



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the second periodic report of Namibia\*

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 30 November 2024.

#### A. General information

2. In the light of the State party's report,<sup>1</sup> please provide information on any measures envisaged to provide constitutional protection of economic, social and cultural rights. Please provide information on the availability of effective remedies for individuals claiming a violation of Covenant rights. Please provide information on the impact of measures taken to improve knowledge and awareness of the Covenant among the judiciary, law enforcement officials and other actors responsible for its implementation. Please provide information on how the legislature was involved in the implementation of and follow-up to the previous concluding observations<sup>2</sup> and in the development of the second periodic report.<sup>3</sup>

3. Please provide information on the measures taken to collect comprehensive and comparative data relevant to assessing the extent to which Covenant rights are realized in the State party. Please update the Committee on the expected time frame for conducting a comprehensive population census in the State party.

4. With reference to the Committee's previous concluding observations,<sup>4</sup> please provide information on any steps taken to introduce a regulatory framework to ensure that all business entities exercise due diligence, in both the private and the public sectors, with regard to economic, social and cultural rights in all their activities. Please include information on the impact of large investment projects, in particular on the effective implementation of laws and other measures related to human rights and on the environmental impact assessments conducted before such projects are launched. In this regard, please provide information on the extent to which the communities concerned participate in human rights and environmental impact assessments of large investment projects. Please specify measures taken to ensure that individuals and communities affected by such projects can seek effective remedies, and give examples of such cases.

5. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further

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\* Adopted by the pre-sessional working group at its seventy-fourth session (4–8 March 2024).

<sup>1</sup> E/C.12/NAM/2, paras. 6 and 7.

<sup>2</sup> E/C.12/NAM/CO/1.

<sup>3</sup> E/C.12/NAM/2.

<sup>4</sup> E/C.12/NAM/CO/1, paras. 13 and 14.



reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

6. Further to the information requested by the Human Rights Committee in its list of issues,<sup>5</sup> please provide information on any measures taken or envisaged by the State party to recognize Indigenous Peoples, including the San, Ovatue and Ovatjimba people, and other groups that self-identify as Indigenous communities. In the light of paragraph 18 of the State party's report, please provide information on the status of the consultation process with a view to ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), including the time frame for its ratification.

### **Maximum available resources (art. 2 (1))**

7. Please provide updated information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) The proportion of the public budget allocated to defence;

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<sup>5</sup> [CCPR/C/NAM/Q/3](#), paras. 4, 21, 22 and 23.

(g) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

#### **Non-discrimination (art. 2 (2))**

8. In view of the Committee's previous concluding observations,<sup>6</sup> please provide information on measures taken to adopt a comprehensive anti-discrimination framework prohibiting direct, indirect and multiple forms of discrimination on all grounds, as provided for in article 2 (2) of the Covenant, defining failure to provide reasonable accommodation as a form of discrimination, and affording effective remedies for the victims, including within judicial and administrative procedures in the State party. Please provide information on any measures adopted to establish an independent national equality body to monitor and report on discrimination issues and deal with discrimination complaints. With regard to measures adopted by the State party to address discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, the Committee looks forward to receiving the information requested by the Human Rights Committee in paragraphs 4 and 5 of the list of issues in relation to the State party's third periodic report.

#### **Equal rights of men and women (art. 3)**

9. In the light of the concluding observations of the Committee on the Elimination of Discrimination against Women,<sup>7</sup> please provide the following information:

(a) The impact and results of the National Gender Policy (2010–2020) on substantive equality of rights between women and men; please also indicate the measures taken to renew or extend the Policy;

(b) The impact of the measures taken to address stereotypes and harmful practices hampering the equal participation of women in political, economic, social and cultural life;

(c) Measures taken to accelerate gender parity at the national and local levels of government, particularly in decision-making positions;

(d) Updated statistics on the representation of women, including Indigenous women and women with disabilities, in decision-making and managerial positions at all levels of public administration and in the private sector;

(e) The impact of measures taken to address and control vertical and horizontal gender-based segregation in the labour market in the State party.

### **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

10. Given the Committee's previous recommendation<sup>8</sup> and in the light of the State party's report,<sup>9</sup> please provide the following information:

(a) The availability of updated disaggregated data on labour force participation, and plans to carry out the next Labour Force Survey;

(b) Measures taken from the outset of the COVID-19 pandemic to prevent a sharp increase in the unemployment rate, including information on the impacts of the pandemic on job loss among the most disadvantaged and marginalized individuals and groups, particularly women, youth, Indigenous Peoples and domestic workers;

(c) Updated statistics on the employment, unemployment and underemployment rates, disaggregated by sex, age, ethnic or national origin, disability, economic activity,

<sup>6</sup> E/C.12/NAM/CO/1, paras. 21–23.

<sup>7</sup> CEDAW/C/NAM/CO/6, paras. 19, 20, 25, 26, 39 and 40.

<sup>8</sup> E/C.12/NAM/CO/1, paras. 29 and 30.

<sup>9</sup> E/C.12/NAM/2, paras. 29–32 and 132–139.

particularly labour-intensive industries, urban/rural region, or any other relevant indicator, over the last five years;

(d) The impact of the measures taken to adopt a new National Employment Policy, mainstreaming gender and disability perspectives, in the framework of the Namibia Decent Work Country Programme (2019–2023), including information on its data-driven monitoring and compliance mechanism, on the key performance indicators and on the participation mechanism for social partners;

(e) Updated statistics on the extent of the informal economy in the State party, disaggregated by sex, age, ethnic or national origin, disability, economic activity and rural/urban region, covering the last five years;

(f) The impact of the measures taken to adopt a national policy and programme of action for facilitating the transition from the informal to the formal economy in the framework of the Namibia Decent Work Country Programme (2019–2023), ensuring equal access to the formal labour market for disadvantaged individuals and groups;

(g) The impact of the measures taken to extend labour protection and social security for workers in the informal economy;

(h) The availability and accessibility of technical and vocational education and training programmes, particularly progress on centralizing the administration and on increasing the efficiency of delivery of services of these programmes in the private and public sector, mainstreaming gender and disability perspectives, and please also indicate how these programmes are tailored to the needs of the labour market and in what ways they take account of the needs of the most marginalized and disadvantaged individuals and groups;

(i) The effectiveness of measures implemented in investment attraction and in industrial and entrepreneurship programmes in combating unemployment;

(j) The number of beneficiaries of programmes for microenterprises and small and medium-sized enterprises, disaggregated by sex, age, disability, ethnic or national origin, rural/urban region or any other relevant indicator, registered in the last five years.

#### **Right to just and favourable conditions of work (art. 7)**

11. Please provide information on the status of the assessment for the establishment of a national minimum wage and the timetable for its adoption, including information on its indexation process and enforcement mechanism. Please indicate the level of involvement of social partners, including trade unions, in the process of establishing the national minimum wage. Please indicate how the minimum wage set in four collective agreements that regulate the security, agriculture, domestic work and construction sectors is calculated to guarantee the right to a decent standard of living for workers and their families, and indicate the mechanisms in place to ensure that it is respected.

12. Please provide data on the evolution of the gender pay gap over the last five years, as well as information on the measures taken to reduce it and the results achieved. Please indicate the impact of the measures taken to ensure the application of the principle of equal pay for equal work in the State party.

13. Please provide updated statistics on registered complaints of discrimination in the workplace over the last five years, disaggregated by sex, age, ethnic or national origin, disability, urban/rural region or other relevant grounds, as well as information on measures taken to combat discrimination in the workplace. Please account for measures taken to prevent and address discrimination in the workplace based on sexual orientation and gender identity.

14. Please provide information on legislation, policies or programmes adopted in the area of occupational safety and health. Please provide information on the number of labour inspections carried out during the reporting period as well as on forthcoming yearly inspection targets, including information on chronic and systemic problems identified through inspections, such as lack of disaggregated data on women and other vulnerable groups, and the extent to which the State party has taken measures to address them, including for cases of non-compliance, as well as information on the sanctions imposed. Please also

provide information on the impact of measures taken to strengthen the labour inspectorate and on the number of vacancies that have been filled and that remain unfilled, including information on the adequate allocation of human and financial resources. Please provide information on expanding legislation to sectors with a high level of vulnerable workers employed, and on enforcing that legislation, such as the agriculture and maritime sectors, particularly in regard to working conditions.

#### **Trade union rights (art. 8)**

15. In view of the information provided in paragraphs 42 to 44 of the State party's report, please provide the following information:

(a) The steps taken towards developing a definition of essential services in the context of the right to strike;

(b) Data on cases of dismissal or discrimination based on membership of a trade union, including information on the steps taken by the State party to prevent and punish discriminatory acts and dismissals or reprisals for trade union activities, over the last five years;

(c) Measures adopted to ensure that there are no undue restrictions on the right to collective bargaining, and information on bringing legislation into line with article 8 of the Covenant;

(d) Measures adopted to ensure that new labour policies and regulations are systematically based on a tripartite agreement;

(e) Legislative measures to ensure that prison service staff and workers in export processing zones can exercise trade union rights;

(f) Steps taken to adopt guidance and legal standards to define "protected strikes" and legitimate activities in line with article 8 of the Covenant and to define what constitutes a breach thereof;

(g) Legislative measures that ensure that trade unions not meeting the required bargaining threshold of 50 per cent can exercise their rights effectively in line with article 8 of the Covenant.

#### **Right to social security (art. 9)**

16. Please provide information on the impact of the new Social Protection Policy (2021–2030) and on steps taken to implement the Policy. Please provide information on the current social security system, including both contributory and non-contributory programmes, particularly in terms of public spending allocated to each programme, as well as on the eligibility criteria and the level of benefits of each programme. Please include updated statistics on the evolution of social security coverage and the take-up rates, disaggregated by sex, ethnic or national origin, age, urban/rural region, or any other relevant criteria. Please indicate any special measures taken to address regional disparities regarding social protection coverage. In the light of paragraph 148 of the State party's report, please provide information on the status of the review of the legislation aimed at introducing the unemployment insurance fund and compulsory registration for self-employed persons. Please provide information on steps taken towards establishing a universal child credit and improving social protection for children with disabilities. Please comment on plans to ensure the effectiveness of services and proposed policies, particularly for vulnerable and marginalized groups, including women, persons with disabilities, youth, fishers, informal sector workers and Indigenous Peoples, based on the collection and analysis of disaggregated data.

#### **Protection of the family and children (art. 10)**

17. Please provide information on the measures taken to ensure the protection and enjoyment of economic, social and cultural rights by older persons. Please provide information on the measures taken to adopt a comprehensive national policy on the rights, care and protection of older persons. Please also provide statistics, trends and other relevant information on the characteristics and needs of the older population in the State party.

**Right to an adequate standard of living (art. 11)**

18. Please describe the concrete results, in terms of strengthening local production and improving food and nutrition security, of the implementation of the various programmes of the Ministry of Agriculture, Water and Forestry referred to in paragraphs 64 to 73 of the State party's report and of the National Food and Nutrition Security Policy 2021. Please provide disaggregated data on the prevalence of undernutrition and malnutrition in the State party, including overweight and obesity, and detail the measures taken to mitigate such problems.

19. With reference to the information set out in paragraphs 84 and 85 of the State party's report, please provide updated information on the measures taken by the State party to guarantee access to safe drinking water, including with regard to reducing the distances to drinking water sources, to improve water quality and to protect water resources. Please provide information on the outcome of measures taken to curb the practice of open defecation, namely action to improve hygiene awareness among the population and to develop sanitation infrastructure that permits the exercise of the right to water and sanitation, particularly in remote rural areas.

20. Please provide information on the measures taken to improve the conditions of housing and to provide more social housing units for disadvantaged and marginalized individuals and groups, including measures taken to ensure access to adequate social housing for persons with disabilities. Please provide information on measures taken to provide the increasing number of residents living in informal settlements with durable housing solutions, and pending the introduction of such solutions, provide information on measures taken to improve their living conditions, including access to public services, in particular electricity, safe drinking water and sanitation.

21. In view of paragraphs 74 to 78 of the State party's report, please provide information on the obstacles and challenges encountered in significantly reducing extreme poverty, as well as on poverty in all its dimensions.

22. In view of paragraphs 62 and 63 of the State party's report, please provide information on the outcome of the land reform policies put in place, in the form of redistribution, tenure reform and restitution, and indicate the challenges faced in implementing the policies and the measures taken or envisaged to overcome them.

**Right to physical and mental health (art. 12)**

23. Please provide information on the measures taken, and the impact thereof, on ensuring universal and non-discriminatory access to quality health services and safe and affordable medicines throughout the country, especially in rural and remote areas and among the most disadvantaged and marginalized groups. Please also provide information on the following:

(a) Strategies and action plans in place to address the burden of non-communicable diseases and mental health issues, including the provision of community-based mental health services, as well as measures taken to address the high suicide rate in the State party, particularly in remote and rural areas;

(b) Measures taken to reduce the incidence, and improve the treatment, of HIV/AIDS and tuberculosis;

(c) The incidence of teenage pregnancy in the last five years, disaggregated by age, ethnic or national origin, and urban/rural region, as well as the measures adopted to prevent it and their impact;

(d) The impact of measures taken to increase the accessibility and availability of sexual and reproductive health programmes and services, particularly comprehensive sex education, prenatal and postnatal care and voluntary termination of pregnancy services, including in rural and remote areas;

(e) Measures taken for the adequate provision of prevention, treatment and harm reduction services for persons who use drugs.

**Right to education (arts. 13 and 14)**

24. In the light of the State party's report,<sup>10</sup> please provide the following information:

(a) Measures adopted by the State party to ensure non-discriminatory access to quality education, including early childhood education, and the prevention of school dropout, and the concrete results from those measures;

(b) The impact of measures taken in the last five years to guarantee access to education, to ensure retention and improve the completion rates in primary and secondary education, and to promote access to tertiary education among the most disadvantaged and marginalized groups – including statistics on the enrolment, retention and completion rates in primary and secondary education, disaggregated by sex, age, ethnic or national origin, disability, and urban/rural region;

(c) Measures taken to ensure inclusive and quality education for students with disabilities, including adequate educational infrastructure and teaching materials, as well as information on the availability of sufficient qualified staff and teachers, particularly in remote and rural areas;

(d) Measures taken to ensure equal access to quality education, retention in the school system, and improvement of the completion rates of persons with albinism and among pupils from the San, Ovatue and Ovatjimba people;

(e) Measures taken by the State party to enable access to education during the COVID-19 pandemic, and their impact, including resources that enabled remote learning for all persons without discrimination, especially in rural areas and among disadvantaged and marginalized groups.

**Cultural rights (art. 15)**

25. Given the Committee's previous recommendation,<sup>11</sup> please identify the main challenges faced by the State party in its efforts to promote multiculturalism. Please provide information on the steps taken by the State party to ensure the right of all persons, including the disadvantaged and marginalized, to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

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<sup>10</sup> E/C.12/NAM/2, paras. 95–102 and 191–201.

<sup>11</sup> E/C.12/NAM/CO/1, paras. 73 and 74.