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## Committee on Economic, Social and Cultural Rights

### **Second periodic report submitted by Namibia under articles 16 and 17 of the Covenant, due in 2021\***

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



## Abbreviations

AMTA:	Agro-Marketing and Trade Agency
ARV:	Anti- Retro Viral
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
CSO:	Central Statistics Office
EC FUND:	Employees' Compensation Fund
EPZ:	Export Processing Zone
FAO:	Food and Agriculture Organization (United Nations)
FPBH:	Fresh Produce Business Hubs
GDP:	Gross Domestic Product
GNP:	Gross National Product
HDI:	Human Development Index (United Nations Development Programme)
HDR:	Human Development Report
HRDC:	Human Rights and Documentation Centre (Faculty of Law, University of Namibia)
ICESCR:	International Convention on Economic, Social and Cultural Rights
ICJ:	International Court of Justice
ILO:	International Labour Organization
LAC:	Legal Assistance Centre
LFS:	Labour Force Survey
LRDC:	The Law Reform and Development Commission
MOHSS:	Ministry of Health and Social Services
MTPS3:	Medium Term Plan Survey 3
MSD:	Maternity Leave, Sick Leave and Death Benefit Fund
NAB:	Namibia Agronomic Board
NDHS:	Namibia Demographic Health Survey
NIED:	National Institute for Education Development
NDP:	National Development Plan
NGO:	Non-Government Organization
NHDR:	Namibia Human Development Report (United Nations Development Programme)
NHIES:	Namibia Household Income and Expenditure Survey
NLFS:	Namibia Labour Force Survey
NSFR:	National Strategic Food Reserve
OHCHR:	Office of the High Commissioner for Human Rights (United Nations)
PWD:	Person/People with Disabilities
SADC:	Southern African Development Community
SME:	Small and Medium Enterprises
SWAPO:	South West Africa People's Organization

UN: United Nations  
UNICEF: United Nations Children's Fund  
UNFPA: United Nations Population Fund  
WHO: World Health Organisation  
VTC: Vocational Training Centre  
WASCOM: Wages and Salaries Commission

## Part I

### Introduction

1. Namibia is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified on 28 February 1995. This periodic report is submitted pursuant to Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which requires State parties to submit reports on measures which they have adopted and the progress made in achieving the rights recognized under the Covenant.

2. The report is divided into 3 parts; Part I contains the introduction and reporting methodology; Part II provides information and responses to the concluding observations of the Human Rights Committee on the last report considered as the combined 1st and 2nd periodic reports of Namibia (E/C.12/NAM/1), submitted in one document at its 3rd, 4th and 5th meetings (E/C.12/2016/SR.3-5) held on 23 and 24 February 2016, where it adopted the concluding observation; and Part III which provides information on the substantive rights recognised under the relevant articles of the Covenant since the last report. The information contained in this report covers the period 2015 to 2020.

### Reporting Methodology

3. In order to meet and respect her international obligations, Namibia established an Inter-Ministerial Committee on Human Rights and International Humanitarian Law. The operations of the Committee are coordinated by the Ministry of Justice.

4. This report was compiled by the Ministry of Justice based on information received from Government Offices, Ministries and Agencies (OMA's) as well as research information and reports from relevant non-governmental organizations (NGO's).

5. The report was shared and presented to the key stakeholders including Government Offices/Ministries/Agencies, NGO's and Civil Society Organizations for their comments before it was approved by Cabinet.

## Part II

### **Reply to paragraph 1 of the Concluding Observations (E/C.12/NAM/CO/1)** *Status of Economic, Social and Cultural Rights*

6. The economic, social and cultural rights are not specifically covered under chapter 3 of the Namibian Constitution which is the bill of rights. However, the rights under chapter 3 of the Namibian Constitution, although primarily seen as civil and political rights, have been interpreted by the Namibian Courts in various cases such as *S v Shaanika* (CR 1/2014) [2015] NAHCNLD 12 (24 March 2015) to be inclusive of economic, social and cultural rights.

### **Reply to paragraph 6 & 7 of the Concluding Observations** *Justiciability of the Covenant rights*

7. It is worth noting that social, economic and cultural rights are currently not justiciable in Namibia. Under the Namibian Constitution, they are regarded as progressive rights. These are workers' rights, social security, family life, participation in cultural life, and access to housing, food, water, health care and education. They can only be fulfilled on account of the availability of resources.

8. The Government continues to raise awareness of the Covenant rights to the general public and public officials through the distribution of booklets containing all the concluding observations and recommendations of the seven core United Nations Human Rights instruments to which Namibia is a State Party.

9. Public lectures by the Ministry of Justice pertaining to the content of these core human rights instruments have also been held at the University of Namibia. In addition, the Office

of the Ombudsman has developed a National Human Rights Action Plan in which many of the Covenant's rights are covered. The Office of the Ombudsman actively disseminates to the members of the public all the rights contained in the core human rights instruments that Namibia signed and ratified.

10. In the fields of education, all students from primary schools to tertiary institutions are taught about human rights in various subjects. At institutions of higher learning, a human rights-related module, Contemporary Social Issues, is compulsory for all students.

#### **Reply to paragraph 8 & 9 of the Concluding Observations**

##### *Access to justice*

11. The State party takes note of the recommendation and will consult with fellow SADC member States and other stakeholders to pave the way forward.

#### **Reply to paragraph 10, 11 & 12 of the Concluding Observations**

##### *Paris Principles*

12. The budget for the Office of the Ombudsman is currently provided for under the Ministry of Justice which provides logistical and administrative support to the Office of the Ombudsman. In executing its support to the Office of the Ombudsman, the Ministry of Justice is expected to adhere to the requirements of the Public Service Act, 1995 on the recruitment, transfer, promotion and discipline of the public servants who are placed at the disposal of the Ombudsman to execute his/her mandate. In broadening the mandate, any alteration should be in line with the powers and functions of the Ombudsman as set out in the Namibian Constitution.

13. During the 2017/2018 financial year, the Ministry of Justice held stakeholder consultations to discuss the policy and necessary structures for the Ombudsman to have a separate budget and the powers to recruit its own staff members, these consultations are still ongoing. As a result of the various consultative meetings, the Ministry of Justice: Directorate Legislative Drafting is currently busy working on a new Ombudsman Bill to address some of the recommendations from the treaty body. Moreover, the State party will hold consultation with relevant stakeholders to determine the term limits of the Ombudsman. However, this ought to be considered with article 90(2) of the Namibian Constitution in mind, which provides for extending the term to 5 years.

#### **Reply to paragraph 13 & 14 of the Concluding Observations**

##### *Human rights impact assessment*

14. The state party acknowledges the Committees concern on the above subject matter and will consult with stakeholders to address the issue.

#### **Reply to paragraph 15 & 16 of the Concluding Observations**

##### *Rights of indigenous people*

15. It is worth noting that Namibia has no national legislation that deals exclusively with indigenous people and the Namibian Constitution does not include specific reference to indigenous people. In the Namibian context, there is no politically accepted definition of what constitutes "indigenous people". The phrase "marginalised communities" is often employed instead. Cabinet approved the establishment of a Division for San Development in the Office of the Vice-President, which is an important milestone for the promotion of the rights of marginalised people or marginalised communities in Namibia.

16. The Government recognises traditional leaders representing a number of various traditional communities in the country and have formal rights to participate in and have influence over national issues. These traditional leaders are often consulted and invited to participate in the development of national and regional policies and programmes. One notable example is the Second Land Conference of 2018 which brought most traditional leaders from across the country to air their views on land reform.

17. The Division of the marginalised communities in the Office of the President spearheads the implementation of Namibia's white paper on the indigenous people together

with other stakeholders. The white paper is a step towards exploring the possibility of enacting a specific law in this regard.

18. Namibia has accepted the recommendation on the need to ratify all the outstanding treaties which include the ILO Indigenous and Tribal Peoples Convention 169. The ratification of the said convention will be attended to once all the necessary procedures and consultations with stakeholders has been completed. However, the State Party signed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Government has also worked with the ILO on implementing ILO's indigenous and Tribal Peoples Convention 169.

### Reply to paragraph 17 of the Concluding Observations

#### *San communities*

19. The Namibian government often consults with marginalised communities on issues affecting them. The division marginalised communities is mandated to monitor the impact of measures taken on the enjoyment of the Covenant rights by the San communities.

### Reply to paragraph 19 & 20 of the Concluding Observations

#### *Persons with disabilities*

20. The Government continues to promote and protect the rights and welfare of people with disabilities (PWD). The Universal Primary and Secondary School grants make special provisions for special schools (for learners with disabilities) to receive three (3) times the grant amount per learner than mainstream school learners. During 2018 Government procured new material and resources for special schools, the budgeted amount was 2 million Namibia Dollar. This amount was spent on materials and supplies such as braille equipment, laptops, vocational materials (e.g. welding, first aid, hair dressing, brick laying equipment's) etc. In terms of the operational practice within the Ministry of Education, the term disabilities also refer to learners with learning disabilities and not only physical disabilities.

21. The Government continues to devise and implement measures aimed at increasing the number of persons with disabilities in employment. Below are statistics indicating the number and percentages of persons with disabilities employed in both the private and public sectors.

Table 1  
Employment of PWD's 2014/15 to 2019/20

Year	Employees Covered			Persons with Disabilities			
	Men	Women	Total	Men	Women	Total	%
2014/15	104 266	64 022	168 288	603	275	878	0.54
2015/16	109 346	89 780	199 126	570	308	878	0.44
2016/17	140 895	122 825	263 720	753	386	1 139	0.43
2017/18	149 061	128 684	277 745	757	420	1 177	0.42
2018/19	147 952	132 162	280 114	737	431	1 168	0.41
2019/20	148 373	133 159	281 532	756	457	1 213	0.43

Source: Employment Equity Commission.

Table 2  
Employment of PWDs: 2014/15 to 2019/20 (Job Category Analysis)

Job category	2014/15			2015/16			2019/20		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Executive Directors	6	5	11	1	2	3	6	3	9
Senior Management	31	8	39	18	7	25	31	8	39
Middle Management	49	12	61	54	23	77	46	26	72

Job category	2014/15			2015/16			2019/20		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Specialised/skilled/senior supervisory	71	30	101	64	30	94	92	54	146
Skilled	123	85	309	152	95	247	176	123	299
Semi-skilled	177	77	254	152	80	232	208	126	334
Unskilled	137	53	190	120	49	169	148	91	239
<b>Total Permanent</b>	<b>594</b>	<b>270</b>	<b>864</b>	<b>561</b>	<b>286</b>	<b>847</b>	<b>707</b>	<b>431</b>	<b>1 128</b>
Casual/ temporary and seasonal	9	5	14	9	22	31	49	26	75
<b>Total</b>	<b>603</b>	<b>275</b>	<b>878</b>	<b>570</b>	<b>308</b>	<b>878</b>	<b>756</b>	<b>457</b>	<b>1 213</b>

Source: Employment Equity Commission.

### **Reply to paragraph 21, 22 & 23 of the Concluding Observations**

#### ***Non-Discrimination***

22. As per the last report, the State party reiterates the fact that the Constitution of the country proscribes all acts of discrimination against any person residing in Namibia. Apart from this, there exist laws and policies aimed at addressing all forms of discrimination.

23. The State party wishes to inform the Committee that amending the Constitution is a complex and costly exercise that involves countrywide consultations. However, there exist laws and policies that are aimed at addressing all forms of discrimination. In addition, the government passed the Repeal of Obsolete Laws Act 2018 (Act No. 21 of 2018), to eliminate all pieces of legislation and other laws that are discriminatory in nature. In early 2021, the Ministry of Justice (through LRDC) produced a report on the abolishment of the common law offences of sodomy and unnatural sexual offences, with an accompanying draft bill repealing legislative and common law provisions which relate to sodomy and unnatural sexual offences. The report is scheduled to be presented to Parliament for discussion and consideration.

### **Reply to paragraph 24, 25 & 26 of the Concluding Observations**

#### ***Inequalities***

24. The State party has various safety net programmes in order to address poverty and inequality. In an effort to address cases of child poverty, the Government provides a grant of N\$ 250 Namibia dollar per child, per month from impoverished families to alleviate hunger and starvation.

25. The Ministry of Gender Equality, Poverty Eradication and Social Welfare recently introduced through the CCPA an emergency grant for households with children that have been victims of natural and man-made crisis/disasters. Moreover, the Ministry of Industrialisation, Trade and SME Development also provides equipment to individuals who intend to start up small businesses.

26. The Namibian government introduced the food bank and its main aim is to provide rations to families who are at risk of hunger and starvation. In addition, public hospitals and clinics provide free medical care to the elderly; those living with disabilities and those with mental illness. The Harambee Prosperity Plan which was launched aims to address the social inequalities, effective governance and service delivery; economic advancement; social progression; infrastructure development; and international relations and cooperation.

27. Moreover, the Ministry of Labour, Industrial Relations and Employment Creation has appointed a Wage Commission to carry out countrywide consultations on the possibility of introducing a minimum wage across all sector.

**Reply to paragraph 27 & 28 of the Concluding Observations**  
*Equality between men and women*

28. The State party acknowledges that there are some harmful cultural practices that may be deemed as contradicting human rights in the country. However, the Ministry of Gender Equality, Poverty Eradication and Social Welfare continues to hold awareness campaigns on what constitutes harmful cultural practices. Traditional leaders are regularly consulted in this regard. Furthermore, the government continues to pass progressive laws and policies aimed at creating an environment where men and women equally enjoy economic, social and cultural rights.

**Reply to paragraph 29, 30 & 31 of the Concluding Observations**  
*Unemployment*

29. The State party has devised the following mechanism and interventions to deal with the high unemployment rate, especially among the youths.

- The Ministry of Labour, Industrial Relations and Employment Creation together with its social partners (i.e. organised labour and employers) is in the process of drafting the new decent work country programme (DWCP) for the period of 2018-2022. The DWCP will be developed through a participatory planning process involving all tripartite constituents in Namibia, namely the Ministry of Labour, Industrial Relations and Employment Creation on behalf of the Government, the Namibian Employer's Federation (NEF) on behalf of employers, and the National Union of Namibian Workers (NUNW) and the Trade Union Congress of Namibia (TUCNA) on behalf of workers. This programme will strengthen the efforts of the line Ministry in ensuring that decent work is achieved. The programme is anticipated to have four priority areas namely: coordinate and maximize employment creation; strengthen social dialogue and industrial peace; advance social justice at work; unlock the potential of the informal economy towards formalization.
- Ministry of Industrialisation, Trade and SME Development addresses unemployment anomaly through various incentives. The focus is on investment attraction, industrial and entrepreneurship support programs that give priority to women and the youth particularly those in labour intensive business activities. The Ministry's investment and development emphasis are on manufacturing, value addition and beneficiation to our natural resources to create wealth and employment opportunities locally. One of the objectives in the newly adopted National Policy on Micro, Small and Medium Enterprises in Namibia 2016–2021 is to promote women entrepreneurship to ensure gender balance economic development.
- During the Labour Survey of 2018, it was found that Namibia has a high unemployment rate of about 33,4 per cent. Youth unemployment stands at about 57 (20–24 years) per cent or better still 42,3 (25–29 years) per cent of the total population. In an effort to create employment for young people, Namibia has incorporated the TVET provision into general education curricula and has broadly expanded TVET provision. It has embarked on the process of TVET transformation through the following:
  - Increasing the role of the private sector through its majority share-holding on the board of the Namibia Training Authority (NTA);
  - Improving on TVET quality and access through curriculum reform; and
  - Ensuring that TVET programmes are relevant and futuristic.

30. The private sector is also involved in the design and delivery of TVET programmes. It provides for on-the-job training as well as recognizing skills that were gained outside the formal training.

31. Furthermore, NDP 5 spells out the Technical and Vocational Education and Training (TVET) to be reformed in order to attract a wider range of learners who will be prepared for jobs in the labour market. The following are the key strategies that will be employed:

- Raise Technical and vocational Education and Training's brand identity and profile;



- Make technical and vocational education and training more accessible; and
- Offer technical and vocational education and training courses to improve the employment prospects of learners.

32. The Ministry of Labour Industrial Relations and Employment Creation with the social partners have agreed to embark on the process of formalizing the informal economy. This will be done under the auspices of the decent work country programme for 2018–2022. The DWCP will have a specific outcome that would assist in unlocking the potential of the informal economy which will result in the promotion of employment creation. The Ministry will be guided by the ILO Recommendation No. 204 on transition from the informal to the formal economy in this regard.

33. The Ministry of Labour Industrial Relations and Employment Creation in terms of the Employment Service Act, 2011 (Act No. 8 of 2011), is regarding a job seeker programme for job placements. Relevant employers are compelled to inform the Ministry of available vacancies within their establishments. This service is available online and job seekers and employers access the services from the comfort of their offices and homes. Furthermore, the subdivision of vocational counselling within the Ministry offers the following service free of charge to the public: school career guidance, psychometric testing, preparation of a curriculum vitae and the preparation for a prospective job interview.

34. The Namibian Statistics Agency (NSA) which was established in 2011. Conducts the labour force survey every fourth year. The request to have data disaggregation for disadvantaged and marginalised groups will be addressed with the responsible authority.

#### **Reply to paragraph 32 & 33 of the Concluding Observations**

##### ***Unemployment and labour flexibility***

35. The current Labour Act, Act No. 11 of 2007 has provisions that address the above-mentioned issues. The following are the provisions of the Act:

- Section 33 deals with protection against unfair dismissal;
- Section 9 deals with protection of the right to just and favourable conditions.

36. The Ministry of Labour, Industrial Relations and Employment Creations continues to disseminate information on worker's rights through a variety of media platforms. For example, officials from the Ministry often use the national broadcaster to disseminate information labour and employment matters. The Ministry has also introduced a free Short Message Service (SMS) line to the public to report any violation of both workers and employer's rights.

37. The Labour Amendment Act, 2012 (Act No. 2 of 2012), was promulgated, among others, to prevent the proliferation of insecure work arrangements. The amendment act introduced a presumption as to employee status based on an enumerated criterion; conferred on the Minister of Labour Industrial Relations and Employment Creation the power to deem persons to be employees and introduced a presumption of indefinite employment. In addition, the Employment Service Act, Act No.8 of 2011 regulates the relationship between registered recruitment agencies and job seekers.

#### **Reply to paragraph 34 & 35 of the Concluding Observations**

##### ***Minimum Wages***

38. Namibia has two types of minimum wage fixing machineries. These are the collective agreements extended to the entire industry and the wage order set up by the Wages Commission. There are currently four (4) collective agreements that regulate minimum wage in the Security, Agriculture, Domestic Workers and Construction industries.

39. Furthermore, the Ministry of Labour, Industrial Relations and Employment Creation is busy with the assessment study that would gather information for the design of the National Minimum Wage to ensure that workers enjoy social and cultural opportunities and maintain a decent standard of living. To this effect, the Minister of Labour, Industrial Relations and Employment Creation has appointed a Wage Commission to carry out extension consultations on the introduction of the national minimum wage.

**Reply to paragraph 36, 37 & 38 of the Concluding Observations*****Safe and healthy working conditions***

40. The Ministry of Labour, Industrial Relations and Employment Creation is in the process of drafting the Occupational Safety and Health Bill. The draft Bill proposes a centralised body to coordinate the national occupational safety and health activities. Additionally, the labour inspectorate staff component was increased to 160 from 100 in 2014.

41. Chapter 4 of the Labour Act deals with health, safety and welfare of employees. If there is any non-compliance, contravention, application or interpretation of the said chapter, any party including the aggrieved workers, can refer the disputes to the Labour Commissioner. The Labour Commissioner will designate an arbitrator to resolve the dispute. The arbitrator determines the dispute and issues any appropriate arbitration award. Despite the Labour Act, workers both in private and public sector also have disciplinary codes in place which addresses worker's grievance procedure.

42. The State party has the following legal and policy framework in relation to the protection of workers' rights, especially the right to strike.

- The list of essential services is published in the Government Gazette of all services designated as essential by the Minister of Labour, Industrial Relations and Employment Creation in accordance with section 77(4) of the Labour Act 11 of 2007 as amended by Labour Amendment Act 2 of 2012. The recommendation by the Committee to list essential services in the legislation will limit new services that might fall within the definition of essential service in the near future. Furthermore, there are no legal provisions for listing essential services within the Namibian laws.
- The right to strike in Namibia is guaranteed by both the Constitution and the Labour Act. Namibia has ratified ILO convention No. 87 on Freedom of Association and Protection of the Right to Organise and Convention No. 98 on the Right to Organise and Collective Bargaining convention. Section 75 of the Labour Act 11 of 2007 as amended by Labour Amendment Act 2 of 2012 prohibits parties engaged in an essential service to strike or lockouts. However, there are avenues that they could employ as per Section 78 of the said Act. Thus, parties can still refer their dispute of interest to the Labour Commissioner for arbitration.

43. The Labour Act makes the following provisions for workers not to be punished when exercising their right to strike:

- This protection is only available for workers who took part in a strike or a lockout in compliance with the Act;
- The action of the workers when participating in a protected strike cannot be regarded as a breach of contract or a commission of delict;
- The workers are also protected against dismissal if they have participated in a protected strike;
- The employer is not obliged to remunerate an employee for services that the employee does not render during a strike or lockout in compliance with the Act;
- An employer must not institute civil legal proceedings against any other person for participating in a strike or a lockout in compliance with this chapter, unless those proceedings concern an act that constitutes defamation or a criminal offence.

44. The Ministry of Labour, Industrial Relations and Employment Creation is unaware of workers being arrested while exercising their labour rights. No complaints were registered with the Ministry of such arrests.

45. Any arrest made while workers are exercising their rights would result in the violation of the rights of the workers.

## **Reply to paragraph 41 & 42 of the Concluding Observations**

### ***Social Security***

46. Social Security in Namibia is an integral part of Government 's effort to promote the welfare of the people. Social Security is regulated by the Workmen's Compensation Act, Act No. 30 of 1941, as amended and the Social Security Act, Act No. 34 of 1994.

47. Namibia's social protection system consists of social assistance, social insurance and occupational and private pension provision. Social assistance consists largely of a universal benefit for the elderly and disabled, a war veteran's subvention and a number of welfare grants to parents of children under certain limited conditions (e.g. for fostering needs, disability, or lack of maintenance ability). Occupational and private retirement funds, health insurance funds and medical aid schemes cater for the upper end of the labour market. Social insurance consists of two schemes run by the Social Security Commission (SSC), that is, a Maternity and Sick Leave and Death Benefit Fund (MSD) and the Employees Compensation Fund (ECF).

48. In addition, there is a Motor Vehicle Accident Fund (MVAf) for accident insurance, as well as a number of Government schemes aimed at poverty alleviation, such as state grants, job creation and promotion of tertiary and vocational education and training.

49. The SSC is progressively expanding the social insurance system in Namibia, in line with its mandate. In addition to the MSD Fund, ECF and Development Fund (DF), SSC is also responsible for ensuring the operationalization of a National Pension Fund (NPF) based on social insurance principles, and the National Medical Benefit Fund (NMBF) to provide payment of medical benefits to employees in the public and private sector. In terms of operationalization of the two remaining funds, the National Pension Fund is on the 1-year horizon, with significant steps towards implementation already been taken:

### **Other Government interventions in relation to worker's rights are summarised below:**

#### *NPF Principles*

50. The social security pension scheme as proposed: provides relevant old-age, disability benefits to all workers and survivor benefits to their dependants in the most efficient and cost-effective manner; as

- It is funded by means of contributions from all workers and employers;
- It enables and facilitates the participation of all workers;
- It creates a national pension fund that will serve as the default fund for the provision of old-age, disability and survivor benefits; and
- It enables accredited private pension funds to provide old-age, disability and survivor benefits to at least the same level and reliability as those provided under the National Pension Fund.

51. An important caveat of the new design of the NPF is the inclusion of an important solidarity pillar to ensure cross-subsidization and equity between high- and low-income earners.

#### *The National Medical Benefit Fund*

52. The National Medical Benefit Fund, is on the 3–5 years horizon, with three of the four required preparatory studies (funded by the African Development Bank) to feed into the feasibility study already completed. There are currently national health policy initiatives underway to transform existing Government medical aid scheme and envisaged NMBF into a universal medical aid fund. The aim of this intervention is to expand medical aid coverage to people in the informal sector who are excluded from participating in the medical aid scheme.

*Vulnerable and marginalised socio- economic groups**Self-employed*

53. Under existing arrangements in terms of the SSC Act, the self-employed are covered by all schemes under SSC. Though participation is voluntary, the self-employed is covered provided they register and pay double contribution, as both employer and employee.

Table 3

**Data on self-employed registered members**

<i>SSC Database</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Self-employed registered members MSD	5 438	1 676	7 114

*Source:* Social Security Commission.

*Part-time workers*

54. Currently there is no differentiation between part-time and full-time workers from Namibia's perspective. Both employers of these two groups should register and pay contributions as per existing rules and regulations.

*Informal sector*

55. About 40 percent of the Namibian workforce is employed in the informal sector. Though statutorily not excluded, it was observed in practice that very few of individuals or sub-groups in this sector are registered for social security. Having realised the need for the full inclusion of this sector, Government in conjunction with SSC commissioned a limited research study on the characteristics of the informal sector in Namibia in 2016. The SSC adopted the development of a strategy for the expansion of social security benefits to informal sector as a strategic initiative in its 2016–2021 business plan. The strategy is founded on three pillars which is short-term pilot for registration of identified vulnerable groups, a legal review for the statutory inclusion of the informal sector and the development and design of amended or specific schemes and interventions for the informal sector. This project is currently under way and its outcome will only be evaluated in 2021.

**Reply to paragraph 43 & 44 of the Concluding Observations*****Harmful practices***

56. The State party acknowledges that eradicating child marriages remain a challenge but is not insurmountable. The proposed new law on Marriage will address all the issues pertaining to child marriages. The Child Care and Protection Act, (Act No. 3 of 2015) was enacted to alleviate this phenomenon. It contains provisions that prohibit harmful customary practices that affect women and children's rights including child marriages, early sexual activity and child bearing. Such marriages are against the law and once discovered the perpetrators are charged with contravening Section 226 of the Child Care and Protection Act.

57. In 2019 the Ministry of Gender Equality, Poverty Eradication and Social Welfare conducted a formative study on child marriages. The main objective of the study was to describe the state of child marriages in Namibia to inform the development of evidence-based policies, legal reform, resource mobilisation and programming.

58. The State party acknowledges the importance of disseminating information on harmful cultural practices in society and as part of its effort, Government has implored upon tertiary institutions to introduce gender sensitive courses. In this regard, the University of Namibia, Namibia University of Science and Technology and the International University of Management have introduced courses and subjects on gender and development.

59. The Ministry of Gender Equality and Child Welfare continues to engage traditional leaders on issues related to gender stereotypes and harmful practices. There are 14 Liaison Officers stationed across 14 regions in the country, who educate and disseminate information on the negative impact of gender stereotypes and harmful practices.

**Reply to paragraph 45 & 46 of the Concluding Observations*****Domestic Violence***

60. The State party has committed itself to eliminate all forms of Gender Based Violence as manifested in the National Gender Policy (2010–2020) and in the National Plan of Action on Gender Based Violence (2012–2016), providing for overall guidance to various stakeholders to integrate a gender perspective in their programming processes as well as to provide a mechanism that guides various stakeholders to improve prevention of a response to GBV. Every year training is provided to police officers, prison guards, and armed forces on human rights issues, including how to act in cases of domestic violence or trafficking in persons, as well as the awareness raising campaigns on gender-based violence.

61. During 2014–2016, about 21 magistrates and social workers were trained on gender-based violence. The objective of the training was to instil knowledge on the procedure and law contained in the Combating of Domestic Violence Act, (Act No. 4 of 2003) to ensure that the presiding officers are conversant with procedures for the granting of protection orders and the adjudication of GBV disputes in their courts. There have been effective measures on bringing perpetrators of domestic violence cases to court. The Ministry of Justice is currently in the process of tabling an amendment to this law in an effort to increase text and language that will improve safeguards of protection.

**Reply to paragraph 47, 48 & 49 of the Concluding Observations*****Land Rights***

62. The Government developed the Harambee Prosperity Plan to expedite economic transformation. In this regard Government will expedite land reform in an orderly manner during the Harambee period. Pertaining to this, the new Land Reform Law is expected to be promulgated in the first year of the Harambee Prosperity Plan. Government will also allocate resources to buy land and resettle landless Namibians. To entice those with more land, Government will amend the current land tax regime to be more progressive in nature. In other words, the more land one owns the higher land tax will become. In the spirit of Harambee, Government calls upon those with more land to sell land at reasonable prices. The Ministry of Land Reform will, in year one of HPP, host a second Land Conference that will take stock on what was achieved since the first Land Conference and what could be done to fast track implementation of the recommendations of the first Land Conference.

63. Illegal fencing of both communal and commercial land is illegal and may attract a penalty.

**Reply to paragraph 50–53 of the Concluding Observations*****Right to Food and Rural Development***

64. The State party continues to invest money and other resources in agriculture and related industries. Below are some of the critical interventions implemented by the government to this effect:

- The Ministry of Agriculture, Water and Forestry (MAWF) has embarked upon vocational and educational training in agriculture. The first group of intakes commenced training during the 2016/2017 where 15 learners spent twelve months at Tsumis Arid Zone Agricultural centre in the Hardap Region. The training was a certificate in animal husbandry at NQF Level 2. The second intake for 2017/2018 commenced in September 18, 2017 at Mashare Agricultural Development Institute (MADI) which is in the Kavango East Region. Twenty learners (20) have been selected for this training and it is a certificate in Crop Husbandry and Horticulture at NQF level 2 Various unit standards per Namibia Training Authority (NTA) have been developed, followed by curriculum development for the two certificates which were approved and registered by NTA. This was an initiative undertaken between MAWF and Namibia NTA to improve skills in the agricultural sector especially for the rural communities. Consequently, the entire training is a custodian of NTA governed under its Act and the Ministry co-signed a memorandum of understanding. The Federal Republic of Germany, through its agency, GIZ, is prominently involved in ensuring that VET in agriculture is a success. To expedite the training process, other vocational

training centres, Rundu Vocational Training Centre, in Kavango East Region, Zambezi vocational training centre in the Zambezi region have also started with VET in agriculture. It suffices to say that all rural communities will greatly benefit from this initiative as the major target groups are high school dropouts and any other interested individuals who are farming and want to improve their production and productivity on their farms.

- The Ministry of Agriculture, Water and Forestry established a loan Guarantee fund on the 11 March 1996. The aim of the fund is to allow cooperative members including small scale producers at the green scheme to have access to credit in order to buy implements and machineries and production inputs. Since 1996 an amount of N\$ 43 million was disbursed to cooperative members, small-scale farms to buy implements and machineries as well as production inputs. To date 21 cooperatives benefitted from the loan guarantee fund.
- The Ministry of Agriculture, Water and Forestry (MAWF) has introduced the Dry Land Crop Production Programme (DCPP) during the 2007/2008 crop season. The programme is aimed at enabling farmers to afford basic agricultural inputs (improved seeds, fertilisers) and services (weeding, ripping and ploughing) through subsidies thereby increasing food production and food security. MAWF implemented the program because it realised that most farmers are very poor and cannot afford those services if not subsidized by government. The program is implemented in Kavango East and West, Zambezi, Oshikoto, Oshana, Ohangwena, Omusati, Kunene and Otjozondjupa Regions. All subsidized agricultural services and inputs are provided at the maximum of 5 hectares per household. The rural households in the communal areas of Zambezi, Kavango, East, Kavango West, Ohangwena, Oshikoto, Omusati, Oshana and Kunene North who are primarily engaged in dry-land crop production i.e. specific attention is paid to the elderly, to single-parent and child-headed households.

65. The Ministry provides the following services through Government subsidies:

66. Current subsidized rates for land preparation by government and private tractors (per hectare):

Table 4

**Subsidised rates for land preparation by government and private tractors**

<i>Item</i>	<i>Subsidy</i>
Ploughing (Including disking, ripping, planting) by GRN	N\$150 per hectare (charged to farmers)
Ploughing (including disking, ripping, planting) by Private tractor	N\$250 per hectare (subsidy)

*Source:* Ministry of Agriculture, Water and Forestry.

67. The current seeds subsidy is as follows:

- Mahangu at maximum 6 kg at subsidized price of N\$ 5.13/kg
- Maize at maximum 10 kg subsidized at N\$250 per person

68. Provision of fertilisers

- The common fertilizers under subsidy include Ammonium Sulphate, Mono ammonium phosphate (MAP), Limestone ammonium nitrate (LAN), NPK and Urea.
- The subsidized fertilizers prices are as follows:

Table 5  
Subsidies on common fertilisers

<i>Fertilizers</i>	<i>Subsidized amount (N\$)/50 kg</i>
NPK	N\$ 326.00
Mono Ammonium Phosphate	N\$ 326.00
Limestone Ammonium Nitrate	N\$ 226.00
Urea	N\$ 237.35
Ammonium Sulphate	N\$ 172.00

*Source:* Ministry of Agriculture, Water and Forestry.

69. Weed control remains a challenge contributing to low crop yields among communal farmers. Therefore, the government is providing subsidized weeding services at a rate to be determined from time to time, depending on the annual budget allocation for the programme. The current weeding subsidy is at N\$ 250 per hectare to a maximum of 5 ha.

70. The dry Land Crop Production Programme (DCPP) has a total of 127 tractors equal to 1 tractor per constituency per region. The programme can only service 15 000 ha with the current tractor fleets and intend to achieve 130 00 ha by the end of the National Development Plan 2017/18 to 2021/22. The 2017/18 DCPP budget is N\$ 35 million.

71. The Ministry of Agriculture, Water and Forestry has also constructed two fresh produce business hubs at Rundu and Ongwediva. The Ministry is currently constructing a third hub in Windhoek, at Wanaheda. The main objective of the hubs is to create a secure and reliable marketing environment for fresh produce in Namibia and increase value addition through processing. To date the Ministry has not added any processing facilities on the hubs due to budgetary constraints. The Ministry, however, intends on constructing processing facilities in the fresh produce business hubs in future on a public-private partnership basis.

72. During 2017, the Ministry of Agriculture, Water and Forestry has come up with the Harambee Comprehensively Coordinated and Integrated Agricultural Development Programme (HACCIADEP) aimed at transforming the agriculture, water and forestry sectors. HACCIADEP is aimed at stimulating/catalysing high quality production and market access for crop and livestock products especially from small and medium scale agricultural producers and agro-processors. To facilitate market access, the programme will require specific data on commodity types, quantities and quality specifications from all Government offices, Ministries and Agencies such as health facilities, correctional facilities, education (i.e. school feeding programme, hostels etc.) and other training facilities, national defence facilities, hotels and other tourist facilities, catering facilities and all other public enterprises-owned facilities where crop and livestock-based food are procured. Such data will be analysed and used to prepare production and supply schedules, which will act as a basis for the supply contracts between producers and the offices, Ministries and Agencies respectively.

73. The Ministry of Agriculture, Water and Forestry, in line with pillar 2 of the Harambee Prosperity Plan on Economic Advancement, and specifically on the goals on Economic transformation and youth enterprise development, is keen to promote market access for small and medium scale agricultural producers and agro-processors as a means of contributing to the reduction of income inequality, poverty eradication and economic growth nationally. MAWF therefore proposes the HACCIADEP to support the supply of locally produced high quality crop and livestock products mainly from small and medium scale agricultural producers and agro-processors to Government offices, Ministries and Agencies. HACCIADEP will be a platform to facilitate market access for small and medium scale agricultural producers and agro-processors. It will in turn enhance national and household food and nutrition security, contribute to employment creation in rural areas and to the reduction of income inequalities. It will reinvigorate economic activities in rural communities and spur industrialisation in rural areas with the aim to improve incomes. The Rice project at Kalimbeza in the Zambezi region is one such critical project currently being funded by the government.

## **Reply to paragraph 54 & 55 of the Concluding Observations**

### ***Poverty***

74. The Government is committed towards social development and improvement of the livelihoods of the poor and vulnerable citizenry through the implementation of various poverty eradication programmes in the country. Apart from the vision 2030 and various National Development Plans implemented in the previous years, the Government has developed various frameworks such as Harambee Prosperity Plan and National Development Plan5 (NDP 5) that drive the socio- economic Agenda with the aim to fight unemployment, inequality and poverty.

75. The Government is cognisant of the fragmented programmes that contribute to poverty eradication in the country, subsequently established the Ministry of Poverty Eradication and Social Welfare in March 2015. The Ministry is mandated to initiate, implement and coordinate social development programmes aimed at promoting the well-being of all Namibians. Its mission is to develop and implement programmes and activities that effectively eradicates poverty and inequality, with a vision of a caring and inclusive society and ensures coordinated access to basic social services and dignity for all Namibians. Due to the fact that poverty is a cross- cutting phenomenon, for a well-coordinated approach of poverty eradication programmes to be achieved in the country, the Ministry, in consultations with various key line Ministries and other stakeholders has developed the Blue Print and its Implementation Plan in 2016 which consist of six Strategic Priority Areas (SPAs).

76. The Zero Hunger Road Map was also developed in 2016 that promotes “*a Namibia without Hunger*” with a goal to end hunger, achieve food security and improve nutrition, and promote sustainable agriculture. The implementation of the road map is assigned to various line Ministries and other stakeholders to ensure a multi- sectoral response amongst different sectors.

77. The Ministry of Poverty Eradication and Social Welfare implements poverty eradication universal programmes such as Social (Elderly and Disability) Grants, and coordinates sectoral programme (that are implemented at all levels of Government including rural areas) through Blue Print on Wealth Distribution and Poverty Eradication and Zero Hunger Road Map frameworks from the national level. The Ministry of Poverty Eradication and Social Welfare initiated an Entrepreneurship Development Programme (EMPRETEC Programme) for SMEs in 2017. The programme is designed to provide training and mentorship to SMEs to assist them with business formation and enhance employment creation and reduce poverty. The programme targets vulnerable, for example the extremely poor, unemployed youth, unemployed women (the expected majority beneficiaries), and the unemployed from the marginalized groups and communities countrywide. EMPRETEC programme model for Namibia initiative was approved by Cabinet in July 2017, under Cabinet decision No: 10th/04.07/004 and will be implemented by the Ministry of Industrialisation, Trade and SME Development.

78. The Ministry of Poverty Eradication and Social Welfare is also in the process of transforming the current fragmented social protection interventions including old age pensions and other social grants by various Ministries into an integrated, uniform and efficient social protection system. With regards to poverty specifically in rural areas and amongst children, the three policy frameworks explained above, are designed in such a way that all poverty eradication programmes are implemented targeting both rural and urban areas, empower women, and support children.

## **Reply to paragraph 56, 57 & 59 of the Concluding Observations**

### ***Right to Adequate Housing***

79. Namibia is faced with a challenge in the delivery of serviced land especially in the urban areas due to various factors. The short supply and accessibility of serviced urban land has resulted in the increase of the prices of urban land and housing and the consequent inability of the majority of the citizens to afford and access these essential commodities. The most affected are the poor, ultra-low- and low-income groups. The Government has since independence, given attention to sanitation and hygiene as areas of focus for improvement



and development. The Government has devised and has been implementing various measures aimed at improving the state sanitation and hygiene in the country both in urban and rural areas. Sanitation is one of the priority areas for development under vision 2030, the National Development Plans including NDP5 and the Harambee Prosperity Plan.

80. In 2016, a Cabinet Directive was issued to accelerate the delivery of serviced land. Various local authorities' councils around the country managed to avail serviced land of which low-cost houses were built on. Moreover, the state-owned enterprise National Housing Enterprise (NHE) which is mandated to construct low-cost houses for low- and middle-income houses is constructing over 1000 dwellings in various towns across the country during the period 2022–23.

81. The Government subsidises a number of organisations involved in building low-cost houses for poor families across the country. The Shack Dwellers Association is one such organisation that has been receiving this subsidy. Moreover, the private sector, particularly banks have also been active in the construction of low-cost houses to low-income workers. For example, Standard Bank has a project called “build a brick” to this effect.

### **Reply to paragraph 59 & 60 of the Concluding Observations**

#### ***Forced Eviction***

82. The State party acknowledges that local authority councils have evicted illegal occupants of land in their jurisdictions in accordance with their respective by-laws. However, the Government continues to find solutions to address this challenge.

83. There has been a number of court cases involving the eviction of illegal occupants in certain municipal areas. In the matter of *Petrus Shaanika and 10 others v The Windhoek City Police and 3 others*,<sup>1</sup> the appellants approached the High Court seeking an order interdicting the 1st and 2nd respondents and their employees from demolishing the structures situated at Havana 6 as well as declaring that subsection 4(1) and (3) of the Squatter's Proclamation, Proclamation 21 of 1985 unconstitutional and therefore invalid and of no force and effect. The court held that the 2nd respondent and its employees are interdicted from, without first obtaining an order of court, demolishing and/or removing, together with its contents and structure or building belonging to the appellants and the other residents of Havana 6. With effect from 15 July 2013, Subsection 4(1) and (3) of the Squatters Proclamation, No. 21 of 1984 are declared to be inconsistent with the constitution and invalid and of no force and effect.

### **Reply to paragraph 61, 62 & 63 of the Concluding Observations**

#### ***Rights to Water and Sanitation***

84. The Ministry of Agriculture, Water and Forestry is also responsible for sanitation coordination in the country and provision of sanitation facilities in rural communal areas. In this regard, hygiene and sanitation awareness has been enhanced through participatory community education. This will increase coverage and the use of improved sanitation facilities in rural areas of the country. The Ministry of Urban and Rural Development in its annual strategic budget plans of 2016/17–2017/18 financial years, committed to avail resources to provide improved sanitation for both rural and urban areas through;

- Elimination of bucket system at 1656 households by December 2017;
- Provision of sanitation to 5844 households (per year) in informal settlements by March 2018;
- Ensuring that all new houses to be constructed have access to proper sanitation;
- Provision of new sewerage systems in urban areas through public-private partnership initiative and the mass urban land serving programme such as completed and ongoing projects in Windhoek, Oshakati and Walvis Bay;

<sup>1</sup> Reported Supreme Court of Namibia, Case No. SA 35/2010.

- Upgrading of existing deteriorated sewerage networks, such as the upgrading of sewerage network for 470 erven in Kalkrand;
- Coordinating the construction of 50 000 rural toilets by March 2020 as stipulated in the Harambee Prosperity Plan through Regional Councils;
- Ministerial commitment to participate in the National Water and sanitation programmes through advocacy initiatives development to promote sanitation and hygiene nationwide with other line ministries and stakeholders.

85. The state-owned enterprise, Namibia Water Corporation (NAMWATER), is responsible for providing affordable water and maintaining water infrastructure in rural areas. Most municipalities, villages and town councils (local authority councils) have policies on providing affordable water to vulnerable members of the community such as the elderly and the disabled.

#### **Reply to paragraph 64 & 65 of the Concluding Observations**

##### ***Right to Health***

86. Health services is provided to all Namibian citizens and anybody else residing in Namibia through the primary health care approach which includes promotive, preventative, curative and rehabilitative services in collaboration with other sectors, communities' individuals and partners; therefore, all promotive and preventative health care services, such as immunizations, ante-natal and post-natal, family planning are provided free or at minimal charge.

87. The Ministry of Health and Social Services has published a roadmap to accelerate the reduction of maternal and infant morbidity and mortality. The roadmap outlines the strategies to implement to improve maternal health. Quality maternal health services including antenatal care, intra-partum and post-natal are crucial to the reduction of maternal and newborn mortality and morbidity.

#### **Reply to paragraph 67 & 68 of the Concluding Observations**

##### ***Sexual and Reproductive Health***

88. The Government has placed the fight against HIV/AIDS high on the national agenda and translated political commitment into concrete financial support and partnerships. The government has also established an extensive HIV/AIDS awareness program which aims to inform and consult infected mothers and couples. The prevention of mother to child transmission services has been expanded and to date these services are available in about 96% of the health facilities in the country. These services are integrated within ante natal care services; rapid testing for HIV has been rolled out as well as DNA PCR for children at six weeks. All these are contributing to the early diagnosis and treatment for the mother and baby as well as for the child survival. Another measure of the impressive progress on the HIV/AIDS front is the reduction of mother to child transmission rates, essentially due to increased coverage of ARV among HIV positive pregnant women and their off-springs and the adoption of more efficacious ARV prophylactic regimes.

89. The Ministry of Health and Social Services has revised the consent form for sterilisation to include additional information needed by the client before giving permission to the procedure. No person may be coerced to take any type of family planning without his/her consent irrespective of background. No person may be coerced or pressurised into having sterilization regardless of his/her HIV status.

#### **Reply to paragraph 69 & 70 of the Concluding Observations**

##### ***Substance Abuse***

90. The Ministry of Health and Social Services administers the Abuse of Dependence-Producing Substances and Rehabilitation Act, Act 41 of 1971 and through the Act, it has the mandate to do prevention, treatment and aftercare for substance dependent persons in Namibia. The programme created to provide education, and for the purpose of disseminating information is the Coalition on Reduction of Harmful Drinking. It is a preventative program done by social workers of the Ministry of Health and Social Services country wide. It focuses

on education, information dissemination and awareness raising activities on the dangers of alcohol and drug abuse in schools. The program was expanded to all fourteen regions, only eleven regions are functional due to movement of social workers.

91. Regional social workers are continuously being trained on alcohol and drugs programmes and are also responsible for individual therapy and group work for all cases that come to their offices. In some regions the social workers established the peer groups, called Teenagers against Drugs Abuse (TADA) in schools. This is a volunteer peer group program which children can partake in and learn about the harmful effects of alcohol and drug abuse. The TADA group have yearly holiday camps as incentives for children who belong to the group and it concentrates on issues such as leadership skills, self- image and peer pressure.

92. The Directorate of Social welfare services of the Ministry of Health and Social Services, also partakes in the development of the integrated school health trainer's manual that included psycho-social services for children with alcohol and drug problems. This program will assist schools to refer children with alcohol and drug problems to the relevant service providers, e.g. social workers and psychiatrists. The health extension worker program is a program in the Ministry of Health and Social Services, which exists at grassroots level and the main purpose is to identify and refer health related issues to health workers that include alcohol and drug abuse.

93. The Ministry of Health and Social Services is in the process to construct a treatment centre for children (younger than 18 years) with alcohol and drug addiction. Phase 1 of the project is completed and phase 2 will commence only in 2018, due to budgetary constraints. Therefore, currently no rehabilitation programs for children exist in the country.

94. The Mental Health Centre in Windhoek also has a Mother and Child Unit which cater for children for admission under 18 years which include children with substance abuse dependency. A multi-disciplinary team is attached to the Mental Health Centre who provides services to children for 7 to 21 days after which the children are released in the primary caretaker's care.

### **Reply to paragraph 71 & 72 of the Concluding Observations**

#### ***Right to Education***

95. The Ministry of Education, Arts and Culture is providing school feeding to needy primary school learners in all 14 regions in 1435 schools out of 1846 schools and this is approximately 80% of the schools in the country. The Ministry provides a fortified maize blend consisting of Maize Meal (63%), Salt (1%), Sugar (11%) and Soya blend protein (23%).

96. The programme expanded as follows over the past three years:

Table 6

#### **Number of beneficiaries under the school feeding program**

<i>Year</i>	<i>Number of beneficiaries</i>	<i>Number of NSFP schools</i>	<i>Expenditure</i>
2014/2015	320 000	1 273	N\$ 89 000 000
2015/2016	330 000	1 273	N\$ 107 000 000
2016/2017	364 354	1 435	N\$ 120 000 000
2017/2018	365 854	1 456	N\$ 130 918 000
2019/2020	357 070	1 513	N\$ 64 921 925

*Source:* Ministry of Education, Arts and Culture.

97. Government through the Ministry of Education, Arts and Culture, is now moving towards Introducing Home Grown School Feeding Programme (HGSFP) that will enable schools to procure locally available fresh and nutritious foods from smallholder farmers, thereby bringing diversity into the school meals while increasing income for smallholder farmers. The ministry has a web-based monitoring system called Namibian School Feeding Information System (NaSIS) which tracks the movement of commodities from one point to the next. The Ministry further conducted a feasibility study to link the NSFP to small holder

farmers. A pilot project is currently being designed and this is proposed to be applied in 4 identified regions, namely Hardap, Zambezi, Kavango East and Kavango West. This will not only diversify the food basket but will also improve the livelihood of the local people and increase local food production.

98. The Ministry of Education, Arts and Culture in partnership with Global Child Nutrition Forum (GCNF) and the World Food Programme (WFP), recently had a stakeholder engagement to finalize the Public Private Partnership Strategy. Successful partnerships have been established with the Pupkewitz Foundation, Namib Diaries, Woolworths and some Fishing companies who have donated food stuffs and non- food items to schools and regions on a regular basis. The ministry does not have a satellite school programme, but does have mobile schools to cater for the indigenous peoples. The mobile units are established for marginalised communities that are in remote areas. 13 mobile units are in Kunene regions with 2 Principals and 2 Head of Departments.

99. In an effort to address the root causes of school dropout, the Ministry of Education, Arts and Culture with the support of UNICEF conducted in 2015 its out of School Children Study (OOSC) in order to understand why despite progressive policies and increased access to Education, many Namibian children still do not complete secondary education. The study identified bottlenecks and barriers, making certain recommendations on how to improve the situation. The Ministry further launched the findings of the study in 2016 at a national conference and engaged in open dialogue with out of school youth and community members to also gauge their perspective on the problem of school drop-out.

Table 7

**The table shows progress in the improvement in the repetition and school leaving rates between 1992 and 2016:**

		1992	1999	2002	2012	2016	2020
Repetition rates (T.30)	Grade 1	36.4	15.0	18.0	16.0	20.8	17.9
	Grade 3	25.2	12.8	12.2	11.7	13.6	10.6
	Grade 5	23.0	14.7	21.4	21.9	20.2	14.6
	Grade 7	19.5	6.9	15.6	10.8	8.4	6.1
	Grade 8	18.7	13.5	20.3	31.6	30.6	22.8
	Grade 10	44.9	4.9	4.2	10.4	11.0	12.7
School-leaving rates (T.30)	Grade 11	14.8	1.0	0.6	2.7	4.3	0.2
	Grade 1	12.5	8	3.1	6.0	1.2	4.1
	Grade 3	3.8	2.4	1.4	0.3	0.9	0.4
	Grade 5	6.4	6.8	5.3	3.2	3.6	3.4
	Grade 7	8.3	10.2	6.4	3.2	1.6	3.1
	Grade 8	8.0	12.2	8.0	9.2	8.1	8.1
	Grade 10	14.8	43.1	35.2	33.9	31.2	8.6
	Grade 11	10.0	4.9	2.0	2.7	2.2	1.4

Source: Ministry of Education, Arts and Culture.

100. The table shows that there was a high repetition rate in all the grades in 1992, while the school-leaving rates were low. It also shows that the repetition rate decreased in 1999, while the school-leaving rate increased in Grade 10 drastically. The introduction of the semi-automatic promotion policy in 1996 might have caused the decrease in the repetition rates. According to the semi-automatic promotion policy, learners were allowed to repeat only once in a school phase, except in Grade 10, though only under-aged learners (those who are below the age of 18) were allowed to repeat Grade 10. However, the repetition rates have picked up again from 2002, especially in Grade 1, 5 and 8, while there was a slight decrease in the school-leaving rates in Grade 10. It can be concluded here that the data in the table shows that there is still inefficiency in the schooling system despite the implementation of the semi-automatic promotion policy.

*Allocation of resources to ensure equal access to quality education*

101. In ensuring that all learners have equal access to quality education, the government allocated funds through the Education and Training Sector Improvement Programme (ETSIP) and Millennium Challenge Account (MCA) for purchasing of textbooks. Provision of textbooks and instructional materials was being substantially increased to reach a learner to textbook ratio of 2:1 for core subjects. Cabinet approved a textbook policy to underpin and guide further increases in the provision of books and instructional materials. The table shows the learner textbook ratio between 1999 and 2020. It shows the learner textbook ratio improved from 10:1 in 1999 to 2:1 in 2016. These improvements took place during the implementation of ETSIP. However, due to the curriculum revision from 2017 to 2020, textbooks have been reviewed to remain relevant and thus required replacement causing the increase in ratio.

Table 8

**Learner textbook ratio**

	1999	2012	2016	2020
Learner textbook ratio	10:1	4:1	2:1	4:1 (Primary Schools) 3:1 (Secondary Schools)

*Source:* Ministry of Education, Arts and Culture.

102. In collaboration with the Namas project, a total of 10 San teachers in Tsumkwe were identified and enrolled on the Instructional Skills Certificate (ISC) programme, with tutoring and contact sessions offered from 1997. A total of 3935 un- and under-qualified teachers upgraded their qualifications from 1999–2009 through the Basic Education Training Diploma (BETD) inset programme. In 2015/16 financial year, a total over 860 national facilitators for all senior primary subjects were inducted on the senior primary revised curriculum. In 2014, the African Leadership Institute through the financial support of the Millennium Challenge account conducted a comprehensive training for inspectors of education, school principals and heads of departments. In 2016, 35 school principals were trained in the implementation of the revised curriculum for junior secondary phase in 2016.

**Reply to paragraph 73 & 74 of the Concluding Observations*****Cultural Rights***

103. Article 19 of the Namibian Constitution recognises culture. The Ministry of Youth, Sports and Culture is the main government agent responsible for promoting culture for all indigenous groups found in the country. The Ministry often holds annual cultural fairs and celebrations recognising Namibia's rich heritage. In collaboration with the Embassy of France, the Franco-Cultural Centre promotes the culture of both countries. Both the two leading institutes, namely University of Namibia and Namibia University of Science and Technology holds annual cultural festivals. Students at primary school are taught a subject called Social Studies which among other things deals with the right to culture and promotes intercultural harmony. Most ethnic groups in Namibia do organise their cultural festivals every year with the help of government.

**Reply to paragraph 75 of the Concluding Observations*****Optional Protocol***

104. The state party acknowledges the recommendation and will follow up with the relevant stakeholders.

**Reply to paragraph 76 of the Concluding Observations**

105. The State party acknowledges the Committees concern on the above subject matter and will consult with stakeholders to address the issue. Although Namibia has not signed and ratified the Protection of the Rights of All Migrant Workers and Members of Their Families, there are mechanisms in place that protects and promotes their rights. Most of Namibia's obligations arising under the convention are already covered under existing laws.

106. It should be noted that Namibia is a State party to other equally crucial international instruments such as UNTOC that addresses the plight of migrant workers and their families. In addition, below are some of the protections accorded to migrant workers and their families in Namibia:

- Permanent residents get specific IDs;
- Work permits are provided to contract workers upon application to the relevant ministry or government agency;
- Children of migrant workers are provided with study permits and can choose to be educated at any school of their choice. In addition, students from the Southern African Development Community (SADC) region, irrespective of their residence status, relatively pay the same amount of tuition and hostel fees at local public universities.
- Health services in public health facilities are accessible to migrant and their families. Although they are expected to pay relatively more than citizens, nevertheless they can't be denied these services if they are unable to pay.
- Social security is also available to migrant workers. The Labour Act provides remedies to all workers whose rights have been violated irrespective of their nationality.

#### **Reply to paragraph 77 of the Concluding Observations**

107. The State party is implementing the said recommendations across Offices/Ministries/Agencies as well as the private sector. The outcome of this implementation of the said recommendations will be made public by the Office of the Ombudsman in due course.

#### **Reply to paragraph 78 of the Concluding Observations**

108. The State party takes note of this recommendation and will consult relevant stakeholders on the way forward.

#### **Reply to paragraph 79 of the Concluding Observations**

109. The State party would accept any form of assistance necessary for the implementation of the present recommendations.

#### **Reply to paragraph 80 of the Concluding Observations**

110. The State party published booklets (compendiums) containing the recommendation of three conventions, namely International Covenant on the Economic, Social and Cultural Rights (ICESCR), International Covenant on the Cultural and Political Rights (ICCPR), International Convention on the Elimination of Racial discrimination (ICERD) and the booklets were disseminated to parliamentarians, the public, and public libraries including the institutions of higher learning.

#### **Reply to paragraph 81 of the Concluding Observations**

111. The State party clarifies that it submitted its combined Initial, First and Second Periodic reports in 2014 and now submits its Third Periodic Report.

## **Part III**

### **Covenant Articles (1–15)**

#### **Article 1: The political situation**

112. Namibia over the past 30 years has enjoyed political stability through its transformational development and progress around the protection of the rights of its citizens.

Namibia has demonstrated smooth leadership transitioning through democratic processes and the upholding of the Constitution.

113. Namibia is a unitary state. It recognises the international law principle of the right to self-determination in so far as this right is not interpreted to mean secessionism. The Namibian government recognises forms of limited self-determination through various traditional authorities. Traditional Authorities, in terms of the Traditional Authorities Act, 2000 (Act No. 25 of 2000) and the Communal Land Reform Act, 2013 (Act No. 13 of 2013) accords limited powers to chiefs to administer land to indigenous communities. The government in this regard continues to gazette conservancies for income generation, preservation of natural resources and job creation for the benefit of indigenous communities. These conservancies are managed by the communities themselves. Profits derived from conservancies' economic activities are shared amongst community members.

#### **Article 2: The constitution, legislation and other policy measures**

114. Namibia has ratified in December 2019 the ILO Convention on the elimination of violence and harassment in the world of work, No. 190. The office of the Ombudsman conducted a national consultation on racial discrimination of which a comprehensive Report on the national enquiry into racism, racial discrimination and other forms of discrimination and tribalism. The report was tabled and approved in the National Assembly in October 2017. The office of the Ombudsman further expanded the advancement of the development of the Prohibition of Unfair Discrimination, Hate Speech and Harassment Bill to establish equality courts to hear breaches of prohibitions and to extend the grounds of the meaning of discrimination.

115. It is further noted that the office of the Ombudsman is currently also developing a policy framework on harassment. The Affirmative Action (Employment) Act intended, first and foremost, to ensure that no person shall be denied an employment opportunity for reasons unrelated to ability. It was enacted to ensure that all persons were entitled to enjoy equal employment opportunities in every respect. The 2017–2018 Annual Report reflected the current workforce demographic distribution which clearly showed a satisfactory departure from the workforce profile demographics that clearly mirrored the past racial, gender and disability discrimination. However, the under-representation of persons in designated groups at the top occupational levels is a stark reminder of the challenges and the hard work that lie ahead before a meaningful level of workforce transformation is achieved.

116. The Employment Equity Commission's vision is to achieve employment equity through the elimination of employment barriers against persons in designated groups while the mission is to ensure that all categories of employment within the workforce of every relevant employer reflect our national demographic profile.

#### *International assistance and development*

117. The Global fund grants through the Ministry of Health and Social Services has assisted the country to improve health outcomes by providing targeted interventions to underserved groups.

#### **Article 3: Gender equality**

118. The Government has shown its commitment to law reform and the establishment of institutions that facilitate the equality of the sexes to promote gender equality. First and foremost, the Constitution guarantees equal rights to all citizens and forbids inhumane treatment of anyone. The Government has shown its commitments to the promotion of gender equality and empowerment of women through its national policies and legislations through the establishment of the Law Reform and Development Commission, which is, in conjunction with other stakeholders such as the Ministry of Justice are tirelessly reviewing Namibia's old laws and proposing amendments thereto.

#### *Measures taken to eliminate discrimination against women*

119. In line with Article 10 of the Namibian Constitution and the enactment of the Land Reform Amendment Act 5 of 2005, there has been a steady increase in the number of women

accessing customary land rights. Communal land rights owned by women against overall registered from 2003 until October 2018, stood at 33 451, representing 28% of all communal land rights registered.

120. In addition, 1,464 women benefited from the National Resettlement Programme as at 30 September 2018, representing 27.4% which was customarily meant for men. Consequently, 46.1% of females were resettled on commercial farms compared to 51.4% males under the National Resettlement Programme, while communal land rights owned by women stand at 28% of all communal land rights registered. Lastly, there was also a steady increase of women accessing leasehold rights from 2015 to 2017.

121. The Government continues to strengthen the implementation of the Affirmative Action Act, Act 29 of 1998 to institute procedures that contribute towards the elimination of discrimination in the recruitment and promotion of women in both the private and public sectors. Its primary aim is to achieve equal employment opportunities in accordance with article 10 & 23 of the Namibian constitution. The Affirmative Action Act also allows for the application of affirmative action with regard to the promotion of women and other designated groups such as people living with disability and the San people. In addition, the Labour Amendment Act, Act 2 of 2012 makes provision for non-discriminatory practices on various grounds including disability, HIV status, and pregnancy, among others. The law also prohibits sexual harassment in the workplace.

122. The Government has put in place agricultural extension services such as the green scheme which is aimed at striving towards appropriate and equitable use of land, contributing to food security, supporting the sustainable growth of the economy, maintaining, and improving capability, poverty reduction and introduced commercial irrigation farming. The government offered Agricultural extension services (seed, fertiliser, tractor, training) targeting male and female small-scale farmers in crop-growing regions of the country thereby increasing household national food security.

123. Cabinet directed all offices, ministries, and agencies of government to comply with gender responsive budgeting guidelines and to seek guidance from the Ministry of Gender Equality, Poverty Eradication and Social Welfare on how to advance gender responsive budgeting guidelines and for technical assistance. The ministry of Gender Equality, Poverty Eradication and Social Welfare has prioritized the mainstreaming of gender responsive budgeting in all offices, ministries and agencies of government through skills and knowledge building.

#### *Equality in family law and protection*

124. The Promulgation of Repeal of Obsolete Laws Act, Act 21 of 2018 aims to provide for the repeal of certain obsolete laws. The Act came into force on the 1st of March 2018. The Repeal of Obsolete Laws Act was needed because many of the by-laws, laws, regulations, proclamations and ordinances are discriminatory on the grounds of race, sex, colour, ethnic origin, religion, creed and social and economic status. The aim is to get rid of all outdated laws and to replace unjust laws with just laws.

125. Namibia is in the process of enacting and revising laws pertaining to women's rights in marriage. The Uniform Matrimonial Property Bill is aimed to provide a uniform matrimonial property regime for all civil marriages, to allow a determination and change of property regimes applicable to certain civil marriages contracted outside the redline determined in terms of the Native Administration Proclamation, 1928 (Proclamation No.15 of 1928), the Bill seeks to remove the racial and geographical discrimination in the determination of the matrimonial property regime in civil marriages. The Divorce Bill removes the common-law fault-based system as a ground for divorce. In terms of the Bill spouses will be able to institute divorce without the need to prove wrongdoing on the part of the other spouse.

#### *Government strategies on gender-based violence against women*

126. Efforts were made to address negative cultural practices; the Ministry of Gender Equality, Poverty Eradication and Social Welfare and stakeholders such as the Ministry of Justice and Legal Assistance Centre carried out a legal literacy programme in some regions



including Omusati and Kavango East since 2015. The objective of the programme was to sensitise traditional leaders on gender and GBV related Laws. Community Gender Liaison Officers in the regions were trained to carry out this programme in their respective regions. In addressing attitudes and behaviours towards violence against women and girls; the 2009 National Zero Tolerance Campaign, was revamped in July 2015 and is still ongoing under the theme “Love Is.” The campaign focuses on three main issues: Domestic Violence; Rape and Mental Illness. A series of radio dramas were developed in English and at present, are being translated into local Namibian Languages such as Oshiwambo; Silozi; Rukwangali; Afrikaans; Otjiherero; Khoekhoegowab; San languages and Setswana.

127. The Whistle-Blower Protection Act, Act 10 of 2017 aims to, amongst other things, protect whistle-blowers who report cases of gender-based violence which involves intimate partners and it also includes reports of perpetrators who commit other forms of gender-based violence such as human trafficking. In addition, the Witness Protection Act, Act 11 of 2017 aims at protecting individuals who report cases of other forms of gender-based violence such as human trafficking. The Office of the Prosecutor-General in collaboration with Ministry of Gender Equality, Poverty Eradication and Social Welfare provides training to various stakeholders such as social workers, prosecutors, police officers and magistrates on dealing with vulnerable witnesses.

128. Despite a number of policies, laws and mechanisms in place to combat GBV and discrimination against women, cases of this nature remain stubbornly high. To this effect, the government is reviewing the following laws:

- Combating of Rape Act No. 8 of 2000;
- Combating of Domestic Violence Act No. 4 of 2003, and
- The Labour Act No. 11 of 2007,

to address loopholes and challenges identified during the implementation of these laws. Furthermore, the Government has demonstrated its commitment by incorporating GBV in the National Development Plan (NDP) 5 under the Social Progression pillar with the target to reduce GBV from 33% to 20% by the end of 2022.

#### **Article 4: Legal limitations on economic, social and cultural rights**

129. In terms of Article 22 of the Namibian Constitution whenever or wherever in terms of this Constitution the limitation of any fundamental rights or freedoms contemplated by this chapter is authorised, any law providing for such limitation shall; be of general application, shall not negate the essential content, and shall not be aimed at a particular individual and specify the ascertainable extent of such limitation and identify the article or articles on which authority to enact such limitation is claimed to rest.

130. The President of the Republic of Namibia His Excellency Dr. Hage Geingob declared a state of emergency as part of the measures to curb the spread of COVID-19 under Proclamation No.7 of 17 March 2020. The power to declare state of emergencies is provided for under Article 26(1) of the Namibian Constitution as well as Article 4(1) of the International Covenant on Civil and Political Rights (ICCPR), which Namibia is a State party by virtue of Article 144 of the Namibian Constitution. To this effect, the Government restricted the application of articles 12 and 21 of the ICCPR. The said articles pertain to the right of assembly and liberty of movement. Subsequently, on 18 September 2020 the state of emergency expired and a set of new regulations were gazetted and are continuously updated under the Public and Environmental Health Act, 2015 (Act No. 1 of 2015) to further curb the spread of COVID-19.

#### **Article 5: Interpretation of Article 5 of the Covenant**

131. The position remains the same as outlined in the last report.

#### **Article 6: Level of Unemployment in Namibia**

132. High unemployment remains a challenge in Namibia and the Government has taken measures aimed at reducing the current unemployment rate. With the descending fluctuation

of the economy over the past 5 years, many people have closed down businesses or retrenched staff in response to the weakening economy. In addressing these challenges, and the Government, since its last report, remains committed to implementing and developing measures through legislation, policy, financing programme for MSME's and skill based educational training to address the issue of unemployment.

133. The Government's development and political policies highlight unemployment as one of the matters receiving administrative priority, it forms part of the Harambee Prosperity Plan and the 5th National Development Plan (hereinafter NDP5) both speak to the advancement of youth enterprise.

134. In order to provide measures to ensure there is full and inclusive consideration of all persons including some of the disadvantaged groups in the employment market the Government implements the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998). The Affirmative Action Act, 1998 is intended to cover the employment of designated groups which socially described as previously disadvantaged groups or persons. The Affirmative Action Act, 1998 does not refer to disadvantaged groups but designates the same group of people as 'designated' groups covered under the Act. Section 18 of the Affirmative Action Act, 1998 determines persons who are racially disadvantaged (black), women and persons with disabilities as designated groups for purposes of benefiting from lawful discrimination or affirmative action in their favor.

135. The objective of the Affirmative Action (Employment) Act, 1998 is to promote fair employment practices in the recruitment, selection, appointment, training, promotion, and equitable remuneration for previously racially disadvantaged people, women and persons with disabilities, who are referred to as designated groups in terms of the Act. Section 19 of the Affirmative Action Act, 1998 requires employers in filling vacancies to give preferential treatment to the suitably qualified designated groups. Government policy requires all OMAs to include an invitation to persons with disabilities to apply for advertised vacancies in the public service.

136. The Employment Equity Commission of Namibia (EEC) for the review period of 2017/2018, reported a total of 277 745 persons hired across all employment sectors during the period under review, representing an increase of 5% employees recruited during the previous review period. 94% of the total employees recruited were from the designated groups, however, 56% of all the managers hired were white, while 30% were black and 13% were non-Namibians. Women comprised 46% of the total employees hired during this review year, while persons with disabilities accounted for a mere 0.4%.

137. The Government is committed to ensuring self-employment and enterprise development and has resolved to aid start-ups and SMEs. The Development Bank of Namibia is currently running 3 programmes ultimately aimed at supporting employment by assisting youth artisans and young professionals and SMEs to finance business ventures, new start-ups or exiting enterprises. The Harambee Prosperity Plan 2019 Progress Report indicates that 101 SMEs received funding through the Development Bank of Namibia to the value of 165 million Namibian Dollars. The Government has endorsed the work of non-profit organisations that aim to support economic growth. The ONE Economy Foundation is one of those non-profit organisations, the Foundation seeks to provide responsible, collateral free loan products responsive to the needs of second economy entrepreneurs. The One Economy Foundation has disbursed a total of 46 loans to the value of 2.4 million Namibian Dollars the demography of recipients is 16 youth, 24 women, 3 persons with disabilities and 3 former inmates from the Namibia Correctional Service.

138. Related to the promotion of individual economic development and employment support is the formalization and advancement of the vocational education sector. In 2015 the Ministry of Higher Education, Training and Innovation was created with the view to promote and enhance vocational, technical and innovative skills-based educational schools and institutions. The Harambee Prosperity Plan 2019 Progress Report indicates that during 2017/2018, thirty-two thousand one hundred and twenty (32 120) vocational education trainees finished their training. The Namibia Training Authority has an objective to promote vocational education training as a viable career path for Namibians by increasing the enrolment capacity of training institutions, promoting the Recognition of Prior Learning

certification (1352 certified during 2016–2018) and improving the quality of vocational education training. The Ministry of Labour, Industrial Relations and Employment Creation also contributes to employment support by providing a website service, the Namibia Integrated Employment Information System (NIEIS) where employers can advertise vacancies and people are able to access these advertisements and apply for jobs. This is part of the implementation of the Employment Act, 2011 (Act No. 8 of 2011).

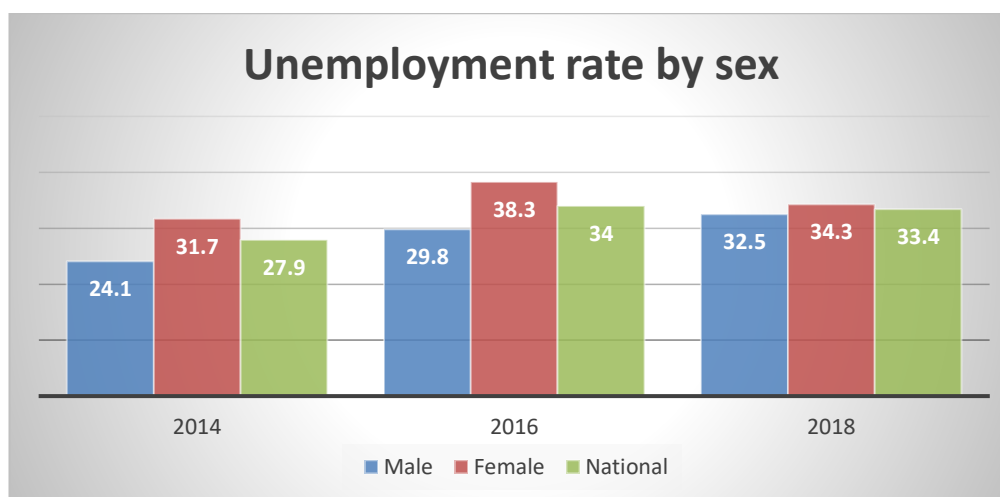
139. Article 21(1)(j) of the Namibian Constitution provides for the freedom to practice any profession, carry any occupation, trade or business subject to the law. The key piece of legislation regulating employment is the Labour Act, 2007 (Act No. 11 of 2007). The Labour Act, 2007 protects employees from unfair dismissal and provides a formal and cost-effective procedure of laying labour complaints and seeking remedies from employers. Namibia remains committed to its obligations under the International Labour Organisation (ILO).

Table 9

**Rate of unemployment in Namibia from 1997 to 2018**

Source: Namibia Statistics Agency.

Table 10

**Unemployment rate by sex from 2014 to 2018**

Source: Namibia Statistics Agency.

**Article 7: Wages**

140. The Government has not implemented a national minimum wage; however, certain sectors have established minimum wages in terms of collective agreements reached between employee organisations and employers in terms of the Labour Act, 2007 (Act No. 11 of 2007). Section 70-71 of the Labour Act, 2007 allows for collective agreements and the extension of those agreements, these agreements can cover sectoral minimum wages. In addition to the agriculture, construction and security sectors the Government has also implemented a minimum wage order for domestic workers since 2017. The Harambee Prosperity Plan 2019

Progress Report reported that Namibia has finalized the investigation on the feasibility of a National Minimum Wage and will be presented to the Cabinet for their consideration.

141. Article 21(1)(j) of the Namibian Constitution provides for the freedom to practice any profession, carry any occupation, trade or business subject to the law. The key piece of legislation regulating employment is the Labour Act, 2007 which provides for the basic conditions of employment, protection of employees from unfair labour practices and remedies available in case of unfair labour practices.

142. The Government implements the Public Service Workplace Policy on HIV/AIDS of 2008 was developed to assist in reducing stigma of HIV/AIDS in the workplace but incorporate the general wellness policy for the Government. Employers are encouraged to consider the wellness of their employees and to take measures to ensure their employees Wellness day and team-building exercises to assist with the general wellness of staff members to enhance personal wellness and increase staff productivity. The Namibian Employers Federation encourages the implementation of wellness programs and provides assistance to members on the implementation of the Wellness program or HIV/Aids policy. Currently, the O/M/As implement the Wellness Programme by hosting various team building exercises, out of office sports events and retreats to enhance wellness and budgetary provisions are made for these exercises annually. The National Health Policy Framework 2010–2020 also promotes occupational health in the workplace in line with International Health Regulations.

143. The position on employment equity has not changed since the last report.

144. The laws on sexual harassment in the workplace remain unchanged, section 5 (7) of the Labour Act, 2007 prohibits sexual harassment in employment and if such sexual harassment is perpetrated and leads to the resignation of the employee such resignation constitutes constructive dismissal as per section 5(9) of the Act. This has been confirmed by the Labour Court in the case of Banda v National Training Authority Case No. LCA 50/2015 in which the Court heard an appeal against an arbitration award. The appellant in the matter was an employee of the respondent who resigned citing constructive dismissal (termination of employment by employee due to conduct of employer) following complaints of discrimination, unfair treatment and sexual harassment in the workplace. The Court held that the written complaints of the applicant are enough to release the burden of proof for constructive dismissal and this is in line with the section 5(9) of the Labour Act, 2007. The Court ordered that the employee was entitled to compensation.

145. Safety in the workplace is regulated under the Labour Act, 2007 and by extension Regulations Relating to the Health and Safety of Employees at Work. Chapter 4 of the Labour Act, 2007 contains provisions on the health, safety and welfare of employees, section 39 of the Act sets out the duties of the employer in relation to safety, health and welfare of employees, and section 41 of the Act sets out the duties of the employees towards their own safety.

146. In addition, most government ministries, offices and agencies have introduced programs to provide internship to graduates with disabilities to improve their opportunity of employment.

#### **Article 8: Right to form trade unions**

147. The substantive law under the Namibian Constitution and the relevant legislative measures remain the same as stipulated in the last report, this is to say there is no prohibition on the freedom to join employer and employee associations, nor on the formation of federations. There are currently 41 registered Trade Unions, 3 Workers' Federations in Namibia, and 2 Employers' Federation.

#### **Article 9: Social Security**

148. The State Party refers the Committee to the response on recommendation No. 41 & 42. In addition, the Namibian government is reviewing two pieces of legislation that pertain to social security and employees' compensation to introduce the unemployment insurance fund, extension of maternity leave and compulsory registration for self-employed persons.

### Article 10: Right to family

149. Article 14(1) of the Namibian Constitution provides that men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution.

150. The Government has various safety net programmes in order to address poverty and inequality. In an effort to address cases of child poverty, the Namibian government provides a grant of N\$ 250 Namibian dollars per child from extremely poor communities to alleviate hunger and starvation. The Government introduced the food bank and its main aim is to provide rations to families who are at risk of hunger and starvation. Public hospitals and clinics provide free medical care to the elderly; those with disabilities and those with mental illness. The Namibian government launched the Harambee Prosperity Plan which aims to address the social inequalities, effective governance and service delivery; economic advancement; social progression; infrastructure development; and international relations and cooperation.

151. Section 5, 33 and 50 of the Labour Act, 2007 protects pregnant female employees against unfair dismissal and discrimination. This applies to all employees regardless of their employment status. At present there is no law pertaining to paternity leave. Moreover, the Labour Act provides for compassionate leave in cases of serious illness of a family member.

152. In relation to prohibition of child labour the government enacted a number of laws to this effect. The Child Care and Protect Act No. 3 of 2015, The Wage Order of Domestic workers, The Combating of Trafficking in Persons Act no.1 of 2018 all prohibit child labour.

153. Currently the Aged Persons Act, 1967 (Act No. 81 of 1967) caters for the rights and welfare of the elderly. However, consultations are underway with relevant stakeholders to review the said Act. In addition, consultations on the national policy for older persons, as well as whether to accede to the Protocol to the African Charter on Human and People's Rights on The Rights of Older Persons in Africa are underway.

154. The fundamental rights and freedoms afforded to all people in Namibia equally apply to those enter who Namibia as refugees or asylum seekers. Refugees and asylum seekers are therefore entitled to due process in all things especially the granting and removal of their status and removal from Namibia subject to section 5 of the Security Commission Act, 2001 (Act No. 18 of 2001) which deals with the expulsion of non-nations determined to be a danger to the peace and good order of Namibia. Section 43 of the Immigration Control Act, 1993 establishes an Immigration Tribunal empowered with the duty to determine the removal of immigrants from Namibia. Section 27 of the Refugees (Recognition and Control) Act, 1999 provides for the right to appeal the decision of the Commissioner for Refugees which appeal is heard by the Appeal Board established under section 28 of the Refugees (Recognition and Control) Act, 1999. Should any of the refugees or asylum seekers be aggrieved by the decisions of the appeal procedures, they have recourse under Article 18 of the Namibian Constitution which allows for persons to challenge any administrative action. Refugees and asylum seekers can apply for legal aid which is provided in terms of the Legal Aid Act, 1990 (Act No. 29 of 1990).

155. Families of migrants qualify for temporary residence permits linked to the employment permit of the working spouse/parent. The permit allows for children of the migrants to study in Namibian schools for that specific period. The Government has committed itself to eliminate all forms of Gender Based Violence as manifested in the National Gender Policy (2010–2020) and in the National Plan of Action on Gender Based Violence (2012–2016), providing for overall guidance to various stakeholders to integrate a gender perspective in their programming processes as well as to provide a mechanism that guides various stakeholders to improve prevention of a response to GBV. The Whistle-Blower Protection Act, Act 10 of 2017 aims to protect whistle-blowers who report cases of gender-based violence which involves intimate partners and it also includes reports of perpetrators who commit other forms of Gender Based Violence such as human trafficking.

156. Furthermore, the Witness Protection Act, Act 11 of 2011 aims at protecting individuals who report cases of other forms of gender-based violence such as human trafficking. The Act

provides for the establishment of a Witness Protection Advisory Committee, protection programme and fund.

#### **Article 11: The right to an adequate standard of living and freedom from hunger**

157. To combat hunger and starvation, the government introduced the food bank programme. Under this arrangement, extremely poor household are given free food by the government every month. Although the programme is currently being piloted in a few regions, the government intends to extend it to the rest of the country.

158. The Government has also heavily invested in agriculture and have established a number of state-owned enterprises whose mandate are to increase agricultural output and provide markets for small scale farmers. For example, The Namibia Agronomic Board (NAB) is mandated to promote the agronomic industry and to facilitate the production, processing, storage and marketing of controlled products in Namibia. While the Agro-Marketing and Trade Agency (AMTA) is responsible for the management of Fresh Produce Business Hubs (FPBH) and National Strategic Food Reserve (NSFR) facilities, ensuring high quality standards to achieve food.

#### **Article 12: Right to Health**

159. The Ministry of Health and Social Services (MOHSS) through its National Health Policy Framework 2010–2020, recognises that health and social well-being are fundamental human rights. All Namibians have the right to enjoy good health through access to primary care and referral level services according to their needs. This framework underscores the fact that health and social welfare services will be affordable, and the principle of equity and fairness and that special attention will be given to the needs of the vulnerable groups. MOHSS applies the principle of impartiality and treats all patients and clients equally, irrespective of status, religion, political belief, race, colour, gender and sexuality. Patients are treated based on their health needs and not based on ethnicity.

Table 11

#### **Shows health facilities constructed in marginalised communities**

<i>Name of facility/project</i>	<i>Date/year of completion</i>	<i>Region</i>	<i>Comments</i>
Otjomuru Clinic	2018	Kunene	
Queen Sofia Clinic	2016	Kunene	
Ceringkof Clinic	2018	Kunene	This is a container clinic sponsored by private entities (Standard Bank, Namport, and others). The facility is fully operating as a clinic and there is staff accommodation.
Etoto Clinic	Practically completed, but there are a few outstanding project activities yet to be addressed.	Kunene	
Utuseb Clinic	The project is practically completed, with only a few outstanding project activities to be addressed.	Erongo	

<i>Name of facility/project</i>	<i>Date/year of completion</i>	<i>Region</i>	<i>Comments</i>
Ohaiwa Clinic	A proper clinic is yet to be constructed; health services are provided by community health workers from a temporary zinc structure. Ministry of Health and Social Services provides medicine.	Kunene	
Rikwaterera TB Dot Point		Kavango East	This is a container facility donated by USAID
Bravo TB DOT Point		Kavango West	Container facility donated by USAID

*Source:* Ministry of Health and Social Services.

160. The State party has enacted the National Health Act, 2015 (Act No. 2 of 2015) to provide a framework for a structured uniform health system within Namibia; to consolidate the laws relating to state hospitals and state health services, and to regulate the conduct of state hospitals and state health services; and to provide for financial assistance for special medical treatment of State patients.

161. The Ministry of Health and Social Services (MoHSS) pays special attention to remote and under-service areas by ensuring that communities living in these areas are equally provided with health-care services. This is done through outreach services and fixed health facilities. In the Kavango East and Kavango West regions, there are prefabricated facilities where TB patients from San communities receive their TB medicines under supervision to ensure adherence and prevent drug resistance. The same initiative is implemented in Otjozondjupa region, where a soup kitchen was established to serve the San TB patients with soup before taking treatment.

162. The State party introduced the National Strategic Framework for HIV and AIDS response programme for the period of 2017/18 to 2021/22. This framework is a five-year HIV and AIDS policy and planning document developed to guide planning, programming and implementation of the national, multi-sectoral and decentralised HIV and AIDS response. The design of the National Strategic Framework is premised on the investment framework and result-based management approaches. These approaches have also mainstreamed gender and human rights issues. Specific attention is given to gender issues and other social determinants of health that will ensure that women and men, boys and girls as well as vulnerable groups and key populations as defined in the different strategic documents, can enjoy a healthy life and have access to health services according to their specific needs.

#### *Training of health personnel*

163. Human resource development is an important component for the MoHSS in ensuring that adequate numbers of health workers are equipped with the appropriate skills to deliver quality health and social welfare services at all levels. The MoHSS has a Ministerial Fellowship Management Committee (responsible for training and development) in place. Clear policy guidelines to award short, medium- or long-term trainings, on the basis of financial assistance and/or study leave, as well as to conduct training needs analysis to allocate trainings, paid study leave and financial assistance according to priority training needs are in place.

164. The MoHSS continuously invests in training staff members, especially in the needed specialities. During the 2016/17 financial year, twelve (12) midwives were trained in advanced midwifery and neonatology in South Africa and eleven (11) graduated in 2018. Funding was secured to train 91 midwives from Kavango East and -West on Emergency Obstetric and New-born Care/Life Saving Skills and training commenced in 2019. A total of 27 nurses and doctors from Kavango East & -West and Zambezi Regions were trained on the

management of severe acute malnutrition, and a total of 1,646 community health workers were trained and deployed to 14 regions.

165. To address the lack of expertise on nutrition, the MoHSS signed a Memorandum of Understanding with the Namibia University of Science and Technology (NUST) to build up a cadre of Nutritionists in the country by launching a curriculum to be used by NUST. The first student enrolment was in 2018.

166. To respond to the increased reports of stunting and severely malnourished children, the MoHSS trained 251 community health workers (with the assistance of development partners), who are now supporting caregivers on infant and young child feeding practices, as well as growth monitoring and promotion in all 14 regions. Community Health Workers (CHW) are instrumental in promoting improved health and nutrition behaviours in communities. CHWs improved access and utilisation of health and nutrition services through regular screening of children under five, counselling services and the referral of clients to receive appropriate curative and preventative services at health facilities.

167. MoHSS has a Patient Charter in place and it is part of a series of quality improvement initiatives designed to involve service users in influencing the quality of healthcare in Namibia. The MoHSS is actively inviting service users to get involved on patient forums and quality improvement initiatives. Staff members are continuously orientated on the Charter in order to improve service delivery, as well as the rights of patients and the public is informed on what they can expect from the MoHSS.

#### *Child and Maternal health*

168. The Prevention of Mother to Child Transmission (PMTCT) programme provides a range of services to women and infants. These include preventing HIV infections among women of reproductive age (15–49 years), preventing early and unintended pregnancies among women with HIV, and providing women with HIV with lifelong ART to maintain their health and prevent transmission during pregnancy, labour and breastfeeding. PMTCT also serves as an entry point to care, treatment and support for HIV infected women and their exposed children and families. PMTCT is well integrated in Maternal and Child Health (MCH) services in Namibia, especially at the health centre and clinic levels. Namibia has moved closer to the Elimination of Mother to Child Transmission (EMTCT) of HIV with the incidence of HIV exposed infants that is reduced to 1.9%.

169. The PMTCT programme achieved scale-up of option B+ across all 14 regions and 36 districts, reaching over 95% of health facilities, thus meeting the global plan of 95% PMTCT coverage target. Health workers are trained on PMTCT on a continuous basis.

170. The Programme for Accelerating the Reduction of Maternal and Child Mortality (PARMaCM) approaches maternal and infant health holistically, through integrated interventions and to improve maternity and new-born care. It makes it easier for pregnant women in the regions to access care at the time of delivery and after birth for themselves and their new-borns. With the implementation of the National Prevention of mother to child transmission strategy, transmission from mother to child has reduced from 13.4% in 2012 to 3.8% in 2019. PMTCT and early infant diagnosis services are available at 98% of public health facilities providing antenatal care, delivery and post-natal care services. The guidelines on maternity waiting shelters were finalized and 70 maternal delivery beds were procured and distributed to regions as required.

171. The MoHSS has Maternity Waiting Homes in Usakos, Katima Mulilo, Okongo, Eenhana, Opuwo, Outapi, and Gobabis. The Waiting Homes in Rundu is still under construction. The Maternity Waiting Homes of the MoHSS provide a safe environment for pregnant women where they can prepare for giving birth in hygienic conditions and be closer to the hospital. The closeness to the hospital also ensures that they can be taken to the maternity wards in good time. Each Maternity Waiting Home has dormitories, a kitchen, a dining hall, meeting area, showers, ablution facilities and a laundry. Women receive all the antenatal care they need and are properly monitored, so that any problems can be addressed at once.



*Sexual and Reproductive health*

172. The goal of the National Policy on Sexual, Reproductive and Child Health (2013) is the attainment of the highest possible standard of sexual, reproductive and child health through the provision of equitable, accessible and affordable health and nutrition information and services. One of the Policy's guiding principles is "non-discrimination and gender equality". The Policy states that all Namibians shall be provided with quality sexual and reproductive health services irrespective of their creed, age, gender, sexual orientation, religion, political affiliation or social-economic status.

173. Sixty-two (62) health facilities nation-wide are providing SHR/HIV integrated services. Data from these service assessments have revealed that provision of integrated services have the potential to increased ART adherence rate for people with HIV, due to reduced stigma and an increase of first family planning uptake, especially among adolescents.

*Essential medicine and medical equipment*

174. Essential medicine, including anti-retroviral medicines and medicines for chronic diseases are free of charge to State patients. Standard Treatment Guidelines (STGs) are established and updated with regard to how diseases are treated. This also identifies the pharmaceuticals required for treatment. These pharmaceuticals then form the basis of the Nemlist (Namibian Essential Medicine List). The Nemlist also classifies the level at which a medicine should be available within the Public health system.

175. Central Medical Stores (CMS) is responsible for the procurement and distribution of these pharmaceuticals to all Public health facilities. Affordability is maintained by using international and local benchmark price comparisons. The Procurement Act, 2015 (Act No. 15 of 2015) prescribes the procurement process to enable the MoHSS and government to select the most affordable and reliable suppliers. Software systems and dashboards that are in place ensure accurate stock management and the national distribution of pharmaceutical and clinical items.

176. The current stock system for medicines manages the ARV drugs effectively with regard to expiry dates. Currently, pharmacies have a process in place to ensure that no expired products are dispensed to patients. This process entails barcode scanning (GS1) which automates the recoding and management of expiry dates in the Enterprise Resource Planning (ERP) software for all medicines throughout the supply chain.

177. The Namibia Medicines and Regulatory Council ("NMRC") is a statutory body established in terms of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003) to regulate the use of medicines in Namibia. The NMRC is mandated to ensure that all pharmaceuticals on the Namibian are safe, efficacious and good quality. As such medicines are subjected to a rigorous process of assessment before marketing authorisation is granted. This also involves the confirmation of Good Manufacturing Practices compliance of the manufacturers of the medicines. Post marketing surveillance is conducted on a periodic basis by subjecting samples of the medicines for analyses by the quality surveillance laboratory. Furthermore, medicines safety is enhanced by encouraging clinicians and patients to report any adverse events encountered with the use of medicines.

178. All medical equipment purchased by the MoHSS conforms to the US Food and Drug Administration (FDA) and/or CE standards. When a new piece of equipment first arrives in the health-care facility, it is inspected to ensure it is functioning as specified and installed correctly. Periodic calibration on equipment is conducted to reduce the errors and bring the measurement to an acceptable level. Devices used are such as quality control kits and simulators. When a piece of equipment fails, corrective maintenance is done to restore the physical integrity, safety, and performance of a device after a failure.

179. Medical devices are serviced at regular intervals as per manufacturer specifications. Scheduled maintenance or planned preventative maintenance (PPM) are in place and followed to extend the life of the device and prevent failure. Equipment installations, repairs, and services are conducted by qualified and trained bio-medical technicians or engineers.

*Mental Health Patients*

180. Specialized mental health services are available at the Windhoek Mental Health Care Center (“WMHCC”) and Oshakati Psychiatric Unit. Patients from outside Windhoek and Oshakati are first handled at their nearest health facilities. The responsible doctors follow referral guidelines provided to all regions by the psychiatrist. According to these guidelines, the patient should first be treated for at least 72 hours in the service at which they present. After 72 hours if there is no improvement in the patient’s condition, the doctor should refer the patient to the psychiatrist.

181. Emergency mental health services are also provided at district hospitals as part of general wards. Follow-up services and a limited range of psychotropic medications are available at some health care centres and clinics.

182. The WMHCC provides outpatient and inpatient services to adults and children and has a bed capacity of 200 beds (120 at Civil and 80 at Forensic). It provides services according to the bio-psycho-social model of health, which is employed in a multi-disciplinary and inter-disciplinary setting. The model looks at three components that affect mental health, namely biological, social and psychological. All the activities and procedures at the centre are guided by: Mental Health Act, 1973 (Act No. 18 of 1973) currently under review; the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and the Correctional Services Act, 2012 (Act No. 9 of 2012).

183. Services are rendered by a multi-disciplinary team at WMHCC consisting of:

- Medical Services (Doctors) – The medical services are responsible for conducting Mental Status Examination (MSE), coming up with a diagnosis and prescribing medication.
- Mental Health Nursing – The nurses are responsible for providing mental health nursing to all in-patients and out-patients at the centre. Nurses also identify and care for the physical aspects of the patients’ problems.
- Clinical Psychology – The clinical psychologist performs psychometric tests, come up with diagnosis and provide psychotherapy. Clinical psychologist also treats individuals with emotional problems and behavioural disturbances.
- Occupational Therapy – Occupational therapy focuses on the restoration of function and improvement of social participation levels through the use of occupations such as work, self-care and leisure/play. Occupations are activities that bring meaning to the daily lives of individuals, families, and communities and enable them to participate in society.
- Clinical Social Work – Social workers promote social change and development, social cohesion and empowerment of people with mental health challenges. Social Workers carry out assessments for disability grants and also investigate the socio-economic circumstances of patients through interviews and home visits. In addition to the above mentioned, Social Workers also educate families and communities about mental health as well as accepting diagnosis, treatment and adherence to medication.
- Pharmacy – The pharmacist dispenses psychiatric medication to both inpatients and out-patients and ensures that patients have access to the safest and most efficacious drugs.

184. The WMHCC conducts outreach clinics in and around Windhoek. The WMHCC has different Units with different wards:

- General Psychiatry, with an outpatient department and the inpatients wards. The inpatient wards have five (5) wards:
  - Male A ward for acute psychotic patients, both state and private patients.
  - Male B ward for substance abuse related disorders.
  - Ward C for acute psychotic female patients, both state and private patients.

- Ward D for non-psychotic patients both male and female, state and private patients.
- Ward E for children
- Forensic Psychiatry section is comprised of five wards:
  - Ground Floor A ward for male State President's Decision (SPD) patients.
  - Ground Floor B for male SPD admission, female SPD patients and female observation patients.
  - First Floor ward for male SPD with intellectual disability/mental retardation.
  - Maximum Security ward for male observation patients.
  - Rehabilitation ward for male SPD pre-discharge ward.

185. The Oshakati Psychiatric Unit, which is located in the Oshakati Hospital has a bed capacity of 120. There is a large outpatient clinic that provides service to a minimum of 100 patients per day.

186. Psychotropic medication in Namibia is made available, according to the Namibian Essential Medicines List (NEMLIST). The list has a sufficient range of drugs for the treatment of the mentally disordered individuals who require medication. These drugs are available through district hospitals. The Government of the Republic of Namibia has prioritised mental health through legislative reform processes and the advancement of health facilities and specialists. However, a number of challenges have been experienced in order to ensure structural processes and access to services are attained.

#### *Substance Abuse*

187. The Ministry of Health and Social Services administers the Abuse of Dependence-Producing Substances and Rehabilitation Act, Act 41 of 1971 and through the Act, it has the mandate to do prevention, treatment and aftercare for substance dependent persons in Namibia. The programme was created to provide education, and for the purpose of disseminating information is the Coalition on Reduction of Harmful Drinking. It is a preventative program done by social workers of the Ministry of Health and Social Services country wide. It focuses on education, information dissemination and awareness raising activities on the dangers of alcohol and drug abuse in schools. The program was expanded to all fourteen regions, only eleven regions are functional due to movement of social workers.

188. Regional social workers are continuously being trained on alcohol and drugs programmes and are also responsible for individual therapy and group work for all cases that come to their offices. A total number of 38 health professionals were trained on specialised substance use disorder treatment. In some regions the social workers established the peer groups, called Teenagers against Drugs Abuse (TADA) in schools. This is a volunteer peer group program in which children can partake in and learn about the harmful effects of alcohol and drug abuse. The TADA group have yearly holiday camp as incentives for children who belong to the group and it concentrates on issues such as leadership skills, self- image and peer pressure.

189. The Directorate of Social welfare services also partake in the development of the integrated school health trainer's manual that included psycho-social services for children with alcohol and drug problems. This program will assist schools to refer children with alcohol and drug problems to the relevant service providers, e.g. social workers and psychiatry. The health extension worker program is a program in the Ministry of Health and Social Services, which exists at grassroots level and the main purpose is to identify and refer health related issues to health workers that include alcohol and drug abuse.

190. The Ministry of Health and Social Services is in the process to construct a treatment centre for children (younger than 18 years) with alcohol and drug addiction. Phase 1 of the project was completed, however, due to budgetary constraints the treatments could not commence. Therefore, currently no in-patient rehabilitation programs for children exist in the country.

### Article 13: Right to Education

191. The State continues to promote and provide free education as contemplated in Article 20 of the Namibian Constitution. The Government has since independence strengthened efforts to ensure that every child residing in Namibia has access to education. Such efforts include the building of mobile schools for marginalised groups such as the San and Ovahimba/Ovatwe/Ovahimba who are living a nomadic life. The Government is also providing basic education to refugees at the Osire Refugee Resettlement Camp. The expenditure on education is about 8.4% of the GDP of the national budget every year. During 2014/2015, the Ministry of Education received a budget of N\$ 13.1 billion (Approx. US\$ 102 104 0593.00).

192. Prior to the implementation of the new curriculum the provision of textbooks and instructional materials was substantially increased to reach a learner to textbook ratio of 2:1 for core subjects. With the implementation of the new curriculum during 2015–2020 the Ministry of Education, Arts and Culture developed new textbooks and is currently striving to reach a learner to textbook ratio of 1:1 for core subjects.

193. The language policy for schools of 1992 was revised in 2015 to facilitate the realisation of the substantive goals of education, namely access, equity, quality, democracy and lifelong learning. The policy affirms the constitutional and international provisions pertaining to human rights, individual language rights and culture. The languages currently offered in the Namibian education system are: Khoekhoegowab, Oshikwanyama, Oshindonga, Otjiherero, Rukwangali, Rumanjo, Setswana, Silozi, Thimbukushu, Julhoansi, English, Afrikaans, German, French Foreign and Portuguese Foreign languages.

194. The Ministry of Education of Arts and Culture employs inspectors whose mandate is to ensure that learners living in informal settlements, communal farms and rural areas have access to quality education. The Division of the Marginalised Communities in the Office of the Vice-President has a programme which ensures that learners from marginalised communities remain at school by sending inspectors to various schools where the said communities predominate.

195. The Government has committed itself to the implementation of the SDG4 Education 2030 and introduced a new curriculum for basic education. The reformed curriculum is aimed to strengthen the foundation level of basic education by formalising the Pre-primary grade to be part of the Junior Primary phase. It reinforces the literacy and numeracy skills, including the promotion of mother language as a medium of instruction during the formative years of early schooling and aims to develop the competencies, attitudes and values needed for full participation in society by learning to use, acquire, construct, evaluate and transform knowledge. The curriculum will expand access to senior secondary qualification by introducing the Namibia Senior Secondary Certificate Advanced Subsidiary (NSSCAS) level, which no longer taught parallel with the Namibia Senior Secondary Certificate Ordinary (NSSCO) level. The new NSSCAS qualification is equivalent to Cambridge International's AS level qualification and qualifies for admission to various regional and international higher education institutions.

196. Basic Pre-Vocational Skills Courses for learners with special needs in Resource and selected schools were introduced. The programme aims to improve the educational as well as employment possibilities of learners with special need and disabilities.

197. Article 20 of the Namibian Constitution provides that all persons shall have the right to education. The implementation of the Education Policy on Access in Namibia has enabled the country to reap benefits in the form of 95% enrolment rate of 6 to 16 years old in the last few years. The Ministry of Education, Arts and Culture introduced specific interventions to address access, for example, the free education programme by rationalizing access, and provision of adequate facilities to ensure that no child of school age is left out of school. The Sector Policy on inclusive education aims to provide access, equity and equality education to all children. Although the policy is aimed at ensuring that the education system becomes inclusive, sensitive and responsive to the needs of all children, and that all children receive education, it has a specific focus on children who have been or are more likely to be educationally marginalised which include foreign nationals and refugees. Namibia has maintained free education at all levels including the abolishment of school fees and national examination fees.

198. At the moment there is no provision for free higher education in the country. However, government avails financial resources to qualifying students through the Namibian Student Financial Assistance Fund (NSFAF). Moreover, the government provides subsidies to public tertiary institutions. Furthermore, state owned enterprises provide limited scholarships to compliment government efforts of ensuring that more Namibians have access to tertiary education.

199. The state has an inclusive educational policy which prohibit segregation practices in terms of school enrolment. In addition, a Prevention and Management of Learner Pregnancy Policy, and information sexual reproduction health are also in place which promotes the education of the 'girl-child'. The policy is aimed at preventing teenage pregnancy and encourage girls to return to school after pregnancy.

200. A National School Feeding Policy, free education, the Prevention and Management of Learner Pregnancy Policy and inclusive educational policy that are in place help to address school dropout.

201. The Ministry of Education, Arts and Culture provides professional development through induction training workshops for teachers, school principals and inspectors of education. Annual continuous professional development research conferences for educators are organised by the Continuous Professional Development – Teaching and Learning Improvement (CPDTLI) unit at the University of Namibia in collaboration with the Ministry of Education, Arts and Culture. The aim is to share research outputs on world trends, policy implementation, challenges and good practice in education in Namibia.

#### **Article 14: Compulsory Primary Education**

202. We refer you to our response under Article 13, paragraph 186 above.

#### **Article 15: Right to Culture**

203. As stated in previous reports, the right to culture is constitutionally guaranteed. The Ministry of Education, Arts and Culture promotes culture in the country. The promotion of culture forms part of the school curriculum in subjects such as Social Studies in primary schools and History in secondary schools. Furthermore, all public schools are encouraged to hold cultural festivals. Institutions of higher learning such as University of Namibia, Namibia University of Science Technology and International University of Management often hold annual cultural festivals in which students from all cultural backgrounds showcase their rich cultural heritage. Furthermore, cultural festivals are held annually at community level throughout the country. The government works in collaboration with cultural centres such as the Goethe Institute and the Franco-Namibian Cultural Centre at which various cultures are celebrated. This kind of collaboration focuses on cultural exchange, funding for cultural activities and promotion of language. Refugees at Osire Refugee Camp also holds cultural festivals and sports activities with the locals.

204. The National Broadcasting Corporation also regularly screens/broadcasts cultural programmes as part of promoting culture.

205. The 2001 Policy on Arts and Culture states that the government has the mission and goal to uphold unity in diversity so that all Namibians feel free to practice any culture, recognizing that such "unity is maintained by mutual understanding, respect and tolerance." As part of promoting this unity in diversity, the 2001 Policy also states that it is the goal of the Namibian government to safeguard and promote linguistic heritage and acknowledge the role of education in the promotion of cultural diversity. This is further supported by the Traditional Authorities Act and the National Arts Council. Tertiary institutions also offer courses and modules in the field of culture and heritage.

206. The duty to promote culture is not solely on Government, various communities/traditional authorities and private organisations are also involved. Most traditional authorities in Namibia hold their own cultural festival to preserve their cultural identities. Private organisations continue to organise various cultural activities of their own. In 2018, the Museum Association of Namibia held week long activities showcasing Namibia's rich cultural heritage in what was called the Heritage week. Private entities and

businesses continue to fund the annual /Ai// Gams festival in the capital Windhoek. The Omagongo festival is celebrated in the northern regions of the country and it attracts people from across the country. the Wika festival and the Octoberfest are cultural activities celebrated by German speaking Namibians and other Namibians from all walks of life. Among other notable cultural festivals includes the fish-consumption week held at various coastal towns and the traditional cattle shows held in various parts of the country.

*Summary of Challenges affecting the enjoyment of human rights in the country*

- The State party continues to work towards enacting a specific law against torture. The absence of a specific law against torture and other cruel inhuman treatment and punishment makes it difficult to prosecute cases of this nature;
- Although the government has prioritised the health sector by providing a huge chunk from the national budget, aging infrastructure, the ongoing economic recession and lack of medical professionals continue to hamper the state party's responses to the health needs of its citizens;
- Although government has passed a number of laws and policies in relation to catering for the rights and welfare of persons with disabilities, challenges remain in a number of areas, for example:
  - There are no temporary holding cells for PWDs in police stations across the country;
  - Access to justice for PWDs remains a challenge as many judicial officials and police officers are not trained on how to assist them, and in order to address this there was some training where 33 officials of the criminal justice system attended;
  - Cases of GBV against PWDs remain stubbornly high. There are however, no statistics to indicate incidences of this nature;
  - Negative cultural beliefs towards PWDs still occur in some isolated cases across the country; and
  - PWDs are not well represented in politics. Currently there are only two members of parliament who are persons with disabilities.
- The right to sanitation remains a challenge in Namibia. It has been placed as among government's critical priorities under the National Development Plan 5. Disappointingly, less than 50% of Namibians have access to flushing toilets. The situation is dire in rural areas and the Zambezi region among the hardest hit in the country.

207. Gender Based Violence continues to hamper Namibia's socio-economic progress. Despite a plethora of laws, gender-based violence and sexual violence remain stubbornly high.

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