



Convention on the Rights of the Child

Distr.: General
15 September 2011

Original: English

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Second and third periodic reports of States parties due in
1997 and 2002

Namibia^{*}, ^{**}

[6 November 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** Annexes can be consulted in the files of the Secretariat.

Acronyms and abbreviations

ART	Anti-retroviral therapy
CAFO	Church Alliance For Orphans
CBHC	Community-based healthcare
CBO	Community-based organisation
CRC	Convention on the Rights of the Child
DCW	Directorate of Child Welfare
DHS	Demographic and Health Survey
EMIS	Education Management Information System
ETSIP	Education Training Sector Improvement Programme
GRN	Government of the Republic of Namibia
GTZ	Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
ICT	Information and communication technology
ILO	International Labour Organisation
KfW	Kreditanstalt für Wiederaufbau (Development Bank)
LAC	Legal Assistance Centre
LRC	Learners Representative Association
MGECW	Ministry of Gender Equality and Child Welfare
MHAI	Ministry of Home Affairs and Immigration
MOHSS	Ministry of Health and Social Services
MLSW	Ministry of Labour and Social Welfare
MTEF	Medium-Term Expenditure Framework
MYNSSC	Ministry of Youth, National Service, Sport and Culture
NANASO	Namibian Network of AIDS Service Organizations
NANGOF	Namibian Non-Governmental Forum
NASOMA	National Social Marketing Programme
NBC	Namibian Broadcasting Corporation
NGO	Non-governmental organisation
NHIES	Namibia Household Income and Expenditure Survey
NYC	National Youth Council
OVC	Orphans and vulnerable children
PHC	Primary Health Care
PTF	Permanent Task Force on OVC
SIDA	Swedish International Development Cooperation Agency

UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WCPU	Woman and Child Protection Unit

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I. Introduction

1. Namibia adopted the Convention on the Rights of the Child in 1990, within the first year following Independence. Two years thereafter, the Initial Report to the United Nations Committee on the Rights of the Child was submitted; the committee provided feedback in 1994. According to the committee's reporting schedule, Namibia's periodic reports were due in 1997, 2002 and 2007. Uncertainty regarding the institutional home of children's rights within the Government of the Republic of Namibia (GRN) led to delays. In 2000 the Ministry of Gender Equality and Child Welfare (MGECW) was established, the child welfare functions were transferred from the MOHSS in 2002. The new ministry consolidated child welfare and advocacy-related functions throughout the government, bringing focus and a sense of ownership regarding matters relating to children, and also creating a platform for civil society, communities and individuals with interests in children's issues.

2. This report encompasses activities undertaken in Namibia on behalf of children since 1992. Its preparation included 15 meetings with children, government officials and service providers. To make allowance for the vast size and diversity of the country and to incorporate the viewpoints of a wide cross section of the population, these were held in different locations. Six consultative meetings were held with children, including one specifically with refugee children. The other nine meetings were with sectoral partners, various government and non-government stakeholders, community workers and caregivers. Individual consultations were held with all relevant government ministries, as well as with major civil society partners.

II. General measures of implementation

3. Over the past nineteen years, Namibia has undertaken a broad programme of social and economic development. A hallmark of the GRN's approach has been its commitment to provide for all Namibia's people. The country takes regular steps to improve the social safety net provided for all citizens, including children. In 2008, the African Child Policy Forum named Namibia as the second most child-friendly country in Africa.

4. Education annually receives between 20% and 25%, and healthcare between 10% and 15% of the national budget. Through the first five years of the new century, social services spending accounted for approximately 35% of total expenditure. Since 2005, this level has risen by a further 10% as a result of budgetary allocations for improved education and increases in social support payments to the elderly, the disabled and orphans and vulnerable children (OVC). The total allocation in the 2008/2009 budget for social grants rose to N\$851 million; the annual expenditure of ministries with mandates related to social well-being averaged above 40% of recurrent costs.

A. Follow-up

5. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 5) The Committee takes note that Namibia became an independent State in 1990 having suffered the consequences of colonial administration, apartheid and war. The Committee recognizes that these factors, combined with the problems of poverty, have had a constraining influence on the implementation of the provisions of

the Convention. In particular, the Committee draws attention to the legacy of laws from the pre-Independence period which are contrary to the provisions of international instruments and the Namibian Constitution.

6. In response, Namibia has undergone a lengthy and thorough review of both policy and legislation to eliminate vestiges of colonial discrimination. Namibia also has a strong judiciary which has actively defended the constitutional rights of its citizens.

(Para. 6) The Committee observes that Namibia is not yet a State party to all the major international human rights instruments and is concerned that the reform of much national legislation remains to be undertaken to bring it into conformity with the provisions of the Convention on the Rights of the Child. In this connection, the Committee notes the contradictions to be found in national legislation with respect to the definition of the child.

7. In response, Namibia has ratified a number of international human rights instruments (see section B below).

(Para. 12) The Committee recommends that consideration be given to the possibility of Namibia becoming a party to all the major international human rights instruments, and suggests that the State party may wish to request assistance from the United Nations Centre for Human Rights in this regard.

8. In response, Namibia has become a State party to major international human rights instruments (see section B below).

(Para. 13) Equally, the Committee suggests that the State party fully integrate the Convention on the Rights of the Child into the national legal framework and into national plans of action for the implementation of the rights of the child. Moreover, the Committee recommends the early adoption of a new Children's Act which will take fully into account the principles and provisions of the Convention on the Rights of the Child and observations made by the Committee during its dialogue with the State party.

9. In response, wherever possible principles of the Convention on the Rights of the Child (CRC) have been integrated into the national legal framework. The MGECW takes the lead on issues relating to children, providing the first point of review for policy and legislation. All chapters of this report will indicate where CRC principles have been incorporated.

(Para. 14) While noting with satisfaction the establishment of an Ombudsman's Office which has a mandate to deal with complaints of human rights violations, including those relating to children, the Committee suggests that the State party evaluate the work of the present Ombudsman Office to protect the rights of the child with a view to determining whether any further measures would be required to support the Office in its endeavours to contribute to the implementation of the rights of the child.

10. In response, the Office of the Ombudsman has become an important component of Namibia's legal system (see section B below).

(Para. 15) The Committee notes the important role being played by community leaders in efforts to improve the implementation of the rights of the child, particularly in order to overcome the negative influences of certain traditions and customs which may contribute to discrimination against the girl child, children suffering from disabilities and children born out of wedlock. The Committee also encourages the State party to continue to fully involve civil society and NGOs in activities to promote and protect the rights of the child.

11. In response, progress has been made to overcome negative influences that encourage discrimination, particularly against the girl child, children suffering from disabilities and children born out of wedlock. There are, however, challenges that remain. These are discussed under chapters VI, VII and VIII.

(Para. 17) The Committee notes the clear recognition by the State party of the problems facing children in the family situation and the need to develop programmes, such as the training of social workers, education in family planning and the establishment of an alcohol and drug abuse centre, to address these problems. It also suggests that research be undertaken on the issue of sexual abuse within the family context.

12. The training of social workers is discussed below (see section E); education in family planning, alcohol and drug treatment and sexual abuse are considered in chapter VI.

(Para. 19) The Committee recommends that the study on marginalized groups of children be undertaken as a matter of priority.

13. In response, a special unit of the Office of the Prime Minister's Office has been established to coordinate activities for marginalised groups. These activities are discussed in chapter VI. Efforts to identify and support children in marginalised groups are ongoing.

B. Comprehensive national programmes – monitoring

14. This section discusses the institutional and legislative frameworks for implementing the CRC in Namibia.

1. Institutional framework

15. Namibia's institutional framework comprises three components: the MGEWCW, the Office of the Ombudsman, and civil society.

2. Ministry of Gender Equality and Child Welfare

16. Between 1990 and 2000, the Ministry of Health and Social Services (MOHSS) was responsible for children's welfare services. In 2000 the Ministry of Women Affairs and Child Welfare was established. At that time the child welfare function had yet to be fully developed, and most responsibilities in this regard remained with the MOHSS. Since 2002, however, the MGEWCW has been responsible for children. The responsibility of the MGEWCW extends beyond the provision of services to taking leadership in the coordination of children's services, as well as to advocacy for children's rights. The MGEWCW has three main programme areas, namely Child Welfare; Gender Equality; and Community and Integrated Early Childhood Development.

17. The Child Welfare Programme aims to provide appropriate services and to protect children, particularly OVC. Its main activity is to ensure the provision of maintenance and foster care grants to children. Another activity is the provision of support through training and capacity building for relevant stakeholders. The programme also provides services to the court system in cases where a child is in trouble with the law. Support is also given to programmes involved in foster care placement, adoption, child justice, street children and after-school activities.

18. The Directorate of Gender Equality ensures that women and men (and boys and girls) have equal access to available resources and sustainable development. Activities within this programme focus on training, sensitisation and capacity building. This support extends to the issues of HIV/AIDS, domestic violence and gender mainstreaming. Focus is

placed on regional and local decision makers and community leaders. The programme monitors the implementation of the National Gender Policy and the Gender Plan of Action.

19. The Community and Integrated Early Childhood Development Programme promotes self-development in communities by encouraging entrepreneurs. Both men and women are trained in basic skills that will assist in either starting a small business or finding employment. There is, however, a focus on women. Another activity is the encouragement of early childhood development centres.

20. Within the MGECW, the Directorate of Child Welfare (DCW) is directly responsible for children's welfare. In 2004, the DCW had seven social workers who inherited a caseload of 7 000 children under foster care. Many of these children were OVC and presented special problems. In the first year of operation, emergency funds were provided to cater for the high number of OVC grant beneficiaries. A family who takes in a foster care child receives N\$200 per month from the GRN, and an additional N\$100 per month for each subsequent child. Each application must be vetted by MGECW staff, a process which can be cumbersome. By early 2008, there were over 13 000 OVC in foster care, with a further 82 000 OVC receiving support. As of December 2008, the DCW had 39 social workers vacancies filled.

3. Ministry of Justice/Office of the Ombudsman

21. The Ministry of Justice has a number of programmes which focus on human rights, the administration of justice and combating corruption. Taken together, they promote a culture of supporting the rule of law and protecting rights. The Legal Aid Programme fulfils the constitutional requirement that any indigent Namibian be provided with legal representation. The Protection of Fundamental Human Rights and Freedoms Programme supports the Human Rights and Documentation Centre at the University of Namibia. The centre undertakes outreach activities and assists with queries on human rights issues from international organisations. The Law Development and Legislative Drafting Programme undertakes research and provides support for the creation of laws. It supports the Law Reform and Development Commission, which has been active in both removing discriminatory statutes inherited from the apartheid era and drafting legislation that conforms to international standards. The Anti-Corruption Programme ensures that cases involving corruption are investigated and that hearings are held. The programme also has an educational component. It works in conjunction with Namibia's independent Anti-Corruption Commission. The Human Rights Programme investigates complaints relating to human rights violations, holds hearings on such violations and reviews pre-Independence legislation for conflicts with the Namibian Constitution.

22. In accordance with the Constitution, the Office of the Ombudsman was established by the Ombudsman Act (No. 7 of 1990). This office was accredited in April 2006 by the International Coordinating Committee of the National Human Rights Institutions. Its key mandate is the protection, promotion and enhancement of respect for human rights in Namibia.

23. The Head Office is in Windhoek; regional offices were established in Keetmanshoop (Karas Region) and Oshakati (Oshana Region) in 2005. In collaboration with civil society and NGOs, the Ombudsman Human Rights Advisory Committee puts special emphasis on gender-based violence. It has 20 members comprising NGOs, civil society organisations, GRN ministries and the Council of Churches in Namibia, and meets monthly.

24. The 2006 Annual Report of the Ombudsman notes that of the 2 060 complaints received, 85% were related to maladministration, and only 8.5% were related to human rights violations. In that same year the Office of the Ombudsman produced a special report on the conditions in police cells countrywide. The report, which was later submitted to the

National Assembly and Parliament, found that police cells were overcrowded and did not meet basic standards of hygiene. It recommended that certain facilities be closed and hygiene in all cells be improved, and that when necessary, access to healthcare be made available. It also addressed the issue of juveniles and children in detention, and stressed the need to create and maintain separate facilities for them.

4. Civil society

25. Namibia has a vibrant civil society sector, with institutions that contribute to the welfare of children at various levels. These range from community-based support in hundreds of localities to major inputs into policy and legislative development on children's issues. A national coordinating agency, the Namibian Non-Governmental Forum (NANGOF), has 26 member organisations with mandates ranging from legal assistance to support for higher education and spreading awareness regarding good governance. The Namibian Network of AIDS Service Organisations (NANASO), an umbrella agency for 350 civil society organisations ranging from the national level to community levels, is also a member of NANGOF. All NANASO members are active in various aspects of HIV awareness, prevention and treatment. Many of these groups provide services to children through OVC care and support. Two organisations, the Legal Assistance Centre (LAC) and an unaffiliated human rights group, the National Society for Human Rights, provide monitoring on human rights. Of the two, the LAC is the more active in the area of child rights.

26. A description of some major civil society organisations with a focus on children follows:

(a) Catholic Aids Action operates in nine of Namibia's 13 regions, providing support for approximately 16 000 OVC. Services are provided by groups in 91 parishes and 300 smaller faith-based communities. A total of 1 600 volunteers receive training and support;

(b) The Church Alliance for Orphans (CAFO), a member of Namibia's Council of Churches, was established in 2002; it provides direct support to between 6 000 and 7 000 OVC. Much of this support is aimed at keeping children in school. CAFO works with volunteers and community groups in 300 communities and supports community-based projects to provide for children. The grants it makes available range from N\$5 000 to N\$130 000. In the third quarter of 2008, grants totalling N\$172 725 were issued to projects that aimed to support over 1 900 children;

(c) Childline/Lifeline operates a number of training and support services for children. Through its counselling service, it operates as a point of contact for children in difficulty. Initial counselling is provided for children in crisis situations, with follow-up referrals as necessary. Childline/Lifeline also provides outreach services to children in schools. Associated teacher training is also provided. Through its Uitani Childline Radio programme, many children's issues are brought to the attention of the wider public;

(d) Development Aid from People to People is a multi-service organisation with links to rural communities in Namibia, providing educational and social support services to children and families. Approximately 600 community workers have been trained to support families affected by HIV/AIDS. The organisation also runs a primary school in northern Namibia;

(e) The LAC, through its Gender Research and Advocacy Project, provides policy support and assistance in legal development. It does this through research, facilitation of law reform and awareness raising.

27. Civil society plays an important role in bringing children's issues into the realm of public discussion. The cross sectoral nature of these initiatives provides further acknowledgement of the broad levels of concern within Namibia for its children. Namibia has active platforms for bringing CRC to the attention of society, and public discussion of children's issues is a regular feature of Namibian life. For its small population, Namibia has a large number of print and broadcast media through which the private sector and civil society institutions focus on children's issues.

28. A major national daily newspaper, *The Namibian*, produces a weekly eight-page supplement called *Youthpaper*, which considers a wide range of issues from basic tutorials on school subjects to poverty, social relations, family concerns, exploitation, sexuality and human interest stories. The supplement is produced by staff from the newspaper. *The Namibian* is widely read throughout the country, ensuring availability of the supplement to a broad range of children and parents.

29. In 2006, the Namibian chapter of Lifeline/Childline started a radio programme named *Uitani Childline Radio*. "Uitani" means "I will live" in the local Damara>Nama language. Originally, *Uitani* was broadcast in English on Omulungu Radio, a Windhoek-based private radio station with national reach. Programmes are written and produced by children volunteers. In its first year of operation, 151 programmes and segments were broadcasted.

30. The national radio service, the Namibian Broadcasting Corporation (NBC), and a community-based station in Windhoek, *Katutura Community Radio*, also broadcast *Uitani*, extending coverage to key audiences. In 2008, discussions began on the addition of *Uitani* to two further NBC language services, which would further increase the audience base.

5. Constitutional and legislative framework

31. The Namibian Constitution contains provisions protecting and promoting children's rights:

- (a) Article 10 ensures equality and freedom from discrimination on any basis (sex, race, colour, ethnic origin, religion, creed or social or economic status) for all persons;
- (b) Article 14 considers the family to be the natural and fundamental group unit of society, and to be entitled to protection by society and the State;
- (c) Article 15 deals specifically with children's rights and has provisions on:
 - (i) The right to a name and a nationality;
 - (ii) The best interests of the child that should be included in all legislation, and specifically the right to know and be cared for by his/her parents;
 - (iii) Protection against economic exploitation and hazardous work (for children under 16 years old), against work in factories or mines (for children under 14 years old) and against forced labour on farms;
 - (iv) Protection for children under 16 years old against detention;
- (d) Article 20 (1)–(3) on education:
 - (i) Promotes the right to education for all persons and makes primary education compulsory and free of charge, with an obligation on the State to provide reasonable facilities;
 - (ii) Establishes the minimum age for the required completion of primary education at 16 years old;
- (e) Article 95 on promotion of the welfare of the people:

(i) Promotes the right to welfare and health, with an obligation on the State to take all related measures;

(ii) Protects children from abuse.

32. Following Namibia’s Independence, a lengthy review of legislation with a particular focus on eliminating the discriminatory legal structures of apartheid was undertaken. This work was carried out by the Law Reform and Development Commission, as well as by various line ministries.

33. The process initially focused on removing discriminatory legislation left over from the former apartheid regime. In 2004, a comprehensive legal review of Namibia’s domestic legislation to evaluate compliance with the CRC was completed. The report concluded that despite extensive efforts having been made, additional legislative and policy reform was required, particularly in the fields of childcare and development, children’s health, the protection of OVC and child justice.¹

34. Since 1990, Namibia has promulgated legislation to promote and protect children’s rights; this legislation now constitutes a comprehensive legal framework for children. Major Acts affecting children are listed below.

Table 1

Existing laws protecting children or promoting their welfare

<i>Act</i>	<i>Provisions affecting children</i>
Children’s Act (No. 33 of 1960)	Covers children’s courts; protection of infants and children in need of care or protection; places of safety; foster care; adoption; registration of child care facilities; the prevention of neglect, ill-treatment and exploitation of children; and consent to medical treatment and operations on children. Authorises grants for places of safety; foster care grants; child maintenance grants; and contribution orders from parents for the costs of keeping children in alternative care.
Births, Marriages and Deaths Registration Act (No. 81 of 1963) as amended by Act 5 of 1987	Provides for birth registration, although in need of overhaul to cater for different child-naming practices in different cultures.
The Age of Majority Act (No. 57 of 1972) (inherited from South Africa)	Sets the age of majority at 21 years, when children acquire full legal capacity to act independently.
Married Persons Equality Act (No. 1 of 1996)	Provides for joint custody and equal guardianship of children by married parents; allows both married men and women to have independent legal domiciles.
Combating of Rape Act (No. 8 of 2000)	Age of consent remains at 16 years; for a child of 14 years to 16 years, rape is coercive if the perpetrator is three or more years older than the victim. Coercive rape draws a harsher punishment.

¹ Review of the compliance of Namibian domestic legislation to the Convention on the Rights of the Child, MGECW, UNICEF, 2004.

<i>Act</i>	<i>Provisions affecting children</i>
	Removes absence of consent as an element of the crime, and expands the physical acts covered to encompass various sexual violations which commonly take place with child victims.
	Provides increased protection for victims of rape in respect of bail applications.
	Provides stiff minimum sentences, with the heaviest sentences being applicable to the rape of children.
Combating of Immoral Practices Amendment Act (No. 7 of 2000)	Makes sexual contact with boys and girls under age 16 a criminal offence where the other party is more than 3 years older; prior to the amendment, the law protected girls but not boys from such abuse.
Education Act (No. 16 of 2001)	Replaces the system of apartheid-era laws left over from pre-Independence days.
	Defines children's compulsory entry into and exit ages from the education system.
	Provides for exemptions from school fees for those who cannot afford to pay (although implementation of these provisions has been problematic).
Combating of Domestic Violence Act (No. 4 of 2003)	Protects children against broadly-defined forms of domestic violence, including situations where a person perpetrates domestic violence on a third party in front of a child.
Maintenance Act (No. 9 of 2003)	Clarifies legal duty of parents to maintain their children and provides for improved enforcement mechanisms for defaulters.
	Provides for retroactive support to cover pregnancy and birth-related medical expenses.
	Extends powers of courts to assess financial position of responsible parents, although the available powers are not often well-utilised in practice.
	Provides improved procedures for courts to attach wages of defaulting supporters.
	Allows caregivers (such as grandparents) to obtain support from absent parents.
Criminal Procedure Amendment Act (No. 24 of 2003)	Classifies children as vulnerable witnesses and provides for special provisions such as the use of intermediaries and testimony via closed-circuit television to reduce the trauma of court appearances.
Prevention of Organised Crime Act (No. 29 of 2004)	Addresses child trafficking, but has not yet come into force.

<i>Act</i>	<i>Provisions affecting children</i>
Children's Status Act (No. 6 of 2006)	Addresses custody, guardianship, access and inheritance in respect of children born outside of marriage, and provides a new administrative procedure for the appointment of guardians for any child who has no parent or guardian.
Labour Act (No. 11 of 2007)	Prohibits child labour under the age of 14; places restrictions on labour between the years of 14 and 16; increases penalties for illegal use of child labour.

Source: LAC.

6. International instruments for the protection of human rights

35. Namibia has progressed in both protecting human rights and bringing its domestic legislation into compliance with the CRC. Namibia is a signatory to the following international instruments for the protection of human rights:

- (a) Universal Declaration of Human Rights (1948);
- (b) Convention on the Rights of the Child (ratified in 1990);
- (c) Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1992, entry into force in 2000) and its Protocol;
- (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified in 1994);
- (e) Convention on the Elimination of All Forms of Racial Discrimination (ratified in 1992);
- (f) International Covenant on Civil and Political Rights, and two Optional Protocols (1994);
- (g) International Covenant on Economic, Social and Cultural Rights (ratified in 1994);
- (h) Optional Protocols to the Convention on the Rights of the Child;
- (i) Optional Protocol on the involvement of children in armed conflict (ratified in 2002);
- (j) Optional Protocol on the sale of children, child prostitution and child pornography (ratified in 2002);
- (k) African Charter on the Rights and Welfare of the Child (signed in 1999, ratified in 2004);
- (l) International Labour Organization (ILO) Convention No. 138 on the Minimum Age for Admission to Employment and Work (1973, ratified in 2000, applied through the Labour Act (No. 11 of 2007));
- (m) ILO Convention No. 182 on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour (1999, ratified in 2000);
- (n) United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (both signed in 2000 and ratified in 2002);
- (o) Convention on the Rights of Persons with Disabilities (ratified in 2007).

C. Allocation of budgetary and other resources

36. The GRN provides annual budgets according to a Medium-Term Expenditure Framework (MTEF) which calculates revenue and expenditure based on recent outlays as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Gender Equality and Child Welfare

37. The MGECW budget reflects the various activities described above. The overall budget allocation for the MGECW for the financial year 2008/09 was N\$264 887 000. Support from development partners remained steady. Data from programmes specific to the CRC are listed below.

Table 2
MGECW programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Child welfare	110 545	118 178	157 441	226 099	253 765	374 478
Gender equality	9 993	8 764	9 315	9 687	10 072	11 369
Community mobilisation and early childhood development	24 190	245 034	24 577	29 101	29 747	30 521
Total	144 728	151 976	191 333	264 887	293 584	416 368

Source: MTEF 2008/2009–2010/2011.

Contributions from development partners remained steady.

Table 3
MGECW partner contributions

<i>Partner</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
UNICEF ¹	1 311	649	1 191	0	0	0
UNFPA ²	330	0	993	1 050	1 071	1 093
Namtyre	0	3	0	0	0	0
Global Fund	325	325	491	510	542	0
UNDP ³	523		1 008	1 028	1 049	1 070
Total	2 489	986	3 683	2 588	2 662	2 163

Source: MTEF 2008/2009–2010/2011.

¹ United Nations Children's Fund.

² United Nations Population Fund.

³ United Nations Development Programme.

2. Orphans and Vulnerable Children's Fund

38. In 2005/06 the GRN created a special fund for OVC to be administered by the MGECW. A special fund is approved by Parliament as a budgetary vehicle for targeted activities. The purpose of the OVC's Fund is to provide for those children who are not yet

receiving social welfare grants. The fund covers school uniforms, blankets, clothing and other basic necessities. The Office of the President made an initial contribution to the fund of N\$10 000 000. Annual expenditure for the fund is shown in Table 4 below. GRN resources no longer sustain this fund, but funding is provided by other sources.

Table 4
OVC's Fund

	2005–06 (Actual) (N\$ 000)	2006–07 (Actual) (N\$ 000)	2007–08 (Estimate) (N\$ 000)	2008–09 (Forecast) (N\$ 000)	2009–10 (Forecast) (N\$ 000)	2010–11 (Forecast) (N\$ 000)
Expenditure	1 876	243	329	500	500	800
Balance*	8 763	9 090	9 286	9 248	9 148	6 228

Source: MTEF 2008/2009–2010/2011.

* Annual contributions and interest not shown.

3. Ministry of Justice

39. In 2008/09 the Ministry of Justice was allocated N\$236 359 000. Ministry of Justice programmes include support for the Office of Ombudsman, though the costs are not singled out for any specific programme. Other programmes with relevance to the CRC are listed below.

Table 5
Ministry of Justice programmes

Programme	2005–06 (N\$ 000)	2006–07 (N\$ 000)	2007–08 (N\$ 000)	2008–09 (N\$ 000)	2009–10 (N\$ 000)	2010–11 (N\$ 000)
Legal aid	15 154	19 369	20 757	22 573	22 373	23 121
Protection of fundamental human rights and freedoms	841	727	998	1 206	1 186	1 266
Law development and legislative drafting	9 022	10 812	11 058	11 618	11 833	12 563
Anti-corruption	982	439	472	247	283	319
Human rights	923	1 096	1 181	863	990	1 118

Source: MTEF 2008/2009–2010/2011.

40. Data regarding assistance from development partners are not currently available. The United Nations Children's Fund (UNICEF) funded research on the juvenile justice system which resulted in the tabling of the Child Justice Bill in Parliament.

Table 6
Ministry of Justice development partner contributions

Development partner	2005–06 (N\$ 000)	2006–07 (N\$ 000)	2007–08 (N\$ 000)	2008–09 (N\$ 000)	2009–10 (N\$ 000)	2010–11 (N\$ 000)
GTZ*	1 291					
UNICEF	146	151				
Netherlands	449					

<i>Development partner</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Finland		280				
France		45				

Source: MTEF 2008/2009–2010/2011.

(The absence of data implies only that no systematic methods for collecting information were available.)

* Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation).

D. Statistical data

1. Judicial personnel, including judges and magistrates

41. No data are available in Namibia on the number of judicial personnel.

Table 7

Number of uniformed law enforcement personnel by region

<i>Region</i>	<i>Total</i>
Caprivi	467
Erongo	557
Hardap	194
Karas	374
Kavango	579
Khomas	3 501
Kunene	436
Ohangwena	851
Omaheke	338
Omusati	770
Oshana	2 040
Oshikoto	554
Otjozondjupa	396
Namibia (Total)	11 057

Table 8

Number of teachers by region and school phase

<i>Region</i>	<i>Total</i>	<i>Primary grades*</i>	<i>Secondary grades*</i>
Head Office**	176	45	40
Caprivi	995	634	360
Erongo	937	585	336
Hardap	707	480	224
Karas	699	458	217
Kavango	2 409	1 783	612
Khomas	2 279	1 382	858

<i>Region</i>	<i>Total</i>	<i>Primary grades*</i>	<i>Secondary grades*</i>
Kunene	620	458	148
Ohangwena	2 951	2 081	868
Omaheke	535	388	143
Omusati	3 119	2 094	1 021
Oshana	1 819	1 145	663
Oshikoto	1 994	1 357	633
Otjozondjupa	1 093	785	300
Namibia	20 333	13 675	6 423

Source: Education Management Information System (EMIS) 2007.

* Approximate numbers.

** Head office includes special education and teachers of children with disabilities.

Table 9
Healthcare professionals in relation to the population

<i>Category</i>	<i>Ratio to population</i>
Doctors	1:2 952
Registered nurses	1:704
Pharmacists	1:10 039
Dentists	1:20 078
Social workers	1:13 519
Health inspectors	1:28 562

Source: Health and Social Services System Review, MOHSS 2008.

Table 10
Distribution of healthcare professionals in the public and private sectors

<i>Category</i>	<i>Health workers</i>	<i>Public sector</i>		<i>Private sector</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Doctors	774	216	28	558	72
Registered nurses	2 989	1 626	54	1 363	46
Enrolled nurses	2 761	1 884	68	877	32
Dentists	90	11	12	79	88
Pharmacists	239	27	11	212	89
Pharmacist assistants	137	65	47	72	53
Occupational therapists	48	15	31	33	69
Environmental health officers	140	37	26	103	74
Environmental health assistants	58	37	64	21	36
Social workers	250	76	30	174	70
Orthodontists	14	4	29	10	71
Orth. technicians	26	26	100	0	0

Category	Health workers	Public sector		Private sector	
		No.	%	No.	%
Radiographers	109	27	25	82	75
Radiographic assistants	62	32	52	30	48
Total	7 697	4 063	53	3 634	47

Source: Health and Social Services System Review, MOHSS 2008.

Table 11
Social workers by sector

Sector	Number
Public sector	76
Private sector	174
Total	250

Source: Health and Social Services System Review, MOHSS 2008.

E. Factors and difficulties

42. Namibia's accomplishments notwithstanding, there are gaps in the implementation of the CRC which need to be addressed. Chief amongst these is coordination of CRC-related activities. Until recently, coordination was hampered by the lack of an institutional home within the GRN to ensure Namibia's compliance with the Convention. For much of the first fifteen years following Namibia's Independence, responsibility for children's issues was dispersed, with some residing with the Directorate of Social Welfare within the MOHSS, and some residing with the Directorate of Women's Affairs within the Office of the President. Clarity was achieved in 2000 with the establishment of the MGECW.

43. Despite noted successes in providing for its children, Namibia faces both institutional and legislative challenges. Institutional challenges relate to the MGECW, the Office of the Ombudsman and civil society. Gaps in legislation which require either amendment of existing laws or the promulgation of new laws have also been identified. These will be discussed below.

1. Institutional challenges

44. The creation of the MGECW has brought focus to children's issues, with positive consequences for children. The MGECW still requires additional capacity to meet its current mandates and to fulfil its envisioned role as a focal point for the promotion of children's well-being and rights. While the immediate need is to devote sufficient resources to current problems, there are longer-term monitoring and evaluation, policy and service coordination issues which will require the GRN's ongoing commitment.

45. Capacity is currently a key issue for the MGECW, and the Directorate of Child Welfare in particular. The shortage of appropriately trained staff hinders service delivery. Personnel projections call for 100 social workers supported by 13 records clerks and 113 community childcare workers. As of 2008, however, although 14 record clerks were employed, there were only 39 social worker positions, and no community childcare worker positions had been filled.

46. With the current number of OVC estimated to be 250 000, the workload for existing staff in the Directorate of Child Welfare will only grow. There is already a backlog of 3 000 applications for OVC support. The lack of support staff burdens social workers with time-consuming clerical tasks, thereby diminishing their effectiveness as they spend less time providing services to children and families in need of assistance and more time on processing applications.

47. It is a matter of concern that the University of Namibia does not produce enough qualified social workers. In 2006, only six social work candidates graduated. Social workers in GRN service are not highly paid, with the result that graduates first look for more lucrative posts in the private sector. Efforts have been made to increase social worker enrolment with the University of Namibia, and short-term funding has been secured from development partners. The MGECW currently fills some service positions with foreign workers.

48. The Office of the Ombudsman serves as a key human rights body for the country. Most of the cases it investigates relate to administrative actions of the various arms of the GRN. Only a minority of the cases it investigates relate to human rights, and only a very small percentage to the rights of children. There is a need for staff at the Office of the Ombudsman to be sensitised regarding children's issues and to be given training on the CRC. Because its budget is located within the Ministry of Justice, the Office of the Ombudsman may not be broadly perceived as being independent. This is a matter of concern that is debated both within and outside the GRN.

2. Legislative challenges

49. Although the task is not complete, the GRN has actively promoted legislation to protect Namibia's children:

(a) The Child Care and Protection Bill is a comprehensive proposed piece of legislation for protecting and promoting children's rights. It deals with child abuse and neglect, adoption, children's courts, children's homes, places of safety and vulnerable groups such as street children and child prostitutes. The bill was drafted in 1994 but did not progress beyond that stage, mainly due to the lack of a focal point for child issues within the GRN. Following the creation of the MGECW in 2000, a task force was established in 2002 to revise the draft; the revised version was then submitted to the Ministry of Justice. The MGECW, with support from UNICEF and the facilitation of the LAC, plans to embark on an extensive consultation and public awareness exercise in 2009 as part of the process of finalising the current draft for tabling in Parliament;

(b) The Child Justice Bill is still in draft form. It aims to regulate the juvenile justice system and ensure that children and young people in conflict with the law have access to diversion programmes. Uncertainty regarding ownership of the bill has resulted in a substantial delay, and it has yet to be tabled before Parliament. Despite the lack of legislation, however, diversion programmes are being implemented through the MGECW and the Ministry of Youth, National Service, Sport and Culture (MYNSSC);

(c) The Divorce Bill is in draft form; it provides strong protection for the best interests of the child and gender-neutral approaches to determine who is to have custody of the child. This Bill has caused some controversy, however, and as a result has been under discussion since 2004;

(d) A draft bill on the recognition of customary marriages that seeks to ensure recognition and registration of customary marriages and divorces was put forward by the Law Reform and Development Commission in 2004; it is currently with the Ministry of Justice;

(e) Inheritance laws will be revised in order to eliminate current inequities in inheritance law (primarily under customary law) for women, girls and children born outside of marriage. The Law Reform and Development Commission is currently in the process of preparing a draft on this issue for further consideration;

(f) A revision of the law on State welfare grants is being considered, with a view to altering the eligibility criteria for children to obtain State maintenance grants and foster care grants so that categories of vulnerable children who do not currently qualify become able to access these grants.

50. Effective implementation remains problematical. New laws such as the Combating of Domestic Violence Act (No. 4 of 2003), the new Maintenance Act (No. 9 of 2003) and the new provisions regarding vulnerable witnesses are not yet fully operational. Some members of the law enforcement establishment note that there is a lack of legislation on trafficking. While the Prevention of Organised Crime Act makes trafficking a crime, the Act has yet to be applied. This gap hinders the ability of police to protect children because it is impossible to raise a charge against traffickers. Instead, such perpetrators must be charged with other, and often lesser, offences. Although the Woman and Child Protection Units (WCPUs) are meeting with some success, they are not yet providing the intended level of service across the board, and they lack sufficient specialist capacity to comprehensively address sexual abuse and domestic violence perpetrated against children. There is also a profound need for more intensive training of government personnel who provide services for children. Children's issues should therefore remain a high political priority and attract commensurate budgetary allocations.

III. Definition of the child

51. At Independence, Namibia inherited a system of laws based on colonial and apartheid rule. Many of these laws were discriminatory and unjust. Over the past 19 years, extensive efforts have been made to eliminate discriminatory legislation. The legal code has likewise been continually modernised; existing laws have been amended and new legislation drafted. The process of bringing laws relating to children into conformity with the CRC exemplifies the challenges faced in drafting a modern legal code.

A. Follow-up

52. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 6) The Committee observes that Namibia is not yet a State party to all the major international human rights instruments and is concerned that the reform of much national legislation remains to be undertaken to bring it into conformity with the provisions of the Convention on the Rights of the Child. In this connection, the Committee notes the contradictions to be found in national legislation with respect to the definition of the child.

53. In response, the matter of becoming a State party to international human rights instruments is dealt with in the previous chapter. Namibia has confronted the complicated issue of defining a child. Administrative and legal protections have been instituted to protect children. The process is ongoing, and complications will be explained in greater detail in section E below.

54. In court proceedings, children of any age can testify. Any child over the age of seven can be convicted of a crime. Some courtrooms have been modified to ensure the privacy and protection of children when they are required to give evidence against an adult. Children between the ages of seven and 14 can only be convicted when the State shows that the child in question both knowingly intended to do wrong and understood the consequences of the wrongful act. Offenders under the age of 18 have their cases tried in closed court, but they can be convicted and sentenced as if they were adults. A minor can also be held liable in a civil case, if it can be shown that the minor understood the consequences of his or her actions.

55. The Combating of Rape Act (No. 8 of 2000) raised the age of sexual consent to 14 for both boys and girls. Irrespective of “consent”, if one participant in the sex act is under 14, and the other party is more than three years older, then that party is deemed to have committed rape by virtue of the age difference together with the youthfulness of the partner. Prior to the promulgation of this Act, laws on rape assumed that the victims were necessarily girls or women and that the perpetrator had to be male. The new Act is gender neutral. A perpetrator can be identified as the older person who has exploited the younger one. The minimum sentence for the rape of a child is 15 years, and the maximum is life imprisonment.

56. An amendment to the Combating of Immoral Practices Act has given additional protection to boys and girls under the age of 16, if there is sexual contact with any person more than three years older than themselves. Any sexual act or “indecent or immoral act” would constitute an offence. This is a less serious offence than rape, however, and does not attract a minimum sentence. The maximum penalty under this legislation is a fine of N\$40 000 or 10 years in prison, or both.

57. The Child Care and Protection Bill is currently being reviewed by a task force convened by the MGECW. The draft version of this legislation lowers the age of majority from 21 to 18 and repeals the Age of Majority Act. While 18- to 20-year-olds would lose the protections the law gives to children, they would also gain the right to enter into contracts, own property, institute legal actions and make all other personal and business decisions without oversight from their parents or guardians. This proposed change reflects the reality that many 18-year-old Namibians are already working and living independently of their parents.

B. Comprehensive national programmes – monitoring

58. In line with its advocacy function for children, the MGECW is the lead institution for legal reform regarding children. The MGECW works in conjunction with the Ministry of Justice and civil society in this regard. A Child Justice Task Force has been established to monitor legal issues relating to children. The GRN is broadly represented on the Task Force, as is civil society (the LAC is a member of the Task Force.) Its monitoring function extends to questions about the different legal definitions of a child.

C. Allocation of budgetary and other resources

59. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Justice

60. In 2008/09 the Ministry of Justice received N\$236 359 000. The Law Development and Legislative Drafting Programme is relevant to this chapter.

Table 12

Ministry of Justice programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Law Development and Legislative Drafting	9 022	10 812	11 058	11 618	11 833	12 563

Source: MTEF 2008/2009–2010/2011.

Table 13

Ministry of Justice development partner contributions

<i>Development partner</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>
GTZ	1 291	
UNICEF	146	151
Netherlands	449	
Finland		280
France		45

Source: MTEF 2008/2009–2010/2011.

D. Statistical data

61. The 2001 Census established Namibia's population as 1 830 330, of which 841 607, or 46%, were under the age of 18. In 2005 the median variant of the projected population was 2 184 091. Under-18 figures based on this variant are shown in Table 14 below.

Table 14

Number and proportion of children under 18 living in the State party

	<i>Girls</i>	<i>Boys</i>	<i>Total</i>	<i>Per cent</i>	<i>2005 projection</i>
0–4 years	121 185	120 044	241 230	13	291 757
5–9 years	125 179	121 785	246 965	13	251 815
10–14 years	117 206	113 081	230 288	13	257 338
15–17 years	63 109	60 015	123 124	7	195 807
Total	426 679	414 925	841 607	46	996 717

E. Factors and difficulties

62. Article 15 of the Namibian Constitution defines childhood as ending at the age of 16. However, this definition is contradicted by legislation.

63. The failure to replace the Children's Act (No. 33 of 1960) with new legislation has been a limiting factor. Namibia has sought to harmonise its definition of a child with the CRC, despite conflicts between certain aspects of Namibian law and CRC recommendations.

64. The age of majority is defined by the Age of Majority Act (No. 57 of 1972), which declares that any person below the age of 21 is considered a "minor". Anyone over 21 is considered an adult with full legal capacity. Such a person can enter into contracts, institute legal proceedings and perform all other legal acts independently. A minor can do these things only with assistance from his or her parent or legal guardian. The situation is complicated by the fact that some Namibian laws override this definition, and give minors specific legal powers.

65. Information provided by the LAC indicates that Namibians under the age of 21 are prohibited from:

- (a) Bringing or defending a court case;
- (b) Entering into contracts;
- (c) Entering into a civil marriage without the consent of a parent or guardian;²
- (d) Selling or mortgaging land;³
- (e) Administering money or property which they have inherited.⁴

66. Yet, in Namibia a minor of 18 years can:

- (a) Work in any type of job;⁵
- (b) Drive a vehicle;⁶
- (c) Buy alcohol;⁷
- (d) Gamble;⁸
- (e) Obtain a firearm licence;⁹
- (f) Have a domicile independent of that of their parents;¹⁰
- (g) Give independent consent to medical treatment;¹¹
- (h) Vote (although a person must be 21 years old in order to stand for public office).¹²

² Marriage Act (No. 25 of 1961), sections 24–27.

³ Administration of Estates Act (No. 66 of 1965), section 80.

⁴ See Administration of Estates Act (No. 66 of 1965), sections 86–ff.

⁵ Namibian Constitution, Article 15 read together with Labour Act (No. 11 of 2007), section 3.

⁶ See Road Traffic and Transport Act (No. 22 of 1999), section 34; the ages for driving particular types of vehicle are set by regulation.

⁷ Liquor Act (No. 6 of 1998), section 71 (1) (s).

⁸ Casinos and Gambling Houses Act (No. 32 of 1994), section 47; Lotteries Act (No. 15 of 1992), section 27.

⁹ Arms and Ammunition Act (No. 7 of 1996), section 3.

¹⁰ Married Persons Equality Act (No. 1 of 1996), section 13.

¹¹ Children's Act (No. 33 of 1960), section 20 (8A).

¹² Namibian Constitution, Article 17.

67. A minor of 16 years:
- (a) Can make a will;¹³
 - (b) Can open and operate a bank account;¹⁴
 - (c) Can consent to sexual activity;¹⁵
 - (d) Is required to be in school.¹⁶
68. This wide range of definitions complicates harmonisation with CRC guidelines and objectives.

IV. General principles

69. Ongoing concern for the well-being of children is evidenced by 19 years of policy, legislation and programmes carried out by the GRN. Namibia's Vision 2030, the country's long-term development plan, foregrounds the importance of nurturing, educating and empowering the current generation of children. It is recognised that today's children will be instrumental in reaching the goals of Vision 2030.

A. Follow-up

70. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 7) The Committee is concerned at the extent of discrimination on the ground of gender as well as against children born out of wedlock and children in especially difficult circumstances. It also expresses concern at the discrimination practised against children with disabilities.

71. In response, the Children's Status Act (No. 6 of 2006) was passed by Parliament. This law addresses custody, guardianship, access and inheritance in respect of children born outside of marriage.

(Para. 16) Concerning the implementation of the rights of children to participate and express their views, the Committee is interested in receiving more information in the State party's next report on the functioning of the Youth and School Councils and of their involvement in any initiatives to address problems facing children and youth.

72. In response, over 90% of Namibian schools have Learners' Representative Councils (LRCs). These are created by policies developed by the GRN. Parliament and many regional councils, as well as the City of Windhoek, also have counterparts made up of children.

¹³ Wills Act (No. 7 of 1953).

¹⁴ Banking Institutions Act (No. 2 of 1998), section 67; Building Societies Act (No. 2 of 1986), section 62.

¹⁵ Combating of Immoral Practices Act (No. 21 of 1980), section 14 (as amended by Act 7 of 2000), read together with the Combating of Rape Act (No. 8 of 2000).

¹⁶ Namibian Constitution, Article 20, read together with Education Act (No. 16 of 2001), section 63.

B. Comprehensive national programmes – monitoring

73. The National Planning Commission Secretariat is responsible for the implementation and monitoring of Namibia's development plans. The Development Planning Coordination Programme reviews the progress of development plans. As part of this function it conducts research and policy analysis for the GRN. The Development Cooperation Programme engages with development partners to assist in the implementation of national plans. The Production of National Statistics Programme manages national data sources. Among its activities are operating the National Geographic Information System and conducting the National Housing and Population Census, the National Household Income and Expenditure Survey and the Intercensal Demographic Survey.

74. Article 10 of the Namibian Constitution protects all persons, including children, from all forms of discrimination on broadly defined criteria – sex, race, colour, ethnic origin, religion, creed or social or economic status. Article 10 is the point of departure for both legislation and policy regarding children. The previous section refers to the many pieces of legislation that provide specific protections to children. In addition, however, the principle of non-discrimination shapes policy and programmes.

75. Policy has been used further strengthen protections against discrimination. Examples of recent policy initiatives are:

(a) Namibia has adopted the National Policy Options for Educationally Marginalised Children (Ministry of Basic Education, Sport and Culture, 2000). This policy aims to ensure access to compulsory education for OVC, specifically the children of farm workers, San children, Ovahimba children, street children, working children, children in squatter areas and resettlement camps, children with special educational needs and refugee children;

(b) The National Policy on HIV/AIDS for the Education Sector (2003) has a number of provisions to prevent discrimination against children and youths infected by HIV/AIDS;

(c) Vision 2030, developed in 2004, is the country's long-term plan for its development. A primary objective of Vision 2030 ensures equal opportunities for disadvantaged children, including orphans, in order to prepare them for a meaningful and happy life;

(d) Both the National Policy on Orphans and Vulnerable Children (2004) and the Plan of Action for OVC (2007) ensure that all OVC will have the same access to basic services as any other child;

(e) In its Strategic Plan of Action 2005–2011, the MGECW defines its vision as "Ensuring that Namibia becomes a society of equal opportunities for all", and its mission as being "To create and ensure an enabling environment in which gender equality and the well-being of all children can be realised";

(f) In the National Policy on HIV/AIDS (2007), a guiding principle is the reduction of stigma and discrimination against people affected or infected by HIV/AIDS. This includes children who are either infected with HIV or orphaned by the disease;

(g) In 2008, the Ministry of Home Affairs and Immigration (MHAI) and the MOHSS developed a policy to promote birth registrations in hospitals as a way of increasing the percentage of births that are officially registered;

(h) The Education Sector Policy for Orphans and Vulnerable children was launched in September 2008;

(i) Namibia's Third National Development Plan was developed in 2008.

1. Programmes

76. The following programmes have been established:

- (a) Programmes such as mobile schools have been established for Ovahimba children, who together with their parents lead a semi-nomadic lifestyle;
- (b) NGOs and the GRN have implemented programmes to facilitate mother-tongue education for San children;
- (c) School hostels are being reorganised to supportively promote the education of orphans and other vulnerable children;
- (d) The School Feeding Programme operates in all regions of the country to supplement the nutritional requirements of learners from poor families;
- (e) In 2008 the MHAI launched its Outreach Programme to register children who for whatever reason had not yet been registered.

77. Though often overlooked, an important way to protect children from discrimination is to give them a voice in their own affairs. Being in a position to discuss various facets of their lives encourages them to voice their concerns when their rights are not respected. Namibia has taken steps to create platforms that enable children to express their views, and the establishment of the MGECW has created a national-level body with focused responsibility for children's rights. Quite apart from this, however, Namibia's long-standing commitment to its children is evident in the major GRN policies that have been formulated:

- (a) The National Programme of Action for Children (1992);
- (b) The National Gender Policy (1997), which focuses on the girl child and OVC;
- (c) The National Gender Policy Plan of Action 1992–2003, in terms of which the focus in 1997 fell on the girl child and OVC;
- (d) The Namibian HIV/AIDS Charter of Rights (2002), which prohibits discrimination against children affected by the HIV/AIDS pandemic, ensures quality healthcare for such children and affirms their right to a nurturing environment;
- (e) The National Policy on HIV/AIDS for the Education Sector (2003), which ensures school enrolment for OVC from families who are unable to pay school fees;
- (f) The National Policy on Orphans and Vulnerable Children (2004), which reaffirms CRC rights for OVC in Namibia;
- (g) The Education and Training Sector Improvement Programme (2005), which calls for specific support in education and training for OVC;
- (h) The National Policy on HIV/AIDS (2007), which requires commitment to the principle of involving children in the formulation of relevant policies on HIV/AIDS and asserts the need to protect children from sexual abuse and exploitation;
- (i) The National Plan of Action 2006–2010 for Orphans and Vulnerable Children (2007);
- (j) The Education Sector Policy for Orphans and Other Vulnerable Children in Namibia (2008), which asserts CRC rights for children, including acting in the best interests of OVC, and reaffirms the rights of OVC to access and complete their education;
- (k) The Third National Development Plan (2008), which defines medium-term development activities and goals, discussing issues relating to children under relevant sectors such as education and health;

(l) The National Action Programme on the Elimination of Child Labour (forthcoming), which will address the issues of child labour and exploitation.

78. Since 1990, Namibia has been committed to social stability and development. With the exception of a brief civil disturbance in Caprivi Region in 1999, Namibia has not seen any significant internal conflict. Elections are held every five years, and have largely been well organised and peaceful. The country progressed from Least Developed Country status to Middle Income Country status in the mid-1990s.

79. Economic development has been steady, if modest. Significant progress has been made in providing basic services (education, health, water and sanitation, roads, communications). During the decade between 1993 and 2003, Namibia saw a reduction in the number of its poor. Associated with this decline were increases in the number of Namibians who moved out of poverty, as well as changes in the degree of disparity of wealth distribution.

80. The GRN, civil society and the private sector all promote respect for the views of the child. The GRN has established national and regional fora where children come together to express their concerns and to debate potential solutions for problems. Civil society and the media cooperate to promote children's issues through publications and broadcast media.

81. The Namibian Parliament took the lead in 2007 by establishing a Children's Parliament. At its first meeting, junior parliamentarians expressed concerns about the state of OVC. These concerns were incorporated in Namibia's National Plan of Action on OVC.

82. Participants in the second Children's Parliament, which was held in May 2008, were informed how their contributions had been included in the National Plan of Action, and how they would be translated into action. Two issues which came to the fore in the second Children's Parliament were the need to establish Junior Regional Councils in all thirteen Regions and find ways to sensitise adults regarding the rights of children.

83. Recently, the City of Windhoek, Namibia's capital, established its first Junior Municipal Council. The Ministry of Education for its part promotes LRCs, in which a head boy and a head girl represent student interests along with a representative council. LRCs exist at all levels of the educational system. In primary grades, children learn at a very early age that their opinions will be heard. Of Namibia's 1 661 schools, all but nine have LRCs.

84. In 1993, the National Youth Policy¹⁷ defined the youth as young men and women between the ages of 16 and 30 years. Pursuant to the policy, the National Youth Council (NYC) was established. The main goal of the NYC is to empower the youth to become responsible citizens and to promote their own development. In this regard, the NYC assists children in making the transition to adulthood. The National Youth Policy defines rights and obligations of young men and women, as well as obligations of the State to realise their rights. It also sets out obligations of the private sector to promote employment and obligations of parents and adults to provide an adequate family environment that ensures the well being and development of young people. In 2008, in conjunction with the NYC, the MYNSSC established the Namibia Youth Credit Scheme to promote and support youth employment, training and entrepreneurship.

85. Children who come into contact with the law have a platform to express their views. The Namibian legal system affords a number of opportunities to hear the views of children. A child who is adopted or placed into foster care has a chance to express his/her views on the matter. Children in conflict with the law undergo a process of interviews and

¹⁷ National Youth Policy (1993), revised in 2004, MYNSSC.

investigations by a social worker before their cases are heard. Through this process, a child is able state his/her views on the situation.

C. Allocation of budgetary and other resources

86. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

87. The National Planning Commission monitors the development and implementation of the country's development plans and policies.

Table 15
National Planning Commission Secretariat budgets

<i>Programme</i>	<i>2005-06 (N\$ 000)</i>	<i>2006-07 (N\$ 000)</i>	<i>2007-08 (N\$ 000)</i>	<i>2008-09 (N\$ 000)</i>	<i>2009-10 (N\$ 000)</i>	<i>2010-11 (N\$ 000)</i>
Development planning	26 223	19 254	16 697	19 396	22 338	19 613
Development cooperation	3 598	8 009	12 077	12 523	10 595	11 123
Production of national statistics	18 464	26 009	21 655	47 572	54 590	59 743

Source: MTEF 2008/2009–2010/2011.

Table 16
National Planning Commission Secretariat development partner contributions

<i>Development partner</i>	<i>2005-06 (N\$ 000)</i>	<i>2006-07 (N\$ 000)</i>	<i>2007-08 (N\$ 000)</i>	<i>2008-09 (N\$ 000)</i>	<i>2009-10 (N\$ 000)</i>	<i>2010-11 (N\$ 000)</i>
SIDA*	644	644				
Lux-Development		5 472	3 984	2 030	7 730	1 000
Spanish Cooperation		862	480	1 200	720	
UNFPA		87	3 101			
European Union		1 100	3 220			
African Capacity Building Framework (CBF)		228				
World Bank		1 335	1 100	594		
UNDP		920	1 129			

Source: MTEF 2008/2009–2010/2011.

* Swedish International Development Cooperation Agency.

D. Statistical data

Table 17

Deaths of those under 18 as a result of executions, illness, accidents, crime and suicide

Extrajudicial, summary or arbitrary executions

None

Capital punishment

None; capital punishment prohibited by the Constitution

Illnesses, including HIV/AIDS, malaria, tuberculosis, polio, hepatitis and acute respiratory infections

* No data are available in Namibia on the number of children who died as a result of HIV/AIDS, malaria, tuberculosis or hepatitis; in 2006 during a polio outbreak, two deaths of children due to the disease were recorded.

Traffic or other accidents

No data are available in Namibia on the number of children who died as a result of traffic accidents.*

Crime and other forms of violence

The murders of 168 children were reported to the Namibian Police between 2004 and 2008.

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2004	13	18	31
2005	21	19	40
2006	17	11	28
2007	20	17	37
2008	20	12	32
Total	91	77	168

Suicide

The suicides of 71 children were reported to the Namibian Police between 2003 and 2007.

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2003	14	6	20
2003	10	6	16
2005	7	3	10
2006	12	2	14
2007	8	3	11
Total	51	20	71

Number of child and youth organisations or the number of their members

88. No data are available in Namibia for this category. The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Table 18
Schools with independent student councils

<i>School type</i>	<i>Number with LRC</i>
Primary schools	1 048
Combined schools	428
Secondary schools	176
Total	1 652

Source: EMIS 2007.

89. LRCs are required at all schools. Through 2007, over 99% of Namibian schools had LRCs.

E. Factors and difficulties

90. Despite a comprehensive policy and legal framework, children still suffer from discrimination. The various arms of the GRN have not been able to implement changes required by law or policy simultaneously. In some cases, local officials may not be aware of or may not understand the special obligations which child-friendly legislation or policy places on them in the exercise of their daily duties.

91. The payment of school fees is an example of the situation on the ground not always being in keeping with policy. The Constitution decrees that public education at the primary level is free in Namibia, but the Education Act (No. 16 of 2001) allows schools to create school development funds, charge for hostels and books and require learners to wear school uniforms. According to legislation and long-standing policy, no child can be denied a place in school because of a failure to pay fees. Parents or guardians who for whatever reason are unable to pay for a learner must apply to the local school principal for a waiver. There are reports, however, that the waiver of development fund fees is inconsistently applied and that some school officials do not process the applications or are openly reluctant to accept them. As a result, children who are poor, such as OVC, may be effectively denied access to schooling because of their economic or social status. This is clearly unconstitutional, a violation of existing law and contrary to standing policy. The problem nevertheless appears to be widespread, and was mentioned in all stakeholder meetings.

92. A number of other concerns can be raised:

(a) Homeless children have been a feature of Namibian life since 1990. There are concerns that the problem is increasing due to the HIV/AIDS pandemic. These children rarely have a champion who can assist them to access the services of the State;

(b) Access to HIV/AIDS voluntary counselling and testing is severely constrained for sexually active children and young people between the ages of 14 and 18 years. Children of this age need the consent of a parent or guardian to obtain these services;

(c) Two critical pieces of legislation, the Child Care and Protection Bill and the Child Justice Bill, are still pending. As discussed above (chapter II, section E and chapter III, section A), these laws will expand protections for children;

(d) Personnel of the Office of the Ombudsman have not had specific training on the CRC or child rights and protection.

93. Concern has also been raised about socio-cultural practices with regard to children and their rights. Among some groups in Namibia, children's rights do not figure

prominently in many discussions. Modifying these attitudes is a complicated process that requires discussion and input from many segments of society. Leadership for such discussions will have to come from the MGECW, however, as it is best placed to ensure that national policies and programmes in the best interests of children are created and put into practice. There is a need for partnerships with civil society, including the multi-sectoral Permanent Task Force (PTF) on OVC, the Child Justice Task force and other bodies.

94. Entrenched poverty and the HIV/AIDS pandemic pose major challenges to the country. Both have significant impacts on the overall well-being of children. The severe discrepancy between rich and poor is the greatest challenge faced by Namibia. In the early 1990s, the country's income discrepancy was the highest in the world, with its Gini Coefficient standing at 70. Income discrepancy has moderated over the past decade, with the current Gini Coefficient being just above 60. While this is indicative of a positive trend, Namibia still has the dubious distinction of remaining amongst the most economically unequal countries in the world. A recent analysis of poverty conducted by the GRN using alternative measures to define the poverty found much higher rates of severe poverty than those established by standard means. These new figures will no doubt serve to sharpen debates about poverty alleviation in the coming years.

95. Poverty reduction is closely linked to economic performance. The Namibian economy is, like many post-colonial economies, based on extraction. Mining, fishing and agriculture are major economic sectors; all are export-oriented, with little if any in-country processing. The fall in commodity prices accompanying the worldwide financial downturn that commenced in 2008 places major constraints on economic growth in Namibia. A fourth major sector of the economy, tourism, is dependent on travellers, particularly from the major world economies, having disposable income. This sector too faces a problematic medium-term future. Economic planners, the GRN and the private sector face major challenges over the next few years. A sharp economic downturn has the potential to reverse the gains in poverty reduction and wealth creation made in the 1990s. The GRN may need to introduce additional programmes aimed at poverty amelioration.

96. Namibia has developed both long-term and medium-term plans for economic growth (Vision 2030 and NDP3 respectively). Underlying policies and programmes such as the Education and Training Sector Improvement Programme (ETSIP) in the education sector and the Health Sector Policy Review for the health sector are either underway or nearing completion. These foundation-level programmes are needed if Namibia is to reach its long-term goal of becoming an industrialised country within the next 20 years. The GRN has received positive reviews for its economic policies. A recent International Monetary Fund mission noted that the GRN had engaged in "sound fiscal management" in recent years, which bodes well for the country's capacity to deal with the effects of the current recession. At the same time, however, the International Monetary Fund mission cautioned against large increases in expenditure over the short term.¹⁸

V. Civil rights and freedoms

97. The Constitution of Namibia protects the human rights of all citizens. The GRN is acutely aware of the injustice that characterised Namibia's past and as a result has taken decisive steps to uphold individual human rights.

¹⁸ Statement by an IMF Staff Mission to Namibia, Press Release No. 08/313, December 9, 2008 (<http://www.imf.org/external/np/sec/pr/2008/pr08313.htm>).

A. Follow-up

98. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 15) The Committee notes the important role being played by community leaders in efforts to improve the implementation of the rights of the child, particularly in order to overcome the negative influences of certain traditions and customs which may contribute to discrimination against the girl child, children suffering from disabilities and children born out of wedlock. The Committee also encourages the State party to continue to fully involve civil society and NGOs in activities to promote and protect the rights of the child.

99. In response, policies and legislation have been implemented to counter discrimination in whatever form it takes. Children with disabilities are supported, and where possible receive school instruction in mainstream classes. The Children's Status Act (No. 6 of 2006) ensures that children born out of wedlock are not discriminated against. Female children generally have higher rates of participation in schools than male children. Coordination and cooperation with community leaders and civil society regarding children's issues is high. However, staffing constraints within the MGECW limit the extent to which such cooperation can positively affect the lives of children.

B. Comprehensive national programmes – monitoring

100. Chapter 3 of the Namibian Constitution guarantees a broad range of fundamental rights for both Namibian citizens and residents within the country. The Constitution also provides two means of redress for violations of fundamental rights. Article 25 determines that the court system can be approached by aggrieved individuals to protect their rights; and Chapter 10 creates the Office of the Ombudsman, which is tasked with investigating instances of violations of fundamental rights and supporting, if so determined, those seeking redress from a court.¹⁹ Many listed rights and freedoms in Chapter 3 have specific reference to requirements of the CRC. These are discussed below. In 2008, Freedom House, in its *Freedom in the World Report*, assessed Namibia positively regarding political rights and civil liberties.²⁰

1. Citizenship, name and identity documents

101. Article 4 of the Namibian Constitution confers Namibian nationality on children born to Namibian parent(s), or to permanent residents in Namibia at the time of their birth. Article 15 ensures the right of Namibian children to a name and nationality, and to know and be cared for by their parents.

102. The MHAI, through the Civil Registration Programme, is responsible for the registration of births and deaths, as well as for providing other national documents. A system of national identity cards for all Namibians over the age of 16 was introduced in 1999. The system of providing identity cards has undergone continuous improvement since its inception. As part of a process of automating record keeping, the Ministry is moving to

¹⁹ The Office of the Ombudsman is discussed in section 1.2 above.

²⁰ Freedom House, 2007. *Freedom in Sub-Saharan Africa, 2007: A Survey of Political Rights and Civil Liberties*. Washington, D.C.

eliminate a backlog of paper records. The project began in 2008, with the goal of 100% capture of all paper records into electronic format by 2010/11.

103. Each of Namibia's thirteen regions has an office which is responsible for registering births and deaths and issuing birth and death certificates, as well as for processing applications for other national documents. Owing to Namibia's vast spaces and sparse population, additional efforts are being made to provide identity documents. Eight sub-regional offices of the MHAI have been established in constituencies. These offices will bring facilities to register births and deaths and apply for national identity documents closer to Namibia's far-flung populace. Eight offices were opened in 2008; plans are in place for the opening of a further 21 offices by 2010. In addition to local offices, 10 specially fitted vehicles have been purchased to provide registration services for rural communities where transport, even to sub-regional offices, is problematical. A national Mobile Registration Programme was launched in late 2008 and will continue through 2009. All Namibians have the right to a passport. At the present time, however, passports are only issued in Windhoek.

2. Freedom of expression and political views

104. Article 21 of the Namibian Constitution lists ten fundamental freedoms, including freedom of expression for all persons. Children are included in this Article. Article 25 provides for procedures through which all residents of Namibia can seek redress if they feel that they have been denied any fundamental right. In 2005, Reporters Without Borders rated Namibia as 25th worldwide in terms of press freedom. This ranking is just below the United Kingdom and above Australia and France.²¹ Most recently, the organisation rated Namibia as the only country in sub-Saharan Africa with a "good" status for the press.

105. Namibia has many platforms under which children are both encouraged and enabled to voice their opinions. Some of these platforms are supported through legislation. For example, the Education Act (No. 16 of 2001) establishes LRCs at Namibian schools. Others, such as the Youthpaper, an insert within a major daily newspaper, are private sector initiatives.

3. Freedom of association and political views

106. Articles 19 and 21 of the Namibian Constitution protect the rights of freedom of association and of political views. Article 21 of the Namibian Constitution provides for freedom of association and peaceful assembly. This is reinforced by Article 17, which establishes freedom of political activity, including association with a political party of the individual's choice. Article 25 provides for procedures through which all residents of Namibia can seek redress if they feel that they have been denied any fundamental right. In terms of the Namibian Constitution, Namibia is a secular state. The GRN acknowledges a recent report by the US State Department on religious freedom,²² which states that in Namibia there is no State-sponsored religion, and that there are no:

- (a) Registration requirements for religious groups;
- (b) Reports of religious detainees or prisoners;
- (c) Forced religious conversions;
- (d) Societal abuses or instances of discrimination based on religion.

²¹ <http://www.rsf.org/>.

²² United States Department of State, 2008 Report on International Religious Freedom – Namibia.

4. Right to privacy

107. Article 13 of the Namibian Constitution protects the right to privacy, though mainly with respect to State searches. Children's rights to privacy are further protected by law as discussed in chapter II above.

108. Examples of further protection for the privacy of children are found in the following:

(a) The identity of a child involved in court proceedings is protected. No officer of the court may in any way make public the name of a child who has violated the law, is a victim of crime or has given evidence in court proceedings;

(b) Adoption records are kept confidential, with possible access for the child;

(c) A new Education Code, launched in 2004, requires teachers and educational personnel to protect the safety of learners in schools and hostels; teachers and school staff who breach the code are to be dealt with in terms of the Public Service Act.

5. Access to information

109. Children's issues are regularly the topic of public discussions in Namibian society. The GRN, the media and civil society all have programmes in which issues affecting and concerns of children are discussed.

110. The use of information and communications technology (ICT) in the country is widespread. Radio and television reach the majority of the population. Namibians are able to access two free, privately run television services and one parastatal public broadcasting service. There are a number of private satellite television services. Public and private FM radio reaches over 80% of the population. Mobile phone use is common, and coverage is extensive. One major mobile company claims to have over one million subscribers, an impressive degree of market penetration in a population of 2.1 million.

111. Namibia has a modern telecommunication infrastructure and the internet is becoming a major source of information. All regional capitals and the majority of smaller municipalities are connected to the national backbone via fibre-optic cable. Private sector internet service providers focus mainly on the large population centres. There are approximately 70 000 internet users in the country. The GRN, as part of its commitment to upgrading education, in 2008 launched a programme with the goal of connecting all schools to the internet by 2015. Aside from physical infrastructure, the school curriculum has been modified to include ICT instruction, and both teachers and administrators are undergoing extensive training on how to integrate ICT into the educational process.

6. Torture and punishment

112. Article 8 of the Namibian Constitution guarantees that "no persons shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Namibian law enforcement agencies, the courts and the Office of the Ombudsman are required to enforce this Article. At present, the provisions of the Convention against Torture are not adequately catered for in domestic legislation, but the GRN is in the process of drafting such legislation to provide criminal sanctions for torture.

113. In education, corporal punishment is prohibited in State schools through the Education Act (No. 16 of 2001). Any teacher or other employee who inflicts corporal punishment on a child is liable to be prosecuted.

114. The Namibian Police are trained at the Patrick Iyambo Police Academy in Windhoek. The curriculum includes both general instruction on the Constitution and specific modules on human rights. In addition to basic training, police are required to attend

regular in-service training sessions. For example, in 2007, three noteworthy training programmes took place, on:

- (a) Policing violence against women and children;
- (b) Women and child protection;
- (c) Advanced criminal investigation.

C. Allocation of budgetary and other resources

115. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Home Affairs and Immigration

116. The MHAI received N\$151 741 000 in 2008/09. For this chapter, the relevant programme is the Civil Registration Programme, which provides for birth and death certificates, identity cards and passports.

Table 19

MHAI programmes

Programme	2005–06 (N\$ 000)	2006–07 (N\$ 000)	2007–08 (N\$ 000)	2008–09 (N\$ 000)	2009–10 (N\$ 000)	2010–11 (N\$ 000)
Civil registration	32 134	54 898	65 250	76 495	67 686	73 277

Source: MTEF 2008/2009–2010/2011.

2. Ministry of Education

117. The Ministry of Education usually receives between 20% and 25% of the national budget. For 2008/09, the allocation was N\$4 782 761 000, or 25% of the total GRN budget. The Information and Lifelong Learning Programme is relevant to this chapter because it operates and supports community libraries and resource centres throughout the country.

Table 20

Ministry of Education programmes

Programme	2005–06 (N\$ 000)	2006–07 (N\$ 000)	2007–08 (N\$ 000)	2008–09 (N\$ 000)	2009–10 (N\$ 000)	2010–11 (N\$ 000)
Information and Lifelong Learning	85 729	96 319	113 862	139 928	127 606	131 997

Source: MTEF 2008/2009–2010/2011.

D. Statistical data

118. The data below comes from the Namibia Demographic and Health Survey, 2006/07. A national sample of children under five years old was used in this survey, with the sample size being 5 461. The results in Table 21 below are expressed as percentages. Births can be registered at a health facility, with certificates being obtained later from the MHAI.

Table 21
Birth registrations and birth certificates

<i>Region</i>	<i>Have birth certificate (%)</i>	<i>Birth registered, but no birth certificate (%)</i>	<i>Total (%)</i>
Caprivi	55.0	6.5	61.5
Erongo	85.3	3.2	88.5
Hardap	82.5	3.0	85.5
Karas	86.7	9.3	96.1
Kavango	26.1	20.1	46.3
Khomas	81.2	2.7	84.0
Kunene	51.6	4.3	55.9
Ohangwena	53.6	2.1	55.7
Omaheke	68.1	5.9	74.0
Omusati	60.8	7.3	68.1
Oshana	63.4	10.8	74.2
Oshikoto	55.9	5.4	61.3
Otjozondjupa	59.4	2.1	61.5
<i>Residence</i>			
Urban	77.2	5.3	82.5
Rural	52.0	7.4	59.3
Namibia	60.4	6.7	67.1

Source: Demographic and Health Survey, 2006/07.

119. The Community Library Service of the Ministry of Education maintains 52 community libraries around the country. These libraries are open to all members of the public. There were 17 947 registered borrowers in 2007; collectively, they took out 298 563 books.

120. Table 22 below shows the number of school libraries and schools per region.

Table 22
Libraries (including mobile libraries) accessible to children

<i>Region</i>	<i>Number of libraries</i>	<i>Number of schools</i>
Caprivi	25	97
Erongo	59	61
Hardap	38	57
Head Office*	5	8
Karas	41	47
Kavango	55	329
Khomas	90	85
Kunene	26	52
Ohangwena	42	235
Omaheke	30	41
Omusati	66	268

<i>Region</i>	<i>Number of libraries</i>	<i>Number of schools</i>
Oshana	41	134
Oshikoto	42	184
Otjozondjupa	43	63
Namibia	603	1 661

Source: EMIS 2007.

* Head Office refers to a very small number of schools, largely for learners with special needs, which are directly administered by the Ministry of Education's Head Office.

No data are available on the following categories:*

- (a) **Number of children reported as victims of torture;**
- (b) **Number of children reported as victims of other cruel, inhuman or degrading treatment or other forms of punishment, including forced marriage and female genital mutilation;**
- (c) **Number and percentage of reported violations under both (a) and (b) which have resulted in either a court decision or other types of follow-up;**
- (d) **Number and percentage of children who received special care in terms of recovery and social reintegration; and**
- (e) **Number of programmes implemented for the prevention of institutional violence and amount of training provided to staff of institutions on this issue.**

* The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

E. Factors and difficulties

121. According to the 2006/7 Demographic and Health Survey (DHS), only 60% of children under the age of five have birth certificates.

122. A number of children born outside the country in refugee camps during the liberation struggle still lack birth certificates, but this issue is being addressed through the MYNSSC.

123. There used to be a requirement that both a child's mother and father be listed on the birth certificate. This was originally done in order to provide full information for children. However, the requirement has, in practice, prevented birth registrations because some fathers refuse to sign the forms. The requirement that both parents sign the form has therefore been scrapped. The implementation of this change in signing requirements has been inconsistently applied, however, and some children are still being prevented from receiving a birth certificate.

124. Decentralisation of registration facilities to regional capitals has had a positive impact on the provision of identity documents. Due to the vast size of the country, however, the problem of distance and transport to registration offices remains a concern, particularly for the poor.

125. Constitutional and legal protections for children are often in conflict with social mores and attitudes regarding the family. Clearly, there is a need for families to provide guidance for children. However, doing so in a way which also protects children's rights

may require a shift in community attitudes towards children, particularly among the more traditional segments of Namibian society. Traditional attitudes and some cultural practices can prevent children from expressing their views. In some social settings, age determines one's ability to participate in public discussions. In some communities, the definition of a youth may extend to the age of 35. Young people, even those who are studying at tertiary institutions, are not encouraged to participate in community discussions because they are not regarded as adults.

126. Within families, a similar bias against children expressing their views is also evident. In traditional settings these biases can extend to other settings, such as schools. Social and family attitudes towards children can be a source of tension. Children in stakeholder workshops noted that parents and older relatives sometimes do not allow children to express their views; they do not take them seriously when their views differ from those of the rest of their family.

127. Changing social attitudes that limit children's rights require leadership at a national level to promote debate within society geared towards attitudinal change. The GRN encourages civil society and community-based organisations (CBOs), and religious and traditional leaders to take the initiative in this regard.

128. The HIV/AIDS pandemic creates tensions with regard to children's privacy. Children in their early teens are encouraged to learn about HIV and how it is spread. These children are also encouraged to know their HIV status through testing, which requires the consent of a parent or guardian. Staff at HIV testing and counselling centres express concern regarding this requirement, because many sexually active children do not come for testing as they are unwilling to acknowledge that they are sexually active.

129. In many communities, those who grew up before Independence often lack education. It must be borne in mind that the teaching and use of English was actively discouraged in apartheid times. There is a need to disseminate materials in indigenous languages. Although the Constitution and many Namibian laws and policies have been translated into indigenous languages, the CRC has not. This hinders the dissemination to parents of information pertaining to the rights of their children.

130. Policies, particularly in schools, are not consistently implemented. For example, some schools still condone corporal punishment. Teachers note that they are not trained in non-violent disciplinary methods.

131. Violence within families and the community at large is a concern. Many participants in consultative workshops expressed concern over high levels of tolerance regarding the beating of children, particularly as a means of discipline. The MGECW is taking the lead in bringing this issue to public attention, as skills in non-violent discipline need to be promoted through community-based channels such as traditional leaders, civil society, CBOs and church groups. Training and information materials need to be developed for Namibian contexts.

VI. Family environment and alternative care

132. The third clause under Article 14 of the Namibian Constitution states, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

133. Poverty, inequalities in wealth and disparities in development inherited from apartheid have placed considerable burdens on Namibian families. The major thrust of Namibian development over the past 18 years has been to establish conditions under which poverty can be reduced and incomes improved. The majority of Namibian families have

strong rural roots, with extended family structures that also integrate into the wider rural community. However, urbanisation weakens traditional family structures as migrants (particularly young people) move away from rural communities. The GRN is well aware of the numerous challenges faced by families and undertakes to provide the necessary social and economic conditions to allow families to thrive.

A. Follow-up

134. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 19) The Committee recommends that the study on marginalized groups of children be undertaken as a matter of priority.

135. In response, the Office of the Prime Minister has taken the lead in GRN efforts to aid children from marginalised groups. The San were the first to be identified and initial efforts were directed towards them. In order to make up for past discrimination, a special San Development Fund was created in 2005. Apart from other activities, the Fund provides direct support for San children to attend school. The emphasis is to support children in secondary and tertiary education. In 2008, 55 children were supported, with 23 receiving support for tertiary education. The Ovahimba and Ovatusa have only recently been identified. The Office of the Prime Minister ensures that budgeted development initiatives and other services are provided for them.

(Para. 22) Furthermore, the Committee suggests that the State party undertake measures and programmes to educate the general public on parental responsibilities and to consider the possibility of providing counselling in this regard. In addition, the Committee recommends that the State party, in its efforts to further disseminate awareness of the Convention on the Rights of the Child, make widely available, by appropriate means, the State party report, the summary records and the concluding observations by the Committee.

136. In response, there has been mixed progress in this regard. Efforts to educate the public on parental responsibilities have previously lacked focus and coordination, but with the MGECW now being the lead ministry for such efforts, progress is being made. Various institutions are also making efforts to educate parents on their responsibilities. In addition, advocacy linked to national and international days for children's rights is part of the strategy to increase awareness of parental responsibilities. Although the CRC has been disseminated through various institutions, it has not been translated into local languages. The initial State party report and the concluding observations by the Committee have not been widely distributed.

(Para. 8) Certain phenomena which may have a possible negative impact or consequence on the situation of children, such as: teenage pregnancies, the high incidence of households headed by a single person, and the apparent lack of widespread understanding among parents of their joint parental responsibilities, are of concern to the Committee.

137. In response, these issues remain of concern to the GRN due to the complexity of the underlying causes. Peer pressure, poverty and a lack of knowledge about reproductive health all contribute to the problem of teenage pregnancy. In addition, the links between households headed by a single parent and poverty are strong. Migration for employment purposes, the breakdown of traditional and extended family structures and rapid urbanisation are some of the contributing factors to the increase of dysfunctional families. The MGECW was created in order to establish coping mechanisms and safety nets for

families in these circumstances. For example, the Maintenance Act (No. 9 of 2003) was passed in order to establish a framework for holding parents accountable for the maintenance of their children. The problems which have been experienced with implementation of this Act are now being addressed.

B. Comprehensive national programmes – monitoring

138. The HIV/AIDS pandemic remains the biggest challenge and a serious threat to Namibian families. High levels of mortality and morbidity brought about by the disease have had major impacts. The results from the 2006/07 DHS indicate that:

- (a) 28% of Namibian children under the age of 18 are orphans and/or vulnerable;
- (b) Only 26% of all children live with both parents;
- (c) 34% do not live with either parent;
- (d) 33% of children live with their mothers;
- (e) 5% live with their fathers.

Among OVC:

- (a) 6% have a very sick parent;
- (b) 10% live with at least one sick adult;
- (c) 4% live in a household where at least one adult has died of AIDS.

139. Regional variations indicate a strong link to the HIV/AIDS pandemic. In Khomas Region, 17% of children are OVC, while in Caprivi Region, the region hardest hit by the pandemic, this percentage rises to 42%.

140. The GRN has created a number of institutions to assist families in need. In July 1993, the then Ministry of Home Affairs established the Women and Child Abuse Centre at Katutura State Hospital in Windhoek, administered by the Namibian Police.²³ The unit was later integrated into a multi-agency unit, the WCPU. The MOHSS and the Namibian Police jointly host the units. The MOHSS offers counselling and medical assistance to abused women and children. The WCPU has the services of police officers, social workers and medical doctors available at all hours.

141. There are currently 15 WCPUs across Namibia. The staff at these centres are police officers with additional training in counselling, case management and the prevention of family violence, amongst other things. WCPUs are often the first point of contact for a family in crisis, and the avenue through which social support services from both the GRN and civil society are made available. To complement the work of the WCPUs, the Office of the Prosecutor-General has established specialised units for handling sexual offences and domestic violence cases. Finally, the MGECW has developed the Legal Literacy Training Programme in order to educate communities (with a special focus on traditional leaders) on their basic rights and obligations.

142. In 2007, the MGECW developed and disseminated communication materials to increase knowledge and utilisation of critical services by OVC and their caregivers. Ten-thousand pamphlets and 60 000 posters were developed, focusing on OVC access to

²³ This was the first such unit established on the African Continent. It was modelled after similar units created in the United Kingdom.

education, birth registration, child welfare grants and inheritance; these were translated into five local languages. They were distributed in conjunction with existing OVC programmes through GRN and civil society partners in communities.

143. By 2008, the MGECW had carried out training for community leaders and residents on the unmet rights of children. Each community was reminded of its obligations to support child rights. This training is annually carried out in a lead-up to national celebrations of the “Day of the Namibian Child” and the “Day of the African Child.” At these events, national leaders sensitise regional, traditional and local leaders on the importance of fulfilling children’s rights.

144. Civil society makes its own valuable contribution. Faith-based networks such as CAFO have supported the training of caregivers on psychosocial support to improve the access of OVC in this regard. In 2008 approximately 350 caregivers were trained. The net effect has been to create knowledgeable adults within many communities who are sensitive to children’s needs. CAFO’s success is evident in the fact that some of its training programmes are being mainstreamed into MGECW activities.

145. The creation of the MGECW in 2000 established an agency to take the lead in promoting child welfare and support to families. This ministry has done commendable work in providing financial assistance and other services to families experiencing stress. As noted, efforts are underway to establish standards for residential child care facilities. The need for such facilities has increased due to the rise in AIDS-related premature deaths of adults. Many facilities began operating in response to recognised community needs, and in 2008, 21 children’s homes were registered by the MGECW.

C. Allocation of budgetary and other resources

146. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Gender Equality and Child Welfare

147. The MGECW received N\$264 887 000 in 2008/09. Its Child Welfare Programme is responsible for ensuring that children are protected from abuse and that they have access to the basic services needed for growth and survival. The main activities of this programme are providing support through maintenance and foster care grants, particularly to OVC; assistance to other agencies that support children; and assistance to the courts and the legal system in dealing with children.

Table 23
MGECW programmes

Programme	2005–06 (N\$ 000)	2006–07 (N\$ 000)	2007–08 (N\$ 000)	2008–09 (N\$ 000)	2009–10 (N\$ 000)	2010–11 (N\$ 000)
Child welfare	110 545	119 178	157 441	226 099	253 765	374 478

Source: MTEF 2008/2009–2010/2011.

2. Ministry of Health and Social Services

148. The MOHSS annually receives the second largest portion of the budget, averaging between 10% and 12% of total GRN expenditure. In 2008/09 the MOHSS received N\$2

130 873 000. The Social Protection Programme within the MOHSS provides support for individuals and families with special welfare needs. Support from this programme goes to old age homes, welfare organisations, treatment for drug addiction, policy review and special services to families.

Table 24

MOHSS programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Social protection	15 315	16 770	17 285	18 644	19 177	19 263

Source: MTEF 2008/2009–2010/2011.

3. Ministry of Labour and Social Welfare

149. In the fiscal year 2005/06, the Ministry of Labour and Social Welfare (MLSW) assumed responsibility for financial support to the elderly and disabled. This shift resulted in a significant increase in the MLSW's budget, which in 2008/09 amounted to N\$996 336 000, 94% of which was for social welfare expenses.

Table 25

MLSW programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Social welfare	518 019	632 287	720 001	937 322	971 757	915 635

Source: MTEF 2008/2009–2010/2011.

4. Office of the Prime Minister

150. The Office of the Prime Minister received N\$420 762 000 in 2008/09. The Constitutional Obligations of the Prime Minister and Deputy Prime Minister Programme includes responsibility for special efforts to assist marginalised groups such as the San.

Table 26

Office of the Prime Minister programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Constitutional Obligations of the Prime Minister and Deputy Prime Minister	15 008	15 753	16 962	23 931	24 680	25 701

Source: MTEF 2008/2009–2010/2011.

Table 27

San Development Fund

	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Expenditure	Nil	618	970	800	802	910
Balance*	Nil	79	9	10	12	2

Source: MTEF 2008/2009–2010/2011.

* Annual contributions and interest not shown.

D. Statistical data

No data are available on the following categories:*

(a) **Number of children without parental care disaggregated by causes (i.e. due to armed conflict, poverty, abandonment as a result of discrimination, etc.);**

(b) **Number of children separated from their parents as a result of court decisions (inter alia, in relation to situations of detention, imprisonment, exile or deportation);**

(c) **Number of institutions for these children disaggregated by region, number of places available in these institutions, ratio of caregivers to children and number of foster homes;**

(d) **Number and percentage of children separated from their parents who are living in institutions or with foster families as well as the duration of placement and frequency of its review (in 2008 there were 614 children living in registered institutions countrywide);**

(e) **Number and percentage of children reunited with their parents after a placement;**

(f) **Number of children in domestic (formal and informal) and inter-country adoption programmes disaggregated by age and with information on the country of origin and of adoption for the children concerned;**

(g) **Number of services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes;**

(h) **Number of available childcare services and facilities and the percentage of children and families that have access to these services;**

(i) **Number of children abducted from and to the State party;**

(j) **Number of perpetrators arrested and percentage of those that were sanctioned in (criminal) courts; and**

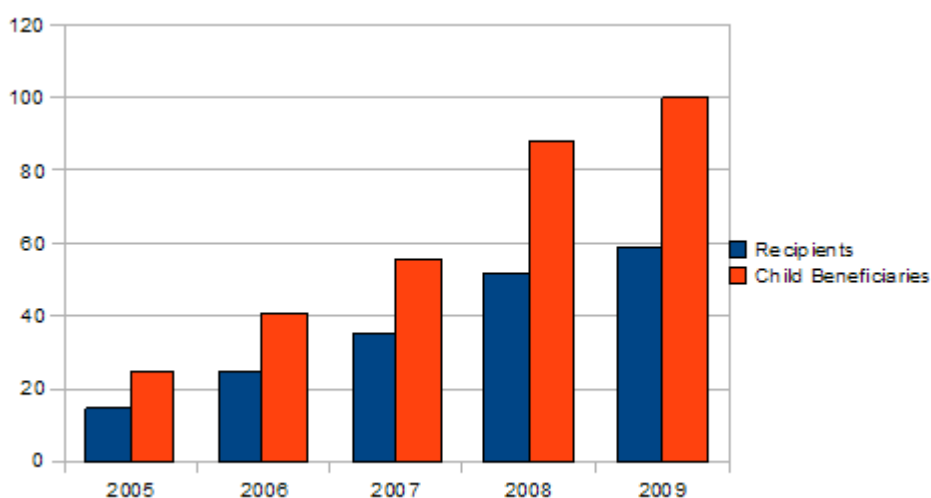
(k) **Number and percentage of children who received special care in terms of recovery and social reintegration.**

* The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Number of children who entered or left the country for the purpose of family reunification, including the number of unaccompanied refugee and asylum-seeking children: See chapter IX, section B, below.

151. Data on the growth of the GRN's financial assistance to families with special needs appears in Figure 1 and Table 28 below. Figure 1 shows the number of recipients (parents and guardians) and number of children assisted, as calculated in February of each year between 2005 and 2009. Review of the process of application and approval for assistance is ongoing. Table 28 provides a regional breakdown of recipients, supported children and financial amounts for February 2009.

Figure 1
Number ('000) of maintenance grants, foster parent grants and disability grants for children under 16, 2005–2009



Source: Office of the Prime Minister.

Table 28
Allocations for maintenance grants, foster parent grants and disability grants for children under 16*

Region	Recipients	Child beneficiaries	Amount (N\$)
Caprivi	3 004	5 034	803 800
Erongo	2 138	3 066	527 200
Hardap	2 204	3 440	546 400
Karas	1 712	2 497	421 700
Kavango	4 309	7 786	1 209 500
Khomas	4 903	7 317	1 233 000
Kunene	2 173	4 272	1 256 500
Ohangwena	9 181	16 533	2 576 200
Omaheke	1 924	3 052	499 600
Omusati	9 536	15 930	2 558 400
Oshana	8 225	14 343	2 262 400
Oshikoto	7 086	12 288	1 941 400
Otjozondjupa	3 303	5 061	836 400
Namibia	59 698	100 619	16 081 400

Source: Office of the Prime Minister.

* February 2009.

Table 29

Children reported as victims of abuse and/or neglect by parents or other relatives/caregivers

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2004	46	63	109
2005	51	62	113
2006	31	33	64
2007	32	32	64
2008	22	30	52

Source: National statistics as reported by the Namibian Police.

Table 30

Cases reported that resulted in sanctions or other forms of follow-up for perpetrators

<i>Year</i>	<i>Reported instances</i>	<i>Men arrested</i>	<i>Women arrested</i>	<i>Total arrests</i>
2004	107	17	41	58
2005	112	25	36	61
2006	64	8	30	38
2007	59	13	16	29
2008	52	15	21	36

Source: National statistics as reported by the Namibian Police.

E. Factors and difficulties

152. The GRN is aware of the problems with the implementation of laws and policies designed to make parents aware of their responsibilities towards their children. The GRN is also aware of the need to provide support for parents in meeting those responsibilities. Prior to the establishment of the MGECW, the lack of an institutional home for these issues was a concern. The MGECW is expected to take the lead nationally on matters relating to parental responsibilities and to promote the broad discussions required by a wide range of stakeholders to improve parenting.

153. The MGECW lacks resources to complete many of its tasks, which hampers efforts to support families.²⁴ As noted, staff at the MGECW are rightly occupied with ensuring financial support to OVC. However, this important work results in specialist staff, particularly social workers, being prevented from performing other important support tasks, such as assisting parents. Some of the issues with regards to which social workers have the potential to play a positive role are:

- (a) Children are sent to rural areas to live with their grandparents because the parents live in urban locations, but do not themselves earn enough to support their children;
- (b) In some traditional settings, the role and responsibilities of fathers is not clearly defined. Children can be left without social and financial support;

²⁴ This is discussed on page 5 above.

(c) While progress has been made with regard to standards, there are still many unregistered children's homes. Aside from a lack of standards, the fact that authorities are unaware of residences where OVC are staying increases the opportunity for abuse such as trafficking and sexual and economic exploitation to take place. A further concern is the lack of resources for regular monitoring of known children's homes.

154. Lastly, staff at the WCPUs require both support and resources. Some staff interviewed noted the need for training and support. They also pointed to a number of ways in which their facilities need to be made more child-friendly, particularly for children who are brought to a WCPU while in a crisis.

VII. Basic health and welfare

155. The annual allocation of GRN budgets to healthcare and social support services is exceeded only by that to education. Healthcare and social services were denied to the majority of Namibian under colonial rule, and 19 years after the attainment of Independence there is still an urgent need to redress inherited imbalances. The HIV/AIDS pandemic presents a profound challenge to the country's healthcare and social services systems. The GRN has responded to these challenges, and will continue to do so.

A. Follow-up

156. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the Committee on the Rights of the Child did not make any points relating to this chapter.

B. Comprehensive national programmes – monitoring

157. In 2002, by way of a Cabinet Directive, the GRN established a multi-sectoral Permanent Task Force (PTF) on OVC. The PTF is responsible for directing and facilitating the national response to OVC. Membership includes ministries, civil society organisations and bilateral or multilateral organisations. The PTF meets quarterly to discuss and coordinate both policy and activities.

158. The activities of the PTF are far-reaching, and increase the MGECW's ability to provide effective leadership on children's issues. Amongst other achievements, the PTF has:

(a) Developed minimum quality standards for after-school care programmes and drafted assessment tools for peer review, on planning, methodology, curriculum content, training and facilitation;

(b) Developed a guide for the assessment of alternative care for children.

159. In keeping with Namibia's policy of decentralisation, there are also regional- and constituency-level OVC forums. These committees operate with specific terms of reference, and they both mobilise communities for the early identification of families in need and help provide comprehensive care for OVC. Regional- and constituency-level OVC forums are closely linked with the national and regional HIV/AIDS coordinating bodies.

160. Namibia inherited a fragmented and chaotic health system at Independence. Under apartheid rule, there were supposedly eight distinct healthcare systems (nine, if private care is included.) As with all government services under apartheid, there were vast discrepancies

in the availability and quality of healthcare depending on the skin colour of the recipient. From the start, providing unified, basic healthcare services to all citizens and residents was therefore a priority for the GRN.

161. Some of the changes that were introduced were straightforward, the creation of the Expanded Programme on Immunisation in June 1990 being a case in point. Many basic vaccines and antigens were not available to the broader population at that time. Other changes were more complicated, such as building clinics and other healthcare facilities in areas closer to most of the population. In the first 12 years of Independence, approximately 80 clinics were constructed and the number of healthcare centres increased from 25 to 33. Currently, the country has a network of healthcare facilities which includes 260 clinics, 40 healthcare centres, 30 district hospitals, three intermediate hospitals and one national referral hospital. In addition, there are approximately 1 150 outreach points that are regularly visited by healthcare workers as part of the Primary Healthcare (PHC) Programme, and various social welfare service points where people are able to apply for various forms of social and financial support. Despite Namibia being a vast country with a very low population density, there has been a steady increase in the availability of healthcare services, particularly in rural areas, as can be seen in Table 31 below.

Table 31

Percentage of households within one hour's travel time (by any mode of travel) to a healthcare facility

<i>Year</i>	<i>Urban (%)</i>	<i>Rural (%)</i>	<i>Total (%)</i>	<i>No. of households sampled</i>
1992	73.8	22.7	42.3	5 421
2000	85.3	40	57.7	6 157
2006	86.7	37.2	60	8 832

Source: DHS 1992, 2000, 2006/07.

162. The GRN annually allocates between 10% and 15% of operating budgets to the MOHSS. This commitment has generated a wide array of improvements in major healthcare indicators. These improvements can be seen in Table 32 below, which presents selected results from three DHSs.

Table 32

Selected indicators from Demographic and Health Surveys

<i>Indicator</i>	<i>1992 DHS</i>	<i>2000 DHS</i>	<i>2006/2007 DHS</i>
<i>Mortality rates</i>			
Infant mortality per 1,000 live births	57	38	46
Under 5 mortality per 1,000 live births	83	62	69
Child mortality per 1,000 live births	28	25	24
Maternal mortality per 100,000 live births	225	271	449
Immunisation coverage (%)	58	65	68.7
<i>Contraceptive prevalence (%)</i>			
All women	23.3	37.8	46.6
Married women	28.9	43.7	55.1
Antenatal care	87	91	94.6
Assistance at delivery (%)			

<i>Indicator</i>	<i>1992 DHS</i>	<i>2000 DHS</i>	<i>2006/2007 DHS</i>
Nurse/doctor	68	78	81.4
Doctor	14	12	18.6
Nurse only	54	66	62.8
<i>Nutritional status (% of children under 5 years)</i>			
Moderately stunted	28	24	30*
Severely stunted	8	8	10*
Moderately wasted	9	9	8*
Severely wasted	2	2	2*
Moderately underweight	26	24	17*
Severely underweight	6	5	4*

Source: DHS 1992, 2000, 2006/07.

* For the 2006/07 NDHS, different methods for calculating stunting, wasting and underweight children were introduced. These new methods may have resulted in higher figures.

163. The main focus of the MOHSS has been to provide PHC to all Namibians. PHC rests on a cluster of activities: access to services; satisfaction with services; and community participation (including supportive supervision, outreach, referral and health promotion). These are discussed briefly below:

(a) Access to services: As noted above, there has been steady improvement in access to health services. A relevant factor in this regard is urbanisation. At present rates, immigration into urban areas will see the majority of Namibians living in cities and towns by 2025. There will therefore be a growing need to build and expand health facilities in urban areas;

(b) Satisfaction with services: According to the MOHSS, perceptions of the quality of services received are generally favourable. Less than 10% of healthcare consumers rate services as poor; about 60% of respondents rated the services they received as good. Many, however, are unhappy about the closure of health facilities (particularly clinics) during weekends and holidays due to staffing issues;

(c) Participation of communities: Nationally, 72% of healthcare facilities have health committees which include community members. There is regional variation, with 100% of healthcare facilities in Oshana Region having local health committees, while in Khomas Region this figure is only 17%.

164. The HIV/AIDS pandemic has had a significant impact on Namibia's health profile, and is one cause for the rapid rise in maternal mortality and the dramatic decrease in life expectancy. Namibia has one of the highest HIV infection rates in the world. In 2004, Sentinel Survey results indicated the infection rate to be 22% of the population. By 2006, this had decreased to 19.9%. The most recent survey (2008) has shown a further decrease, to 17.8%. Both the GRN and the donor community have invested heavily to achieve these results. In addition to multifaceted prevention programmes, a network of treatment and support structures has been put in place. Education on condom distribution is widespread and a national network of free testing centres has been created. With GRN assistance, civil society plays a major role in community mobilisation and community-based care.

165. CBOs, NGOs and faith-based organisations involved with different aspects of community-based care have grown dramatically. Much of this growth is a response to the challenges created by the HIV/AIDS pandemic. In 2007, a total of 290 organisations with approximately 20 000 volunteers provided some level of community-based healthcare

(CBHC). Through the MOHSS, the GRN has trained close to 5 000 CBHC providers and distributed 11 000 home-based care kits.

166. The services obtained at the national health system are not free – patients are expected to pay a nominal fee equivalent to approximately one US\$ per visit. As with school fees, however, those who are unable to pay this fee are not required to pay, though just as is the case with school fee exemptions, the application of this waiver is sometimes uneven.

167. The 2001 Population and Housing Census indicated that people with disabilities in Namibia numbered around 85 567, or 4.7 % of the total population, distributed almost equally between females and males. The number of disabled is higher in rural areas than urban areas. There are no statistics on the numbers of children with disabilities. The Ministry of Education reported in its 2007 EMIS data that out of a total of 570 623 learners, 29 853 learners (5.23%) had disabilities.

168. Within Namibia's schools, 1 524 students with disabilities are catered for in eight special schools. These students get a modified version of the school curriculum (2007 EMIS).

169. Namibia's National Disability Council Act (No. 26 of 2004) creates a council tasked with monitoring the implementation of Namibia's National Policy on Disability. This policy, which was adopted by Cabinet in 1997, identifies children with disabilities as a key target group.

170. The Convention on the Rights of Persons with Disabilities was ratified by Namibia in 2007. One of the key principles of this Convention is "respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities." The Convention includes several specific provisions on non-discrimination (Article 7) and protection of the rights of children with disabilities to family life (Article 23.3-5). Children's needs are also explicitly addressed in provisions on education, health and sport and recreation (Articles 24–25, 30). The Optional Protocol to the CRC, which Namibia has also ratified, allows for individual complaints to the Committee on the Rights of Persons with Disabilities.

171. Since gaining Independence from South Africa in 1990, Namibia has been politically stable and has promoted steady economic growth. Major economic sectors are tourism, fishing and mining. Coupled with high investments in education and social services, these have led to Namibia having achieved moderate success in its human development. The country's Gini Coefficient, once the highest in the world at 0.701, dropped to 0.604 in the decade between 1994 and 2004.²⁵

172. Namibia has entrenched and substantial disparities in wealth inherited from apartheid rule. These disparities are reflected both regionally across the country and within specific language groups. A UNDP study showed that Namibia's two most developed regions, Erongo and Khomas, have Human Development Indices which are close to those of Turkey and Iran; however, two of its least developed regions — Kavango and Ohangwena — have HDIs close to those of Sudan and the Democratic Republic of the Congo. Similarly, across language groups, Namibia's German-speaking population has an HDI equal to that of Sweden, while speakers of languages in the Khoisan group are at the level of Rwanda or Eritrea.²⁶

²⁵ Namibia Household Income and Expenditure Surveys, 1993/94 and 2003/04.

²⁶ Levine, 2007.

173. In 2008, the GRN adopted a more rigorous measure of poverty based on the cost of basic needs. Prior to this, poverty had been measured using the food share ratio. The new measure, when applied to the 2003/04 Namibia Household Income and Expenditure Survey data results in an increase of severe poverty from 3.9% of households to 13.8% of households. Under the new measure, households in poverty saw a slight decrease from 27.8% to 27.6%.²⁷ Increased relevance and accuracy in poverty measurement will allow the GRN to better target developmental policies.

C. Allocation of budgetary and other resources

174. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Health and Social Services

175. The MOHSS annually receives the second largest portion of the budget, averaging between 10% and 12% of total GRN expenditure. In 2008/09 the MOHSS received N\$2 130 873 000. The Tertiary Healthcare Programme supports regional and referral hospitals. Regional and District Health Services provides support for 30 district hospitals, 38 healthcare centres, 269 clinics and 1 150 health outreach points nationwide. Disease Control aims to reduce the impact of HIV/AIDS on the population through capacity building, policy formulation and monitoring and evaluation of the multi-sectoral response to the pandemic.

Table 33
MOHSS programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Tertiary Healthcare	525 989	545 739	702 526	754 248	769 916	700 093
Regional and District Health Services	790 823	810 884	933 482	1 281 224	1 306 881	1 319 936
Disease Control	3 218	22 598	29 650	76 757	75 297	75 426

Source: MTEF 2008/2009–2010/2011.

Table 34
MOHSS development partner contributions

<i>Development partner</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Health Unlimited	148	379	3 389	3 414	0	0
UNFPA	999	4 356	8 900	10 000	10 000	0
GTZ	12 030	4 000	370	400	400	0
UNICEF	14 293	11 610	7 918	8 935	8 935	7 278

²⁷ Central Bureau of Statistics, 2008.

<i>Development partner</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
World Health Organisation (Malaria and TB)	6 293	4 284	4 284	5 061	5 061	0
KfW* (NASOMA**)	8 582	9 948	4 175	4 350	0	0
European Union	623	5 179	3 749	0	0	0
Medicos del Mundo	5 906	3 612	4 267	4 481	5 304	0
VSO***	1 548	1 835	1 835	2 268	0	0
German Development Services	5 500	5 500	5 500	5 500	0	0
Global Fund	81 109	35 832	163 717	148 298	153 574	135 135
Bristol Meyers Squibb	14 912	7 046	3 203	0	0	0
Czech TV Foundation	1 200	1 830	1 700	1 785	0	0
Cestas (Italy)	2 084	1 632	1 632	0	0	0
USAID****/PEPFAR**** **	24 299	127 115	115 920	133 700	0	0
Chinese Medical Team	2 000	2 200	2 360	2 520	2 680	2 840

Source: MTEF 2008/2009–2010/2011.

* Kreditanstalt für Wiederaufbau (Development Bank).

** National Social Marketing.

*** Voluntary Service Overseas.

**** United States Agency for International Development.

***** President's Emergency Plan for AIDS Relief.

Table 35
MOHSS development partner support to programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Tertiary health care	200	2 200	2 360	2 520	2 680	2 840
Regional and district health services	27 470	20 345	27 903	30 517	19 335	7 278
Disease control	149 972	203 813	302 647	297 675	163 939	135 135

Source: MTEF 2008/2009–2010/2011.

2. Ministry of Labour and Social Welfare

176. In fiscal year 2005/06, the MLSW assumed responsibility for financial support to the elderly and disabled. The shift resulted in a significant increase in the Ministry's budget. The Ministry received N\$996 336 000 in 2008/09, of which 94% was for social welfare expenses.

Table 36
MLSW programmes

<i>Programme</i>	<i>2005–06</i>	<i>2006–07</i>	<i>2007–08</i>	<i>2008–09</i>	<i>2009–10</i>	<i>2010–11</i>
Social welfare	518 019	637 287	720 001	937 322	971 757	915 635

Source: MTEF 2008/2009–2010/2011.

D. Statistical data

1. Children with disabilities whose parents receive special material or other assistance

177. Data specifically relating to support to parents of disabled children who receive special material or other assistance are not available. The GRN does, however, provide significant financial support for families in need (see Table 28 above.)

2. Children with disabilities living in institutions, including institutions for mental illnesses, or outside their families, such as in foster care

178. No data are available in Namibia for this category. The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Table 37

Children with disabilities in mainstream and special schools

<i>Region</i>	<i>Attend mainstream schools</i>	<i>Attend special schools</i>
Caprivi	839	-
Erongo	1 305	-
Hardap	1 707	-
Head office*	-	989
Karas	1 535	-
Kavango	5 656	-
Khomas	2 479	-
Kunene	1 077	-
Ohangwena	3 125	-
Omaheke	1 281	-
Omusati	4 148	-
Oshana	1 816	-
Oshikoto	2 276	-
Otjozondjupa	1 620	-
Total	28 864	989

Source: EMIS 2007.

* Head Office refers to a very small number of schools, largely for learners with special needs, which are directly administered by the Ministry of Education Head Office.

3. Children who receive anti-retroviral therapy (ART) therapy

179. No data are available in Namibia for this category. The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Table 38
Cumulative number of patients receiving ART in public health facilities

Year	Cumulative # of patients on ART		
	Adult	Paediatric	Total
2006	12 480	1 916	14 396
2007	25 944	3 923	29 867
2008	42 316	5 992	48 308

Source: Health and Social Services System Review, MOHSS 2008.

180. Prevention of mother-to-child transmission (PMTCT) of HIV services were first introduced in the Katutura State Hospital and the Oshakati State Hospital on a pilot basis in March 2002. By March 2007, PMTCT services had been rolled out to 189 out of 331 healthcare facilities (57%; all 35 hospitals and 153 healthcare centres and clinics).

Table 39
Infant and under-5 mortality and low birth weight

Region	Infant mortality (#)	Under-5 mortality (#)	Low birth weight* (%)
Caprivi	78	93	15.7
Erongo	48	65	14.5
Hardap	48	73	26.5
Karas	45	59	11.4
Kavango	49	67	15.7
Khomas	40	52	13.4
Kunene	27	49	17.4
Ohangwena	62	95	11.9
Omaheke	37	63	9.4
Omusati	49	76	12.2
Oshana	49	74	12.3
Oshikoto	48	64	13.8
Otjozondjupa	49	67	17
<i>Residence</i>			
Urban	43	60	14.4
Rural	52	76	13.8
Namibia			14

Source: DHS 2006/07.

* Percentage of births less than 2.5 kg; 3,753 births measured.

Table 40
Moderately underweight, severely underweight, wasting and stunting

Region	Moderately underweight (%)	Severely underweight (%)	Wasting (%)	Stunting (%)
Caprivi	13.8	5.7	5.3	26.1
Erongo	6.5	1.4	3.2	21.5

<i>Region</i>	<i>Moderately underweight (%)</i>	<i>Severely underweight (%)</i>	<i>Wasting (%)</i>	<i>Stunting (%)</i>
Hardap	20.3	5.7	10.8	30.0
Karas	16.0	4.1	7.7	30.2
Kavango	18.5	3.7	6.9	38.8
Khomas	11.4	1.3	5.3	22.6
Kunene	12.6	2.1	5.2	27.0
Ohangwena	19.5	3.2	6.9	34.0
Omaheke	14.2	2.9	5.5	21.6
Omusati	18.3	4.4	10.1	27.7
Oshana	21.2	5.3	9.6	28.3
Oshikoto	21.9	5.7	11.2	32.3
Otjozondjupa	15.4	5.3	8.6	27.1
<i>Residence</i>				
Urban	11.5	2.1	5.6	23.8
Rural	19.0	4.6	8.3	31.4
Namibia	16.6	3.8	7.5	29.0

Source: DHS 2006/07.

Table 41
Households with sanitation and drinking water; immunisation coverage

<i>Region</i>	<i>Households without access to:</i>		<i>One-year-olds fully immunised for TB, diphtheria, pertussis, tetanus, polio and measles (%)</i>
	<i>Safe drinking water (%)</i>	<i>Sanitation (%)</i>	
Caprivi	12.9	91.8	70.2
Erongo	2.4	46.7	76.3
Hardap	4.1	52.9	66.3
Karas	5.6	47.6	0.0
Kavango	27.1	88.3	47.7
Khomas	0.3	37.7	75.5
Kunene	14.8	78.1	35.3
Ohangwena	13.1	94.4	70.4
Omaheke	1.9	77.3	69.8
Omusati	34.6	85.4	81.0
Oshana	2.6	70.4	74.1
Oshikoto	14.3	68.0	72.2
Otjozondjupa	1.4	57.1	76.2
<i>Residence</i>			
Urban	4.0	42.1	71.5
Rural	18.3	86.0	66.8
Namibia	10.0	65.4	68.7

Source: DHS 2006/07.

181. The maternal mortality rate can be converted to a maternal mortality ratio and expressed per 100 000 live births by dividing the rate by the general fertility rate. The general fertility rate that prevailed during this period was 0.117. Using this procedure, the maternal mortality ratio during the 10-year period prior to the survey is estimated at 449 maternal deaths per 100 000 live births. This figure should be treated with caution, however, as the number of female deaths that occurred during pregnancy, at delivery, or within two months of delivery was small (86). As a result, the maternal mortality estimates are subject to large sampling errors; the 95 percent confidence intervals indicate that the maternal mortality ratio varies from 341 to 557 (DHS, 2006).

182. In terms of prenatal care, the majority of women made at least four visits for care. In urban areas the rate was 73.0%; in rural areas, it was 68.4%.

4. Number of women who received post-natal care

183. No data are available in Namibia for this category. The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Table 42

Prenatal care and deliveries

<i>Region</i>	<i>Pregnant women in prenatal care (%)</i>	<i>Children born in hospitals (%)</i>	<i>Deliveries by a skilled provider (%)</i>
Caprivi	93.6	78.0	80.0
Erongo	93.0	91.9	92.6
Hardap	95.5	90.2	90.5
Karas	98.8	91.9	93.7
Kavango	91.6	62.5	63.5
Khomas	96.8	95.0	95.3
Kunene	81.4	53.6	54.4
Ohangwena	95.7	70.9	71.3
Omaheke	91.5	76.7	76.2
Omusati	96.9	87.6	87.6
Oshana	98.5	88.8	88.8
Oshikoto	95.3	77.8	78.5
Otjozondjupa	93.4	80.2	80.4
<i>Residence</i>			
Urban	96.1	93.5	93.9
Rural	93.4	71.9	72.5
Namibia	94.6	80.8	81.4

Source: DHS 2006/07.

Table 43

Mothers practising exclusive breastfeeding

<i>Age of child (months)</i>	<i>Mothers exclusively breastfeeding (%)</i>
< 2	53.6
2-3	22.9

<i>Age of child (months)</i>	<i>Mothers exclusively breastfeeding (%)</i>
4–5	5.7
6–8	1
9–11	0.2
12–17	0.7
18–23	0
24–35	0.7

Source: DHS 2006/07.

5. Children infected by HIV/AIDS

184. In 2008, 14 400 children under the age of 18 were known to be infected by the HIV virus.

6. Children who receive assistance (including medical treatment, counselling, care and support)

185. See chapter VII, section B, above for an overall breakdown of children receiving support from the GRN; disaggregated data regarding this category are not available.

No data are available on the following categories:*

- (a) **Number/percentage of these children living with relatives, in foster care, in institutions, or on the streets;**
- (b) **Number of child-headed households as a result of HIV/AIDS;**
- (c) **Number of adolescents affected by early pregnancy, sexually transmitted infections, mental health problems, drug and alcohol abuse; or**
- (d) **Number of programmes and services aimed at the prevention and treatment of adolescent health concerns.**

* The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

E. Factors and difficulties

186. In 2008, the MOHSS conducted a thorough review of its operations, leading to the publication of the Health and Social Services System Review,²⁸ a wide-ranging document that deals with issues confronting assistance to Namibians with disabilities. The following are amongst the findings:

(a) The delivery of social welfare services is administered by different ministries, resulting in fragmentation, duplication, confusion regarding roles and responsibilities in the social welfare sector, inefficiency and ineffectiveness in meeting the needs of clients;

(b) The fragmentation of the social welfare sector in Namibia also contributed to the fact that the draft Social Welfare Policy was no longer applicable and was shelved;

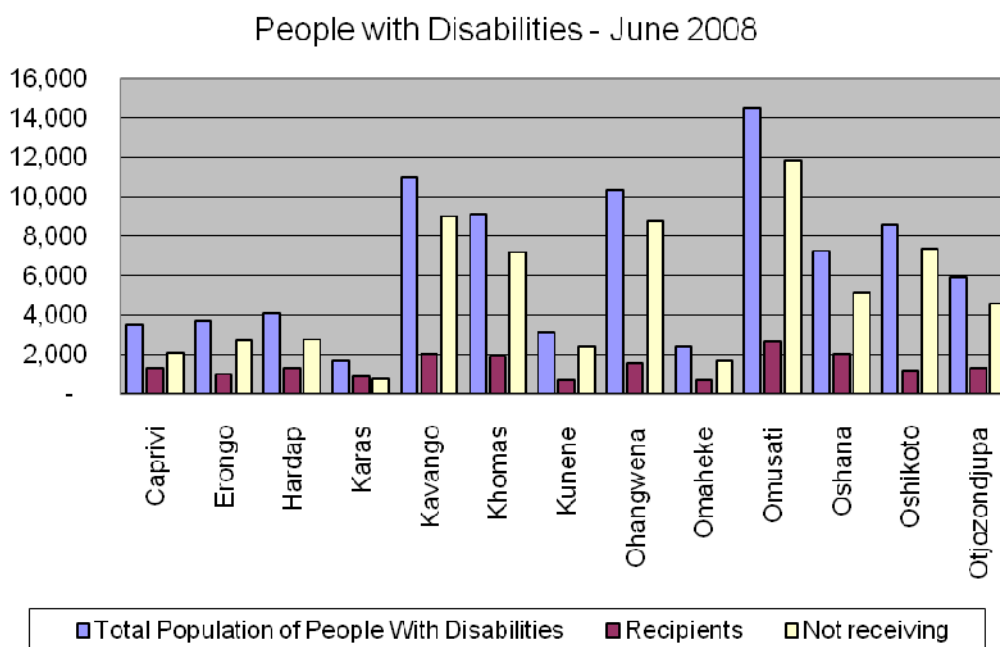
²⁸ MOHSS. 2008. *Health and Social Services System Review*. Windhoek.

(c) The shortage of social welfare staff, especially social workers, high staff turnover, long distances to social welfare offices, a lack of transport for clients and social workers, language barriers between social welfare staff and clients, a lack of national documents necessary for accessing social welfare services and a lack of awareness of social welfare services seriously hamper social welfare service delivery;

(d) Problems include the delayed establishment of the National Disability Council; the outdated Disability Policy; limited access for people with disabilities to public buildings, public transport, information, education, employment, healthcare, counselling services and other services due to environmental barriers (including the lack of brailled materials and sign language interpreters and the inaccessibility of physical environment); and negative attitudes of the community towards people with disabilities.

187. Fragmentation of service delivery systems and the general lack of capacity also constitute obstacles to the implementation of existing programmes. The MOHSS review found that while support payments are available to people with disabilities, most do not receive the grant. The situation is summarised in Figure 2 below.

Figure 2
People with disabilities (June 2008)



188. Recommendations from the Health and Social Services System Review to improve the situation for disabled Namibians include:

- (a) The expedited finalisation of a national developmental social welfare policy, to guide social welfare delivery;
- (b) Consolidation of social welfare services in Namibia under one ministry to ensure better service delivery and to avoid duplication of efforts;
- (c) Transfer of pension clerks from the MOHSS to relevant ministries;
- (d) The revision of social welfare structures to meet social welfare services roles and responsibilities at all levels;
- (e) The revision and implementation of the social welfare information system;

- (f) The establishment of more welfare organisations in all regions, especially in remote areas;
- (g) The establishment of the National Disability Council;
- (h) Training of social welfare staff in sign language;
- (i) The making accessible of information, education and communication materials to people with disabilities.

189. Namibia has made both significant investments and significant progress in providing healthcare for its children. That said, there are still gaps which need to be addressed regarding healthcare delivery services. The MOHSS's 2008 Health and Social Services System Review made a wide range of policy and administrative recommendations. Recommended changes to the national healthcare system that have particular relevance to the CRC are to:

- (a) Develop a national strategic plan for the health and social services sector that promotes coordination and synergy among the various programmes and pays special attention to reaching the difficult-to-reach areas;
- (b) Review the core functions of the health sector and clarify roles and responsibilities of various levels of the health system;
- (c) In collaboration with regional councils, establish community-based healthcare providers as the lowest level of healthcare services delivery, and develop a clear policy on health promotion;
- (d) Coordinate all social services under one sector;
- (e) Decentralise some components of primary healthcare to regional councils (e.g. spraying programmes, sanitation, distribution of water purification tablets, CBHC);
- (f) Improve internal coordination between programmes through the establishment of steering committees and establish a coordination mechanism for partners in the healthcare sector;
- (g) Revise the policy/directives on after-working hours and working during weekends and holidays in clinics and remote areas to make services available to the population at these times;
- (h) Hold an Annual Health Assembly to bring together all key stakeholders to review progress made by the sector, major constraints faced and the steps necessary for further improvement in the provision of healthcare and social services;
- (i) Ensure active participation of all stakeholders at all levels, including citizens' groups, in the formulation of healthcare sector policies;
- (j) Build regional leadership capabilities and cross-regional collaboration;
- (k) Ensure leadership renewal through ongoing development and succession planning; and
- (l) Put a clear tracking system in place to clarify responsibilities and give feedback on how well people are meeting goals.

VIII. Education, leisure and cultural activities

190. The education of Namibians is a priority for the GRN and a key component of all development plans. The GRN realises that simply providing access to schools is not

enough. The quality of teachers and other staff and the content of the curriculum need to be of a sufficiently high standard to prepare Namibian children for participation in the modern world economy.

A. Follow-up

191. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 9) The Committee also takes note of the problems involved with improving the quality of education.

192. In response, since 1990, roughly 25% of Namibia's annual budgets have been earmarked for education. Access to education improved dramatically in the 1990s, and over 90% of children are currently in school. The quality of education has become the focus of GRN initiatives in recent years. Extensive efforts to improve educational services are underway.

(Para. 18) With regard to educational matters, the Committee encourages the development of the initiative to provide more training to schoolteachers as a means to improve the quality of education and provide an opportunity to raise awareness within this profession of the rights of the child.

193. In response, in parallel with expanding access to education, teacher training has been an important part of the education strategy. A number of programmes and policies have been put into place to both provide new teachers with better qualifications and encourage existing teachers to improve their skills.

B. Comprehensive national programmes – monitoring

194. Education is a priority for the GRN. Over the course of 19 years since Independence, the educational vote in annual budgets has usually been the largest. The 2007/08 allocation to the Ministry of Education was approximately 26% higher than the previous year. Additional funding covered across-the-board increases for all sub-sectors of education. Vocational and skills training received the largest increase over previous years, a commitment which reflects the increasing emphasis on providing skills.

195. Almost all children do have access to education. A main focus of the 1990s was the construction of schools. Much of the country, particularly the communal areas, had been denied educational facilities under apartheid rule. The focus on school construction has continued in the new millennium: between 2000 and 2006, 128 new schools were constructed. By 2006, only 7% of classrooms were still classified as "traditional".

196. Namibia has made special efforts to bring education to marginalised groups. In 1998, with assistance from the Kingdom of Norway, five mobile classrooms were established to provide primary education to children of the semi-nomadic Ovahimba ethnic group. Initially, 100 learners participated in the project. By 2008, 45 classroom units were operational, serving 2 205 learners and 68 teachers. Attitudes within the Ovahimba community have become strongly supportive of education for their children, with some children having moved on to secondary schools in a more formal setting. As already noted, the Office of the Prime Minister has taken the lead in providing support for marginalised groups. Its San Development Fund provides support for secondary and tertiary education to San learners.

197. The educational system has 19 840 teachers with an average learner-to-teacher ratio of 28.6. A child is supposed to enter school in the year in which he or she becomes seven years old. In 2006 close to 85% of seven-year-olds and over 92% of eight-year-olds were in school. Well over 90% of children from ages nine to 16 are in school; 90.3% of 16-year-olds and 49.5% of 18-year-olds are in school. Girls are more likely to leave the system in these final years than boys: only 46.5% of 18-year-old girls are at school, compared to 52.5% of boys. Cultural bias in favour of boys finishing school, pregnancy and/or girls having to leave school early to become caregivers are possible explanations.

198. After publication of Namibia's Vision 2030 — the blueprint for long-term development of the country — an evaluation was undertaken to gauge the ability of the educational system to provide the skills required to raise Namibia to the status of a developed country. The system was found to be lacking in a number of crucial areas, and the GRN concluded that children were not getting the skills needed to successfully participate in a modern economy. Further analysis uncovered a range of administrative, technical, curriculum and policy issues which will require change to raise the educational system to the standards required by Vision 2030.

199. To address these deficiencies, ETSIP was initiated in 2006. ETSIP will run for 15 years with support from the World Bank and other development partners. Specific activities for the first five years include:

- (a) Strengthening the supply of middle- to high-level skilled labour;
- (b) Improving the quality, efficiency and effectiveness of general education;
- (c) Systematising knowledge and innovation;
- (d) Improving the effectiveness and relevance of the tertiary education system;
- (e) Strengthening the policy and legal framework for access to lifelong learning.

200. Namibia has made improvements in the area of teacher qualifications. At Independence, few teachers at schools which had formerly been for non-white learners had passed Grade 12, and fewer still had any tertiary qualifications. The Ministry of Education therefore implemented a number of programmes to encourage existing teachers to upgrade their skills, while at the same time raising the standards required for entry into the teaching profession. In 2006, of its 19 480 teachers, 91% had successfully completed Grade 12; 72% had completed both Grade 12 and more than two years of tertiary training; and only 8% had not passed Grade 12.

201. There is, however, a discrepancy between primary and secondary grades, as more qualified teachers are found at secondary schools. Of current primary school teachers, 12% have not passed Grade 12, as opposed to 1.4% of secondary school teachers. Conversely, secondary grades have a much higher percentage of the better qualified teachers, with 89% of secondary school teachers having Grade 12 plus more than two years of tertiary training, versus 65% for primary school teachers. Educators argue the importance of basic skills instruction in primary school as an overriding reason to have qualified teachers at this level. Yet in Namibia, the reverse appears the case. Also, in the Namibian context, the lower promotion rate from primary to secondary school, coupled with the very low promotion rate from Grade 10 to Grade 11, results in less exposure of Namibian students to teachers with higher qualifications. These are issues which are to be addressed by ETSIP.

202. The GRN education system has 438 libraries, or roughly one for every four schools. A major initiative of ETSIP is Tech/Na, an integrated project to connect all Namibian schools to the Internet. Tech/Na includes system-wide procedures for integrating ICT into the basic curriculum, and for giving teachers the necessary training and support required to

do so. The initiative was launched in 2008 and connected over 75 educational institutions in its first year of operation.

C. Allocation of budgetary and other resources

203. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

Ministry of Education

204. The Ministry of Education's 2008/09 budgetary allocation is N\$4 782 761 000. The General Education Programme aims to provide a base of seven years of primary education and five years of secondary education to all children in Namibia. The Information and Adult and Lifelong Learning Programme, as described above, supports libraries throughout the country. The Vocational Education and Training Programme aims to give young Namibian the skills required by the labour market. The Knowledge Creation and Innovation Programme facilitates development and associated educational strategies. The Tertiary Education Programme provides support for the University of Namibia and the Polytechnic of Namibia.

Table 44

Ministry of Education programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
General education	2 631 026	2 607 674	3 038 542	3 764 415	3 530 957	3 789 648
Information and adult and lifelong learning	85 729	96 319	113 862	139 928	127 606	131 997
Vocational education and training	60 615	73 347	752 823	134 027	106 103	115 913
Knowledge and innovation	7 659	10 027	11 349	11 186	12 481	14 588
Tertiary education	327 360	453 867	453 757	731 121	687 587	710 912
HIV/AIDS	5 000	15 987	6 724	2 984	2 146	2 253

Source: MTEF 2008/2009–2010/2011.

Table 45

Ministry of Education development partner contributions

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Book Aid International	105	0	0	0	0	0
EC and SIDA-ISCBF*	16 880	9 731	0	0	0	0
Finnish Embassy	0	560	220	220	0	0
World Bank Loan	0	0	57 615	57 615	0	0
GTZ	8 310	6 800	0	0	0	0
Global Fund	19 000	2 785	8 100	0	0	0

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
France	0	0	0	76 000	76 000	76 000
Ibis	0	7 080	0	0	0	0
KfW	4 000	0	0	0	0	0
Lux. Development	8 978	10 250	12 500	14 093	14 093	9 400
United Nations agencies	420	22 780	18 910	15 922	14 413	14 413
MCA**	0	0	0	186 540	279 820	279 820
USAID	32 400	32 140	32 140	29 658	17 917	0
VSO	1 500	0	0	0	0	0
Private Namibian partners	0	0	4 390	5 200	5 200	4 800
Total	91 593	92 126	133 875	385 248	407 443	384 433

Source: MTEF 2008/2009–2010/2011.

* Institutional Strengthening and Capacity Building Facility.

** Millennium Challenge Account.

Table 46

Ministry of Education development partner support to programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
General education	61 710	65 797	44 985	280 568	275 627	279 566
Information and adult and lifelong learning	1 905	1 800	2 000	3 079	3 877	3 084
Vocational education and training	8 978	10 250	48 790	64 655	81 416	64 771
Tertiary education	0	0	11 000	12 315	15 508	12 337
HIV/AIDS	19 000	14 279	27 100	24 631	31 015	25 675
Total	91 593	92 126	133 875	385 248	407 443	384 433

Source: MTEF 2008/2009–2010/2011.

Ministry of Youth, National Service, Sport and Culture

205. The MYNSSC received N\$319 168 000 in 2008/09.

Table 47

MYNSSC programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Youth development	20 145	62 281	60 561	73 801	71 890	79 636
Youth opportunities	40 821	18 504	32 259	122 791	98 837	101 226
Sport	29 893	49 097	44 967	55 509	54 372	53 019
Arts	15 793	27 013	34 823	35 917	37 383	38 856
Culture	15 793	27 014	32 859	31 150	32 386	36 184

Source: MTEF 2008/2009–2010/2011.

D. Statistical data

Literacy rates of children and adults

206. As seen above, over 90% of school-age children are enrolled in school. Data on childhood literacy below age 15 are not available (the census gathers data on literacy for Namibians aged 15 and above.) Table 48 below reflects literacy for older children and the adult population as a whole. Owing to the lack of meaningful education under apartheid, children and young adults generally have higher levels of literacy than older generations.

Table 48

Literacy by regions

<i>Region</i>	<i>15–19 (%)</i>	<i>15 and older (%)</i>
Caprivi	89.3	78.2
Erongo	96.0	92.3
Hardap	93.2	83.0
Karas	96.1	86.6
Kavango	88.3	70.3
Khomas	96.3	93.7
Kunene	71.9	57.1
Ohangwena	91.5	79.2
Omaheke	81.2	66.1
Omusati	94.9	82.8
Oshana	96.4	88.9
Oshikoto	91.8	83.0
Otjozondjupa	73.6	66.7
<i>Residence</i>		
Urban	94.9	90.7
Rural	89.0	75.6
Namibia	90.6	81.3

Source: Census 2001.

Table 49

Enrolment and attendance rates* for primary and secondary schools and vocational training centres

<i>Region</i>	<i>Primary enrolment</i>	<i>Secondary enrolment</i>	<i>Vocational training centres enrolment**</i>
Caprivi	18 652	7 706	316
Erongo	17 662	8 313	160
Hardap	14 345	5 534	-
Head Office***	342	245	-
Karas	13 228	4 926	-
Kavango	55 185	14 319	342
Khomas	40 773	21 230	494

<i>Region</i>	<i>Primary enrolment</i>	<i>Secondary enrolment</i>	<i>Vocational training centres enrolment**</i>
Kunene	13 012	3 369	-
Ohangwena	64 429	22 034	-
Omaheke	11 214	3 237	-
Omusati	61 660	25 312	45
Oshana	34 350	18 216	341
Oshikoto	40 865	16 097	-
Otjozondjupa	23 881	7 594	208
Namibia	409 508	158 162	2 068

Source: EMIS 2007.

* Data for attendance rates are not available.

** Figures for 2005/2006: <http://www.mec.gov.na/ministryOfEducation/dvettHeadOfficeD.htm>.

*** Head Office refers a very small number of schools, largely for learners with special needs, which are directly administered by the Ministry of Education Head Office.

Table 50

Retention and dropout rates for primary and secondary schools and vocational training centres*

<i>Grade</i>	<i>Promotion (%)</i>		<i>Repetition rate (%)</i>		<i>School leaving rate (%)</i>	
	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>
1	79.2	73.3	19.3	24.4	1.5	2.3
2	85.2	82.2	12.0	17.6	0.3	0.2
3	85.5	82.7	11.1	16.6	0.4	0.7
4	86.2	80.4	13.0	18.7	0.8	0.9
5	74.3	66.4	22.4	29.0	3.3	4.6
6	83.3	80.0	14.1	17.4	2.6	2.6
7	77.8	75.2	17.8	19.1	4.4	5.7
8	70.3	67.7	23.6	24.9	6.1	7.4
9	72.8	74.3	19.6	19.1	7.6	6.6
10	53.5	53.8	9.8	6.3	36.7	39.9
11	95.6	98.0	1.3	1.3	3.1	0.7
Namibia	79.1	75.3	16.0	19.6	4.9	5.1

Source: EMIS 2007.

* Data for Vocational Training Centres are not available.

Table 51
Average teacher-to-pupil ratio*

<i>Region</i>	<i>Overall</i>	<i>Primary</i>	<i>Secondary</i>
Caprivi	26.4	29.3	21.4
Erongo	27.9	30.2	24.7
Hardap	26.3	29.9	24.7
Karas	26.4	28.9	22.7
Kavango	28.9	31.0	23.4
Khomas	27.5	29.5	24.7
Kunene	26.6	28.4	22.7
Ohangwena	29.3	31.0	25.4
Omaheke	27.2	28.9	22.6
Omusati	27.9	29.4	24.8
Oshana	29.1	30.0	27.5
Oshikoto	28.6	30.1	25.3
Otjozondjupa	29.0	30.4	25.3
Namibia	28.1	29.9	24.6

Source: EMIS 2007.

* Teacher-to-pupil ratios are relatively constant across the educational system.

No data are available on the following categories:*

(a) **Percentage of children in the non-formal education system;** and

(b) **Percentage of children who attend preschool education** (pre-school education was privatised by the GRN in the mid-1990s. At present there are no statistics on either the number of pre-schools or their enrolments. Anecdotal evidence indicates that the number for both could be high. The quality of schools, the content of the curriculum and the training of pre-school workers and teachers varies greatly. The GRN is now in the early stages of registering pre-schools.)

* The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

E. Factors and difficulties

207. Despite notable gains, there are still gaps in access to education. This can be seen in two areas. Firstly, retention rates through the system show disappointing results, particularly regarding the progression of students to higher levels of instruction. Secondly, the ability of the system to cater for the vulnerable and poor is under question.

208. Retention rates show two significant points of decline: the transition from Primary School to Junior Secondary School (Grade 7 to Grade 8); and from Junior Secondary to Senior Secondary (Grade 10 to Grade 11). Space for students decreases rapidly in secondary grades. Just over 34% of schools offer the full set of Junior Secondary grades (Grades 8–10) while only just over 7% of schools offer Senior Secondary grades (Grades 11 and 12). Between 40% and 50% of learners leave school after Grade 10. Many learners may have passing grades, but find themselves excluded from formal schooling due to the

lack of space. These students can either enter the job market without the critical skills and qualifications of a high school certificate, or continue through adult education.

209. OVC represent a special challenge to the educational system. The number of OVC has mushroomed over the past 15 years, an increase which has placed many children in jeopardy regarding the continuation of their education. While public education is free, many schools require school uniforms, school development fees and fees for hostel accommodation. These added costs are prohibitive for both low income families and those affected by HIV/AIDS. The GRN has a policy and procedures in place to ensure that no child will be denied education due to an inability to pay fees. Unfortunately, implementation is uneven, leading to some children being denied access to school.

IX. Special protection measures

210. Thousands of Namibians fled the country during the years of apartheid. This first-hand experience as refugees by many now holding GRN positions drives efforts to provide for those seeking shelter within Namibia's borders. Namibia also has its own special minorities, and it has taken targeted, high-level efforts to meet their unique needs. Efforts to protect children in conflict with the law have been initiated. The GRN is ready to meet new challenges such as human trafficking and child labour abuses.

A. Follow-up

211. In its concluding observations (CRC/C/15/Add.14) to Namibia's Initial Report to the Committee on the Rights of the Child (CRC/C/3/Add.12), the following points relating to this chapter were noted:

(Para. 10) Equally, the Committee is concerned at the situation of children in especially difficult circumstances, including the incidence of child labour, particularly on farms and in the informal sector, and the number of children dropping out of school.

212. In response, the MLSW has developed an Action Programme on the Elimination of Child Labour. Problems with child labour, particularly in agriculture, are addressed. As noted above, drop-out rates for children have decreased.

(Para. 11) As regards the system of juvenile justice in place in Namibia, the Committee is concerned as to its conformity with the Convention on the Rights of the Child, namely its articles 37 and 40, as well as with relevant international instruments such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

213. In response, basic constitutional protections meet many of the requirements of the Beijing Rules and the Riyadh Guidelines. Capital and corporal punishment are banned. Children in conflict with the law are routed into diversion programmes wherever possible. Special protection measures have been built into the justice system, including juvenile courts.

(Para. 20) The Committee is of the opinion that the system of the administration of juvenile justice in the State party must be guided by the provisions of articles 37 and 40 of the Convention on the Rights of the Child as well as relevant international standards in this field, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Moreover, it is suggested that measures be taken to train law enforcement officials, judges, personnel working in detention centres and counsellors

of young offenders about international standards for the administration of juvenile justice. The Committee underlines the need for technical assistance programmes in the light of these recommendations and encourages the State party to continue its cooperation with the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the United Nations Secretariat and UNICEF in this regard.

214. In response, basic constitutional protections are embedded in the training of law enforcement and justice personnel. The Office of the Ombudsman monitors the implementation of protection measures for children.

(Para. 21) The Committee also recommends that the State party ensures that its policy and legislation on the issue of child labour is in conformity with the provisions of the Convention on the Rights of the Child and relevant ILO Conventions.

215. In response, as noted in chapter II, Convention No. 138 on the Minimum Age for Admission to Employment and Work was ratified in 2000 and applied through the Labour Act (No. 11 of 2007). ILO Convention 182 on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour was ratified in 2000.

B. Comprehensive national programmes – monitoring

216. Namibia is a State party to the 1951 Convention relating to the Status of Refugees as well as the 1967 Protocol relating to the Status of Refugees. Since 1990, the country has hosted refugees, mainly from conflicts in Angola and the Democratic Republic of the Congo. The population of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) peaked in 2001 at just under 33 000. By 2005, largely due to voluntary repatriation, that number had dropped to 6 433. In 1999, as a result of a single-action secession attempt in Caprivi Region, some Namibians left the country for Botswana, where they have refugee status. Namibian refugees in Botswana peaked in 2000 with a total of 2 295. By 2005, the number was down to 1 189, with many refugees accepting voluntary repatriation to Namibia.

217. Namibia hosts refugees at the Osire Refugee Camp, approximately 250 km North of Windhoek. The camp is 900 hectares in size, about half of which are currently in use. A primary school in Osire Refugee Camp is jointly run by the Ministry of Education and the Office of the UNHCR. Primary school is free and available to all children. There is a junior secondary school that accommodates all children who pass their Grade 7 examinations. There are currently 41 classrooms. Two additional classrooms and one laboratory are being constructed with funds provided by the Ministry of Education. The new classrooms will be used as the junior secondary school, ending the practice of sharing classrooms between the primary school and the junior secondary school. There are 1 996 pupils (1 023 male and 973 female) in the primary school and 693 (404 male and 289 female) in the secondary school. A kindergarten has 396 pupils (192 male and 204 female). The Office of the UNHCR spends over N\$3 000 000 annually on education at the camp, with the remainder being covered by the GRN.

218. The MOHSS in partnership with the Office of the UNHCR operates a healthcare centre at Osire. (A healthcare centre is differentiated from a clinic by having more personnel and a number of beds for inpatients.) Pre- and post-natal services are available for all mothers. Health awareness education is conducted in the camp, targeting all refugees and asylum seekers. All refugee children receive the same immunisations as Namibian children. In 2008, 1 334 children below the age of 10 were vaccinated. A total of 42 (18 male and 24 female) are on anti-retroviral treatment for HIV. Of this figure, six (three male and three female) are children.

219. Parts of Namibia are subject to regular floods which cause temporary internal displacement. Caprivi Region along the Zambezi River is the most frequent site of floods, while the Cuvelai Basin in north-central Namibia is also flooded, though less frequently. The GRN responds to these floods largely with its own resources, with efforts being coordinated by the Office of the Prime Minister. Flooding in the Cuvelai Basin occurred during the 2008 rain season and again in 2009. In 2008, approximately, 2 800 people were unable to find their own shelter and were cared for by the GRN.

220. Namibia has neither conscription nor any other form of compulsory service. The Coalition to Stop the Use of Child Soldiers notes that there are no reports of children serving in the armed forces. The age for voluntary recruitment is 18, and recruits are required to provide certified copies of identity documents and birth certificates before they are accepted.²⁹

221. Juvenile justice in Namibia continues to undergo modification. Legislation such as Children's Act (No. 33 of 1960) and the more recent Criminal Procedure Amendment Act (No. 24 of 2003) provides a basis for the juvenile justice system. Other pieces of legislation which relate to children, such as the Combating of Rape Act (No. 8 of 2000), contain protections for children. The proposed Child Care and Protection Bill will further define children's rights.

222. Namibia's juvenile justice system has three components: the Namibian Police; the courts; and prisons. The Ministry of Safety and Security is responsible for the police and prison services. As noted, children under the age of seven are not legally competent, while those between the ages of seven and 14 can be neither convicted of a crime nor incarcerated, except under compelling circumstances. Children under the age of 18 are tried in special, closed courts, though they can be incarcerated if found guilty of a crime. Children under the age of 16 who are arrested must be released to a parent or guardian while awaiting trial. In cases where children have to testify in a trial, special facilities to isolate them from the proceedings have been established in Windhoek, Mariental and Otjiwarongo.

223. Two features of juvenile justice are input from social workers from the MGECW and the MYNSSC, and diversion programmes. Social workers evaluate a child's situation and present a report to the magistrate.³⁰ Thereafter, if a child is found guilty, additional recommendations are sought regarding sentencing. A primary goal of juvenile justice is diversion, through which a child is released to the MYNSSC, which runs programmes for children. The programme may include (depending on the evaluation by a social worker) basic skills training, educational assistance and counselling. A child who enters diversion does so in lieu of a verdict. The child is brought back before a magistrate on a regular basis to monitor his or her progress. Successful completion of a diversion programme leaves the child without a criminal record.

224. Diversion appears to be successful. The number of children detained in Namibian prisons dropped from 567 in 2000 to 297 in 2007. Furthermore, in 2009 the Elizabeth Nepemba Juvenile Detention Centre in Kavango Region did not receive enough juvenile inmates to justify full-time operation. It may therefore be modified for other purposes.³¹ Children who are incarcerated are put into special sections of the thirteen existing prisons around the country, where they are isolated from the adult population. These sections are

²⁹ Coalition to Stop the Use of Child Soldiers. 2008. *Child Soldiers Global Report 2008 – Namibia*.

³⁰ All magistrates in Namibia are also Child Welfare Commissioners, and are therefore legally bound to protect the interests of any child brought before them.

³¹ Prison service officials acknowledge that the lack of juvenile inmates may be due either to a backlog of court cases, or to the success of diversion programmes. A study is planned to ascertain the causes.

staffed by officers who have received special training on dealing with juveniles. Currently, there is a preference for using local facilities to incarcerate children because in the majority of cases it makes it easier for family members to visit the child.

225. In 1999, just over 72 000 children between the ages of six and 18 (16% of the children in this age group) were either working or looking for work. Over half of these working and work-seeking children, approximately 40 000, were under 14, which is the minimum legal working age. The vast majority of working children lived in rural settings, with most coming from communal farming areas. Two-thirds of working children worked on communal farms, with boys being more likely to be employed than girls. Of all children who worked, only one in ten was reported to be receiving wages.³²

226. Recently, the MLSW completed its Action Programme on the Elimination of Child Labour.³³ In it, the following points are raised:

- (a) Between 10% and 30% of children in conflict with the law had been tempted or forced into criminal activity by adults;
- (b) Criminal and sexual exploitation of children occurred both through children being prostituted, and through adults taking advantage of needy children by providing basic necessities in return for sex;
- (c) Children were being forced to work in the agricultural and domestic service sectors;
- (d) Child trafficking occurred on a limited scale, both within the country and across national borders;
- (e) Children were engaged in hazardous work, making charcoal, tending livestock in isolated areas and carrying heavy loads.

227. Namibia has passed a number of measures designed to combat sexual exploitation and abuse. These include:

- (a) The Combating of Domestic Violence Act (No. 4 of 2003) defines domestic violence as being of a physical, verbal, emotional, financial, sexual, economic, intimidatory or psychological nature. The law protects children against these forms of violence, including exposure to such types of violence, even if they are not themselves directly abused;³⁴
- (b) The Combating of Rape Act (No. 8, 2000) gives stronger protection against the sexual abuse of children, defining as rape any sexual act committed with a boy or girl under 14, by someone who is more than three years older than the victim. It provides stiff minimum sentences for rapists. Depending on the circumstances, the minimum sentence for a first offence is 10, 20 or 45 years imprisonment. The Act does not apply to offenders under the age of 18. The Act also makes the knowing infection of someone with HIV an aggravating factor to be taken into account for sentencing purposes;
- (c) The Combating of Immoral Practices Act (No. 21 of 1980) and its amendments give additional protection to boys and girls under the age of 16, where there is

³² Ministry of Labour and Social Welfare. 2000. *Namibia Child Activities Survey, 1999: Report of Analysis*. Windhoek.

³³ Ministry of Labour and Social Welfare. 2008. *Action Programme on the Elimination of Child Labour*. Windhoek.

³⁴ *United Nations Secretary-General's Study on Violence against Children* (answers by Namibia to the questionnaire).

sexual contact with someone more than three years older themselves. This Act also declares prostitution to be illegal;³⁵

(d) The Children's Act (No. 33 of 1960) protects children against all forms of violence;

(e) The new Criminal Procedure Amendment Act (No. 24 of 2003) provides for compensation for all crime victims as part of the criminal case;

(f) Regarding vulnerable witnesses, the Criminal Procedure Amendment Act (No. 24 of 2003) makes provisions for child-friendly courts, including the presence of a social worker or any person in court to assist the child; it also allows for the physical re-arrangement of the court to make it more child-friendly for child witnesses. All Magistrate's Courts appoint Commissioners of Child Welfare to oversee court proceedings for all child-related cases;

(g) The proposed Child Justice Bill makes provisions for compensation based on restorative justice.

228. In addition to legislation, administrative and institutional measures specifically aimed at combating sexual abuse have been undertaken. These include:

(a) The Office of the Prosecutor-General has established a specialised unit for handling sexual offences and domestic violence;

(b) The MGECW has embarked upon a Legal Literacy Training Programme in order to educate communities, with special focus on traditional leaders, and on their basic rights and obligations;

(c) In July 1993, the MHAI through the Namibian Police established the first WCPU at Katutura State Hospital in Windhoek. There are now 15 such centres spread throughout all thirteen regions of the country.³⁶

229. Section 15 of the Prevention of Organised Crime Act (No. 29 of 2004) specifically prohibits trafficking in persons. Trafficking is defined broadly as "the recruitment, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation and includes any attempt, participation or organising of any of these actions. Further, exploitation is defined to include, the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." Trafficking is punishable by fines of up to N\$1 000 000 or 50 years' imprisonment.

230. The Labour Act (No. 11 of 2007) prohibits forced labour and provides for imprisonment of up to four years. Existing laws also prohibit child labour, child prostitution, pimping and kidnapping; these could also be used to prosecute trafficking cases.

231. During the reporting period, through the WCPUs, the GRN has provided specialised training in providing services to victims of sexual abuse for 102 police officers and 25 MOHSS social workers.

³⁵ Gender Research and Advocacy Project, Legal Assistance Centre. 2006. *An assessment of the Operation of the Combating of Rape Act 8 of 2000*.

³⁶ Dissertation: Legal Protection of Children: A study of the Namibian Police Women and Child Protection Unit.

232. NGOs and other civil society groups provide shelter facilities to which GRN authorities refer victims of crime. The WCPUs have also implemented a referral agreement with a local NGO that offers counselling to victims of trauma.

233. The Namibian legal system provides protection to victims who wish to testify against their abusers and a comprehensive asylum policy which allows trafficking victims to seek relief from deportation to countries where they face retribution or hardship.

234. The MLSW is engaged in programming to combat the worst forms of child labour. The ministry partners with the Namibia Agricultural Union and the Namibia Farm Workers' Union to conduct awareness campaigns against child labour. Labour inspectors are trained to identify the worst forms of child labour and to process cases.

235. In January 2008, the GRN hosted a national conference on child labour, a significant portion of which focused on the issue of child trafficking in the country. A national Child Labour Action Plan was ratified at this conference. The MGECW and the MOHSS operate welfare programmes for OVC by providing grants and scholarships to keep them in school and referrals to foster homes.

C. Allocation of budgetary and other resources

236. The GRN provides annual budgets according to an MTEF which calculates revenue and expenditure based on recent outlays, as well as two-year projections of future budgetary conditions. Specific allocations to relevant ministries and programmes are discussed below.

1. Ministry of Home Affairs and Immigration

237. In 2008/09, the MHAI ministry received N\$151 741 000. The Refugee Administration Programme, which provides protection to refugees and asylum seekers, is relevant to this chapter. It provides for the registration and processing of refugees at the Osire Refugee Camp.

Table 52

MHAI programmes

Programme	2005-06 (N\$ 000)	2006-07 (N\$ 000)	2007-08 (N\$ 000)	2008-09 (N\$ 000)	2009-10 (N\$ 000)	2010-11 (N\$ 000)
Refugee administration	1 105	1 226	1 719	1 832	2 074	3 536

Source: MTEF 2008/09–2010/11.

2. Ministry of Labour and Social Welfare

238. In fiscal year 2005/06, the MLSW assumed responsibility for financial support to the elderly and disabled. The shift resulted in a significant increase in the Ministry's budget. The MLSW's overall budget for 2008/09 was N\$996 336 000, of which 94% was for social welfare expenses. The Labour Services Programme will provide for the enforcement of relevant labour legislation, including child labour practices.

Table 53
MLSW programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Labour services	18 973	19 171	21 705	18 387	19 785	20 786

Source: MTEF 2008/09–2010/11.

3. Ministry of Youth, National Service, Sport and Culture

239. The MYNSSC received N\$ 319 168 000 in 2008/09. The Youth Development Programme includes Juvenile Justice, which operates the Youth Diversion Programme in conjunction with the court system. Juvenile Justice received N\$5 400 000 in 2008/09.

Table 54
MYNSSC programmes

<i>Programme</i>	<i>2005–06 (N\$ 000)</i>	<i>2006–07 (N\$ 000)</i>	<i>2007–08 (N\$ 000)</i>	<i>2008–09 (N\$ 000)</i>	<i>2009–10 (N\$ 000)</i>	<i>2010–11 (N\$ 000)</i>
Youth development	20 145	62 281	60 561	73 801	71 890	79 636

Source: MTEF 2008/2009–2010/2011.

D. Statistical data

Table 55
Number of internally displaced, asylum-seeking, unaccompanied and refugee children (2008)

<i>Country of origin</i>	<i>Female</i>	<i>Male</i>
Angola	1 562	1 605
Burundi	26	27
Central African Republic	0	1
Congo-Brazzaville	1	1
Democratic Republic of the Congo	157	167
Rwanda	12	7
Sierra Leone		2
Total	1 758	1 810

Source: UNHCR.

Table 56
Children seeking asylum (2009)

<i>Country of origin</i>	<i>Female</i>	<i>Male</i>
Burundi	17	30
Democratic Republic of the Congo	219	208
Ethiopia		1
Kenya	2	

<i>Country of origin</i>	<i>Female</i>	<i>Male</i>
Liberia	1	
Rwanda	23	18
Sierra Leone	1	1
Somalia		1
Sudan		2
Tanzania		4
Zimbabwe	4	2
Total	267	267

Source: UNHCR.

Table 57
Refugee children (2009)

<i>Country of origin</i>	<i>Female</i>	<i>Male</i>
Angola	1 673	1 697
Burundi	30	29
Central African Republic		1
Congo-Brazzaville	1	2
Democratic Republic of the Congo	169	178
Rwanda	13	7
Sierra Leone		2
Total	1 886	1 916

Source: UNHCR.

240. All internally displaced victims of flooding in 2008 have been resettled. Severe floods in 2009 have affected up to 54 000 Namibians.

Table 58
Number of persons under 18 who have been arrested by the police due to an alleged conflict with the law

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2004	316	41	357
2005	338	39	377
2006	206	29	235
2007	253	27	280
2008	241	31	272

Source: Namibian Police.

241. No data are available in Namibia regarding the average length of stay by children in prisons.

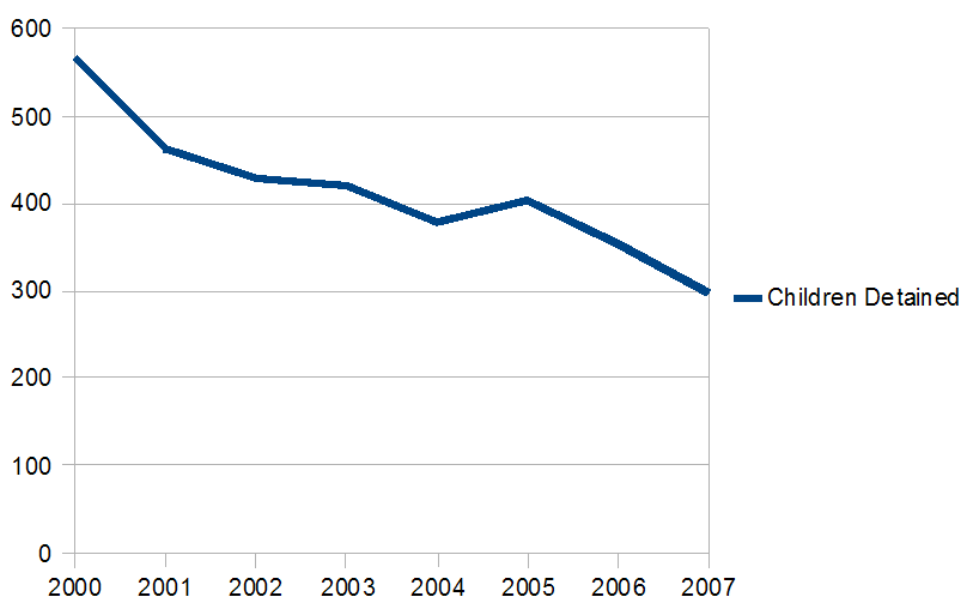
Number of institutions specifically for persons under 18 alleged to have, accused of having or recognised as having infringed the penal law

242. The Elizabeth Nepemba Juvenile Detention Centre in Kavango Region is allocated for all under-18 offenders. However, due in part to the success of diversion programmes for children in conflict with the law, the facility is underused. An additional factor in this regard is that because it is preferable to have child prisoners closer to their home environments, special facilities for child prisoners have been created in prisons in all regions.

Figure 3

Number of children detained in special facilities in Namibian prisons

(2000–2007)



No data are available on the following categories:*

- (a) Number and percentage of cases of children in conflict with the law who have been provided with legal assistance;
- (b) Number and percentage of persons under 18 who have been found guilty of an offence by a court and have received suspended sentences or have received punishment other than deprivation of liberty;
- (c) Number of persons under 18 participating in probation programmes of special rehabilitation;
- (d) Percentage of recidivism cases for persons under 18;
- (e) Number of persons under 18 held in police stations or pre-trial detention after having been accused of committing a crime reported to the police, and the average length of their detention;
- (f) Number of persons under 18 detained in institutions that are not specifically for children;

(g) **Number and percentage of persons under 18 who have been found guilty of an offence by a court and have been sentenced to detention and the average length of their detention;**

(h) **Number and percentage of children below the minimum age of employment who are involved in child labour as defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organisation, disaggregated by type of employment;**

(i) **Number and percentage of those children with access to recovery and reintegration assistance, including free basic education and/or vocational training (free basic education is available to all Namibian children);**

(j) **The number of child victims of substance abuse;**

(k) **The number that are receiving treatment, assistance and recovery services for substance abuse;**

(l) **Number of children involved in sexual exploitation, including prostitution, pornography and trafficking (the GRN will begin collecting baseline data in 2009);**

(m) **Number of children involved in sexual exploitation, including prostitution, pornography and trafficking, who were provided access to rehabilitation programmes;**

(n) **Number and percentage of those cases of sexual abuse and/or exploitation that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed;**

(o) **Number of children trafficked for other purposes, including labour;**

(p) **Number of border and law enforcement officials who have received training, with a view to preventing trafficking of children and to respect their dignity; and**

(q) **Number of reported cases of abuse and maltreatment of persons under 18 occurring during their arrest and detention/imprisonment.**

* The absence of data results from the lack of a systematic method to collect relevant information; it does not imply that no instances of the category in question occurred.

Number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during the reporting period

243. Data below present various statistics relating to the sexual abuse of children. Child victims of rape are shown in relation to all rape cases to highlight the frequency of child rape. Non-rape sexual offences include the possession and distribution of pornographic materials, non-penetrative sexual abuse, solicitation of children for sexual purposes and sexual offences with youths.

Table 59
Child victims of rape compared to all rapes

	2003	2004	2005	2006	2007	Total
Adult men	47	38	46	44	29	204
Boys	28	22	12	38	18	118
Total	75	60	58	82	47	322
Boys as a % of male rape	37	36	20	46	38	37
Adult women	480	509		523	516	2 564
Girls	338	345	348	349	384	1 764
Total	818	854	884	872	900	4 328
Girls as a % of female rape	41	40	39	40	42	41

Source: Namibian Police.

Table 60
Child victims of non-rape sexual offences

Year	Boys	Girls	Total
2004	0	7	7
2005	0	9	9
2006	0	12	12
2007	2	5	7
2008	2	17	19

Source: Namibian Police.

Table 61
Child victims of common assault

Year	Boys	Girls	Total
2004	172	95	267
2005	247	132	379
2006	131	114	245
2007	143	137	280
2008	136	104	240

Source: Namibian Police.

Table 62
Child victims of assault with intent to do grievous bodily harm

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2004	187	83	270
2005	241	131	372
2006	197	99	296
2007	200	151	351
2008	172	118	290

Source: Namibian Police.

Number and percentage of persons under 18 who are recruited or enlist voluntarily in the armed forces and proportion of those who participate in hostilities: None.

Number and percentage of children who have been demobilised and reintegrated into their communities; with the proportion of those who have returned to school and been reunified with their families: None.

Number and percentage of child casualties due to armed conflict: None.

Number of children who receive humanitarian assistance due to armed conflict: None.

Number of children who receive medical and/or psychological treatment as a consequence of armed conflict: None.

E. Factors and difficulties

244. Namibia inherited a detention and prison infrastructure that was poorly prepared to meet CRC requirements, particularly with respect to detention cells. A recent report of the Office of the Ombudsman found that the majority of detention centres lacked separate facilities for juveniles.³⁷ While it is policy that children who have been arrested must be released into the custody of a parent or guardian, this is not always immediately possible. In some cases, responsible adults are reluctant to accept responsibility for a child whom they deem to be uncontrollable. This is an issue which the GRN needs to address.

245. As has frequently been mentioned, Namibia has a dearth of trained social workers. Social workers at the MGECW are burdened by large case loads and time-consuming administrative tasks. As a result, there are few resources which can be devoted to social reintegration. The proposed staffing levels at the MGECW must be met. The burden of processing OVC support applications should be reviewed, with social workers being freed from clerical and record-keeping tasks. There is a need to develop a policy and procedures for children who have gone through either incarceration or a diversion programme. The partners in such an effort should be the MGECW, the prison services and the Namibian Police (Ministry of Safety and Security) and the Ministry of Justice.

³⁷ Office of the Ombudsman. 2006. *Report on Conditions Prevailing at Police Cells in Namibia*. Office of the Ombudsman. Windhoek.

246. One study at the Oshikango Border Post between Namibia and Angola found that 25 out of 141 prostitutes interviewed were under 18.³⁸ Some had been engaged in commercial sex work since the age of 13. The large number of OVC within the country increases the potential for trafficking and the sexual exploitation of vulnerable children. Vulnerable children may be more likely to engage in transactional sex to obtain food and other basic means of support. Predatory adults may be more likely to coerce vulnerable children. Roughly four out of every 10 rapes in Namibia is a rape of a child. Data from 2003 through 2007 show a clear pattern. The percentage of all male rape victims who are boys is slightly lower than that of girls.

247. Namibia has been designated as a Special Case regarding human trafficking.³⁹ Trafficking is suspected, although firm evidence is not available. No lead agency has been established to coordinate GRN efforts against human trafficking. The Prevention of Organised Crime Act (No. 29 of 2004) has not been implemented due to delays in drafting accompanying regulations. The Namibian Police, who are tasked with investigating and reporting on instances of human trafficking, are hampered by the lack of a gazetted statute.

248. There has not yet been a prosecuted case of human trafficking. The Namibian Police's Serious Crime Unit is tasked with monitoring and investigating human trafficking, but has not investigated any such cases. Anecdotal evidence indicates trafficking in children for either domestic and/or farm work. Most of these reports indicate that children are brought into the country from Angola and Zambia. There may also be instances of Namibian children being trafficked within the country for the same purposes.

249. The large number of OVC within the country increases the potential for the trafficking of vulnerable children. Predatory adults may be more likely to coerce vulnerable children. Between 2003 and 2007, in roughly 38% of rapes reported to the police, the victims were girls under 18.

250. The Prevention of Organised Crime Act (No. 29 of 2004) needs to be enforced. Associated training of relevant enforcement officers, including border officials, should be implemented. Baseline data on the extent, types and nature of trafficking within the country will be established in 2009 by the MGEWCW under a grant received from USAID. The GRN has a policy framework to assist internally trafficked persons, but the system has never been practically tested.

³⁸ Sechogele, I. 2008. *Investigating Sexual Exploitation and Trafficking of Women and Children at the Oshikango Border Post*. National Social Marketing Programme (NASOMA). Windhoek.

³⁹ United States Department of State. 2008. *Trafficking in Persons Report 2008*. Washington. Also available at <http://www.state.gov/g/tip/rls/tiprpt/2008/>.