



Convention on the Rights of the Child

Distr.: General
18 December 2012
English
Original: French

Committee on the Rights of the Child Sixty-first session

Summary record of the 1733rd meeting

Held at the Palais des Nations, Geneva, on Thursday, 20 September 2012, at 3 p.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Second and third periodic reports of Namibia (continued) (CRC/C/NAM/2-3; CRC/C/NAM/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Namibia took places at the Committee table.*
2. **Ms. Maurás Pérez** asked whether steps had been taken to compensate communities that had suffered from water and ground pollution resulting from uranium mining. She also wished to know the role of public authorities in the granting of mine concessions and whether efforts were being made to regulate mining activities and make them more transparent.
3. **Mr. Cardonas Llorens** enquired about the difference between “open” adoption and full adoption and whether an adoption tracking mechanism had been put in place. Information would be appreciated on whether teachers were made aware of the needs of pupils with disabilities and whether schools were required by law to be suitably equipped to receive such pupils. He requested clarification regarding the age of criminal responsibility and the penalties that could be incurred by minors in conflict with the law.
4. **Ms. Wijemanne** (Country Rapporteur) asked whether the State party had developed an adolescent health strategy aimed at combating gender-based violence, reducing the number of early pregnancies and lowering the maternal mortality rate. It would also be useful to know whether the law authorizing abortion following a rape was frequently applied and whether measures were taken to combat HIV/AIDS transmission.
5. **Ms. Kahikuata** (Namibia) said that the road map to reduce maternal and neonatal mortality and morbidity, adopted in 2010, had yielded good results and would shortly be the subject of a mid-term review. The Ministry of Health had also adopted a strategy to lower the under-five mortality rate. Within the framework of the multisectoral initiative “Namibian Alliance for Improved Nutrition”, efforts had been made since 2010 to combat stunting in children under the age of five through targeted action based on an exact analysis of the nutrition situation in the country. Thanks to the help of the United Nations Children’s Fund (UNICEF), the World Health Organization (WHO) and the United States Agency for International Development (USAID), the initiative had already borne fruit. The Ministry of Health had also launched a programme to combat mother-child HIV/AIDS transmission. Awareness-raising campaigns were organized in schools to limit the number of early pregnancies and provide adolescents with basic sex education. Teenage mothers were encouraged to continue their education and were able to breastfeed their children at school.
6. **The Chairperson** asked whether contraceptive use was encouraged and facilitated, whether confidential counselling and support services were provided for young people and whether abortion was frequent in cases of pregnancy resulting from rape.
7. **Ms. Aidoo** said that it was essential for the Ministry of Gender Equality and Child Welfare to raise the awareness of men and obtain their support in order to lower the rates of sexual violence.
8. **Ms. Kahikuata** (Namibia) said that sexual relations with a minor were prohibited by law and that the public authorities were endeavouring to develop public awareness in that regard. Sex education was taught at school in life skill courses, with emphasis on available means of contraception and the prevention of sexually transmissible diseases. The media, particularly radio, spotlighted youth-targeted prevention and awareness-raising campaigns, and information kits and promotional materials were widely distributed in the country, with the help of non-governmental organizations and UNICEF.

9. A recent survey showed that the main reasons why children left school were poverty and the cost of school enrolment. In order to address that problem and take effective action against school dropout, the Ministry of Education was intending shortly to make primary education compulsory and free throughout the country. It had also introduced a school meal distribution programme, which already catered to several thousand children.

10. Children who had been out of school for several years could resume their studies by means of personalized distance training offered by the Namibian College of Open Learning, the aim being to meet the specific needs of children outside the traditional school framework and enable them to receive appropriate vocational training. Pupils were closely tracked by teachers, who were required to remain in touch with children during the learning process and to provide them with all necessary educational support.

11. Children with disabilities could be enrolled in the ordinary school system and various sports and cultural activities were specially designed for them. The public authorities made every effort to develop public awareness of those possibilities through campaigns broadcast by local radios in several languages. The Ministry of Education also organized conferences and workshops to inform the population about the possibilities for integrating children with disabilities into the school system and to spread knowledge of children's rights.

12. **Ms. Nakuta** (Namibia) said that adoptions and child placements in foster families were subject to authorization by a judge and scrupulously recorded in an adoption register kept by the competent ministry. The information was fed into a centralized database which contained data disaggregated by age, sex and region on the number of children placed in foster families and adopted in the country.

13. **The Chairperson** asked whether open adoptions, in which a link was maintained with biological parents, were regulated and whether, in some cases, they did not give rise to children being sold for the purposes of exploitation. Additional information would also be appreciated on intercountry adoptions.

14. **Ms. Nakuta** (Namibia) explained that, in accordance with the Children's Status Act, a parent could not bring a child into or take a child out of the country without legal authorization, in order to guard against any possible child trafficking. The conditions governing full adoption were laid down by the 1960 Children's Act; adoption files were reviewed by the district court which decided on the application transmitted by the social services. Most open adoptions were in fact procedures to formalize childcare by members of the extended family. Although the country had not ratified the Convention on Child Protection and Cooperation in Respect of Intercountry Adoption, intercountry adoptions were authorized and monitored by the competent authorities. Officially-recognized social workers in the private sector could also arrange intercountry adoptions, which were not monitored by the authorities.

15. **Ms. Aidoo** wished to know whether foster families received financial assistance from the State.

16. **Ms. Nakuta** (Namibia) said that such families received a specific allowance.

17. The fact that Namibia had not ratified the Hague Convention on Child Protection and Cooperation in Respect of Intercountry Adoption made it very difficult to apply protective measures in cases of child adoption.

18. **The Chairperson** said that the Committee considered that a system whereby registered social workers could work privately in the field of intercountry adoption was very dangerous, as there was no guarantee that adoptions by that means did not in fact mask the sale of children. Namibia should put an end to that practice so long as the Hague Convention was not ratified.

19. **Ms. Nakuta** (Namibia) acknowledged that the State had no means of guaranteeing that those social workers were not engaged in the sale of children or child trafficking. Ratification of the Hague Convention was one of the recommendations submitted to the Cabinet in connection with the Child Care and Protection Bill.

20. In view of the stipulation in the Criminal Procedure Amendment Act that vulnerable witnesses must be protected, the Ministry of Gender Equality and Child Welfare, the Office of the Prosecutor-General of the Ministry of Justice and the Ministry of Safety and Security had introduced a child witness support programme, in partnership with non-governmental organizations. The Women and Child Protection Units, which looked after witnesses and victims of gender-based violence, were being maintained on a permanent basis following a successful trial phase.

21. **The Chairperson** wished to know whether there had to be a confrontation between the child and the accused person, whether the persons who questioned children were specialists and whether there was any limit to the number of times that a child could be questioned.

22. **Ms. Nakuta** (Namibia) said that there was no direct confrontation between the child and the accused person and that regional courts were child-friendly. With the technical support of non-governmental organizations and development partners, the Ministry of Gender Equality and Child Welfare had introduced in-service training for magistrates, prosecutors, police officers and social workers in order to make them better informed about the provisions of the law and improve child protection.

23. **Mr. Dyakugha** (Namibia) said that the age of criminal responsibility was 7 years but that no child could be placed in detention before the age of 12. Thereafter, and up to the age of 21, convicted children were placed in detention in a centre for minors. Children aged between 12 and 16 awaiting trial were not placed in detention but entrusted to their families.

24. **The Chairperson** requested further information about detention conditions for children.

25. **Mr. Dyakugha** (Namibia) said that juvenile sections of prisons were completely separate from the adult sections, in accordance with Correctional Services Act No. 9/2012. It was, however, more difficult to maintain such a separation in the cells of police stations. There were various alternatives to detention; a new law had been adopted to underpin them and make them more effective.

26. **Mr. Cardona Llorens** wished to know whether children, irrespective of age, incurred the same penalties as adults and were tried by the same courts. Did judges who handled juvenile cases receive special training?

27. **Mr. Dyakugha** (Namibia) reminded the Committee that, at independence, there had been no trained magistrates in Namibia and that, initially, training had been provided with the assistance of neighbouring countries. Training of the judiciary was still ongoing.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

28. **Mr. Dyakugha** (Namibia) said that children were prohibited by law from working under the age of 15 and from engaging in dangerous work under the age of 16. Labour inspectors carried out unannounced inspections in farms and remote areas where child labour was most common.

29. **The Chairperson**, noting that Namibia had not ratified International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour, asked the delegation to define what constituted dangerous work for children.

30. **Mr. Madi** wished to know whether the State party was considering raising the school-leaving age to 15 so as to bring it into line with the minimum age for employment and whether new child labour laws and regulations were envisaged.
31. **Mr. Dyakugha** (Namibia) said that ILO Convention No. 182 on the worst forms of child labour would soon be ratified and that the question of raising the age of admission to employment would be decided in the Child Protection Act, which would be promulgated shortly.
32. **The Chairperson**, recalling that one of the most widespread worst forms of child labour was domestic labour, asked whether Namibia was intending to ratify ILO Convention No. 189 on domestic workers.
33. **Mr. Dyakugha** (Namibia) said that a task force had been set up to consider the desirability of a law on domestic workers, which would address in particular the question of age and minimum salary, but that ratification of ILO Convention No. 189 was not on the horizon.
34. **Mr. Kotrane**, reading out article 4 of ILO Convention No. 189, said that that Convention supplemented ILO Convention No. 138 on the minimum age for admission to employment.
35. **Mr. Negonga** (Namibia) said that, since 2003, the Ministry of Home Affairs and Immigration had been taking steps to ensure that children who had fled conflicts in the region and taken refuge in Namibia enjoyed protection identical to that provided for Namibian children. Accordingly, refugee children had access to education, health care and counselling services and received food and clothing.
36. The opening of mining sites depended in every case on the findings of an environmental impact study. As a member of the International Atomic Energy Agency, Namibia regularly received in its territory inspectors to verify that it was in full compliance with the relevant safety standards and that mine workers were not exposed to the risk of pollution. It had never been alerted to any such risk.
37. His Government was not convinced that the civil society initiative launched on the occasion of a pilot project in a community of more than 2,000 people and consisting in the payment of \$100 to each inhabitant would have truly beneficial effects on the quality of life of the population in general and on the poverty level. The Government would consider it preferable to give people the practical means of increasing their income by being productive rather than grant them a lump sum with nothing in return.
38. **Ms. Sandberg** wished to know whether, in addition to any financial aid to which they might be entitled, single-parent families were offered advice on how to bring up their children and whether families headed by a child had access to services.
39. **Ms. Nakuta** (Namibia) said that single-parent families were taught the basics of positive parenting under programmes put in place by the Ministry of Health and Social Services. In view of the very large number of families headed by a child, the social services and the child protection services had asked adults, whether or not linked by kinship to the child head of the family, to watch over them and had set up a community network that could come to their help.
40. **Ms. Aidoo** enquired about the support available to the children of poor families.
41. **Ms. Nakuta** (Namibia) said that the authorities were currently evaluating the formal and non-formal welfare services available to poor families with a view to finding sustainable ways of combating poverty, by empowering such families rather than disbursing allowances.

42. **The Chairperson** asked whether the State party had made any progress towards prohibiting harmful practices affecting the status of women and the health of women and girls. Such practices included early marriage, female genital mutilation and the ban on widows inheriting from their deceased husbands and on children inheriting from their fathers.

43. **Mr. Dyakugha** (Namibia) said that female genital mutilation was not very widespread in Namibia. The traditional practice of early marriage was not recognized in Namibian positive law; such marriages were not deemed equivalent to civil marriages, which determined the property rights of each of the spouses. The Government was, however, currently developing legislation on customary law marriages.

44. **The Chairperson** noted that the adoption of such legislation would not suffice since, under customary law, it was possible to marry a girl at puberty, which was a violation of the rights of the child and contrary to the provisions of the Convention. The legislation in question should therefore prohibit such marriages.

45. **Ms. Aidoo** wished to know whether there were awareness-raising programmes designed to make it understood that girls' rights were just as important as those of boys.

46. **Ms. Nakuta** (Namibia) said that such programmes were being carried out under the National Plan of Action on Gender-based Violence, set up by the Ministry of Gender Equality and Child Welfare. Social workers, law enforcement personnel and civil society were also engaged in joint efforts to combat such violence, and shelters for battered wives and children had been established with the help of development partners.

47. **The Chairperson** asked whether the Convention had been translated into the various vernacular languages and whether it was distributed throughout the country.

48. **Ms. Nakuta** (Namibia) said that the Convention had not been translated but that it was distributed in school and that campaigns were frequently organized to raise awareness of children's rights. Furthermore, every year, Namibia celebrated the Day of the African Child, which offered an opportunity to promote knowledge of children's rights and to collect children's views on what they considered to be a priority for them. In 2012, the Day had been devoted to the rights of children with disabilities.

49. **Ms. Wijemanne** (Country Rapporteur) welcomed the constructive dialogue established with the delegation of Namibia, which had made no secret of the problems facing the State in many areas, such as maternal mortality and morbidity, nutrition, HIV/AIDS, adolescent health and juvenile delinquency. She called on the State party to put in place services for adolescents and to combat corporal punishment, violence against girls and sexual violence. That was no easy matter owing to the huge geographical area of the country and the scale of poverty, but the Committee had no doubts about the resolve of the State to improve the situation of Namibian children.

50. **Ms. Sioka** (Namibia) welcomed the interest shown by the Committee in the situation of children's rights in Namibia and assured it that the Namibian Government would take account of the recommendations that it would be formulating in its concluding observations. Speaking on behalf of her Government, she requested the technical assistance of the Office of the High Commissioner for Human Rights in the procedure for accession to the Hague Conventions. Such assistance was also required to analyze the effects on human rights of the resources allocated to child protection services, improve the data-collection system and the planning of activities for the protection of children's rights, including children with disabilities, establish mechanisms to coordinate programmes and services for children and, lastly, carry out a survey on the scale of the phenomenon of early pregnancies and its effects on the rights of girls.

51. **The Chairperson** said that the Committee had completed its consideration of the second and third periodic reports of Namibia.

The meeting rose at 5.55 p.m.