



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**
Thirty-seventh session

Summary record of the 760th meeting (Chamber A)

Held at Headquarters, New York, on Wednesday, 17 January 2007, at 3 p.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Simms (Vice-Chairperson) took the chair.

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

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic report of Namibia (continued) (CEDAW/C/NAM/2-3; CEDAW/C/NAM/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Namibia took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Mr. Flinterman**, commending the Government of Namibia on the progress made in the field of education, asked whether the provision of the Constitution requiring that children remain in school until they had completed primary education or reached the age of 16, whichever event came first, had been implemented throughout the country, in particular in the poor areas populated by minorities such as the San people. Since the current report indicated that important achievements had been made with regard to the numbers of women in higher education, he would like to know more about the policies aimed at encouraging young women to continue their education at the tertiary level and whether anything had been done to lower the school dropout rate for girls, which had been quite high.

3. He noted with approval that the Committee's earlier concern at the fact that schoolgirls who became pregnant were punished by being expelled from school appeared to have been taken into account and that, under the new policies, such girls were permitted to attend afternoon and evening classes and to return, after one year, to normal schooling. Since it was important to prevent adolescent pregnancies he asked whether the plans for education on population and family life mentioned in the report were actually being implemented, whether they were having any tangible results and whether they were addressed to boys as well as to girls.

4. **Ms. Shin** noted that according to the table showing promotion, repetition and school-leaving rates (CEDAW/C/NAM/Q/3/Add.1, para. 17) up to grade 8, girls did better than boys in all three categories;

thereafter, however, they did worse. She stressed the need to redress that situation. There should be a more conscious effort targeted at schoolchildren in grades 1 to 8, to given them proper preparation in terms of sex education and to teach boys about the rights of girls.

5. While welcoming the new policy regarding girls who became pregnant, she wondered whether anything was being done to check whether or not it was being implemented. Moreover, she wondered why girls had to wait for a year before resuming normal schooling, when surely a few months would be sufficient. In some countries schools actually provided services to take care of babies while their young mothers studied. Since education had such far-reaching effects it was essential that girls who had become pregnant should be given every possible opportunity to continue it.

6. **Ms. Pimentel** said that she was seeking the same information as that already requested by the preceding two speakers, but with specific reference to the deprived areas of the country populated by the minority ethnic groups.

7. **Ms. Schöpp-Schilling** expressed concern about the employment situation of women in Namibia. The report provided little information merely mentioning their high unemployment rate, without describing any measures being taken to rectify the situation. Nor did it give information on how many women were in formal employment, how many in the informal sector, how many worked for the State and how many in the private sector. There was not even any information on what sort of informal sector the country had. Likewise it said nothing about maternity protection, in terms of maternity leave and payments granted by the State.

8. She had heard from other sources that the Employment Equity Commission was very disappointed at the performance of the public sector, which in 2004-2005 had been the least diligent at providing reports on its affirmative action projects. The private sector could hardly be expected to comply with the requirements if the public sector was not doing so.

9. She was also very concerned about the new Communal Land Reform Act. While it did give women the same rights as men to tenure on communal land, it did not have a monitoring or enforcement mechanism. It was essential to observe what was really happening on the ground. For Namibia's next report, she urged that assistance should be sought from international agencies or bilateral donors in order to paint a more

detailed picture of the situation of women in the labour market.

10. **Ms. Dairiam** observed that although the report mentioned that one of the goals of the health programme was equitable distribution of resources and equity in terms of access to basic services, including for the underprivileged segments of the population, it gave no indication of what practical steps were being taken to achieve that goal. She wondered whether underprivileged women obtained specific advantages — such as, for example, free services for certain kinds of medical disorder — what criteria were used to identify the underprivileged and what percentage of women had actually benefited from the policy.

11. According to some sources only 50 per cent of pregnant women had access to hospital delivery services and only 40 per cent to pre- and post-natal services. She wondered why that was so and what was being done to improve the situation.

12. Noting that, according to the report, maternal mortality was increasing but that the increase might simply be the result of an error in the calculations, she said that it was important to be able to track maternal mortality rates. There again, as in so many other areas, the report gave information on policies and goals, but transmitted no sense of what was happening in reality. By contrast, there were plenty of details on contraceptive prevalence, which made it all the more regrettable that a comparable data-gathering effort had not been expended with regard to maternal mortality. She urged that financial and technical assistance should be sought to enable that shortcoming to be rectified.

13. While commending Namibia for trying to educate people on the dangers of illegal abortion, given that efforts to introduce a more liberal law on abortion had met with resistance, she wondered whether those educational efforts had led to a decline in the abortion rate.

14. **The Chairperson**, speaking as a member of the Committee, noted that HIV/AIDS was a major challenge in Namibia. She observed that the country appeared to be emphasizing the biomedical model, with the Ministry of Health taking the lead. Given the importance of prevention, what was needed was a comprehensive approach, in which the Ministry of Health would be only one part of the solution, not the

driver. She wondered whether the country might rethink its approach.

15. **Ms. Mungunda** (Namibia), responding to Mr. Flinterman's question on education and minority groups, said that traditionally some San girls were married as early as 12 or 13, after which they simply dropped out of school; a further problem was that the San were nomadic. When Namibia had introduced the policy of education for all, it had created mobile schools, operating in the various areas through which the San people and similar minorities travelled.

16. With regard to school dropout rates among girls, she explained that non-governmental organizations were in place attached to all schools where the girl-child programme was in operation, teaching the girls life skills, educating them on the importance of not getting pregnant and avoiding HIV/AIDS, and so on.

17. Responding to the questions put by Ms. Shin, she said that the introduction of targeted programmes for girls had led to an increase in the number of female students in grades 9 to 11. Girls routinely outperformed boys in Namibia's best high schools. Young mothers had to wait at least a year before returning to school in order to ensure that they were fully recovered, both emotionally and physically, from their pregnancies.

18. In order to address the problems caused by teenage pregnancies, the Government was pursuing its policy on pregnancy among learners, which was being implemented on the ground by relevant stakeholders. In addition, students received sex education as part of life skills courses run by schools and youth clubs. The decision to outlaw abortion reflected the will of the Namibian people to choose life. Efforts were under way to inform the population about the dangers of illegal abortions and to provide information about alternative ways of dealing with unwanted pregnancies.

19. Detailed statistics on the employment situation could be found in table 3 on page 38 of the report. For historical reasons, most women worked in the informal sector, but the Ministry of Gender Equality and Child Welfare and its partners offered grants and loans to female entrepreneurs and provided training in business administration, accounting, etc. As far as maternity leave was concerned, new labour laws passed in 2004 entitled women to three months' leave with full pay and benefits.

20. In response to the remarks made by Ms. Schöpp-Schilling, she stressed that the Government's primary concern was to promote job creation. However, the public sector might, in some instances, have failed to comply with the decisions of the Employment Equity Commission, and she pledged to look into that situation.

21. The bulk of the national budget was channelled to the health and education sectors. Health care was provided free of charge, and almost every village in Namibia had a clinic offering basic services. In addition, ambulances were available to transport seriously ill patients to larger facilities in urban areas. The competent authorities did record maternal mortality rates, but further efforts must be made to systematize data collection procedures.

22. While much remained to be done in the fight against HIV/AIDS, a number of preventive measures had been implemented. With support from the Global Fund to Fight AIDS, Tuberculosis and Malaria and the Joint United Nations Programme on HIV/AIDS (UNAIDS), voluntary testing centres had been set up and, infected women who became pregnant were offered antiretroviral drugs. The Namibian Government viewed HIV/AIDS as a threat to the country's economic and social development, and had therefore taken a holistic approach to policies in that area. Each Ministry had appointed a focal point for HIV/AIDS and regular reports on the situation were submitted to the President.

23. **Ms. Ausiku** (Namibia) said that a number of regions with elevated school dropout rates among girls had introduced tailored programmes to address the problem. Several of those programmes were being implemented in partnership with the United Nations Children's Fund (UNICEF).

24. With regard to women's participation in the labour market, she said that 57 per cent of public sector posts were occupied by men and the remaining 43 per cent by women. Significant efforts had been undertaken to ensure that, in accordance with the benchmark set by the Southern African Development Community (SADC), 50 per cent of senior management positions in the civil service would be occupied by women by 2015. At present, women held 33 per cent of such posts. The Government and the Employment Equity Commission were closely monitoring the situation.

25. Lastly, she informed the Committee that regional Land Boards were responsible for overseeing the implementation of the Communal Land Reform Act. Many women were benefiting from that Act, under which resettled citizens were offered long lease terms. Significant efforts were now under way to strengthen the communal land system with a view to moving beyond subsistence-level activities.

26. **Mr. Shipoh** (Namibia) pointed out that the Government was spearheading affirmative action policies and doing its utmost to ensure compliance with the Affirmative Action (Employment) Act. The Act, copies of which could be provided upon request, set out a number of penalties, including fines, for failure to comply with relevant policies.

27. **Ms. Pimentel** requested additional information about the impact on young people, particularly those living in rural areas or belonging to minority ethnic groups, of the national policy on HIV/AIDS for the education sector. She wondered whether the Government had detailed statistics illustrating the results of that policy, and, if not, whether it intended to gather such data in future.

28. **Ms. Mungunda** (Namibia) said that the national policy on HIV/AIDS was all-inclusive, covering rural populations and minority groups. Many schools and youth groups, working in partnership with the Ministry of Health and Social Services, ran awareness-raising programmes on HIV/AIDS, and the prevalence rate of the disease among young people had dropped in recent years.

Article 14

29. **Ms. Dairiam** said that the Government should be commended for its efforts to achieve the 30-per-cent benchmark for female participation in decision-making by 2005. However, she wished to know whether those efforts benefited rural women because, as noted in the report, they were underrepresented in the Regional Councils. The report also stated that rural women were severely disadvantaged in terms of access to such things as land, agricultural services and assets. While acknowledging that an agricultural policy had been adopted in 1995 to prevent the marginalization of vulnerable groups, including women, she asked what actual impact it had had on rural women and what efforts had been made to mainstream rural women into the decision-making process.

30. She expressed dissatisfaction with the one-word positive responses given to the question of whether Namibia's poverty reduction strategies contained a gender perspective and whether those strategies contributed to the implementation of the Convention. Concrete proof was needed to support those assertions. For example, given that the aim of the Convention was to bring about gender equality and eliminate discrimination, she wished to know whether there were any comparative data or monitoring mechanisms in place to determine how gender equality was being achieved. She also wondered whether any practices of direct or indirect discrimination had been identified and, in that connection, whether any measures were in place to put men and women on an equal footing.

31. **Ms. Gabr** said that while it acknowledged that rural women were severely disadvantaged in terms of land ownership, access to labour, agricultural services, assets, natural resources and employment, the report did not say much about their plight. The same was true of the responses to the list of issues and questions drawn up by the pre-session working group. She wondered whether there were any plans to address the situation in the future, whether there were any statistics on social, health and educational services available to rural women and whether there were any programmes to promote the economic empowerment of women in order to combat the feminization of poverty.

32. **Ms. Coker-Appiah**, referring back to article 12, asked for an explanation for the seemingly contradictory statements regarding delivery services contained in the report under the heading "12.7 Maternal health".

33. The report also listed some of the factors that contributed to the increase of HIV infection in Namibia, including cultural practices that attached stigma to sex, the tendency to control female sexuality, and socio-economic factors. Observing that the focus was usually on abstinence and condom use although women were still vulnerable because they were in a subordinate position and could not negotiate safe sex, she asked what the Government was doing to address that situation.

34. **Ms. Mungunda** (Namibia) said that a network of health clinics had been set up all over the country, including some mobile clinics. Ambulances and buses were available to bring people to clinics and regional hospitals. She acknowledged that stereotypes regarding

women's subordinate status, especially in sexual relations, was a problem in Namibia as well. A national campaign had been mounted to make women aware of the female condom so that they could protect themselves against sexually transmitted diseases. The laws on rape covered forced sexual intercourse within marriage as well.

35. **Ms. Ausiku** (Namibia) said with regard to maternal health and delivery services that the health system was organized on three levels: health centres in villages, clinics in towns and referral hospitals in larger regions.

36. **Mr. Shipoh** (Namibia) said that the solution to the HIV/AIDS epidemic was not just condom use and abstinence, but also education. There was a campaign to educate all people and to inform them about their right to negotiate safe sex and the dangers involved in having unprotected sex.

37. Turning back to the land issue, he said that while women could not participate fully and were still dominated in terms of land ownership, the law stated clearly that all citizens were entitled to benefit from the land and that there should be no fewer than four women on the Land Board. In the rural areas, rights were explained to all citizens, who were also urged to report any transgressions to the authorities so that violators could be punished.

38. **Ms. Mungunda** (Namibia) said that female representation in decision-making had improved overall and that the position of rural women in particular had been strengthened. The issue was no longer the exclusive concern of the Ministry of Gender Equality, but was dealt with at various levels of government, including local authorities. In the area of agricultural produce, the focus was no longer on exporting the raw material, but on value-added products, as exemplified by the *marula* plant, whose oil and nuts used to be produced strictly for export, but were now being used to produce other products.

39. Banks were providing microcredit facilities to assist local farmers and the Ministry of Mines was supporting local miners. Women who were involved in production in the fields but were not the ones benefiting were now being protected through agricultural forums and small miners' committees, which also provided them with training in marketing and business strategy. Literacy among rural women had increased, making it possible for them to draw up

business plans and obtain bank loans guaranteed by the Government. Nevertheless, the challenge for the future was to learn more from best practices in other countries in order to further protect and empower women in Namibia.

40. **Ms. Ausiku** (Namibia) said that the Government had developed a document in 2004 to monitor the situation of poverty reduction in collaboration with the national planning commission. Women were now members of regional development committees and communities were being urged to come up with programmes which the Government could fund.

Articles 15 and 16

41. **Ms. Halperin-Kaddari** asked whether the new law promoting equal opportunity in employment provided for a mechanism with powers of enforcement including a set of punishments for non-compliance. Noting that customary marriages ordinarily provided little protection and few rights to women, she asked whether the efforts to register such marriages sought to provide women with greater protection. She requested data on polygamous marriages and divorces, especially with regard to the age of consent to such marriages and the rate of divorce. The report referred to the equal powers of spouses married in community of property but did not specify whether all marriages conformed to that regime.

42. **Ms. Saiga** asked how efforts to reform the institution of communal lands affected inheritance. She requested more information on the functions and operation of the communal land boards and on the nature and powers of traditional authorities and customary law. She also asked whether daughters and sons had equal rights regarding inheritance.

43. **Ms. Coker-Appiah** asked about the relationship between customary law and statute law. She wondered to what degree the Married Persons Equality Act was affected by customary law.

44. **Ms. Ausiku** (Namibia) said that the Employment Equity Commission consisted of 15 members selected by the Commissioner in order to oversee implementation of the Affirmative Action (Employment) Act. The Commission prepared 5-year affirmative action plans that were binding on employers, with fines and other punishments set for non-compliance.

45. **Mr. Shipoh** (Namibia) said that customary law applied in communal areas and varied somewhat from place to place according to local traditions. However, the Constitution was supreme. Civil law was the same for all and binding on all. In civil marriages the spouses could choose from various property regimes, including but not restricted to communal property. The protections for each spouse varied with the regime but the choice was voluntary and joint. With regard to marriage, the age of consent was 18, although persons aged 16 and 17 could marry with their parents' consent.

46. **Ms. Haitembu** said that customary marriages in Namibia were often not registered but were nevertheless recognized for various purposes, including the acquisition of citizenship, testimony at trials and so forth. Customary law was valid as long as it did not conflict with the Constitution. Discrimination was defined under the law and was always illegal, whatever behaviour customary law might condone. The Communal Land Reform Act had provided for the establishment of communal land boards, which registered communal land ownership and monitored the use and transmission of land rights. People could address themselves to the boards in order to know and defend their rights.

The meeting rose at 5.05 p.m.