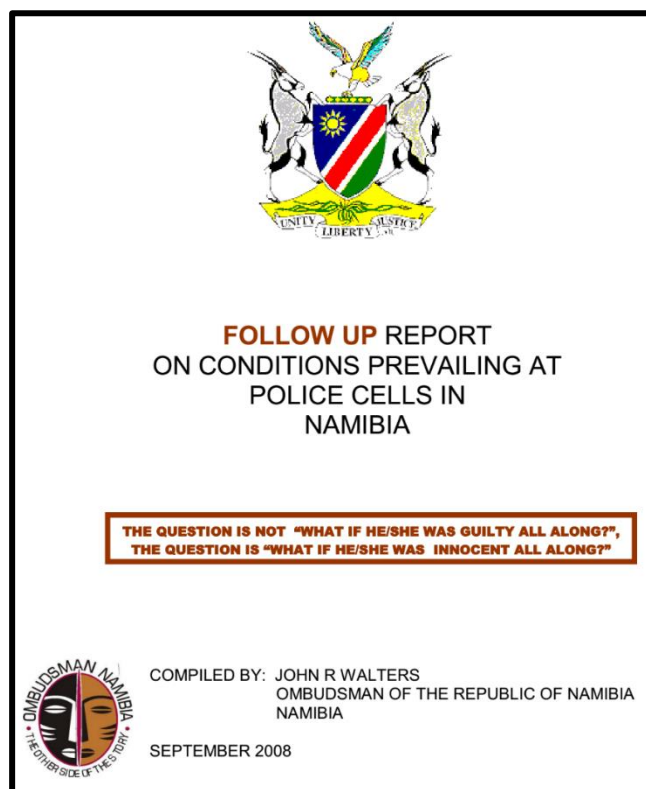
Annual Report 2007

31



# 2008

Follow up visits to selected police cells throughout the country were carried out during August 2008 to determine whether there were any improvements in the situation as it related to police cells during and following the Ombudsman's 2006 Special Report to the National Assembly at the time. A report was compiled and together with the Ombudsman's recommendations, this second Special Report was submitted to the National Assembly.



During August 2008 the Ombudsman started with human rights training for correctional officers at Lüderitz, Keetmanshoop and Martiental. Dr. Rupple was contracted to compile the training manual for distribution to correctional officers.





Recalling that the Durban Declaration and Programme of Action (DDPA) 2001, inter alia urges states to: ***adopt and implement measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance***, the Ombudsman decided to hold hearings on racism and racial discrimination to determine whether racism or racial discrimination is a mere perception or a reality in Namibia. The hearings were preceded by a media campaign and posters were designed and displayed, informing citizens of the mandate, purpose, dates and venues of the public hearings.

Despite the intensive proceeding publicity campaign, only 22 people participated in the hearings and it was impossible for the Ombudsman to produce a report. The apparent failure of the exercise did not discourage the Ombudsman, who promised that they will continue to raise awareness of the impact of these scourges.

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The Ombudsman in partnership with the Konrad Adenauer Foundation hosted a series of public lectures relating to human rights under the theme: ***The citizens' right to accountability and transparency... giving a voice to the people of Namibia.***

The series started off with the celebration of Constitution Day on 7 February where Commissioner Bience Gawanas, AU Commissioner for Social Affairs, delivered the keynote address; the late Hon. Theo-Ben Gurirab, Speaker of the National Assembly, made the closing remarks.

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The following meetings in the series, attended by 300 people, took place:

**6 March 2008: The citizens' rights to electricity**

Expert Speaker: Mr. Paulinus Shilamba  
Managing Director of Nampower

**3 April 2008: The citizens' right to a living parliamentary democracy**

Expert Speakers: Hon. Peya Mushelenga, MP; Hon. Johan de Waal, MP; Hon. Nora Schimming-Chase, MP; Hon. Justus //Garoeb, MP.

**8 May 2008: The citizens' right to information (freedom of the media)**

Expert Speakers: Ms. Sampa Kangwa-Wilkie (MISA); Mr. Chris Jacobie (Republikein); Mr. Crispin Inambao (New Era); Mr. Eberhard Hofmann (Allgemein Zeitung).

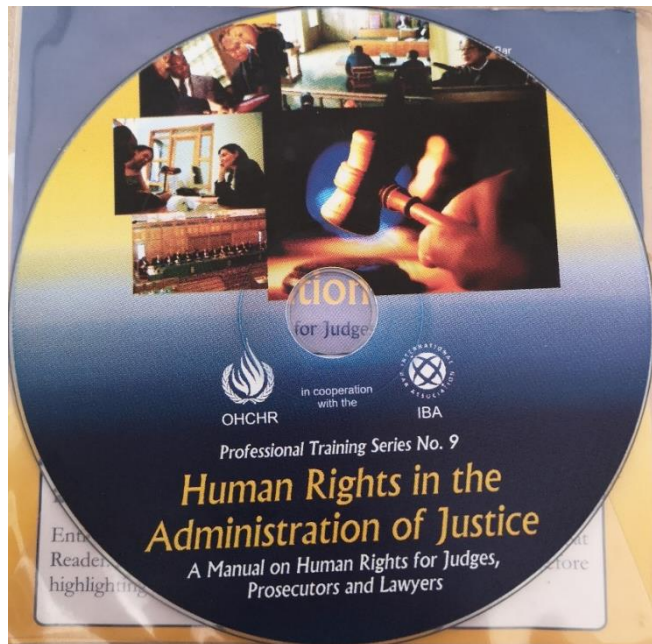
**5 June 2008: The citizens' right to effective public service delivery**

Expert speakers: Mr. Tulinane Emvula (Member of the Public Service Commission); Mr. Harold Pupkewitz (MD, Pupkewitz Holdings).

Following the recommendation of the Committee on the Elimination of Racial Discrimination (22/09/08) **to strengthen the legislative mandate and capacity of the office of the Ombudsman, so that it effectively fulfils its mandate**, the Ombudsman recommended that the Ombudsman Act should be amended to include inter alia: the duty to promote human rights, to monitor and assess the observance of human rights in Namibia, and to access places of detention. The expenditure in connection with the performance of these duties and powers must be paid with money especially appropriated for that purpose.

Having realised that the overcrowding in police cells can only be addressed by a concerted strategy, the Ombudsman and the Minister of Safety and Security, convened a stakeholders' meeting to address the problem. The Minister submitted the recommendations of the meeting to Cabinet who approved inter alia that **combating crime be listed as Priority No 5** after Education, Health, Agriculture and Housing, and that the Ministry of Safety and Security budgets for **Remand Prisons**, starting with Windhoek.

At a Magistrates' Training Workshop on 10/9/2009, the Ombudsman presented a paper on **Human Rights in the Administration of Justice** covering topics such as trials within a reasonable time; reviews and appeals; lost or incomplete records of proceedings; overcrowding in prisons and police cells; and visiting Justices under the Prison Act. The Ombudsman called upon Magistrates to visit prisons and police cells regularly and to report their findings also to him.



The Ombudsman copied the manual, titled **Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers** on CDs. Magistrates were the first to receive copies of the Manual; Judges, Prosecutors and Lawyers received theirs during 2010.

The Ombudsman called on all judicial officers and members of the legal fraternity to study the material, apply them in their daily work and become true guardians of human rights.

The Conference was followed by a training course on human rights action plans on 19 – 23 October 2009, which was attended by staff members, government officials, civil society, NGOs, and the media. The training course was sponsored by the **Raoul Wallenberg Institute** and the resource persons were Prof. Brian Burdekin and Mr. Bill Barker.

**Your right to vote for the party of your choice**

I am a proud Namibian  
and I am voting.  
What about you?

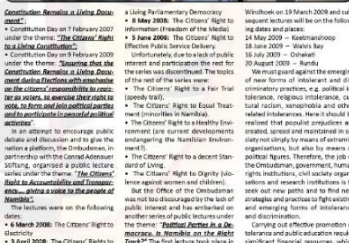
**initiated by**

compiled by **afRepublieken**

**DIJLDSMAN NAMIBIA**  
A COMMITMENT TO THE  
FUTURE OF THE PEOPLE

### Veter Education

■ An investigator in conversation with a complainant



### Winter Education

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A multi-media awareness raising campaign aimed to produce a range of media products to reach as many people as possible on all levels of society with human rights information, including:

**Adverts** – human rights adverts appeared in daily newspapers from October to December 2009.

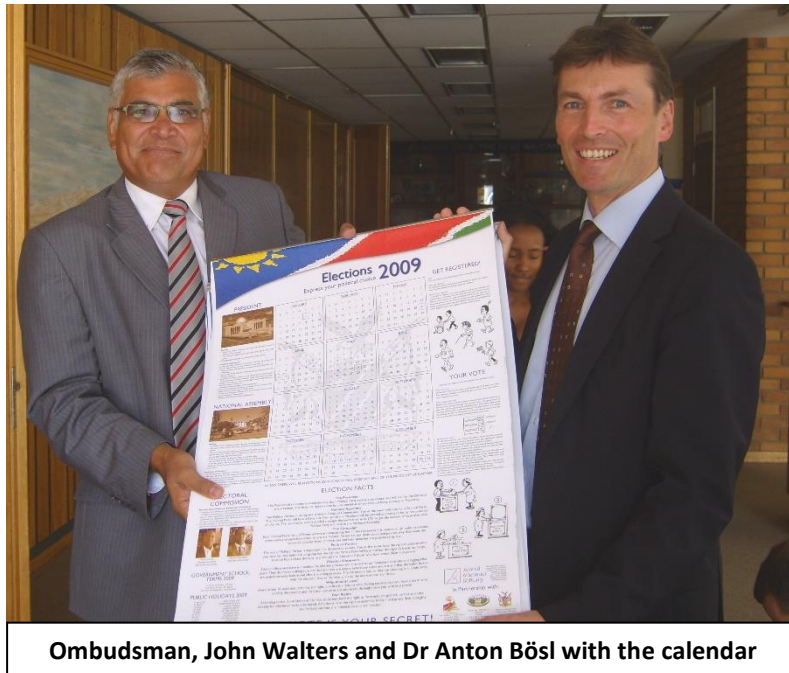
**Pamphlets** – 60 000 human rights pamphlets were printed of which 40 000 were distributed to motorists in Windhoek, Oshakati and Keetmanshoop on 9 December 2009. The rest were distributed to people during complaint intake clinics throughout Namibia.



**Bertha Simunje and Sakeus Hangula on the streets of Windhoek, handing out pamphlets**

**Constitution Day: 9 February 2009** – the purpose of celebrating Constitution Day was to emphasize the right of the child to express his/her view freely in matters affecting the child and to encourage learners to register as voters and exercise their right to vote during the upcoming elections. The Ombudsman invited learners from 23 high schools in and around Windhoek to participate in the event. A total number of 253 learners from 19 schools attended the event.





**Ombudsman, John Walters and Dr Anton Bösl with the calendar**

The Konrad Adenauer Foundation sponsored the event as well as 10 000 copies of the Namibian Constitution. At the end of the event, copies of the Constitution and calendars printed with voter education information were distributed among learners.

Human rights training for correctional officers continued where the Ombudsman and staff visited the remaining ten correctional facilities to conduct the training workshops. A total number of 840 correctional officers benefitted from the training.

## 2010

July 2010 saw the completion of 20 years of continuous service to the Namibian people by the Ombudsman and staff. During this period nearly 25000 people, either in person, in writing or telephonically have approached the Ombudsman seeking help. In this regard, the Ombudsman wrote:

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



## Celebrating 20 Years of Serving the Namibian People

To celebrate the 20<sup>th</sup> anniversary of the establishment of the Namibian Ombudsman in 2010, Ombudsman Walters hosted anniversary dinners at Windhoek, Keetmanshoop and Oshakati. All stakeholders, government officials, members of civil society and all staff members attended the functions. Hon. Pendukeni Iivula – Ithana, Minister of Justice at the time, delivered the keynote address at the Windhoek function. She said:

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

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



*2010 Annual Report, p 54 - 55*



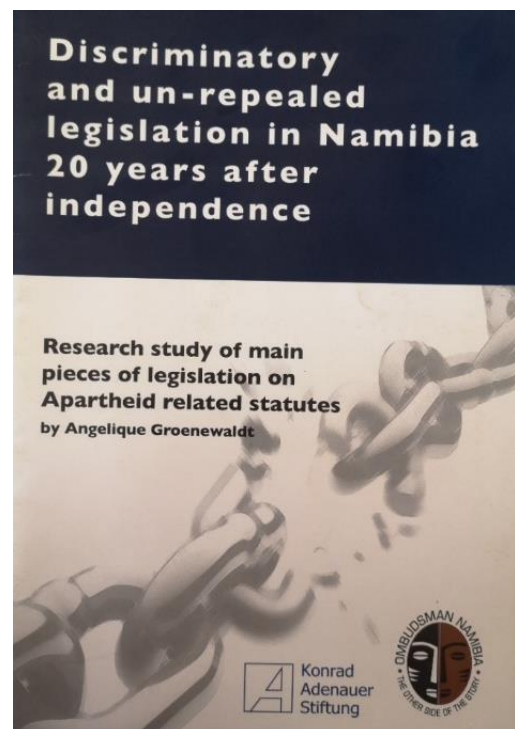
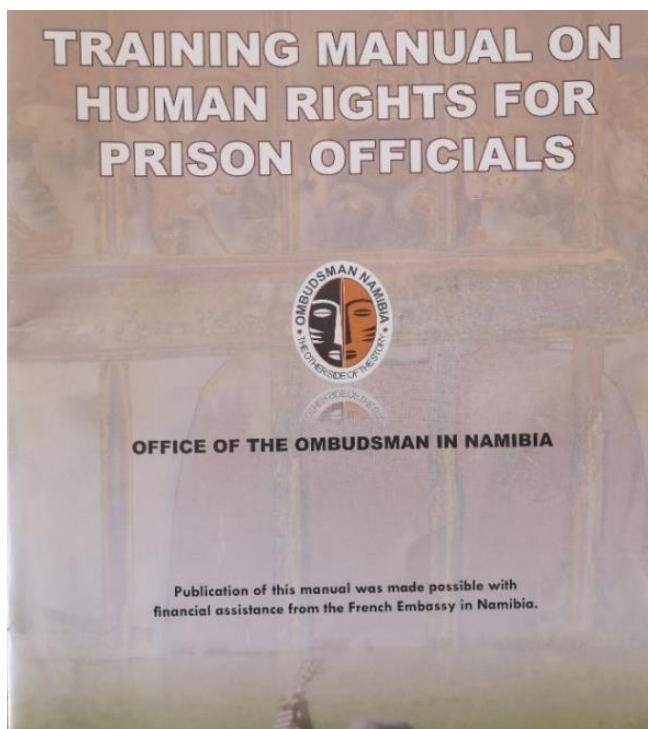
**Ms Rolanda van Wyk, the Ombudsman, Ingrid Bampton – Cupido, Dr. Anton Bösl, Jakes Jakobs, Isaskar Ndjoze and Elsi Schiekerling shared a toast**

The Ombudsman attended the Third General Assembly Meeting of the African Ombudsman and Mediators Association (AOMA) on 9 – 15 April 2010 in Luanda, Angola, where he was elected as Director to the Board of Directors of the International Ombudsman Institute (IOI), representing the African Region.

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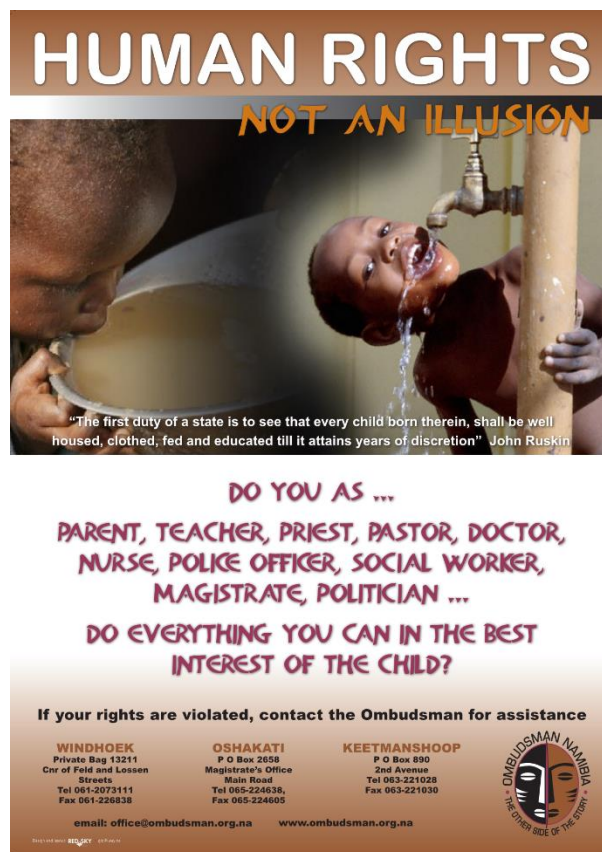
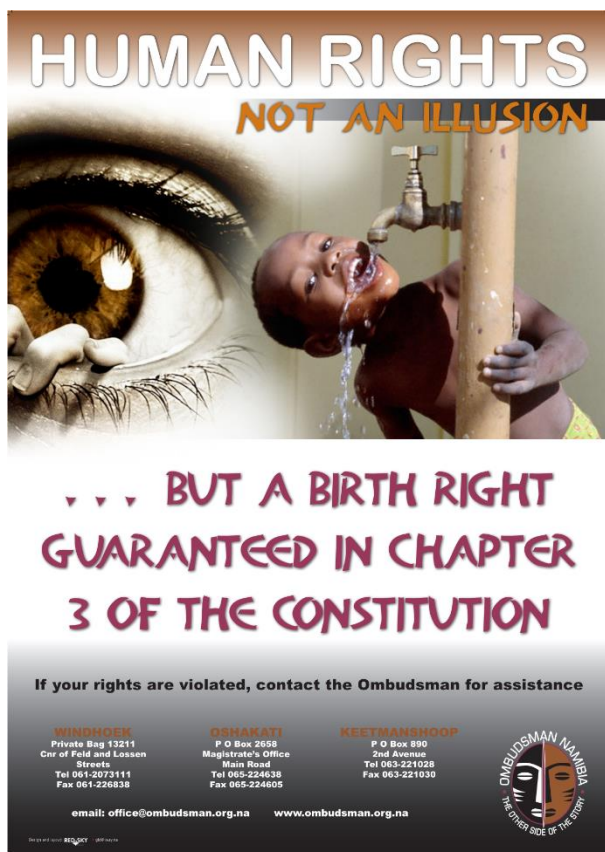
Human rights promotion continued during 2010 with the following events:

- During January, the Ombudsman with the assistance of the Namibian Sun Newspaper, designed the **Children's Human Rights Passport** of which more than 400 000 copies were printed and distributed amongst school children
- During a media conference on 16 July, the **Training Manual on Human Rights for Prison Officials**, which was developed with the financial assistance of the French Embassy in Namibia, was officially handed over to the Correctional Service for distribution to all correctional officers. On the same occasion, a research study of legislation and apartheid related statutes called **Discriminatory and Un-repealed Legislation in Namibia 20 Years after Independence** was also launched.





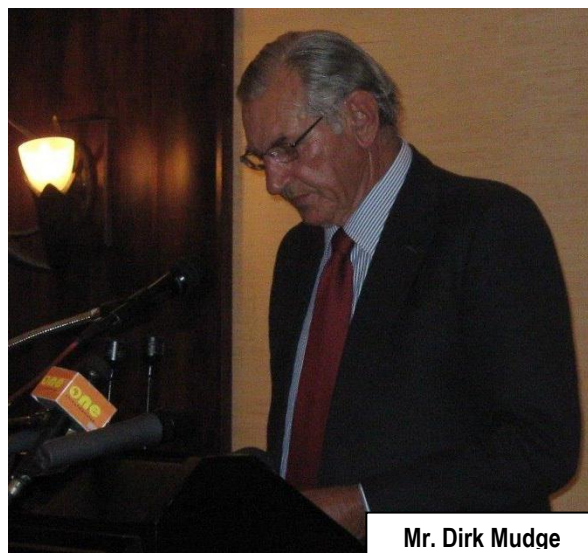
- A poster under the theme **Human Rights... Not an Illusion** was designed, printed and widely distributed.



## Constitution Day 2010

In 2010 we celebrated 20 years since the Namibian Constitution was unanimously adopted on 9 February 1990 by all political parties represented in the Constituent Assembly. The Ombudsman invited all living members of the Constituent Assembly to attend the celebration which was held in grand style at the Safari Hotel and Conference Centre in Windhoek on 9 February 2010. The programme comprised an opening address by the Ombudsman, as well as a short presentation on **20 Years of the Namibian Constitution** by Hon. Theo-Ben

Gurirab; Mr. Jan de Wet; Prof. M. Kerina; Mr. Justus Garoëb; Mr. Dirk Mudge; Mr. Moses Kajiuongua; and Adv. Veiko Rukoro. Prof. Kader Asmal from South Africa delivered the keynote address. He said:



***“Very few people in the world can put their hands on their hearts and say: ***‘I helped to make the Constitution.’*** I understand that of the 71 signatories to your constitution some are in the hall tonight. I would like to salute your presence.”***

He concluded with what Berfolt Brech wrote over 60 years ago at the end of the Anti-Nazi campaign and which is still relevant today:

***“When the battle of the mountains is over, then you will see the real battle of the plains will begin.”***



Hon. Theo-Ben Gurirab and Prof. Kadar Asmal

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The Ombudsman was invited to address learners at the Kephass Muzuma Primary School in Otjikuvare, Kunene Region on the occasion of celebrating the **Day of the African Child** on 16 June 2010; he was so touched by the spirit of both learners and teachers alike who remained so positive and focused despite lack of adequate resources, that he decided to donate some redundant furniture and computer equipment to the school; while he also provided them with a printer he bought from his own pocket. The handing over ceremony took place on 10 September 2010.

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From 19 to 21 July 2010, the Ombudsman visited the Hambukushu Traditional Authority; Gririku Traditional Authority; Mbunza Traditional Authority; Ukwangali Traditional Authority; and Sambyu Traditional Authority.

From 19 – 22 November 2010 he travelled to the Kunene Region where he visited the Otjikaoko Traditional Authority; Chief Kapika of Epupo, Vita Traditional Authority; Otjikakurukouje Royal House; and the Ovatuua Centre. He addressed community members and traditional leaders on the role and functions of the Ombudsman and listened and received their concerns and complaints.

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

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2011

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In his submission to the Universal Periodic Review (UPR) of the Human Rights Council, the Ombudsman emphasised the following key human rights issues; namely: *poverty and unemployment; education; fair trial; prisons; domestic violence; and the National Human Rights Action Plan (NHRAP).*

The Review of Namibia took place on 31 January 2011 and during the interactive dialogue the following statements regarding the Ombudsman were made:

Chile believed that the creation of the Ombudsman as a national human rights institution with “A” status in line with the Paris Principles, reveals Namibia’s commitment to society to protect and uphold human rights

Slovakia commended Namibia on the “A” status accreditation of the Office of the Ombudsman.

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The development of the NHRAP continued during 2011 with a consultant appointed to compile a framework for the NHRAP. The framework called for a human rights baseline study to be conducted as a basis for further development of the Plan. Human rights expert, Greg Moran, was contracted by the EU to compile a comprehensive terms of reference for the baseline study. An advertisement calling for suitably qualified companies or concerned groups to conduct a baseline study on human rights in Namibia, appeared in all newspapers with the closing date of 22 December 2011.

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During June 2011, the Ombudsman received a complaint alleging illegalities pertaining to the annual seal harvest in Namibia. Duty bound to investigate the complaint, the Ombudsman divided the investigation into three parts, namely: a stakeholder’s consultative meeting, site visits and interview/desk research.



The meeting took place on 20 September 2011 and was attended by national and international NGOs', representatives of the Ministry of Fisheries and Marine Resources, and individuals.

During November 2011, the Ombudsman and Mrs. Rakow visited the seal colony at Cape Cross and the seal factory in Henties Bay where they interviewed the owner and his employees.

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The Ombudsman invited Mr. André Marin, the Ontario Ombudsman and staff to present their internationally acclaimed **Sharpening Your Teeth (SYT)** training programme in Windhoek from 16 – 19 May 2011. Investigators from the Office of the Ombudsman, Anti-Corruption Commission, and the Namibian Police attended the training. Participants from Botswana, Lesotho, Zambia, Angola, and Rwanda also attended the training. The Ombudsman of Angola, Dr. Paulo Tjipilica and Public Protector of Zambia, Mrs. Caroline Sokoni also attended the training.



Adv John Walters (middle) with Messrs Marin and Jones

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## 2012

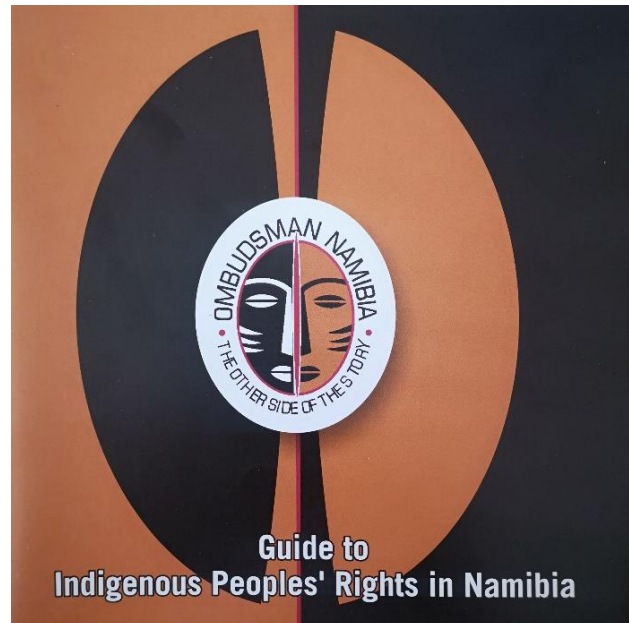
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The Ombudsman attended the 10<sup>th</sup> World Conference of the International Ombudsman Institute (IOI) on 12 – 16 November 2012 in Wellington, New Zealand where he was elected as the 1<sup>st</sup> Vice President of the IOI. He presented a paper on '**The role of the Ombudsman in promoting and protecting human rights – should it become a national human rights institution?**'

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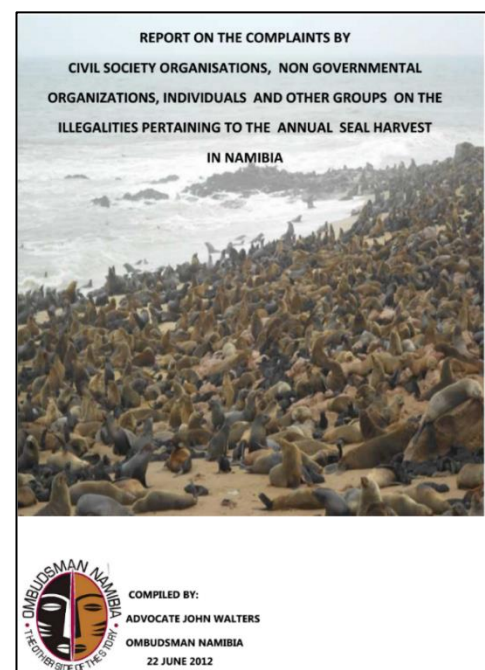
The Ombudsman in conjunction with the Human Rights and Documentation Centre of the University of Namibia (UNAM) organized a training workshop on **Indigenous peoples' rights in Namibia** from 30 July to 1 August 2020, with the generous support of the International Labour Organization (ILO). Staff members, government officials, and members of civil society organizations attended the workshop. A follow-up workshop was held in Swakopmund from 29 – 31 October 2012, conducted by Ms. Samia Silmane from the Office of the High Commissioner for Human Rights in Geneva. The workshop looked in depth into the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** and dealt extensively with the Manual for Human Rights Institutions on the UNDRIP.



With the assistance of the ILO, the Ombudsman developed a “**Guide to Indigenous People’s Rights in Namibia.**” On 15 August 2012, the Guide was launched at a media conference and thereafter widely distributed.

The investigation into the complaints relating to the annual seal harvest in Namibia, which started in 2011, was concluded and culminated in a comprehensive report in 2012. The Ombudsman found inter alia that:

- There are currently an estimated 1.2 million seals in Namibia and Namibian waters;
- The seal harvest in Namibia is sustainable, thus not contrary to the Constitution and the Marine Resources Act, and not in contravention of CITES; and
- The Total Allowable Catch (TAC) has been, and is currently rationally linked to the seal population numbers.



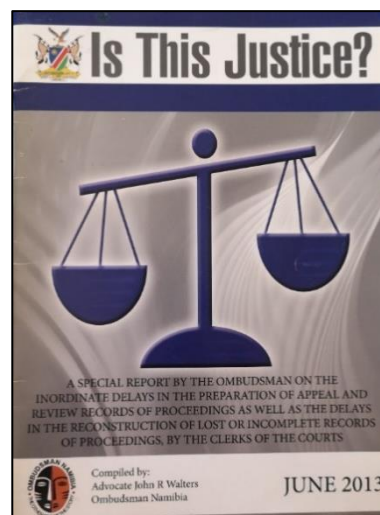
After many years of planning and anticipation, the third regional office at Swakopmund was finally officially opened on 7 December 2012. The occasion coincided with the commemoration of International Human Rights Day/Women’s Day on 10 December, and the opportunity was used to hand out pamphlets about

the new regional office and human rights flyers to people in Walvis Bay, Swakopmund, Mondesa, and Henties Bay.

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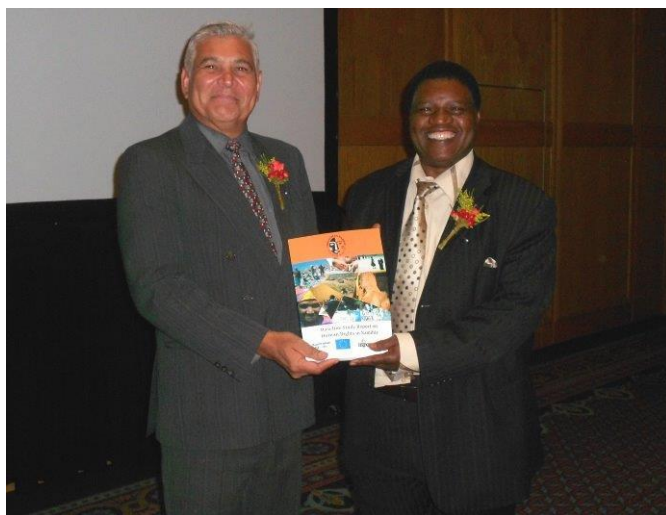
2013

The inordinate delay in the preparation of appeal and review records of proceedings and the reconstruction of lost and incomplete record of proceedings by clerks of courts became a systemic issue which needed to be properly investigated and reported on with extensive recommendations for improvement. The Ombudsman carried out this investigation in 2013 and his Special Report entitled, ***“Is This Justice?”*** was tabled in the National Assembly in June 2013. By the end of 2013, either none of his recommendations were implemented or he was not informed by the institutions to whom the recommendations were addressed, that they had in fact implemented any of my recommendations. However, seven years later the Parliamentary Standing Committee on Constitutional and Legal Affairs in its Report dated 20 February 2020, and which was adopted by the National Assembly on 19 March 2020, recommends:

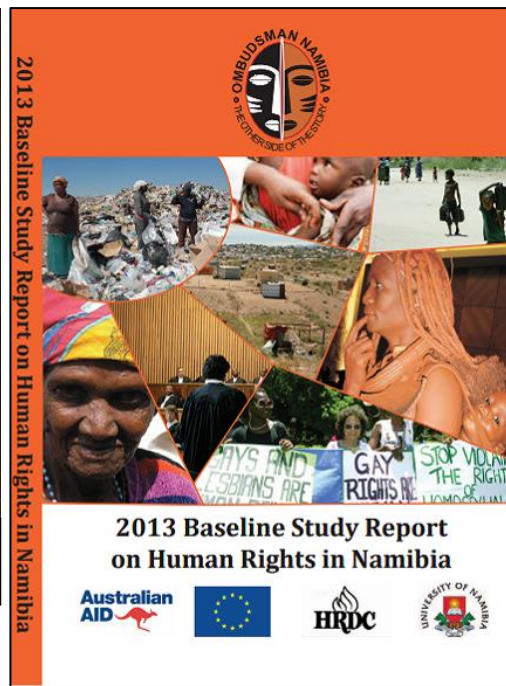


“Office of the Judiciary and Ministry of Justice should report progress to the Standing Committee on Constitutional and Legal Affairs and the Ombudsman on the findings, implementation and enforcement of the recommendations contained in ***“The Special Report by the Ombudsman on the Inordinate Delay in the Preparation of the Appeal and Review Records of Proceedings”*** as well as the ***“Delays in the Reconstruction of the Lost or Incomplete Records of Proceedings”*** by clerks of the court dated 2013”.

In October 2012, the undertaking of a human rights baseline study, which included a countrywide household survey, was commissioned. It culminated in the ***“2013 Baseline Study Report on Human Rights in Namibia”*** which was launched on 2 October 2013. A national consultative conference followed in November 2013, which was attended by various ministries and other stakeholders and which culminated in a consolidated draft consultative framework to support the consultative process towards the further development of the NHRAP.



**Ombudsman, John Walters and former Minister of Justice, Utoni Nujoma**



The regional office in the north of the country was previously accommodated within the Oshakati magistrate's office building, and persistent efforts to acquire an erf for the construction of an office building finally paid off. After a long wait, construction finally started in Ongwediva in 2012. The building was completed in 2013 and officially inaugurated on 9 December 2013, to coincide with the International Human Rights Day on 10 December. Both events were celebrated with the distribution of human rights pamphlets to households and motorists where staff took to the streets early in the morning of 9 December, prior to the opening of the new office building later that day.



**Timothy Shangadi, Monica Nghosi, Ileni Indongo with invited guests at the opening of the Regional Office**



**Eileen Rakow with Isaskar Ndjoze, Executive Director of MOJ also witnessed the milestone**

Although the Ombudsman does not have legislative powers to investigate matters on own motion, he decided to assume such powers to investigate the circumstances which led to the detention of a four year old boy with his mother in the Wanaheda police cells and which led to the boy's ultimate death at the hands of a fellow inmate during January 2014. This culminated in a report with extensive recommendations, entitled: ***An Omission or a Dereliction of Duty – Who is to be blamed?***

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Following this report, the Standing Committee on Gender, Youth and Information Communication Technology of the National Council invited the Ombudsman to compile a written submission regarding measures to be implemented to ensure that the rights of minor children are protected, and their safety ensured when their mothers are in custody and no relative or friend is willing or able to care for them. Mrs. Rakow appeared before the Standing Committee on 8 August 2014 to discuss the submission.

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On 28 August 2014, the Ombudsman received a written request from the government to investigate the circumstances which led to the death of Frieda Ndatipo, who was allegedly shot and killed by police officers near the SWAPO Party Headquarters on 27 August 2014. In the report entitled: ***"In the line of duty or a breach of duty?"*** the Ombudsman dealt with the background of the Children of the Liberation Struggle, also referred to as the ***Struggle Kids***, set out the investigation method, and followed by the facts emerging. He discussed the legal principles, applied these principles to the facts, and concluded with findings. The Ombudsman did not make any recommendations in the report, since the matter was referred to the Prosecutor General to decide whether or not there is a case to be answered by members of the police force. The Ombudsman handed over his report to the Attorney General on 19 December 2014.

A formal inquest was held in the High Court of Namibia and the court could not find the police responsible for the death of Frieda Ndatipo.



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On 27 – 30 October 2014, the Ombudsman attended the Board of Directors meeting of the International Ombudsman Institute (IOI) in Vienna, Austria where he assumed the Presidency of the IOI.

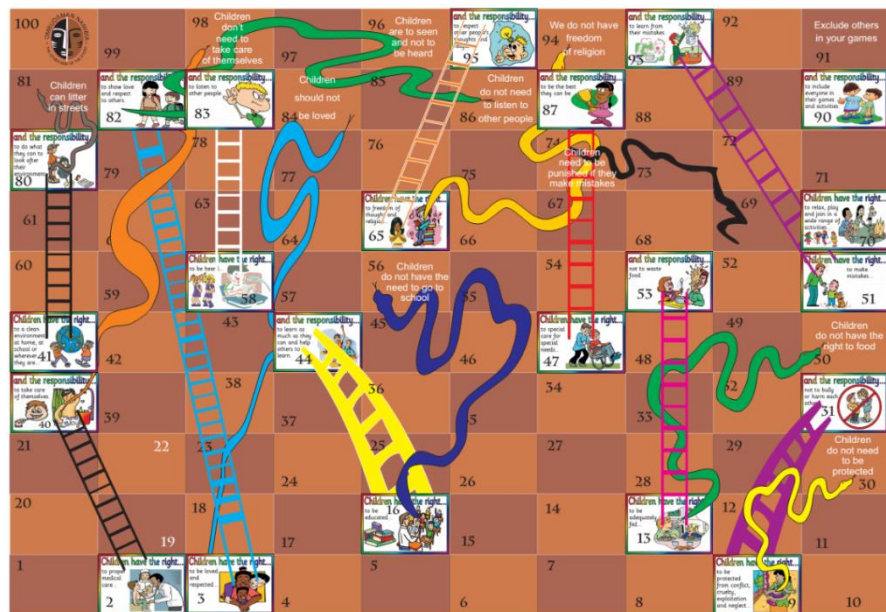


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The development of the National Human Rights Action Plan (NHRAP) which had been in the making for five years, finally became a reality when it was officially launched by H.E. President Hifikipunye Pohamba at a gala event in Windhoek on the 9<sup>th</sup> of December 2014. All stakeholders were invited to this momentous occasion, while the office also invited the late Mr. Med Kaggwa, Chairperson of the Uganda Human Rights Commission and Commissioner of the African Commission for Human and People's Rights, at the time, to deliver a message.



Having realized that human rights education is not comprehensively taught in primary schools, the Ombudsman initiated the programme entitled: ***“My School, My Rights, My Responsibility,”*** with the aim of introducing human rights education for learners in the lower primary phase. The office



firstly developed and printed the material needed for the programme, consisting of a booklet called ***“My Country, My Rights: Fundamental Human Rights and Freedoms in Namibia,”*** a snakes and ladders board game which depicts the rights and responsibilities of learners, and a tool kit for complaints investigators to use in classrooms during their interaction with learners. Children’s rights and responsibilities were also illustrated on colourful posters which were translated into several local languages to reach and inform learners whose mother tongue is not English. The project commenced in April 2014 and was concluded at the end of October 2014; 200 schools were visited across the 14 regions of the country and a total of 41147 learners benefited from the programme.

In partial fulfilment of his duty to advise and assist Government and on the recommendation of the Universal Periodic Review (UPR) process, the Ombudsman formulated a draft ***White Paper on Indigenous Peoples’ Rights***, which was forwarded to the responsible Minister for submission to Cabinet in 2015. On 13 May 2020, the responsible ministry informed the Ombudsman that the Attorney General *“find that it is in order from a legal standpoint and does not warrant any material changes as the legal framework encapsulated therein is fit for the purpose,”* and that they are in the process of sending it to Cabinet for approval.



As President of the IOI, the Ombudsman hosted the Board of Directors Meeting from 20 – 23 September 2015 in Windhoek. Ombudsmen from 14 different countries attended the Board Meeting where the Speaker, Hon. Peter Katjavivi delivered the opening and welcoming address.



Caroline Sokoni, Public Protector of Zambia; John Walters, Ombudsman: Namibia;  
and Prof Peter Katjavivi, Speaker of the National Assembly

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On invitation of the Speaker of the National Assembly, the Ombudsman attended the induction course of members of the 5<sup>th</sup> Parliament of Namibia on 23 March 2015 where he addressed them on the topic: ***“Human Rights and the Constitution.”*** He said:

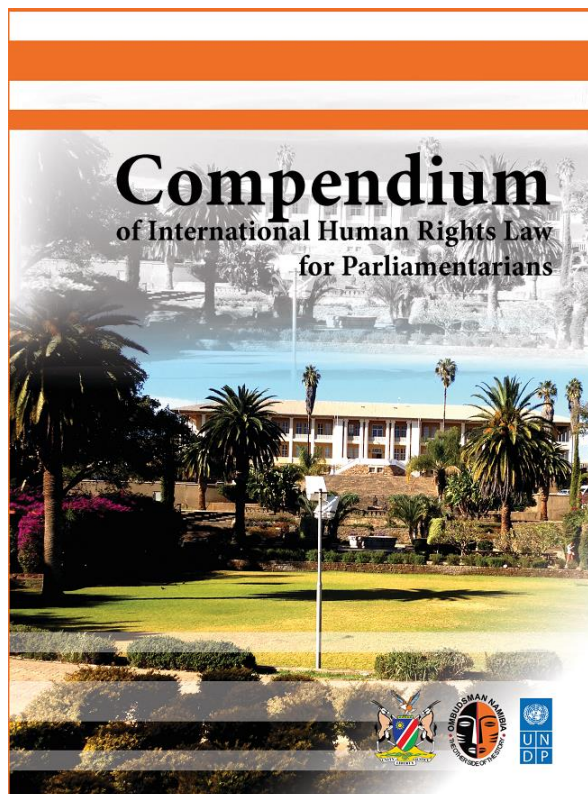
Although the Constitution is a living document, it is not self-enforcing or self-executing; it creates rules, constraints and space for action. The Constitution cannot deliver development; neither eradicate poverty nor prevent corruption. It cannot provide a fair trial, provide houses, water, sanitation, land, proper health care, quality education or food on the table of the poor or provide employment. That is government’s task.”

Annual Report 2015, page 12

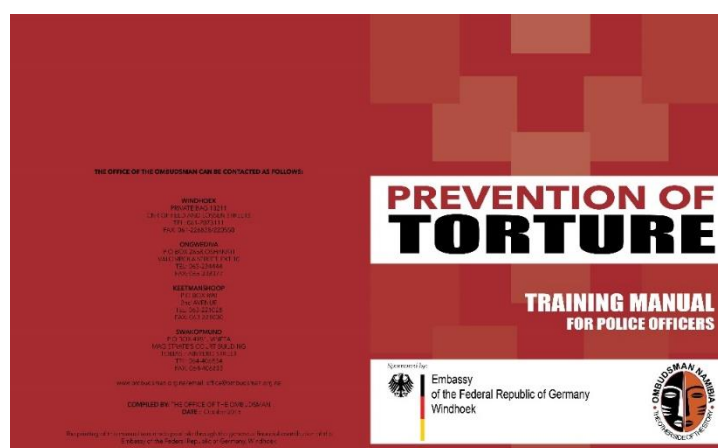
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In partial fulfilment of his duty to advise and assist government, the Ombudsman developed and printed a ***“Compendium of International Human Rights Law for Parliamentarians.”*** The Compendium

consists of seven parts containing the International Human Rights Instruments ratified by Namibia and concluding observations by UN committees; International Human Rights Declarations supported by Namibia; Special Procedure Reports on the Special Rapporteur; International Criminal Instruments ratified by Namibia; African Union Human Rights Instruments ratified by Namibia; SADC Human Rights Declarations supported by Namibia and the Guiding Principles on Business and Human Rights. The Compendium was distributed to Parliamentarians during a brief interaction on 12 November 2015.



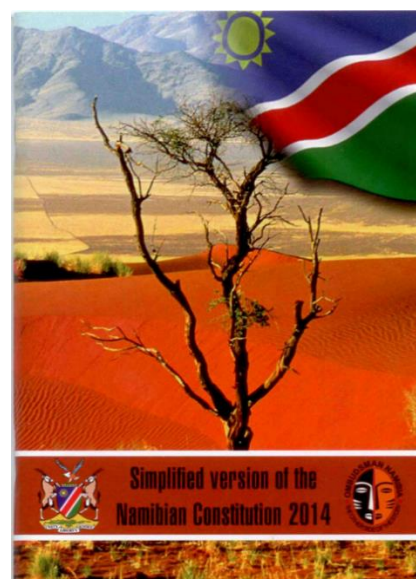
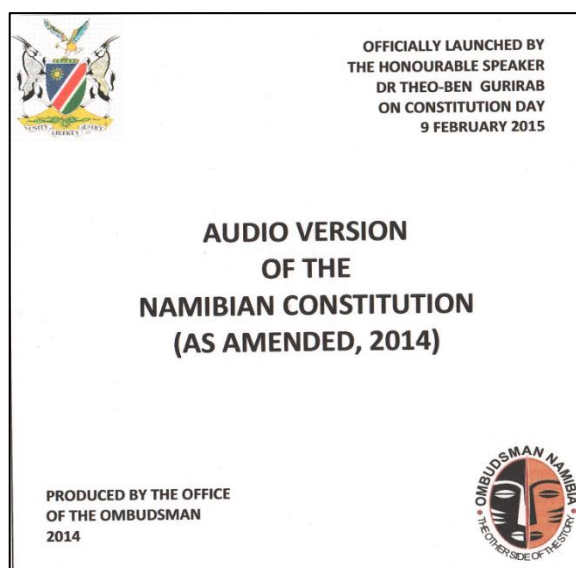
In response to the recommendation of the **UN Committee Against Torture** that Namibia must give attention to the training of police officers at the Convention, the Ombudsman decided on a prevention of torture project for police officers. Staff members firstly participated in the prevention of torture training offered by the Association for



the Prevention of Torture (ATP) and NANHRI; secondly, the office developed and printed a **“Prevention of Torture Training Manual for Police Officers,”** and thirdly, training workshops for police officers were conducted in nine regions of the country. An important component of the Torture Project was the multimedia public awareness campaign. The project was generously sponsored by the Embassy of the Federal Republic of Germany in Windhoek.

To mark 25 years since the adoption of the Namibian Constitution, the Ombudsman launched two brand new versions of the Constitution – an audio as well as a simplified version during the celebration of Constitution Day on 9 February 2015. The audio version consists of all 21 chapters of the Constitution

and the chapters were segmented to allow the listener to skip to the chapter of interest. The audio version was distributed to the visually impaired throughout the country.



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The Ombudsman created a Human Rights and Legal Services Division on its establishment, headed by the Children's Advocate, tasked to primarily monitor children's rights violations and investigate/address complaints involving children. Ms. Ingrid Cupido assumed duty on 09 February 2015 as the first Children's Advocate.

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**2016**

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As the President of the International Ombudsman Institute (IOI), the Ombudsman travelled to Bangkok, Thailand to preside over the Executive Committee Meeting of the IOI on 13 November 2016, the Board of Directors meeting on 14 November 2016, and the IOI General Assembly meeting on 15 November 2016. In his presidential address to the opening of the **XI<sup>th</sup> World Conference of the IOI** on 16 November 2016, the Ombudsman said, amongst others, the following:

The theme of the Conference, ***“Evolution of Ombudsmanship”*** goes straight to what the Ombudsman should keep in mind; an Ombudsman is not a historic monument, but it is a ***living*** institution. Ombudsmanship has evolved over many decades. The winds of change are blowing ever stronger at home, on our continents and in the international community. Looking at the different topics on the programme of this Conference, I am encouraged by the space provided in Breakout Sessions and Plenary for consideration of a number of discussions which will empower us to improve our performances .

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On 2 August 2016, the 1<sup>st</sup> Annual Judicial Conference with the theme: **“Judicial Excellence – My Reality,”** was held in Windhoek. The Ombudsman delivered a paper on **“The Right to a Fair Trial: Implications for the Victim,”** and amongst others, he said the following:

“The duty to treat victims of crime with compassion and respect for their dignity is particularly relevant in the context of the questioning of victims, whether the questioning is carried out by the police, a prosecutor or a presiding officer. To give evidence in a court may be a particularly intimidating experience, especially if the victim has had no earlier contact with the criminal justice system. The interest of victims and vulnerable witnesses are particularly important where the proceedings might be seen as an ordeal in itself, e.g., in cases involving sexual offences. While the accused is entitled to a speedy trial, the victim is equally entitled to have the ordeal of giving the evidence in court over as speedily as possible. Victims and their families want closure after grief.”

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The Ombudsman hosted the **Executive Committee Meeting of the African Ombudsman and Mediators Association (AOMA)** from 29 – 30 August 2016 in Windhoek in preparation for AOMA’s General Assembly Meeting later in 2016.

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On invitation of the National Council, the Ombudsman submitted written submissions on the constitutionality of the Namibian Citizenship Amendment Bill and on 29 July 2016 in Windhoek, he made an oral submission to a Select Committee of the National Council. The Ombudsman submitted, inter alia, the following:

“If allowed to pass into law in its current form, the Namibian Citizenship Amendment Bill will be unconstitutional... without defining “ordinary resident,” the Namibian Citizenship Amendment Bill seeks to limit the application of the Constitution by excluding certain persons who are born in Namibia and whose parents are ordinarily resident in Namibia, from citizenship and deprives children born in Namibia and whose parents are refugees, from citizenship in conflict with the Constitution. The Amendment Bill is subordinate to the Constitution and cannot take precedence over the Constitution. I am of the opinion that the Amendment Bill does not contradict the Supreme Court Judgement as contemplated by Article 81 of the Constitution, but rather contradicts the Constitution. Parliament should rather give expression to the judgement and the constitutional provisions by enacting what factors and circumstances should be taken into account to determine whether or not a person is ordinarily resident in Namibia as contemplated by Article 4(1) (d).”

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After receiving a number of requests for advice by mothers who lost custody and control over their minor children because they could not afford to defend a divorce action by the husband, the Ombudsman approached the Judge-President of the High Court for intervention through the courts’ **Practice Directives**. The Judge-President amended the Practice Directive by adding P.D. 27 A which provides inter alia:



“The court must by order of the court, refer any undefended matrimonial matters to the Children’s Advocate in the Office of the Ombudsman for him or her to conduct an investigation and report to the court on the circumstances of any child of the marriage and to give advice to the court on the custody and control of such children.”

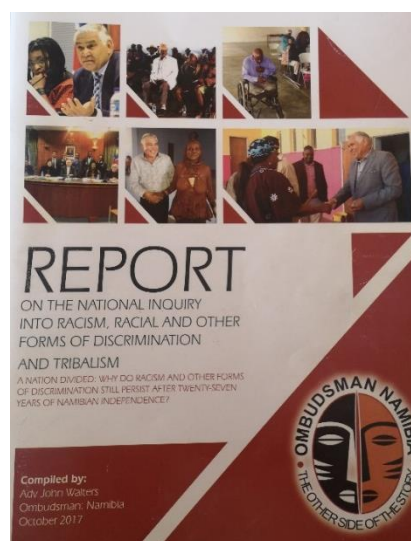
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Ingrid Cupido resigned as Children’s Advocate in June 2016 and the position remained vacant until the appointment of Ingrid Husselmann as Children’s Advocate with effect from 1 November 2018.

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2017

The Ombudsman realized that there was a need for a national inquiry regarding the extent to which human rights violations in terms of racism, racial discrimination, discrimination in general, tribalism, etc., are still perpetrated in Namibia. The inquiry culminated in a report with concluding observations and recommendations on each of the thematic areas, directed to the responsible minister for implementation. The special report entitled: **“Report on the National Inquiry into Racism, Racial and Other Forms of Discrimination and Tribalism”** was submitted to the National Assembly in October 2017. In January 2018, the Report was sent to



all responsible Ministers and Executive Directors with a written request to inform the Ombudsman within six months after the receipt thereof on how the Ministry intends to implement the recommendations. Nearly three years later and no response was received and the country is still haunted by allegations of racism.

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The Human Rights and Legal Service Division in the Ombudsman’s office continues to address and investigate child rights issues and complaints in the absence of a Children’s Advocate. A serious complaint received on 23 October 2017 against a child care facility and its staff, was investigated by the Division. The report with findings and recommendations was submitted in February 2018 to the Ministry of Gender Equality and Child Welfare for implementation of the recommendations. Not less than 12 child care facilities were visited by the social worker to inspect the facilities and report on the treatment of the children

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Judge Mtambanengwe, who faithfully served the Namibian people, passed on in May 2017.

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To enhance the right of access and the right to complain to the Ombudsman, a 4<sup>th</sup> regional office was opened in January 2018 in Otjiwarongo in the building of the Ministry of Education, Arts and Culture. The Regional Director availed one office and Ms. Jacob was transferred to Otjiwarongo to start the office without the assistance of support staff. During 2019 she was joined by a senior complaints investigator, Utjitiraije Mberirua and an office administrator, Ms. Simonetta Shitambi.

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In compliance with his duty to cooperate with civil society, the Ombudsman attended a workshop by Out-Right Namibia where he made the following statement:

“I find the theme of your convening, **“Road to Recognition”** very interesting and challenging. Allow me to start off with the following questions: Why should the marginalized key populations, women and children, people with disabilities, indigenous people, etc. always fight for recognition? Are they not human beings born free and equal in dignity and rights?”

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Examining the realization of the **right to housing, food, water, sanitation, and health** in Namibia, the Ombudsman observed and recommended:

“While recognizing the fact that government has allocated considerable resources for the provision of housing, water, sanitation, health, and food, it, however, remains a fact that such levels of spending has not necessarily resulted in approved outcomes in these sectors. The Ombudsman calls on government to ensure an increase in the allocation of funding and to ensure that the increased allocation and use of funding will improve access to housing, water, sanitation, health care, food and to eradicate poverty. Effective monitoring of the use of the funding is key to the success of realizing these rights of citizens.”

Annual Report 2018

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The Ombudsman received a complaint made on behalf of the Namibia Agricultural Union (NAU) regarding the overall negative impact the small stock marketing scheme (SSMS) has had on the small stock industry in Namibia since its implementation in 2004. The complaint was investigated which resulted in a **“Report on the effect of the small stock marketing scheme.”** The Report, together with the findings and recommendations, was submitted to the Meat Board of Namibia and the Ministry of Agriculture, Water and Forestry.

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The Ombudsman and his predecessors faithfully submitted their annual reports to the National Assembly. It concerns the Ombudsman that the National Assembly for the past 15 years did not consider, discuss or debate his reports or hold him accountable. He concluded:

“...the National Assembly fails the Ombudsman by not considering, discussing and debating his reports with a view to hold him accountable and fails to provide the Ombudsman with the needed authority and potential support to secure implementation of his opinions and recommendations.”

Annual Report 2019, page 3

However, Rule 70(3) of the **Standing Rules and Orders of the National Assembly** mandates the Standing Committee on Constitutions and Legal Affairs, inter alia to:

- (a) Examine, consider and report on the annual reports laid before the Assembly in terms of the provisions of the Ombudsman Act, 1990 (Act 7 of 1990) and such other reports it may require and make such recommendation it deems necessary to the Assembly;
- (b) Satisfy itself that the Office of the Ombudsman been carrying out its Constitutional mandate in an efficient and effective manner; and make recommendations through the Assembly to improve the overall efficiency and effectiveness of the Office of the Ombudsman, should the Committee be of the opinion that such improvements are necessary; and
- (c) Ensure that investigations are not jeopardized because of a lack of resources and recommend to the Assembly of specific cases need to be referred back to the Office of the Ombudsman for re-investigation.

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In its oversight report dated July 2018 to the 6<sup>th</sup> National Assembly, the Parliamentary Standing Committee on Constitutional and Legal Affairs recommended that:

“The relevant standing committee of the National Assembly (the Committee reporting) should regularly scrutinize and review reports of the Ombudsman tabled in the National Assembly and report its findings and recommendations to the National Assembly.”

Report adopted on 17/3/2020 in the National Assembly

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The Ombudsman for Children (OC) of Mauritius invited Ms. Husselmann, the Children’s Advocate, to their office to familiarize herself with the operations of that office. Ms. Husselmann spent quality time with the OC and her investigators who shared with her their day to day operations, the discharge of their

mandate, and in particular their complaint handling procedures. The visit was extremely valuable and Ms. Husselmann brought back a wealth of information and knowledge to apply at home.

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With regards to his budget, the Ombudsman reported:

“The budget discloses the amount appropriated for the expenditure in connection with the Office of the Ombudsman, i.e. the administrative division, but does not disclose the amount appropriated for the exercise of the powers and performance of the

“...effectiveness, the integrity of that institution (Ombudsman) depends to a large extent on its financial integrity and administrative autonomy vis-à-vis the Ministry of Justice”

Mr. Katjiuongua (Former MP): Hansard: 19/1/1995

duties and functions of the Ombudsman as provided for in section 9 of the Act. To function effectively, the Ombudsman must be provided with an appropriate level of funding to guarantee its independence and its ability to freely determine its priorities and activities. It must also have the power to allocate funding according to its priorities. The Ombudsman calls on government to speedily adopt the Ombudsman Bill 2019, which will address all the shortcomings in the current Act.”

Annual Report 2019, page 74

## CONSTITUTION DAY 2020

The **30<sup>th</sup> Anniversary of Constitution Day 2020** was celebrated in Windhoek, Keetmanshoop, Swakopmund, Otjiwarongo, Oshakati and Katima Mulilo during the week of 10 – 13 February 2020 under the theme: **“The Namibian Constitution... 30 years on – Are we the Namibia we want to be?”** High School learners from schools in these towns were invited and participated in the events. Learners were invited to write poems about the Constitution. These were the six best poems:

### MY NAMIBIA

A country of equal rights you say  
Freedom of speech, freedom of equality,  
freedom to education!

My Namibia, my future, my pride!  
Everything has changed for the best, our voice  
is being heard by the nation

We are not the Namibia we were  
Free from war, free from apartheid, free from  
oppression!

Brumilda Rooinasie  
J.A. Nel School

### WHAT THE CONSTITUTION MEANS TO ME

Though I'm young I know I have a voice and  
mine will be heard, although I'm under 18.  
I can still raise my voice  
The Constitution, the pillar of the nation, its  
fundamental principal governs Namibia.

It places the government's power in the hands  
of the citizens.  
I'm what makes up the Constitution, the back  
bone of the country.  
It protects the rights of the citizens, and gives  
individual freedom, we all must be bold for a  
better nation.

Jeremia H. Hofeni  
Gabriel Taapopi SS

## THE CONSTITUTION

Article 1, the Establishment of the Republic, which stands firm in the face of adversity and upright through the blood of the fallen, as a promise that I can live free from colonialism, racism and apartheid.

Article 5, the protection of fundamental rights and freedoms, which ensures all members of the human family are born free and equal in dignity and rights, safeguarding me, like a blue, green and crimson shield, shimmering in the African sun.

Article 6, the protection of life. The words that turn “me” into “we” and insure no man may take the life of another. Acting as a promise of a better tomorrow, despite the yesterday.

Article, me  
I am a black man, but more so a human  
I may not have been born into this land  
but I have been treated as one of the kin, I have learned to say Ongaypee, Morro, Matisa. And I have seen the power of reconciliation and love inspire of the wounds that made it necessary.

I am me and you are you, but together  
stand we in unity, liberty and justice  
For me and for you

Abubacarr  
Jobarteh  
St. Paul's College

## PROTECTION

I am what is known as the African black child that is protected by a law that knows no gender or colour. My ethnicity does not contain me from having a proper education and a roof over my head.

My dignity and pride is conserved so that we may live in harmony. These laws that were set up to protect our livelihood and do what we couldn't do back then.

When my rights are revoked the law has a way of dealing with the perpetrator who has violated me. These laws that are not easy to establish into the juvenile brains are there to keep us safe.

Just remember that the laws that were set up yesterday are the reasons why you are alive today.

Hitjitevi Kavan  
Donatus Secondary School  
Otjiwarongo

## MY CONSTITUTION

The root off all Namibian citizens.  
You stand and defend the nation, in all directions. You are our mother that feeds all the nations. My Constitution.

You are great, the heart of all. You have done more, and you will continue nursing and guiding us to success. You deserve the dignity for prosperity. My Constitution.

Sibuku Nañalelwa  
Sanjo Senior Secondary School  
Bukalo



## THE CONSTITUTION TO ME

What gives me my right, it is my vote, you are the power given to me, given to everyone walking on the Namibian soil.

It is deeps, flows within our veins and reigns for generations  
It is my Constitution, it is my pride

I am born free, I possess the freedom of speech  
I am sheltered, I am protected  
All because of you

Equal before the law  
You are the other side of the story  
Defining my nationality.

Allergic to corruption and to nepotism  
I am fearless, I am ambitious, I am a Namibian protected by you

You are my antibiotic, My Constitution, My pride

Poklerlin Matsuis  
Coastal High School





# CHILDREN'S ADVOCATE – A WELCOME ADDITION

In response to the recommendation made by the Committee on the Rights of the Child, that Namibia must establish a Children's Rights Division in the Office of the Ombudsman and in compliance with Section 25 of the Child Care and Protection Act, 2015 (Act No 3 of 2015), the position of Children's Advocate was established within the Office of the Ombudsman to assist the Ombudsman in the performance of his functions relating to children.

Mrs. Ingrid Bampton – Cupido was appointed as the first Children's Advocate with effect from 1 February 2015, but resigned on 1 June 2016. The position remained vacant until Ms. Ingrid Husselmann was appointed as Children's Advocate with effect from 1 November 2018. The Children's Advocate is assisted by two legal officers and a social worker.

*"The court must by order of court, refer any undefended matrimonial matters to the Children's Advocate in the Office of the Ombudsman for him or her to conduct an investigation and report to the court on the circumstances of any child of the marriage, and to give advice to the court on the custody and control of such child..."*

Practice Directive 27A, Government Gazette 67 of 2014

### HOW TO LAY A COMPLAINT:

- Email us at: [office@ombudsman.org.na](mailto:office@ombudsman.org.na)
- Write to us at Private Bag 13211, Windhoek or call us on Tel: 061-207 3111
- Or you can send an SMS to 20401 and we will call you.
- Visit our Facebook page and send us a message and we will contact you. Office of the Ombudsman Namibia
- Visit our website at [www.ombudsman.org.na](http://www.ombudsman.org.na) and download a complaint form.

### VISIT US AT ANY OF OUR REGIONAL OFFICES:

**Windhoek:** Corner of Feld and Lossen Streets  
**Ongwediya:** Extension 10, Valombola Street  
**Keetmanshoop:** Cnr of 2nd Street and Sam Nujoma Avenue  
**Swakopmund:** 1st Floor Swakopmund Magistrate's Office  
**Otiwarongo:** Ministry of Education Building, Somweg Street  
**Katima Mulilo:** Ngweze Road


### WHAT ARE CHILDREN'S RIGHTS?

- Children's rights are Human rights. Everyone has them from birth and they cannot be taken away.
- Children have the right to:
  - Life
  - A name and nationality
  - Know and be cared for by their parents
  - Be treated fairly, equally and with dignity

### WHAT DOES THE CHILDREN'S ADVOCATE DO?

All children have the right to basic living conditions. This means they must get adequate:

- Food
- Shelter
- Clothing
- Care & protection, including health care and immunization
- Education
- Play & leisure
- Children with special needs must get special care



Children's Advocate - Ms Ingrid Husselmann  
Office of the Ombudsman, Namibia



### THE CHILDREN'S ADVOCATE:

- Represents and defends all children in Namibia.
- Is independent, however, collaborates with the government and non-governmental organizations and all those who work with and for children.
- Monitors the implementation of laws that protect children.



### THE CHILDREN'S ADVOCATE CAN HELP YOU

- We ensure that every individual, association or body, public as well as private, respects the rights and interests of children.
- A child is anyone under the age of 18.
- We listen to children to understand their concerns and expectations.
- We propose to the competent authorities legal or other measures that may improve the status of children.

### WHO CAN LAY A COMPLAINT?


- A complaint can be lodged by any adult or child.
- The Children's Advocate may conduct an investigation and will inform the complainant of the outcome.
- The Children's Advocate guarantees the confidentiality of all complainants.
- The Children's Advocate can also initiate an investigation if she has reason to suspect the violation of the rights of a child.
- She can then interview anyone who can provide information, including a government official.

### WHO CAN LAY A COMPLAINT?

- She may also enter any place where a child temporarily or permanently resides, for example, a foster home, a residential child care facility, early childhood development centres, shelters, or children's homes.
- She may direct that anyone whose presence is not desirable, not be present during any inquiry/investigation.



John R. Hutter  
Ombudsman - Namibia



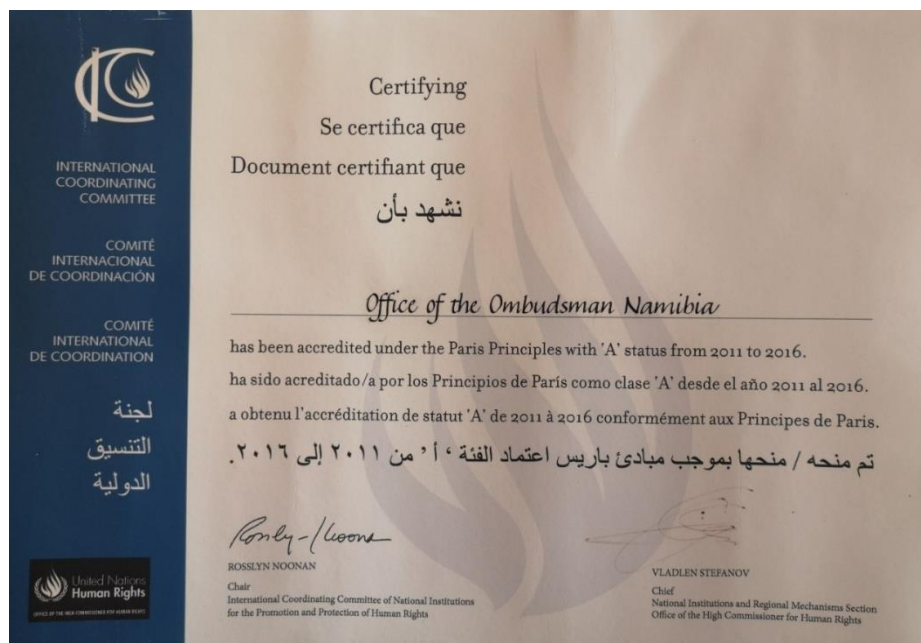


## HEADQUARTERS 1990 - 2020

The headquarters of the Ombudsman for South West Africa was in an old building in Leutwein Street (now Robert Mugabe Avenue), built in 1905/1906 to house German officials. It was renovated to suit the purposes of the Ombudsman. Pio Teek moved into this building; Fanuel Kozonguizi followed him and Bience Gawanas also spend some of her term in that building. Since 2008, the Ombudsman's headquarters is a modern functional building situated at the c/o Lossen and Feld Streets.



# ACCOLADES



## Annual report

2014

### Human Rights award

The Law Society of Namibia in collaboration with the JP Karuaihe Trust annually recognize institutions that have made valuable contributions to the protection and upholding of human rights. The Office of the Ombudsman received the award for the second time in 2014.



Adv Eileen Rakow received the award on behalf of the Ombudsman; here she is pictured with Adv Vicky Eerenstein Toivo Ya Toivo and Mr Alwyn Harmse

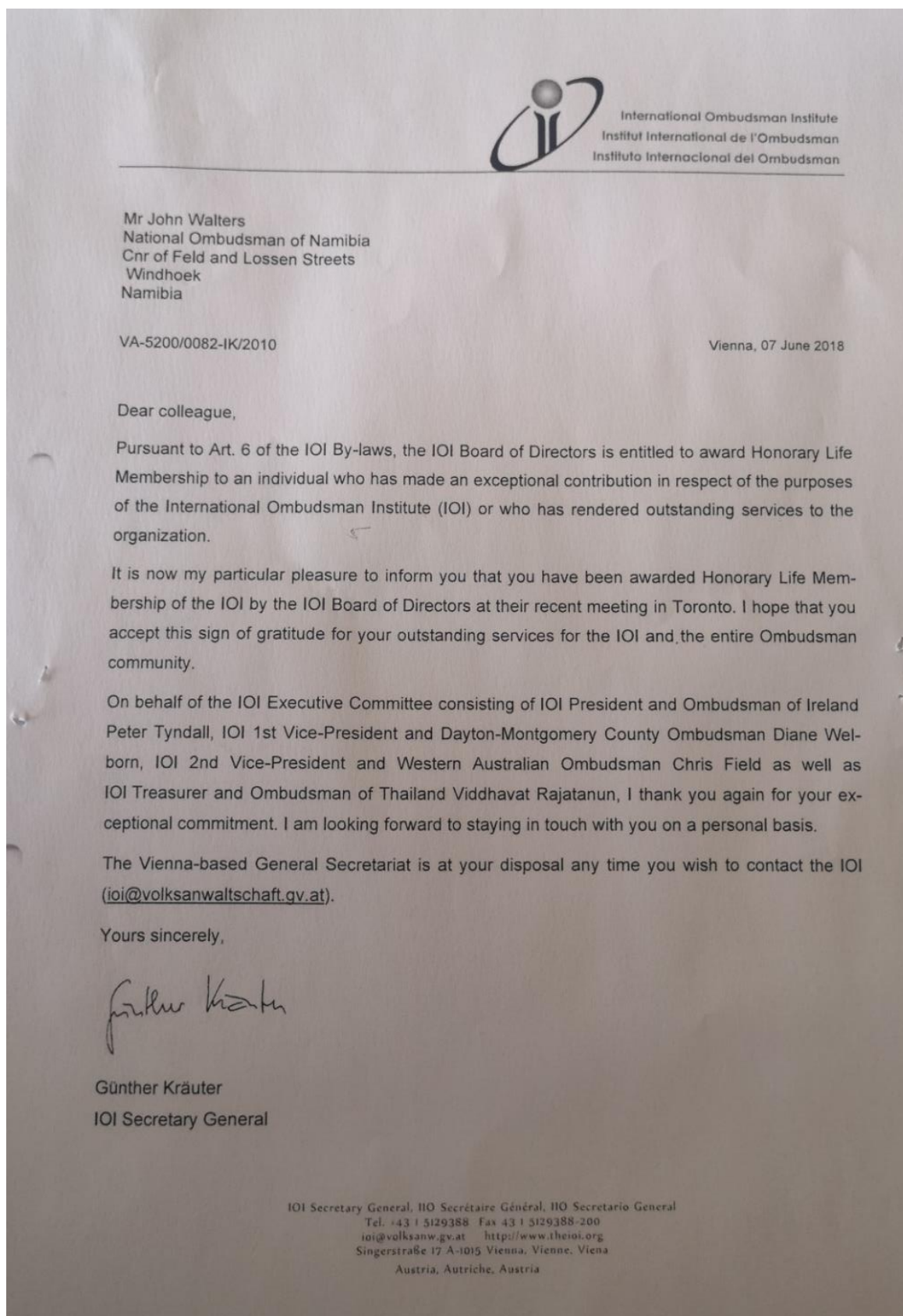
Ombudsman, John Walters received the Human Rights Award from Adv. Esi Schimming – Chase

2010



“Africa became an increasingly important growth area, helped by the presidency of the Namibian Ombudsman John Walters (2014-2016), the first African to hold the top position in the IOI”

Richard Carver: A mission for Justice: The IOI 1978 – 2018, page 91





# OUTREACH

## Children and the Ombudsman





## Community Meetings



**FREE LEGAL ADVICE DAY**

**FREE LEGAL ADVICE DAY**  
A project of the Law Society of Namibia, in conjunction with the Office of the Ombudsman

**Date:** Friday, 3 August 2018  
**Time:** 09h00—13h00  
**Venue:** UN Plaza Community Hall, Soweto, Katutura

Free Legal Advice, in the form of one-on-one sessions, will be given to the members of the public.

The Free Legal Advice will be given on all legal topics, including:

- Wills & Estates
- Domestic Violence
- Divorce
- Labour Law

For further enquiries, please contact:

Ms Eileen Rabow, Tel: 061-207 3216  
Mr Timothy Shangadhi, Tel: 061-207 3218  
Mr Hendrik Mauyoma, Tel: 061-207 3227  
Ms Daphne Coetzee, Tel: 061-207 3238  
Office Telephone Number: 061-207 3111


Office of the Ombudsman, o/o Feld and Loosen Street, Ausspanplatz, Windhoek





# HUMAN RIGHTS PROMOTION

## Public Education



**STOP BULLYING**

Bullying can be described as the use of a superior strength or influence to intimidate someone, typically to force him or her to do what one wants

**Forms of bullying**


- Physical-Punching, shoving, etc.
- Emotional-teasing, name calling, spreading rumours
- Online/internet- bullying via Facebook, twitter, etc.

**How to deal with bullies**

- Report bullying to teachers or parents immediately
- Do not join in when someone is being bullied
- Try to avoid interacting with bullies
- Walk away from the situation if you can


**Effects of bullying**

- Depression
- Self-harm
- Low self esteem
- Violent and irrational behaviour
- suicide




**ERADICATING CHILDHOOD MARRIAGES**

- All girls have a right to education
- No girl should live as a slave or prostitute
- No girl should be married before she turns 21
- No girl or woman should be married against her will
- No girl or woman should be subjected to sexual/gender based violence



**CHILD MARRIAGE**  
Denying girls' rights, perpetuating poverty

Every day, more than 25,000 girls under the age of 18 are married worldwide. For many child brides, a future of poverty, exploitation and pain.



**CLAIM YOUR RIGHTS & KNOW YOUR RESPONSIBILITIES**

Every child has the right to.....

- An education
- Healthcare
- A safe place to live
- Proper meals
- To play and interact with other

And the responsibility to.....

- Study hard and pass
- To take care of their bodies
- To keep their houses clean
- To eat properly and not waste food
- To avoid fighting and bullying



**DID YOU KNOW THAT THE OMBUDSMAN CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO HUMAN RIGHTS VIOLATIONS?**

**AMONGST OTHERS, YOU HAVE THE RIGHT TO FORM/JOIN POLITICAL PARTIES AND TO VOTE!**

**Article 17 of the Namibian Constitution provides as follows:**

- (1) All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of Government. All citizens shall have the right to form and join political parties...
- (2) Every citizen who has reached the age of eighteen (18) years shall have the right to vote...

**THE OMBUDSMAN ENCOURAGES EVERYONE TO EXERCISE THEIR RIGHT TO VOTE!!**

**OUR FULL CONTACT DETAILS:**

<b>WINDHOEK</b> Private Bag 13211 Cnr of Feld and Lossen Streets Tel:061-2207111, Fax:061-2208028 email: <a href="mailto:office@ombudsman.org.na">office@ombudsman.org.na</a>	<b>OSHAKATI</b> P O Box 2658 Magistrate's Office, Main Road Tel:065-224430, Fax:065-224806	<b>KEETMANSHOOP</b> P O Box 890 2 <sup>nd</sup> Avenue Tel:061-221028, Fax:063-221030
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PLEASE ALSO VISIT OUR WEBSITE FOR INFORMATION OR TO LODGE COMPLAINTS, AT [WWW.OMBUDSMAN.ORG.NA](http://WWW.OMBUDSMAN.ORG.NA)

WE WANT TO IMPROVE SHORTCOMINGS IN OUR SERVICE DELIVERY AND WILL APPRECIATE IT IF YOU COULD LET US KNOW WHETHER YOU FOUND OUR SERVICES SATISFACTORY

Printing of this advert made possible with financial assistance from the French Embassy in Namibia



**DID YOU KNOW THAT THE OMBUDSMAN IS A CONSTITUTIONAL CREATION AND THAT HE CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO:**

- ✓ fair public administration, misappropriation/misuse of public monies or assets (limited to government institutions - including the police, the prison services and the defence force -, local authorities and parastatals, as well as institutions in which the Namibian government has a considerable financial stake)
- ✓ the environment and natural resources of Namibia
- ✓ violation of human rights (no limitation; all persons and institutions are within the Ombudsman's jurisdiction)

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**PLEASE ALSO VISIT OUR WEBSITE FOR INFORMATION OR TO LODGE COMPLAINTS, AT: [WWW.OMBUDSMAN.ORG.NA](http://WWW.OMBUDSMAN.ORG.NA)**

**Contact the Ombudsman through email, fax, telephone, writing or visit any of the offices in person**

**SINCE WE WANT TO IMPROVE ANY SHORTCOMINGS IN OUR SERVICE DELIVERY, WE WILL APPRECIATE IT IF YOU COULD LET US KNOW WHETHER OR NOT YOU FOUND OUR SERVICES SATISFACTORY**



**DID YOU KNOW THAT THE OMBUDSMAN CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO HUMAN RIGHTS VIOLATIONS?**

**AMONGST OTHERS, YOU HAVE THE RIGHT TO EDUCATION**

Article 20 of the Namibian Constitution provides as follows:

- (1) All persons have the right to education
- (2) Primary education shall be compulsory and free of charge

In terms of the Education Act -

- parents must ensure that children attend school regularly;
- parents must pay the school development fund (SDF) contribution;
- if a parent fails or refuses to make a payment, the child may be excluded from taking part in any activity financed with SDF money; the child may however **NOT** be excluded from attending classes;
- parents who are unable to pay the SDF contribution may apply to the School Board for exemption to pay the contribution.

**OUR FULL CONTACT DETAILS:**

<b>WINDHOEK</b> Private Bag 13211 Cnr of Feld and Lossen Streets Tel 901-2073111, Fax 061-226938 email: <a href="mailto:office@ombudsman.org.na">office@ombudsman.org.na</a>	<b>OSHAKATI</b> P O Box 2658 Magistrate's Office, Main Road Tel 065-224630, Fax 065-224605	<b>KEETMANSHOOP</b> P O Box 890 2nd Avenue Tel 063-221028, Fax 063-221030
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**DID YOU KNOW THAT THE OMBUDSMAN CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO HUMAN RIGHTS VIOLATIONS?**

**AMONGST OTHERS, WOMEN HAVE THE RIGHT TO LIFE, INTEGRITY AND SECURITY**

**The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides as follows:**

Every women shall be entitled to respect for her life and the integrity and security of her person. Therefore -

- women shall not be subjected to any form of female genital mutilation, scarification or any other harmful practise and other forms of violence, abuse and intolerance;
- women shall have the right to participate at all levels in the determination of cultural policies;
- a widow shall have a right to an equitable share in the inheritance of the property of her husband and to continue to live in the matrimonial house;
- a widow shall automatically become the guardian or custodian of her children after the death of her husband.

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**DID YOU KNOW THAT THE OMBUDSMAN CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO HUMAN RIGHTS VIOLATIONS?**

**25 NOVEMBER: INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN**



The Constitution provides that no persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. Therefore:

- women and children have the right to live free from violence, injury, abuse, neglect, negligent treatment, maltreatment, exploitation or discrimination;
- men should refrain from abusing women and children and show solidarity with women against such violence;
- gender-based violence is a human rights violation!

**PLEASE STOP VIOLENCE AGAINST WOMEN**

**OUR FULL CONTACT DETAILS:**

<b>WINDHOEK</b> Private Bag 13211 Cnr of Feld and Lossen Streets Tel 901-2073111, Fax 061-226938 email: <a href="mailto:office@ombudsman.org.na">office@ombudsman.org.na</a>	<b>OSHAKATI</b> P O Box 2658 Magistrate's Office, Main Road Tel 065-224630, Fax 065-224605	<b>KEETMANSHOOP</b> P O Box 890 2nd Avenue Tel 063-221028, Fax 063-221030
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**DID YOU KNOW THAT THE OMBUDSMAN CAN ASSIST YOU, FREE OF CHARGE, WITH PROBLEMS RELATING TO HUMAN RIGHTS VIOLATIONS?**

**3 DECEMBER: INTERNATIONAL DAY OF PEOPLE WITH DISABILITIES**

The Constitution prohibits discrimination against any person on the basis of disability. Therefore:

- people with disabilities have the right to full enjoyment of all human rights and freedoms on an equal basis with other people;
- people with disabilities have a right to access, on an equal basis with other people, to buildings, roads, transport, schools, housing, medical facilities and workplace;
- people with disabilities have a right to information, communication and other services;
- children with disabilities have a right to free and compulsory education and should not be excluded from the general education system;
- we all should embrace respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

**OUR CONTACT DETAILS:**

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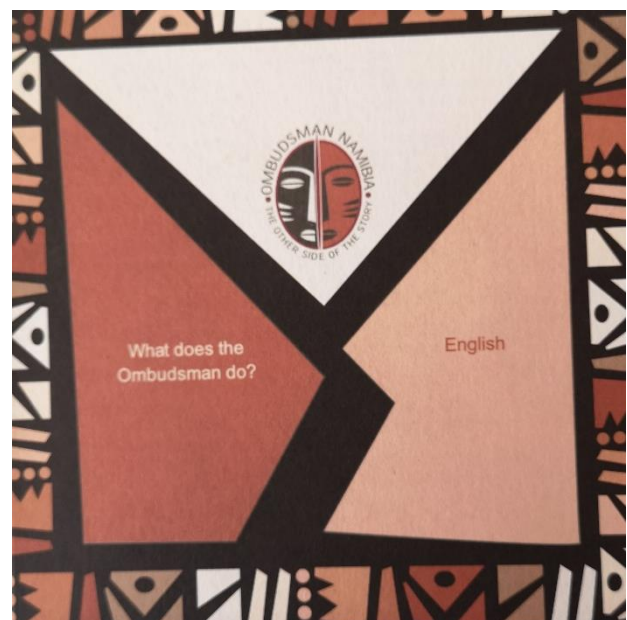
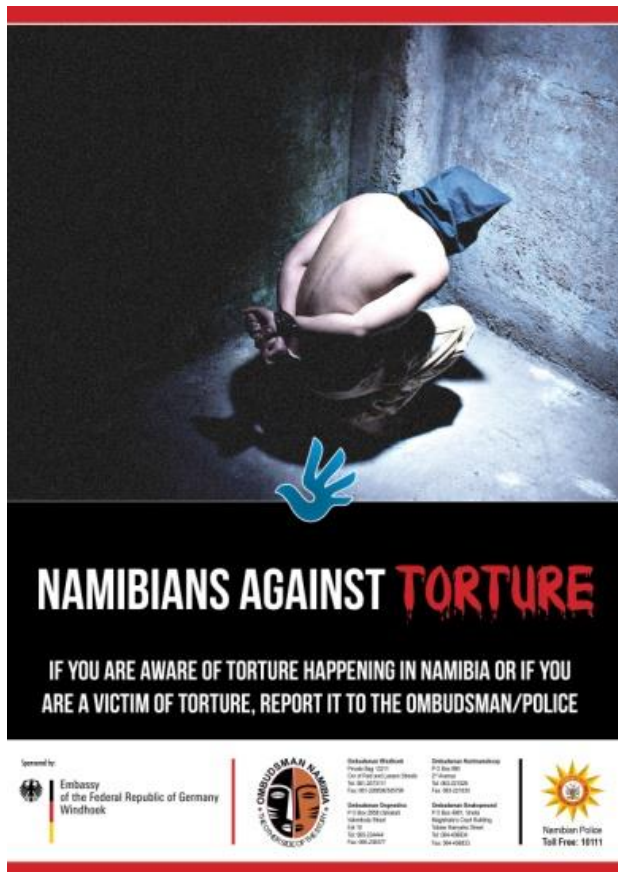
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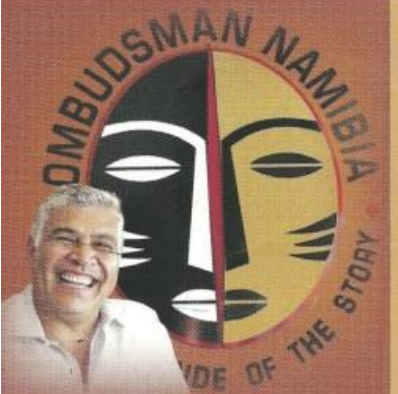
## Human Rights Education



## Public Awareness







**What does the Ombudsman do?**  
**Omukonakoni woimbuluma yovakwanepangelo ohalongo shike?**  
**Tare-eb ta Ombudsman na di?**  
**Wat doen die Ombudsman?**

**Where to find us:**

<b>Windhoek</b> Private Bag 12311 On of Road and Lunda Avenue Tel: 061-2972111 Fax: 061-2972111 Email: <a href="mailto:ombudsman@ombudsman.org.na">ombudsman@ombudsman.org.na</a>	<b>Swakopmund</b> Private Bag 12311 On of Road and Lunda Avenue Tel: 091-2972111 Fax: 091-2972111 Email: <a href="mailto:ombudsman@ombudsman.org.na">ombudsman@ombudsman.org.na</a>	<b>Katutura</b> Private Bag 12311 On of Road and Lunda Avenue Tel: 061-2972111 Fax: 061-2972111 Email: <a href="mailto:ombudsman@ombudsman.org.na">ombudsman@ombudsman.org.na</a>	<b>Swakopmund</b> Private Bag 12311 On of Road and Lunda Avenue Tel: 091-2972111 Fax: 091-2972111 Email: <a href="mailto:ombudsman@ombudsman.org.na">ombudsman@ombudsman.org.na</a>
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**www.ombudsman.org.na**


**OMBUDESMAN NAMIBIA**

**What does the Ombudsman do?**  
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**www.ombudsman.org.na**




**Everything you need**

**to know about**

**the Office**

**Of The Ombudsman**



**MISSION STATEMENT**

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

**WHAT IS THE OFFICE OF THE OMBUDSMAN**

The Office of the Ombudsman is an independent complaints handling institution that was established in terms of the Namibian Constitution. It investigates corruption and mal-administration, human rights violations and the over-utilisation of natural resources, upon receiving a complaint relating thereto. The Ombudsman also plays an important role in the promotion of democracy and good governance.

**WHAT DO THE PEOPLE AT THE OFFICE OF THE OMBUDSMAN DO?**

They investigate, free of charge, complaints against:

- Government institutions
- Parastatals
- Municipalities
- Private persons and institutions (only where it concerns Human Rights violations)

The Office of the Ombudsman can look into complaints relating to:

- Administrative unfairness
- Human rights violations
- Over-utilisation of natural resources
- Corruption

**SOME COMMON COMPLAINTS RECEIVED REGULARLY, BUT WHICH THE OFFICE CANNOT INVESTIGATE**

- A decision taken by a Court of Law cannot be looked into (including to establish whether or not a person is guilty of a crime, whether or not the sentence imposed by the Court is fair etc.).
- Disputes/problems between private individuals and/or companies cannot be investigated, even if they are work related (also including marital problems, private insurance, problems with neighbours etc.).
- The Office cannot secure employment on behalf of complainants, nor can the Office assist complainants financially.
- The Office cannot represent a complainant in Court in terms of criminal or civil proceedings.

**ALTHOUGH THE OFFICE MAY NOT BE IN A POSITION TO INVESTIGATE A MATTER IT WILL ALWAYS REFER YOU TO AN INSTITUTION WHICH MAY BE ABLE TO ASSIST YOU.**

**WHAT TO EXPECT IF YOU HAVE MADE A COMPLAINT OR REQUESTED INFORMATION/ADVICE**

- Your personal information as well as the details of the matter will be logged in a computerised case management system so that the information cannot get lost
- The matter will be investigated by one of the Office officials



# INTERNATIONAL ENGAGEMENTS



International Ombudsman Institute  
Institut International de l'Ombudsman  
Instituto Internacional del Ombudsman

## TAIWAN | IOI President John Walters speaks at the Control Yuan

23.05.2016

International Ombudsman Institute (IOI) President John R. Walters visited the Control Yuan on the morning of May 18, 2016, delivering a speech on the development of African ombudsman institutions and the challenges that they face.



IOI President Walters speaks at Control Yuan

In his speech, Mr. Walters, who also serves as the Ombudsman of Namibia, noted there is no common model or approach regarding ombudsmanship in Africa, and instead variations among the different nations of the continent. Due to colonial legacy, many African countries still suffer from political turmoil or authoritarian rule, which bring severe challenges to ombudsman work. Other problems such as financial difficulties or institutional competition between ombudsman offices and human rights or anti-corruption agencies worsen the situation.

## GB | Ground Breaking Northern Ireland Project brings Ombudsmen and Human Rights Commissioners to Belfast

24.06.2016

Ombudsmen and Human Rights Commissioners from around the World gathered in Belfast last month to attend a two-day Conference jointly hosted by the Office of the Northern Ireland Public Services Ombudsman (NISPO) and the Northern Ireland Human Rights Commission (NIHRC).

The Conference 'Human Rights – A 21st Century Approach to the Work of Ombudsmen' was supported by the International Ombudsman Institute (IOI) and Atlantic Philanthropies, to facilitate the international sharing of the outcomes and learning from a ground breaking project by the two Northern Ireland bodies. The project, to develop a step-by-step manual for the clear application of the rights of the individual in the complaints investigative process, took the NIPSO and NIHRC three years to complete. The manual has recently been endorsed by the UN High Commissioner on Human rights, Prince Zeid.

The two-day conference took place on Thursday 26th and Friday 27th May. On the Wednesday evening, prior to the opening of the conference, a Welcome Dinner for delegates and speakers was hosted in Parliament Buildings Stormont by the Deputy Principal Speaker of the Northern Ireland Assembly Ms Caitriona Ruane MLA. A Gala Conference Dinner was held in the Offices of the Belfast Harbour Commissioners on Thursday evening. At this event a presentation was made by IOI Director John Walters to Dr Tom Frawley the former Northern Ireland Ombudsman who retired in March 2016, praising him for his significant contribution as former Vice President of the IOI.

## IOI President John Walters visits Grenada

Posted on July 12, 2016 by admin

**International Ombudsman Institute (IOI) President John R. Walters visits the island of Grenada.**



**IOI President Mr Walters and Ombudswoman Ms Nadica McIntyre**

Mr. John Walters was invited by the head of the Human Rights Unit of the Commonwealth Secretariat Adviser Karen McKenzie to share his experience of a multi-functional office with stakeholders at a meeting in Grenada. As the Government of Grenada is currently looking into the possibility of broadening the mandate of the Ombudsman and to

include promotion and protection of human rights into it, the IOI President used the opportunity to visit the Ombudswoman Ms. Nadica McIntyre and her staff, Mr. Ronnie Marryshow and Marlon Benjamin.



### **SOUTH AFRICA | IOI issues statement of support for Public Protector Madonsela**

31.05.2016

The International Ombudsman Institute (IOI) issued an open letter in support of **South African Public Protector Adv. Thuli Madonsela**, who is exposed to open hostility as a result of an investigation into allegations of impropriety and unethical conduct relating to the implementation of security measures at the private residence of the President.

As the only global organization for the cooperation of more than 170 Ombudsman institutions worldwide, the IOI President Adv. John R. Walters and IOI Secretary General Günther Kräuter expressed – on behalf of the IOI – their deep concern over this development.

Ombudsman institutions are a core element of every democracy and they form an integral part of constitutional reality and the Office of the Public Protector of South Africa is a long-standing member of the IOI and a well-established institution which enjoys a high regard in the population.

In line with the Wellington Declaration – adopted by the IOI General Assembly in New Zealand in November 2012 – the IOI condemns any personal attacks or threats on Public Protector Adv. Thuli Madonsela. In fulfilling her mandate she serves the citizens of South Africa well and contributes to the maintenance of a transparent and accountable administration.

## IOI | IOI President Walters and IOI Secretary General meet Deputy HCHR Kate Gilmore

22.03.2016

On the side-lines of the ICC Annual Meeting in Geneva on 22 March 2016 IOI President John Walters and IOI Secretary General Günther Kräuter took the opportunity to meet with Kate Gilmore. Kate Gilmore is the United Nations Deputy High Commissioner for Human Rights and therefore at the forefront of mainstreaming human rights on an international level.

During the talk President Walters emphasized the importance of collaboration between Ombudsman institutions and National Human Rights Institutions (NHRI) on all levels. Secretary General Kräuter explained the different duties and tasks and the crucial role of Ombudsman institutions in relation to the protection and promotion of human rights. Deputy High Commissioner Gilmore positively acknowledged the global presence of the IOI and together with Vladlen Stefanov, Chief of the National Institutions and Regional Mechanisms Section of OHCHR, confirmed her support for joint projects between Ombudsman institutions and NHRIs.

The ICC is the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and during the course of the Annual Meeting will be re-named to GANHRI - the Global Alliance of National Human Rights Institutions.



IOI Secretary General Günther Kräuter - Deputy HCHR Kate Gilmore - IOI President John Walters - Chief of NIRMS Vladlen Stefanov

## IRAN | IOI President Walters visits GIO

21.07.2016

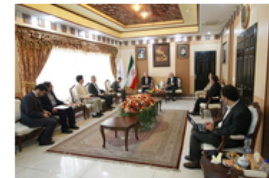
During 17 – 21 July 2016 H.E. Adv. J. R. Walters, the President of IOI was invited and hosted by the President of General Inspection Organization of Islamic Republic of IRAN, H.E. Justice Naser Seraj.

In that meeting H.E. Justice Naser Seraj and H.E. Adv. J. R. Walters had a conversation about cooperation between the IOI and the GIO; also they decided upon cooperation between the newly built Academy of Asian Ombudsman Association which is governed by the GIO and is based in Tehran, Iran.

In the meeting Justice Naser Seraj and H.E. Adv. J. R. Walters, signed a MoU of cooperation between the GIO and the Ombudsman of Namibia. That MoU which includes 8 articles shall pave the way for more cooperation between the General Inspection Organization of Iran and the Ombudsman of Namibia. The MoU is about Ombudsman activities and handling complaint of peoples; also designates cooperation norm and measures between the two above-mentioned organizations.

H.E. Adv. J. R. Walters had meeting with the first deputy of the judiciary branch, the deputy of social and preventive crimes of the judiciary branch, the secretary of human rights council of the judiciary branch, the president of Article 90 Committee and the president of National Library and Archive of Iran.

H.E. Adv. J. R. Walters also had a meeting with the inspector general of the province of Esfahan.



IOI President visits GIO Iran



## **IOI | President Walters and Secretary General Kräuter visit International Migration Conference in Tirana**

08.09.2016

On 7 and 8 September 2016 IOI President John R. Walters and IOI Secretary General Günther Kräuter attended a high-level International Conference in Tirana.

“Challenges for Ombudsman Institutions with respect to mixed migratory flows” was the topic of this International Conference organised by the Albanian Ombudsman Mr Igli Totozani. Ombudspersons from all over Europe, Latin America and Africa attended the meeting in Tirana and discussed the challenges for Ombudspersons during increased migratory flows. The focus was put on the various different aspects Ombudspersons face in countries of origin, but also transit and destination countries.

Besides Ombudspersons the Conference was also attended by experts from the Council of Europe, the European Union and the UN Deputy High Commissioner for Human Rights, Ms Kate Gilmore.



IOI President Walters, Belgian Ombudsman De Bruecker, Albanian People's Advocate Totozani and IOI Secretary General Kräuter at the Tirana Conference

## **APOR | Regional conference held in Melbourne**

18.05.2016

IOI President John Walters attended an Australasian and Pacific Ombudsman Region Conference hosted by Australian Commonwealth Ombudsman Colin Neave.

The Conference was held in Melbourne Australia and entitled “Building Relationships: Meeting Global Challenges”.

The Honorable Linda Dessau AM, Governor of Victoria opened the conference. Other speakers included IOI Treasurer and Western Australia Ombudsman, Mr Chis Field, who launched the IOI New Ombudsman Starter Kit, the new Chief Ombudsman of Indonesia, Prof. Amzulian Rifai and Hong Kong Ombudsman Ms Connie Lau.



Connie Lau, Colin Neave, Linda Dessau, John Walters and Chris Field





## THE OMBUDSMAN LITIGATES

N\$3 TUESDAY FEBRUARY 28 2012

# Ombudsman sues Govt over housing rights

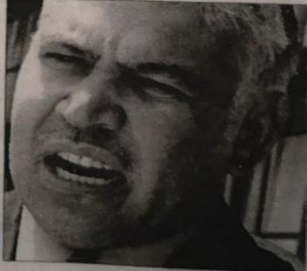
• **WERNER MENGES**

THE current legal process through which Namibian home owners can lose the roof over their heads due to unpaid debts is set to face a constitutional challenge through an unprecedented case which Namibia's Ombudsman, John Walters, has filed in the High Court.

The Ombudsman is now suing Government, the Minister of Justice, the Attorney General and a Windhoek businessman in a test case in an attempt to get the High Court

to declare that the process through which a Windhoek family is in danger of having their home sold over unpaid debts of about N\$48 000 is null and void.

The legal action being taken by Walters is unprecedented. It is the first time since Independence that Namibia's Ombudsman has made use of his constitutional power to approach a court for an interdict to challenge offending action or conduct and bring it to an end.



HOUSING: cont. on p2

John Walters



## HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

## JUDGMENT

Case no: I 3464/2011

In the matter between:

OTHILIE KATJIUANJO

PLAINTIFF

and

DAWID WILLEMSE

FIRST DEFENDANT

ANNA MARIA WILLEMSE

SECOND DEFENDANT

DEPUTY SHERIFF GOBABIS

THIRD DEFENDANT

**Neutral citation:** *Katjiuanjo v Willemse* (I 3464/2011) [2012] NAHCMD 5 (26 September 2012)

**Coram:** GEIER J**Heard:** 12 July 2012**Delivered:** 26 September 2012

The defendants approached the Ombudsman for legal assistance and the Ombudsman instructed Council to appear on behalf of First and Second Defendant. The Plaintiff bought the house of Defendants at a sale of execution and he approached the Court for an eviction order before the property was transferred in his name.

The court found that “*until an immovable property that has been sold in execution has been transferred into the name of the purchaser, the judgement debtor’s (defendants) ownership therein remains undisturbed as does his/her right, qua owner, to the use thereof.*”

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HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK  
JUDGMENT

In the matter between:

Case no: I 1791/2014

**STANDARD BANK NAMIBIA LIMITED**

**PLAINTIFF**

And

**MAGDALENA SHIPILA**

**DEFENDANT**

**THE OMBUDSMAN**

**AMICUS CURIAE**

**NEDBANK NAMIBIA LIMITED**

**1<sup>ST</sup> COMMERCIAL BANK**

**FIRST NATIONAL BANK NAMIBIA LIMITED**

**2<sup>ND</sup> COMMERCIAL BANK**

**BANK WINDHOEK LIMITED**

**3<sup>RD</sup> COMMERCIAL BANK**

**Neutral citation:** *Standard Bank Namibia Ltd v Shipila* (I 1791-2014)[2015]  
NAHCMD 281 (19 November 2015)

**Coram:** MILLER AJ

**Heard:** 22 May 2015

**Delivered:** 19 November 2015

In the above matter, the Ombudsman was requested to appear *Amicus Curiae* (as a friend of the court) to present arguments on the interpretation and application of Rule 108 of the High Court rules, dealing specifically with the process surrounding the sale in execution of immovable property. The Ombudsman's argument was that Rule 108 allows for judicial oversight in ensuring that a defendant gets an opportunity to keep his/her primary residence and to allow first for the sale of movable property before the defendant loses his house and therefore his/her **"right to housing."**

After consideration of the arguments, the Court ruled in favour of the Ombudsman and defendant.

**REPUBLIC OF NAMIBIA**



**HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK**

**JUDGMENT**

CASE NO: HC-MD-CIV-MOT-GEN-2017/00042

In the matter between:

**THE OFFICE OF THE OMBUDSMAN OF THE  
REPUBLIC OF NAMIBIA**

**APPLICANT**

And

**THE STATION COMMANDER, KATUTURA POLICE  
STATION, WINDHOEK**

**FIRST RESPONDENT**

**THE STATION COMMANDER, WANAHEDE  
POLICE STATION, WINDHOEK**

**SECOND RESPONDENT**

**THE STATION COMMANDER, SEEIS  
POLICE STATION**

**THIRD RESPONDENT**

**THE STATION COMMANDER, WINDHOEK  
POLICE STATION**

**FOURTH RESPONDENT**

**MINISTER OF HOME AFFAIRS AND IMMIGRATION**

**FIFTH RESPONDENT**

**THE CHIEF OF IMMIGRATION OFFICER**

**SIXTH RESPONDENT**

**THE IMMIGRATION TRIBUNAL**

**SEVENTH RESPONDENT**

**THE MINISTER OF SAFETY AND SECURITY  
THE INSPECTOR GENERAL OF THE NAMIBIAN**

**EIGHTH RESPONDENT**

On 10 February 2017 the Ombudsman of the Republic of Namibia, acting in terms of the powers vested in him by Article 91(e) of the Namibian Constitution, on an urgent basis, approached the High Court seeking an order compelling the Station Commanders of four police stations situated in Windhoek, namely: Katutura, Seeis, Wanaheda, and Windhoek Police Stations, to produce the Court 47 persons who were detained by the Namibian Police at the mentioned police stations for the purpose of inquiring into the lawfulness of the detention of those persons. The 47 persons were detained by the Namibian Police at the mentioned police stations on the instructions of the Chief Immigration Officer. The Court ordered their release from custody with immediate effect on 15 February 2017.



## STAFF 2020

### HEAD OFFICE



**John R. Walters**  
Ombudsman



**Ingrid Husselmann**  
Children's Advocate



**Timothy Shangadi**  
Deputy Director



**Ngunderipo Murangi**  
Control Admin Officer



**Aurelia David**  
Public Relations Officer



**Jorina Baard**  
Chief Admin Officer



**Fabiola Haradoes**  
Chief Admin Officer



**Anita Van Wyk**  
Admin Officer



**Meneth Kaulungamenwa**  
Admin Officer





**Erastus Mwanyangapo**  
Chief Investigator



**Annemarie Matthys**  
Chief Investigator



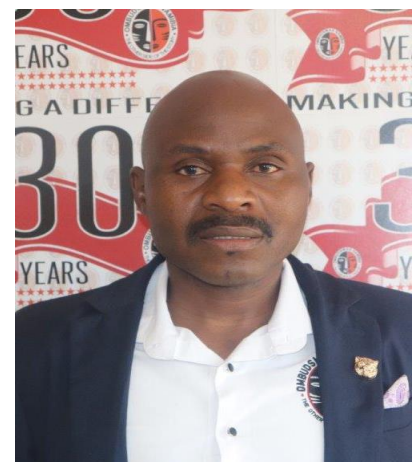
**Alfeus Haufiku**  
Chief Investigator



**Nikanor Idhogela**  
Senior Investigator



**Leonard Uutsi**  
Investigator



**Sylvester Sibungo**  
Senior Investigator



**Berthold Tjeriko**  
Investigator



**Liseli Mwambwa**  
Investigator



**Imba C. Van Wyk**  
Private Secretary





**Elmi Pretorius**  
Personal Assistant



**Aune Haita**  
Senior Social Worker



**Jennifer Nghishitende**  
Chief Legal Officer



**Daphne Coetzee**  
Senior Legal Officer



**Stephanus Boois**  
Driver



**Benestus Kaputjaza**  
Driver



**Elizabeth Petrus**  
Cleaner



**Jacobina Moses**  
Cleaner



**Benestus Tjirimuje**  
Cleaner

## REGIONAL OFFICES

### “Realizing citizens’ rights of access to the Ombudsman”

“The task of the Ombudsman will not be fully accomplished until and unless we have extended our services to the majority of our citizens in the communal and farming areas throughout Namibia, because the Office of the Ombudsman was created to serve the entire nation and not a particular segment of our population. The ideal situation is to establish regional offices in some of the main centres throughout the Republic...”

Pio Teek: Annual Report, 1990:10

We made Pio Teek’s vision come true:

On 1 March 2005, **Keetmanshoop Regional Office** commenced operations with Mr. Chris Tjivangurura as the only staff member. Today he is the Head of the Office with three supporting staff members.



Chris Tjivangurura; Elizabeth Nembiya; Johannes Muleka; & Josef Swartz

On 1 March 2005, **Oshakati Regional Office** also commenced with operations with Mr. Timothy Shangadi as the sole staff member. Today, Mrs. Ileni Indongo is the Head of the Office with four supporting staff members.



Lameck Nauta, Ileni Indongo, David Matheus, Monika Nghosi, & Oiva Amuthenu



On 7 December 2012, **Swakopmund Regional Office** commenced operations with Mr. Paulus Nambala as the sole staff member. Today, Mrs. Hermina Apollus is the Head of the Office with four supporting staff members.



**Sylvanus Andreas, Hermina Apollus, Cherilynne Cloete, & Bonida Khaibes**

In January 2018, **Otjiwarongo Regional Office** commenced operations with Mrs. Gisellah Jacob as the sole staff member. Today, she is supported by two other staff members.



**Simonetta Shitambi, Utjitiraije Mberirua & Gisellah Jacob**

In February 2019, **Katima Mulilo Regional Office** commenced operations with Ms. Bertha Simunji as the sole staff member. Today, she is the head of the office with two supporting staff members.



**Bertha Simunji, Humphrey Baepi, & Besia Muchila**

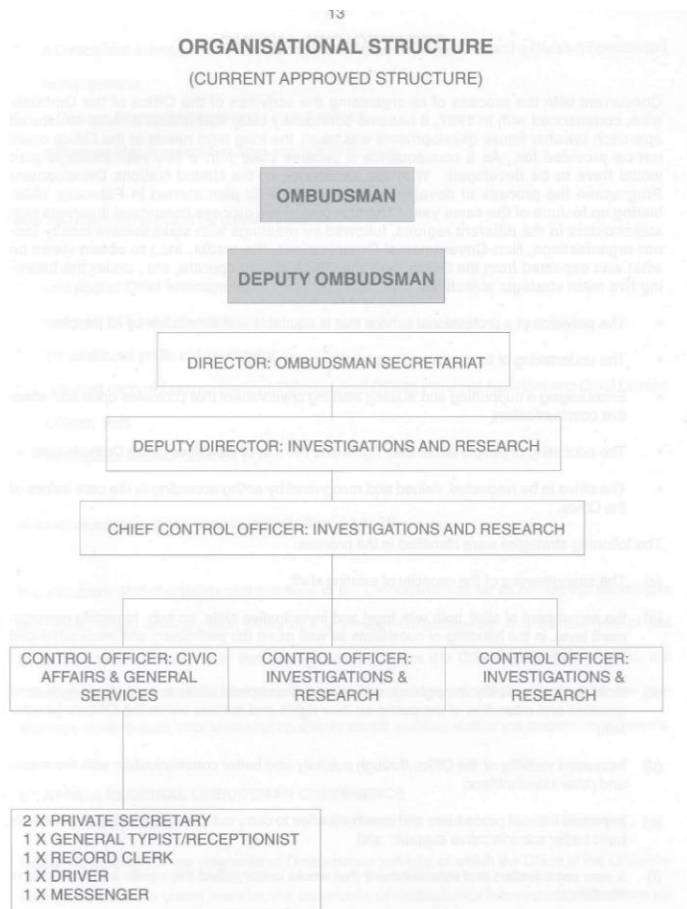
Complaints investigators from the head as well as regional offices follow an annual complaint intake clinic programme whereby they visit all towns, settlements and villages in their area of jurisdiction to conduct complaint intake clinics, visit schools and places of detention, and hold community meetings. Together they travelled not less than 85 000 km per year to reach even the most remote communities.

**Complaints in-take clinic programme: Keetmanshoop regional office**

PLACE	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	VENUE
Oranjemund	24							Constituency Office
Rosh Pinah	25							Roshkor /Pol Station
Lüderitz	26							Constituency Office
Lüderitz Prison	27							Luderitz Prison
Aus	28							Court room Pol. Station(
Aroab		08						Constituency Office
Koes		09						Constituency
Vaalgras		10						School Hall
Tses		11						Constituency Office
Berseba		12						Village Council
Gainachas		16						School Hall
Sactco			19					School Hall
Karasburg			20					Constituency Office
Ariamsvlei			21					Court room/ Pol. Station
Warmbad			22					Settlement Office
Noordoewer & Auserkerr			23					Constituency Office
Hardap				03-04				Correctional Facility
Hoachanas				05				Constituency Office
Schlip				06				Schlip-Pol station
Kalkrand				07				Constituency Office
Mariental					21			Min of Land building
Stampriet					22			Constituency Office
Aranos					23			Constituency Office
Maltahöhe					24			Constituency Office
Gibeon					25			Constituency Office
Snyfontein						12		School hall
Bethanie						13		Settlement Office
Mariental							10-11	Hardap Correctional Facility & Pol station
Derm							12	Constituency Office
Gochas							13	Constituency Office
Luderitz							24-25	Luderitz Correctional Facility & Pol station

# ORGANISATIONAL STRUCTURES OVER THE YEARS

1999



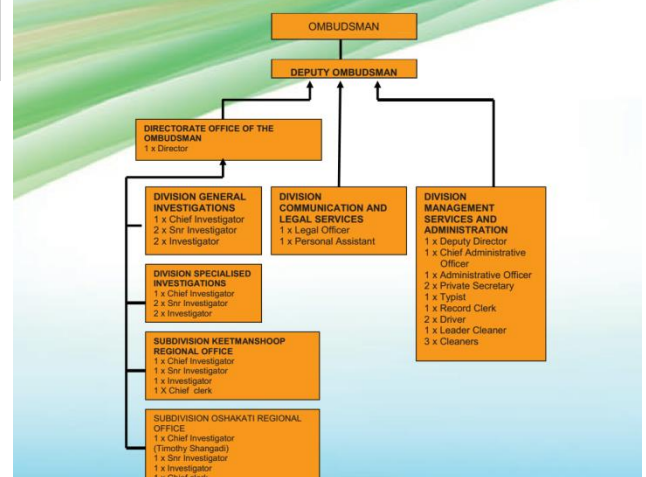
## MANAGEMENT SERVICES AND ADMINISTRATION

### Organisational structure

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

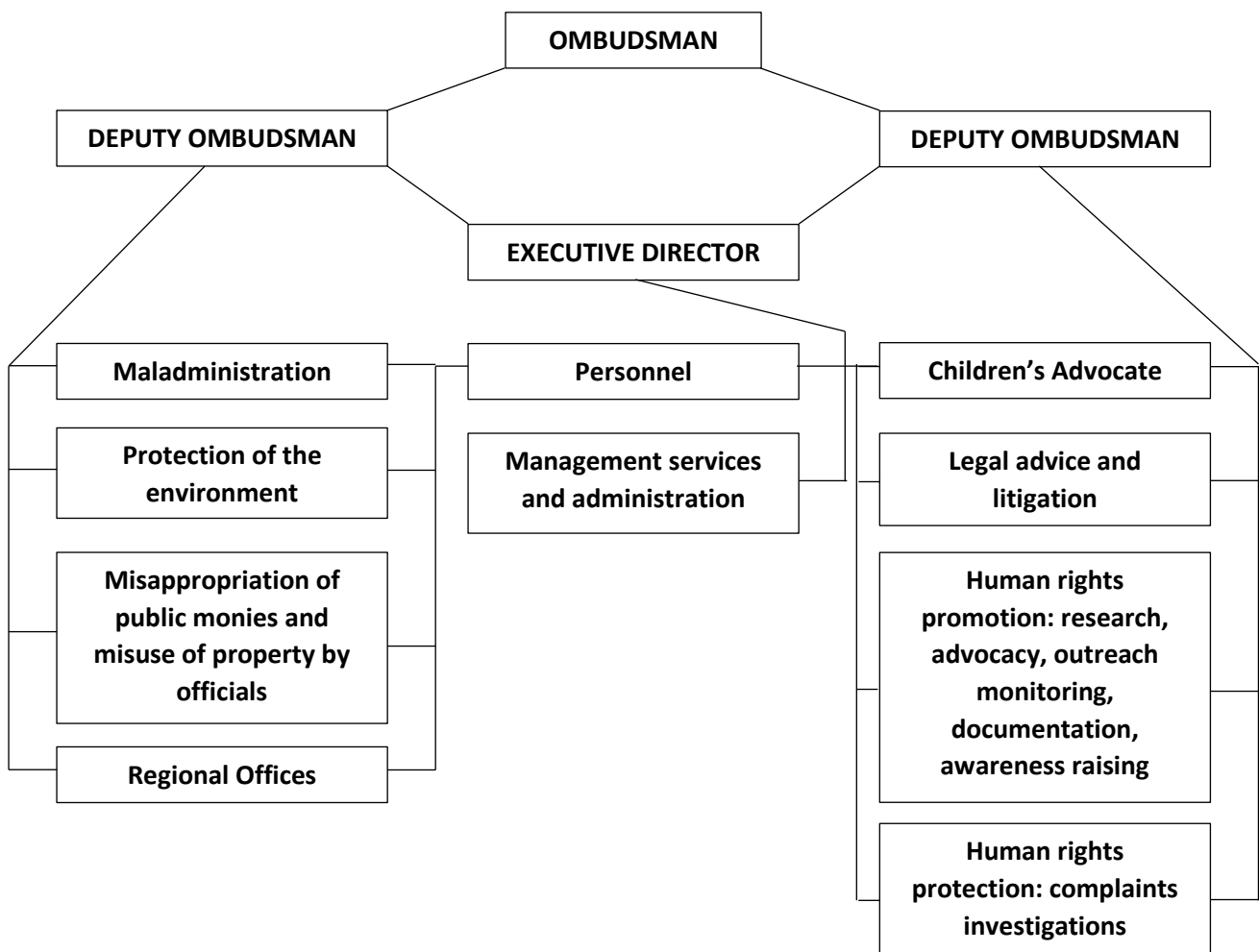
Current structure:

2010



# FUTURE ORGANISATIONAL STRUCTURE

The adoption of a new Ombudsman Act will bring about fundamental changes in the organisational structure of the Ombudsman. At the top, the Ombudsman will be assisted by two Deputy Ombudsmen and an Executive Director. The Bill inter alia creates an office of the Ombudsman, headed by an Executive Director; empowers the Ombudsman to recruit and recommend his own staff for appointment; to visit places of detention unannounced; to investigate matters out of own motion, and to litigate not only in his own name but also on behalf of the aggrieved person(s) represented by legal representatives recruited for such purposes. The Bill further places an express duty on the Ombudsman to promote human rights and freedoms. The current Act does not provide the Ombudsman with these powers and functions. The changes are not only welcomed, but are indeed necessary in order to give expression to the Constitution and to have an enabling legislation that is compliant with the principles relating to the status of national institutions (Paris Principles). The Paris Principles provide benchmarks against which proposed, new and existing national human rights institutions can be assessed or accredited by the Global Alliance of National Human Rights Institutions (GANHRI).



**DONOR SUPPORT**



The Ombudsman and staff would like to honour our friends from the donor community without whose financial assistance and moral support we would not have succeeded in making the strides that marked our development since 1990.

<b>UNDP/British Council 1996</b> Production of booklet in eight local languages	<b>SIDA 1997</b> Donation of computer hardware and software	<b>UNDP 1997</b> Training needs assessment and training of staff
<b>Friedrich-Ebert-Stiftung 1998</b> Sponsored a workshop on Human Rights and Public Administration	<b>UNDP 1999</b> Sponsored a consultant to assist the Office with the design and production of a Strategic Plan	<b>Royal Netherlands Embassy 2001</b> Sponsored the human rights awareness week organised by the office
<b>Commonwealth Secretariat 2001</b> <ul style="list-style-type: none"> <li>• Sponsored a training workshop attended by representatives from eight SADC countries</li> <li>• Sponsored an expert from the Ontario Ombudsman Office (Canada) to visit our Office with a view to update the case management system and re-train staff.</li> </ul>	<b>Royal Netherlands Embassy 2002</b> Sponsored consultants to do an independent review on the 1998 – 2003 Strategic Plan of the Office, as well as an in-depth organisational development assessment	
<b>Commonwealth Secretariat 2002</b> Sponsored a 3-day national workshop on Parliamentary / Ombudsman Relations	<b>Global Information Internship Program (University of California) 2002</b> Attached a post-graduate student to the Office for a number of months to design and develop the Office website.	
<b>French Embassy 2005</b> Sponsored a trip to Paris to visit the French National Human Rights Consultative Commission and other institutions	<b>United States Agency for International Development 2003/4</b> Funded the National Integrity Promotion Programme aimed towards raising public awareness about the causes and effects of corruption and ways within which to combat it.	
	<b>Royal Netherlands Embassy / Embassy of Finland 2003/4/5</b> Funded the following projects: <ul style="list-style-type: none"> <li>• Information Technology</li> <li>• Capacity Building Establishment of Regional Offices</li> </ul>	

## DONOR SUPPORT

<p><b>French Embassy 2007</b></p> <p>Human rights training for correctional officers and the development and printing of a Training Manual</p>	<p><b>Konrad Adenauer Foundation 2008</b></p> <p>Public lecture series to engage debate on issues relating to the Constitution, ensuring that the Constitution remains a living document</p>
<p><b>Konrad Adenauer Foundation 2009</b></p> <p>Sponsored celebrations of Constitution Day 2009, the printing and dissemination of the Constitution.</p>	<p><b>Raoul Wallenberg Institute 2009</b></p> <p>Sponsored the training course on the development of a human rights action plan.</p>
<p><b>Konrad Adenauer Foundation 2010</b></p> <p>Sponsored the research study of legislation on “Apartheid related Legislation” in Namibia.</p>	<p><b>Australian Embassy (Aus AID) and UNDP 2011</b></p> <p>Sponsored the Baseline Survey, the printing of the 2013 Baseline Study Report on Human Rights in Namibia, and the National Human Rights Action Plan</p>
<p><b>International Labour Organization (ILO) 2012</b></p> <p>Sponsored the development and printing of a Guide to Indigenous People’s Rights in Namibia</p>	<p><b>Office of the UN High Commissioner for Human Rights (OHCHR) 2012</b></p> <p>Sponsored a training workshop on Indigenous People’s Rights.</p>
<p><b>UNDP 2015</b></p> <p>Sponsored the printing of the Compendium of International Human Rights Law for Parliamentarians</p>	<p><b>German Embassy 2015</b></p> <p>Sponsored the projects against torture which included training of police officers and the development and printing of a Training Manual</p>
<p><b>Hanns Seidel Foundation 2016</b></p> <p>Sponsored the printing of the Namibian Constitution, as well as the reprint thereof in 2018.</p>	<p><b>Commonwealth Secretariat London 2019</b></p> <p>Sponsored the two Roundtables of Equality and Inclusion in the context of Sexual and Reproductive Health and Rights, and Equality and Inclusion in the context of Sexual Orientation and Gender Identity</p>
<p><b>Hanns Seidel Foundation 2020</b></p> <p>Sponsored the printing of this Commemorative Book as well as the reprint of the Namibian Constitution.</p>	

## LOOKING FORWARD

"In determining both the present and future challenges of the Ombudsmen, the following questions must be posed:

Are we powerful enough, resourceful enough, organised enough, accepted enough, funded enough, influential enough, appreciated enough, innovative enough, and independent enough to respond to the cries of our citizens as they seek protection of their rights, good governance, peace, better life, and a more equitable future? Is the current jurisdiction of the Ombudsman focused or too broad for efficiency and effectiveness?

These questions must be asked because institutions, like men, can reach levels of exhaustion and therefore fail on their mandates. However, I draw comfort from Ben Oleri, a Nigerian poet, when he says:

'The exhausted are those who have come to the end of their powers of imagination, who have limited their possibilities, who have thought themselves into the dead ends that they call the highest points of their civilization. There is no exhaustion where there is much to be hoped for, much to work towards.'

Ombudsman John Walters:  
Presidential Address to the Opening of the XIth World Conference of the IOI  
Bangkok, Thailand, 16/11/2016

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The Ombudsman is not yet exhausted but looking forward and working towards its half century celebrations in June 2040. We wish the office well.

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## 30 YEAR CELEBRATIONS

