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

# Letter to the speaker of National Assembly

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Hon. Prof. Peter Katjavivi  
Speaker of the National Assembly  
Private Bag 13323  
Windhoek

Dear Hon. Speaker,

## OMBUDSMAN'S ANNUAL REPORT 2022

1. I am pleased to submit the Annual Report of the Ombudsman for 2022 which covers the period of 12 months ending 31 December 2022.
2. In accordance with Section 6 (2) of the Ombudsman Act, (Act No. 7 of 1990), I recommend that this report be tabled in the National Assembly.

I am also appealing to your good office to discuss this report with the Parliamentary Committees on Constitutional and Legal Affairs about the deteriorating situation of sewage flowing in the streets and our rivers, as well as the filthy state of affairs of dumping areas of all the local authorities across the country.

3. My office's findings reveal that there is no keen political leadership to address these issues at local authority level.



Yours Sincerely,  
Adv. Basilius Dyakugha  
  
Ombudsman

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# Message from the Ombudsman

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Ombudsman: Advocate Basilius Dyakugha

It is with great pleasure that I present the Annual Report for 2022 as the Ombudsman of Namibia. As a constitutional institution, my office strives to promote good governance, respect for the rule of law, and efficient service delivery to the Namibian citizens. I recognize the importance of having a strong desire, vision, and focus to achieve my constitutional mandate and responsibilities.

As Namibians, we must all follow the constitution, laws, regulations, and policies that govern our nation. The Namibian Constitution obligates every citizen, especially elected and appointed leaders, to follow the laws and uphold the principles of democracy and good governance. We must all strive towards a society that is fair, just, and accountable.

Last year, all staff members at my office were reminded to align their work with Ombudsman office as an institution's Vision, Mission, and Values. My office's Vision is to serve citizens in a way that is fair, accountable, transparent, and respectful to their rights; and the Mission is to promote fair, effective administration, protect human rights, the environment, and natural resources of Namibia through independent and impartial investigation and solutions, and raising public awareness. Whereas the Values of Ombudsman's office include fairness, independence and objectivity, accessibility, confidentiality, respect for the opinions of others, non-discrimination, integrity, empowering people to find their own solutions to problems, and responsiveness, efficiency, and effectiveness.

In my capacity as the Ombudsman of Namibia, I have travelled to all 14 regions to familiarise myself with

human rights and environmental issues, as well as to meet with regional leadership and community members. I observed worrisome maladministration, malpractice, and environmental issues that need urgent attention of every one of us as a nation. These include poor conditions in police holding cells, broken sewage systems flowing in many streets and rivers that exposes a health hazard to the public, deteriorating Government buildings and other infrastructure, poverty in the rural communities and a lack of respect for the Rule of Law including from the appointed and elected leaders.

Many of these issues can be solved at the local or regional level, and I have written letters to the respective Honourable Governors to request them to address the situations on urgent basis. As the Ombudsman, I advocate for the attainment of a truly just and fair society. Therefore, elected and appointed leaders should hold social justice as core why they were elected in public offices, and must at all times be consistent when they are performing and executing their responsibilities in order to promote fairness, justice, and constitutional values. They cannot demand fairness, justice, and protection of constitutional rights only when it concerns them personally and their families, and then discard the same when dealing with others.

Leadership qualities such as responsibility and action are crucial for promoting fairness, justice, and accountability in society. Leaders must take their responsibilities seriously and not be afraid of public criticism. The most important basic fundamental question, elected and appointed leaders should ask themselves is “the why”. Why were they elected and or appointed in the position they are in. In my opinion, this is a fair, legitimate, and justifiable question for every leader to answer. It is very important to understand why we are in public offices, because there is only one main reason why the citizens or the institutions have elected or appointed us into our respective positions, and that reason is to provide services. The point is very clear, leaders are there to use their leadership skills to improve the lives of the people; therefore, they should not wait until the people demonstrate in the streets before they can act and respond to their demand on social issues.

Therefore, personal interactions with staff members in public offices, and the strategic ability to take decisive actions are very essential in ensuring that social operating mechanisms are working. We must all work together to achieve a society that is fair, just, and accountable.

Many of the elected and appointed leaders are not taking actions or giving policy directives on simple administrative issues. As a result, many of small problems are getting worse and worse in their respective institutions. My office has discovered during our investigations that some leaders do not even really know what is going on in their respective offices or institutions, including toilets at work places are not functioning, which are very important and a basic necessity. In some instances, they might even know about the situation but they always fail to give directives on how to solve or to fix the problem.

In conclusion, I would like to commend the staff at my office for their dedication and hard work in promoting good governance, respect for the rule of law, and efficient service delivery to the Namibian citizens. I also want to encourage all Namibians to play their part in promoting a society that is fair, just, and accountable. Let us work together towards a better future for Namibia.

# OUR MISSION, VISION AND VALUES

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## Mission

Strive to promote fair, effective administration, protect human rights, the environment and natural resources of Namibia through independent and impartial investigation and solutions and raising public awareness.

## Vision

To be a public institution that serves citizens in a way that is fair, accountable, transparent and respectful to their rights.

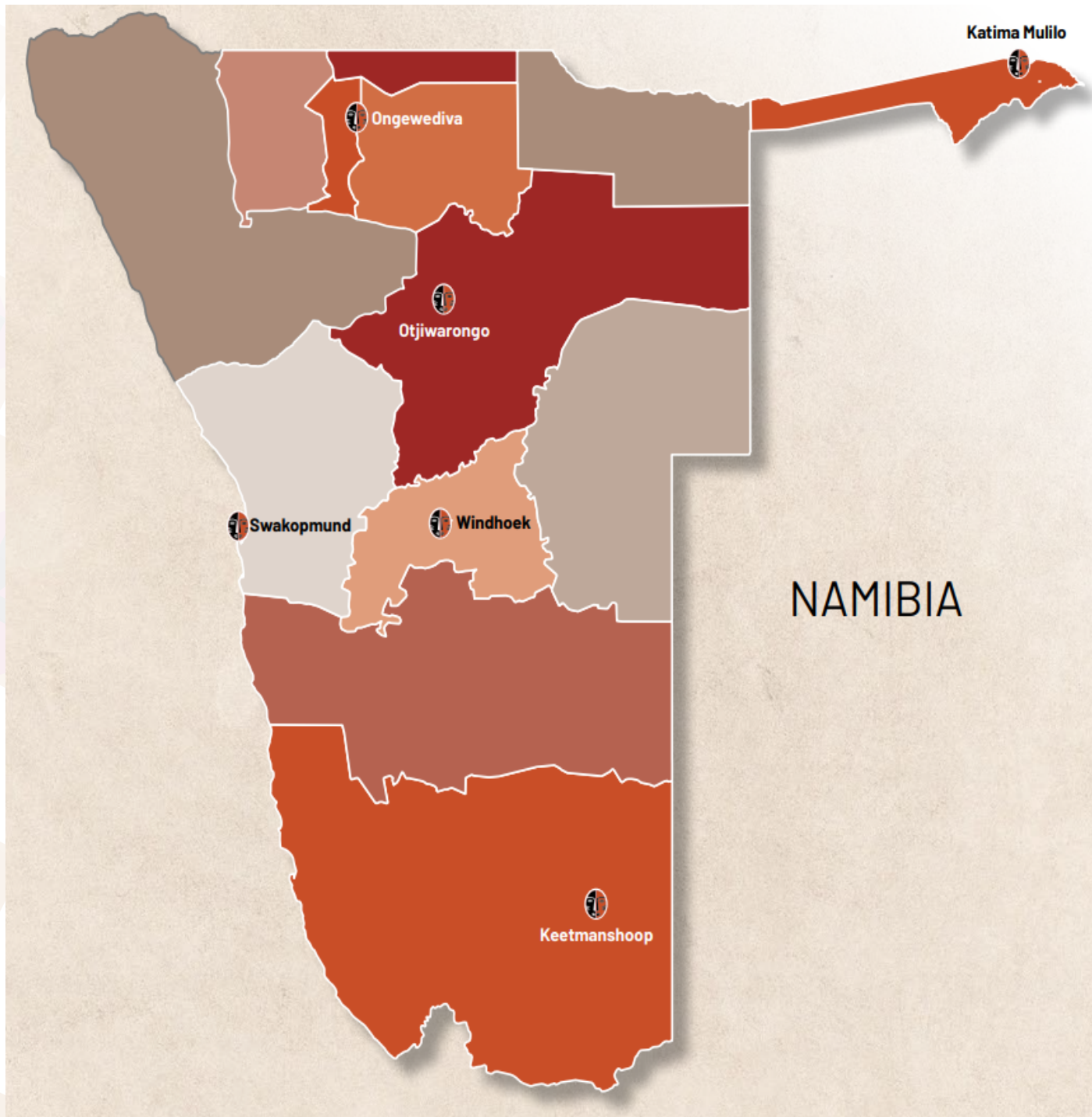
## Values

- Fairness, independence and objectivity
- Accessibility
- Confidentiality
- Respect for the opinions of others
- Non-discrimination - equal service for all members of the public
- Integrity
- Empowering people to find their own solutions to problems
- Responsiveness, efficiency and effectiveness

# ORGANISATIONAL STRUCTURE



## WHERE TO FIND US



# ABOUT OUR OFFICE

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## What is an Ombudsman?

The first parliamentary ombudsman was established in Sweden in 1809. The word ombudsman is Swedish which means “citizen’s representative” and is considered to be gender-neutral. If a complaint has merit, an ombudsman will first seek to resolve the dispute at the lowest level possible, but will conduct an investigation when necessary. The Ombudsman’s findings and recommendations are based on an impartial assessment of the facts and evidence. An ombudsman acts impartially, not on behalf of either party.

We review and investigate complaints about Government ministries, administrative bodies, municipalities, universities, schools, and other institutions that provide public services. We try to determine whether or not the organisation’s actions or processes were fair by conducting a formal investigation, if the Ombudsman determines that it is warranted, and thereafter make recommendations for constructive change. Through our work, we flag trends in complaints to Government officials and recommend best practices and/or ways to improve administrative fairness.

## About our mandate

An ombudsman is an independent and impartial public official who raises all persons’ concerns with Government Institutions, bodies, and civil servants as well as any company or private individuals in Namibia, when it relates to violation of human rights and protection of the environment in Namibia.

In terms of Article 91 and 92 of the Namibian Constitution, read together with the provisions of the Ombudsman’s Act, Act No. 7 of 1990, the Ombudsman’s mandate can be summarised as follows: to promote fairness, accountability and transparency in the public sector by resolving and investigating public complaints and systemic issues within the Ombudsman’s jurisdiction, human rights violations and protection of the environment.

The Act stipulates that all complaints to Ombudsman’s office are confidential and investigations are conducted in private and our services are free of charge. Thus, all Ombudsman around the world or Human Rights Institutions protect people from maladministration and against the violation of their rights in more than 100 countries worldwide. Consequently, the work of an Ombudsman is more collaborative and corrective in nature.

## Our independence

Article 89 (2) of the Namibian Constitution provide that Ombudsman shall be independent and subject to the Constitution and the law. In this regard, the Ombudsman acts impartially in the public interest, and will report directly to the National Assembly. We cannot be directed by any ministers, Government officials, the people who complain to us, the agencies and or officials whom we oversight and investigate.

## How we work; complaint intake

We receive complaints via the complaint form on our website, by email, phone calls, letters, and Facebook inbox or in person. Our staff will contact you for more details to pursue your complaint.

We will not divulge your name or information to anyone without your consent, and there is no charge for our services. We also handle inquiries; our staff can answer general questions, provide advice and guidance or refer you to the appropriate institution.

## **Referrals**

If your complaint is not within the Ombudsman's jurisdiction, we will refer you to the right office or institution accordingly. If you haven't tried or followed the existing complaint mechanisms of the organisation or institution, we'll suggest you do that first and return to us if the issue isn't resolved.

## **Early Resolution**

We always seek to resolve complaints at the lowest level possible. To do so, we often make informal inquiries and requests for information with the relevant bodies, for example, to learn more about their processes and policies.

## **Investigation**

If we are unable to resolve the matter informally, the Ombudsman may decide to conduct an investigation. We notify the organisation in question, and we may conduct interviews and request documents or other relevant evidence. If the Ombudsman determines that there is a potential systemic issue underlying the complaints, he may decide to launch a systemic investigation.

## **Findings and Reports**

The Ombudsman provides his findings to the organisation in question for a response before they are finalised. His findings and recommendations are published in investigation reports and/or in our Annual Reports, and shared publicly on our website and via social media. Hard copies are available at our offices.

## **Results**

We communicate the outcome of individual investigations and most reviews and informal resolutions to complainants and the relevant public sector bodies, as warranted. Summaries of many such cases are published in our Annual Reports and other communications. When the Ombudsman's recommendations are accepted, our staff follows up to ensure they are implemented, and we monitor to ensure problems don't recur.

## **What we cannot do**

Both the Namibian Constitution and the enabling legislation prevent us from receiving and handling certain complaints. Therefore, the Ombudsman cannot investigate and overturn decisions of elected officials or set public policy; Redo the work of other investigative bodies or accountability mechanisms; take sides in disputes; Provide legal advice or representation; Act as an advocate for a person or public body; take complaints about Judges and other judicial officers presiding in courts (except administrative matters); Legal disputes; Private companies or private individuals/ persons disputes; Self-regulating professions (e.g., lawyers, doctors, nurses, teachers); Student associations and student unions, just to mention a few.

# FACTORS THAT AFFECTED OPERATIONS IN THE REPORTING YEAR

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Ingrid Husselmann, Chief: Office of the Ombudsman

## Vacancies & Appointments

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After a long recruitment process Ms. Heather Harker was appointed as the Children's Advocate on the 1st of October 2022, she is the third Children Advocate since the Child Care and Protection Act came into operation in 2015.

Other vacancies in particular the position of Deputy Director – Head of the administration division, has been vacant since the retirement of Ms. Cline in 2018, unfortunately the position remains unfunded since then. In addition, the resignation of one and promotion of some complaints investigators created additional vacant positions. The filling of these vacancies once again proved to be a lengthy and cumbersome process as the human resources department of the Ministry of Justice routinely takes a long time when complying with their duties in relation to the recruitment process.

Once these positions were advertised and filled the ensuing vacancies brought about by the promotion of some staff members have unfortunately remained vacant because of government's stance that vacancies in the public service should not to be filled during the relevant financial year. This resulted in the office having a short fall of two complaints investigators for the duration of the financial year.

## Resuming operations Post COVID-19 regulations

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The commencement of the 2022/2023 financial year saw the office of Ombudsman's regular intake clinics resuming after COVID-19 and the ensuing Public health regulations had in the preceding two years placed restrictions on taking our services to the remotest and poorest communities in the regions. However, the pandemic also had the effect that the Children's advocate embarked on an extensive media campaign to raise awareness on the services of the Children's advocate and children's rights in general. We successfully

launched the media campaign in September 2022 on the day of the Namibian Child. It was comprised of a radio advert which was translated into several local languages, a short film, and a new pamphlet for the Children's Advocate as well as a series of animations which will be utilized for some time and hopefully continue to reach more children through electronic, digital and print media.

## **Regional offices and official accommodation.**

Ombudsman's Otjiwarongo regional office was the fourth (out of five) regional offices established by the office to bring our services closer to the people. It opened its doors to the public in January 2018 with a single staff member. Currently the office has three staff members, who provide services to the entire Otjozondjupa region. Securing official accommodation has proven to be challenging as we occupied a single office in the building of the Ministry of education and another office at the Regional council building. We have finally been able to secure sufficient office space in the Regional council building and moved in, in February 2023. Currently we have regional offices in Katima Mulilo, Swakopmund, Keetmanshoop, Ongwediva and Otjiwarongo.

## **IT support**

During December 2020, we saw the end of the office's contract with a close corporation that hosted our website and provided IT support on our need basis. Despite having started a new procurement process with the support of the Ministry of Justice in the beginning of 2021, a new service provider was appointed in June last year 2022. Our website was overhauled and it went live in November 2022.

## **No separate budget for the Ombudsman's office**

Administratively, the Ombudsman's office is essentially treated like as one of the directorates of the Ministry of Justice, it does not have a separate budget of its own. Save for the amounts budgeted for salaries and a separate amount budgeted for subsistence and traveling allowance, no other amounts are specifically budgeted for the operations of the Ombudsman's office as the ministry operates on a centralized budget for all the directorates. This situation as always had an adverse effect on our operations as it is near impossible to prioritise areas of operations if one has no idea as to the availability of funds.

## **Ombudsman's Bill**

The current Ombudsman Act, Act 7 of 1990 came into force on the 14th of June 1990 and has never been amended. The scope and functions of the existing legislation in respect of the Ombudsman's mandate is limited in that it does not provide for sufficient autonomy and independence as guaranteed by Article 89(2) of the Namibian Constitution, to have adequate resources and adequate powers of investigation. So much so that the Parliamentary Standing Committee on Constitutional and Legal Affairs in July 2018 recommended that the office of the Prime Minister and the Ministry of Justice should table a Bill in parliament to review or amend the Ombudsman Act; to provide more powers and punitive measures for non-compliance. Further that in order to strengthen the autonomy of the Ombudsman, it should provide for the appointment of an Executive Director and staff and that this important Constitutional Office should have a separate budget vote. These recommendations were adopted by the National Assembly on the 17<sup>th</sup> of March 2020.

A new Bill was then drafted and finalised in 2020, it was presented to the Cabinet Committee on Legislation (CCL) twice, first on the 14<sup>th</sup> of August 2020 and again in November 2022. On the 29<sup>th</sup> of November 2022, Cabinet granted approved in principle that the Ombudsman's Bill, pursuant to the recommendations of the CCL; and the Minister of Justice should table the Bill in the National Assembly, once certified by the Attorney-General and Legal Drafters. We eagerly look forward to the Bill being tabled at the first available opportunity.

# THE CHILDREN'S ADVOCATE

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Advocate Heather Harker: Children's Advocate

As the Head of the human rights and legal services division (which is a statutory position) I was appointed as Children's Advocate in October 2022. As the Head of the division I also support the Ombudsman in his mandate to promote human rights of all persons alike. In other countries of similar jurisdiction, Children's Advocate should be a position on its own, where the incumbent will focus solely on his/her mandate on children. Children's rights do require a singular portfolio and advocate. Nonetheless, human rights are universal.

Children's Advocate is such a powerful title. She speaks for one of the most vulnerable group in the society: children in Namibia. She advocates for the rights of children and she can even litigate on their behalf. She also monitors the implementation of policies effecting children. The drafters of the Child Care and Protection Act, Act 3 of 2015 (the Act) had clear intentions when establishing this position. In fact, in its preamble, the Act is aimed at giving effect to the rights of children. The current incumbent should therefore strive to do just that: realise the enjoyment of children's rights within her mandate.

It is such a delicate task to empower children, but also to remind them that they have a duty to their families, communities and their country to respect the rights of others as well, to work towards cohesion of the family unit. I am humbled and privileged to be appointed in this position. In the few months I served as the Children's Advocate, I set out to learn as much as possible about my role and mandate. I was fortunate to work with the Ministry of Gender Ministry of Gender Equality, Poverty Eradication and Social Welfare on possible improvements as well as implementation of the Act. I also held various interviews with different media houses to create awareness about the position. We celebrated Constitution Day with the children in Keetmanshoop on the 9th of February, worked with the UNFPA on sexual reproductive health rights, and attended to numerous complaints regarding children. We finalised our plan for the next financial year and established as our main objective to create a connection between the position of Children's Advocate and children in Namibia. I look forward to all the work we plan for the future and to work with all our partners and stakeholders to further this very important mandate.

# COMPLAINTS RECEIVED DURING 2022

When citizens are not happy with service delivery by Government Offices, Ministries and Agencies (OMAs) they approach the Ombudsman for redress. These complaints mostly pertain to issues of maladministration, but also includes human rights and environmental issues. We recorded a total of 1523 cases of maladministration representing 51.5% of total complaints received during the reporting year. In addition, 337 cases of human rights violations were recorded which equate to 13.4% of total complaints received by the Office.

Below are the statistics of cases we received according to the ministries, and the Ministry of Safety and Security tops the list of institutions citizens complain against.

The following are the five Government institutions with most complaints recorded against them.

## 1. Ministry of Safety & Security

1.1	Namibian Police	574
1.2	Namibian Correctional Services	253
1.3	Home Affairs and Immigrations	160

2. Office of the Judiciary 323

3. Ministry of Education 108

4. Ministry of Health & Social Services 92

5. Ministry of Labour Industrial Relations  
And Employment Creation 87

Examples and nature of the complaints received

## Namibian Police

- ➔ Food
- ➔ Medical treatment
- ➔ Assaults
- ➔ Bad staff treatments
- ➔ Investigations related
- ➔ Property related

## Office of the Judiciary

- ➔ Bail
- ➔ Appeal
- ➔ Court record
- ➔ Maintenance

## Namibia Correctional Services

- ➔ Remission & Parole
- ➔ Medical related

- ➔ Assaults by member
- ➔ Toiletries, clothing & bedding
- ➔ Transfer

## Home Affairs & Immigration

- ➔ Citizenship
- ➔ Passports
- ➔ Prolonged detention & deportation
- ➔ Confiscated documents

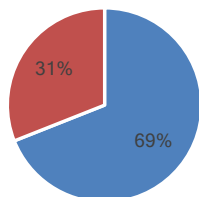
## Ministry of Education

- ➔ Payment of gratuities and benefits
- ➔ Recruitments issues
- ➔ Learners suspended/denied education

# STATISTICS

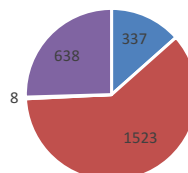
The Ombudsman statistics provide insight into the cases investigated in the reporting year. The statistics serve as a tool for planning and improving on certain aspects of our investigations. The statistics are derived from data entered into our electronic case management system and comprise of data from all our offices. Statistics for the reporting year are grouped into different categories and are depicted below

**RESOLVED AND UNRESOLVED CASES**



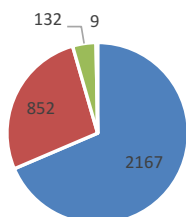
■ RESOLVED  
■ UNRESOLVED

**MANDATE**



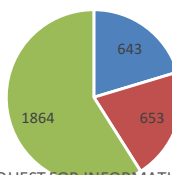
■ HUMAN RIGHTS  
■ MALADMINISTRATION  
■ ENVIRONMENT  
■ MISCELLANEOUS

**GENDER**



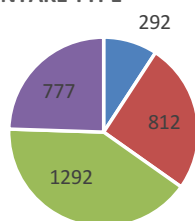
■ MALE ■ FEMALE ■ GROUP ■ UNKNOWN

**COMPLAINT TYPE**



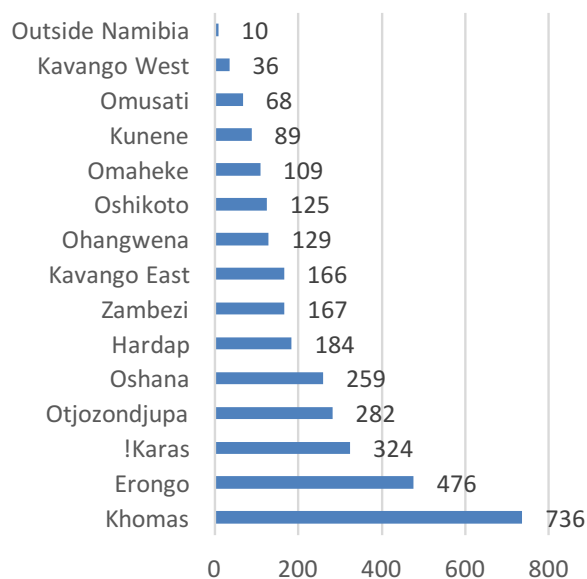
■ REQUEST FOR INFORMATION/ADVICE  
■ NON-JURISDICTIONAL  
■ JURISDICTIONAL

**INTAKE TYPE**

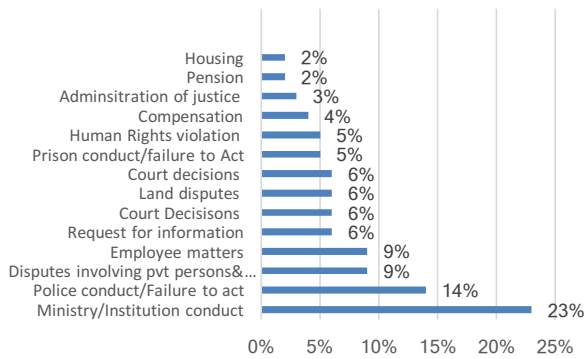


■ TELEPHONE  
■ IN WRITING  
■ IN PERSON  
■ COMPLAINT INTAKE CLINIC

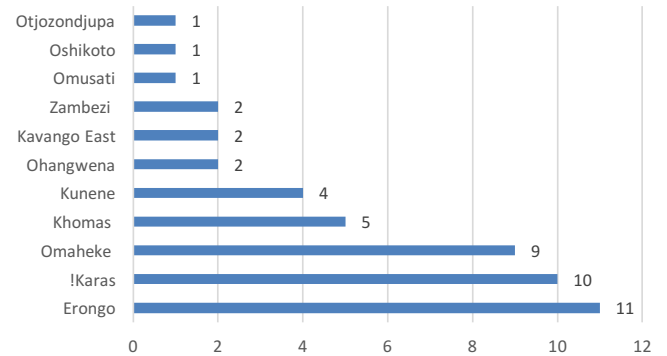
**REGIONS**



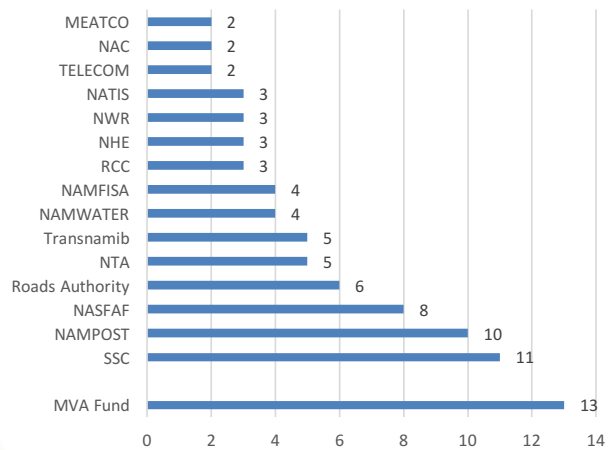
### CATEGORY



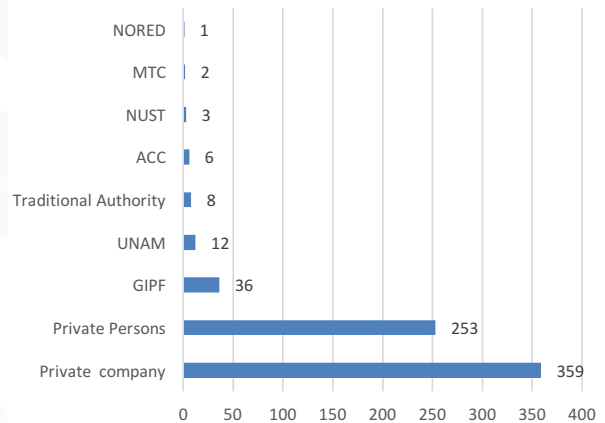
### REGIONAL COUNCILS



### PARASTATALS

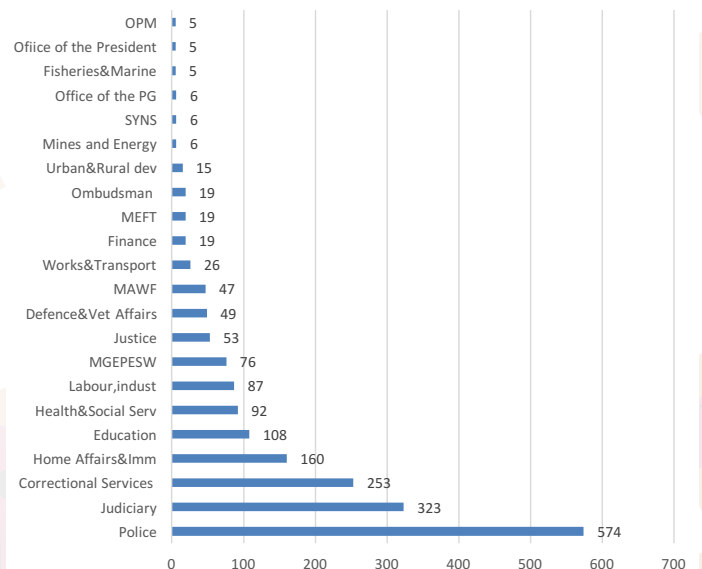
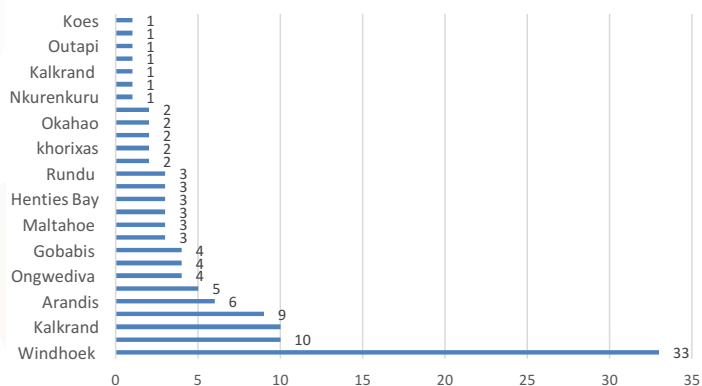


### OTHER INSTITUTIONS



### GOVERNMENT MINISTRIES, OFFICES, INSTITUTIONS AND AGENCIES

#### LOCAL AUTHORITIES



# HUMAN RIGHTS MANDATE

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## Brief summary of selected Human rights cases

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### Illegal detention case

The complainant was detained at the Okahandja Police holding cells, and he related to our investigators that he was charged with drinking and reckless driving. He claimed that he was a passenger in the vehicle and the breathalyser analysis that was taken from him, showed that he was under the limit at the time of his arrest and charges. The complainant further added that he was not taken to court after 48 hours lapsed, since his arrest. He narrated that the police officers ignored his requests to be taken to court. We perused the docket and took the matter up with the station commander. We also interviewed several police officers in order to get the full picture of what really transpired.

Upon completion of our investigations, it was established that the complainant was indeed illegally detained, the Magistrate declined to prosecute but the police officers ignored the court order and continued to keep complainant in custody. It was resolved that the complainant be released from the holding cells and the station commander ordered for his release with immediate effect. The complainant was released in the presence of our investigators.

### Refusal to approve transfer request

This complainant who is employed as a correctional officer alleged that he had been seeking for a transfer to another town since 2009 due to his health condition but his employer kept on rejecting his application. He informed our office that the Ministry of Health and Social Services further provided him with a supporting letter for his transfer but it was not considered. The complainant informed us that he was suffering from depression as a result of not being allowed to work closer to his home, to receive better healthcare and closer to his family. The complainant's supervisor further indicated that his performance was dropping due to his poor mental and physical state. Having analysed the essence of the complaint, the office wrote a formal letter of enquiry to the Office of the Commissioner General, outlining the essence of the complaint with a request to the Commissioner- General to review and consider the request made by the complainant in his request for a transfer be approved. Within 35 days of our intervention, we were informed that the complaint's transfer had been approved.

### Failure to compensate an employee for motor vehicle accident on duty

This is a case regarding someone who was injured in a motor vehicle accident while carrying out his official duties. The complainant alleged that he was injured on duty in a motor vehicle accident while working for the Namibian police Force during the year 2018. From this accident, he never fully recovered, he experienced severe pains and was unable to return to work due to the pelvic injuries which he sustained. His doctor recommended for him to undergo surgery in Cape Town.

In this respect, recommendations were made to the SSC to fund his surgery but the SSC was not responsive to this request. The complainant thus requested the assistance of this office. Enquiries were made to SCC, Walvis Bay branch, where the matter originated from. After several consultations between SSC, Motor Vehicle Accident (MVA) Fund, and the specialist surgeon in South Africa it was resolved that the MVA fund would cover the cost of the complaint's surgery which took place in August of 2022.

# Children's rights case summaries

## A case of children denied the right to education

The complainants' three children were enrolled at the same private school in Windhoek, due to financial reasons the complainants were unable to afford the children's school fees. The parents opted to take the children to a public school, however the private school refused to provide them with their children's progress reports. The school informed the parents that they would only provide them with a progress report after they pay off their debt of N\$ 3000.

Seeing that a financial hardship was the main reason for the complainants choosing to take their children to a government school, they were unable to pay the debt owed to the private school. The children were as a result not attending school as they could not be enrolled in any other school without their previous reports. We met with representatives from the private school and after extensive discussions, we secured the release of the children's results and all three children were successfully enrolled at a public school.

## A case of the right to a safe and secure home environment

The complainant approached us after her mother allegedly chased her out of their home. She indicated that when her mother is under the influence of alcohol she becomes aggressive towards her. We intervened and held a meeting with complaint's mother as well as her maternal aunt, who confirmed the mother's behaviour. After the extensive consultations, it was decided that the complainant will temporarily live with her aunt in a more stable, and safe household.

# REPORT ON STATUS AND CONDITIONS OF RESIDENTIAL CHILD CARE FACILITY VISITS

As part of our annual visitation program, the Children's Advocate conducted visits to six Child Care Facilities (CCF) in Otjozondjupa, Erongo and Khomas regions, between June 2022 and September 2022.

The aims and objectives of these visits are to ensure compliance with the National Minimum Standards for Residential Child Care Facilities (RCCF) as determined by the then Ministry of Gender Equality and Child Welfare, and the minimum standards for child care facilities as provided in Section 71 of the Child Care and Protection Act, Act, 3 of 2015 (CCPA). These were follow-up visits, as all the visited facilities were previously visited.

## NGATUVEVATERE CHILDREN'S HOME – KALKVELD

The facility still operates as a children's home.

### Admission

They admit children from 0-18 years old who are in need of protection. At the time of our visit they had 19 children accommodated at the facility, eight girls and 11 boys.

## **Staff complement**

Ms. Gisela Tjitemisa who was the founder of this facility passed away in May 2021. The facility is now managed by her daughter as the Centre Manager, assisted by four other staff members (i.e. head of Administration, Head of operations, Domestic worker and a Chef).

## **Funding**

They are dependent on donor funding, however they indicated that funding has been a challenge since two of their main donors (Pack Safari & Chameleon) withdrew. The only source of income they have is the Government subsidy and one donor who is based in Germany.

## **Observations**

All children of school going age are enrolled in school, except one 16-year-old girl who was brought in by the social worker. She is alleged to be a human trafficking victim from Angola, and accordingly, a case in that regard was opened with the police. All children at the facility were placed at the facility with court orders.

## **Concerns raised**

Most of the concerns that raised centred around the issue of social workers not returning to the facility to check on the children they placed. For example; the girl from Angola apparently cries often demanding to be taken back to her family. The staff members do not always know what to do on cases like that.

## **OMARURU CHILDREN'S HAVEN - OMARURU**

This facility is a registered as children's home. There are four houses which accommodate boys and girls separately.

## **Admission**

They admit children from 0-18 years old that need protection. Fourteen children were accommodated at the facility at the time of the visit, seven boys and seven girls. Eleven of the children were placed with court orders, whereas three were not.

## **Staff complement**

There are 11 staff members in total. These include the Principal, Manager, five care givers, three volunteers, and an institutional worker.

## **Funding**

Their funding is still donation based and they receive a Government subsidy. They have donors who are based in Germany.

## **Observations**

All children of school going age have been enrolled in school. There are six children who turned 18 in 2022, some are still in school, while others are looking for employment. All these children they still remain at the facility, as they are unable to provide for themselves, should they be discharged.

## Concerns raised

The concern raised have to do with the matter of three children who were placed at the facility three to four years ago without court orders. It is taking the social worker too long to finalise the court process.

Those who have turned 18 no longer receive Government grant, which affects the facility's budget, as they are still dependent on the facility for their daily needs.

## WALVIS BAY KID'S HAVEN – WALVISBAY

This is a registered children's home, based in Walvis Bay.

### Admission

They admit children from 0-18 years old in need of protection. They had 35 children (12 boys and 23 girls) in total at the time of the visit. All their children are placed with court orders. They however do not admit children with special needs.

### Staff complement

The staff compliment is made up of six staff members of which three are care takers, one cleaner, a driver, and the manager.

### Funding

They are funded by donors, some of which are a once off donations from local entities. In addition, they also receive a Government subsidy.

### Observations

The facility is well maintained, children appear well nourished and taken of. All children of school going age are enrolled in schools.

## Concerns raised

No concerns were raised.

## SUN SHINE WALVIS BAY CHILD & FAMILY CENTRE - WALVISBAY

This facility is a centre for children (including youth) with disabilities and it is registered as an NGO. It operates from the Ministry of Health and Social services premises, which they occupy rent free. Among the programs offered at the centre are; special Education classes as well as training classes. The education classes consist of:

- ➔ Early Childhood Development
- ➔ Special class for children with autism
- ➔ Special needs kids/youths class.

The training classes consist of wood work for boys, and needle and arts and craft for girls. Additional training includes bakery, gardening and catering. They are open from Monday to Thursday, and they use the same school calendar as the Government schools.

## Admission

The admission criteria were under review at the time of the visit. However, they normally admit beneficiaries from the ages of four years to mid-thirties, as long as their needs can be catered for according to the available programs.

During the visit, there were 102 beneficiaries, plus 20 protected work force (staff members with disabilities).

Parents /guardians are expected to make a voluntary annual contribution of N\$ 300.00 per child, otherwise their services are free of charge.

The facility does not have an exit plan in place as such. Nonetheless, once a child is observed to show improvement in their performance, they then get absorbed into the mainstream education system. Those who cannot go to the mainstream education system, their parents are assisted through empowerment programs on how to wean them from the centre.

## Staff complement

The staff complement consists of the Director of the Centre, Social worker (who is an employee of MOHSS) and 19 other general staff members.

## Funding

The facility is dependent on donor funding from the following organisations:

- A fishing company, plus a South African partner who support them financially.
- The Walvis Bay salt Holdings provides them with transport for the children and staff members.
- Malika Company makes use of their catering services as their social corporate initiative.
- They also do some income generating activities at the facility.
- They are also subsidised by the Government, per child.

## Concerns raised

The following concerns were raised by the Director of the centre.

- The premises are not secure, which compromises the safety of the children. Thus, they require authorisation from the MOHSS to fence off the buildings. On this issue, we advised them to approach the MOHSS and/or Ministry of Works and Transport for approval and guidance on the required cause of action.
- There is a need for training on child protection related topics for their staff.
- They noted that some of their children's application for disability grants were rejected, which they feel is not right. Hence, they proposed that a review should be done with regard to the disability grant application process.

## Observations

It appeared that the facility is well kept, regardless of the fact that the structures are old. The children are placed in different programs / classes accordingly, based on their specific needs.

Lack of adequate safety seems to be the challenge, as the facility is not surrounded by a secured boundary wall.

## JONA HOME – WALVIS BAY

This is a registered children's home for children in need of protection.



Playground at Sunshine Walvis Bay

## Staff compliment

They have six staff members in total. The staff works in shifts, at least two people on each shift.

## Admission

They admit children from 0-10 years old, otherwise they can also accommodate children of any age if need be. During the visit they had 12 children (five girls and nine boys) in total, with the youngest being 15 years old and the oldest 20 years of age.

Two of the children were temporarily placed at the facility as a place of safety. Majority of the children were placed with court orders, except for three of them who were waiting for the social worker to finalise their cases with the court.

Four of the children are no longer minors, as they were above 18, and as such they have also fallen off the Ministry's grant system. However, they remained at the facility as they were still in school.

## Funding

Apart from government subsidy, the facility is dependent on donor funding. They have a certain Mr. Bastos who sponsors them. Otherwise they also receive once off donations from individuals.

## **Observations**

The facility is well maintained. The children, most of whom were teenagers are all enrolled in schools, and appeared well and good taken care of. There was one child with special needs, but he too is enrolled in a special school.

## **Concerns raised**

No concerns were raised during the visit.

# **MEGAMENO CHILDREN'S HOME**

This is an unregistered facility, nonetheless they have been operating, accommodating children allegedly to be in need of protection.

This facility has been visited in the past, and due to its inability to meet the required standards, it was earmarked for closure by the Ministry in 2019 however when we visited the place in 2022, the facility was still operational.

## **Admission**

According to the manager, they admit children from 0-18 years of age in need of protection. During the visit they had 20 children (10 boys & 10 girls) living at the facility.

The children were brought to the facility from the hospital, families who could not take care of them, and one was found in a bus wreck where his parents were living with him as baby.

## **Staff complement**

The staff consists of the manager and one caretaker who assists her in running the operations of the facility.

## **Funding**

They depend on donations from local individuals, churches and factories that provide them with food stuff. Additionally, a certain lady gives them N\$ 1000.00 monthly for the electricity bill.

## **Concerns raised**

The manager lacks guidance on the way forward regarding the status of her facility with the Ministry. Ever since 2018, when she was informed that the Ministry resolved to close their facility down, and place the children in alternative care, she has not received any further communication from the ministry.

## **Observations**

During the visit it was observed that there is a total of 26 people who live at the facility, inclusive of the children. The house actually belongs to the facility manager (Ms. Maria Shaalukeni), and some of her relatives live there as well. None of the children at the facility receive any grants from the Ministry, due to non-regis-

tration status of the facility. Those children for whom the manager was receiving the grant as a foster parent have become of age (above 18), and thus no longer qualify to receive the grant, yet they remain at the facility.

## **MONITORING PLACES OF DETENTION**

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As part of the Ombudsman's mandate to visit and inspect places of detention across the country; these facilities are visited annually. The places of detention referred to are the police cells (detention for trial awaiting inmates) and correctional facilities (for sentenced inmates). We also visit places where illegal immigrants are detained. In general, the purpose of these visits is to monitor the condition of these facilities, the provision of food as well as to determine the legality of the detentions. We further provide inmates for the opportunity to submit their complaints to us and raise awareness about the functions of our Office. Below are some of the facilities that were visited during the reporting year.

### **KHOMAS REGION**

#### **Windhoek Police Station**

The trend of overcrowded police holding cells continues as we found 144 suspects detained at the facility, while the total cell capacity is 120. The holding cells were found to be extremely dirty and most toilet pots and showers were broken and not functioning. We received a number of complaints from suspects, which ranged from meals not being served at the scheduled time, frequent postponement of cases and insufficient blankets and food.

#### **Dordabis Police Station**

We found 33 suspects in the cells, two of the suspects were females. All the lights in cells were functioning properly, however the toilets were not flushing and suspects had to use buckets as a result. There were also complaints of insufficient food as well as food not being prepared very well. Suspects in general complained about lack of toilet papers, refusal by police officials to take them to clinic and not allowed to call their family members as well as their lawyers. They further complained about food that is not well prepared, and lack cooking oil and salt.

#### **Seeis Police Station**

We found 20 suspects in the holding cells and all were males, there were three foreigners on various criminal charges and the rest were all Namibians. Most toilets were not working properly and suspects resort to using buckets to flush the toilets. Inmates complained about a lack of toiletries such as soap and toilet paper.

#### **Wanaheda Police Station**

This station has eight holding cells and we found a total of 168 persons in custody, the cell capacity is about 120. All cells have drainage holes in the middle which were blocked, as a result of this blockage, sewage sometimes flows through these holes. Two of the eight cells had no lighting whatsoever and it was quite dark inside. There is a shortage of toilet papers, inmates resort to using newspapers which end up blocking the toilets.

# OTJOZONDJUPA REGION

## Grootfontein Correctional Facility

At the time of our visit there were 66 male inmates. Offenders needed more clarity on remission and parole procedures. They alleged that the facility does not follow the right procedures when it comes to parole. An offender who was supposed to be released on Parole on the 15<sup>th</sup> December 2021, yet at the time of our visit in May 2022, he was still being detained. Upon our intervention, the man was finally released on parole.

## Grootfontein Police Station

We found a total of 80 inmates detained in the holding cells and recorded 40 complaints. Most of the complaints were against police officers, food issues, cleanliness of the cells and other issues pertaining to appearances in courts. The holding cells were overcrowded. There were no lights in most cells and the infrastructure was dilapidated. There were seven foreign nationals that were detained without any arrangements for deportation. We approached the Ministry of Home Affairs Immigration safety and security department regarding the seven illegal immigrants and shortly after our intervention, they were deported to their respective countries.

## Coblenz Police Station

We found a total of 14 male detainees at the time of our visit and we recorded eight complaints. The cleanliness and hygiene in holding cells was better than how we found it last year. There was one holding cell with a broken tap that was constantly leaking water. The station commander informed us that officials from the Ministry of Works and Transport had assessed the problem but had not returned since. When we followed up, they informed that they were awaiting stock for the material needed to fix the tap.



Leaking tap

## Hochfeld Police Station

The station commander informed us that this station has a total capacity of 20 inmates, and at the time of inspection or visit they had nine detainees in their holding cells. No juveniles nor female detainees were found. The station commander raised the concern of only having one vehicle allocated to the station, this vehicle is used for both administrative and investigative purposes. Leaking toilets were another matter of concern.

## Okahandja Police Station

This station was found to be overcrowded as the capacity is 70 and at the time of our visit, we found 116 detainees. The overcrowdedness as well as the inconsistent supply of cleaning material makes it difficult for the cells to be kept clean, this was evident by the dirty conditions we observed. The station is in a desperate need of toilet papers, blankets, plates and all sorts of cleaning materials. The smuggling of contraband into the cells, is a matter of concern at the station

## OSHANA REGION

### Ongwediva Police station

There is a new building which comprises of three holding cells and a kitchen. The total capacity of the cells is 15 people. At the time of our visit we found 26 inmates, the overcrowding was attributed to the fact that the old cells are no longer in use due to the fact that the cells do not have functional lights. The facility was quite clean and there were no challenges pertaining to electrical or plumbing issues as has been the case in previous years. No issues of food shortages were also reported.



Food storage



Kitchen

### Oshakati Police station

This station has 13 cells with a capacity of 130 inmates, however at the time of our visit we found 203 inmates. The general condition of the cells is not that good and water droplets were seen dripping from the ceiling. There was water flowing from a drain in the foyer. We did not have the chance to interact with inmates on one on one basis. Complaints were however received in writing as complaints forms were handed out to inmates.



Running sewage

## Ondangwa Police Station

At the time of our visit, there were 156 inmates whereas the total capacity is 130. The station commander attributed the overcrowding to suspects not being able to afford bail as well as a high crime rate in the area. The building is old and dilapidated with large cracks on the wall.

## Oluno Correctional Facility

This facility was a welcomed relief for our investigators as it was found in a neat and clean condition. There were no reports of food shortages or delays in regards to medical care. No complaints were recorded.



Kitchen

## OHANGWENA REGION

### Omungwelume Police Station

As it was reported last year, this station was once again found to be overcrowded at the time of our visit. The station has three cells with a capacity of 30 persons but we found 74 inmates in custody, these included three females, seven juveniles and seven foreign nationals. Inmates alleged that they are being assaulted and threatened by members of the reserve force on a regular basis. The inmates further informed us that, they are not taken to the hospital for follow up on time and inmate with chronic diseases in the cells live without their prescriptions. We emphasized the importance of inmates getting their medication regularly and on time, especially those with chronic ailments. There were numerous challenges reported by the police officers at this station, ranging from a lack of bedding, cleaning material and sewer system blockage, amongst others. We were also informed that inmates have to collect water from outside the cells as the water pressure around the area is bad.



Inmate with scars on his back as a result of allegedly being assaulted by the police

## Oshikango police station

The total cell capacity is 160 persons for six cells and there were 153 inmates at the time of our visit. We recorded nine complaints of which two were resolved on spot; an inmate was denied the right to open a case against a police officer that allegedly assaulted him and another was denied a j88 form (a form required after physical assault) for medical treatment after an assault by police officials. We found an Angolan national detained with her child, upon our intervention the woman and her child were successfully deported.



Contraband seized from inmates.

## Ohangwena Police Station

This station was severely overcrowded, we found 143 inmates in custody while the capacity of the cells is only 30. The only available vehicle at the station is maintained by monthly financial contributions of the staff moving vehicle is maintained by the members through contribution each month. There was sufficient food and inmates received visitors three times a week. The kitchen was extremely dirty and cockroaches were found roaming around the kitchen and in the cells. The station commander informed us that they approached the Ministry of Health and Social Services in regards to fumigating the premises but they were told to purchase the pesticides themselves. Toilets were broken and most of the lights within the cells were not functional. The station commander informed us that the smuggling of contraband was a cause for concern.

## Eenhana Police station

The station has eight holding cells with a capacity sixty 60 persons. At the time of our visit, we found 173 persons in custody. There were no cleaning materials and toiletries for inmates. We found six inmates who were allegedly mentally incapacitated, they were awaiting mental evaluation. We were informed that there was no space available at the psychiatric ward, that's why they were detain at the police station.

## Okongo Police Station

Upon our arrival at the above-mentioned station, we were welcomed by the station commander; she informed us that the station has six cells with a total capacity of 70 persons. The cells were extremely overcrowded with 147 inmates. This was attributed to suspects not being able to afford bail and a high crime rate in the area. There were not enough blankets for all the inmates. Food supplies were however sufficient.

# **!KARAS REGION**

## **Ariamsvlei Police Station**

Cell inspection was conducted; and a total number of eight inmates with one female inmate were found in detention, all inmates were Namibian nationals. There was no overcrowding observed and there were no shortages of food either. Inmates informed us that cleaning supplies, bath soap, and toilet papers are provided to them regularly. The cells were found in a clean and neat condition. Complaints received from inmates were attended to on the spot, inmates complained about not being taken to hospital timeously.

## **Karasburg Police station**

At the time of our visit we found 38 male inmates who were divided into four cells. Out of the 38, two were foreign nationals. The station was found to be in a clean condition and there was sufficient food supply. Inmates that required medication for chronic ailments informed us that they were receiving their medication on time. The station was in a good condition except for one toilet which was not in working order.

## **Lüderitz Police station**

Overcrowding was not a matter of concern at this station as the cell's capacity is 35, and we found 23 persons in custody. The holding cells were found in a clean condition and there was sufficient bedding for inmates. The Officer in charge informed us that they (police officers) contribute from their own pockets to buy cleaning products.

## **Lüderitz correctional facility**

The facility housed 170 inmates and has a capacity of 256. The overall condition of the facility was good and the dwellings were found in a neat and clean condition. The kitchen was clean and there was sufficient food supply. Toilet facilities were all in good working order. We recorded a total of 14 complaints which ranged from common assault and parole issues. There is one nurse stationed at the facility however serious medical cases are dealt with by a medical doctor at the hospital.

## **Rosh Pinah Police Station**

As was the case with most of the facilities in the !Karas region, this station was found in a good and clean condition. There were 13 persons in custody, one of which was a female. Inmates informed us that they are taken to the clinic timely when they require medical attention.



Holding Cell at Rosh Pinah

## Bethanie Police Station

This is one of the oldest police stations in the region and it caters for the population of about 6000 people. Most persons detained here are held on charges of theft, housebreaking and stock theft. We found 29 persons in custody, four of whom were females. The female detainees were kept separate from the men and there is also a separate demarcation for juveniles, but at the time of our visit there were none in custody. The holding cells were found in lean condition.

## OMAHEKE REGION

### Witvlei Police Station

At the time of our visit, this station was home to 52 trial awaiting inmates. Out of these, four were females and two (one male, one female) were juveniles. We received 12 complaints, most of which were resolved on the spot. The most common complaints related to bail and the alleged abuse of inmates by the police. Both the holding cells a police station are dilapidated.



Crammed holding cell at Witvlei

### Epukiro Police Station

The station has two holding cells with a total capacity of 40 inmates. At the time of our visit we found 21 inmates. The station did not have enough bedding supply for inmates; in this regard inmates are allowed to receive bedding from their families. The cells are cleaned daily by the inmates themselves, even though at the time of our visit there were no cleaning materials or toilet papers available. The toilets were broken and the station commander informed us that the issue was reported to the regional office months prior to our visit but they were informed that the material required to fix the toilets was unavailable. The overall condition of the infrastructure of the station is in a bad condition.

### Leonardville Police Station

The station has five cells with a total a capacity of 50, at the time of our visit, we found 53 inmates in custody. Despite not being in a very good condition, the station and holding cells are kept clean. Food shortages were raised as a matter of concern by the station commander and a lack of manpower is also another concern at the station. The station commander informed us that there are only 11 police officers assigned to the station and this was insufficient, especially when taking into consideration that members work in shifts.

## Gobabis correctional facility

The facility comprises of a total of 167 offenders, of which 85 are State president patients. The total capacity of the facility is 226. Inmates are provided with bedding by the facility but it is not sufficient. The officer in charge informed us that he wrote a letter to the Commissioner General of the Namibia Correctional Services requesting permission for offenders to be allowed to receive blankets from their family members, at the time of our visit this letter was not yet responded to.

## ERONGO REGION

### Narraville Police Station

There are four holding cells, with the capacity of 20, but 31 inmates were detained at the time of our visit. There were three juveniles and no females; the females were transferred to Arandis Police Holding Cells. The cells are kept clean despite a shortage of cleaning materials. Inmates generally complained about certain cells not having functional lights. Upon enquiry, the officers informed us that, the lights are disconnected because inmates use the wires from the lights to charge their smuggled cellphones, this poses a risk of fire and electrocution, hence the decision to remove the lights from these specific cells.

The food supply appeared to be sufficient.

### Kamanjab Police Station

They were 36 male inmates in custody at the time of our visit. There were no females nor juveniles. Overcrowding was not a concern at this facility as the total capacity of the cells is 60. The cells were found to be clean, despite a lack of cleaning supplies. The showers were broken and inmates make use of buckets to wash themselves. The inmates eat three times a day, which is breakfast, lunch and dinner. The food supply is sufficient and properly prepared by a cook. The food storage as well as kitchen were found to be in a clean condition.

### Karibib Police Station

We found 49 trial inmates detained; one was a female who was kept alone in a separate cell. The cells are overcrowded, this was attributed to some inmates having being transferred from the Swakopmund Police Holding cells. The Swakopmund holding cells were under renovation at this time. The overall condition of the cells was very poor, toilet pots were broken, showers were leaking and walls were cracked and damaged. There was sufficient food supply.



Cracked wall of the holding cell

## Usakos Police Station

This station had 22 people in custody at the time of our visit, two of these were females who were kept in a separate cell. As is the case at most of the holding cells, cleaning supplies were a concern at these holding cells. Inmates alleged that there is a food shortage which results in them having either two or only one meal a day. The institutional worker confirmed these allegations, citing delays in food deliveries as the reason for food shortages. An insufficient supply of blankets was also raised by inmates as matter of concern, they are however allowed to receive blankets from their families.

## Swakopmund Police Station

At these holding cells, we found a total of 112 inmates while the total capacity is only 60. Despite the overcrowdedness, the holding cells were found to be clean. The kitchen stove was out of order. The institutional workers make use of the Swakopmund Correctional Facility's kitchen to prepare meals. During the visit we observed that the food storage was extremely dirty. We advised the officer in charge to ensure that the food storage is kept clean at all times.



Food storage



This image taken at Katima Mulilo depicts the reality of overcrowding across the country's police holding cells

# MALADMINISTRATION

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## Summaries of selected maladministration cases

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### A case of delay in attending to applications for electrification

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The complainants are residents of Epukiro Post 3 Settlement in the Omaheke Region. They claimed to have applied for electrification to their area but when CENORED wanted to attend to their applications, it was stopped by the constituency office and some residents, allegedly on the basis that the complainants were Aawambo speaking.

The complainants felt discriminated against on tribal grounds and approached our office for help. We enquired on the matter with the settlement Head who informed us that his office supported the applications of the complainants, however certain community members were interfering with the process. We took up the matter with the Omaheke Regional Council. This matter has been ongoing since 2020, as a result of our intervention, the specific area was later electrified.

### A case of academic certificate not issued for seven years

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The complainant alleged that he completed a Diploma in Transport and Logistics at Namibia University of Science and Technology (NUST) in 2014, but was yet to receive his certificate due to several delays by the University. The Office contacted NUST's project manager for the course to enquire, and we were informed that the certificate was ready for collection, the manager alleged that the complainant was contacted via email in 2021 to collect the certificate. After we intervened, the complainant was issued with his certificate.

### A case of failure to respond to salary reinstatement request

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A police officer, who was on suspension due to allegedly having committed criminal offences, informed us that his request for his salary to be reinstated was falling on deaf ears. The conditions of his suspension included inter alia; the suspension of his salary and allowances, reporting himself to the regional commander once a week; and not being able to perform any remunerative work during the period of his suspension. The complainant alleged that the conditions were harsh as he did not have an income to support himself and his family and it was becoming increasingly difficult to afford his weekly visit to the police officer.

Due to these reasons he then submitted his application to look into the matter through the office of the Minister of Immigration Safety and Security; but his request was not attended to. We engaged the Minister to establish the merits of the complaint and to find out why the complainant's request was not being attended to. After several follow-ups, confirmation was received from the complainant that his salary was reinstated and he was transferred to another Region.

### A case of refusal to process leave gratuity and pension claims

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The complainant informed our office that he was dismissed from the employment of the Namibia Central Intelligence Service (NCIS) with effect from 1/5/2018. His dismissal was as a result of receiving double salaries for a period of two years. One salary was from his most recent employer (NCIS) and the other, from his previous employer, which was the Ministry of Education, Arts and Culture (MOEAC). The complainant subsequently applied for his leave gratuity as well as pension to be paid by GIPF and his former employer (MOEAC), respectively. He was informed that these monies could not be paid out but no clear reasons were provided to him.

We embarked upon several interventions which among others included obtaining relevant documents in the matter, arranging meetings with the Director of Human resources at NCIS, and the Government Attorneys together with officials from the Ministry of Education, Arts and Culture. We further facilitated the issuing of a consent letter from the complainant allowing debt owed to his previous employer to be deducted from his pension as well as the submission of his pension claim to GIPF. As a result of our intervention, the complainant's leave gratuity and pension were paid out to him.

### **A case of delay in processing death benefit payout**

The complainant approached us in May 2022, alleging that her late husband passed on in 2021 and she had not received her pension benefit from GIPF since then. We took up the matter with GIPF and located the person dealing with the complainant's claim. On the 1<sup>st</sup> of August 2022, we were informed that the payment had finally been effected.

### **Delay in processing old-age pension application**

A pensioner, who applied for his old age pension in February 2022, informed us that his application had not been processed after several months. Upon his latest enquiry he was informed that his application form could not be located. We contacted the Ministry of Gender equality and the officials informed us that a number of applications could not be located due to a system failure. We requested them to confirm whether the application of the complainant was amongst these applications in order to facilitate our investigation. Following our intervention, the complainant informed us that his application was processed and his money was paid.

## **PROTECTION OF THE ENVIRONMENT**

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### **Overview**

The Constitutional and statutory duty of the Ombudsman with regard to the environment, is to: "investigate complaints concerning the over-utilisation of living natural resources, the irrational exploration and destruction of eco-systems and failure to protect the beauty and character of Namibia". Currently, great pressure is placed on the environmental mandate due to poor waste management practices by the local authorities which inevitably lead to degradation of our environment. Therefore, waste disposal sites that are badly located, designated, and or separated which increases the risk of soil, water and atmospheric pollution. Plastic shopping bags not only present a litter problem, but also a threat to animals and humans as well as the environment.

# INSPECTION OF PLACES OF SOLID AND LIQUID WASTE MANAGEMENT SITES

## OTJOZONDJUPA REGION

### Otjituuo

The drainage system was damaged by vandalism that caused blockage which prevents the sewage from flowing into the pond. The pipes appeared to be very old and worn out, this coupled with old infrastructure, causes the poor conditions of the sewerage system. Vandals have gone as far as stealing the covers of the drains in some instances.



Blocked sewerage

### Ovitoto

At the time of our visit we found that, there was no designated solid waste dumping site at the settlement. Residents were dumping their waste wherever they felt was convenient. Some waste was dumped at the entrance of a school. The administrative officer from the constituency office informed us that a dumping site had been identified and would be operational in due course. The liquid waste site had a fence and gate, but the gate was not locked as residents removed the padlock. Community members could be seen herding their cattle towards the sewage ponds, where their (cattle) drank the water.



Cows drinking contaminated water at Ovitoto

# !KARAS REGION

## Karasburg

We found that both the solid and liquid management sites were not well kept. There was no fencing around the liquid waste site and there were no proper sign posts. The solid waste site was fenced-off; however, waste could be seen stuck on the fence. Sewage was also found flowing into a residential area.



Sewage flowing in Karasburg

## Ariamsvlei

The liquid waste site was found in order, with regards to the fencing. There as a gate which was locked at the time of the visits. Meanwhile, the solid waste site was inspected and no fence was found around the site, there were no signs indicating the direction of the dump site nor were there any warning signs. It was also discovered that, there is no separation of household and other waste, as all the waste is disposed-off together. The road to the site was not cleaned and was not conducive for driving as bottles and sharp objects could be seen all across the road.



Ariamsvlei dumping site

## Keetmanshoop

The Solid waste site of the town is situated on the eastern side of the town. The road leading to the site is well maintained and there is a fence surrounding the dumping area. The gate does however not lock and parts of the fence has been vandalized and cut by the community members. There was no security personnel at the site, due to this, people have access to the site whenever they want to collect waste and cut pieces from the fence, there is a group of people who sleep at the site. No proof could be furnished to us in regards to whether the site

is approved by the Ministry of Environment, Forestry and Tourism. There was no demarcation for different types of waste, making it impossible for the community to categorise the waste. No recycling is done on site; however, a recycling company regularly collects the waste to recycle it elsewhere. We found people including young children at the site, going through the waste.

The liquid waste site of Keetmanshoop is situated at the southern side of the town. The town has a free flow system with oxidation ponds, the ponds are fenced off with lockable gates with a small sign post. The gate was however found opened, there is no control of people entering and leaving the site, some parts of the fence were removed.



A makeshift structure at the Keetmanshoop dump site

## Warmbad

The settlement has a purification pump and water is being purified and then disposed outside on the ground. The pump stations are well fenced, the service pumps allegedly work slow and sometimes stop pumping. Heaps of stones, sticks and other items were found stuck into the machines. The solid waste facility was not fenced off and the area has no proper road making it difficult to reach the site. Heaps of stones and rocks were observed and found scattered all around the area. The settlement office needs to erect a fence and administer the site well. No signs were found at all which should be indicating where the dumping site is located.

## Lüderitz

The Town Council employed a private contractor to assist with the inspection and upgrade of the solid waste site. There were no warning signs found at the solid waste site and there was also no security guard present. Recycling is done by a private contractor and illegal dumping take places outside the boundaries of the solid waste site. There is no provision to separate the waste at the site. The liquid waste site looked well maintained at the time of our visit, the Town Council was in the process of obtaining an environmental certificate for the site.



Recycling at the Lüderitz solid waste site

## KHOMAS REGION

### Dordabis

We were greeted by litter all over as a result of waste being blown around due to an almost non-existent of a fence. The dump site has no security guard and anyone can access it freely. The site is located within a residential, area, which poses a health risk to the community members and livestock.



Dordabis dumping site

## OMAHEKE REGION

### Talismanus

The solid and waste liquid site were properly fenced-off; however, the gate was not locked and this allowed people and animals to roam freely within the sites. We observed that the site was still under construction.



Cows drinking contaminated water at Talismanus.

## Aminus

The solid waste site appears to be well maintained, it has a fence and the gate is kept locked. Community members do not have access to the site, only the contracted company has access to the site to dispose of waste, every three months the contracted company cleans the waste site and debushes the surrounding areas. The solid waste site was also fenced-off however there was no security guard.



Aminus dumping site

## Epukiro

We found people dumping waste outside the designated solid waste site, this is attributed to the fact that there was no security guard at the site. The site is well fenced-off, but there is no gate. The dump site is situated away from the residential areas. In contrast the liquid waste site was fenced-off and the gate was locked, preventing people and animals from accessing it.

## ERONGO REGION

### Karibib

The solid waste site is not fenced-off and there were no warning sign posts. We were informed that the site is located in an area where the expansion of the township is to take place. Waste is dumped along the road leading to the site and no separation of the waste takes place. There was no supervision on the site, and a lot of people including children were found loitering at the site. The liquid waste site was properly fenced-off; however, the gate was not locked and there were still no warning sign posts nor security or supervision.



Dumping site

# MANAGEMENT SERVICES AND ADMINISTRATION

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## New appointments and promotions

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Mr. Moffat Maiba was appointed as a complaints investigator with effect from 1 May 2022



Advocate Heather Harker was appointed as Children's Advocate/ Deputy Chief with effect from 3 October 2022.



Mr. Bernhard Mbamba was appointed as a driver with effect from 1 November 2022.



Mr. Matongo Lunyandile was appointed as Senior Complaints Investigator with effect from 1 November 2022

- ➔ Mr. Sylvester Sibungu who previously served as a senior complaints investigator at the Head Office in Windhoek, was promoted to chief complaints investigator in Keetmanshoop, with effect from 1 April 2022
- ➔ Mr. Berthold Tjeriko who previously served as a complaints investigator in Windhoek was promoted to the position of senior complaints investigator with effect from 1 November 2022.

## FINANCIAL RESOURCES

Below is a depiction of funds allocated to the Ombudsman in the 2022/2023 financial year.

Description	Amount (N\$)
Personnel expenditure	16,681,000
Employees contribution to GIPF	2,150,000
Leave gratuity	250 000
Employers' contribution to social security	42 000
Travel and Subsistence allowance	800 000
Office refreshments	16 000
Membership fees and subscriptions	200 000
<b>Total appropriation</b>	<b>20,139,000</b>

## Logistical resources

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

## Vehicle allocation

Katima Mulilo	Swakopmund	Keetmanshoop	Ongwediva	Otjiwarongo	Windhoek
Toyota single cab	Chevrolet Cruz, Isuzu Single Cab	Chevrolet Cruz, Isuzu Single Cab	Chevrolet Cruz, Isuzu single cab	Nissan Double Cab	Toyota Corolla, Nissan Double Cab, Toyota Double Cab

## Information Technology

Staff members in Windhoek as well as the entire regional offices have access to the main server and the computerized case management system as well as e-mail and internet facilities. The office website, [www.ombudsman.org.na](http://www.ombudsman.org.na), was recently updated and it is being maintained regularly, as well as our Facebook page. As stated in the paragraph above, staff members at our office had difficulties with IT services in 2021 when the server crashing on a regular basis, and staff members were forced to use their personal email accounts due to the official email service which was malfunctioning. This has since been resolved when a new IT service provider was appointed in 2022. Our website which was also down for two years is now live and functioning well.

## Office support systems

- ➔ A switchboard with adequate incoming and outgoing lines is in use at the Head Office in Windhoek, while one each is in use at all our regional offices.
- ➔ All staff members have access to computers; and complaints investigators and some administrative staff are also issued with laptops and cellular phones.

## Stock control

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

## Office accommodation

The Head Office operates from a leased building at the corner of Feld and Lossen Streets in Ausspannplatz, Windhoek since January 2009. Whereas the regional offices such as Keetmanshoop and Ongwediva are Ombudsman's own buildings; but Swakopmund, Otjiwarongo and Katima Mulilo regional office are also operating from rented buildings. The Ministry of Justice took over the responsibility for the monthly rental payments of the Head Office.

## Expansion of regional offices

The Ombudsman believes that all persons have a right to complain and to access the services of the Ombudsman. In a bid to make the services of the Ombudsman accessible to all, the Ombudsman has five regional offices, and they are in Ongwediva, Swakopmund, Keetmanshoop, Katima Mulilo, and Otjiwarongo. The Ombudsman recognizes the fact that most of the citizens that make use of our services hail from previously disadvantaged backgrounds. Thus, the strategy is to continue establishing regional offices in all the 14 regions of the country when funds become available.

## Challenges that affect investigations- Otjiwarongo Office

In March 2023 the staff at Otjiwarongo moved into the Otjozondjupa Regional Council office building. The Otjiwarongo Office is the only office that it is not officially allocated its own vehicle. The staff use different vehicles provided by the Ministry of Works and Transport. In most cases these vehicles are old and the mechanical problems are a common occurrence, and this hampers their productivity as investigators are limited in regards to being mobile.

In July 2022, they received 15 complaints from inmates at the Evaristus Shikongo Correctional Facility near Tsumeb. These cases pertain to assault allegedly committed by correctional officers against the inmates. In February 2023 upon following up on the matter with the officer in charge at the Evaristus Shikongo Correctional Facility, she informed us that the complaints were submitted at the Tsumeb Police Station but no action was taken.

This emphasises the lack of urgency by members of the police force in regards to attending to cases against them or in which their colleagues are involved. This lack of cooperation or urgency disadvantages complainants as they have to wait for long periods of time to receive redress or answers to their grievances.

## **Challenges that affect investigations - Swakopmund Office**

This office is quite fortunate in that no major challenges are encountered with investigations. In general cooperation with line ministries within the region are quite good. What is challenging at times is that responding institutes or clients do not have a proper understanding of the mandate and powers of the office of the Ombudsman.

## **Challenges that affect investigations - Katima Mulilo Office**

Unprocedural detentions of illegal immigrants is a common occurrence in the Zambezi Region. When it comes to obtaining of National Documents like birth certificates, National identity documents and passports, Government officials in all three Regions (Zambezi, Kavango East, and Kavango West) they misapply the law when dealing with such cases. We experience an influx of labour related complaints which are mostly not within our jurisdiction. The labour inspectors in the region refer people to our office on a regular basis, without registering or looking into their concerns, which is a clear indication of dereliction of duty on the part of the labour inspectors in the region.

## **Challenges that affect investigations- Ongwediva Office**

A shortage of manpower negatively affects investigations at this office, because the office covers four regions including part of Kunene region. There is a vacancy for a complaints investigator but it has not been filled. The office also experiences challenges in receiving responses from officials in timely manner, often times officials from the institutions being investigated do not respond to the office's request for information at all. It is against this background, that the regional office approached various Government institutions in respect of the complaints received from complainants. However, some institutions remained reluctant in responding even to the office's letters of inquiries.

# **TRAINING, WORKSHOPS, AND ENGAGEMENTS WITH INTERNATIONAL STAKEHOLDERS**

## **Regional meeting for chairperson of SADC national Human Rights Institutions (NANHRI) on violence against migrants in Southern Africa**

Twenty-eight representatives from Comoros, Democratic Republic of Congo, Eswatini, Madagascar, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe attended the above-mentioned meeting. The meeting was aimed at addressing the grave issue of violence against migrants in Southern African countries (SADC). The meeting devised strategies to combat violence as well as xenophobia occurrence that are committed against migrants.



Complaints investigator Leonard Uutsi at the workshop in Zimbabwe

## Southern African NHRIs Convening: Workshop on eradicating conversion practices in Africa

Conversion practices are attempts to suppress, ‘cure’ or change a person’s sexual orientation or gender identity.” It is sometimes called conversion “therapy”, “reparative therapy” or “gay cure therapy.” Participants to the meeting included representatives from National Human Rights Institutions of South Africa, Lesotho, Eswatini, Malawi and Namibia. Also, present were survivors of conversion practices and representatives from NGO’s working with such survivors, including institutions such as Access Chapter 2 (South Africa), Galck (Kenya) and TIERs (Nigeria).

Following intense plenary discussions and group work over the two days on the mentioned subject matters, the meeting concluded by coming up with workable strategies which included inter alia; localising the language to be country specific, to allow for the man on the street to understand what is meant by conversion practices, localising the data in respect of such practices to enable the existence of a baseline, enhancing case management systems to allow for proper collecting of data/statistics regarding LGBTIQ+ human rights infringements.



Chief Investigators Hermina Apollus and Sylvester Sibungu with other participants at the workshop

## Dialogue on National Action Plans on Business and Human Rights in the Southern Africa Region

The African Union Commission , United Nations Development Program , Office of the United Nations High Commissioner for Human Rights, United Nations International Children's Emergency Fund , German Agency for International Cooperation , the Network of African National Human Rights Institutions , the Danish Institute for Human Rights , Government of Japan, and the Government of Switzerland hosted a Dialogue for National Action Plans (NAPs) on Business and Human Rights in the Southern Africa region.

The Namibian Delegation that participated in this initiative included the Chief Legal Officer at the Office of the Ombudsman, Mr. Hendrik Mauyoma and the Programme Manager of Namibia Institute for Democracy, Mr. Panduleni Nghipandulwa. The overall objective of this initiative was to support countries in the Southern African Development Community (SADC) in developing a National Action Plan on Business and Human Rights. This initiative brought together key stakeholders, which included government agencies, national human rights institutions, business actors, civil society, and other critical actors in the Southern Africa region to develop NAPs. The event took place on the 6th - 7th of December 2022, at the International Conference Centre Joaquim Chissano in Maputo, Mozambique.

This dialogue formed part of a series of regional dialogues for NAPs on Business and Human Rights in Africa. The aim was further to build on the lessons from previous dialogues convened in the Eastern Africa in December 2021, West Africa in June 2022, as well as the continental African Business and Human Rights Forum which took place in particular on the 12th - 13th April 2022 in Banjul, The Gambia and also on the 12th - 13th of October 2022 in Accra, Ghana respectively.



Hendrik Mauyoma, Chief legal officer (in a suit) attending the meeting in Mozambique with Mr. Panduleni Nghipamdulwa of the Namibia Institute for Democracy

## Africa forum on business and human rights held in Accra, Ghana

The African Union (AU) in collaboration with the United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Human Rights, the UN Working Group on Business and Human Rights and other International, Regional and local Institutions include the Network of African National Human Rights Institutions (NANHRIs) and African Coalition for Corporate Accountability organized African Forum on Business and Human Rights which was held in Accra Ghana from 12-13 October, 2022.

This forum was preceded by an initial meeting which took place in Banjul, The Gambia. The meeting in Gambia was organized by African Commission to share information and best practices with all African Human Rights Institutions about the integrating to protect, respect and remedy framework to business and human rights in Africa, as a lever towards the Acceleration of human, social and economic capital development.

The forum in Accra, Ghana was a follow up meeting that was attended by 660 participants on line, 340 participants in person and 59 Countries registered for the forum. The participants in attendance were Government officials, businesses, business associations, academics, trade unions, Human rights Institutions, international and regional representatives of civil societies/NGOs, Media, Consultancy/Laws firms, Indigenous Peoples representatives. From the Office of the Ombudsman, Hendrik Mauyoma attended both the forums in person.

## Workshop on understanding access to justice and the legislative framework

The Ombudsman in partnership with the Konrad Adenauer Stiftung Namibia-Angola Office hosted a three-day training on understanding access to justice and the legislative framework to combat gender-based violence, trafficking in persons and child care and protection Act. The training which took place in Ondangwa was attended by various stakeholders in the human rights and legal services sphere as well as traditional leaders. This training also serves as a community engagement. Amongst the issues covered at the training were child maintenance, Legal Aid, Wills and Estates, trafficking in persons and domestic violence.



Participants at the workshop

# SEXUAL ORIENTATION AND GENDER IDENTIFICATION WORKSHOP

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The Ombudsman's office hosted an informative workshop on sexual orientation and gender identification. The workshop was made possible with funding from the Network of African National Human Rights Institutions. The workshop was attended by civil society representatives, human rights activists and persons from the LB-GTQ community.



Ingrid Husselmann, Linda Baumann, Adv. Dyakugha, Simon and Aune Haita at the workshop.

## Workshop on strengthening the capacities of NHRIs in advancing SRHR, preventing GBV and Harmful Practices in Sub-Saharan Africa

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The United Nations Population Fund (UNFPA) hosted a two-day workshop with National Human Rights Institutions (NHRI), namely Ombudsman and Human Rights Commissioners, in the Sub-Saharan region in order to share good practices and tools with the purpose of assisting NHRIs in advancing sexual reproductive and human rights, preventing gender-based violence and harmful practices. The workshop was held in Johannesburg and attended by Advocate Heather Harker, the children's Advocate and senior social worker, Ms. Aune Haita.

# SPECIAL EVENTS AND PUBLIC EDUCATION / OUTREACH ACTIVITIES

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## MY RIGHTS ARE MY SUPERPOWERS: CHILDREN'S RIGHTS MEDIA CAMPAIGN

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A media campaign was launched to create awareness on children's rights. The campaign features different messages from four clusters of rights namely: the rights to development, participation, survival, and protection. These messages are in the form of animations; this was done in order to ensure that children are able to relate to the messages contained in the animation. Posters were published in local newspapers and the animations will be shared on local television, in due course



Heather Harker: Children's Advocate, Ricardo Kavanga, Maano & Nelao Hasheela with Ingrid Husselmann at the launch.

## THE LAUNCH OF THE REPORT ON DISCRIMINATION AND OTHER CHALLENGES FACED BY PERSONS WITH ALBINISM AFTER PUBLIC HEARINGS ACROSS THE COUNTRY

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In last year's report, we reported about the public hearings on discrimination and other challenges faced by persons with albinism in Namibia. On 10 October 2022, the Office of the Ombudsman in partnership with UNESCO launched the report emanating from the said public hearings. We trust that the report will serve as a tool for awareness and assist towards the elimination of discrimination and harmful practices towards persons with albinism. The report is available on the Ombudsman website.



Walde kambambi: VP of the Namibia Albino Association, Edmund Hishuwa: Cllr of Okatana Constituency, Moussa Djaffar-Elkadhum: Head of UNESCO Namibia, Adv. Basilius Dyakugha: Ombudsman & Joseph Ndinomupya: President of the Namibia Albino Association pictured at the launch of the report.

## STAKEHOLDER ENGAGEMENTS

Stakeholder engagement plays an integral part in improving service delivery in the public service. Thus, the Ombudsman continues to engage stakeholders from both public and private sectors as well as civil society. These meetings help build new relationships as well as maintain existing relations with Government officials, agencies and ministries, the private sectors as well as civil society. Below is a summary of some of the engagements the office held during the report year.

### Namibia Correctional Services and Legal Assistance Centre

The Ombudsman and the Director of the Legal Assistance Centre Ms. Toni Hancox held a meeting with officials from the Namibian Correctional Services (NCS). The parties discussed complaints against the NCS and ways to find solutions to some of the issues raised by complainants. In 2021, we recorded a total of 269 complaints against the NCS, making it to be the institution with the third highest number of complaints received by our office.



The Ombudsman and his staff with LAC Director, Toni Hancox and Officials from the NCS

## Consultation with the Labour Commissioner

We refer a number of complaints on labour issues to the Ministry of Labour, Industrial Relations and Employment Creation on a regular basis. We also receive referrals from the Ministry, as certain labour related complaints that have the aspects of human rights violations, which on we have the mandate to investigate. The Ombudsman met with the Labour Commissioner Mr. Henri Kassen to discuss issues of mutual concerns.



Labour commissioner: Mr Henri Klassen with the Ombudsman

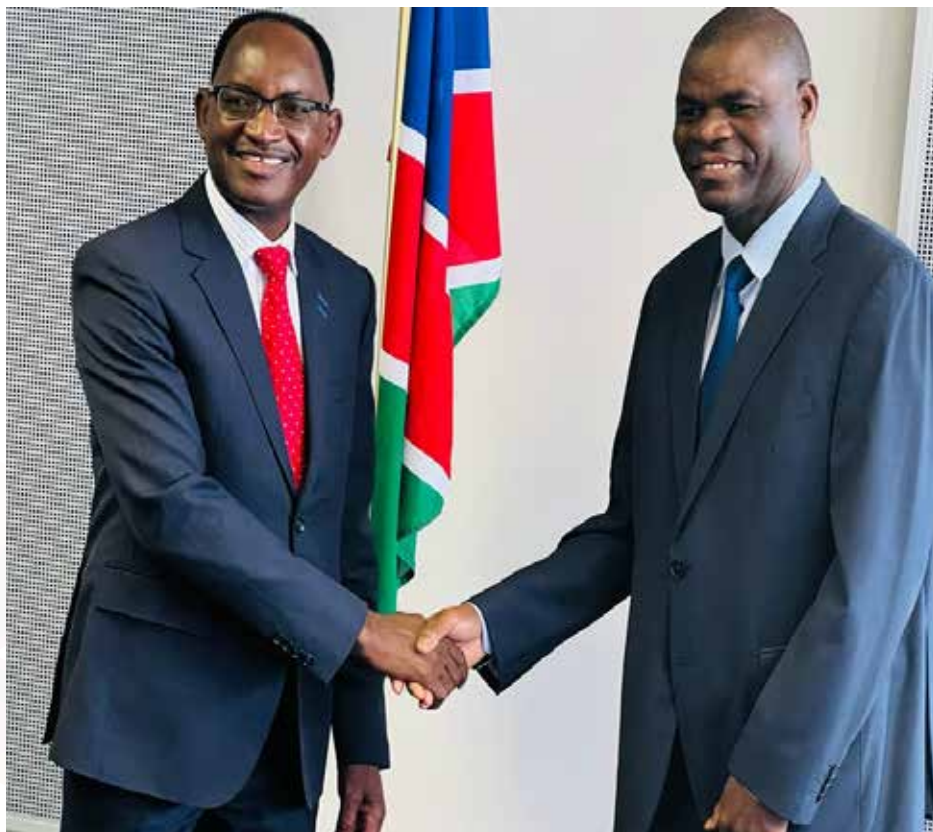
## Stakeholder Engagement in pictures.



The Ombudsman with Minister of Health and Social Services, Dr Kalumbi Shangula, flanked by senior officials from both institutions.



The Ombudsman with the EU Ambassador to Namibia, Ambassador Sinikka Antila



Director General of the ACG Paulus Noah during a meeting with the Ombudsman



The Ombudsman and staff with the Secretary to Cabinet, Mr. George Simaata.



The Ombudsman with members of the Caprivi Concerned Group

## COMMUNITY MEETINGS

Community visits are an integral part of our operations. These meetings not only serve as a platform for creating awareness about the office and its functions; but also an opportunity for persons (especially in remote areas) to bring forth their complaints. Issues that affect communities such as waste management and service delivery by local authorities are also addressed at these meetings.



Keetmanshoop Chief Investigations Officer Mr Sylvester Sibungu with community leaders at Keetmanshoop



Community members attending a meeting with our investigators at Schlip



Community engagement in the Omaheke Region



The Ombudsman engaging community members in Northern Namibia

## VISIT TO IMPALILA ISLAND AMIDST COMPLAINTS FROM COMMUNITY

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The Impalila Island is home to about 2500-3000 people. Residents of the island which is situated off the mainland of Zambezi region, complained about a lack of services and facilities. The local traditional Headman, mobilised the community who turned up to the meeting to raise their concerns as well as to learn more about the functions of the Ombudsman.



The Ombudsman engaging community members in Impalila Island

## NOTES

## This image shows a blank sheet of white paper with horizontal brown lines. At the bottom, there is a decorative border featuring a repeating geometric pattern of overlapping squares and triangles in light blue, pink, and yellow colors. The pattern is oriented diagonally.

# CONTACT US

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Private Bag 13211, Windhoek  
Tel 061-2073111

## Katima Mulilo

Ngoma Road, GRN Offices  
Private Bag 1012, Ngweze  
Tel: 066-253841

## Keetmanshoop

Sam Nujoma Avenue Erf: 838  
P.O. Box 890  
Tel 063-221028

## Ongwediva

Extension 10, Valombola Street  
P.O. Box 2658, Oshakati  
Tel: 065 2344 44

## Otjiwarongo

Otjozondjupa Regional Council building, Henk Willemse Street, ground floor.  
PO Box 2164  
Tel: 067 304 078

## Swakopmund

Cnr of Mandume Ndemufayo & Schlacter Streets Gurka Trust building  
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