

# Foreword

The date 20 November 1989 marked a milestone in the protection and promotion of the rights of children across the globe. On that day – after ten years of negotiations – the United Nations (UN) General Assembly finally adopted the Convention on the Rights of the Child. By signing this Convention, governments for the first time internationally acknowledged their responsibility towards children and the protection of their rights. Some 20 years later, in November 2009, the Convention has been ratified by 193 states – the highest number of ratifications of all international Conventions to date.

The Convention on the Rights of the Child defines a child as any human being under the age of 18, unless an earlier age of majority is attained (recognised) under the law applicable to the child. The Convention makes it very clear that children have rights, and that those rights are human rights. Children can no longer be considered as adult possessions or mere objects of their actions, but are internationally acknowledged as autonomous subjects of rights. Children's rights are not just promises: they are inalienable rights that children can claim in courts of justice.

It was the intention of this UN Convention to authoritatively stipulate the rights of the child to life, development, protection and participation. The instrument envisaged the improvement of the living conditions of all children, to enhance their development, to protect them from violence and all forms of exploitation, and to promote their participation in society.

Four principles lie at the core of the Convention, namely (a) the right to equal treatment (children must not be discriminated against); (b) the priority of the well-being and best interest of the child (in family and in society); (c) the right to life and development (meaning access to medical treatment, education, protection from exploitation, etc.), and (d) respect of the child's opinion. With these four principles, which became normative for the relevant legislation in many countries, the Convention has created the environment conducive to ensuring children's rights across the planet.

Namibia ratified the Convention on the Rights of the Child on 30 September 1990. However, a gap remains between ratification and practical implementation into national legislation. It took Namibia almost two decades to draft suitable legislation by way of the proposed Child Care and Protection Bill, which reflects the principles of the Convention in the Namibian context. It is hoped that this Bill will soon be fully enacted and operational.

National and international legal frameworks are a necessary but not sufficient means to grant adequate protection for the rights of children. States and governments can only

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enforce legal frameworks: they cannot provide for the citizen's morality. In this respect, as a country, Namibia is on the right track in terms of establishing the required legal framework for the protection of her children. On the other hand, considering the reported facts that children in Namibia face murder, rape and abuse on a daily basis, all members of the Namibian society still have a long way to go to fully respect the rights and the dignity of children in the country.

With this publication, the Konrad Adenauer Foundation hopes to nobly serve the purpose of deepening the understanding of children's rights in general, and in Namibia in particular, strengthening their rights as full members of society and protecting and promoting their dignity.

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