



# Economic and Social Council

Distr.: General  
21 December 2015

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### Fifty-seventh session

22 February-4 March 2016

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

## List of issues in relation to the initial report of Namibia

### Addendum

## Replies of Namibia to the list of issues\*

[Date received: 17 December 2015]

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\* The present document is being issued without formal editing.



## **I. General information**

- 1. Provisions of Articles 95 and 144 of the Constitution, clarification of whether citizens may directly invoke the articles of the Covenant in court proceedings, measures taken to raise awareness among the judiciary**

### **In response**

1. The High and Supreme Courts have not yet pronounced itself on a case relating to the rights contained in the ICESCR. However, under the Namibian Constitution, international law that is binding on Namibia, automatically forms part of Namibian law and is enforceable by Namibian Courts. International law binding on Namibia should also be a guide to the interpretation of the Namibian Constitution. This was affirmed by the Namibian Supreme Court in the case of *Government of Republic of Namibia v. Mwilima and Other accused in the Caprivi Treason Trial* 2002 NR 235 (SC) (per Strydom CJ) at 260 H.
2. The Supreme Court found that the Caprivi Treason Trial Defendants must be given legal aid, even though Namibia's Legal Aid did not require this. Since Namibia ratified both the international Covenant on Civil and Political Rights (ICCPR) and its Protocols, they form part of Namibian law and the courts are obliged to accede to their provisions. The court stated that Article 14 (3) of the ICCPR is a combination of Article 12 (1) (e) and 95 (h) of the Namibian Constitution without the limitations of Article 95, providing for legal aid for an accused. This is because the ICCPR required Namibia to give free legal assistance to persons accused of crimes in cases where the interest of justice require legal representation and the accused do not have the means to pay for it.
3. The above-mentioned case arguably leads the way for more innovative jurisprudence including the application of ICESCR by virtue of Article 144 of the Namibia Constitution.

## **II. Issues relating to the general provisions of the Covenant (arts. 1 to 5). The right to freely dispose of natural wealth and resources**

- 2. Indicate whether indigenous peoples have been awarded adequate compensation for any traditional lands and resources that were confiscated, taken, occupied, used or damaged**

### **In response**

4. Namibia has no national legislation that deals directly with indigenous peoples, and the Namibian Constitution does not refer to "indigenous peoples". In 2010 the Cabinet approved a Division for San Development in the Office of the Prime Minister, which is an important milestone for the promotion of the rights of marginalised communities (indigenous people) in Namibia. One of the 1991 Land Conference resolutions was that the land rights of disadvantaged communities should receive special protection. The San and disabled communities were specifically mentioned. The National Resettlement Policy of 2001 identifies the San as a specific target group for resettlement.
5. In cases where national parks and game reserves are located in areas where the indigenous people live, the Government gives them conditional rights in terms of hunting and tourism concessions. For hunting concessions, indigenous people are authorized to practice controlled hunting to avoid exploitation and illegal hunting. For example in south and western part of the country in Namib Naukluft Park, the Topnaar Community live their

normal lives of rearing livestock, collecting !Nara Plants and Acacia albida (Anna Trees) ponds for their livestock. In addition, the Topnaar Community is also given hunting and tourism (dune drive and establishing of lodge) concessions. While the Meob/Nama community in the same Park through a Cabinet decision is given tourism concessions authorizing them to set up tourist campsites and they can enter into partnership with any investor and such deal is to be scrutinized by Attorney General Office for adherence to terms and conditions as determined. In the Kunene Region, the displaced Damara speaking people in #Khoadi //Hoas Conservancy live their normal lives in harmony with wildlife within the Conservancy and are given Hobatere tourism concessions and the Government availed funds for the construction of the Grootberg Lodge.

6. In the former Bushman land, Tsumkwe area which is now part of the Otjozondjupa Region, San people live as they use to be within Conservancy's boundaries namely Nyae Nyae and N#-a-Jaqua which was registered in 1998 and 2003 respectively. They are involved in the management of the conservancies. The two conservancies undertake a number of entrepreneurial initiatives such as tourism joint ventures, craft centres, trophy hunting, cultural village, devil's claw and dry wood harvesting from which the San people benefit economically. The Community of Nyae Nyae Conservancy are also benefiting from Khaudum National Park by being accorded a Hunting Concession in Buffalo Breeding Area of more 10 000 ha. This area is where the Mangetti Dunes Group Resettlement San Project is situated where they are involved in normal farming activities.

7. The San Community found in Eastern Kavango and Caprivi Regions are living in the Western Caprivi Resettlement San Project within Bwabwata National Park. Due to the prohibition of forming a Conservancy within the National Parks, Kyaramacan Association was formed which operate in close cooperation with the Ministry of Environment Tourism to oversee the management and proper utilization of natural resources within the park by indigenous communities. Institutional arrangements are well established such as the Management Committee, and local/indigenous people are employed as Community Game Guards, Resource Monitors and at Campsite. The community is given Hunting Concessions as well two (2) Trophy Hunting Concessions in the park that generate about four (4) Million Namibia Dollars annually (US\$ 300,000,00). They are also issued with a Tourism Concession to upgrade the current run campsite to a Lodge within the park. In addition, they are allowed to harvest devils claw and practice their culture and tradition and gather wild fruits and multiple use area which are Resettlement Projects. The Ministry of Environment and Tourism also plans for more future possibilities of Tourism activities to take place within the park for the benefit of the San. In summary the San people are incorporate in the Management of the park and they are benefiting economically and socially.

8. In Omaheke Region, apart from three Resettlement San Projects (Drimiopsis, Skoonheid, and Donkerbos/Sonnerblom), the Government has established the Eiseb Conservancy Core Area to be co-managed by the Herero and San Communities under the guidance of the Ministry of Environment and Tourism. In Ohangwena Region, there are four Okongo Resettlement San Projects (Eendobe, Ekoka, Onamatadiva and Oshanashiwa), and the San people still practice their culture and tradition, although hunting in that part of the country is very minimal due to the fact that wildlife have been eliminated during the colonial past. To restore wildlife in the area, Okongo Conservancy has been established and one of its objectives is to benefit the Indigenous San people.

9. The Hai//Om and //Om (San) Communities who were displaced during the establishment of the Etosha National Parks and war are also catered for. There are those who are resettled in Tsintsabis and Excelsior Resettlement San Projects in Oshikoto Region as well those in three of the six acquired farms along the Etosha National Parks in Kunene Region and the six farms are administered by the Office of the Deputy Prime Minister's

San Special Programme. Three others of the six farms acquired were handed over to the Office of the Deputy Prime Minister and such Office with the Ministry of Environment and Tourism has plan of what to use the farms for. Other San people are resettled in the 7th farm given to ODPM which is in the Otjozondjupa Region.

10. Every year, the Deputy Prime Minister (now the Deputy Minister in the Presidency Office, responsible for the plight of the marginalised community) visits all projects of the marginalized communities across the country. In some areas the socio-economic position of these marginalized communities has changed for the better. These visits are aimed at consulting with these communities on their needs and their perceptions of the pressing challenges facing them.

11. All indigenous people in Namibia have recognised traditional leaders and have formal rights to participate and they have influence over national issues. The indigenous people in Namibia are often consulted and participate in the definition of policies and programmes aimed at their development.

## **Article 2, paragraph 1 – Obligation to take steps to the maximum of available resources**

3. **Provide the annual comparative statistical data for the past five years showing the percentage of gross domestic product and State budget allocated for the implementation of the rights under the Covenant, in particular regarding the health, nutrition, education and housing**

### **In response**

12. Both the public and private sector fund Namibia's healthcare system. The public system provides services to the majority of the population and is predominantly funded through general taxation while the private health care system, which provides either comprehensive or partial health care coverage, is funded largely through employee and employer contributions.

13. The budget for the Ministry of Health and Social services (MoHSS) as the provider of public health services is established within the annual Government budget and Medium-Term Expenditure Framework (MTEF). The budgeting process in the Ministry involves planning at national, regional and district levels, to ensure that the budget allocations match priorities at the specific levels. Planning and budgeting are done in separate entities in the MoHSS. Namibia is close to meeting its goal per capita spending on health, which was 14.3 percent in 2008/09, just short of the 15% target set by the 2001 Abuja Declaration and higher than all other countries in the region.

### **Budget allocation for MoHSS for the last 5 years (note: the current exchange rate is US\$ 1 = N\$ 13,00)**

2008/9	2,130,873,000
2009/10	2,414,587,000
2010/11	2,593,039,000
2011/12	3,423,041,341
2012/13	3,975,968,000
2013/14	5,245,498,000
2014/15	6,066,803,000

## Article 2, paragraph 2 – Non-discrimination

### 4. Please indicate whether the State party intends to adopt a comprehensive anti-discrimination legislation. Measures taken to combat and prevent discrimination against indigenous peoples

#### In response

14. The Ombudsman initiated the development of a national human rights action plan (NHRAP). One of the seven themes of the NHRAP is the right not to be discriminated against. The Baseline study and consultative workshops revealed that the groups most likely to be victims of racism and discrimination are: people with disabilities, indigenous people, women and LGBTI persons. The NHRAP was launched on 9/12/14.

15. The specific objectives to be achieved under the NHRAP for the non-discrimination theme are:

- To enhance affirmation of the rights of people with disabilities, indigenous people, women and LGBTIs;
- To have information on the extent to which human rights of people with disabilities, indigenous people, women and LGBTI's are infringed upon;
- To intensify education and awareness raising;
- To implement legal and regulatory reform that will give effect to non-discriminatory provisions in various international and regional instruments.

16. To protect above groups from discrimination, new legislation will be developed to prohibit:

- Discrimination on grounds of albinism;
- Discrimination on grounds of race;
- Discrimination on grounds of gender;
- Discrimination on grounds of disability;
- Hate speech which will include racial name-calling;
- Harassment.

17. The new legislation must also create equality courts which have to:

- Function in an informal fashion;
- Promote participation by all parties;
- Deal with complaints expeditiously and with due regard to the needs of access to justice to eradicate systemic discrimination and inequalities;
- Award damages or order a respondent to apologize unconditionally to the complainant.

18. The white paper for the implementation of the NHRAP was completed in 2015.

### **Article 3 – Equal rights of men and women**

#### **5. Describe the measures adopted to raise the representation of women in power-sharing and decision-making positions**

19. Namibia has 23, 1% of women representation in Parliament and 12% in the Regional Councils and 42% in the Local Authority Councils, which is the third country in Africa after Rwanda and South Africa with more women in Parliament, and the 12th in the world out of 190 countries.

20. In terms of the Affirmative Action (Employment) Act, employers are required to submit affirmative action plans. The affirmative action plans are intended to raise fair employment practices with regard to matters such as recruitment, selection, appointment, training, promotion, and equitable remuneration for previously disadvantaged people. Women have been identified as a previously disadvantaged group.

21. According to the Annual Report for 2012/13 of the Employment Equity Commission of Namibia. Women comprised 45% of the total number of employees across all sectors, while only 0.4% are people with disabilities. It is also noteworthy to mention that the Traditional Authorities Act, Act No. 25 of 2000, which provides procedures for official recognition of traditional authorities, requires that they “promote affirmative action amongst the members of that community” particularly by “promoting women to positions of leadership”.

22. The Government launched the revised National Gender Policy (2010-2020) in March 2010. The overarching goal is to achieve gender equality and the empowerment of both female and male persons in Namibia. Amongst other things, the policy framework aims to provide mechanisms and guidelines for all sectors and relevant stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women’s empowerment.

23. From the land acquisition and allocation (Resettlement) perspective, women in decision making are considered in Section 4 of the Agricultural (Commercial) Land Reform Act, (Act No. 6 of 1995) which provides for the composition of Land Reform Advisory Commission (LRAC) and representation of women thereof. The Act provides that there should be at least four persons not employed in the Public Service of whom two shall be female. Hence there are five women and 11 men out of 16 LRAC members (Commissioners).

24. Women are both represented in the LRAC and Regional Resettlement Committees (RRCs). Out of 183 members in all fourteen regions, 70 are women and 113 are men. The RRCs are established to assist the Commission to carry out activities related to resettlement activities including nomination of suitable candidates for resettlement amongst others. These Resettlement Committees’ members represent various institutions and are encouraged to nominate women as their representatives. Another decision making body where women are represented is the Land Acquisition Committee (LAC) responsible for reviewing the assessment reports made on farms offered for possible purchase by Government, and make recommendations to the Commission. From 12 members of the LAC, five are women, while seven are men. With regards to Communal areas, Section 4 of the Communal Land Reform Act, (Act No. 5 of 2002) provides for the representation of women in Communal Land Boards of which four members have to be women engaged in farming and expertise with CLB issues. Currently, there are 80 women and 98 men out of 178 Communal Land Board Members.

**6. Information on the measures taken to increase women's access to land in practice, including updated information on the implementation of the Communal Land Reform Act (Act No. 5 of 2002)**

**In Response**

25. After a National Land Conference of 1991, two approaches to land reform were adopted with the aim of: Acquisition and Redistribution of commercial agricultural land to redress past imbalances in land ownership of which the Government through the Ministry of Land Reform acquires land from commercial farm owners through willing seller willing buyer and expropriation principles; and tenure reform in the communal areas to ensure tenure security through registration of Communal Land Rights.

26. The Government of the Republic of Namibia adopted a National Land Policy 1998 which is based on: the fundamental principles provided for in the Constitution, on the consensus reached during the National Land Conference in 1991, and on the national commitment to redress the social and economic injustices inherited from the colonial past. According to Sub-article 1.5 of the National Land Policy, it provides for accordingly "women to have the same status as men with regard to all forms of land rights, either as individuals or as members of family land ownership trusts. Every widow or widower will be entitled to maintain the land rights she/he enjoyed during the spouse's lifetime. In practical terms it means:

- Women will be entitled to receive land allocation and bequeath and inherit land.
- Government will actively promote the reform of civil and customary law which impede women's ability to exercise rights over land.
- Policy will promote practices and systems that takes into account women's domestic productive and community roles, especially in regards to housing and urban development, agricultural development and natural resources management".

27. Therefore, adoption of the policy resulted in the formulation and enactment of other policies and laws such as:

- The National Resettlement Policy of 2001 established with the aim that resettlement programme contributes to and ensure that the target groups are allocated land and their welfare and livelihoods are enhanced and beneficiaries become self-reliant. Women being part of the previously landless Namibians who were discriminated socially, economically and educationally form part of the target groups identified in the policy.
- Resettlement criteria of 2011 uses point scoring system. The criteria are based on a variety of factors but are designed to allow the resettled persons to earn a successful living and improve economic efficiency on the resettled farming units. It has long been a policy of the Namibian government to mainstream gender issues as well as to empower women and increase their ability to access land. Therefore all women irrespective of whether they are married or not, are given preferential consideration during the selection of resettlement beneficiaries provided that they meet the age requirements and other criteria. Women earn a three (3) points compare to zero (0) when they are scoring in terms of gender.
- The Communal Land Reform Act (Act No. 5 of 2002) gives power to Communal Land Board to allocate land rather than Traditional Authorities alone. Thus, with regard to the protection of women land rights, the Communal Land Reform Act, follows the principles of the National Land Policy which provides that women have same status as men in terms of land access and allocation. The same is evident through Section 26 of the Communal Land Reform Act (Act No. 5 of 2002), which

provides that upon the death of husbands, women become holders of land, unless they relinquished their rights to such land. The Communal Land Board have the final say in the allocation and re-allocation of the land in case of death of the holder of the land parcel while the Traditional Authority has to provide a consent letter to the re-allocation request. Therefore, it is a norm, with all Communal Land Boards (CLB), to ensure that all the transactions to land conforms to the provisions of the CLRA, that includes checking whether a right that belonged to a deceased is given to the right person (Section 26: to the surviving spouse or children). In an event where Traditional Authorities (TA) recommended/approved a customary land right, that belonged to a deceased, to be given to a person other than the surviving spouse or children, such right will not be rectified/approved by the CLB, hence it will be referred back to the TA for it to be conformed to the provisions of the Law.

28. So far through the Registration of Customary Land Rights, the Ministry have registered and granted 96,412 Customary Land Rights Certificates of which 57,149 is given to men, while 39,263 is granted to women and the process is ongoing. In terms of registered and issued Rights of Leaseholds of the piece of land allocated for other land use other than residential and crop fields, such as business, the Ministry recorded 885 Rights of Leasehold of which 214 are issued to women and 671 to men.

29. The Ministry developed a computerised Namibia Communal Land Administration System (NCLAS 1) which has been upgraded to NCLAS 2 with the data to be migrated soon that enable to unite all data with respect to communal lands into one national land registration system, where the data are recorded and kept for possible future retrieval and analysis and once it is fully implemented, it would be able to be used to retrieve information on gender disaggregation. With regards to resettlement programme the Ministry has resettled about 5,161 individuals and groups including the San Community of which 1,114 are women and 4,047 are men.

## **Article 6 – The right to work**

### **7. Updated information on unemployment in the State party**

#### **In response**

30. The Namibia Statistics Agency conducts Labour Force Survey (LFS) in the country on a regular basis and the Agency intent to conduct the surveys on an annual basis in the future. The 2014 survey was conducted with the objective of generating timely collection and release of key socio-economic indicators for assessment of labour market conditions in the country. The survey covers all aspects of people's work, including the education and training needed to equip them for work.

31. The LFS reports covers wide-range of topics to meet the demands of local stakeholders in labour statistics, as well as the standard reporting demanded by SADC, the AU, and the ILO. It include SADC Minimum Indicator List page, for a quick glance of standard employment and unemployment indicators for accessing Namibia's efforts in meeting its various developmental goals in particular, those relating job creations.

32. The LFS of 2014 shows that 990,998 of the estimated population aged 15 years and above in Namibia is in the economically active group, which forms the labour force, while 441,500 of the estimated population is outside the labour force.

33. A total of 712,752 persons aged 15 and above were recorded as employed in 2014. The LFS of 2014 also revealed an unemployment rate of 28.1%, which is lower than the rate of 29.6% reported in 2013 Labour Force Survey. We consider it to be useful to attach a



copy of the 2014 LFS for the Committee to perused and have an understanding of the labour and unemployment situation in the country.

Table

**Basic labour force indicators for Namibia for 2014**

<i>Basic indicators</i>	<i>2014</i>
Working age population 15+	1,433,270
Economically active population	
Employed population	712,752
Unemployed population-broad	278,245
Labour force population	990,998
Labour force participation rate-broad	69.1
Unemployment rate-broad	28.1

**8. The measures in place to reduce the extent of the informal economy and to guarantee access of persons working in the informal economy to basic services and social protection**

**In Response**

34. The Fourth National Development Plan (NDP4) has three overarching goals namely, High and Sustained Economic Growth, Employment Creation and Increased Income Equality. Therefore, all the strategies and initiatives in NDP4 are geared towards achieving these three goals.

35. One of the key strategies outlined in National Development Plan (NDP4) for the period (2012/2013-2016/2017) is the involvement and the implementation of the Namibian Financial Sector Strategy, which aims to increase access to finance for small and medium scale enterprises (SMEs) and to formalize the informal sector as per ILO recommendation.

36. The Government has established the following credit scheme programmes through various institutions to narrow the gap of income inequality, including the creation of the SME Bank in 2012 to provide financial and targeted banking products and services to Small, Medium, Micro and informal enterprises to enable them to start, grow, compete and prosper in a global setting.

**Article 7 – The right to just and favourable conditions of work**

**9. Indicate if any measures are contemplated to introduce a national minimum wage and to raise those minimum wages already existing in the agricultural, construction and security sector**

**In response**

37. Namibia still does not have a national minimum wage. However, the Government has established a committee which is chaired by the Labour Commissioner to engage with the relevant stakeholder to discuss the possibility of a national minimum wage in all the industries. Though, there are some sectors such as mining, construction, security and agricultural sector have set basic levels of pay through collective bargaining.

**10. Information on the rights of mine workers****In response**

38. Health at the workplace is a basic employment right as stipulated in the Labour Act, (Act No. 11 of 2007). The Act makes provision for the appointment of inspectors to carry out inspection duties including health, safety and welfare of employees at work in all the industries. The Ministry of Mines and Energy also issued the Mine Health and Safety Regulations made under Section 138A of the Minerals (Prospecting and Mining) Act 33 of 1992 as amended.

39. Furthermore, the Government established the National Radiation Protection Authority in terms of Section 33 of the Atomic Energy and Radiation Protection Act, (Act No. 5 of 2005) which is charged with the administration of the Act.

40. The National Radiation Protection Authority consists of two sub-divisions, namely Authorisations & Inspection and Scientific Services. The Sub-division: Scientific Services is responsible for risk assessment which entails quantification and assessment of radiation exposure to patients, persons occupationally exposed to radiation and of protection of the public, including waste management, environmental monitoring, food monitoring, pollution studies, and assessment of risk due to sources of non-ionising radiation.

41. All the mining companies or industries are required to submit reports to the National Radiation Protection Authority (NRPA) on the individual dose for every worker as well as on the cumulative dose for each worker that has terminated employment on an Annual basis including occupational hygiene management, occupational medical surveillance and dust.

**11. Application of occupational health and safety regulations in the agriculture and maritime sectors, and on the measures taken to address these difficulties****In response**

42. The Government recognize the fact that Fisheries and Maritime Sectors are potentially dangerous environments with high health and safety risks. Government has established the following institutions as the key regulatory authorities in the fisheries sector:

- The Directorate of Maritime Affairs, which regulates “safety and the environment” on vessels, and quality assurance with respect to qualification requirements under the Standards of Training, Certification & Watch keeping Convention (STCW), undertaken by the training body, Namibian Maritime and Fisheries Institute (NAMFI).
- Fisheries Inspectors from the Ministry of Fisheries and Marine Resources ensures that the fishing industry legally abides to Fisheries Regulations.
- Fisheries Observers in the Fisheries Observer Agency, go and see the commercial fishing vessels, policing fishing activities, and also providing scientific data gathering as required.
- Namibian Standards Institution Inspectors monitor the seafood safety of products coming from the fisheries and aquaculture sectors.
- Aquaculture Directorate staff of the Ministry of Fisheries and Marine Resources research monitor marine waters and potential harmful algal blooms in the mariculture sector, and undertake research and extension services to promote inland freshwater aquaculture. The fisheries sector must also comply with resource management regulatory requirements to ensure scientifically justified sustainability.

43. The most important provision of the Labour Act is Chapter 3 which provides for basic conditions of employment including the general provisions on health and safety of employees. The Act also provides for the establishment of administrative and enforcement machinery (in the form of Labour Inspectors, Conciliators, arbitrators and a Labour Court). Section 124 of the Act provides for appointment of labour inspectors to enforce the Act or any decision, award or order made in terms of the Act.

44. The health and safety in the agricultural sector is provided in the Regulations of the Labour Act. Employers have a duty to take all the necessary steps to ensure the safety, health and welfare of employees at work. This includes having a safety plan, proper training in safety procedures and information on how to protect oneself from injuries.

45. In addition the Labour Act also requires employers to provide protective clothing and equipment. An employer who has entered into an agreement with a contractor to perform certain tasks is obliged to ensure that such contractor complies with the Regulations. All safety equipment and facilities are to be supplied to the contractor free of charge.

46. Regulation 205(1) provides that no employee is required to lift, carry or move loads exceeding 50 kg for a male employee and 25 kg for a female employee. However, a male employee may agree to undertake the manual handling of heavier loads if he is examined by a registered and qualified occupational health practitioner and considered to be fit for heavy manual handling, and he has received specific training in the manual lifting of loads.

## **Article 8 – Trade union rights**

### **12. Steps taken towards developing a definition of “essential services” in the context of the right to strike**

#### **In response**

47. Whilst strikes and lockouts are constitutionally permissible in terms of Article 21 of the Namibian Constitution, it must take place within the confines of allowed procedures in the Labour Act, (Act No. 11 of 2007). And hence all employees have the right to participate in a strike. Our law defines an essential service to be a service — that if it is interrupted — would endanger the life, personal safety or health of the whole or any part of the population of the country.

48. The Essential Service Committee (ESC), which is a committee of the Labour Advisory Council, with a tripartite composition, investigates services and recommends to the Labour Advisory Council (LAC) the services that may be designated as essential. The ESC also receives applications from institutions that deem a certain part of their operation as essential.

49. The ESC then investigates and calls for oral representations through public hearings. The LAC, which also has a tripartite representation, then makes recommendations to the minister, who then applies his/her mind and makes a final decision. Thus the insinuation that Government haphazardly decide that any service should be declared as essential is far from the truth. It is a rigorous and consultative process that is premised on the principle of tripartism. Aggrieved parties still have the right to refer their labour disputes to the Labour Commissioner.

## **Article 9 – The right to social security**

### **13. Measures taken to implement a set of basic social security guarantees that should ensure universal access to essential health services and basic income security**

#### **In response**

50. The Government has recognized the fact that Social protection is the route to a healthy society. Currently the Social Security Commission's (SSC) benefits which include Maternity, Sickness and Death benefits covers only all the employed people. Cabinet has already approved and directed the SSC to extend the benefits such as the National Pension Fund and the National Benefit Fund to cover all persons in both the formal and informal sectors.

51. In this regard, the first ever Social Protection Conference in Namibia was held from 7 to 9 July 2015 in Windhoek. The theme of the Conference was "Towards Comprehensive Social Protection For All". The Conference covered and discussed crucial issues regarding social protection or security affecting citizens. Challenges encountered in providing social protection in various contexts were discussed and feasible recommendations for ameliorating the problems were suggested namely:

- The SSC to complete studies on the possible introduction of a Return-to-Work Programme and an Unemployment Insurance.
- To continue the discussion of comprehensive Social Protection for all with the relevant stakeholders.
- To commission a comprehensive study to explore ways in which SSC can extend benefits to the informal economy and other vulnerable employees.

## **Article 10 – Protection of the family, mothers and children**

### **14. Measures taken to effectively combat domestic violence**

#### **In response**

52. Gender-based Violence (GBV) is a serious concern in Namibia. The Government regard GBV as a violation of human rights, which cannot be condoned in our societies. Police records indicate that half of the survivors suffer violence at the hands of persons who are close relatives or their intimate partners.

53. The Government continues to work with all the stakeholders including the local NGO's to address and campaign against the gender based violence. In this regards, a 2nd National Conference on Gender Based Violence was held in July 2014. The Conference was attended by all stakeholders including representatives from traditional authorities, faith based organization, non-governmental organization and youth organization.

54. The Conference examined three themes namely: understanding the underlying cause and trends of GBV, national responses to GBV including Psychosocial, medical and legal approaches to prevent and combat GBV, and what went wrong within our society and coordination mechanism. The Conference adopted many recommendations which were approved by Cabinet, including improving and streamlining the process of reporting cases at police stations to make the procedures victim-friendly and discourage the withdrawal of GBV cases, imposing heavy tax on purchasing of alcohol, incorporate GBV prevention in curriculum in tertiary institutions and calling upon the Council of traditional leaders to redefine cultural beliefs that can help in combating GBV, and for them to reinforce

traditional systems of governance and conflict resolutions within their communities. There is also a strong Movement of Men against Violence against Women in every region.

55. The Criminal Procedure Act, Act 51 of 1977, as amended, makes provision for support to vulnerable witnesses. A vulnerable witness is anyone under the age 18; any victim/survivor of a sexual offense: rape, attempted rape, indecent assault, sexual offences under the Combating of Immoral Practices Act; a victim/survivor of any offence involving domestic violence; witness who has some mental or physical disability (if the disability creates special needs or may lead to undue stress).

56. Social workers in the Ministry of Gender Equality and Child Welfare are also providing support to vulnerable witnesses where special measures should apply.

57. The Ministry of Gender Equality and Child Welfare has established seven (7) Shelters for the temporary safety of survivors of abuse although they are not fully operationalize due to structural challenges in the adequate provision of this service.

**15. Data on the prevalence of child labour and the measures taken to vigorously combat child labour, especially in its worst forms**

**In response**

58. Steady progress has been made in the Government's quest to combat and eliminate child labour as per the Action Programme which was developed during 2011. The Ministry of Labour and Social Welfare produced a report on the Technical Co-operation Programme on elimination of child labour in the country.

59. The Action Plan was developed for five Government line ministries to co-operate to eliminate child labour. These include Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Gender Equality and Child Welfare and the Ministry of Safety and Security.

60. The Directorate of Labour Inspectors in the Ministry of Labour and Social Welfare conducts periodic inspections to farms and other places of employment to identify cases of child labour. During these sessions compliance orders are issued. Arrests are made of those who do not adhere to compliance orders.

61. An inter-ministerial committee has been set up consisting of the Ministry of Labour and Social Welfare, Ministry of Gender and Child Welfare and the Ministry of Safety and Security to monitor reports on human trafficking and smuggling of migrants in Namibia.

62. The Labour Act, (No. 11 of 2007) has statutory provisions in place to regulate child labour. Chapter Two (2) provides for Fundamental Rights and Protections. Section 3 (1) (2) provides for the prohibition and restriction of child labour whilst Section 4 (1) (2) of the Act provides for the prohibition of forced labour. Both Section 3 (6) and 4 (3) provide for the punishment and remedies a court can apply if a person is found guilty of the offence.

63. The Child Care and Protection Act was passed in Parliament during the second parliamentary sitting in 2015 and will be implemented once the regulations are passed.

**16. Measures contemplated to ban polygamy and permissible grounds for dissolving a marriage**

**In response**

64. The majority of Namibians live according to traditional cultural practices which reflect values and beliefs held by members of that community for many years, which are based upon a collectivist view of family and social life. At present, a child who wants to

enter into a customary marriage before the age of 18 need parental permission in terms of Section 14(2) of the Married Persons Equality Act No. 1 of 1996.

65. In addition, the Child Care and Protection Act which was passed in Parliament this year 2015, defines what the term “marriage” means, stating that it applies to both civil and customary marriages. The Act provides that a child must give his/her own consent and have permission from one or both parents to get married under civil or customary law. The Act also provide for punishment for forcing children to get married against their will to pay a fine of up to N\$ 50,000.00 (approx. \$ 3,700.00) and/or imprisonment for a period not exceeding ten years.

66. There are recent cases where the Gender Protection Unit of the Namibian Police have arrested and charged adult men with statutory rape for impregnating and marrying young girls under the age of 18 years.

67. Article 14 of the Namibian Constitution prescribes that all men and women shall be entitled to equal rights as to marriage, during marriage and at its dissolution. Divorces are adjudicated in terms of common law in the High Court of Namibia based on proof of fault on the part of a spouse. Divorces and annulments can only be final once the court has granted a final order which include decisions as to how their properties including the common home should be shared.

68. In addition, customary law and common law are afforded similar treatment not only in Article 66 of the Namibian Constitution, but also in Article 4(3), which equates civil marriage and customary marriage for the purposes of attaining Namibian citizenship by marriage.

**17. Measures taken to eliminate the discrimination against widows and their children in inheritance**

**In response**

69. In terms of the Children’s Status Act, Act No. 6 of 2006 all children are treated equal in terms of inheritance from the parents. One of the main aims of the Act is the removal of discrimination against children born outside of marriage. Furthermore the High Court of Namibian has resolved the inheritance issue regarding children who are born out of wedlock in the case of *Lotta Frans v. Inge Paschke and others* (P11548/2005), [2007] NAHC 49.

70. Women who are legally married have the right to inherit from their deceased husband’s estate either through a Will or the last Testament of her deceased husband, through the marital regime and in terms of the Intestate Succession Laws applicable.

71. The Communal Land Reform Act has also resolved the issue of land rights to women who are married under customary law. Section 26(2) of the act provides that:

Upon the death of the holder of a right referred to in subsection (1) such right reverts to the Chief or Traditional Authority for re-allocation forthwith:

a) To the surviving spouse of the deceased person, if such spouse consents to such allocation; or

b) In the absence of a surviving spouse, or should he or she not consent as contemplated in paragraph (a), to such child of the deceased person as the Chief or Traditional Authority determines to be entitled to the allocation of the right in accordance with customary law.

## Article 11 – The right to an adequate standard of living

### 18. Statistical data on the extent of poverty in the State party, disaggregated by age, sex, ethnic or national origin, and rural and urban areas

#### In response

72. The poor are disproportionately located in rural areas and poverty levels vary significantly between the administrative regions of country. People in rural areas are twice as likely to be poor compared to those in urban areas with about 37.4% of people living in rural areas being poor compared to 14.6% in urban areas.

73. Largely rural northern regions of Kavango, Oshikoto, Zambezi, Kunene and Ohangwena remain the poorest in the country with more than one third of the population in these regions being poor.

Table

#### Incidence of poverty by age and sex of head of households, 1993/94, 2003/04 and 2009/10

	Period			Differences		
	A: 1993/94	B: 2003/04	C: 2009/10	B-A	C-B	C-A
Age of household head						
16-20	72.1	32.2	21.8	-39.9	-10.4	-50.3
21-24	50.5	28.8	20.3	-21.7	-8.5	-30.2
25-29	52.6	28.8	20.5	-24.3	-7.8	-32.1
30-34	50.9	25.8	18.7	-25.1	-7.2	-32.3
35-39	56.1	23.7	27.1	-32.4	-3.4	-29.0
40-44	61.6	29.2	24.0	-32.4	-5.2	-37.6
45-49	73.1	28.3	26.4	-44.8	-2.0	-46.8
50-54	71.1	36.4	25.3	-34.7	-11.1	-45.8
55-59	76.2	43.2	31.7	-33.0	-11.5	-44.5
60-64	82.3	51.8	34.1	-30.6	-17.1	-48.0
65+	86.9	57.3	39.8	-29.6	-17.5	-47.1
Sex of household head						
Female	75.9	40.4	32.2	-35.5	-8.2	-43.7
Male	65.2	36.0 *	26.2	-29.3	-9.7	-39.0
National	69.3	37.8	28.7	31.5	-.0	-40.5

Table  
Estimated poverty changes by regions and localities

	Periods			Differences		
	A: 1993/94	B: 2003/04	C: 2009/10	B-A	C-B	C-A
Locality						
Urban	39.0	39.0	17.0	14.6	21.9	-24.3
Rural		81.6	48.7	37.4	32.9	44.2
Region						
Caprivi	29.3	81.3	36.5	5.50	-44.8	-13.7
Erongo	83.8	43.6	14.3	07.1	29.2	-7.8
Hardap	43.2	51.5	42.0	26.0	-09.6	-16.0
Karas	56.1	51.5	32.7	26.9	-18.8	-5.9
Kavango	18.6	76.3	64.1	55.2	12.2	-8.9
Khomas	94.2	26.8	08.1	10.7	-18.7	-2.6
Kunene	34.6	80.1	36.8	30.2	-34.4	-6.6
Ohangwena	1.3	89.2	55.5	30.1	33.6	-25.5
Omaheke	24.6	76.5	41.1	31.1	35.2	-10.3
Omusati	1.0	79.1	38.4	19.1	-40.7	-19.3
Oshana	32.7	80.5	25.7	19.4	-54.8	-6.3
Oshikoto	9.2	82.5	49.4	44.2	-33.1	-5.2
Otjozondjupa	53.8	60.1	39.0	33.7	-21.2	-5.2
National	34.6	69.3	37.7	28.7	-31.5	-9.0

#### 19. Measures taken to provide for a more equitable distribution of land and resources among the State party's population

##### In response

74. Namibia's land reform programme is based on the "willing buyer-willing seller" principle. According to this principle, all the farms acquired by the state for resettlement purposes to date have been purchased at market prices from willing sellers. This, together with the low number, high prices and poor quality of the farms offered to the government by these farmers, is slowing down the process considerably.

75. The National Land Policy provides that women have the same status as men with regard to all forms of land rights, either as individuals or as members of family land ownership trusts. Every widow or widower will be entitled to maintain the land rights s/he enjoyed during the spouse's lifetime. In practical terms it means:

- Women will be entitled to receive land allocation and bequeath and inherit land.
- Government will actively promote the reform of civil and customary law which impede women's ability to exercise rights over land.
- Policy will promote practices and systems that takes into account women's domestic productive and community roles, especially in regards to housing and urban development, agricultural development and natural resources management".



76. Therefore, adoption of the policy resulted in the formulation and enactment of other policies and laws such as:

- The National Resettlement Policy of 2001 established with the aim that resettlement programme contributes to and ensure that the target groups are allocated land and their welfare and livelihoods are enhanced and beneficiaries become self-reliant. Women being part of the previously landless Namibians who were discriminated socially, economically and educationally form part of the target groups identified in the policy.
- Resettlement criteria of 2011 uses point scoring system. The criteria are based on a variety of factors but are designed to allow the resettled persons to earn a successful living and improve economic efficiency on the resettled farming units. It has long been a policy of the Namibian government to mainstream gender issues as well as to empower women and increase their ability to access land. Therefore all women irrespective of whether they are married or not, are given preferential consideration during the selection of resettlement beneficiaries provided that they meet the age requirements and other criteria. Women earn a three (3) points compare to zero (0) when they are scoring in terms of gender.
- The Communal Land Reform Act (Act No. 5 of 2002) gives power to Communal Land Board to allocate land rather than Traditional Authorities alone). Thus, with regard to the protection of women land rights, the Communal Land Reform Act follows the principles of the National Land Policy which provides that women have same status as men in terms of land access and allocation. The same is evident through Section 26 of the Communal Land Reform Act (Act No. 5 of 2002), which provides that upon the death of husbands, women become holders of land, unless they relinquished their rights to such land. The Communal Land Board have the final say in the allocation and re-allocation of the land in case of death of the holder of the land parcel while the Traditional Authority has to provide a consent letter to the re-allocation request. Therefore, it is a norm, with all Communal Land Boards (CLB), to ensure that all the transactions to land conforms to the provisions of the CLRA, that includes checking whether a right that belonged to a deceased is given to the right person (Section 26: to the surviving spouse or children). In an event where Traditional Authorities (TA) recommended/approved a customary land right, that belonged to a deceased, to be given to a person other than the surviving spouse or children, such right will not be rectified/approved by the CLB, hence it will be referred back to the TA for it to be conformed to the provisions of the Law.

77. So far through the Registration of Customary Land Rights, the Ministry have registered and granted 96,412 Customary Land Rights Certificates of which 57,149 is given to men, while 39,263 is granted to women and the process is ongoing. In terms of registered and issued Rights of Leaseholds of the piece of land allocated for other land use other than residential and crop fields, such as business, the Ministry recorded 885 Rights of Leasehold of which 214 are issued to women and 671 to men.

78. The Ministry developed a computerised Namibia Communal Land Administration System (NCLAS 1) which has been upgraded to NCLAS 2 with the data to be migrated soon that enable to unite all data with respect to communal lands into one national land registration system, where the data are recorded and kept for possible future retrieval and analysis and once it is fully implemented, it would be able to be used to retrieve information on gender disaggregation.

79. With regards to resettlement programme the Ministry has resettled about 5,161 individuals and groups including the San Community of which 1,114 are women and 4,047 are men.

**20. Updated information on the measures taken to promote food security and to combat under and malnutrition among children**

**In response**

80. Namibia developed the National Food and Nutrition Policy (NFNP) in 1995. The NFNP provides the necessary framework and guidelines for actively addressing the problems of food insecurity and malnutrition in Namibia. This Policy includes the following nutrition policy statements:

- All health facilities shall provide growth monitoring to all children under-five years of age both in the health facilities and at outreach points.
- Facility and community based therapeutic feeding shall be provided to all severely malnourished children to alleviate the consequences of malnutrition.
- Supplementary feeding shall be provided to moderately malnourished children, pregnant and lactating women.
- Micro-nutrient deficiency shall be prevented and treated through routine health facility supplementation and campaigns.
- Exclusive breastfeeding for six-months shall be promoted to all infants irrespective of the HIV status of women as long as the proper ARV prophylaxis for the mother and the new-born is provided.

81. In 2014, the Ministry of Agriculture Water and Forestry produced a “National Agriculture Policy White Paper”. This policy aims to provide an enabling environment for increased food production by smallholder producers, as a means to improve employment opportunities, incomes, household food security and the nutritional status of all Namibians. The policy states that the northern communal areas offer the greatest potential for agricultural intensification and diversification. Two of the main objectives of this policy are to improve the profitability of agriculture and increase investment in agriculture

82. As part of the efforts to improve maternal and child nutrition, Namibia joined the Scaling Up Nutrition (SUN) movement in 2011. Which requires countries to conduct a Nutrition Landscape Analysis to assess the readiness and capacity to scale up nutrition. Namibia has, with partners, assessed the existing gaps and constraints in the country, and identified opportunities to integrate and scale up new and existing evidence-based and cost effective multi-sectoral nutrition actions in 2012.

83. A National Nutrition Strategic Plan 2011-2015 was developed to guide the MoHSS and partners in delivering effective evidence-based nutrition interventions. A program in the MoHSS for Nutrition Surveillance; Maternal, Infant and Child Nutrition Promotion; HIV and Nutrition, Non-Communicable Diet related diseases and Micronutrient Deficiency Control.

**21. Information on the planned amendment to the Communal Land Reform Act**

**In response**

84. Communal Land Reform Act, (Act No. 05 of 2002), was amended (with either removal or insertion of some Sections) of which Communal Land Reform Amendment Act, (Act No. 13 of 2013) come into existence. Amendment include restriction on right of access of foreign national to customary land rights or right to leasehold (insertion of 17B); limitation on size of land to be allocated by traditional Authority under customary land rights (amendment of Section 23); A right of leasehold (Amendment of Section 31); insertion of Part 3 (Section 36A-36G) in the principal Act. Insertions provide for the

Occupational Land rights which stipulate the granting of power, application, applicable conditions, registration, duration, recognitions of existing rights to occupy communal land as occupational land rights, and cancellation thereof. Section 44 was amended to allow only the board of respective regions/areas in accordance with the prescribed procedures to remove fences and/or dispose material accordingly.

85. The provisions of Section 39 and Regulation 25 allow aggrieved women and men to appeal on decisions made by statutory institutions i.e. Land Boards and traditional authorities for corrective actions to be taken. Women are protected in the communal land reform programme given the fact that the Ministry has revised the applications to include the spouses of married men on the revised application forms which are part of the amended regulations gazetted on 21 February 2014 as “Amendment of Regulations made under the Communal Land Reform Act, 2002”, approved by the Minister while awaiting proclamation of the commencement date of the CLRA Amendment Act No. 13 of 2013. All these measures are made to protect the rights of women in our communal land reform programmes.

**22. Measures taken to eliminate the population’s exposure to toxic substances and emissions, associated with mining and to ensure implementation of the “polluter pays” principle in respect of the mining sector**

**In response**

86. Government approved the Radiation Protection Policy in 1994, which has given effect to the enactment of the Atomic Energy and Radiation Protection Act, Act No. 5 of 2005 and subsequently the establishment of the Atomic Energy Board as well as the National Radiation Protection Authority.

87. The Atomic Energy and Radiation Protection Act provides for the adequate protection of the environment and of people in current and future generations against the harmful effects of radiation. The main objects of the Act are to:

- Minimize the exposure of persons and the environment in Namibia to the effects of harmful radiation.
- Ensure that adequate control is exercised over the possession, production, processing, sale, export and import of radiation sources and nuclear material.
- Create the necessary mechanisms to facilitate compliance with the obligations of Namibia under international agreements relating to Nuclear energy, nuclear weapons and protection against the harmful effects.

88. Section 33 of the Act provides for the establishment of the Atomic Energy Board which started operating in in 2009. The Atomic Energy Board is responsible for the management of Namibia’s nuclear and radioactive materials in a manner that safeguards people and respects and protects the environment.

89. The Radiation Protection and Waste Disposal Regulations were published in November 2011. The Regulations specify the minimum requirements for protection of the people and environment against exposure.

**23. Updated information on forced evictions and on the measures taken to increase social housing**

**In response**

90. The Local Authorities in the country, who is the owner of the land is using the Squatters Proclamation of 1985 as their legal instruments, to evict persons who illegally

erect or construct a shack or building in the informal settlement. However, in 2009, the constitutionality of the Squatters Proclamation was challenged in the High Court. The court declared the Squatters Proclamation of 1985 invalid and of no effect. Following the High Court ruling, local authorities are advised to obtain court orders first before they can evict or destroy illegal structures in the informal settlements.

91. In 2014, the Government launched a mass housing development programme, through which it intends to build 185,000 houses by the year 2030 to mitigate the housing shortage in the country, and removing people from living in shacks. The project is also targeting to upgrade a total of more than 50,000 households in the informal settlements.

## **Article 12 – The right to physical and mental health**

### **24. Measures taken to combat harmful traditional practices against women and girls, including female genital mutilation (FGM), as well as the so-called “sexual initiation practices”**

#### **In response**

92. Most of the alleged harmful practices against women cited by the Committee is not practiced in Namibia judging from the words or terminologies referred to by the Committee. Furthermore, research conducted by both Government and independent bodies indicate that Female Genital Mutilation is traditionally not practiced in Namibia. The following legislation is in place which criminalizes most if not all the harmful practices against women:

- Combating of Domestic Violence Act (Act No. 4 of 2003), the Act gives an extensive definition of domestic violence, including physical, sexual, economic, verbal, emotional and psychological, intimidation and harassment. It provides for the issuing of protection orders and police warnings in domestic violence matters.
- Combating of Rape Act, (Act No. 8 of 2000), the Act provides for an extensive definition of rape that focuses on acts of coercion used by the accused.
- The Criminal Procedure Amendment Act, (Act No. 24 of 2003) makes provision for special arrangements for vulnerable witnesses in most rape cases giving testimony via closed circuit television or from behind a screen.

### **25. Measures taken to improve the quality of health care services and to increase the number of skilled health professionals**

#### **In response**

93. The main objective of the Government in the delivery of health services is to improve the health of the Namibian population through the provision of relevant preventative, curative and rehabilitative services, which are affordable to all Namibians. The MoHSS is the main implementer and provider of public health services.

94. The Ministry of Health and Social Services has developed a roadmap 2014 in order to provide integrated, affordable, and accessible quality health care and social services responsive to the needs of the population, which provides a strategic long-term framework for governance, human resource development, health facility upgrading and the establishment of specialized services and institutions. The Roadmap will be operationalised through annual action and national development plans, the medium-term expenditure framework, development assistance and public private partnerships. The Ministry has set up a training programme till 2017. This include, amongst others, training of specialists.

95. Public health services in Namibia are provided through 30 public district hospitals, 44 health centres and 269 clinics. Because of the vastness of the country, the sparse distribution of the population, and the lack of access to permanent health facilities in some communities, outreach (mobile clinic) services are provided at about 1,150 outreach points across the country. Three intermediate hospitals (Oshakati Hospital in Oshana, Rundu Hospital in Kavango, and Katutura Hospital in Khomas) and the national referral hospital (Windhoek Central Hospital) provide support to the district hospitals. Intersectoral collaboration has been recognized as an important aspect of health care delivery in Namibia, with a number of partners and stakeholders playing a role. Although the government is the main health care and service provider, private and faith-based facilities make an important contribution.

96. All Namibians have access to health facilities and antiretroviral (ARV) medicine is offered to them free of charge. Approximately 131,158 of infected people need ARV treatment in the country, and 75,681 people were on ARV treatment as at March 2010 which increased to 110,053 people during 2012/13 financial year. The programme started in 2004 at all Government hospitals. Namibia has rapidly scaled up anti-retroviral therapy (ART) services, which has allowed 84% of eligible adults, and 82% of eligible children, to receive these services.

97. The estimated number of new HIV infections among adults in Namibia is decreasing, which could demonstrate the impact of prevention programmes – 18.2 in 2012 to 16.9 in 2014. The ministry of health and social services policy on male circumcision, 2010 and Voluntary Medical Male Circumcision program (VMMC) is a one-time, low cost medical intervention, which has been recommended by the World Health Organization as part of a comprehensive package of HIV prevention and may reduce a man's risk of acquiring of HIV infection by 60%. These recommendations articulate clearly that male circumcision should not replace traditional prevention approaches but should be part of a comprehensive prevention package that include in addition to the surgical act of circumcision: active sexually transmitted infection (STI) screening and management, behavioural counselling with component on partner reduction, provider initiated HIV counselling and testing and condom promotion.

98. Namibia has joined the group of countries prioritizing VMMC as an important part of an effective HIV response. Namibia launched its first ever National VMMC Strategy and Implementation Plan in September 2013, covering the period 2012-2017. The goal of the strategy is to circumcise approximately 330,000 men aged 15-49 years by 2017 in order to attain 80% national VMMC coverage among the target population. The strategy is comprised of a catch up phase targeting men, which will be followed up by a focus on institutionalization of Early Infant Medical Male Circumcision (EIMC) once the VMMC coverage target of 80% has been attained. While VMMC focuses on men, it has equally important implications for women, such as reduction of cervical cancers and sexually transmitted infections.

99. VMMC for adolescents and adult males will be integrated into existing sexual and reproductive health services and will serve as an entry point to reach males with wider sexual and reproductive health services and gender messages including messages about healthy male sexual norms and prevention of gender-based violence. By 2014, 16,341 voluntary male circumcision and the MoHSS rolled it out in all district hospitals. Other HIV prevention strategies are HIV counselling and testing, abstinence, be faithful to one tested partner, consistent and correct condom use, screening and treatment of STIs, prevention of mother to child transmission (PMTCT), reduction in multiple concurrent partners, blood safety and universal precautions.

100. Namibia has scaled up the prevention of mother-to-child transmission services (PMTCT), which has reduced the rate of the transmission of HIV from mothers to their

babies to only four percent. We have also adopted the “Option B+ approach,” which ensures that all HIV-positive pregnant women are placed on ART as soon as they are diagnosed, regardless of their CD4 count or symptoms. Namibia has also extended ART to HIV-positive children younger than five years of age and to patients with hepatitis B, who are more likely to succumb to HIV infection.

101. Antenatal care services and PMTCT services are offered routinely to all pregnant women, their new-born babies, and their partners in 94% of all health facilities across Namibia. HIV rapid testing with same day results is provided in PMTCT settings, resulting in increased uptake of PMTCT services in Namibia. In 2012/2013, the PMTCT program reached over 55,000 pregnant women with HIV testing and counselling services. That year, 8,612 HIV positive women were reached with ARVs for PMTCT (91% of those in need), approximately half of whom were already on ART, and the positivity rate for EID for children less than nine weeks old was 1%. Since the start of the program in 2002, the estimated risk of transmitting HIV from an HIV-positive mother to her infant reduced from 32% to just 4% in 2013. With the adoption of Option B+ (i.e. lifelong ART for all pregnant and breastfeeding women) by the Namibian MoHSS in 2013, as well as the roll-out of the National Elimination of Mother to Child Transmission (EMTCT) Strategy, Namibia is poised to increase coverage and decrease transmission even further.

## **26. Measures taken to reduce maternal mortality, infant and child mortality**

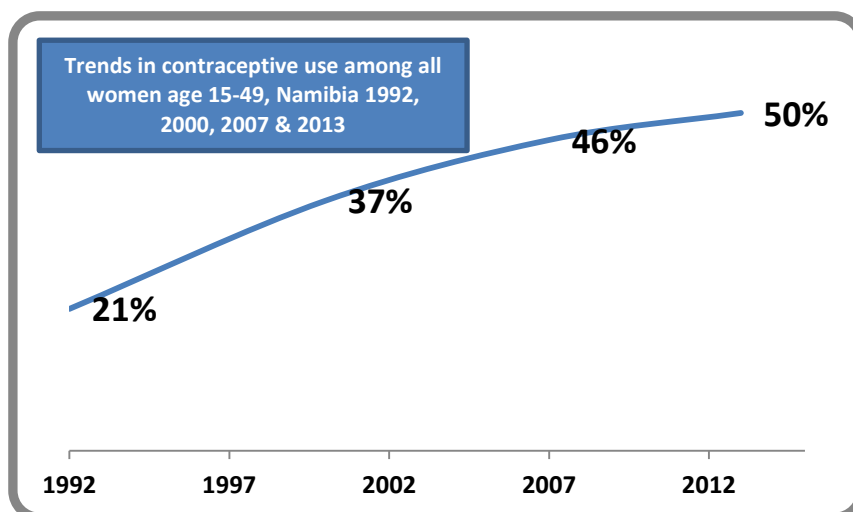
### **In response**

102. In 2013, a four-year programme to accelerate the achievement of Millennium Development Goals 4 (Reduce Child Mortality) and 5 (Improve Maternal Health), was launched, and it was a Programme for Accelerating the Reduction of Maternal and Child Mortality in Namibia – PARMaCM. PARMaCM has five specific objectives:

- Improve access to and quality of Emergency Obstetric and Neonatal Care (EmONC) services
- Support the implementation of Adolescent Friendly Health Services
- Improve maternal, new-born and child health and nutrition programmes and services
- Mobilize communities for improved maternal, new-born and child health and
- Build capacity of health workers in selected districts and training institutions

103. The latest Namibia Demographic Health Survey (2013:72) indicates that knowledge of contraception is universal in Namibia: nearly all women and men have heard of at least one method and that 50% of women age 15-49 use a method of contraception, with 73% of them obtaining it from the public sector.

104. The below figures indicate the increase in contraceptive use among women age 15-49 since 1992.



105. The National Policy on Sexual, Reproductive and Child Health was approved in 2013 in order to enhance the attainment of the highest possible standard of sexual, reproductive, child health and nutrition for the Namibian population through the provision of equitable, accessible and affordable health and nutrition information and services.

### **Articles 13 and 14 – The right to education**

#### **27. Measures taken to ensure access to free and compulsory formal basic education**

##### **In response**

106. In line with our Constitutional undertaking, Government in 2013 implemented Universal Primary Education from Grades zero to seven. Following the implementation of Universal Primary Education; the Ministry of Education recorded an increase of learner enrolment at primary level at schools countrywide. Net enrolment at the primary level exceeds 98% for both girls and boys, with a 95% survival rate to the last grade of primary education and gender parity at all levels.

107. At pre-primary school level, enrolment increased by 25% from under 15,000 learners in 2012 to more than 24,000 in 2013, while enrolment at primary level might have increased from a total 432,420 learners to 445,393 in 2014 with a record of 3% growth. The ratio of girls-boys (in primary school) (EMIS, 2011) 104.4%.

108. Cabinet has already decided and directed the Ministry of Basic Education, Arts and Culture to implement free secondary education, to start in the 2016 academic year.

#### **28. The school curriculum including instruction on equal rights of women and men and promoting gender equality**

##### **In response**

109. School curriculum does include topics on human rights but only at grade 11 and 12 in certain subjects such as development studies. In practice, most work on human rights education has been carried out by NGOs. A lot of activity has centred on women's and children's rights. At the most basic level, programmes have aimed to promote awareness and sensitivity to gender issues in government circles and amongst the general public. The

radio and print media ensure that debate and discussion of the obstacles faced by women reach a wide audience.

110. The Legal Assistance Centre has worked on campaigns to educate the public on the rights of women and children, translating the UN Convention on the Elimination of Discrimination against Women into Namibian languages.

## **Article 15 – Cultural rights**

### **29. The recognition of cultural diversity of the State party's population and the promotion and enjoyment of cultural identity and languages of all communities**

#### **In response**

111. The Namibian Constitution guarantees all people the right to have their own culture, language, traditions and religion, but no one can use this right in a way that interferes with the rights of any other person or the national interest of Namibia. The Ministry of Basic Education, Arts and Culture have the mandate to preserve culture. The directorate of National Heritage and Cultural Programmes' main purpose is to identify, develop and promote heritage and culture as well as the nurturing of national pride and identity. The directorate has culture offices in all the regions, to promote and preserve Namibia's diverse cultures through mutual understanding and tolerance. The directorate organise annual cultural festivals to promote Namibia's diverse cultures of different ethnic groups.

112. The Industrial Property Act, Act No. 1 of 2012 provides for the establishment of an Industrial Property Office and the appointment of a Registrar of industrial property; to provide for the grant, protection and administration of patents and utility model certificates. The Act provides for the registration, protection and administration of industrial designs and provides for the establishment of an Industrial Property Tribunal.

113. The Namibian Constitution provides that official language of Namibia is English. However, schools will be allowed to use other languages also, where this is necessary for effective teaching. Also, Government officials and courts across Namibia will be allowed to use the languages, which are spoken by the people in those regions.

### **30. Information on measures taken to enable disadvantaged individuals and groups to benefit from the access to the Internet**

#### **In response**

114. Namibians are free to access social media networks such as facebook and twitter. More than 340,000 people (about 14.18% of the population) in Namibia have access to the Internet, which can be accessed throughout the country.

115. Benefits of access to Internet are: it improves the citizens' access useful information on educational materials, Government services and national and international current affairs.