



REPUBLIC OF NAMIBIA

MINISTRY OF EDUCATION, ARTS AND CULTURE

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TO: ALL MEDIA

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MEDIA STATEMENT

CLARIFICATION ON CORPORAL PUNISHMENT INCIDENT AND DISMISSAL OF MR. PETRUS NDEULITA, FORMER TEACHER AT HASHIYANA PRIMARY SCHOOL, DIRECTORATE OF EDUCATION, ARTS AND CULTURE, OSHANA REGIONAL COUNCIL

The Ministry of Education, Arts, and Culture (MoEAC) would like to provide a further clarification regarding the regulations on corporal punishment and the disciplinary procedures followed in the recent case involving the dismissal of Mr. Petrus Ndeulita, a former teacher at Hashiyana Primary School in the Oshana Region.

Background Information

Mr. Petrus Ndeulita was appointed as a Teacher F, Grade 8, at Hashiyana Primary School on 01 January 2018, under Section 5(1) of the Public Service Act, 1995 (Act No. 13 of 1995). It is a legal requirement for all teaching staff to take an oath against the use of corporal punishment upon their appointment. Mr. Ndeulita took this oath on 02 April 2019, in accordance with the Education Act, (Act 16 of 2001), Section 56(1), which states: "A teacher or any other person employed at a state school or hostel, or private school or hostel, commits misconduct if such teacher or person, in the performance of his or her official duties, imposes or administers corporal punishment upon a learner, or causes corporal punishment to be imposed or administered upon a learner."

Disciplinary Regulations

Under Public Service Staff Rule E.X/I on Misconduct Disciplinary Action, corporal punishment is categorized as a major offense. Any staff member accused of administering corporal punishment may face misconduct charges, provided there is sufficient *prima facie* evidence following a comprehensive investigation.

These investigations are conducted in accordance with the Public Service Act, 1995 (Act No. 13 of 1995), specifically Section 26, read together with Section 25(1).

Additionally, Article 8(2)(b) of the Namibian Constitution asserts that “no person shall be subjected to torture or to cruel, inhuman, degrading treatment or punishment.”

Investigation and Disciplinary Process

All allegations of corporal punishment are subject to a rigorous investigation. If the Executive Director determines there is sufficient evidence, the staff member is formally charged with misconduct. An independent disciplinary committee is then appointed to hear the case. Depending on the staff member's plea to the charges, they are granted either a full hearing or a mitigatory hearing. The principles of procedural - and substantive fairness, which are central to the disciplinary process within the Public Service, are consistently upheld.

The Disciplinary Committees, established under the authority of the Public Service Act, 1995, are tasked with making recommendations based on their evaluation of the evidence and other pertinent factors. However, their role is advisory, and the final decision rests with the Prime Minister (PM), based on the recommendations of the Public Service Commission (PSC). In some cases, the Executive Director may have the authority to approve these recommendations. In this instance, the Disciplinary Committee (DC) made its recommendations based on the findings, which were then presented to the Public Service Commission for approval by the Prime Minister, as stipulated by the Public Service Act, 1995. This process is based on checks and balances. Mr Ndeulita lodged an appeal to Prime Minister through the Public Service Commission, however, his appeal was not successful. The Ministry subsequently communicated the outcome of the considered decision of the Prime Minister to Mr. Ndeulita.

Case of Mr. Petrus Ndeulita

On 25 October 2021, an investigation report was received by the Ministry from its regional office concerning the "Unacceptable Behavior/Corporal Punishment" involving Mr. Ndeulita. The report was thoroughly reviewed, taking into account all evidence presented, including Mr. Ndeulita's own account of the events.

Based on the findings, Mr. Ndeulita was charged with misconduct for administering corporal punishment to a learner at Hashiyana Primary School. It should be noted that, each case is assessed based on its individual merits, and the following factors were considered in determining the appropriate disciplinary action:

- Whether there was a violation of the provisions of the Acts, Regulations, Staff Rules, Education Act 2001, Namibian Constitution, Labour Act, 2007, or any other relevant directives.
- The seriousness of the offense, including the extent of the damage caused.
- Mitigating circumstances, such as weaknesses in the organization's procedures or the personal circumstances of the staff member.
- Extenuating circumstances, such as provocation.
- Intent, including evidence of premeditation.
- Mr Ndeulita's personal record, including a review of his previous conduct, performance, validity of warnings, and history of similar offenses.
- Prevalent precedent.



Factors Considered by the Disciplinary Committee

It should be noted that Mr. Ndeulita was given a chance to state his case and during which he portrayed unbecoming and unruly behavior in that, he refused to acknowledge the charge sheet. This is viewed as undermining authority, especially considering his knowledge and awareness of the fact that administering corporal punishment is a chargeable offense.

Although Mr. Ndeulita cited a lack of knowledge as a mitigating factor, there is evidence on his personal file that he had signed an oath against corporal punishment on 02 April 2019 shortly after his recruitment as a teacher.

Mr. Ndeulita's personal record revealed a history of 14 similar reported cases, indicating a habitual pattern of behavior. This therefore means that this is not the first time that Mr. Ndeulita has indulged in such prohibited actions.

It should be emphasized that, the Ministry remains committed to upholding the highest standards of professional conduct at all times and ensuring that all disciplinary processes are conducted with utmost fairness and justice.

Having outlined the above, it is the stance of the Ministry that the matter concerning Mr. Ndeulita was carefully and procedurally addressed and that the due process of all enabling legislations was followed.

Should Mr. Ndeulita be of the view that he was unfairly dismissed, he has the liberty to seek further redress of the matter through any competent Court of Law.

We hope this feedback explains this matter.

ISSUED BY:



Sanet L. Steenkamp
EXECUTIVE DIRECTOR

