



**MINISTERIAL STATEMENT BY HONOURABLE DR. ALBERT KAWANA, MP
MINISTER OF JUSTICE
ON THE OCCASION OF THE IMPLEMENTATION OF THE MAINTENANCE
ACT, 2003 (ACT NO. 9 OF 2003)**

16 SEPTEMBER 2015

**NATIONAL ASSEMBLY
WINDHOEK**

1. Honourable Speaker, I rise to make a Ministerial Statement regarding the implementation and possible amendment of the Maintenance Act 2003, (Act No. 9 of 2003).

2. Some of the Honourable Members of this august House may recall that as Minister of Justice then, I had an opportunity to table and motivate the Maintenance Bill which became the Maintenance Act of 2003. The Bill was later passed after lengthy discussion. There was a perception at the time that the Bill was aimed at penalizing innocent men who would become victims of some irresponsible women. The feeling was that men would be required to pay maintenance of their children by law, the mothers of the children would receive the maintenance and abuse it while the children are dumped with grandparents.

3. The law on children's protection is very clear, the interests of the children is paramount and supersedes those of the parents. The children of Namibia deserve better protection from their parents. If need be, the law will have no mercy to those who neglect their parental duties. As I stated during the introduction of the Bill in this Chamber, an animal is prepared to die in order to protect its young.

Why should human beings be worse than animals in the care of their children?

4. The purpose of the maintenance Act is to force those parents who are irresponsible to take care of their children. The culture of leaving everything to the Government should stop. Good and responsible parents do not need the law in order to address the welfare of their children. The law is meant to force irresponsible parents to play their parental responsibilities.

5. Honourable Speaker, it is shameful that some mothers have developed a habit of dumping their children with grandparents. At the same time, they are abusing the maintenance money that they are receiving from the fathers of the children. This behavior discourages fathers from paying maintenance, resulting in the suffering of the children. To those mothers who are in the habit of dumping children with grannies while abusing maintenance, I say time is running out for them. They are simply criminals who deserve to be punished by law. In this regard, the Maintenance Act will be amended to provide stiffer sentences for such behavior.

6. I would like to use this platform to call upon all those who are physically staying with the children and are not receiving maintenance to report to the nearest Magistrates Office for assistance. We will not allow a situation where maintenance money is used for alcohol, lip sticks and designer shoes while the children are suffering.

7. Another worrying culture that has developed is that men who are high income earners are targeted by some women and are given children who are not theirs simply for the sole purpose of receiving and abusing maintenance. As a result, a number of men have fallen victim to this scheme. After paying maintenance for a number of years, the man is informed that after all this is not your child. This brings shame not only to the man but also to the entire family of the man. I am saying so, Honourable Speaker, because of the information that has been obtained from 1st April 2014 to 19 August 2015.

8. During the period under review, 182 men disputed paternity compared to 4 women.

There is one case in Khorixas where a man claimed that he was the father of the child but the DNA test result showed that he was not the father. Three similar cases were reported in Katima Mulilo but the DNA test results are still pending.

9. Out of 182 cases which were disputed by men, 70 DNA tests showed that the men were not the biological fathers, while 103 DNA tests showed that indeed they are the biological fathers. It is clear from these figures that too many women are giving children to men who are not their biological fathers.
10. Honourable Speaker, allow me now to turn to my fellow men. It is unbearable painful scandal for a man to temper with DNA test results in an attempt to deny one's biological child. Some irresponsible men have brought shame to their fellow men by indulging in such unacceptable behavior. The Ministry will not rest until such men are exposed and shamed.
11. Allow me, therefore, Honourable Speaker to use this platform to request women who suspect that there might have been tempering with DNA results to approach the nearest Magistrates Court for assistance.

DNA will be carried out under strict conditions in order to bring out the truth. Again, the law will be amended in order to impose stiffer penalties.

12. The Ministry has also taken note of the fact that there are perpetual maintenance defaulters. My friendly advice to such people is that time is running out for you. If you don't want your photograph to appear in the print media, you are given two weeks to report yourself to the nearest Magistrate's Court and pay up the arrears. Some arrangements could be made if you have a genuine problem. The law will also be amended so that in addition to putting your photograph in the print media, you will also be named in the electronic media such as radio and television.
13. Honourable Speaker, the Ministry has also taken note of the fact that some fathers simply go into hiding in order to avoid paying maintenance. I am in the process of engaging our colleagues from Safety and Security to assist in tracing such fathers while the law is being studied to come up with more effective mechanism of tracing such fathers.

14. Honourable Speaker, our President has declared war on poverty. All of us, the citizens of this Republic are His foot soldiers. The children of an independent Namibia deserve better life. Parents should be the first to ensure that they enjoy better life. If need be, the Ministry will use the law to ensure that the dream of the Namibian child is realized. We will **not** compromise.

I thank you.

DATA ON PATERNITY TEST
01 APRIL 2014 TO 19 AUGUST 2015

		Test Result					
		Female	Male	Total	Negative	Positive	Pending
1	ARANOS	0	2	2	1	1	0
2	BETHANIE	0	1	1	1	0	0
3	EENHANA	0	10	10	2	6	2
4	GOBABIS	0	11	11	5	4	2
5	GROOTFONTEIN	0	5	5	3	2	0
6	KARASBURG	0	1	1	0	1	0
7	KATIMA MULILO	3	10	13	2	8	3
8	KARIBIB	0	2	2	1	1	0
9	KEETMANSHOOP	0	3	3	1	2	0
10	KHORIXAS	1	0	1	1	0	0
11	LÜDERITZ	0	0	0	0	0	0
12	MALTAHÖHE	0	0	0	0	0	0
13	MARIENTAL	0	5	5	3	2	0
14	OKAHANDJA	0	4	4	1	2	1
15	OKAKARARA	0	0	0	0	0	0
16	OMARURU	0	1	1	0	0	1
17	ONDANGWA	0	4	4	1	3	0
18	OPUWO	0	1	1	0	1	0
19	ORANJEMUND	0	1	1	0	1	0
20	OSHAKATI	0	7	7	1	5	1
21	OTAVI	0	1	1	0	1	0
22	OUTAPI	0	2	2	1	1	0
23	OTJIWARONGO	0	4	4	1	3	0
24	OUTJO	0	0	0	0	0	0
25	REHOBOTH	0	6	6	2	2	2
26	RUNDU	0	1	1	0	1	0
27	SWAKOPMUND	0	8	8	2	6	0
28	TSUMEB	0	4	4	1	3	0
29	TSUMKWE	0	0	0	0	0	0
30	USAKOS	0	0	0	0	0	0
31	WALVIS BAY	0	10	10	4	5	1
32	MUNGUNDA STR.	0	78	78	36	42	0
	TOTAL	4	182	186	70	103	13