



Republic of Namibia

MINISTERIAL MOTIVATION

ON THE

OMBUDSMAN BILL

IN THE NATIONAL ASSEMBLY

BY

THE MINISTER OF JUSTICE

HON. YVONNE DAUSAB, MP

19 FEBRUARY 2025

– To be checked against delivery –

Honourable Speaker,
Honourable Members,

1. I rise today to motivate the Ombudsman Bill, a crucial piece of legislation aimed at strengthening the legal framework governing the Office of the Ombudsman. This Bill is an essential step in ensuring the full independence and effectiveness of the Office, as well as its compliance with article 89(3) of the Namibian Constitution, which prohibits any interference in the work of the Ombudsman.
2. I hasten to confirm that there are no known incidents of interference by other State organs with its work. We pride ourselves with an enhanced culture of respecting the principle of separation of powers for our institutions.
3. The Ombudsman Act, 1990 (Act No. 7 of 1990), came into force on 14 June 1990 and has remained unchanged for over three decades. It is one of the pieces of legislation introduced at the advent of our independence, demonstrating the founding government's political will to entrench a culture of human rights early on.
4. Perhaps it made sense then but the limited nature in text and scope of the law was not enough to safeguard the Ombudsman's autonomy and guarantee its independence in accordance with the Paris Principles¹ and article 89(2) of the Constitution, provide adequate resources, or equip the Office with the necessary investigative powers.
5. The principle to support its independence was not negotiable but having it as an administrative office within the Ministry of Justice became increasingly challenging because of the competing interests related to law and justice.

¹ The Paris Principles refer to a set of international standards adopted by the UN General Assembly in Resolution 48/134 in 1993. They outline the minimum standards for the establishment and functioning of national human rights institutions (NHRIs), such as Ombudsman offices, and aim to ensure that these institutions are independent, effective, and capable of promoting and protecting human rights within a country.

6. However, the need for an effective and well-resourced office became increasingly evident as the Namibian public required an institution that could respond to their concerns in a timely and competent manner.
7. Consequently, the Parliamentary Standing Committee on Constitutional and Legal Affairs conducted a review and, in July 2018, recommended that the Office of the Prime Minister and the Ministry of Justice introduce a Bill to amend the Ombudsman Act.
8. The recommendation emphasised the need to strengthen the Ombudsman's powers, introduce punitive measures for non-compliance, enhance its autonomy, and provide for the appointment of an Executive Director and staff, along with a dedicated budget vote.
9. This recommendation was subsequently adopted by the National Assembly on 17 March 2020, laying the foundation for the drafting of the Ombudsman Bill. The Bill now before this House seeks to give effect to these reforms and ensure that the Office of the Ombudsman operates with the independence and authority required to effectively fulfill its mandate.
10. The Bill will also empower the Ombudsman to align with international human rights instruments, particularly the Paris Principles regarding the status of National Human Rights Institutions as outlined in the UN General Assembly Resolution 48/134 of 1993.
11. In this context, the Bill seeks to grant the Office of the Ombudsman administrative and financial independence from the Ministry of Justice, similar to the Office of the Judiciary, which functioned under the Ministry for 25 years before attaining full autonomy in 2015.
12. The Office of the Ombudsman traditionally serves as a safeguard against human rights violations, abuse of power by public institutions, administrative errors, negligence, unfair decisions, and poor governance. Its core function is to enhance

public administration by ensuring that governments are responsive to the needs of the people and that public officials remain accountable to the public. Over time, this office has become a crucial mechanism for individuals seeking justice against unfair actions by public authorities.

13. Namibia's commitment to upholding human rights and democratic principles is evident in our recognition of the Ombudsman as an essential institution. However, for it to fully execute its mandate, it must receive the necessary support, both in terms of financial resources and legislative reinforcement. There is a need for adequate funding to allow the institution to expand its reach, improve its investigative capabilities, attract highly skilled and qualified individuals, retain staff of similar caliber, and enhance its public engagement to ensure that all citizens, including those in remote areas, can access its services.
14. The state of human rights in Namibia reflects both progress and ongoing challenges. While the country has made significant strides in promoting constitutional rights and freedoms, issues such as enhanced access to justice, socio-economic disparities, and the protection of vulnerable groups remain areas of some concern.
15. The effectiveness of human rights protection depends not only on legal recognition but also on practical enforcement. Laws and policies alone are not enough; they must be backed by strong institutions, adequate resources, and a commitment to accountability. Without these, human rights risk becoming aspirational ideals rather than lived realities for all Namibians.

Honourable Speaker,
Honourable Members,

16. It is no secret that the Office of the Ombudsman has faced criticism in the past, with some questioning its effectiveness and impact. However, our vision is to strengthen this institution so that it truly serves its mandate as it is supposed to.

17. We want to change public perception by ensuring that the Ombudsman's interventions lead to real success stories. Cases that set a precedent and make a tangible difference in people's lives. A true guardian of citizens' rights needs adequate powers in order to seek an appropriate and speedy remedy for breaches of those rights. In other words, the ability to take effective action is the key.
18. An equally urgent issue is the lack of access to justice for many indigent individuals in developing our country. Even when individuals are aware of their legal rights, the complexity of legal procedures and the high cost of legal services often discourage them from seeking justice. This issue is especially troubling in the area of human rights protection, as rights are meaningless if they cannot be effectively enforced.
19. The Ombudsman's role in upholding justice, transparency, and human rights reflects the vision of a democratic and fair society that the late Founding Father of the Namibian Nation, Dr. Sam Nujoma, alongside our forebears, dedicated their lives to building. It is crucial that this institution functions as it was envisioned, to be a place of refuge for those who have nowhere else to turn.

Honourable Speaker,

Honourable Members,

20. When people seek assistance from institutions like the Ombudsman, it is because they believe in its mandate and in its ability to uphold justice. If this office cannot assist them, there is a real risk that they may never find the help they so desperately need. It is, therefore, our duty to ensure that the Ombudsman is empowered to serve its purpose effectively, giving real meaning to the promise of justice for all.
21. I urge Honourable Members to approach this discussion with a commitment to justice and the betterment of our legal system, as we work towards passing this critical legislation. The Bill plays a key role in strengthening Namibia's dedication to the rule of law, good governance, and the protection of citizens' rights. With this in mind, I now present the Ombudsman Bill for the consideration of this August House.

I thank you.