



ANNUAL REPORT 2024



Letter to the Speaker of the National Assembly

Honourable Dr. Saara Kuugongelwa Amadhila
Speaker of the National Assembly
Private Bag 13323
Windhoek

Dear Honourable Speaker

I have the honor to submit the Annual Report on the activities of the Office of the Ombudsman, covering the calendar year 1 January 2024 to 31 December 2024, pursuant to Section 6 (2) of the Ombudsman Act (Act 7 of 1990), for tabling and discussion by the Honourable members in the National Assembly.



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MESSAGE FROM THE OMBUDSMAN



Dr. Sam Shafiiishuna Nujoma

The Ombudsman's message for this annual report is a tribute to the First and Founding President of Namibia; Dr. Sam Shafiiishuna Nujoma.

The late First and Founding President and Father of the Namibian nation, Dr. Sam Nujoma will be described by many writers and political commentators across the globe in many ways; and in my opinion most of them, if not all will be correct in their description of Dr. Sam Nujoma.

One of the outstanding elements about Dr. Sam Nujoma's legacy is the fact that he was the last torchbearer of the liberation struggle for the independence of Namibia. His goal was to bring independence, human rights, and freedoms

to the Namibian people. Human Rights and dignity for every Namibian is what motivated him, because human rights are about every aspect of life for every citizen and inhabitant in any country.

He rejected the concept of international division of humanity; that some humans are better than others. His belief in human rights for every citizen, is what motivated him to mobilize his fellow countrymen and women to go into exile to fight for the independence of this country. He wanted to see everyone as equal regardless of their social status, because the overall aim is the well-being of every human being in Namibia.

True to this legacy, the Ombudsman of Namibia has been committed to upholding the highest standards of human rights protection, accountability, and good governance over the past 34 years. In 2006 the Ombudsman, on application, received an “A” status accreditation before the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions, signifying compliance with the Paris Principles. It retained this status after re-accreditation in 2011, but its application for re-accreditation in 2016 was deferred to 2017 to give the government the opportunity to bring the Ombudsman Act in conformity with the Paris Principles. It was again deferred to 2018.

This led to the Ombudsman taking initiative to submit a layman’s draft amendment Bill that was submitted to the Minister of Justice in June 2016. Upon the solemn undertaking of the then Minister to draft an entirely new Bill, the SCA recommended our re-accreditation which was granted in 2018. In 2024, once again up for re-accreditation, we had to confess that six years later, even though there was now a Bill, it was still not enacted. Accordingly, our re-accreditation application was deferred to 2026, due to non-compliance with the Paris Principles, which underscores the urgent need for legislative reform to strengthen the institution’s independence, autonomy, and effectiveness.

The Ombudsman Bill, 2024 aims to address these shortcomings and ensure that Namibia’s National Human Rights Institution (NHRI) aligns with international standards and was certified by the Attorney General in September 2024. Regrettably, the Bill was not tabled during 2024.

The failure to pass this Bill not only threatens Namibia’s ability to maintain A-status accreditation in the upcoming 2026 review but also impacts on the

“Our achievement of independence imposes upon us a heavy responsibility, not only to defend our hard-won liberty, but also to set ourselves higher standards of equality, justice and opportunity for all without regard to race, creed or color. These are the standards from which all who seek to emulate us shall draw inspiration.”

Dr. Sam Nujoma-
Inaugural speech,
21 March 1990.

country's commitment to Sustainable Development Goal 16 (SDG 16): Peace, Justice, and Strong Institutions. SDG 16 emphasizes the need for effective, accountable, and inclusive institutions that promote access to justice for all. As an independent NHRI, the Ombudsman plays a vital role in achieving this goal by investigating human rights violations, addressing maladministration, and ensuring that marginalized and vulnerable communities have access to justice. Despite operating with extreme staff shortages—having only 16 investigators out of 22 positions across the country—and facing significant resource constraints such as inadequate vehicles, recording equipment, and the absence of overtime provisions, the Ombudsman's Office has made a measurable impact in promoting good governance, human rights, and environmental protection. In 2024, the Investigations Division concluded seven major investigation reports, including: Indigenous Rights- Investigating land disputes involving the San community in the Omaheke region; mining activities in the Kunene region that occurred without the free, prior, and informed consent of Indigenous communities and the mismanagement of the Zambezi Waterfront Tourism Project.

We also addressed several children's rights issues in the absence of a dedicated Children's Advocate to assist the Ombudsman in the performance of his function relating to children as provided for by the Child Care and Protection Act, 2015. The enactment of the Bill is imperative for the execution of this mandate as it provides for the Children's Advocate to be appointed on the level of Deputy Ombudsman in order to ensure that the legislative intent is properly implemented to protect our children and young people.

The Ombudsman's mandate does not end with the protection of human rights, as public sector watchdog, the Ombudsman also investigated allegations of maladministration & poor governance, exposing non-adherence to recruitment policies in key institutions such as the City of Windhoek, and NamRA. Several recommendations were made regarding the way the issues can, in my opinion, be rectified or remedied. However, the concerned institutions despite being obligated in terms of Section 5 (2) of the Ombudsman Act, to rectify or remedy the issues in the manner recommended by the Ombudsman or in any other manner, and to notify the Ombudsman accordingly, failed to inform the Ombudsman, whether they accept the Ombudsman's recommendations or intend to remedy the matter in another manner.

Beyond investigations and formal reports, the Office as part of its human rights protection mandate, once again conducted 242 visits to 121 places of detention across Namibia, including facilities for trial-awaiting and convicted persons, as well as detention centers established under the Namibia Refugees (Recognition and Control) Act and the Immigration Control Act. Although Namibia has not ratified the Optional Protocol to the Convention against Torture (OPCAT), the Ombudsman functions as a de facto National Preventive Mechanism (NPM) to

prevent human rights abuses against detainees; these visits also serve as an opportunity to raise awareness about the Ombudsman's mandate and provide detainees with access to our complaints mechanism.

The promotion of human rights is a state obligation under international human rights treaties such as the International Covenant on Economic, Social and Cultural Rights (Art. 13), the Convention on the Rights of the Child (Art. 29), the Convention on the Elimination of All Forms of Discrimination Against Women (Art. 10), and the Convention on the Elimination of All Forms of Racial Discrimination (Art. 7). However, despite the Ombudsman's mandate under the Paris Principles to promote human rights, no dedicated financial resources are allocated to this function in the national budget. Nevertheless, through partnerships with development partners and stakeholders, the Office of the Ombudsman carried out several awareness-raising and advocacy activities, including a Human Rights Community Workshop on Access to Justice in Katima Mulilo. This engagement equipped community members with knowledge on assisting broader communities in reporting and accessing services on key issues such as the rights of people with disabilities, gender-based violence, trafficking in persons, statelessness and birth registration, land rights, and access to justice.

Lastly the Ombudsman led a multi-stakeholder consultation process to assess the implementation of the country's first National human Rights Action Plan (NHRAP1) and developed a roadmap for a successor plan (NHRAP2). I facilitated engagement with the Prime Minister, leading to Cabinet Decision No. 19th/29.10.24/002, which directed all government ministries to participate in the NHRAP review and mandated the Ministry of Justice to develop NHRAP2. I call on all Offices, Ministries, and Agencies (OMAs) to expedite the review process and the Ministry of Justice to ensure that NHRAP2 prioritizes emerging human rights issues.

The Office of the Ombudsman plays a crucial role in strengthening Namibia's human rights framework, ensuring access to justice, and promoting good governance. However, without the legal and structural reforms envisioned in the Ombudsman Bill 2024, the institution's ability to fulfill its mandate will remain constrained. Maintaining A-status accreditation is crucial for Namibia as it enables full participation in global human rights mechanisms and strengthens international credibility. A strong and independent Ombudsman is essential for upholding democracy, the rule of law, and the protection of all Namibians' rights and is what the founding father and other liberation fighters fought for.

OUR MISSION, VISION AND VALUES

Mission

We 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



DIVISION INVESTIGATION:

- 1X Deputy Director
- 1X Chief Complaints Investigator
- 2X Snr Complaints Investigator
- 3X Complaints Investigator

SUBDIVISION KEETMANSHOOP REGIONAL OFFICE

- 1X Chief Complaints Investigator
- 1X Snr Complaints Investigator
- 1X Complaints Investigator
- 1X Snr Administrative Officer
- 1X Cleaner

SUBDIVISION RUNDU REGIONAL OFFICE

- 1X Chief Complaints Investigator
- 1X Snr Complaints Investigator
- 1X Complaints Investigator
- 1X Snr Administrative Officer
- 1X Cleaner

SUBDIVISION OSHAKATI REGIONAL OFFICE

- 1X Chief Complaints Investigator
- 1X Snr Complaints Investigator
- 1X Complaints Investigator
- 1X Snr Administrative Officer
- 1X Cleaner

SUBDIVISION SWAKOPMUND REGIONAL OFFICE

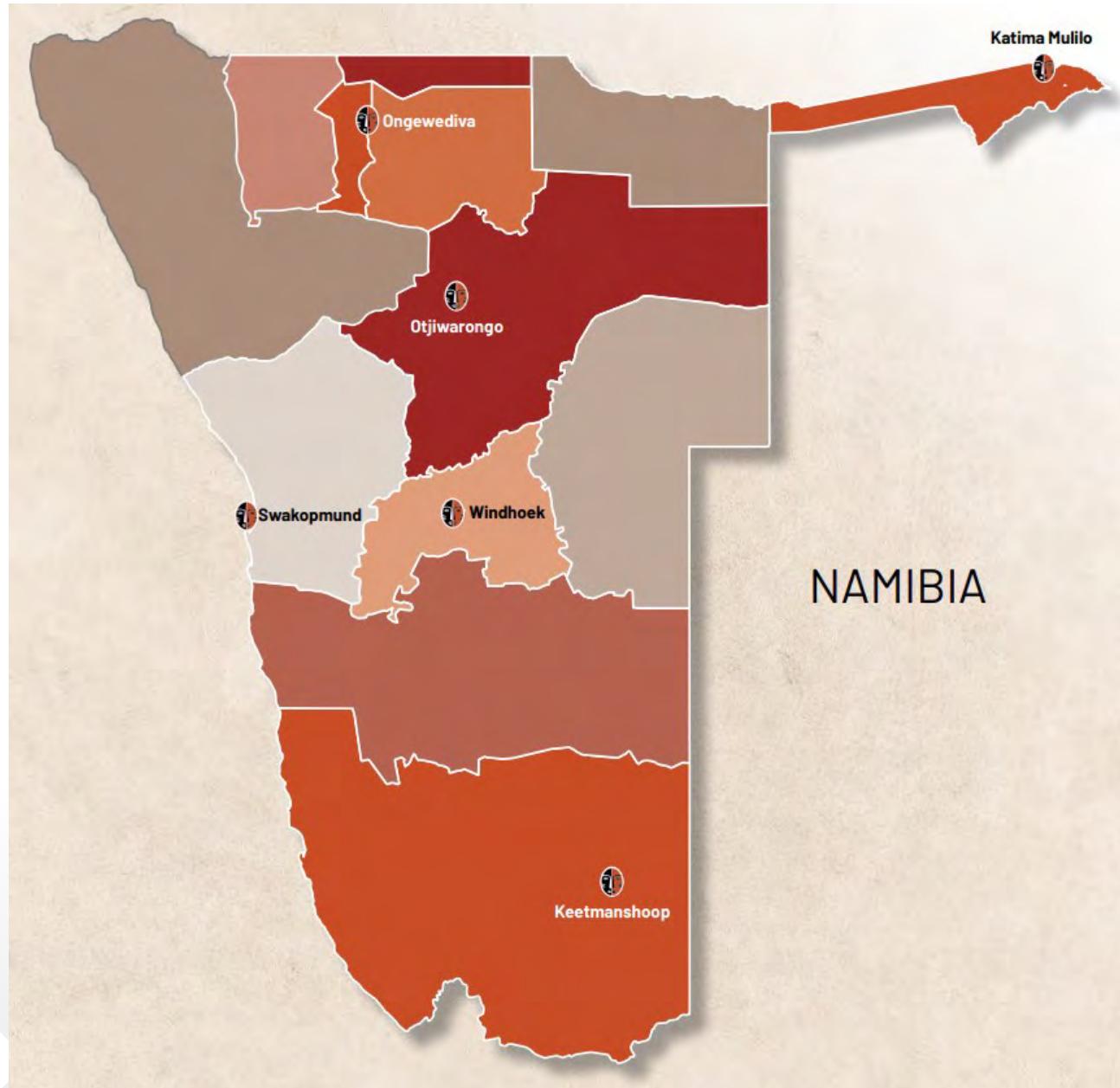
- 1X Chief Complaints Investigator
- 1X Snr Complaints Investigator
- 1X Complaints Investigator
- 1X Snr Administrative Officer
- 1X Cleaner

SUBDIVISION OTJIWARONGO REGIONAL OFFICE

- 1X Chief Complaints Investigator
- 1X Snr Complaints Investigator
- 1X Complaints Investigator
- 1X Snr Administrative Officer
- 1X Cleaner

WHERE TO FIND US

Our head office is situated in Windhoek. Additionally, we have five regional offices located in the towns of Ongwediva, Swakopmund, Otjiwarongo, Katima Mulilo and Keetmanshoop.



ABOUT OUR OFFICE

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 gender neutral. If a complaint has merit, the Ombudsman will first seek to resolve the dispute at the lowest level possible but will investigate when necessary. The Ombudsman’s findings and recommendations are based on an impartial assessment of the facts and evidence. It is important to understand that the Ombudsman acts impartially, not on behalf of either party. In terms of Art. 89 (2) of the Namibian Constitution, the Ombudsman of Namibia is independent and acts subject only to the constitution and the laws of Namibia. Art. 91 of the Namibian Constitution provides for the key functions and mandates of the Ombudsman namely:

- A) Human rights,
- B) Maladministration,
- C) Misappropriation of public monies, and
- D) Protection of the environment

In this regard, the Ombudsman’s role is to receive and investigate complaints about Government ministries, administrative bodies, municipalities, universities, schools, and other institutions that provide public services. We try to determine whether the organization’s actions or processes were fair by conducting a formal investigation, if the Ombudsman determines that it is warranted, we 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 private entity or individual 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 summarized 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; and to promote and protect human rights (that includes the rights of children) and the environment.

The Act stipulates that all complaints to the Ombudsman are confidential, and investigations are conducted in private and our services are free of charge. The Ombudsman resolves complaints through means that are fair, proper and effective which typically includes negotiation and compromise between the parties concerned.

Our Independence

Article 89 (2) of the Namibian Constitution provides that the Ombudsman shall be independent and subject only 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 over whom we have oversight and investigate.

How we work, complaint intake

We receive complaints via online submission or the complaint form on our website, by email, phone calls, letters, SMS, and our social media pages or in person. Once a complaint is received, our staff will contact the complainant for more details if required.

We do not divulge names or information to anyone without the consent of the complainant, and there is no charge for our services. We also handle inquiries; our staff will answer general questions, provide advice and guidance or refer complainants to the appropriate institution. If a complainant hasn't tried or followed the internal complaint mechanisms of the organization or institution complained against, we'll suggest that it be done first and invite them to return to us if the issue isn't resolved.

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 organization 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 investigate. We notify the organization 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 organization in question for a response before they are finalized. 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.; and as such we do not: take sides in disputes; take complaints about Judges and other judicial officers presiding in courts (except on administrative matters); we do not investigate: A decision taken by a court of law (including to establish whether or not a person is guilty of a crime, whether or not the sentence imposed by the court is fair, etc.); private companies or private individuals/ persons disputes (except regarding complaints about violations or threats of violations of human rights); self-regulating professions (e.g., lawyers); Student associations and student unions, just to mention a few.

SCOPE OF ACTIVITIES



Mr. Timothy Shangadi
Deputy Director: Head of Investigations

AN OVERVIEW OF INVESTIGATIONS IN 2024

In 2024, the division operated with an extreme staff shortage, with only 16 investigators (out of a total of 22 provided for on our organisational structure) across the country, including the five regional offices. Despite the limited personnel and resources—such as vehicles, recording equipment, field attire, and the absence of overtime provisions for extended weekend and after-hours work—the division made a positive impact on the Office's strategic objective namely, achieving a decline in justified complaints related to good governance, human rights, and environmental issues. During the reporting period, the division concluded seven investigation reports addressing the following issues:

We started the year by investigating allegations of human rights violations against Indigenous People (San) concerning allegations of land invasion in the Omaheke region, specifically at Farm Skoonheid, Otjiuamapeta, and //Guigoma. We also investigated another complaint from Indigenous People in the Kunene Region regarding mining activities on their land without obtaining free, prior, and informed consent. Additionally, the division investigated a child rights complaint concerning a permanent disability suffered by a child from a poor family due to negligence by NORED at Mangamba village in Mukwe Constituency, Kavango East Region. Furthermore, the division completed four different investigation reports on issues of maladministration and poor governance in state-owned institutions, specifically regarding non-adherence to recruitment policies at the City of Windhoek, Karasburg Town Council, NamRA, and BIPA.

In addition to investigation reports, there were some straightforward cases of human rights violations where the allegations, complaints, or parts thereof were substantiated during the preliminary investigation stage, and the matters were resolved early without objection from the offending institutions.

Cases of cruel and inhuman treatment included allegations of assaults on a detainee at Ohangwena Police Station, leading to the loss of an eye; inmates at Rundu Police Station, resulting in minor and serious injuries; and a detainee at Oshivelo Police Station, which led to the loss of artificial teeth.

Further cases of Unfair Detention and Misuse of Power by the police occurred at Makuni village in the Mbambazi area, Zambezi region, where police officers arrested and detained two women along with their children after their husbands fled from the cattle post. A similar case of unfair detention was reported in Outjo, where a suspect's girlfriend was arrested and detained overnight because the police were looking for her boyfriend, whose whereabouts she did not know.

Other cases regarding violations of human rights include complaints about the rights to privacy and dignity involving the handcuffing of detainees together during hospital visits, and preventing them from consulting with medical doctors in privacy.

We applaud the Inspector General of the Namibian Police Force for continuing to reprimand officers and issuing directives to end practices that infringe on fundamental human rights of detained persons.

We finalized 75% of the cases handled during the reporting year, inspected 121 places of deprivation of liberty (police holding cells and correctional facilities), and made our office more accessible by visiting 99 outlying constituencies and 39 marginalized communities (Indigenous People).

We held engagement dialogues with Regional Governors in Karas, Otjozondjupa, Oshana, Ohangwena, and Omusati to discuss and find ways to resolve complaints arising from their respective regions. Complementary to our quarterly meetings between Senior Police Officials and Ombudsman Senior Staff, we have also held fruitful discussions with Police Regional Commanders to address matters raised during inspections at police detention facilities and other citizen complaints against the police. These platforms have been extremely successful in collectively resolving cases and have had a great impact on reducing mal-administrative practices in public institutions.

STATISTICS

STATISTICS OF COMPLAINTS RECEIVED IN 2024

The annual statistics provide insight into the cases investigated during the reporting period. The statistics serve as a tool for planning and improving on certain aspects of our investigations, awareness raising and public education initiatives. The statistics are derived from data extracted from our electronic case management system and comprises data collected from all six of our offices nationwide.

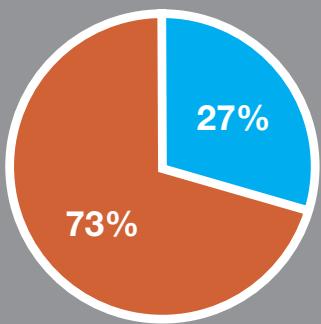
The complaints for the reporting year are broken down into various categories as depicted below.

In 2024 we received a total number of 3446 approaches (complaints and requests for information and advice as well as non-jurisdictional complaints). This was a decrease of 3.6% compared to 3573 received in 2023. Of the total number of approaches received, 2135 were jurisdictional (falling within the ambit of the Ombudsman's constitutional mandate) compared to 2117 in 2023; 737 were non-jurisdictional and 574 were requests for information or advice.

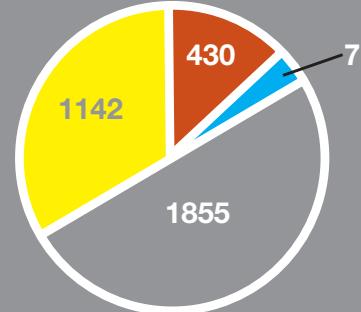
The three institutions with most cases recorded against them are as follows: the Regional Council with the most complaints was //Kharas; the Local Authority with the highest number of complaints against them was the Gobabis municipality; the Ministry with the most complaints against them was the Ministry of Home Affairs, Immigration and Safety and Security (however 721 out of a total of 799 was against the Namibian Police Force, while the remainder was against Home Affairs and immigration). Overall, the criminal justice sector (Police, Ministry of Justice, Office of the Judiciary and Correctional Services) has the most complaints compared to other sectors.

Summary of statistics

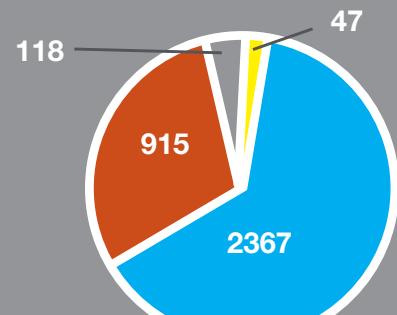
Resolved and Unresolved Cases



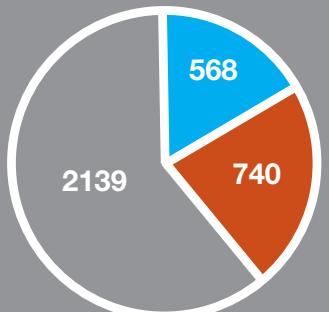
Cases by Mandate



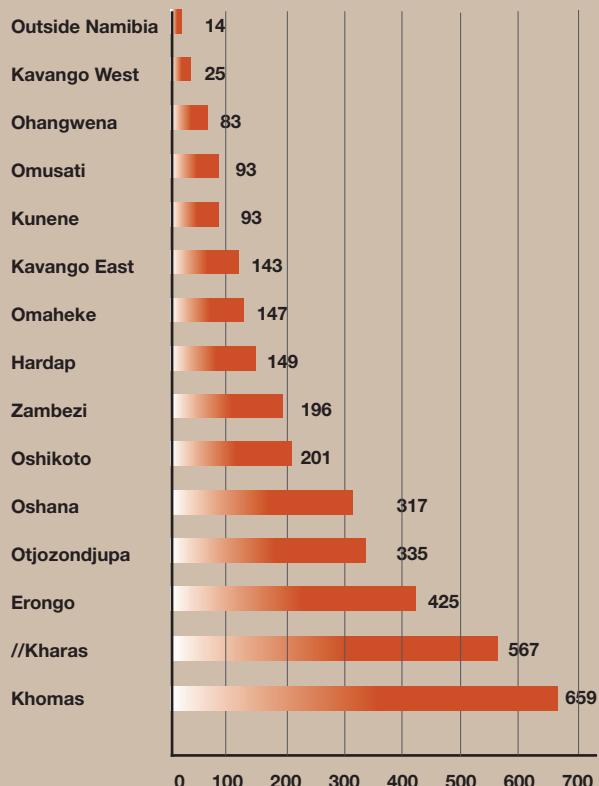
Cases by Gender



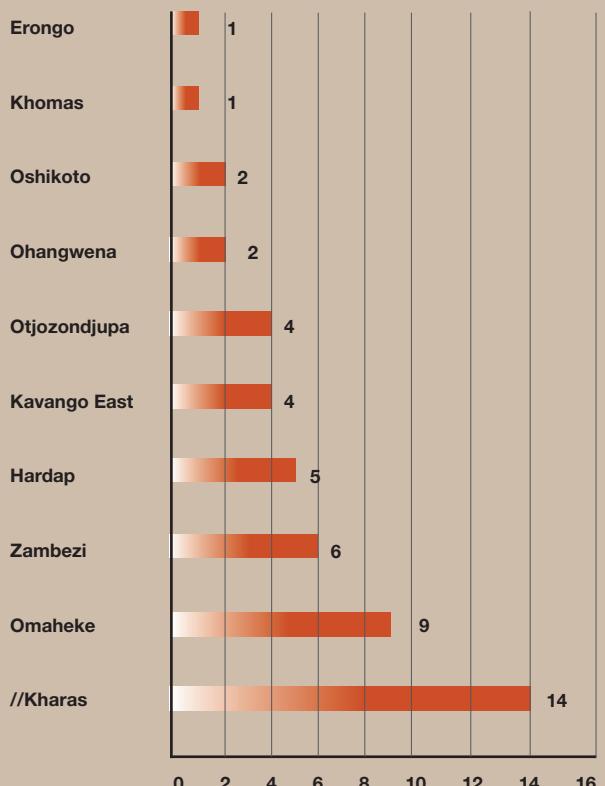
Cases by Complaint Type



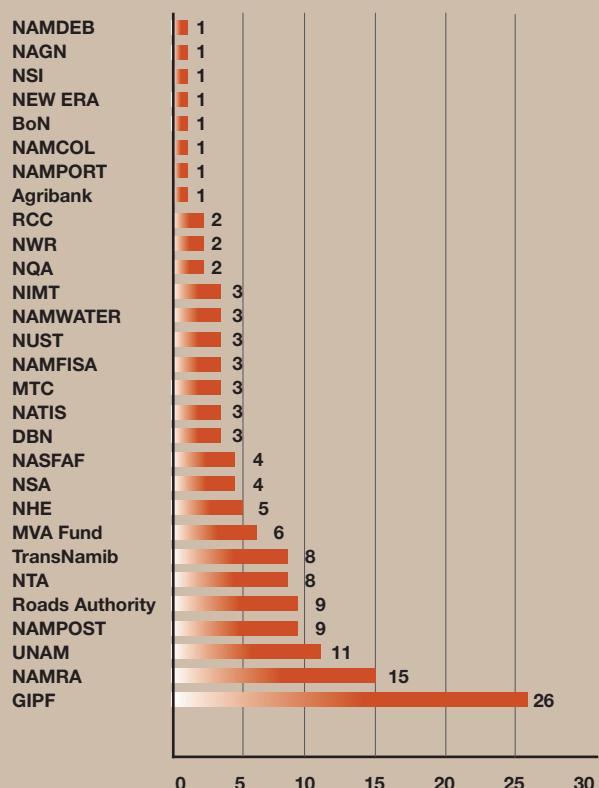
Cases by Region



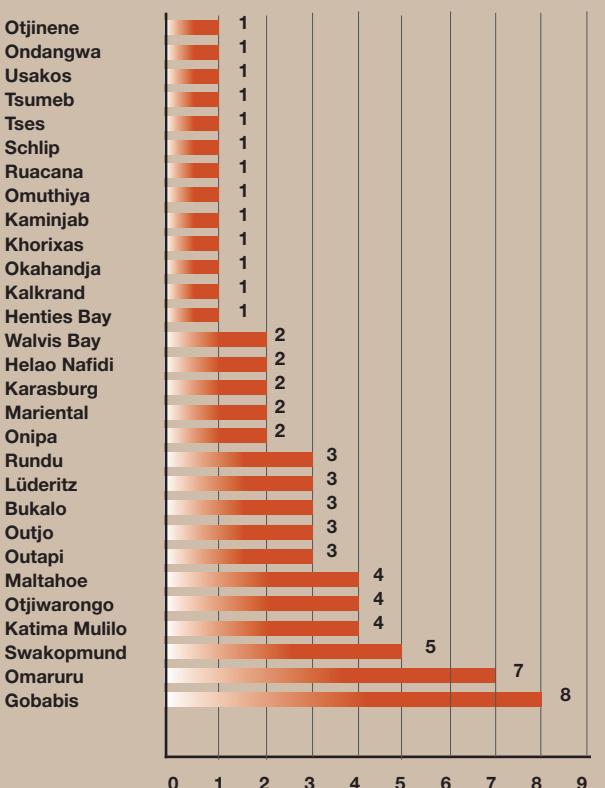
Cases against Regional Councils



Cases against Parastatals



Complaints against Local Authorities





Ms. Ingrid Husselmann
Chief: Office of the Ombudsman

MANDATES

THE CHILDREN'S ADVOCATE

Our Human Rights and Legal Services Division also works to promote, protect and monitor the rights of children and young people.

The Childcare and Protection Act, act No 3 of 2015 (CCPA) provides for the designation of a Children's Advocate in the Office of the Ombudsman. The Division is headed by a Legal Practitioner on the level of Deputy Chief (Grade 3) and is staffed with two legal officers and a social worker. The head of the Division has been designated as Children's Advocate in terms of Section 25 of the CCPA since it came into operation on the 31st of January 2019, but the position has been vacant since the resignation of the last incumbent on the 1st of January 2023. The Ombudsman Bill, 2024 now provides that the Children's Advocate will be appointed as Deputy Ombudsman once the Bill has been enacted.

Because the mandate of the Children's Advocate is to assist the Ombudsman in his functions and duties pertaining to children, the work of the Division continues under the direction of the Chief of the Office. This includes investigating complaints of child rights violations, monitoring compliance with child protection laws and policies, and advocating for legislative and policy reforms to enhance children's rights. The Children's Advocate also raises awareness on children's rights, collaborates with relevant stakeholders to improve child protection systems, and ensures that the best interests of the child are upheld in all matters affecting them. Below is a summary of the Children's Advocate's activities for 2024.

CHILDREN'S RIGHTS AWARENESS-RAISING

Constitution Day commemoration

The Namibian Constitution is hailed as a groundbreaking document, "a shining example", for its gender-neutral language, environmental protections, and emphasis on the rule of law and democracy. To cultivate national pride in our Constitution amongst school children, the Ombudsman collaborates with the Ministry of Basic Education to annually commemorate Constitution Day which is observed on February 9th. This year's event was celebrated at St Joseph Primary School in the town of Rehoboth under the theme: Empowered citizens: Rights, Responsibilities, and Community Harmony. To mark the occasion, grade seven students at Rehoboth's primary schools were invited to enter a poem writing competition to creatively express their understanding of their constitutional rights and responsibilities. The three pupils who penned the best poems won prizes, and the overall winner was Alexander De Waal from Rehoboth Primary School, depicted here.



*Alexandra De Waal
reading her poem*

Rights of the precious Namibians

*Every Namibian has a right to privacy
and space,
In which we can protect our lives with
all dignity and grace.*

*The thoughts in our minds that we have
in our homes are protected from intrusion.
Our Namibian constitution is a shield
for us in collusion.*

*Namibia, Our land where our dreams sets
off.
We have our rights held up, in a melody
or a song.
Forever we'll be strong.*

*Let us celebrate with all the joy and
pride. Our rights that will never subside.
Namibia, Our land of freedom is delight.
Our rights are cherished and are shining
so bright.*

*Namibia, My country where we have
a right to live our life to the fullest,
in peace and harmony.*

*Done by: Alexandra De Waal
Rehoboth PS.*

SELECTED SUMMARIES ON COMPLAINTS ABOUT CHILDREN

Violation of the child Care and Protection Act: Children detained in same cell with adults



The two minors after they were moved to a separate section

Our complaints investigators found two minors aged 15 and 17, detained with adults at a police detention facility in the Omaheke region. Following the swift intervention of our investigators, the children were moved to a separate cell. Detaining children together with adults is against the law and equally, a violation of children's rights. The Correctional Service Act 9 of 2012 requires that young offenders (juveniles) be kept separately from adult offenders "so far as the correctional facility accommodation renders it practicable". Furthermore, the Child Care and Protection Act 3 of 2015, requires that children must be held separately from adults. There are only two exceptions: (1) Children who are being detained may eat or exercise in the same room as adults if there is proper supervision by police or a correctional officer. (2) Children under age two may stay together with an imprisoned parent, guardian or caregiver in circumstances where this would be in the best interests of the child.

Shocking corporate negligence: 11-Year-Old Severely Injured by Live Power Line



Shocking corporate negligence: 11-Year-Old Severely Injured by Live Power Line

An 11-year-old boy suffered severe electrical burns after encountering a high-voltage (33kV) power pole between Muthinduka and Mangamba villages in the Divindu district. The incident resulted in life-altering injuries, including the disarticulation of his second and fifth right toes, an escharotomy, and the amputation of his right arm at the elbow.

Following the tragic incident, the family approached Nored, the responsible electricity provider, seeking accountability. However, Nored denied any liability, leaving the minor without redress for the physical and emotional trauma suffered.

Recognizing the child's right to protection, justice, and rehabilitation, the Office of the Ombudsman intervened to secure legal representation through the Directorate of Legal Aid, for the boy, and Ntelamo-Matswetu & Associates is currently pursuing a civil claim for damages.

This case underscores the urgent need for stricter safety measures to protect children from preventable harm and highlights the Ombudsman's role in advocating for justice and accountability in cases of child rights violations.

The Best Interests of the Child: Children's Advocate Intervenes in Custody Dispute

A mother of a 9-year-old boy sought the intervention of the Children's Advocate after alleging parental alienation by her former husband. She claimed that the father was abusing the Children's Court process to pressure her into signing a settlement agreement allowing him to travel internationally with the child without her consent. She also feared that he might permanently relocate abroad with the child. The situation was further complicated by her residence in South Africa, while the child lived with the father in Namibia. She also believed the father was using his advantageous financial position to manipulate the legal system against her while she could not afford the services of a Legal Practitioner.

Invoking Section 82 of the Child Care and Protection Act, 2015, which empowers the Children's Advocate to intervene in legal proceedings concerning children's rights, the office applied to join the Children's Court proceedings to represent the best interests of the child. Following this intervention, the court ruled in favor of the mother, making an order that the mother exercises her right to access and consent for the child to travel to South Africa for school holidays.

This case underscores the Children's Advocate's statutory role in ensuring that court proceedings prioritize the best interests of the child, preventing parental manipulation and upholding children's rights in children's court proceedings.

The Children's Court requests the Children's advocate to join proceedings

In September 2024, the Children's Advocate received a request from a Children's Commissioner to join custody proceedings involving the parents of a two-year-old child. The dispute had become contentious, with both parties unable to reach an amicable resolution and conflicting child welfare reports submitted to the court.

Invoking powers under Section 82 of the Child Care and Protection Act, 2015, the Children's Advocate joined the proceedings to safeguard the child's best interests. To ensure neutrality—especially since one of the parents had also lodged a complaint with the office—the Children's Advocate recommended the appointment of an independent social worker to conduct an impartial assessment of the child's circumstances and provide a custody recommendation to the court.

The court accepted the recommendation, and ultimately, the case was resolved in line with the findings of the independent social worker, ensuring that the custody decision was made in the best interests of the child. This case highlights the Children's Advocate's role in promoting fairness, impartiality, and child-centered decision-making in custody disputes.

Cross-Border Justice: Ombudsman Secures Child Maintenance through Mediation

A mother faced financial hardship after the father of her 5-year-old daughter, a former foreign diplomat to Namibia, stopped providing child maintenance upon returning to his home

country at the end of 2023. With no reciprocal maintenance agreement between Namibia and the father's country, legal enforcement of support payments seemed unattainable to the mother. Recognizing the child's right to financial support and the challenges posed by cross-border maintenance disputes, the Office of the Ombudsman intervened through remote negotiations. Through diplomatic engagement and mediation, we successfully facilitated an informal agreement for the father to provide a monthly maintenance payment of N\$7,000.

This case highlights the Ombudsman's vital role in using alternative dispute resolution (ADR) mechanisms to secure justice and uphold children's rights, even in complex international cases.

Providing a child's rights perspective: Coalition of Churches complaint about implementation of the Life Skills curriculum in public Schools

The Ombudsman received a request from the Ministry of Education Arts and Culture to assist in assessing a complaint from the Coalition of Churches regarding the implementation of the Life Skills curriculum. They alleged that according to their assessment of the curriculum, it "appears innocent" and as such they have no issue with it, but that the Ministry, according to them is failing to monitor/regulate trainings offered to teachers by entities outside of government and/or; that the teaching materials provided to and/or used by teachers do not speak to/ falls outside the scope of the content of the Life Skills curriculum.

We engaged representatives of the Ministry who provided insight into the Life Skills curriculum that is taught from grades 4-12, with the objective to empower learners with Life Skills, HIV and Health Education. We verified that this specific knowledge is incremental, age appropriate, culturally relevant and scientifically proven with due regard to the rule of law. We also verified that the curriculum and content have been approved after rigorous multi – stakeholder consultations, engagements and participations, including with religious leaders, civil society organisations, development partners and other organisations. We were satisfied that these wide consultations took place in compliance with what is generally required in a curriculum development process.

The Ministry ensured us that Life skills teachers are trained and continuously capacitated in the delivery of the Life Skills subject content through in-service training in close cooperation with the Ministry's partners in education. This ensures relevance and responsiveness in addressing current and contemporary issues that learners are facing in their daily lives at schools and in their respective communities, which might impact their educational outcomes and future. We verified that the United Nations, its organizations and other partners do not implement programs or develop materials that the Ministry uses in the teaching of Life Skills as a subject. They rather provide technical and financial support to the Government, and the Ministry of Education, Arts and Culture, in implementing the Broader Integrated School Health Programme at school, which is in line with the Approved National Education Curriculum on Life Skills.

The Life Skills syllabus from grade 4 -12 have clear content of what is to be taught in which grade, with clear expected outcomes and competencies to be achieved in each grade, as prescribed. The content knowledge is incremental and age appropriate and in compliance with the National Education Curriculum. The Ministry of Education has been using the term:

Life-Skills – based HIV and Health Education since a Cabinet Directive to that effect, following complaints surrounding the term “comprehensive sexuality education” yet at times it is needed to refer to CSE for clarity, especially for those stakeholders who might not be informed about the new adopted terminology.

After careful consideration of their concerns, we informed the Coalition of the Ministry’s response on this important topic and took the opportunity to provide our interpretation from a child rights perspective, namely:

- a. All children have the right to education, health, and protection from harm, as enshrined in the Constitution of Namibia, the Child Care and Protection Act 3 of 2015, regional instruments such as the African Charter on the Rights and wellbeing of the Child (ACRWC) and international human rights instruments such as the UN Convention on the Rights of the Child (CRC). The CRC highlights that children have the right to information that enables them to make informed decisions about their health, well-being, and personal development. The ACRWC highlights the importance of teaching children that they have responsibilities as well as rights. We emphasized that from our assessment, the syllabus when correctly implemented can equip children with the appropriate knowledge to help them understand the development of their bodies, their rights, responsibilities and how to identify and protect themselves from abuse, exploitation, and harmful behaviours. This aligns with parents, guardians, caregivers (and Government’s) shared commitment to protect children from harm and ensure their well-being.
- b. As part of its mandate the Ombudsman encourages dialogue between children, parents, and teachers. Undoubtedly, parents and guardians play a critical role in shaping their children’s understanding of values, and from our understanding, the syllabus serves to complement this guidance by providing scientifically accurate and non-judgmental information. We encouraged schools to work with parents to ensure that the values taught at home are reinforced in the educational setting.
- c. Our observations indicate that many concerns about sexuality (as does teenage pregnancy, sexually transmitted infections (STIs), and gender-based violence and child sexual abuse and exploitation) stem from misinformation, shame, or stigma. We believe that by addressing these issues openly in a safe and respectful and age-appropriate environment, children are better equipped to navigate relationships, identify and avoid risky behaviours, and know where to seek help when needed.
- d. We understand the important role that churches and religious leaders play in promoting moral and ethical values within Namibian society. From our assessment, there is no contradiction between those values and ensuring that children receive education that protects their rights and health. We believe that if delivered with sensitivity and respect for local contexts, the content of the syllabus will reinforce the dignity and worth of everyone, which aligns with many of the values held by faith-based organizations.

We invited all aggrieved individuals and organizations to continue consulting the Ministry to acquaint themselves with the current National Education Curriculum and specifically on Life Skills education, with regard to the provision of Holistic Wellness and Health Education. In addition, the Office of the Ombudsman is open to further discuss how we can work together to ensure that children receive education that both respects their rights and fosters their overall development in a way that is aligned with Namibian values.

HUMAN RIGHTS MANDATE

OVERVIEW

The Ombudsman derives its mandate to protect human rights from both the Constitution of Namibia and the Ombudsman Act, 1990 (Act No. 7 of 1990) (the Act). Even though either the Constitution or Act gives the Ombudsman the express mandate to promote human rights, as an A-status National Human Rights Institution (NHRI), the Ombudsman strives to operate in accordance with the Paris Principles, by ensuring independence, executing a broad human rights mandate, and engaging with stakeholders, including government and civil society.

Article 91 of the Constitution of Namibia empowers the Ombudsman to investigate and act on *“alleged or apparent instances of violations of fundamental rights and freedoms; practices and actions by persons and enterprises and other private institutions where such complaints allege that violations of fundamental rights and freedoms have taken place.”* Article 89 establishes the Ombudsman as an independent institution, ensuring impartiality and effectiveness in the execution of its mandate.

Promotion of Human Rights

International human rights treaties oblige states to undertake promotion of human rights and the covenant on economic, social and cultural rights (Art.13); the convention on the rights of the child (Art.29); the convention on the elimination of all forms of discrimination against women (Art.10); and the convention on the elimination of all forms of discrimination (Art.7) *inter alia* provide that education on human rights is a state obligation. Promotion of human rights is important to ensure that people know their rights and the protection mechanisms available to them if these rights are violated or threatened; as well as to enjoy those rights with a shared responsibility to respect the rights of others.

While the Ombudsman does not receive financial resources (as reflected in the budget elsewhere in this report) to promote human rights, and the Paris Principles require the Ombudsman to promote human rights, the institution, in execution of this mandate, collaborated with development partners and other stakeholders to conduct the activities reported on hereunder:

Human Rights Community Workshop on the right to access to justice

The Ombudsman collaboration with its development partner Konrad Adenauer- Stiftung, hosted a three-day human rights awareness training in Katima Mulilo. The objectives of the training was, - to enhance understanding around the mandates, services, and challenges of various government Ministries, Offices and Agencies including the Ministry of Justice, NAMPOL, Ministry of Gender Equality, Poverty Eradication and Social Welfare, the office of the Ombudsman and Ministry of Home Affairs, Immigration Safety and Security; - The capacitation of key community members with the knowledge to assist the broader community in reporting and accessing services relating to the following thematic areas, Rights of People with Disabilities and Digitalization in Service Provision; Gender-Based Violence and Trafficking of Persons; Statelessness and Birth Registration; Access to Justice; and Land Rights for Traditional Authorities; as well- as assistance with designing strategies around awareness raising and the creation of platforms of engagement between stakeholders.



KAS country director Natalie Russmann (red suit) with Zambezi Regional Governor Lawrence Sampofu (brown shirt) flanked by participants at the training.

Review design for the Namibia's 1st National Human Rights Action Plan (NHRAP) 2015 – 2019

The Office of the Ombudsman championed a substantive stakeholder-based consultative process that culminated in the development of Namibia's first national human rights action plan in 2015. Subsequently, it played a key role in assisting lead and supporting ministries with annual implementation planning and monitoring through multi-stakeholder forums during the period 2015 – 2016. Although key informant interviews revealed a myriad of challenges that confronted not only the Office of the Ombudsman in terms of its NHRAP1 implementation planning facilitation and monitoring role, but also lead and supporting ministries with their implementation activities, the consultative sessions held as part of this assignment received initial indications that significant number of key interventions have been implemented over an extended 2017 – 2024 period. Against this background, the framework proposal for the review of the NHRAP1 outlines key activities to be undertaken for a stakeholder-based and representative review, as a necessary first step towards the development of a successor plan, i.e. NHRAP2.

In order to set the process in motion, the Ombudsman with the support of its development partners, appointed a consultant who was tasked to: Establish precise

timelines and work plans outlining a clear roadmap for conducting a substantive and effective review; Determine focal areas and key questions to be addressed during the review as may relate to achievements, challenges, best practices, and lessons learned; Recommend appropriate methodologies for data collection and analysis (and the purpose of each) including consultations, workshops, and focus group discussions, utilizing a collaborative, inclusive and rights-based approach is upheld; Identify key stakeholders for consultation including human rights activists, governmental representatives, human rights organizations (and others); Outline relevant existing documentation related to the NHRAP for review that draw upon international best practices and incorporate Universal Periodic Review (UPR) recommendations relevant to Namibia; Outline a process for carrying out an in-depth analysis, while describing each, including identify gaps, successes, challenges, and factors influencing the implementation and impact of the plan; Develop a detailed budget for the review process, including all anticipated costs; Identify emerging areas in human rights that are receiving increasing attention internationally that may not have been included in the NHRAP.

The Ombudsman subsequently met with the Prime Minister to discuss the draft review framework and to call upon the Prime Minister to engage Cabinet to issue a directive for the review of the NHRAP. This culminated in the Cabinet through its decision No. 19th/29.10.24/002 directing Offices/ Ministries / Agencies (O/M/As) to participate in the NHRAP Review and the Ministry of Justice to develop a successor Human Rights Action Plan. We applaud the Prime Minister and Cabinet for their prompt response to our submissions and echo the sentiments of the Cabinet decision and call upon all OMA's to prioritise and expedite the review of the NHRAP and the Ministry of Justice to expedite the process.

SUMMARIES OF SELECTED HUMAN RIGHTS CASES

From Unlawful Detention to Police Brutality: Systemic Failures in Protecting Detainees' Rights

The Ombudsman is empowered by Section 6 of the Ombudsman Act to compile and submit to the Speaker of the National Assembly, a report in respect of every matter enquired into or investigated by him which has not been rectified, corrected or remedied to his satisfaction. The Ombudsman has submitted two (2) such reports in relation to "the conditions prevailing at police cells in Namibia" (2006 and 2008).

These reports highlighted the fact that police holding cells are intended for short detentions (ideally not more than 48 hours) only; and that bearing this in mind as

well as the fact that police officers are not equipped to deal with long detentions, consideration of the question whether it would serve a purpose to renovate, modernise or, rebuild police holding cells to continue catering for long detentions and prevent overcrowding; examined the option of addressing the root causes of long detentions and overcrowding, some of which were mentioned in the report, and then focus on building new pretrial facilities or equipping Correctional facilities to house pre-trial detainees. Eleven (11) recommendations (all of which were accepted) were made, including that a concerted effort be made between the relevant Ministries to reduce the number of detainees as a matter of urgency, which led to the formulation of the now defunct Criminal Justice forum. However almost twenty (20) years later, although many of the recommendations in these reports have been accepted and implemented, problems associated with the conditions under which people are detained at police cells persists, as highlighted in this report and continued human rights violations take place as illustrated hereunder.

Excessive Force against Detainees – Rundu Police Station

On 29 November 2024, detainees at Rundu Police Station stormed the Charge Office, demanding answers from the Station Commander after being served spoiled food for a week. In response, the Namibian Police Special Reserve Force was called in, because of which approximately 30 detainees were assaulted, some of whom sustained serious injuries. The unrest escalated when detainees threw human feces at the cooks. Following the Ombudsman's intervention, the injured detainees received medical attention, and those who wished to lay criminal charges were assisted.

Detainees Shot with Rubber Bullets – Oshikango Police Station

On 22 August 2024, the Namibian Police Special Reserve Force was once again called to Oshikango Police Station, where officers allegedly fired rubber bullets at detainees inside an overcrowded holding cell. Seven detainees sustained injuries, including one who lost vision in an eye. Following the Ombudsman's intervention, he was assisted in opening a criminal case and advised to pursue a civil claim for damages.

Unlawful Detention and Cross-Border Transfer – Katima Mulilo

A man was arrested at his workplace on 4 April 2024, allegedly in the presence of Zambian police officials, and illegally detained for four days on theft allegations. While in custody, he was assaulted and reportedly transported to Zambia for interrogation before being released without charge. The Ombudsman's inquiry confirmed the illegal detention but found no evidence regarding the alleged transportation to Zambia. The complainant was advised to pursue legal action for assault and unlawful detention.

Inhuman Detention Conditions – Otavi

A detainee in Otavi reported being beaten during his arrest, forced to sleep handcuffed in a police vehicle, and denied communication with his family. For two nights, he had no blankets. Following discussions at the Ombudsman's quarterly consultation with senior police officials, an internal police investigation was initiated.

Unlawful Detention of Women and Children – Zambezi Region

Two women and their children were detained at Makuni Cattle Post after their husbands, who were suspects, fled from police. The Ombudsman's inquiry highlighted concerns over police handling of cattle herders in the region. The matter was escalated to the Inspector General for an internal police investigation.

Gang Violence and Lack of Order in Holding Cells – Ohangwena

A detainee at Ohangwena Police Station was brutally assaulted by fellow detainees, resulting in broken ribs. Investigations revealed severe gang activity within holding cells, including sexual violence facilitated by smuggled handcuffs. A subsequent riot led to injuries when police officers failed to intervene. The matter was raised with the Inspector General, and concerns over detainee safety prompted a police submission to Cabinet, proposing the Namibian Correctional Service take custody of pretrial detainees.

Police Brutality and Denial of Justice – Rundu

An accused person in Rundu was assaulted by police officers, suffering a broken finger. His attempts to lay criminal charges were ignored, and he was later transferred to Ndiyona Police Station. Following the Ombudsman's intervention, he was eventually allowed to open a case, and an internal investigation was launched.

Police Shooting Resulting in Disability – Tsintsabis

A young man from a marginalized community in Tsintsabis was shot twice by a police officer, leaving him paralyzed. Despite a criminal case being opened against the officer, delays in completing the medical report (J88) stalled the investigation. The Ombudsman facilitated transport arrangements for the victim to finalize the J88 to ensure that the case progresses.

Denial of Access to Medical Treatment

During an Ombudsman intake clinic, a detainee reported being denied access to his antiretroviral (ARV) medication for three weeks. After the Ombudsman's intervention, arrangements were made for him to collect his medication.

These cases reflect systemic concerns about the treatment of detainees, including excessive use of force, unlawful detentions, poor detention conditions, and barriers to health care and justice. The Ombudsman's office remains committed to addressing these violations and advocating for accountability, access to justice, and humane treatment of all individuals in custody. The Ombudsman urges Cabinet to consider in earnest, the Inspector-General's submission proposing that the NCS is provided with the necessary resources to take custody of pre-trial detainees.

COMMUNITY OUTREACH AND AWARENESS RAISING

Community outreach is not only a means for registering complaints but also serves as a tool for creating and/ or raising awareness on human rights in general as well as the mandate of the Ombudsman. With established offices in six out of a total of fourteen regions only, we prioritise outreach as it provides an opportunity to reach people in places where there is no regional Ombudsman office. We visit communities, in conjunction with our annual intake program to inspect places of detention. Below is a summary of some of our visits during 2024.

Eendobe San Community Centre-Ohangwena Region

We were received by the caretaker of the Centre, who informed us that they receive regular visits from the officials from the Ministry of Gender Equality Poverty Eradication and Social Welfare (MGEPESW). The officials from MGEPESW ensure that issues falling under the ministry such as social grants and child welfare are attended to regularly and timeously. All newborn babies have national documents and there is a kindergarten, which was not operational during the time of our visit. The caretaker informed us that the kindergarten was closed due to the non-payment of the caretaker who worked there.



The kindergarten that has been operational for five months

The communal borehole was broken, and we wrote a letter of enquiry regarding the boreholes to the Ministry of Agriculture, Water and Land Reform. We were informed that there were no funds to procure parts to fix the pumps. The borehole had been broken for five months at the time of our visit.

Otjomoro Settlement - Epupa Constituency

On 13 June 2024, the Ombudsman visited Otjomoro Settlement, a centre for the Ovatuwa Community situated about 25 km North-East of Okanguati settlement in the Epupa Constituency. The Ombudsman inspected the centre and had the opportunity to listen to the concerns of the marginalized community in this area. Among others, they requested the Ombudsman to convey to the appointing authority (The President) their displeasure in the incumbent appointed to represent the marginalized and the issues that impact them. Their views are that he lacks passion and interest that the issues impacting them have worsened since the retirement of the previous Deputy Prime Ministers (Dr. Amadhila and Hon. Hausiku).

Engagement with NCS on administrative law

On 12 March 2024, Adv. Dyakugha and accompanied by Mr. Shangadi made presentation at the Namibian Correctional Service (NCS) workshop held at The Rock Lodge on administrative law, administrative decisions, discretion, and the doctrine of legitimate expectation as part of administrative law.



On 13 June 2024, the Ombudsman visited Otjomoro Settlement, a center for Ovatuwa Community situated about 25KM north-east of Okanguati settlement in Epupa Constituency. The Ombudsman inspected the center and had opportunity to listen to the marginalized community concerns. Among others, they request the Ombudsman to convey to the appointing authority (The President) their displeasure in the current person appointed to spearhead marginalized issues, that he lacks passion and interest, that the condition deteriorate since retirement of the previous Deputy Prime Ministers (Dr. Amadhila and Hon. Hausiku).



MALADMINISTRATION MANDATE

OVERVIEW

Historically, most of the complaints received, fall under the maladministration mandate and the year under review was not an exception. In 2024 we received a total of 1855 complaints classified as maladministration. This figure shows an increase of 89 complaints from the 1766 received in 2023.

The Ombudsman is mandated to inquire into and investigate complaints relating to the functioning of the Public Service Commission, administrative organs of the State, the defense force, the police force and the prison service in so far as such complaints relate to the failure to achieve a balanced structuring of such services or equal access by all to the recruitment of such services or fair administration in relation to such services; Most complaints received are in relation to this part of the mandate and some of the cases are reported on below.

SELECTED MALADMINISTRATION CASE SUMMARIES

Recruitment Irregularities at City of Windhoek

A City of Windhoek (COW) employee applied for an internally advertised Section Head position. Despite being the top-scoring candidate, she never received a formal offer, which prompted her to lay a complaint with the Ombudsman. The Ombudsman's office investigated the complaint that should have been simple and finalised within ninety (90) days. However, it took three (3) years because of uncooperative and delayed responses from the COW, ostensibly brought about by the lack of substantive leadership in the form of a Chief Executive Officer (CEO).

Our investigations revealed that the position was not offered to the complainant because of a restructuring process that had commenced in 2017 prior to the position being advertised. The Cow seemingly relied on outdated policies instead of the gazette Recruitment and Selection Regulations (2019) for Local Authorities. We highlighted concerns over *inter alia* interview panel independence, as meeting minutes were reviewed by executives before panel members signed off; a preemptive decision not to appoint, that was taken before formal adoption of the new structure; systemic miscommunication as the position was downgraded, then upgraded without adequately informing candidates.

Our preliminary findings were that the recruitment process was irregular, unjust, and misaligned with legal requirements. The COW repeatedly failed to provide clear responses over 36 months, indicating systemic governance failures, which culminated in the Ombudsman issuing a subpoena in terms of Section 4 (c) of the Ombudsman Act, Act 7 of 1990 (the Act) for the CEO to appear before him. The CEO ultimately acknowledged the delays and apologized.

The Ombudsman then issued a final report in which he made six (6) recommendations, including, compliance with the Recruitment and Selection Regulations for Local authorities and the adoption of a formal policy that requires timely responses to inquiries from oversight bodies, such as the Ombudsman.

The Ombudsman (in terms of Section 5 of the Act) notified the local authority (COW), in the form of the CEO, the Mayor and the management Committee of his findings and the way the matter can, in his opinion, be rectified or remedied. The COW being obligated in terms of Section 5 (2) of the Act, rectify or remedy the issue in the manner recommended by the Ombudsman or in any other manner, rectify or remedy the matter and must notify the Ombudsman accordingly. Despite various attempts the COW failed to inform the Ombudsman, whether they accept the Ombudsman's recommendations or intend to remedy the matter in another manner.

Karasburg Town Council: A False Alarm

Three complainants alleged that the Karasburg Town Council had made an irregular appointment in the Human Resources department. A site visit by the Keetmanshoop Regional Office confirmed that the appointment followed due process. The complaint was unfounded.

NamRA Hiring Controversy: Changing Rules Midway

A complainant alleged that she was unfairly denied a job at the Namibia Revenue Agency (NamRA) due to unfair discrimination based on race and an arbitrary change in hiring criteria after interviews were completed.

Our investigations revealed that NamRA initially followed its recruitment policy, requiring domestic tax experience. However, after interviews, management changed the criteria to favors only unemployed graduates, disregarding the original requirements. This post-advertisement change lacked legal backing, transparency, and fairness. We pointed out that such inconsistent application of policy fosters distrust in state institutions and gave the institution an opportunity to refute the findings.

The Ombudsman then issued a final report in which he made recommendations, and the Ombudsman (in terms of Section 5 of the Act) notified both Sam Shivute, the Commissioner of NamRA, and the Board of Directors of his findings and the way the matter can, in his opinion, be rectified or remedied. NamRA is obligated in terms of Section 5(2) of the Act to rectify or remedy the issue in the manner recommended by the Ombudsman or in any other manner, rectify or remedy the matter, and must notify the Ombudsman accordingly. Despite various attempts, NamRA failed to inform the Ombudsman whether they accept the Ombudsman's recommendations or intend to remedy the matter in another manner.

BIPA under Scrutiny: A Web of Hiring Concerns

Allegations about unfair hiring practices at the Business and Intellectual Property Authority (BIPA), including favoritism, policy violations, and questionable appointments implicating the Chief Executive Officer (CEO) were reported to the Ombudsman. The allegations involved six (6) positions that were placed under scrutiny. Save for one (1) of these positions, where a deviation from the policy provisions was noted, the evidence did not reveal serious or repeat irregularities on the part of the CEO in the discharge of her duties or the powers conferred to her by the enabling legislation and the relevant policies.

Unpaid Census Worker Gets Justice

An unemployed student complained that she was not paid for work as a census enumerator. Following our intervention, the Namibia Statistics Agency (NSA) confirmed a backlog in payments. The student received her salary within days.

Pension Delays Resolved

A retired pensioner complained that she waited over three months for her old-age grant, despite multiple follow-ups with the Ministry of Gender Equality, Poverty Eradication, and Social Welfare. After our intervention, the pension was paid out, backdated for three months.

DSA rates not keeping up with inflation and rising cost of living: A 15-Year Stalemate
Public servants complained to the Ombudsman about stagnant daily subsistence allowance (DSA) rates, which had not been adjusted since 2008, making travel for official duties unsustainable. The Ombudsman urged the Public Service Commission to review compensatory allowances, citing: Risk to government assets as officials seek cheaper, unsafe accommodations; Staff skipping meals, leading to low morale and reduced productivity; the urgent need for an adjustment after 15 years of rising costs.

Alleged Unfair Recruitment at the University of Namibia (UNAM)

A complainant alleged that UNAM unfairly favored foreign nationals for academic positions, despite qualified Namibians being available. He cited two unsuccessful applications for senior lecturer positions in 2018 and 2022. UNAM confirmed that the complainant was interviewed but deemed not appointable. The 2022 position was awarded to a foreign national who later resigned. The vacancy was re-advertised, but no Namibians applied, leading to the appointment of another foreign candidate. The allegation of unfair and discriminatory recruitment processes was therefore unsubstantiated.

Refund Dispute and Withheld Gratuity (Ministry of Defense and Veteran Affairs)

The complainant, a former NDF employee, was granted special study leave for three years by the NDF with full remuneration. Upon completing her studies, she undertook an internship at the Ministry of Health, after which she was offered a new position. As a result, she resigned from the Ministry of Defense and joined the Ministry of Health. The Ministry of Defense demanded that the complainant refund the state for the salary paid to her during her studies, as she had, according to them, breached the contract. Consequently, the ministry withheld payment of the complainant's leave day gratuity.

Following prolonged negotiations, the Ministry agreed to request a legal opinion from the Attorney General. On 3 September 2024, the Ministry of Defense revoked its demand for the refund of salary paid to the complainant during study leave and paid the complainant's leave day's gratuity.

MANDATE IN RESPECT OF MISAPPROPRIATION OF PUBLIC MONEYS AND PUBLIC PROPERTY BY OFFICIALS

OVERVIEW

In terms of Section 3 (1)(e) of the Ombudsman Act, the Ombudsman has “*the duty to inquire into and to investigate all instances or matters of alleged or suspected misappropriation of public moneys and other public property by officials.*” In this context, misappropriation refers to the unlawful or unauthorized use or diversion of money or assets entrusted to a public official, for their own personal benefit or for purposes other than the intended public good. For purposes of the Ombudsman’s mandate, it must be distinguished from crimes like embezzlement, fraud, and theft. We do not typically receive complaints of this nature and when we do, we refer them to the Namibian Police. During the reporting year we received and investigated one such complaint as detailed hereunder.



Investigation into alleged mismanagement of Zambezi Waterfront Tourism Project

On 18 July 2022, Hon. Lawrence Sampofu, the Governor of Zambezi Region, requested the Ombudsman to do preliminary investigations into allegations of misuse of public monies that ostensibly took place during the construction of the Zambezi Waterfront Tourism Park (Pty) Ltd. (ZWTP). Our investigations established overwhelming evidence of misuse, recklessness and negligent usage of public monies. The findings indicated that no proper records were kept, making it difficult to institute action for reckless or negligent use of public funds against members of the various Boards and their respective administrators who oversaw the project operations from inception until the end of February 2016, when the business was closed.

The Ombudsman recommended that the interim board appointed by the Minister of Finance and Public Enterprises, dissolves/closes the company (ZWTP (Pty) Ltd), in terms of the Company Act, Act 28 of 2004; That the entire ZWTP properties/assets be transferred to Zambezi Vocational Training Centre (ZVTC), because they already run a successful hospitality entity a stone throw away from ZWTP and ZVTC has students, who as part of their training can be utilised to renovate and repair some of the damage at cheaper rates in order for the facility to serve two purposes namely, Zambezi centre for hospitality training and provide an affordable waterfront Tourism facility; Alternatively, to consider transferring/offering the land to the Ministry of Higher Education in order to facilitate the ZVTC to renovate and operate it as an education project and then use the property as a hospitality training facility, in order to avoid any further wasteful expenditure of State monies. These recommendations were accepted. A detailed investigative report is available on our website:

www.ombudsman.org.na

ENVIRONMENT MANDATE

The Ombudsman is mandated by the Namibian Constitution to: *“investigate complaints concerning the over-utilisation of living natural resources, the irrational exploration and destruction of ecosystems and failure to protect the beauty and character of Namibia.”*

This responsibility is further derived from its broad human rights, and administrative justice oversight mandates. The protection of the environment is not only a matter of good governance but also a fundamental human rights issue, given its direct impact on the well-being, health, and livelihoods of present and future generations.

Article 95(l) of the Namibian Constitution directs the state to actively promote and maintain the welfare of the people by adopting policies aimed at the maintenance of ecosystems, essential ecological processes, and the biological diversity of Namibia. This provision forms part of the broader principles of state policy, guiding government actions in ensuring sustainable development and environmental protection.

In addition, the Environmental Management Act of 2007 provides the legal framework for environmental governance, including the role of the Environmental Commissioner in ensuring compliance with environmental regulations and assessing the environmental impact of proposed developments. The Ombudsman's mandate complements this role by investigating complaints related to environmental harm, holding authorities accountable for enforcing environmental laws, and advocating for stronger environmental policies and practices.

As a National Human Rights Institution (NHRI), the Ombudsman recognizes the interconnectedness of environmental protection and human rights. Environmental degradation threatens fundamental rights, including the right to health, water, food, and a safe and sustainable environment. The Ombudsman typically receives complaints about issues such as pollution, land degradation, and the environmental impacts of industrial and mining activities. This work aligns with international human rights principles, which increasingly recognize a clean, healthy, and sustainable environment as a human right.

The Ombudsman's efforts in environmental protection are vital in ensuring that both state and private actors adhere to Namibia's legal and constitutional obligations while promoting sustainable development in a manner that upholds human dignity and ecological integrity.

SUMMARY OF SELECTED ENVIRONMENTAL CASES

The community of Ondoto in the Epupa Constituency Kunene region complained that sewage discharge from the mine workers' compound was flowing into the river stream. Our Ongwediva Regional Office visited the site to investigate the environmental concerns, assess the impact on local water sources, and potential health risks. The investigators found two black water pipes discharging water onto the riverbank at low pressure. It was established that the water discharge originates from the showers used by the six employees on-site and not from sewage, as initially alleged by the community.



The picture above depicts Chief Tjindunda of Ondoto area pointing out the pipe discharging sewage into the river stream at his village

We negotiated with the mine's management who rectified the problem by diverting the flow of water from the river into septic tanks.



The picture above indicates how Gecko reconnected the pipes to the septic tanks

VISITS TO PLACES OF DETENTION

MONITORING DETENTION FACILITIES: THE OMBUDSMAN'S ROLE IN PROTECTING DETAINEES' RIGHTS

OVERVIEW

As part of its human rights protection mandate, the Ombudsman conducts annual visits to places of detention across Namibia, including facilities for trial-awaiting and convicted persons, as well as detention centers established under the Namibia Refugees (Recognition and Control) Act and the Immigration Control Act. These visits aim to monitor detention conditions and assess the legality of individuals' detention.

Although Namibia has not ratified the Optional Protocol to the Convention against Torture (OPCAT), the Ombudsman functions as a de facto National Preventive Mechanism (NPM) to prevent human rights abuses against detainees.

During 2024 we visited one hundred and twenty-one (121) detention facilities twice during the year. Persistent concerns identified during these visits include dilapidated infrastructure, overcrowding, inadequate bedding and hygiene products, and a lack of necessities such as utensils. These systemic issues continue to undermine detainees' dignity and well-being.

Beyond monitoring, these visits also serve as an opportunity to raise awareness about the Ombudsman's mandate and provide detainees with access to our complaint's mechanism.

Below are highlights of some of the facilities visited across the country.

OSHANA REGION

Ongwediva Police Station

Severe overcrowding remains a critical issue at this facility, which has a maximum capacity of 15 detainees but held a shocking number 107 detainees at the time of our visit. Additional concerns included a lack of transport for detainees, insufficient toiletries, inadequate cleaning materials, and a shortage of bedding. However, the station had recently been renovated, with all lighting functioning properly and no observed plumbing or structural defects. An institutional worker is employed to prepare meals for detainees.

Oshakati Police Station

Key concerns at this facility included overcrowding, with 237 detainees housed in a space designed for 130, as well as inadequate meal provision, a lack of basic hygiene supplies, and maintenance issues such as non-functional lighting and toilets. On a positive note, a mobile clinic is available, significantly improving detainees' access to healthcare, particularly for those with chronic conditions who require regular medical attention.

OSHIKOTO REGION

Ondangwa Police Station

Overcrowding is a severe issue, with 240 detainees held in a facility designed for 70. Hygiene conditions were particularly concerning due to the high occupancy. Despite these challenges, the kitchen was fully stocked, and detainees received three daily meals. Several lights and taps in the holding cells were non-functional, and the station commander reported that maintenance requests had been submitted to the relevant department, which cited a lack of equipment as the reason for delays in repairs.



Oluno Correctional Facility

At the time of our visit, 687 inmates were housed in a facility with a maximum capacity of 569. Among them were seven juveniles and 24 foreign nationals. Despite the overcrowding, the facility was well-maintained and clean. Inmates assist with meal preparation, contributing to the facility's upkeep.

HARDAP REGION

Hardap Correctional Facility

The facility housed 701 inmates at the time of our visit. Concerns included a shortage of cleaning materials and inmate uniforms. Numerous complaints were recorded from offenders, and follow-ups were conducted on grievances previously reported to the Ombudsman's office. Additionally, the team visited the facility's clinic to investigate complaints related to healthcare services.

Gochas Police Station

The station housed 24 trial-awaiting detainees, most of whom were charged with stock theft. Challenges included food supply shortages, a lack of cleaning materials, and staff shortages.

Kalkrand Police Station

During our visit, the acting station commander assigned four officers to accompany us during cell inspections. We found 22 male detainees, with no female or juvenile detainees present. Like other stations in the region, food and cleaning material shortages were key concerns. Officers reported that they often use personal funds to purchase cleaning supplies to maintain hygiene at the station.



Osire Refugee Camp

The Ombudsman has received numerous complaints from the Osire Refugee Settlement in the Otjozondjupa region. We visited the Settlement on February 15–16, 2024 to assess the settlement's development and investigate complaints received. The monitoring procedure concentrated on several areas, including safety and security; allegations of trafficking in persons; allegations of child marriages; provision of health services; provision of education; provision of adequate housing and sanitation; warehouse management for food security and non-food items; provision of water; status of livelihood initiatives (projects & production).

Despite various challenges encountered, all individuals interviewed and engaged agreed that the Osire settlement provides a safe and secure environment for refugees in Namibia. The perspectives provided include those of community leaders, station commanders, and unit commanders.

The clinic is staffed with a total of six nurses, a pharmacist, two health assistants, a cleaner, a driver, and three security personnel. The clinic provides medicine and healthcare free of charge.

The refugee settlement has two schools: Osire Primary School and Osire Secondary School. At the commencement of the 2024 academic year, Osire Secondary School enrolled 501 learners.

Throughout 2023, the school recorded five learner pregnancies and two marriages, with the married learners being over the age of 18 years. Osire Primary School, on the other hand, accommodated 1209 learners. Reportedly, 39 learners, 24 boys and 16 girls, dropped out during the school year due to various reasons including repatriation and resettlement.

Osire offers housing and shelter to refugees, utilising transit centers to accommodate asylum seekers upon their arrival. Upon the arrival of able-bodied individuals, they are tasked with creating bricks, provided with necessary tools, and subsequently given building materials

to construct their own dwellings.

There are various projects aimed at providing skills for self-sufficiency and boosting food security as well as income generation. There are small family shops and handcraft activities. However, with regard to agricultural activities there are some noted setbacks, the pictures below illustrate that the chicken breeding is not functioning anymore, greenhouses are not functioning and are neglected and damaged.



MANAGEMENT SERVICES AND ADMINISTRATION

OVERVIEW

The Ombudsman has an organisational staff component of 53 staff members with 14 vacant positions.

The Ombudsman Act (Section 2(2)) makes provision for the appointment of a Deputy Ombudsman; the only person ever appointed in this position was Adv. Ephraim Kasutu, who served from 21 March 1993 to March 1997. Since then, the position has never been funded and remains vacant. All other positions have been funded in 2024. However, the recruitment process, facilitated by the human resources department in the Ministry of Justice, takes between six (6) to twelve (12) months and in some instances longer, which necessitated the Ombudsman to appoint two (2) retired investigators as consultants in terms of Section 7 of the Ombudsman Act to make sure that the office operates as effectively as possible.

HUMAN RESOURCES

NEW APPOINTMENTS



Signo M Baptista was appointed as an Investigator in Keetmanshoop with effect from 01 December 2024



Bernard Mukaya was appointed as a cleaner in Windhoek with effect from 04 April 2024



Rodney Pieterson was appointed as a cleaner in Swakopmund with effect from 01 May 2024.

Promotions and resignations

Mr. Utjiranje B Mberirua who previously served as a senior Complaints Investigator at Otjiwarongo, was promoted to the position of Chief Complaints Investigator to Rundu, Mr. Moffat S Maiba and Ms. Regina L Mwambwa were both promoted to Senior Complaint Investigator from Complaints Investigator in Keetmanshoop and Windhoek respectively.

The Senior Administrative officer in the Keetmanshoop office, resigned on the 30th of June 2024 and the Complaints Investigator from our Swakopmund office Mr. Higinus Stefanus resigned on the 31st of March 2024 and lastly the senior complaint Investigator Ms. Bonnita Kheibes resigned on the 31st of December 2024.

Retirement of a long-serving employee

After 25 years of service Elizabeth Petrus or "Lisbet" as she was affectionately known went on retirement following her 60th birthday in December 2024. As is customary, staff held a farewell party in her honor.





Staff Retreat

For the first time in 10 years, the Office of the Ombudsman held a wellness retreat for all staff members. The retreat took place at the Rock Lodge in Okahandja under the theme: Enhancing job satisfaction and productivity through improved mental health.

Captivating, focused talks and presentations on mental health and emotional intelligence were presented by a clinical psychologist.

Staff were capacitated with lessons on teamwork, trust and communication. Staff members took part in various obstacle courses aimed at strengthening team building.

A short course on sharpening people's skills and personality type identification also formed part of the program. The retreat is set to be a usual annual occurrence on the staff calendar as it is proven that staff retreats enhance morale, boost team building, and trust amongst co-workers amongst other things.

CAPACITY BUILDING

INVESTIGATORS RECEIVE CAPACITY BUILDING TRAINING

Ombudsman investigators attended a capacity building workshop facilitated by the United Nations High Commissioner for Human Rights and the National Network of African Human Rights Institutions. The three day workshop focused on equipping investigators with the required tools to carry out investigations, improving existing tools and processes, navigating challenges encountered in the field. The workshop was attended by complaints investigators from across the country (Keetmanshoop, Otjiwarongo, Swakopmund, Ongwediva, and Katima Mulilo) Minister of Justice, Yvonne Dausab, who was also in attendance for the opening, reminded investigators of the crucial role they play in ensuring that human rights violations are curbed.



Participants at the workshop With Minister of Justice, Yvonne Dausab

FINANCIAL RESOURCES

The Office of the Ombudsman does not have a separate and independent budget but operates as a directorate under the budget of the Ministry of Justice. This arrangement significantly undermines the institution's ability to function effectively and independently, as required by the Paris Principles on the status of national human rights institutions (NHRIs). Without financial autonomy, the Ombudsman is dependent on the ministry's budgetary priorities, which does not make specific allocation for certain duties and functions of the Ombudsman such as human rights promotion or bringing proceedings in a competent court. The lack of direct financial control also limits the Ombudsman's capacity to initiate own-motion investigations, conduct outreach activities, and recruit adequate personnel to meet its growing workload.

The adoption of the Ombudsman Bill, 2024, is crucial to addressing this challenge. The Bill proposes financial independence for the Ombudsman by establishing a separate vote in the national budget, ensuring that the institution can allocate resources based on its strategic priorities rather than be limited by ministerial constraints. This reform is essential for strengthening the Ombudsman's institutional effectiveness, ensuring compliance with international standards, and enabling it to fulfill its constitutional and statutory obligations. The government must act with urgency to pass the Bill to safeguard the Ombudsman's independence and enhance its ability to serve the people of Namibia effectively.

Below is a description of the funds allocated to the Ombudsman by the Ministry of Justice in the 2024/2025 financial year. It should be noted that the amount allocated is for salaries, bonuses, and S&T or Daily Subsistence Allowance when performing work in the regions and outside the country. Maintenance and paying of water and electricity including payment of rented buildings we are operating from is paid by the Ministry of Justice and the Ministry of Works and Transport. Currently the Ombudsman office does not have a separate vote to receive money from the Treasury.

DESCRIPTION	AMOUNT
Personal Expenditure	19,041,000
Employees contribution to GIPF	2,203,000
Leave Gratuity	355,560
Employer's contribution to Social Sec.	48000
Travel and Subsistance Alloance	1,850,000
Office Refreshments	16000
Membership Fees and Subscriptions	250000
Total Appropriation	23,763,560

LOGISTICAL RESOURCES

Currently the Office of the Ombudsman in Namibia has a fleet of twelve (12) vehicles. This fleet consists of eight (8) off-road vehicles and four (4) sedans. The average age of the vehicles is 10 years and are models of 2013 & 2014. The mileage of the vehicles ranges between 18214 & 310 000 km and the office continues to experience high technical and mechanical failures which cost the government a substantial amount in repair costs.

The Office of the Ombudsman provides crucial service to the Namibian public at large where in most cases investigators are required to travel long distances on gravel roads across the entire country to conduct intake programs, awareness and investigations. Most of the vehicles are unreliable due constant breakdowns and this is becoming a burden and liability to both the government and the investigators. The vehicles are in urgent need of replacement; the vehicles are assigned across the regional offices as follows:

Katima Mulilo	Toyota Single Cab
Swakopmund	Chevrolet Cruz / Isuzu Single Cab
Keetmanshoop	Chevrolet Cruz / Isuzu Single Cab
Ongwediva	Chevrolet Cruz / Isuzu Single Cab
Otjiwarongo	Nissan Double CAB
Windhoek	Toyota Corolla / Nissan D/Cab / Toyota D/Cab
Rundu	Isuzu Double Cab

ACCOMMODATION

The office has occupied a leased building on the corner of Feld and Lossen Streets in Windhoek for the past 15 years (since January 2009) and with a growing staff component (due to the filling of vacancies in previously unfunded positions) it no longer meets the needs of the office. The Ministry of Justice has been approached to secure funding to purchase a larger building in Windhoek. The regional offices in Keetmanshoop, Otjiwarongo and Ongwediva are housed in buildings built and/or renovated by the Ministry of Justice. The regional office in Swakopmund operates from a leased building situated at the corner of Mandume Ndemufayo and Schlagter Streets that is not suitable in that it is not disability friendly. We have been allocated premises in Swakopmund by the Ministry of Works, Transport and Communication; however, we have been unsuccessful in obtaining funding to do the necessary renovations in order to occupy the building. The regional office in Katima Mulilo operates from Government offices in Ngoma Road.



The Ombudsman with members of civil society and the parliamentary staff

WORKSHOPS AND COOPERATION WITH INTERNATIONAL STAKEHOLDERS

The Ombudsman engaged representatives from Civil Society Organisations and from the Parliamentary Standing Committee on Constitutional and Legal Affairs as well as the Standing Committee on Economic and Administrative Affairs. The purpose of the engagement was to provide an update on the status of the Ombudsman Bill, 2024 and to familiarise members of the standing committees with key aspects of the Bill.

INTERNATIONAL OMBUDS EXPO

The Ombudsman attended the International Ombud Expo 2024 in Botswana. The Expo brought together over 400 ombud offices, human rights bodies, grievance handlers, integrity organizations, and related oversight and governance institutions from over 100 countries. Various institutions made presentations on how they execute their roles; institutions also participated in an exhibition where they showcased their mandates, operations, and performance impact. The Ombudsman, as the National Human Rights Institution in Namibia, was invited to attend the above session.

The Ombudsman in person, our Messrs. Hendrik Mauyoma, Chief Legal Officer, and Hansie Swartz, Regional Chief Investigating Officer, attended the Expo on behalf of the office. The Ombudsman and Mr. Hendrik Mauyoma shared their insights and experience as lead speakers at the expo. The Ombudsman presented The Namibian Ombudsman as a Human Rights Institution—Lessons of Experience and Mr. Mauyoma on The Children’s Advocate of Namibia—Lessons of Experience of a Specialty Role.

The Ombudsman also served as a moderator concerning good practices in oversight operations together with the Ombudsman of Mauritius, Office of the Ombudsman, Banjul, The Gambia; Deputy Ombudsman South African Military Ombudsman; University of Applied Sciences Vienna, Austria; Commission on Administrative Justice, Nairobi, Kenya; and Bureau of Public Service Reform, Abuja, Nigeria, respectively. The expo was held under the theme, Trusted Institutions: Fighting Injustices, Bolstering Quality Governance,



The Ombudsman with Mr. Mauyoma (left) and Mr. Swartz (right) at the Ombud Expo 2024 - Botswana

The Ombud Expo 2024 provided all the participants with the opportunity to:

- a. exchange of best practices on the role and operations of the different oversight and governance bodies;
- b. benchmark participating offices to evaluate themselves and benefit from lessons of experiences of others;
- c. directly interact with wide-ranging organizations that support and facilitate the role and operations of Ombud offices towards effective performance and sustainable impact;
- d. meet and interact with a wide spectrum of related institutions and foster relationships and build networks.

Cooperation with Russian Federation Ombudsman Protocol of Operation

The Namibian and Russian Federation Human Rights Institution signed a protocol of cooperation in which the two offices agreed to explore areas of cooperation, with the Namibia Ombudsman inviting the Russian Federation Human Rights Institution to observe how we conduct our inspections of holding cells and correctional facilities.

Youth discussion with UNAM, MICT and the Namibian newspaper

Alongside the University of Namibia, MICT and the Namibian newspaper, we formed part of a discussion dissecting the role of the youth in fighting against corruption and their role in planning for the implementation of good strategies and looking at policies to be implemented in protecting the youth against corruption. The event Organised by the US Embassy, took place in Keetmanshoop.



STAKEHOLDER ENGAGEMENT

The Ombudsman does not operate in isolation. Regular engagement and partnerships with stakeholders such as government offices, ministries and agencies, international organisations and civil society are an essential aspect of the work that we do. The Ombudsman values cooperation with external parties in the quest to fulfill the office's mandate. Below is a summary of some of our stakeholder engagements for the reporting year.

Ombudsman Presentation at the Namibian Correctional Service

On 12 March 2024, Adv. Dyakugha and accompanied by Mr. Shangadi made a presentation at the Namibian Correctional Service workshop held at Rock Lodge. The Ombudsman made a presentation on administrative law, administrative decisions, and discretion.

European Union delegation Visits Ombudsman

The Ombudsman, Adv. Basilius Dyakugha and Her Excellency. Ana Beatriz Martins, the EU Ambassador to Namibia during a courtesy meeting discussed issues of mutual interest and concern. The ambassador was informed by the ombudsman of our mandate, our office's procedures, and the challenges we encounter.t.



STAKEHOLDER ENGAGEMENT IN PICTURES



The Ombudsman with the Inspector General of the Police. Major General Joseph Shikongo



Ambassador Alberto del a Calle of Spain,paid a courtesy visit to the Ombudsman



Chief complaints investigator at Ongwediva Ileni Nangolo, Governor of Omusati region, Erginus Endjala and the Deputy Director of investigations, Timothy Shangadi during a meeting

NOTES

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WINDHOEK
Private Bag 13211
Cnr of Feld and Lossen Streets
Tel: 061-207 3111
Fax: 061-226838
Email: office@ombudsman.org.na

ONGWEDIVA
P.O. Box 2658, Oshakati Valombola Street, Ext10
Tel 065-234 444
Fax 065-238377

KEETMANSHOOP
Sam Nujoma Avenue
Erf: 838
PO Box 890 Keetmanshoop
Tel: 063 221028
Fax: 063221030

OTJIWARONGO
Vredeweg Street Erf 5 PO Box 2164
Tel: 067 302 852
Fax: 067 302 852

KATIMA MULILO
Private Bag 1012, Ngweze Ngoma Road, GRN Offices
Tel: 066-25 3841
Fax: 066-25-43480

SWAKOPMUND
Cnr of Mandume Ndemufayo & Schlacter Streets
Gurka Trust building PO Box 4981 Swakopmund
Tel: 064 406834
Fax: 064 406833

SMS LINE: 20401



Email: office@ombudsman.org.na



OFFICE OF THE OMBUDMSAN NAMIBIA



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