



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Initial report submitted by Namibia under
article 35 of the Convention, due in 2010****

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



Section one

A. Introduction

1. The Government of the Republic of Namibia ('GRN' hereinafter referred to as 'the Government') signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on the 25th of April 2007 and ratified the Convention including its Optional Protocol on the 4th of December 2007. In so doing, the Government has explicitly made a commitment to ensure that the rights of persons with disabilities are upheld, promoted and protected. The Government remains committed to implement the legislative and policy recommendations of the relevant United Nations conferences, summits and reviews, including efforts to integrate reasonable accommodation for persons with disabilities.

2. This is a combined initial, 1st to 6th State report. Namibia regrets the delay in the submission of the reports to the Treaty Body Committee. This delay is the result of a combination of challenges experienced in the collection of data and consultations with stakeholders. Namibia has participated in Conferences of States Parties to the Convention on the Rights of Persons with Disabilities since ratifying the convention. Namibia's participation at these conferences received a high level of political support, represented by key ministries now tasked with disability issues.

3. There has been an effort to mainstream disability into Millennium Development Goals (MDGs) as highlighted at the second Conference of States Parties and the Sustainable Development Goals (SDGs). The Government will continuously endeavour to inclusive build the SDGs into its planning frameworks in terms of alignment and harmonization of programs moving forward. Challenges such as limited technical understanding of the specific disabilities and their needs; the lack of substantial data to measure progress, adequate human and financial resources affect the government's ability to effectively budget and plan for persons with disabilities in an effort to build an inclusive Namibia.

4. This country report incorporates and consolidates all relevant recommendations that have been made by relevant Treaty Body Committees, Organisations of Persons with Disabilities and the Civil Society to the Government of Namibia.

B. General background

5. Namibia is a vast land with a population of 2 113 077. It is one of the least populated countries in the world. The mean annual rainfall varies between 400 mm (in the North-Central and North-West) to 700 mm (in the North-East).

<i>Area</i>	<i>Population</i>	<i>Percentage</i>
Namibia	2 113 077	
Urban	903 434	43
Rural	1 209 643	57
Caprivi	90 596	4
Erongo	150 809	7
Hardap	79 507	4
Karas	77 421	4
Kavango	223 352	11
Khomas	342 141	16
Kunene	86 856	4
Ohangwena	245 446	12
Omaheke	71 233	3
Omusati	243 166	12
Oshana	176 674	8

<i>Area</i>	<i>Population</i>	<i>Percentage</i>
Oshikoto	181 973	9
Otjozondjupa	143 903	7

6. Namibia gained its independence in 1990 and has since been a stable and peaceful multi-party democracy. The country is divided into 14 political and administrative regions. More than half of Namibians live in the five north-central regions namely Oshikoto, Oshana, Ohangwena, Omusati, Kavango East and Kavango West. The Khomas Region is the most populated region of Namibia, with 93% of its population inhabiting the capitol city, Windhoek, which is the administrative and economic capital of Namibia. The other larger centres are Walvis Bay, Oshakati, Ongwediva, Swakopmund, Rundu and Keetmanshoop. The population growth is currently 2, 1%, and an estimated 40% of the population is under 16 years. 57, 9% of the population lives in rural areas and 42, 1% in cities (2011 National Census).

7. Namibia has made significant progress in addressing the structural drivers of poverty. Access to basic education has become more equitable and primary health care services are widely available.

8. Access to safe water and sanitation has improved despite several challenges that continue to exist. Government policies are in place to ensure the equal distribution and access to safe water and sanitation. New programs have been launched to protect the country's environment and natural resources. Namibia not only implements a social protection programme for the elderly, persons with disabilities, orphans, vulnerable children and war veterans, but also has the Social Security Act, 1994 (Act No. 34 of 1994) which provides for maternity leave, sick leave and medical benefits to the population.

9. Namibia is ranked 129 out of 189 countries surveyed in the Human Development Indices and Indicators: 2018. While poverty levels have declined since independence, widespread unemployment and distribution of income and assets remain significant issues. With a Gini coefficient of 0.59 (National Statistics Agency (NSA) 2012), Namibia is among the least equitable countries in the world. Thus, the challenge for the country is to develop policies to achieve higher rates of growth, create jobs, alleviate poverty, reduce inequality, and raise living standards as well as the quality of life. Although Namibia is classified as an upper middle-income country per capita, this classification is not reflecting the real economic abilities of the population.

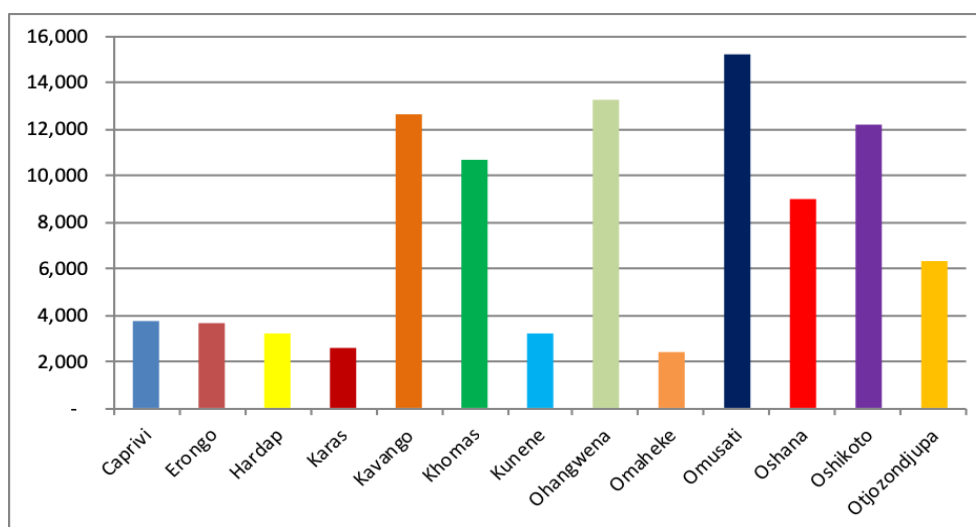
10. The 2011 National Population and Housing Census determined that there were 98 413 persons with disabilities living within the country, representing 4.7% of the population. The Census further showed that there was an equal proportion of men and women, who were registered as persons with disabilities (4.6% female and 4.8% male as indicated in the table below). The Census is conducted every 10 years.

Population of people with disabilities by sex and area (2011)

<i>Namibia Population</i>			<i>Population with Disabilities</i>			<i>Percent of population with disability</i>			
<i>Area</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>
Namibia	2 091 891	1 083 678	1 008 213	98 413	50 125	48 288	4.7	4.6	4.8
Urban	888 870	458 279	430 591	29 505	14 665	14 840	3.3	3.2	3.4
Rural	1 203 021	625 399	577 622	68 908	35 460	33 448	5.7	5.7	5.8
Caprivi	89 716	46 117	43 559	3 748	1 942	1 806	4.2	4.2	4.1
Erongo	147 801	70 288	77 513	3 698	1 710	1 988	2.5	2.4	2.6
Hardap	78 182	38 420	39 762	3 225	1 520	1 705	4.1	4.0	4.3
Karas	76 388	37 641	38 747	2 649	1 240	1 409	3.5	3.3	3.6
Kavango	222 052	118 052	104 000	12 670	6 506	6 164	5.7	5.5	5.9
Khomas	338 962	171 418	167 544	10 713	5 230	5 483	3.2	3.1	3.3

Namibia Population			Population with Disabilities			Percent of population with disability			
Area	Total	Female	Male	Total	Female	Male	Total	Female	Male
Kunene	85 143	42 515	42 628	3 197	1 418	1 779	3.8	3.3	4.2
Ohangwena	244 313	133 006	111 307	13 279	7 266	6 013	5.4	5.5	5.4
Omaheke	70 729	33 879	36 850	2 474	1 099	1 375	3.5	3.2	3.7
Omusati	242 394	133 303	109 091	15 230	8 175	7 055	6.3	6.1	6.5
Oshana	174 045	95 568	78 477	9 005	4 854	4 151	5.2	5.1	5.3
Oshikoto	180 740	94 400	86 340	12 172	6 276	5 896	6.7	6.6	6.8
Otjozondjupa	141 426	69 071	72 355	6 353	2 889	3 464	4.5	4.2	4.8

Population of people with disabilities by region (2011)



11. Approximately 21% of Namibians with disabilities are affected by hearing impairments, 35% with visual impairment, 11% with speech and communication impairments, 37% with physical impairments and 5% per cent with developmental or intellectual impairments.

12. School attendance of learners with disabilities is lower than those without disabilities. The proportion of those who have never attended school is more than twice as high for households with disabilities than for those without (38.6% versus 16.2%). There is also a significant gender disparity, where 41% of girls with disabilities never attended school compared with 37% of boys with disabilities.

13. The primary responsibility for disability in the Government lies with the Ministry of Health and Social Services. A Disability Unit was established in 2001 in the Office of the Prime Minister (OPM). The Unit represented the Government of Namibia at the Ad Hoc Committee meetings during the negotiations of the UN Convention on the Rights of Persons with Disabilities, in New York. Since 2015 however, disability affairs have been brought under the auspices of the Office of the President and is now headed by a Deputy Minister who reports directly to the Vice President. In addition to the above structures, a Disability Council has also been established through the National Disability Council Act, 2004 (Act No. 26 of 2004) under the Ministry of Health and Social Services.

14. The Government has passed and adopted several pieces of legislation and policies that have a direct impact on disability issues. The National Disability Council Act, 2004 (Act No. 26 of 2004) makes provisions for an advisory body to be established, with a mandate to provide strategic oversight on the implementation of the National Disability Policy. It also has the responsibility of identifying provisions in any law which may hinder the implementation of the National policy on disability and make recommendations in that regard. The National Disability Council Act, 2004 explicitly mandates the Council to consult with Organisations of People with Disabilities (OPDs), and organizations rendering services

to persons with disabilities and take the necessary steps in order to obtain necessary information on the implementation of the National Disability policy.

C. Methodology followed in drafting the report

15. This report has been prepared in accordance with Article 35 of the Convention for submission to the Committee on the Rights of Person with Disabilities as part of monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities by State Parties.

16. This report has been widely consulted on with different stakeholders including Government institutions, organisations for and of persons with disabilities, and civil society organisations and other relevant stakeholders. Two national consultative workshops were organised by the Office of the Prime Minister as the institution responsible for the coordination of the exercise then:

(a) Senior Government officials' consultation meeting on the 16th of October 2013;

(b) Workshop on the Drafting of the Convention on the Rights of People with Disabilities Namibia Country Report – 10th–14th of March 2014; and

(c) Report validation meeting on the 15th–18th of July 2014, at Swakopmund.

17. The Government acknowledges the valuable contributions made by various governmental institutions across all three spheres of governance. The Government further recognises the role that the disability sector and organizations of persons with disability (OPDs) in particular, continue to play a role in promoting and adopting a rights-based approach for persons with disabilities and their families. The Government remains committed to working with the disability sector in creating a more enabling environment for OPDs to realise their right to self-representation, conducting their advocacy work, capacitating their grassroots affiliates and participating in the political processes.

18. The Secretariat of the African Decade of Persons with Disabilities provided technical support during the drafting process of the report. This included facilitation of meetings and support rendered during the drafting the report.

Section two State's alignment with the general provisions of the UNCRPD as outlined in a1–4

A. Definition of Disability

19. In Namibia's context, disability is defined as the limitations hindering the full and effective participation of persons with disabilities in society on an equal basis with others. The National Disability Council Act, 2004 (Act No. 26 Of 2004) defines "disability" as a physical, mental or sensory impairment that alone, or in combination with social or environmental barriers, affects the ability of the person concerned to take part in educational, vocational, or recreational activities.

20. The 2011 Population and Housing Census defined disability as a long-term physical, psychological or mental condition that limits a person from carrying out everyday activities at home, work or school. It may be present from birth or develop during a person's lifetime. Information on disability assists Government in planning infrastructure, education systems and community awareness programs.

21. The National Policy on Disability (1997) states that "disability – is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical or social barriers." This definition of disability indicates Namibia's intention and commitment towards providing for one of its most vulnerable groups well before the adoption of the CRPD. Namibia will therefore continue to align itself with

the essence of disability as articulated in the CRPD by virtue of Article 144 of the Namibian Constitution.

B. Implementation of the General Principles and Obligations

22. The Namibian Constitution guarantees the right to full and equal participation for all its citizens including men, women and children with disabilities in society. It guarantees the protection of the inherent dignity of all its citizens through equal access to opportunities, accessibility and reasonable accommodations. It provides for the right to equality and freedom from discrimination.

23. The Government continues to educate the public and raise awareness of the rights of persons with disabilities by mobilizing all relevant stakeholders. Numerous activities to promote the principles embodied in the CRPD were organized by associations concerned with disabilities and non-governmental organizations. Those associations and organizations made great contributions in that regard, including the promotion of the CRPD. Some of these activities included:

- A workshop organized by the Office of the Prime Minister on the implementation of the UNCRPD which took place in Windhoek from the 5th–8th of March 2012.
- Disability training for parliamentarians in 2016 by Disability Affairs.
- Disability Affairs and UNDESA Disability toolkit for Africa training on 29–30 December 2018 Swakopmund; 6–7 December 2018 Windhoek and 7–8 May Katima Mulilo.
- National Disability Workshop organized by the Department of Disability Affairs Office of the Presidency which took place in 29–31 May 2018 under the theme: *“Understanding the Convention on the Rights of Persons with Disability: strategies for disability inclusive development in Namibia”*.
- Training by Disability Affairs for Organisations of Persons with Disabilities and government officials on disability mainstreaming from the 4–6 July 2019.
- Ombudsman public hearings on discrimination, stigmatisation and other challenges faced by people with albinism in Namibia, 28 July 2019–5 August 2019, the programme ran across four (4) regions in the country.

Section three

Progress in the implementation of specific CRPD articles

Article 5

Equality and Non-Discrimination

24. The Namibian legal and policy framework on equality and non-discrimination fully complies with Article 5 of the CRPD. Persons with disabilities are able to use the law to protect and pursue interests on an equal basis with others.

25. Article 5 of the Namibian Constitution provides for the protection of fundamental rights and freedoms enshrined in Chapter 3. It ensures that they are respected and upheld by all organs of the Government, its agencies, all natural and legal persons in Namibia, and shall be enforced by the courts. Article 5 is strengthened by Article 25 (2) of the Namibian Constitution, which gives aggrieved persons the right to approach a competent court for a remedy. In addition, Article 25(4) of the Namibian Constitution empowers the courts to deal with cases of human rights violations, and to award monetary compensation to the victims.

26. Article 10 of the Namibian Constitution provides for the equality of all persons before the law and that no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social economic status. This can be read with the provisions

of the Racial Discrimination Prohibition Act, 1991 (Act No. 26 of 1991) which prohibit discrimination on racial grounds.

27. Namibia enforces a ‘substantive’ rather than ‘formal’ approach to equality, in other words, the circumstances of people are taken into account, and the focus is on ensuring equality of outcome. The Constitution and legislation require a focus on substance and on the purpose or effects of rules and conduct and not merely on their form. The real social and economic circumstances of groups or individuals are taken into consideration when determining whether the legislative commitment to equality was achieved.

28. The Namibian Constitution protects the rights of “all members of the human family,” which hence prohibits discrimination against persons with disabilities. The laws of Namibia prohibit discrimination against persons in employment, health care, education, and the provision of other state services. The Labour Act, 2007 (Act No. 11 of 2007) prohibits discrimination in any employment decision based on a number of factors, including any “degree of physical or mental disability.” However, the Labour Act, 2007 makes exception in the case of a person with a disability if that person, as a consequence of disability, is unable to perform the duties or functions associated with the employment or occupation in question. Enforcement in this area is challenging, as societal discrimination persisted.

29. The following legislation and policies are also in place to ensure equal protection for persons with disabilities in Namibia:

- Affirmative Action (Employment), Act, 1998 (Act No. 29 of 1998);
- Child Care and Protection Act, 2015 (Act No. 3 of 2015);
- Communal Land Reform Act, 2002 (Act No. 5 of 2002);
- Criminal Procedure Act, 1977 (Act No. 51 of 1977) as amended;
- Decentralisation Policy;
- Education Act, 2001 (Act No. 16 of 2001);
- Education Sector Policy on Orphans and Vulnerable Children (2008);
- Educational Sector Policy on HIV/AIDS;
- Electoral Act, 2014 (Act No. 5 of 2014);
- Guidelines on Mobile Orthopaedic Technical Services (2015)
- Labour Act, 2007 (Act No. 11 of 2007);
- Mental Health Act, 1973 (Act No. 18 of 1973);
- Mental Health Policy (2013);
- Namibian Qualifications Authority Act, 1996 (Act No. 29 of 1996);
- National Disability Council Act, 2004 (Act No. 26 of 2004);
- National Policy on Disability (1997);
- National Policy on Special Needs and Inclusive Education (2008);
- National Policy Options on the Educationally Marginalized Children (2002);
- National Youth Council Act, 2009 (Act No. 3 of 2009);
- Policy on Orthopaedic Technical Services (2001); and
- Sector Policy on Inclusive Education (2013).

30. The Office of the Ombudsman is an independent body responsible for redressing violations of the human rights of all Namibians, including those with disabilities in terms its functions and powers provided under Chapter 10 of the Namibian Constitution and the Ombudsman Act, 1990 (Act No. 7 of 1990). Persons with disabilities can file complaints of human rights violations with the Office of the Ombudsman. The Office of the Ombudsman can approach a competent court on behalf of complainants for remedy for any violations of their fundamental rights and freedoms. The Ombudsman is also empowered to carry out

public hearing (enquiries) on human rights discrimination, recently the Ombudsman conducted public hearings on discrimination, stigmatisation and challenges faced by persons with albinism from the 28 July–5 August 2019 across four (4) regions. The National Disability Council may also represent any person with a disability before any organ of the state, or provide or procure legal assistance for any persons with disabilities, if the matter in question relates to the rights of, or the integration of persons with disabilities in society as provided under section 4(1) (c) of the National Disability Council Act, 2004. Finally, persons with disabilities may approach a competent court to seek redress in terms of Article 25(4) of the Namibian Constitution.

31. There are a number of challenges to the application of Article 5 of the CRPD. These include poverty; limited resources for litigation; lack of information in the use of rightful entities with regards to reporting any rights violation; communication barriers; limited capacity of judiciary and court staff to deal with disability issues; inaccessible buildings and transport; Court papers not available in braille or in a font size accommodative to persons with partial sight/visual impairment; and limited provision of sign language services.

Article 6

Women with Disabilities

32. The Government remains committed to the attainment of gender equity and equality, as evident in the country's extensive legislative and policy framework. The Government ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in November 1997, Convention on Elimination of All Forms of Racial Discrimination (ratified in 1982), International Covenant on Civil and Political Rights (ratified in 1994), and International Covenant on Social, Economic and Cultural Rights (ratified in 1994). Namibia is also a party to the SADC Protocol on Gender and Development. In addition to this, Namibia is a State party to the African Charter on Human and Peoples' Rights and its 2003 Protocol on Women Rights in Africa which in Article 24, specifically guarantees the rights of women with disabilities.

33. Namibia acknowledges that there is still a discrepancy regarding the full enjoyment of fundamental rights and freedoms between women and girls with disabilities and boys and men with disabilities.

34. A major concern with regards to disability and gender is the persisting violence against and victimisation of women and children, and in particular women and girls with disabilities. Estimates of the extent of violence vary, as there is widespread under-reporting. Disaggregated statistics for violence against women and children with disabilities are not available and there are particular difficulties in accessing justice when their rights have been violated. To combat this, the Government has enacted the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003) and the Combating of Rape Act, 2000 (Act No. 8 of 2000).

35. The National Disability Policy affirms the fact that in many areas women have been discriminated against and subjected to cultural, social and economic disadvantages. As a result, their access to education, training and employment is impeded by these challenges. The Government will make sure that women with disabilities have equal opportunities to participate in all aspects of life equal to that of their fellow citizens by addressing the existing challenges through policy implementation and compliance monitoring.

36. The Namibian Constitution prohibits discrimination at all levels ensuring that all laws are inclusive in nature, all persons are equal before the law as enshrined in Article 10 of the Namibian Constitution. Discrimination on grounds of race, sex, religion, creed, colour, or socio-economic status is prohibited and widely addressed in the following laws:

- Married Persons Equality Act, 1996 (Act No. 1 of 1996);
- Affirmative Action Act;
- Labour Act;
- SSA;

- Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003);
 - Combating of Rape Act, 2000 (Act No. 8 of 2000);
 - Traditional Authorities Act, 2000 (Act No. 25 of 2000);
 - Communal Land Reform Act, 2002 (Act No. 5 of 2002);
 - National plan of action on Women in Peace and Security: The Government launched its First National Action Plan on Women, Peace and Security 2019–2024 on 19 June 2019, and is in the process of establishing an International Women’s Peace Center in Windhoek. Namibia is a member and served as chair of the Women, Peace and Security (WPS) Focal Points Network. In fully implementing women, peace and security issues, a technical committee co-chaired by the Ministry of Defence and Ministry of Gender and Child Welfare was established to facilitate and monitor the implementation of the National Plan of Action;
 - The Public Procurement Act, 2015 (Act No. 15 of 2015) makes provision for women to benefit from procurement process; and
 - National Gender Policy (NGP) of 1997.
37. The Government has implemented the above policies through the following activities:
- Organised National Conferences on Gender Based Violence through the Ministry of Gender Equality & Child Welfare and the Office of the Prime Minister.
 - Established the 15 specialized Gender Based Violence Investigation Units in 14 regions.
 - Women Empowerment Organizations are recognized by Government and they receive financial support from the Government through the Ministry of Health & Social Services.

Article 7

Children with Disabilities

38. The Namibian Constitution guarantees equal human rights of boys and girls with disabilities under Article 10, a principle which underpins all decision-making with regard to legislation, policies and programmes in Namibia.

39. Section 2.5.2 of the National Disability Policy (Children with Disabilities) states that:

“Parents of children with disabilities shall be provided with information about services available so that they can make informed decisions about the needs of their children in cases where these children cannot do so themselves. Early intervention, such as early stimulation and education shall be provided to children as early as possible in order to prevent developmental disabilities. The State shall ensure that children with disabilities have equal opportunities and equal access to education, sports and recreation and all other services in the community such as health care. Boys and girls shall have equal rights.”

40. Article 15 of the Namibian Constitution provides for the rights of children as follows:

“(1) Children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents.

(2) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. For the purposes of this Sub Article children shall be persons under the age of sixteen (16) years.

(3) No children under the age of fourteen (14) years shall be employed to work in any factory or mine, save under conditions and circumstances regulated by Act of Parliament.

Nothing in this Sub-Article shall be construed as derogating in any way from Sub-Article (2) hereof.

(4) Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of an employee to work for or in the interest of the employer of such employee, shall for the purposes of Article 9 hereof be deemed to constitute an arrangement or scheme to compel the performance of forced labour.

(5) No law authorising preventive detention shall permit children under the age of sixteen (16) years to be detained.”

41. Although the above-quoted Article 15 of the Namibian Constitution does not make specific reference to children with disabilities, the protections for children under the Constitution are amplified by means of specific legislation. The Child Care and Protection Act, 2015 is now the most specific legislation dealing with matters related to all children's rights. The Child Care and Protection Act, 2015 under –

- Section 2(1) (j) provides that one of the objects of the Act is to recognise the special needs that children with disabilities may have;
- Section 5(2) (d) (i) protects children from direct and indirect discrimination on grounds of disability;
- Section 5(2) (f) ensures that all proceedings, actions, or decisions in matters concerning a child must respond to any special needs that the child may have as a result of a disability.
- Section 9 specifically provides for children with disabilities, requiring all who deal with children with disabilities to treat them with dignity and providing for the right of these children to appropriate care and protection;
- Section 130(3) ensures prevention and early intervention services for children who need rehabilitation and therapeutic services amongst other measures; and
- Section 154(2) provides that regulations may be set for the fostering of children of special needs and those with disabilities.

42. Namibia ratified the UN Convention on the Rights of the Child soon after gaining its independence in 1990. Namibia has the following legal framework and measures which further speak to the protection of human rights and to acting in the best interest of the child:

- Maintenance Act, 2003 (Act No. 9 of 2003), Section 16(4) of which lists some of the factors to be considered where the beneficiary has disabilities. These include the extent of the disability, the life expectancy of the beneficiary, the period that the beneficiary would in all likelihood require maintenance, and the costs of medical and other care incurred by the beneficiary as a result of the disability.
- Disability Grant/Child Welfare Grant in terms of the National Pensions Act, 1992 (Act No. 10 of 1992);
- National Policy on Orphans and Vulnerable Children (OVC), National Strategic Plan on OVC;
- Education Sector Policy on OVC;
- Early Integrated Childhood Development Policy;
- Universal public primary and secondary Education (children with disabilities benefits regardless of age or grade); and
- Integrated Policy on Early Childhood speaks to children with disabilities – implemented by the Ministry of Gender Equality and Child Welfare (MGECW).

43. The Government makes the rights of children with disabilities a priority through the work of different departments and other structures, who have initiated the following with the purpose of implementing the above policies:

- Providing grants to organizations which are providing services to children. This includes the Children with Learning, Speech and Hearing (CLASH), Onyose Trust, Parents of children with Disabilities and Ehafo Trust;
- Special schools catering educational services to children with disabilities have been established in five regions out of 14 regions of Namibia, namely Khomas, Omusati, Oshana, Ohangwena, Hardap and one unit in Caprivi region;
- Establishment of the Women and Children Protection Units by the Ministry of Safety and Security;
- Ministry of Gender Equality and Child Welfare provides monthly grant of N\$250 to children with disabilities; and
- Office of the Ombudsman has employed a Children's Advocate to deal with all children related rights and in particular the rights of children with disabilities.

Article 8

Awareness-Raising

44. Namibia has undertaken a number of actions in order to raise awareness on the rights of persons with disabilities and to inform persons with disabilities and society in general, about the obligations contained in the CRPD and national legislation and policies.

45. National workshops for Government officials, persons with disabilities organisations and civil society were organised with the purpose to popularise the CRPD predominantly at national level in 2010.

46. The Government has also facilitated sensitization training workshops for Police Officers, Defence Force officers; healthcare professionals; the Ministry of Information Communication and Technology trained 22 regional officers on sign language and journalists on basic sign language skills in order for them to enhance their interaction with people with hearing impairments.

47. The Government recognizes the 3rd of December which is the international day of people with disabilities. This day is widely celebrated in Namibia. The Government has further set aside the 10th of June as the National Disability Day which is commemorated annually in Namibia. The Ministry of Education organizes, as part of their Arts & Culture promotion activities, a Deaf Awareness Week, which takes place every two years in September.

48. The International White Cane Day is on the 15th of October, and the National Disability Prevention and Rehabilitation Week during June every year. Additionally, the Regional Disability Networking Forums are utilized for purposes of raising awareness on disability related issues in the various regions across the country. The Regional Disability Networking Forums have been established in all the 14 regions of Namibia.

49. Albinism Week is commemorated in October of each year, and was established by the Ministry of Health & Social Services in 2002. The Electoral Commission has been training officials on mainstreaming disability in electoral processes since 2010 and this initiative is ongoing.

50. The Ministry of Education, Arts and Culture runs an awareness radio programme to raise awareness on the right to education of people with disabilities on various radio stations. The programme highlights various legal frameworks including the UNCRPD which protect, promote and fulfil their rights, including those to education. The Ministry's newsletter also publishes information to educate persons with disabilities.

51. The Ministry of Education, Arts and Culture also created a website called "SignWiki" which focuses on Namibian Sign Language and Deaf Education in general, and is being facilitated in collaboration with the Namibian National Association of the Deaf. Furthermore, the marketing of the concept towards Inclusive Education and the right to education is done at every national or regional conference.

52. The Deaf theatre is used as a form of raising awareness on capabilities and gifts of deaf children by the Ministry of Education in collaboration with the Namibian National Association of the Deaf.

53. Section 16 (3) of the National Disability Council Act, 2004 states that the Council may run programmes or conduct campaigns to inform the public to raise the awareness of the public concerning issues relating to disability. The Council launched a booklet titled “*Mainstreaming Disability in Public Services*” with the purpose of educating public service staff/employees on disability mainstreaming. The Council also takes lead in organising the commemoration of the International Day of Persons with Disabilities.

54. The National Disability Policy of 1997 requires, under section 3.1, that the state will design and promote programmes for raising awareness and changing public attitudes towards persons with disabilities. These programmes will focus on, *inter alia*, their needs, rights, potential and contribution in society.

Article 9

Accessibility

55. The National Disability Policy of 1997 under paragraph 3.4 provides for environmental accessibility and states that the state shall develop mandatory standards and guidelines to make the physical environment accessible to all people with disabilities. This will include all public buildings and facilities, for example, transport, telecommunication, sport and recreation facilities. The state shall ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment, have access to the disability policy and the requirements for making places accessible to disabled people.

56. The National Disability Policy goes on to provide for access to Information in paragraph 3.4.1. It provides that the state shall ensure that persons with disabilities and, where necessary, their families and/or other persons who may be entrusted, have access to full information on: their rights, diagnosis, medical records, and available services and programmes pertaining to their disability as well as those services which are generally available to the general public. The state shall develop strategies to make information services and documentation accessible to all persons with disabilities. This information will also be available in formats that can be used and understood by people with hearing and visual impairments and other communication needs.

57. The Government through municipal and town councils has ensured that most new buildings are accessible to people with disabilities. The National Disability Council is in the process of amending the National Disability Council Act to incorporate issues of accessibility.

58. The Government places specific responsibility on Ministry of Education to ensure that children and adults with disabilities are integrated into mainstream education. The National Policy on Education states that the Government shall ensure that children and youth with disabilities have the same rights to education as non-disabled children.

59. The full implementation of Government policies and legislation remains a challenge because of vast distances to be covered and environmental factors faced. The majority of school and public buildings are not disability-friendly. Information is made accessible in schools (special and inclusive schools) through the provision of Braille, and Interpreters, and there are programs such as the Job Access With Speech (JAWS) and their specialized equipment that address the specific needs of children with disabilities, which are procured by the Ministry of Education for the schools as per clause 3.8 of the National Disability Policy of 1997. There are also interpreters for deaf learners. The Ministry of Education has developed transportation signs in collaboration with Namibia National Association of the Deaf (NNAD). These signs are to be put in a booklet form and be used by all owners and users of public transport. This is seen as way of promoting the use of Sign Language and is an attempt to make Sign Language an acceptable and common language of interaction between the Deaf and the hearing community. The “Sign-Wiki” website is for use by all. The Centre for Communication and Deaf Studies (CCDS) is developing resource materials as

forms of communication and making information accessible. The Namibian Constitution is available in Braille. The New Era newspaper is available in braille.

60. The City of Windhoek bought a fleet of buses that are accessible to persons using wheelchairs in accordance with the National Disability Policy clause 3.8.5 on transport, Traffic and Road Safety. The City of Windhoek has also introduced parking places reserved for persons with disabilities. The traffic lights in the CBD is equipped with disability-friendly sensors, which contributes to independent living of visually impaired pedestrians. Government recognizes that service provision occurs within cities and is looking at expansion of projects to the smaller towns and rural areas. Other challenges include the following:

- Lack of recognition of sign language as a national language;
- High cost of sign language interpreters;
- Limited institutionally trained sign language interpreters; and
- Lack of widespread infrastructural accessibility to elevators.

Article 10

Right to Life

61. The Namibian Constitution is consistent with Article 10 of the CRPD in that it reaffirms the inherent right to life, under Article 6 of the Namibian Constitution, of all persons including persons with disabilities.

62. The Namibian Constitution recognises and protects the right to life and survival of persons with disabilities on an equal basis with all persons. In line with the Constitution and other legal documents, people with disabilities in Namibia are recognized as being a vulnerable group and have their right to life protected:

(a) The Namibian Constitution under Article 6 expressly protects the life of all persons including people with disabilities;

(b) Specifically, the Namibian Constitution guarantees the right to life as follows:

- No law may prescribe death as a competent sentence;
- No court or tribunal shall have the power to impose a sentence of death upon any person; and
- No executions shall take place in Namibia.

(c) People with disabilities are included in Prevention of Mother to Child Transmission (PMTCT) programme, which is a Government programme which protects unborn babies from being terminated even if they are examined and are found to have a disability or are likely to be born with a disability.

(d) TETANUS immunization programme includes persons with disabilities in order to prevent more deaths.

(e) The Government provides and offers free medical treatment to persons with disabilities.

(f) The Government protects the life of persons with disabilities by providing medicine and food for children with disabilities in hospitals to prevent malnutrition.

(g) The Hospital and Health Facilities Act, 1994 (Act No. 36 of 1994) and the Abortion and Sterilization Act, 1975 (Act No. 2 of 1975) address the issue of, sterilization and abortion.

Article 11

Situations of Risk and Humanitarian Emergencies

63. Article 26 (1) of the Namibian Constitution, addresses the issue of situations of risk and humanitarian emergencies where at a time of disaster or public emergency threatening

the nation, the President is given the right to declare a state of emergency. Furthermore, Article 95 of the Namibian Constitution promotes the welfare of the people and this includes persons with disabilities. A directorate has been created whose mandate is disaster risk management under the Office of the Prime Minister. The National Policy for Disaster Risk Management in Namibia speaks to the issue of vulnerability which is defined as people's exposure to, and inability to cope, with external shocks. Additionally, the Namibian Vulnerability Assessment Committee conducts assessments on identifying vulnerable groups, the prevalence and degree of any given risk. The vulnerability of a person or a group depends on the level of accessing the service and alternative coping mechanisms, and persons with disabilities are amongst the identified vulnerable groups.

64. In 2013 the Ministry of Education launched the Namibia School Manual on Emergency Preparedness and Response which is inclusive of children with disabilities and other vulnerable groups. The Ministry of Education has conducted sensitization sessions on this manual. (NRCS on humanitarian assistance).

Article 12

Equal Recognition before the Law

65. Although disability is not listed as a specific ground for non-discrimination in terms of Article 10 of the Namibian Constitution, the Government has adopted legislative measures to ensure that persons with disabilities have the right to be recognised as equal citizens before the law.

66. Persons with disabilities have the right to own or inherit property, to control their own financial affairs and have equal access to bank loans, mortgages and other forms of financial credit. They also have the right not to be arbitrarily deprived of their property, and have recourse in court, if this right is infringed upon on grounds of disability.

67. It should be noted that since the Namibian Constitution prohibits discrimination at all levels, the laws and policies are inclusive in nature. All persons are equal before the law as stated in Article 10 of the Namibian Constitution. Discrimination on grounds of race, sex, religion, creed, colour, or socio-economic status is prohibited.

Article 13

Access to Justice

68. The Ministry of Justice has a Directorate of Legal Aid which was established to administer the legal aid scheme pursuant to the Legal Aid Act, 1990 (Act No. 29 of 1990). The Directorate of Legal Aid appoints legal representation for indigent litigants who qualify for legal aid in both civil and criminal cases. The criteria for granting legal aid include the level of income and the merits of the case. A person can apply for legal aid if he /she cannot afford the services of a private legal practitioner, and an applicant may be granted the services of a legal aid Counsel or a private legal practitioner may be instructed to represent the applicant.

69. Our courts have handed down decisions in a number of cases on the right to legal representation and right to legal aid in Namibia. To ensure that legal aid is given to individuals entitled to receive it, our courts ruled that if the trial of an indigent accused is likely to be rendered unfair because he or she cannot afford legal representation, there would be an obligation on the state to provide such legal aid. In the case of *Government of the Republic of Namibia and Others v. Mwilima and all the Other Accused in the Treason Trial 2002 NR 235(SC)*. The Supreme Court ruled that there is an obligation on the Government to provide legal aid to the accused persons.

70. Furthermore, the National Disability Policy 1997 under section 3.9 provides that the exercise of basic legal rights of persons with disabilities shall be protected, including being free from discrimination. In cases where people with disabilities are partially or totally unable to administer their own property, they shall be provided with legal protection in a form of a guardian or legal assistant.

71. Initiatives to ensure access to Justice for persons with disabilities have included the following:

- (a) Office of Ombudsman trained judges and correctional services on human rights; and
- (b) Government provides to a certain extent for reasonable accommodation, nevertheless there are still some challenges.

72. These challenges include:

- Holding cells are not always safe for people with disabilities who are yet to be sentenced;
- Visually impaired persons are still required to identify perpetrators of crimes against them;
- There is a lack of specialized training for police and correctional officers on sign language and related communication and disability issues;
- The police sometimes remove the assistive devices of persons with disabilities being held in custody awaiting sentencing or trial;
- There are no trained sign language officials within the correctional services;
- Correctional services premises are not accessible to people with disabilities because most of these infrastructures were built before independence and they are still in the process of renovating them;
- Access to interpreters and equal recognition before the law in the courts and tribunals remain a challenge;
- Legal aid is often limited due to strained Government funds.

Article 14 Liberty and Security of the Person

73. Article 7 of the Namibian Constitution states that no person shall be deprived of personal liberty except according to procedures established by law. Namibia supports the integration of persons with disabilities in the community.

74. There are still residential facilities as well as public and private residential institutions for persons with disabilities whose families cannot take care of them. Admission to these facilities is voluntary. However, there is a move towards focusing on community-based care, where possible.

Article 15 Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

75. Article 8 of the Namibian Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment. Article 8 is part of Chapter 3 of the Namibian Constitution which is entrenched and may not be suspended any way.

76. Article 12 (1) (f) of the Namibian Constitution provides that no court shall admit into evidence against such person testimony which has been obtained from such person in violation of Article 8(2) (b) which prohibits torture. This Article is applicable to all citizens and non-citizens including persons with disabilities in Namibia.

77. Namibia is committed to enacting legislation that would clearly define and criminalize torture in its criminal justice system. The Law Reform and Development Commission (LRDC) finalized a report in which it recommends the enactment of a law which would criminalize torture in Namibia. The draft legislation has been finalised and is scheduled to be brought before Parliament in September 2019.

78. Namibia is in the process of ratifying the Optional Protocol on the Convention against Torture (Opt-CAT). The Ombudsman's Office is fulfilling the functions of a national preventative mechanism by visiting prisons and all police holding cells, receiving complaints from inmates and inspecting the conditions of the facilities on a regular basis.

Article 16

Freedom from Exploitation, Violence and Abuse

79. The Namibian Constitution under Chapter 3 states clearly that "Everyone has the right to freedom and security of the person, which includes the right not to be deprived of freedom arbitrarily or without just cause; not to be detained without trial; to be free from all forms of violence from either public or private sources; not to be tortured in any way; and not to be treated or punished in a cruel, inhumane or degrading way."

80. The primary provisions of the Namibian Constitution are cemented by the following legal framework and measures which speak to freedom from exploitation, violence and abuse:

- The Whistle-Blower Act, 2017 (Act No. 10 of 2017) aims to protect whistle-blowers who report cases of gender-based violence not only that which involves intimate partners but report perpetrators who commit other forms of gender-based violence such as human trafficking.
- The Witness Protection Act, 2017 (Act No. 11 of 2017) protects individuals who report cases of other forms of gender-based violence such as human trafficking.
- The Trafficking in Persons Act, 2018 (Act No. 1 of 2018) this comprehensive law aims to criminalize trafficking in persons by imposing stiffer sentences on the perpetrators, supplementing the provisions of the Prevention of Organised Crime Act, 2004 (Act No. 29 of 2004).
- The National Gender Policy 2010–2020.
- The National Plan of Action on Gender based violence 2019–2023.

Article 17

Protecting the Integrity of the Person

81. The National Disability Policy of 1997 in clause 3.12 provides for family life and personal integrity, this can be read with Chapter 3 of the Namibian Constitution guarantees all Namibian citizens their fundamental human rights and freedoms. Every person including people with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others. Therefore, people with disabilities may not be used or subjected to medical treatment without their own or their legal guardian's full consent, and it is absolutely forbidden to force women with disabilities to undergo sterilization or abortion.

82. The laws and policies protect all persons from forced sterilizations and abortions. In the case of persons with intellectual disabilities, family members or guardians give consent on their behalf. In addition, section 220 of the Child Care and Protection Act, 2015 also enables a child to consent to medical intervention and surgical operation:

- “(1) Despite any law to the contrary –
- (a) a child may consent to a medical intervention in respect of himself or herself if –
 - (i) the child is 14 years of age or older; and
 - (ii) a medical practitioner concerned is satisfied that the child is of sufficient maturity and has the mental capacity to understand the benefits, risks and implications of the medical intervention;
 - (b) a child may consent to the performance of a surgical operation on himself or herself if –

- (i) the child is 14 years of age or older;
- (ii) a medical practitioner concerned is satisfied that the child is of sufficient maturity and has the mental capacity to understand the benefits, risks and implications of the surgical operation; and
- (iii) the child is duly assisted by his or her parent or guardian or if the child does not have a parent or a guardian, by the child's care-giver.

(2) A child who is a parent and who is competent to consent to a medical intervention or surgical operation in respect of himself or herself in terms of subsection (1) is also competent to consent to a medical intervention or surgical operation in respect of his or her child.

(3) The parent or a guardian of a child or if the child does not have a parent or guardian the child's care-giver may, consent to the medical intervention in respect of or surgical operation on the child if such child –

- (a) has not attained the age of 14 years; or
- (b) is older than the age referred to in paragraph (a) but is of insufficient maturity or is unable to understand the benefits, risks and implications of the medical intervention or surgical operation.

(4) The superintendent of a hospital or the regional director of a clinic or an acting superintendent or regional director and in the case of a private hospital or clinic an equivalent official, may consent to a medical intervention in respect of or a surgical operation on a child if –

- (a) the intervention or operation is necessary to preserve the life of the child or to save the child from serious or lasting physical harm or disability; and
- (b) the need for the intervention or operation is so urgent that it should not be deferred for the purpose of obtaining consent that would otherwise have been required.

(5) The Minister may, on the request of any person with an interest in the well-being of a child, consent to a medical intervention in respect of or a surgical operation on a child if the parent, guardian or care-giver of the child –

- (a) unreasonably refuses to give consent or to assist the child in giving consent;
- (b) is incapable of giving consent or of assisting the child in giving consent;
- (c) cannot readily be traced; or
- (d) is deceased.

(6) The Minister may, on the request of any person with an interest in the well-being of a child, consent to a medical intervention in respect of or surgical operation on the child if the child unreasonably refuses or is unable to give consent.

(7) A children's court may, following failure to obtain consent as contemplated in this section and on the request of any person with an interest in the well-being of a child, consent to a medical intervention in respect of or a surgical operation on the child in all instances where a person who may give consent in terms of this section refuses or is unable to give such consent.

(8) A parent, guardian or care-giver of a child may not refuse to assist the child in terms of subsection (1) (b) (iii) or withhold consent in terms of subsection (3) to a medical intervention or surgical operation which would be in the best interests of the child by reason only of religious or other beliefs, unless that parent, guardian or care-giver can show that there is a medically accepted alternative choice to the medical intervention or surgical operation concerned.

(9) If a child is not competent to consent to medical intervention or a surgical operation in terms of this section, but is able to demonstrate the capacity to express an

informed view on such intervention or operation, the child's view must be given due consideration by the relevant decision-maker.

(10) Any child who is of sufficient maturity to understand the benefits, risks and implications of a medical intervention may access confidential medical counselling and advice without parental consent, irrespective of such child's age, where this is in the best interests of the child."

Article 18

Liberty of Movement and Nationality

83. According to Article 4 of the Namibian Constitution, all Namibians are entitled to have birth certificates, marriage certificates, identity documents, passports, citizenships, and to be given a name and nationality. The following legislation also address issues on immigration, refugees and how to acquire Namibian citizenship:

- Immigration Control Act, 1993 (Act No. 7 of 1993);
- Namibia Refugees (Recognition and Control) Act, 1999 (Act No. 2 of 1999);
- Citizenship Act, 1990 (Act No. 14 of 1990); and
- Departure from Namibia Regulation Amendment Act, 1993 (Act No. 4 of 1993).

Article 19

Living Independently and Being Included in the Community

84. The Government supports the right of choice by persons with disabilities and offers a range of support services to this effect within the context of major challenges in providing safe shelter.

85. Persons with disabilities are entitled to be prioritised in the Government housing scheme. This is supplemented by the Government's disability grant of N\$1250 per month and a special maintenance grant of N\$250.

86. The Ministry of Health and Social Services implements a Community Based Rehabilitation (CBR) programme which provides independent living services including community outreach (physio, occupational therapist) assisting persons with disabilities with independent living at community level.

Article 20

Personal Mobility

87. The National Disability Policy of 1997 in paragraph 3.3 provides that state shall ensure the development and supply of support services, including assistive devices for disabled people in order to minimise the consequences of the disability and to increase their level of independence. It further provides that all persons with disabilities shall have full access to rehabilitation, therapeutic aids and orthopaedic technical services within their communities as part of a Community-Based Rehabilitation programme. Their families, where possible, will be informed and involved in these rehabilitation programmes. The medical rehabilitation programme shall include the provision and supply of appropriate prostheses, orthoses and technical aids.

88. To give effect to the right of persons with disabilities to move freely and with independence, Government provides funding for assistive devices. The Orthopaedic Technical Services Guidelines facilitates the provision of assistive devices and training on their usage.

89. The provision of assistive devices is prioritised on health budgets, although waiting periods between date of application and date of issuing remains a challenge.

90. The Government through the Ministry of Health and Social Services provides subsidies to service providers and organisations of persons with disabilities offering mobility assistance to people who are visually impaired.

Article 21

Freedom of Expression and Opinion, and Access to Information

91. Media and freedom of expression is guaranteed under Article 21 of the Namibian Constitution. The Government recognizes the importance of media and press freedom to promote and expose civil, political and other human rights violations in the country. In this regard, the Government supported the establishment of the office of the Media Ombudsman in 2009. The Media Ombudsman forms part of a self-regulating system as guided by the AU Declaration of Principles on Freedom of Expression. The Government is committed to enact access to information legislation by 2020.

92. Namibia's media environment has received positive ratings from the Freedom House and Reporters without Borders. Reporters without Borders World Press Freedom Index of 2019 ranked Namibia 23rd out of 180 countries in the world in the range of criteria that includes media pluralism and independence, respect for the safety and freedom of journalists and the legislative, institutional and infrastructural environment in which the media operates. Namibia is also ranked first in the continent of Africa for media freedom.

93. The right of persons with disabilities to self-representation in matters affecting their lives is well respected in public life and considered in the formulation of legislation and policies.

94. The national broadcaster (the Namibian Broadcasting Corporation) provides for sign language services on television news sessions. The Government is yet to recognise sign language as a national language; however, programmes and initiatives are in motion for this cause.

95. The Government has ensured that people with disabilities are consulted and enabled to express their opinions on areas and issues of interest to them, and issues that affect persons with disabilities.

96. The Ministry of Education uses Braille and Namibian Sign Language (NSL) as mode of instruction in schools. The Namibian Sign Language is a recognized language in the school curriculum, and it is an examinable subject, which is a first of its kind under the Cambridge examination system.

97. The development of Namibian Sign Language continues through research and input from deaf people. Currently, the Government still has a long way to go in the area of augmentative communication; however, technology and software are being utilized. The advertisement of vacancies remains an area of concern because persons with visual disabilities have no access to these advertisements as they are not printed in braille.

Article 22

Respect for Privacy

98. Article 13 of the Namibian Constitution provides for the right to privacy. It states that no persons shall be subject to interference with the privacy of their homes, correspondence or communications save as in accordance with law and as is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others. Persons with disabilities enjoy the right to privacy of personal, health and rehabilitation information on an equal basis with others.

Article 23

Respect for Home and the Family

99. Persons with disabilities are free to marry and found a family on the basis of full and free consent as provided under Article 14 of the Namibian Constitution which 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 found a family. Article 14 of the Namibian Constitution further provides for equal rights as to marriage, during marriage and at its dissolution, and this applies to all persons.

100. The National Disability Policy of 1997 under paragraph 3.12 provides for family life and personal integrity, it provides that the State shall promote the full participation of persons with disabilities in family life. The Policy dictates that the State shall promote the right to personal integrity and ensure that the laws do not discriminate against persons with disabilities with respect to their sexuality, marriage, and parenthood. Persons with disabilities are particularly vulnerable to abuse and violence within the family, community and in institutions, and the State has the obligation to ensure that measures are taken to prevent abuse and violence against them. Adequate counselling and support services are to be provided for those who become victims of violence or abuse.

101. The Divorce Bill, 2019 provides for the grounds of divorce for marriages, the recognition of foreign divorce orders; and to provide for incidental matters thereto. Section 5 of the proposed Bill provides that any patrimonial benefit of the marriage may be forfeited by a spouse in favour of the other, if the marriage had irretrievably broken down due to mental illness or continuous unconsciousness of a defendant or respondent.

Article 24

Education

102. The Government's education policies are aimed at redressing inequalities created under apartheid and ensuring societal transformation through education, which values diversity and aims to develop the full potential of each learner, irrespective of his or her social and cultural background.

103. Article 20 of the Namibian Constitution provides for the right to education for all, compulsory and free primary education and the Government's responsibility to the provision of education and resources to schools. The strategic plan of the Ministry of Education includes among others, accessible and equitable inclusive education.

104. The Ministry of Education has been piloting inclusive education long before the approval of the Sector Policy on Inclusive Education in 2013. The marketing of the concept to Inclusive Education, the right to education is done at every national, regional conference and workshop in Namibia. Specialized equipment is procured for learners with special needs in schools. However, there is need to expand technology in teaching learners with disability, especially those at various levels in rural areas. Development partners such as ICEIDA, MCA, and UNESCO often assist with provision of specialized equipment and training. The curriculum is being reviewed to be more skill oriented for children with disabilities while allowing for academic stream for those who can. The curriculum Framework for Inclusive Education (for learners with disabilities) is soon to be approved by the Examination Board.

105. The Government, through Ministry of Gender Equality and Child Welfare has a National Integrated Early Childhood Development Policy of 2007 whose goal "is to make provision for family and community-based sustainable and integrated ECD programs that are accessible to all young children and their families, with a special focus on the development of Integrated Early Childhood Development (IECD) programs for young children living in difficult circumstances". The ClaSH is an organization for children with communication, speech and hearing challenges and is known for offering quality education to pre-school children who are deaf.

106. Namibia's Fourth National Development Plan (NDP4: 2012) has prioritized Early Childhood Development and Education hence transfer of oversight of this program to the

Ministry of Education. The Sector Policy on Inclusive Education has as one of its guiding principles, inclusion in education to occur as early as at ECD level.

107. Article 20(2) of the Namibian Constitution states that primary education shall be free and compulsory. The Ministry of Education has implemented Universal Primary Education (UPE) in January 2013, and children with disabilities benefit from the school grant given to primary schools to assist with needs at school level. Children with disabilities benefit from this grant regardless of their age or Grade. Furthermore, learners with disabilities who manage to proceed to institutions of higher learning are also beneficiaries of the Government students' financial assistance through the Namibia Student Financial Assistance Fund (NSFAF).

108. In amplification of the provisions of the Namibian Constitution, there are policies and legislation that ensure that schools provide individualized reasonable accommodation and provide the necessary support to persons with disabilities. These instruments include: Education Act, 2001 (Act No.16 of 2001), National Policy on Disability of 1997 under paragraph 3.5.2, Education Sector Policy for Orphans and Vulnerable Children of 2008 and Sector Policy on Inclusive Education of 2013. The Directorate: National Examinations and Assessment within the Ministry of Education, Arts and Culture, has a policy on special accommodation in examination writing for learners with disabilities. Ministry of Education has exemption procedures in place for learners who may not be financially able to pay for hostel, examination fees and any contribution towards the School Development Fund that is currently voluntarily paid at secondary education level. Ministry of Education also has a school feeding programme in place for vulnerable children to receive at least one meal per day at school.

109. Education Act, 2001 establishes an Education Development Fund which offers financial assistance and other forms of assistance to learners identified as vulnerable or disadvantaged. The criteria of learners intended to benefit from the Education Development Fund include learners with disabilities throughout all phases of education; primary, secondary and even post-secondary education at colleges or vocational education centres. The Education Act, 2001 in Schedule 7 paragraph 16 (6) further provides that the assessments of the National Senior Secondary Certificate (NSSC) examinations may be adapted with the approval of the National Curriculum for Basic Education Board to make them accessible to candidates with impairments or disabilities, especially the final external examinations (which consists of oral, aural, practical and written forms of assessments). Such adaptations must be reflected on the NSSC Awards as endorsements. Section 3 (4) (j) of the Education Act, 2001 further provides that the national organization for persons with disabilities can nominate persons to serve on the National Advisory Council on Education. Section 4 (1) and (5) of the Education Act, 2001 provide that the Regional Education Forum may have two persons representing the national organisation for persons with disabilities. Finally, section 20 (2) (c) of the Education Act, 2001 provides that School Board of Special Schools Providing Special Education may have a representative of organizations of persons with disabilities.

110. The Regulations to the Namibian Qualifications Authority Act, 1996 (Act No. 29 of 1996) requires all buildings and facilities of any person, institution, organisation or learning facility to be capable of accommodating the needs of persons with disabilities in order for them to be accredited.

111. The availability of specific skills training services in Braille, Namibian Sign Language, augmentative and alternative communication, mobility and other areas for:

- Children – This skills training is offered in schools especially in special schools and the Centre for Communication and Deaf Studies (Braille, Namibian Sign Language, and Mobility). The Ministry of Education has also established a website called Sign-Wiki on Sign language and Deaf Education. The Centre for Communication and Deaf Studies has the following mandates: the research and development of Namibian Sign Language; development of teaching and learning material for education offering to Deaf learners and adults, and training on Namibian Sign Language and interpreting skills. Interpreting services exist for learners who are deaf and are schooling in inclusive schools. Braille is an official mode of instruction for blind learners. Educational programs on sexual education and HIV & AIDS are also translated into

Braille. The Ministry of Education has established a task force that will look into establishing a Braille production unit at the National Institute of Special Education.

- Adults – The Directorate of Adult Education offers an adult literacy programs to adults with disabilities that have visual and hearing impairments.
- Teachers – The University of Namibia and the Ministry of Education offer a Namibian Sign Language subject for teacher interpretation in the Education Bachelor course.
- The graduates are employed as Teacher Sign Language Interpreters in schools. Teachers are also trained on Mobility and how to offer it to blind learners. Experts on Braille (Unified Code) are brought into the country to offer Braille training, how to teach it and also the teaching of subjects using Braille as a language.
- Measures have been taken to promote linguistic identity of deaf persons, these include the creation of a website called “Sign-Wiki” which focuses on Namibian Sign Language and Deaf Education in general. Another measure is the Deaf Theatre that is used as a form of raising awareness on capabilities and gifts of children who are deaf, and the public attends the events that showcase the gifts of these children. A documentary film “Deaf Namibians at work” was broadcast during 2011 on national television. The documentary outlines the experiences of the hearing impaired in their respective working environments as well as the relationships with their employers. The Government supports the commemoration of a Deaf Awareness week every year aimed at raising awareness. The establishment of the Centre for Communication and Deaf Studies (CCDS) exemplifies the Ministry of Education’s commitment to promote linguistic identity of deaf people in Namibia. There is also a close collaboration between the Ministry of Education and the Namibia National Association of the Deaf.
- Transportation signs were developed for use by both deaf and hearing people on the use of public transport. The Namibian Sign Language has been accepted as a language, a medium of instruction and as an examinable subject up to Grade 12. Namibia was the first African country to offer sign language as an examinable subject under the Cambridge Examination system. The Namibian Broadcasting Corporation (NBC) interprets the broadcast national news in sign language.
- The Government has taken steps to ensure that adequate training on disability to professionals in the education system include on-site training for teachers, in-services training, workshops on special education, inclusive education and training on Mobility, training on how to teach English to deaf learners, Low Vision screening, sexual education and disability – including HIV/AIDS. The Ministry of Education also arranges study visits/tours to neighbouring countries for teachers involved in teaching learners with disabilities. This exercise also includes procuring the services of renowned specialists to conduct training sessions on behalf of the Ministry of Education. The incorporation of persons with disabilities in training programs such as on Namibian Sign Language and interpreting skills is prioritised. Professionals also attend national, regional (SADC), continental and international conferences for continuous professional development on inclusive education, special education, and rights of the child. The Ministry of Education has developed posters and a manual on how to identify specific disabilities and how to offer intervention.

112. The University of Namibia (UNAM), in addition to its inclusion of special education and inclusive education in the pre-service teacher training programs offers post graduate programmes on specific disabilities and a Master’s Degree programme on Inclusive Education. The National Professional Standards for Teachers in Namibia has included in their criteria for professional teachers, specific standards of teacher competence on facilitating, teaching and assessing learners with special needs. UNAM caters for students with disabilities through the Disability Unit at the University.

113. The Ministry of Education employs qualified teachers with hearing and visual impairments. The Sector Policy on Inclusive Education makes provision for the appointment of teacher assistant with visual and hearing impairment.

114. The Ministry of Education runs radio shows to create awareness on the right to education and the relevant legal framework that speaks to protecting, promoting and fulfilling their rights in education, and in general including the CRPD. In November 2009 the Ministerial newsletter (Ministry of Education), was dedicated to providing education to persons with disabilities in inclusive settings. A very compressed version of the Sector Policy on Inclusive Education was distributed at the National Conference on Education which was held in 2011. Persons with disabilities also took part in the Conference and their views and inputs were taken into consideration. The marketing of the concept of Inclusive Education, the right to education is done at every national or regional conference. Extensive consultation took place during the development of the Sector Policy on Inclusive Education. The Ministry of Education also has a Customer Services Charter which specifically addresses the provision of services of Special Education, Inclusive Education, Counselling Services and Assessment. This charter informs, guides, and directs the general public about these services. Contact details and procedures of complaining are also outlined in the Charter.

115. The Ministry of Education in collaboration with UNICEF conducted and published an assessment of Inclusive Education in Practice in Namibia: Challenges and opportunities in leaving no child behind in 2018. The Assessment found that implementation of inclusive education has increased favourably but that there remain serious challenges for children with disabilities.

116. Government has drafted a Basic Education Bill to amplify the obligation towards providing free and compulsory basic education through accessible, equitable, qualitative and democratic education service and life-long learning. One of the main features of the draft legislation is the prohibition against discrimination with specific reference to disability as a prohibited ground for discrimination in schools and in the implementation of education policies.

Article 25

Health

117. The National Policy on Disability of 1997 outlines the responsibility of the Ministry of Health and Social Services to contribute to the prevention and rehabilitation of disability. The responsibility is distributed between the Directorate of Social Services and the Division of Disability Prevention and Rehabilitation under the said Ministry.

118. The content of the policies on the right to health aim to be inclusive of all vulnerable groups and to be observant of the core concepts of human rights to ensure that the health practices are aligned to the attainment of human rights standards.

119. The Policy on Orthopaedic Technical Services (OTS) was published in 2001 by the Ministry of Health and Social Services. Enshrined in the policy is the declaration by the Government to strive for the creation of a “Society for All”, encompassing human diversity and the development of all human potential, thereby embodying the human rights instruments of the United Nations. The Government promotes the integration of persons with disabilities in all domains of society, and Community Based Rehabilitation (CBR) is a critical approach in realising goals and purpose of the various policies. The health sector faces significant challenges in addressing inequities with respect to its policy on Orthopaedic Technical Services.

120. The Government provides programs and services to prevent disability, among children and the elderly by ensuring that rehabilitation professionals receive appropriate training and that there is a sufficient number of rehabilitation professionals.

121. The Government has trained volunteers to provide Community-based rehabilitation (CBR) services at community level. This is supplemented by the Government through the MOHSS subsidizing NGOs that carry out rehabilitation services. The Government also provides cryotherapy for persons with albinism, sunscreen is listed on the National Essential Medical List for persons with albinism and the Government provides sunscreen throughout all state and district hospitals at no cost to the persons with albinism.

122. The National Health Policy Framework 2010–2020 recognises the fact that the needs of the people with disability are not sufficiently covered, stating that services for people with disability are centralised, inadequate and there is little systematic involvement of communities in rehabilitation efforts. Additionally, there is a shortage of specialised professionals such as occupational therapists, speech therapist, physiotherapists, prosthetists and orthoptists.

(a) 123. The National Health Policy Framework identifies the following strategies necessary for improving service delivery targeted towards people with disabilities:

- (b) Promotion of primary, secondary and tertiary prevention of disabilities;
- (c) Adequate provision of rehabilitation services;
- (d) Meeting the demand for prosthetics and orthotics and other assistive devices;
- (e) Establishing and consolidating community-based rehabilitation;
- (f) Effective advocacy and awareness efforts implemented;
- (g) Promotion of network collaboration among stakeholders; and
- (h) Recognition of needed professionals and accelerated training and deployment.

123. The Ministry of Education has established Hospital Schools in collaboration with the Ministry of Health and Social Services. A survey is being conducted on expanding this type of education provision to children admitted in hospitals for a longer period, the School Health Survey and efforts to implement the School Health Policy fall under the auspices of the Ministry of Education in collaboration with the Ministry of Health and Social Services.

124. The Ministry of Health and Social Services is currently working on Mental Health Bill to repeal the Mental Health Act, 1973 (Act No. 18 of 1973), the Bill seeks to provide a human rights-based approach to mental health in accordance with the obligations under CRPD.

125. The Namibia Household Income and Expenditure Survey of 2009/10 indicated that 30% of Namibian households are within a 2-kilometre radius to the nearest primary health facility and 36% within a 5-kilometre radius and free medical care is provided for persons with disabilities in all state health facilities, including continued health care.

126. Other activities by the Government in fulfilling its obligation in relation to the right to health of persons with disabilities include:

- The Government through the Ministry of Health and Social Services undertakes health campaigns and outreach programmes on early identification and screening (e.g.) eye campaign in most regions.
- The Government, through the Ministry of Health and Social Services signed a memorandum of understanding (MOU) with Operation Smile South Africa (OSSA), which is dedicated to providing direct treatment to children with cleft palates lips and cleft palates while simultaneously providing education and promoting multidisciplinary research.
- An MOU also exists with SINTEF-UMED to assist the Namibian Government with the provision of capacity building in the rehabilitation training of wheelchair technologists and the empowerment of people with disabilities in wheel chair management, and to date they continue to supply wheelchairs that are distributed to persons with disabilities at no cost.

Article 26

Habilitation and Rehabilitation

127. In line with the Government policies, the choice of persons with disabilities to participate in habilitation and rehabilitation services is fully protected. Rehabilitation services offered by the Department of Health are guided by national policies of the Ministry of Health and Social Services and are aimed at helping persons with disabilities to attain maximum

independence and full inclusion in all aspects of life. Paragraphs 3.2 and 3.3 of the National Disability Policy of 1997 provides rehabilitation as part of a comprehensive integrated health care system.

128. The Community Based Rehabilitation (CBR) has been adopted as the underlying philosophy to the provision of rehabilitation services. The Government observes that successfully implemented services offered within a CBR approach, are crucially dependant on effective relationships between Government and the various civil and organizational actors within the disability sector.

129. General habilitation and rehabilitation programmes for persons with disabilities, are made available by the Ministry of Health and Social Service, as well as civil society and organizations of persons with disability (OPDs). While more formal programmes exist in urban and well-developed areas, OPDs and civil society organisations in partnership with Government and the private sector, play a critical role in making programmes accessible in rural communities.

Article 27

Work and Employment

130. The employment disparities of people with disabilities still remains a challenge for the Government even though Government has developed some instruments to ensure the right to work and employment is protected and ensured.

131. The Labour Act, 2007 (Act No. 11 of 2007) in section 5(1) (e) defines a person with disability as “an individual who suffers from any persistent physical or mental limitation that restricts that individual’s preparation for, entry into or participation or advancement in, employment or an occupation”. Section 5(2) (e) of the Labour Act, 2007 prohibits direct or indirect discrimination based on any degree of physical or mental disability in employment. Further protection is provided under section 5 (4) (a) of the Labour Act, 2007 which provides that it is not discriminatory to take any affirmative action measure to ensure that racially disadvantaged persons, women or persons with disabilities (i) enjoy employment opportunities at all levels of employment that are at least equal to those enjoyed by other employees of the same employer; and (ii) are equitably represented in the workforce of an employer.

132. Paragraph 3.7 of the National Disability Policy of 1997 provides that employment policies shall be based on the principle of equal opportunity for all its citizens and shall ensure that persons with disabilities have equal opportunities for a productive and gainful employment in the labour market. The Policy goes on to provide for sheltered employment for people who, because of their disability or special needs are unable to obtain, keep, or cope with the demands of a job in a competitive labour market. This will take form of sheltered workshops and/or work centres and also prepare them, as far as possible, for employment in the open labour market.

133. The Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998) deals with the employment of designated groups which are referred to as previously disadvantaged people. This Act under section 18 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 favour.

134. The purpose of the Affirmative Action (Employment) Act, 1998 is to foster fair employment practices with regard to matters such as recruitment, selection, appointment, training, promotion, and equitable remuneration for previously disadvantaged people. A strong emphasis is placed on previously racially disadvantaged people, women and persons with disabilities, referred to as designated groups in the Act.

135. The Affirmative Action (Employment) Act, 1998 provides for a representation of people with disabilities by two members. The Act further states that in filling vacant positions, the employer shall give preferential treatment to racially disadvantaged persons, women and persons with disabilities who are suitably qualified; Government policy requires all O/M/A’s

to include an invitation to persons with disabilities to apply for advertised vacancies in the public service.

136. According to the Affirmative Action Report issued by the Employment Equity Commission of Namibia (EEC) for the review period of 2017/2018, a total of 277 745 persons were hired across all employment sectors during the period under review, representing an increase of 5% employees recruited during the previous review period. A whopping 94% of the total employees recruited were from the disadvantaged 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. In numerical terms people with permanent disabilities that are employed in this review period is 1 177, of which 757 are male and 420 are female, this is out of total workforce of 277 745 employed during the 2017/2018 period.

138. This figure only outlines information on employers that have complied with the Affirmative Action (Employment) Act, 1998 requirements by submitting the reports during the said review period. The requirement for submission of reports under the Act allows Government to respond to the employment needs of persons with disabilities with some degree of focus using the statistics at hand. However, data collection in this area needs to be improved to ensure accuracy.

Article 28

Adequate Standard of Living and Social Protection

139. People with disabilities have the right to an adequate standard of living, not only for themselves, but for their family. An ‘adequate standard of living,’ includes food, housing, clothing, needed social services, as well as medical care. It includes the right to security should the person become unemployed, experience an illness, become a widow or widower, or reach an age where support becomes needed.

140. An adequate standard of living also involves support in the event that a person with disability should experience other lack of livelihood in circumstances that are beyond their control. Mothers, as well as children, have the right to care and assistance. Every child has a right to the same social protections despite ability.

141. As mentioned above, persons with disabilities are entitled to be prioritized in the Government housing scheme. This is supplemented by the Government’s disability grant of N\$1250 per month for persons with disabilities above 16 as administered by the Ministry of Poverty Eradication and Social Welfare and a special maintenance grant of N\$250 for children with disabilities under 16 as administered by the Ministry of Gender and Child Welfare.

Article 29

Participation in Political and Public Life

142. Article 17 of the Namibian Constitution states that all citizens shall have the right to participate in peaceful political activity, intended to influence the composition and policies of the Government. Article 17(1) of the Namibian Constitution states that all citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely chosen representatives. This specific Article further states that unless otherwise provided under the Namibian Constitution, every citizen who has reached the age of eighteen (18) years shall have the right to vote, and the minimum age for persons to be elected into public office is twenty-one (21).

143. The right to participate fully in political and public life for persons with disabilities, has been evident from Government’s appointment of persons with disabilities in Parliament holding portfolios of ministers and deputy-ministers.

144. Organizations of persons with disabilities (OPDs), have advocated for positive measures in order to ensure that their interests are effectively represented in the legislative body.

145. The National Voter Education Policy guides the education of voters by officials appointed as voter educators, the Policy sets out the role of one as a voter educator. The policy regulates and ensures that all electorates understand their roles, their rights and the Namibian political system. The Policy states that information conveyed should be gender and disability sensitive and designed to be relevant to all voters, this ensures that persons with disabilities are well educated on their rights as voters and how to effectively participate in the voting process.

146. The Electoral Act, 2014 (Act No. 5 of 2014) provides for assistance of persons with disabilities to vote as follows:

- Section 100 and Section 103 of the Act governs the manner of voting and assistance of voters in elections respectively. Section 103(2) provides that a voter who is incapacitated by blindness or any other physical cause from voting in any prescribed manner, may request the presiding officer to assist the voter in the presence of the person accompanying the voter and to vote on behalf of the voter in the presence of the person accompanying the voter. This ensures that no matter the disability, the vote of the person with a disability is not lost on account of that disability.
- The Office of the Prime Minister lobbied for the representation of persons with disabilities in Parliament and as a result Honourable Alexia Manobe-Ncube was appointed to the National Assembly and as a Deputy Minister in the Office of the Vice President, responsible for people with disabilities. Other noteworthy appointments include Honourable Chief Samuel Ankama, a Deputy-Minister in the Office of the Prime Minister and who has held various portfolios in Government in the past, and Honourable Bishop Emeritus Zephania Kameeta, the current Minister of Poverty Eradication and Social Welfare, both of whom are persons with albinism.

Article 30

Participation in Cultural Life, Recreation, Leisure and Sport

147. The Namibian Constitution amplified by specific legislation provide for a clear inviolable right to culture and allows persons with disabilities to take part in all cultural activities; artistic and intellectual.

148. Article 19 of the Namibian Constitution provides for the right to culture and Article 66 of the Namibian Constitution recognises customary law as part of the law of Namibia. When read with the Traditional Authority Act, 2000 (Act No. 25 of 2000) and the Community Courts Act, 2003 (Act No. 10 of 2003) the legal framework on cultural rights enables persons with disability to participate in cultural life. There are well-known visually impaired artists such as Tuahafeni. In terms of culture they are allowed to lead communities and villages, e.g. a Headman with physical disability at Oniipa, Mr Festus Ndjibu. “Ileni Mwiitaleleko” which means “Come and See Yourself”, is a centre where people with visual impairment are making traditional baskets, mats and any other relevant items to sustain their living standards. Learners at special schools take part in cultural activities and perform at different occasions in an attempt to create awareness on disability issues, and persons with disabilities also take part in cultural activities at the Deaf Theatre; choir and dancing.

149. The National Youth Council Act, 2009 (Act No. 3 of 2009) under section 3(i) contains a function of the Council towards persons with disabilities and prescribes the duty to pursue its advocacy role with regard to the rights and opportunities of youth with disabilities.

150. Sports clubs for persons with disabilities have been established in Paralympics which enables persons with disabilities to be trained in sports and to compete worldwide, Johanna Benson a Paralympic athlete, Gideon ‘the brave swimmer’ Nasilowski a para-swimmer, amongst others have won at several international sports events. Special Olympics provide people with intellectual impairment challenges to compete internationally. Private companies and entities have offered support in the form of sponsorships towards supporting Paralympics,

these include companies like Coca Cola, and NamPower, these sponsorships complement the funds availed by the Government through the Ministry of Youth Sport and Culture. Namibia is ranked the 28th in World Sports. Persons with disabilities are often encouraged to visit tourist sites and facilities, and they benefit from discounts given on entrance fees. The President of Paralympic Committee in Namibia is also a person with disabilities.

151. Athletic Namibia and Special Olympics promote the right to recreational and sport activities for persons with disabilities. Namibian Paralympics has won two gold and other medals in para-Olympics, these were the first gold medals for the Namibia in Paralympic sports.

152. Although sport clubs are available, not all sport facilities are accessible for persons with disabilities, however the Government recognises this gap and will work towards infrastructural accommodations. Funds are not sufficient to cater for all the needs at the moment.

153. The law generally encompasses the entrenched right to equality and therefore all persons have an equal opportunity to participate in international sports and cultural events through the Ministry of Youth, Sport and Culture.

154. People with sensory impairments can compete with others who are in the same category and stand to be awarded the same prizes and medals. People with visual impairments are required to be accompanied by guides.

155. The Sector Policy on Inclusive Education approved by Cabinet in 2013, promotes the education of all learners in the most conducive environment for the learner concerned. This allows learners with special educational needs to attend any school of their choice in the neighbourhood with the needed assistance.

Article 31

Statistics and Data Collection

156. The Government acknowledges the importance of disaggregated appropriate data, including statistical and research data, in the formulation of policies to give effect to the Convention.

157. The Namibia Statistics Agency (NSA), is a state agency responsible for the collection, production and dissemination of official and other statistics, including the conducting of a census of the population, and for co-ordination among producers of statistics. This Agency is fully compliant with internationally accepted norms that protect human rights and fundamental freedoms, and ethical principles in the collection and use of statistics.

158. The Namibia Statistics Agency has significantly re-modelled its approach towards mainstreaming disability considerations into its operations following ratification of the CRPD.

159. Disaggregation of disability-related statistics and data across all Government institutions remains a challenge, including the reliability of such data where it exists.

160. The Ministry of Education has a data capturing system on learners with disabilities in the education system. This data is stored in categories of disability, gender, grade and region. The National Housing Census questionnaire also captures data on disabilities and indicated in the last census (2011) that there are approximately 98 000 people with disabilities in Namibia. At 2011 the Education Management Information System (EMIS) reported that a total of 32,299 learners had a disability, of whom 15,083 or 46.7% are females. Ohangwena, Khomas, Omusati, Kavango East and Oshikoto had the highest percentages of learners with disabilities, and a total of 57% of learners with disabilities are recorded as being resident in these five regions by 2017. This percentage is well in proportion to the enrolment figures in these regions. However, Government notes that there are some children with disabilities not accessing education and has taken steps to implement the Sector Policy on Inclusive Education to address access, equity and quality in education towards persons with disabilities.

National (Physical +Functional)	Total		Female		Male		Visual and Hearing						Partially Blind			Totally Blind			Hard Hearing			Deaf			Physical		
	32,010	14,309	17,101	Percentage	46.8%	53.4%	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male
Grade	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male
National	15,293	8,240	7,053	913	535	378	6,530	3,605	2,925	288	174	114	5,419	2,963	2,456	654	318	336	1,489	645	844						
Pre-Primary	213	106	107	7	1	6	45	22	23	7	3	4	56	33	23	44	17	27	54	30	24						
Grade 1	676	291	385	26	18	8	172	66	106	13	5	8	234	94	140	52	27	25	179	81	98						
Grade 2	710	319	391	9	2	7	214	89	125	9	2	7	293	142	151	49	24	25	136	60	76						
Grade 3	911	428	483	20	9	11	273	130	143	25	15	10	389	200	189	39	20	19	165	54	111						
Grade 4	1,524	779	745	80	49	31	468	234	234	21	13	8	704	357	347	76	40	36	175	86	89						
Grade 5	1,436	718	718	56	26	30	567	270	297	20	7	13	601	326	275	62	30	32	130	59	71						
Grade 6	1,595	882	713	106	71	35	645	336	309	19	9	10	632	390	242	54	31	23	139	45	94						
Grade 7	1,266	685	581	52	33	19	596	317	279	19	12	7	461	262	199	40	22	18	98	39	59						
Grade 8	2,135	1,203	932	175	91	84	996	578	418	39	25	14	728	415	313	55	29	26	142	65	77						
Grade 9	1,774	992	782	118	75	43	972	549	423	35	22	13	521	288	233	43	19	24	85	39	46						
Grade 10	1,262	770	492	114	73	41	675	429	246	27	21	6	348	207	141	40	12	28	58	28	30						
Grade 11	993	620	373	90	60	30	555	365	190	22	18	4	264	150	114	7	5	2	55	22	33						
Grade 12	603	369	234	51	26	25	332	214	118	32	22	10	161	90	71	3	3	-	24	14	10						
Other grades	195	78	117	9	1	8	20	6	14	-	-	-	27	9	18	90	39	51	49	23	26						
Grade	Overall Total			Epileptic			Behavioural			Mid Intellectual			Severe Intellectual			Learning			Autism			Other Disabilities					
	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male			
National	16,717	6,669	10,048	1,201	718	483	4,929	1,594	3,335	3,163	1,321	1,842	936	366	570	5,184	2,098	3,086	270	97	173	1,034	475	559			
Pre-Primary	437	172	265	27	7	20	195	77	118	48	20	28	18	5	13	89	41	48	15	1	14	45	21	24			
Grade 1	1,884	706	1,178	91	45	46	514	179	335	311	126	185	113	37	76	709	267	442	46	18	28	100	34	66			
Grade 2	1,699	588	1,111	67	26	41	512	162	350	272	95	177	76	28	48	677	234	443	30	11	19	65	32	33			
Grade 3	1,447	531	916	76	39	37	397	123	274	240	92	148	130	52	78	537	199	338	19	7	12	48	19	29			
Grade 4	2,092	771	1,321	142	75	67	565	167	398	374	137	237	179	75	104	700	271	429	40	13	27	92	33	59			
Grade 5	1,781	648	1,133	127	70	57	412	114	298	441	169	272	88	29	59	581	217	364	22	9	13	110	40	70			
Grade 6	1,468	610	858	134	98	36	438	135	303	264	117	147	90	30	60	474	203	271	23	7	16	45	20	25			
Grade 7	1,120	449	671	112	68	44	347	90	257	204	89	115	67	28	39	264	120	144	15	6	9	111	48	63			
Grade 8	1,673	764	909	159	114	45	500	159	341	405	193	212	34	15	19	447	207	240	6	4	2	122	72	50			
Grade 9	1,165	542	623	116	80	36	414	159	255	253	126	127	35	17	18	242	103	139	9	2	7	96	55	41			
Grade 10	654	324	330	78	52	26	250	95	155	109	58	51	9	5	4	135	64	71	12	4	8	61	46	15			
Grade 11	411	204	207	35	21	14	180	73	107	44	23	21	29	19	10	53	26	27	17	9	8	53	33	20			
Grade 12	249	115	134	17	13	4	121	43	78	20	11	9	-	-	-	57	31	26	3	2	1	31	15	16			
Other grades	637	245	392	20	10	10	84	18	66	178	65	113	68	26	42	219	115	104	13	4	9	55	7	48			

161. The tables above show the numbers of learners with disabilities in each grade, disaggregated by gender and type of disability. The disabilities are classified into two clusters: disabilities that have a proximal physical cause (Table A); and disabilities that are cognitive and thus affect the ability to learn (Table B). It is important to note that some of this data was compiled by teachers based on their observations, rather than being data validated by medical professionals or stemming from medical records. A teacher's interpretation may not always be a true reflection of reality – autism being a case in point.

Region	Total	Both Visual and Hearing	Partially Blind	Totally Blind	Hearing	Deaf	Epileptic	Behavioural Disorder	Mid Intellectual	Severe Intellectual	Physical	Learning Disorder	Autistic	Other
National	32,299	913	6,530	576	5,419	654	1,201	4,929	3,163	936	1,489	5,185	270	1,034
Females	15,083	535	3,605	348	2,963	318	718	1,594	1,321	366	645	2,098	97	475
Males	17,216	378	2,925	228	2,456	336	483	3,335	1,842	570	844	3,087	173	559
Regions														
/Kharas	872	7	184	14	216	3	58	126	87	18	27	86	8	38
Females	425	3	114	11	127	1	28	34	43	5	10	29	2	18
Males	447	4	70	3	89	2	30	92	44	13	17	57	6	20
Erongo	1,198	65	284	-	135	10	49	255	86	13	47	183	12	59
Females	570	40	187	-	86	2	30	86	33	4	23	55	2	22
Males	628	25	97	-	49	8	19	169	53	9	24	128	10	37
Hardap	893	26	164	34	98	2	71	149	92	23	50	153	3	28
Females	423	16	89	19	50	-	45	47	30	9	27	77	1	13
Males	470	10	75	15	48	2	26	102	62	14	23	76	2	15
Kavango East	3,527	157	735	1	795	107	122	507	344	45	175	390	31	59
Females	1,661	95	351	1	432	48	78	169	170	59	72	154	14	32
Males	1,866	62	384	-	363	59	44	338	174	65	103	236	17	27
Kavango West	2,289	109	356	41	512	26	47	420	202	32	97	332	11	71
Females	1,065	63	170	20	274	15	29	162	97	33	44	129	5	25
Males	1,224	46	186	21	238	11	18	258	105	98	53	203	6	46
Khomas	4,395	123	1,362	6	479	131	192	610	357	98	139	682	33	183
Females	2,251	78	856	4	261	63	124	184	118	38	69	353	11	92
Males	2,144	45	506	2	218	68	68	426	239	60	70	329	22	91
Kunene	1,772	38	334	15	308	8	55	386	166	47	73	274	31	37
Females	811	20	166	11	174	4	30	137	68	19	32	122	16	12
Males	961	18	168	4	134	4	25	249	98	28	41	152	15	25
Ohangwena	4,264	46	670	3	732	88	109	640	551	148	235	923	26	93
Females	1,844	30	358	2	401	40	52	205	234	52	98	320	8	44
Males	2,420	16	312	1	331	48	57	435	317	96	137	603	18	49
Omaheke	814	25	150	40	91	1	49	114	68	13	49	182	4	28
Females	377	9	70	26	51	-	30	36	28	5	19	93	-	10
Males	437	16	80	14	40	1	19	78	40	8	30	89		

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Table 61 continued

Region		Total	Both Visual and Hearing		Partially	Totally	Heard	Deaf	Epileptic	Behavioural	Mild	Severe	Physical	Learning	Autistic	Other
			Blind	blind	Hearing	Disorder	Intellectual	Intellectual	Disorder	Disorder	Disorder	Disorder	Disorder	Disorder	Disorder	Disorder
Omusati	Total	3,445	59	474	39	480	34	149	519	363	159	180	180	737	37	215
	Females	1,507	36	273	22	265	25	81	136	145	64	82	278	17	83	
	Males	1,938	23	201	17	215	9	68	383	218	95	98	459	20	132	
Oshana	Total	1,903	45	410	64	303	189	60	215	141	52	79	283	13	49	
	Females	932	24	234	44	168	90	33	84	59	16	32	112	4	32	
	Males	971	21	176	20	135	99	27	131	82	36	47	171	9	17	
Oshikoto	Total	2,796	44	500	17	599	30	90	388	264	91	151	496	39	87	
	Females	1,255	31	271	8	314	20	58	106	110	38	58	186	10	45	
	Males	1,541	13	229	9	285	10	32	282	154	53	93	310	29	42	
Otjozondjupa	Total	2,142	89	475	14	299	12	62	306	267	84	104	365	13	52	
	Females	985	47	269	6	157	6	40	103	103	32	47	147	2	26	
	Males	1,157	42	206	8	142	6	22	203	164	52	57	218	11	26	
Zambezi	Total	1,989	80	432	288	372	13	88	294	175	21	83	99	9	35	
	Females	977	43	197	174	203	4	60	105	83	7	32	43	5	21	
	Males	1,012	37	235	114	169	9	28	189	92	14	51	56	4	14	

162. The tables above sheds light on disability by gender and regions with the most cases. A total of 32,299 cases of disability are reported, of which 15,083 or 46.7% are females' learners. Khomas, Ohangwena, Kavango East, Omusati, and Oshikoto had the highest percentage of learners with disabilities, with 57% of all earners with disabilities are recorded to have come from these five regions. This is well in proportion to the size of these regions' enrolment.

Article 32 International Cooperation

163. The Government acknowledges the importance of international cooperation in support of national efforts towards the implementation of the CRPD. This cooperation, furthermore, should be inclusive of and accessible to persons with disabilities.

164. The Government has acceded to, or ratified, most of the regional and international human rights instruments in the area of economic, social, cultural, civil and political rights.

165. The African Union's adoption of the Declaration of the African Decade of Disabled Persons in 2000 places responsibilities on African States to implement Decade Programme Activities for purposes of promoting awareness and commitment to protecting the rights and freedoms of persons with disabilities. The Government supports and participates in the African Decade for Persons with Disabilities programmes (2010–2019) and has signed a Memorandum of Agreement (MOA) with the Secretariat of the African Decade of Persons with Disabilities.

166. Namibia is a member of the World Health Organisation, International Labour Organisation and Rehabilitation International, amongst others, and has through these channels contributed technical expertise in developing guidelines (for example in the development of guidelines for wheelchairs in less resources settings), the revision of the Community-Based Rehabilitation manual and the drafting of the rehabilitation section of the World Disability Report.

167. The Government is appreciative of its partners outside the borders of Namibia which have contributed to capacity building in education provision for children with disabilities and inclusive education. The cooperation included support from the following partners; International Association of Special Education, SADC, OSISA, Media In Trust-Africa [MIET-Africa], South African Department of Education, ICEIDA, Stockholm University, Sledge-South Africa, Lions Club, UNESCO, UNICEF, Inter-Team, SAALED, EU, SIDA.

Article 33 National Implementation and Monitoring

168. The Government has established the National Disability Council through the Disability Council Act, 2004. The council is currently housed under the Ministry of Health and Social Services. The Council's functions are outlined in section 2 of the National Disability Council Act, 2004 as follows:

- (a) Monitor the implementation of the National Policy on Disability in the manner as provided for in this Act;
- (b) Identify provisions in any law, which may hinder the implementation of the National Policy on Disability and make recommendations in that regard;
- (c) Advise any person responsible for the enforcement of existing legislation which provides for equal opportunities for all people in Namibia on the enforcement of that legislation;
- (d) Comment on proposed legislation which may affect persons with disabilities in any manner;
- (e) Consult with persons with disabilities, organisations of persons with disabilities and organisations rendering services to persons with disabilities, and take any other steps in order to obtain necessary information on the implementation of the National Policy on Disability;
- (f) Initiate amendments to the National Policy on Disability in order to ensure that it takes account of changing circumstances; and
- (g) In general, take all necessary steps in order to improve the situation of persons with disabilities in Namibia.

169. Section 17 of the National Disability Council Act, 2004 calls upon every Executive Director of any ministry, within 90 days after the end of each financial year, to submit or cause to be submitted to the Council a report on the implementation of the National Policy on Disability in their ministry.

170. The Government established a Disability Unit at the office of the Prime Minister, with the responsibility of providing advice to the Prime Minister on issues regarding people with disabilities. The function for disability affairs was later placed under the auspices of the Office of the Vice-President and a political head at the level of a Deputy-Minister was appointed in order to afford strong recognition, attention and commitment to disability matters. The objectives of the Disability Unit as stated in the Office of the Prime Minister's strategic plan of 2011–2016 are:

- (a) To improve the quality of life of people with disabilities through the promotion of the implementation of the United Nations Convention on the Rights of Persons with Disabilities and the continental and regional instruments that advance the rights, dignities and autonomy of people with disabilities by integrating disability issues into public policy development, especially in instruments such as legislation and developmental programs;
- (b) Raise awareness on disability issues;
- (c) Advocate for the rights of people with disabilities;
- (d) Mainstream disability issues and capacitate public sector to deliver accessible inclusive public services;
- (e) Ensure disability equality and self-representation of people with disabilities at all levels of society; and
- (f) Establish, promote and advance networking at regional, continental and international level on issues pertaining to people with disabilities.

171. The Government through the Office of the Prime Minister has initiated a process of establishing disability focal points in all Government Offices/Ministries/Agencies. The focal points have the responsibility of ensuring mainstreaming of disability issues within their ministries and their departments. This has resulted in the establishment of focal points in the University of Namibia, Ministry of Youth National Service Sport and Culture and Ministry of Health and Social Services.

172. Furthermore, the Namibian Constitution provides for an Ombudsman who is in charge of protecting human rights including those of persons with disabilities. The Ombudsman has been functioning as the national protector and advocate for human rights violations and

submits an annual report setting out human rights concerns and recommendations to the Government through the National Assembly.

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