



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

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**Committee on the Elimination of Discrimination  
against Women**

**Sixth periodic report submitted by Namibia under article 18  
of the Convention, due in 2019\***

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



## Acronyms

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AGRIBUSDEV	Agriculture Business Development
BIG	Basic Income Grant
BIPA	Business Intellectual Property Authority
CDWP	Country Decent Work Program
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSE	Comprehensive Sexuality Education
DBN	Development Bank of Namibia
ETSIP	Education and Training Sector Improvement Programme
HHP	Harambee Prosperity Plan
HIV	Human Immune Deficiency Virus
FIFA	Federation of International Football Association
FAWENA	Forum for African Women Educationalist in Namibia
GEMSANAM	Gender and Media in Southern Africa, Namibia
GBV	Gender-based Violence
GBVPU	Gender Based Violence Protection Units
LRDC	Law Reform and Development Commission
IOM	International Organisation for Migration
IMC	International Humanitarian Law
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
IPU	Inter-Parliamentary Union
IUM	International University of Management
IOL	Institute for Open Learning
MLIREC	Ministry of Labour, Industrial Relations and Employment Creation
MGECW	Ministry of Gender Equality and Child Welfare
MOEAC	Ministry of Education, Arts and Culture
MPESW	Ministry of Poverty Eradication and Social Welfare
MPE	Ministry of Public Enterprise

NANGOF	Namibia Non-Governmental Organisations Forum
NHRAP	National Human Rights Action Plan
NDHS	National Demographic Health Survey
NDP	National Development Plan
NSA	National Statistic Agency
NIED	Namibian Institute of Education Development
NGO	Non-governmental Organisations
SME	Small and Medium Enterprise
SRHR	Sexual and Reproductive Health and Rights
TIP	Trafficking in Persons
UNFPA	United Nations Population Fund
UNAM	University of Namibia
VCT	Vocational Training Centre

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## **I. Methodology**

1. This report was prepared by the Ministry of Gender Equality and Child Welfare with assistance from the Ministry of Justice. In line with state reporting guidelines, comments and inputs from non-governmental and/or Civil Society Organisations were elicited and where necessary incorporated in the report. Moreover, the Inter-Ministerial committee on Human Rights and International Humanitarian Law (IMC) edited and validated information contained in the report before it was submitted to Cabinet for approval.

## **II. New legislative and policy framework pertaining to women's rights since the last report**

### **A. Legislation**

#### **Combating of Trafficking in Persons Act, Act No. 1 of 2018**

2. The purpose of the Act is to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to criminalise trafficking in persons and related offences; to protect and assist victims of trafficking in persons, especially women and children; to provide for the coordinated implementation and administration of this Act; and to provide for incidental matters.

#### **Witness Protection Act, Act No. 11 of 2017**

3. The Act aims to provide for the establishment of a Witness Protection Unit to protect and assist witnesses and related persons; to provide for the establishment of a Witness Protection Advisory Committee; to provide for the establishment of a Witness Protection Programme and for admission of witnesses and related persons to the Programme; to provide for measures or action to be taken to protect witnesses and related persons; to provide for the establishment of a Witness Protection Review Tribunal to review certain decisions; to provide for authorisation to enter into national and international agreements on witness protection; to create offences in relation to witness protection; to amend section 158A and repeal section 185 of the Criminal Procedure Act, 1977, so as to effectively cater for protection of witnesses; and to deal with incidental matters. This Act is not yet brought into force.

#### **Business and Intellectual Property Authority (BIPA) Act, Act No. 8 of 2016**

4. To establish the Business and Intellectual Property Authority (BIPA); to provide for its powers and functions; to provide for the Board of BIPA and its powers and functions; to consolidate certain offices; to amend certain laws and to provide for incidental matters.

#### **Child Care and Protection Act, Act No. 3 of 2015**

5. The Child care and Protection is aimed at giving effect to the rights of children as contained in the Namibian Constitution and international agreements binding on Namibia; to set out principles relating to the best interests of children; to set the age of majority at 18 years; to provide for the establishment of a National Advisory Council on Children and to provide for the appointment of a Children's Advocate.

### **Public Procurement Act, Act No. 15 of 2015**

6. Public Procurement Act, 2015 (No.15 of 2015) which came into operation on the 1st April 2017 which provides for preferential treatment. Section 69 states that, “despite anything to the contrary in this Act or any other law, the Minister may grant preferential treatment in procurement in pursuance of the developmental empowerment policies of the Government”. This Act provides preferential treatment to women owned businesses to participate in bidding for public tenders.

7. In addition, section 70 (3) specifically requires women, among other groups of persons, to be given preference. It reads as follows:

“(3) In order to promote the empowerment of women, as provided for in Article 23(3) of the Namibian Constitution, and the youth:

- (a) a code of good practice issued in terms of subsection (1); and
  - (b) any targets specified in a code of good practice in terms of subsection (2),
- must give priority to such groups and primarily to women who were socially, economically or educationally disadvantaged by past discriminatory laws or practices over any other category of previously disadvantaged persons.”

### **Prevention and Combating of Terrorist and Proliferation Activities Act, Act No. 4 of 2014**

8. Provide for the offences of terrorism and proliferation and other offences connected or associated with terrorist or proliferation activities; to provide for measures to prevent and combat terrorist and proliferation activities. In addition, it provides for measures to give effect to the international conventions, Security Council Resolutions, instruments and best practices concerning measures to combat terrorist and proliferation activities to provide and to combat the funding of terrorist and proliferation activities. This Act protects men and women from being used as participants to carry out terrorist attacks in the country.

### **Whistle blower Act, Act No. 10 of 2017**

9. This Act includes a comprehensive list of detrimental actions that a whistle-blower should be protected from including dismissal, redundancy, demotion, transfer or refusal to transfer, disciplinary action, discriminatory treatment, and change in working conditions. The Act also recognises that detrimental action can also be taken against a person associated with or related to a whistle-blower. It is not only applicable to government and its officials but also covers the non-state sector.

## **B. Envisaged Bills**

### **The Prohibition of Torture Bill**

10. The bill aims to combat all forms of torture. The law once enacted will reinforce other pieces of existing laws on GBV.

### **Child Justice Bill**

11. Namibia is in the process of creating a juvenile justice system that will be more responsive to the needs of children in conflict with the law and more in line with international standards. To this end, the Child Justice Bill was drafted in 2003 in not yet passed. The Bill contains legal provisions that reform the present system based on principles of 'peace-making' and 'reconciliation'. It revives a presumption that a child under ten years of age cannot legally be prosecuted for an offense. The Bill also calls

for specialized Child Justice Courts, with personnel specifically trained for youth matters. The sentencing provisions emphasize accountability and reparation for the harm caused, individualized responses, and successful reintegration to family and community, with avoidance of detention in most cases. The Child Justice Bill represents a paradigm shift for Namibia in its approach to young offenders. The Bill make provisions for restorative programmes such as Life Skills Programs, Community Service, Victim Offender Mediation, and Family Group Conferences.

#### **Divorce Bill**

12. A Divorce Bill will allow couples to separate without the need to prove wrongdoing on the part of the spouses. The Bill is designed to help spouses who are 'trapped' in marriages to have an easier exit. The current law requires that one of the two parties has to prove adultery, indiscretion or impotence before a divorce can be granted.

#### **Maintenance Amendment Bill**

13. The Bill aimed at amending the Maintenance Act, 2003 (Act No. 9 of 2003), so as to amend the definition of “maintenance order” and insert the definition of marriage, to clarify the legal duty to maintain, to provide for assistance to minors who are applying for maintenance, to provide for child participation as appropriate, to clarify maintenance costs relevant to persons with disabilities, to clarify the provisions on pregnancy and birth-related expenses as well as to clarify the procedure for transfer of maintenance orders between courts and to provide for incidental matters thereto.

#### **Uniform Matrimonial Property Bill**

14. The aim of the Bill is to provide a uniform matrimonial property regime for all civil marriages, to allow a determination and change of property regimes applicable to certain civil marriages contracted outside the police zone determined in terms of the Native Administration Proclamation Act 15 of 1928, the issuing of substituting marriage certificates, to allow for donations between spouses and to provide for incidental matters.

#### **Combating of Domestic Violence Amendment Bill**

15. The aim of the Bill is to amend the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003), so as to amend the definition of the term “child” and inset a definition of “primary caretaker”; to amend the definition of “domestic relationship”; clarify the necessity to show urgency in order to obtain an interim protection order on an *ex parte* basis. To remove the requirement that protection orders must be issued in a prescribed form; to amend the possible terms of protection orders so as to broaden the possible provisions for assisting the complainant and respondent to secure property and to add the possibility of a provision directing the respondent to take part in a counselling or treatment programme; to provide a maximum length for a provision in a protection order pertaining to exclusive occupation of a shared residence on communal land; to clarify the requirements for including provisions pertaining to custody and access in protection orders; to strengthen the safeguards for children who may be affected by domestic violence; to provide that temporary maintenance orders included in protection orders may be enforced, and to provide for incidental matters.

### **Combating of Rape Amendment Bill**

16. The Bill aims to amend the Combating of Rape Act, Act No.8 of 2000, the Criminal Procedure Act, 1977, and the Combating of Immoral Practices Act, 1980 so as to provide additional coercive circumstances for rape; clarify that the minimum sentences for rape apply equally to attempted rape; to assign the highest category of minimum sentences for the rape of persons with physical, mental disabilities or other vulnerabilities; impose upon the court the duty not to regard the testimony of a child as inherently unreliable or to treat it with special caution simply because the witness is a child; ensure the admissibility of previous statements by child witnesses and to ensure the protection of the accused's rights; alter the minimum sentences for rape under the Combating of Rape Act, 2000; remove the defence of marriage from sexual offences with youths under the Combating of Immoral Practices Act, 1980; repeals the Criminal Procedure Act, 2004; and to provide for matters incidental thereto.

## **C. Policies**

### **Harambee Prosperity Plan**

17. Harambee Prosperity Plan is a targeted Action Plan to accelerate development in clearly defined priority areas, which lay the basis for attaining prosperity in Namibia. The Plan does not replace, but complements the long-term goal of the National Development Plans [NDPs] and Vision 2030. HPP introduces an element of flexibility in the Namibian planning system by fast tracking development in areas where progress is insufficient. It also incorporates new development opportunities and aims to address challenges that have emerged after the formulation of NDPs.

18. The plan aims to achieve the following key outcomes:

- A more transparent Namibia.
- A culture of high performance and citizen-centred service delivery.
- A significant reduction in poverty levels.
- A reputable and competitive vocational educational training system.
- A spirit of entrepreneurship resulting in increased youth enterprise development.
- Improved access to serviced land and housing.
- Guaranteed energy supply and sufficient water for human consumption and business activities.

### **National Plan of Action on Gender Based Violence (2019–2023)**

19. The National Plan of Action on Gender Based Violence 2019–2023 is a five year plan which is based on a socio-ecological model and is designed to provide a home for coordinated national action. The Plan of Action comprises of four Action Areas which support either a long term movement that targets root causes or short term goals that will improve response systems and community safety in general to ensure that survivors and victims no longer feel unsafe or untrusting of protection structures. This Plan seeks to put survivors first by making sure that the services they receive are empathetic and correct. The Plan also stimulated a culture of care and GBV-watch amongst families, communities and institutions and promotes early help-seeking to prevent or limit harm.

**The National Development Plan 5 (NDP5)**

20. The present National Development Plan is focused on structural transformation and modernization. Over next five years (2017-2022), Namibia will focus on attaining four high level goals:

- Achieve an inclusive, Sustainable and Equitable Economic Growth.
- Build capable and Healthy Capable Resources.
- Ensure Sustainable Environment and Enhance Resilience.
- Promote Good Governance through effective Institutions.

21. The first goal entails growing the economy, creating employment, and reducing poverty and inequality while the second goal aims at creating a skilled and healthy work force. The third goal strives to ensure that both the current and future generation enjoys the benefits of the country's natural resources sustainability. The fourth goal recognises the pivotal role of creating a conducive environment for development and adherence to the rule of law.

**National Human Rights Action Plan (NHRAP)**

22. The overall objectives to be achieved over the implementation period of Namibia's 1st NHRAP are:

- To lay a firm foundation for entrenching human rights promotion and protection through structured instruments such as the National Human Rights Action Plan.
- To initiate and inculcate programmes and processes that will entrench a culture of respect and observance of human rights protection and promotion amongst all organs of state and the general population.
- To strengthen institutional arrangements that will actively drive the implementation of Namibia's human rights agenda.
- To provide focused support and input to the interventions outlined in this National Human Rights Action Plan.

**The National Agenda for Children**

23. Under this policy all children with disabilities have equal access to health, education and support. Rehabilitation services for children with disabilities are strengthened and coordinated. The policy aims to implement the disability grant to reach all children with disability.

**D. Institutions****The Ministry of Poverty Eradication and Social Welfare**

24. The Ministry of Poverty Eradication and Social Welfare (MPESW) was established in 2015 to initiate, coordinate, advocate for and implement measures aimed towards Poverty Eradication and Social welfare. MPESW has a significant role to play and ensure poverty and inequality challenges are addressed in Namibia. The establishment was in line with His Excellency, the President of the Republic of Namibia's declaration of the war against poverty. The declaration is underpinned on, and derived from various national instruments including the Constitution of the Republic of Namibia (Article 95), Vision 2030, the National Development Plans (NDPs) and the Harambee Prosperity Plan (HPP).



### **The Ministry of Public Enterprise (MPE)**

25. The Ministry of Public Enterprise is aimed at providing principled leadership and create a conducive environment for Public Enterprises to contribute to social-economic development. The Ministry of Public Enterprises (MPE) was established through an Executive order by His Excellency, President Dr. Hage Geingob, in March 2015. The mandate of the Ministry was to transform the current landscape of Public Enterprises to a sustainable environment, to attain good corporate governance results, to ease the financial burden on state coffers and to create an enabling environment for Public Enterprises to contribute to socio-economic development of the country.

### **Namibia Statistics Agency (NSA)**

26. The Namibia Statistics Agency is a statutory body established in terms of the Statistics Act, 2011. The Agency is mandated, among others, to constitute the central statistical authority of the state and to collect, produce, analyse and disseminate official and other statistics in Namibia. The agency aimed at leveraging on partnerships and innovative technologies, to produce and disseminate relevant, quality, timely statistics and spatial data that are fit-for-purpose in accordance with international standards and best practice.

### **Business and Intellectual Property Authority (BIPA)**

27. In an effort to improve service delivery and ensure the effective administration of business and intellectual property rights (IPRs). The Business and Intellectual Property Authority (BIPA) has been established as the focal point for the registration of business and industrial property. BIPA is responsible for the administration and protection of business and intellectual property. BIPA is established as a juristic person in terms of section 3 of the BIPA Act, 2016 (Act No.8 of 2016) and is a Public Enterprise as defined in the Public Enterprises Governance Act, 2006 (Act No. 8 of 2015).

## **III. Responses to concluding observations on the combined fourth and fifth periodic reports of Namibia**

### **A. The role of parliament in ensuring full implementation of the convention**

28. The state party acknowledges the importance of parliament in ensuring full implementation of the convention. In this regard, the Ministry of Justice compiled a compendium of all human rights reports for distribution to all members of parliament. In this way, members of parliament will be better informed of parliament's role in ensuring that Namibia fulfils its obligations under various UN human rights treaties. Members of Parliament are tasked to take the information contained in the report including the previous concluding observations and recommendations of the CEDAW Committee to their constituencies as part of their parliamentary oversight functions to educate the general public and obtain feedback from the public for possible implementation by the state.

### **B. Dissemination of information about the convention**

29. In an effort to disseminate information about the convention, the state party has undertaken the following measures:

- In 2016 the Government of the Republic of Namibia through Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) chaired by the Ministry of Justice with the assistance from the United Nations Population Fund (UNFPA) compiled two booklets on the outcome of Namibia's Periodic State Report Review on the following Treaties/Conventions: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on All Forms of Racial Discrimination (ICERD). The said booklets were then distributed to university and community libraries across the country, local NGOs as well as to political parties.
- In the same year (2016) the Government through the Ministry of Justice in conjunction with the University of Namibia held a public lecture on Namibia's human rights obligations under various UN human rights treaties including CEDAW.
- In 2017, the Government embarked on a project to create a compendium of all human rights reports that Namibia has submitted to various treaty bodies since 1992. The said compendium which includes all the CEDAW reports was also distributed to universities, parliamentarians and local NGOs for further dissemination to members of the public countrywide.
- The Office of the Ombudsman also carried out nationwide dissemination campaigns of Namibia's implementation of its obligations under various human rights treaties.

### **C. Recommendation 11. Comprehensive legal definition of discrimination**

30. After holding internal consultations with key stakeholders, the state party did not find it in its best interest to amend Article 10 of the Namibian Constitution as requested by the CEDAW Committee.
31. As mentioned in the last report, the Constitution of the Republic of Namibia under article 10 proscribes all forms of discrimination. Therefore, discrimination against any person on grounds of marital and HIV status is also covered under the said article.
32. The Procurement Act 15 of 2015 has come into force since April 2017 and is being implemented fully by all institutions.
33. The Intestate Succession Bill is with the legal drafters for final certification before being tabled in Parliament during the course of the financial year.
34. The Customary Marriages Bill was referred back to the Law Reform and Development Commission for further consultations with the public.
35. The Marital Property Bill and divorced Bill are currently with the legal drafters for final certification before being tabled in Parliament during the course of the financial year.
36. Marriage Bill has been developed, it has been submitted to cabinet for further consideration where it will be referred to the Cabinet Committee on legislation.

## D. Recommendation 13. Legal status and harmonisation of laws

37. Namibia recognises and promotes its customary laws and practices. The said customary laws and practices are a marker of our national identity. However, the Constitution and various acts of parliament prohibits all forms of customary practices that discriminates or impedes women's rights in the country. The Law Reform and Development Commission continues to review all existing civil and customary laws that directly or indirectly impede women's rights in the country. To this effect, the Native Proclamation Administration Act of 1928 which discriminated marriages conducted north of the 'red line' will be repealed by the envisaged Marital Property Law.

## E. Recommendation 15. Access to justice and legal complaint mechanisms

38. Due to the high costs of litigation in Namibian courts, it remains a challenge for the legal aid scheme currently in place to deviate from a means and merit test. However, the state party acknowledges the Committees' concern and will consult with relevant stakeholders to ensure that women pursuing divorce and gender-based violence have effective access to justice in all parts of the state party. In the meantime, the Law Society of Namibia is in the process of implementing a comprehensive "Change Project" which aims to examine the legal profession in Namibia and to propose reforms that will make the profession accessible, relevant and responsive to Namibian society. Under the "Change Project" the notion of pro bono will feature prominently. Once implemented, it is expected that indigent women will benefit from these changes.

39. Namibia is a vast country with a population of approximately 2.5 million people. There are magistrate courts in each and every town, there are also periodical court in populated settlement area. Police stations or services offered by the police officers are widely found in almost every smallest settlement in the country which in turn assist rural women in accessing justice.

<i>Information required</i>	<i>Responses</i>
(a) Number of Magistrate Courts in Namibia	34
(b) Number of Magistrates in Namibia	89
(c) Number of Periodical Courts in the Country	37
(d) Information showing whether justice is accessible to women in rural area	<p>The office has courts in a number of remote areas of Namibia, including the holding of periodical courts.</p> <p>There is currently no surveys that indicate whether there are impediments that hinder women to access the courts, be it due cultural financial factors or because of the remoteness of the court.</p>

Source: Office of the Judiciary.

**F. Recommendation 17. Temporary special measures**

40. The state party continues to make great strides in ensuring that there is an increase in the participation of women in public life, education and employment. According to the Inter-Parliamentary Union (IPU) and UN Women Namibia ranks 12th in the world in terms of the number of women in parliament. The state party acknowledges that the percentage of women in management positions remains moderately low, mechanisms and advocacy programs are being implemented to ensure that this challenge is addressed. At University level, more females graduate than males. The number of female graduates in traditionally male dominated courses such as Medicine, Engineering and other hard sciences has also increased exponentially in the last few years.

**G. Recommendation 19. Stereotypes and harmful practices**

41. The state party acknowledges that there are isolated cases regarding the existence or occurrence of negative cultural practices such as widow inheritance and sexual initiations among Namibia's different ethnic groups. However, the Ministry of Gender Equality and Child Welfare continues to conduct awareness campaigns on the negative impact of discriminatory stereotypes on women's enjoyment of their rights. Traditional leaders, rural teachers, youths and learners are the main targets of these campaigns. The state party is encouraging different communities to report such cases in order for perpetrators of such crimes to be prosecuted. Although sporadic cases of polygamy do occur, the state party continues to advocate for the rights of women in such relationships.

42. The Ministry of Gender Equality and Child Welfare conducted a study on child marriage in Namibia. The purpose of this study was to determine the extent and nature of the state of child marriages in Namibia and to inform the relevant authorities to make informed decisions.

43. The state party through the Ministry of Gender Equality and Child Welfare in collaboration with relevant stakeholders in all 14 regions continues to carry out awareness on the impact of negative cultural practices as well as to encourage community members to report cases of child marriage.

**H. Recommendation 21. Violence against women**

44. See our response in paragraph (110-117) of article 3 of this report.

**I. Recommendation 23. Introduction of a comprehensive witness protection programme**

45. The state party enacted the Witness Protection Act 11 of 2017 in early 2018 to adequately protect witnesses who testify against persons accused of violence against women among other things. The Whistle-blower's Act was also passed by parliament and it is aimed at ensuring that the identity of persons with knowledge about gender based violence are protected.

46. On the amendments of the Criminal Procedure Act, Act No.51 of 1977, section 60 A has been amended to give right of the complainant who has been raped to appear in a bail application were accused is charged with rape.

47. On the amendments of the Combating of Rape Act, Act No.8 of 2000, Cabinet recommended that the Ministry of Justice introduce legislation aimed at imposing longer prison sentences to persons who are convicted and sentenced of gender based violence offences. The Law Reform Development Commission reviewed the current legal position and clarified that there is no impediment in the law that prescribes a limit on the period of imprisonment which can be imposed. The LRDC also found that the Courts can use their discretion to impose stiffer sentences based on the merit of the case.

48. The state party seeks clarity on the provisions in the Correctional Services Act that requires amendment and thereafter we will consider the said recommendation.

## **J. Recommendation 25. Trafficking and exploitation of prostitution**

49. The Combating of Trafficking in Persons Act 1 of 2018 has been passed. See our responses in paragraph (118-125) of article 6 on Namibia's efforts in combating human trafficking of this report.

## **K. Recommendation 27. Women's participation in political and public life**

50. See our response in paragraph (127–130) of article 7 on women's participation in political and public life of this report.

## **L. Recommendation 29. Nationality and birth registration**

51. The right to nationality is a constitutional right. The state party through the Ministry of Home Affairs and Immigration has an e-birth system in place which allows for timely birth registrations. The system is accessible in all district Hospitals.

## **M. Recommendation 31. Right to education and measures against teenage pregnancy**

52. The state party continues to prioritise the education sector. Over 195 994 learners in secondary school, grades 8-12 were taught career guidance related topics in Life Skills in 2015. In 2016 this number was 200 695 with 48% being female and in 2017 the number increased to 202 252 with 52% being female. The Life Skills curriculum has been reviewed and implementation of the Junior Secondary curriculum commenced in 2017.

53. In addition, the state party through the Ministry of Labour, Industrial relations and Employment Creation has produced a comprehensive Career Guidance booklet for schools in 2018.

SACMEQ III					SACMEC IV				
Gender	Reading Mean SE		Mathematics Mean SE		Reading Mean SE		Mathematics Mean SE		
Boys	489.6	3.08	472.0	2.78	529.4	3.09	523.7	2.81	
Girls	503.7	3.20	470.1	2.62	546.3	2.72	521.2	2.42	
	Acceptable Reading Skills				Acceptable Reading Skills				
	% SE				% SE				
Boys	57.4	1.41			80.2	1.03			

	<i>SACMEQ III</i>	<i>SACMEC IV</i>
Girls	64.9 1.55	87.1 0.75

Source: Ministry of Education, Arts and Culture.

54. The above table shows that both boys and girls have improved with more than 40 points in the mathematics and reading scores in 2013. The table further indicates that girls have reached the desired reading skills level with 87.1% as opposed to boys with 80.2%, although both girls and boys have improved with 23% between SACMEQ III and SACMEC IV.

55. The state party in conjunction with the Forum for African Women Educationalists in Namibia (FAWENA) conducted an outreach programme that aimed at motivating learners, with emphasis on Girls to participate in Mathematics, Science and Technology subjects.

56. The activity included Holiday classes which were held during school holidays from the 20th-24th August 2018 at Leevi Hakusembe Senior Secondary School. This targeted boys and girls who struggled with Mathematics, Physical Science and Life Science. 100 learners from 10 schools participated. Girls were motivated to speak out. They participated equally like boys and could also solve problems during the lessons.

57. Some of the schools below that participated reported improvement in the subjects by the learners after attending the August Holiday Classes.

#### **Performance in Math, Life Science and Physical Science per School Term-2018**

<i>School</i>	<i>April</i>	<i>August</i>	<i>November</i>
Katjinakatji Combined School	36.7%	56.7%	76.7%
Leevi Hakusembe Secondary School	25.60%	10.30%	38.50%
Tuguva Combined School	94.70%	94.70%	100%
Kandimi Murangi Secondary School	83.30%	66.70%	100%
Nakazaza Combined School	13.5%	11.3%	12.9%
Himarwa Iithete Senior Secondary School	94%	75%	64%

Source: Ministry of Education, Arts and Culture.

58. On the intensification of efforts to reduce the number of girls dropping out of school by facilitating re-entry into school of young mothers after giving birth, in particular in the Kavango and Kunene regions, the state party has implemented the following measures.

#### **Re-entry Scholarship and Empowerment workshops for Learner-mothers scholarship award**

59. Under this program, 1,106 orphaned, vulnerable and marginalized girls and young women who dropped out of school due to pregnancy were supported with scholarship. The scholarship provided for school uniforms, stationaries, toiletries and transport.

60. In addition, FAWENA conducted Learner- mother empowerment workshops in the 14 regions. More than 3,000 learner mothers were empowered. This was a platform which enabled learners to share on challenges they faced and the root causes of pregnancies. They received counselling and learnt from each other.

61. The following number of learners-mothers from each region participated:

	<i>Region</i>	<i>Number of learner mothers empowered</i>
1	OHANGWENA	657
2	OMUSATI	427
3	KAVANGO WEST	395
4	KAVANGO EAST	296
5	OSHANA	245
6	KHOMAS	198
7	OTJOZONDJUPA	187
8	OSHIKOTO	149
9	ERONGO	132
10	OMAHEKE	114
11	KUNENE	75
12	ZAMBEZI	68
13	HARDAP	67
14	KARAS	65
	<b>Total</b>	<b>3 075</b>

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

62. Moreover, Regional Mobilization and Awareness raising and trainings have been held on the Sector Policy on the Prevention and Management of Learner Pregnancy.

63. In regard to the intensification of the provision of life skills education and ensuring that age appropriate education in sexual and reproductive health and rights is systematically integrated into the school curriculum, including comprehensive sex education for adolescent girls and boys covering responsible sexual behavior, the state party has taken the following interventions.

64. The Life Skills curriculum for all phases (Grade 4–12) has been reviewed and Comprehensive Sexuality Education (CSE) has been fully integrated into all the curriculum.

65. The Ministry has developed a face to face and online training on CSE. 400 Life-Skills teachers have been trained on CSE on-line-course. Over 1400 Education Final Year teaching students have been reached with CSE face to face and online Module. 25 Guidance and Counselling lecturers from UNAM, IUM and IOL have been trained on CSE face to face and online module.

66. In order to strengthen the Life Skills message the MoEAC, in conjunction with development partners, has developed training manuals for the Sports for Development (S4D) programme. This programme uses sports as a vehicle to teach learners life skills, thus strengthening the life skills component of education. Based on the S4D approach, the Ministry also developed Physical Education for Life (PE4Life) teachers manual. This uses the Physical Education less to strengthen the life skills and provide positive life messaging through physical activity.

67. Twenty-five (25) Regional Mobilization and Awareness raising meetings were held on CSE & SRH. (Directors of Education, Inspectors of Education, Health Workers, School board chairpersons Principals, Life-Skills teachers, Traditional Authorities, Regional Councillors, Church leaders reached).

68. In relation to the intensification of law enforcement efforts to curb corporal punishment with a view to eliminating its use in all settings, especially schools and promote the use of non-violent forms of discipline, the state party through the Ministry of Education, Arts and Culture launched the National Safe School Framework in 2018 and has commenced training in 2019. To date 3 Regions have been trained. The framework is aimed at responding to all types of violence in schools, including corporal punishment. The framework also provides teachers with the guidelines for positive discipline and how to implement it at a school level.

69. In addition, the state party has introduced policies and programmes in place to address sexual comprehensive education in primary and secondary schools. The MGECW raise awareness on the programme for in and out of school annually, where they do motivational talks on gender issues, educating the boy and girl child on bad effects of teenage pregnancy, HIV/AIDS, early marriages, domestic violence and child abuse.

70. Namibia recognises the importance of Life Skills as a subject in the fight against Gender Based Violence (GBV) and other societal problems that the country is faced with. Although it is a non-promotional subject, it is compulsory and must be included in the timetables at schools. It is continually assessed and these marks are indicated on learners' report cards. For Life Skills to be a promotional subject there has to be subject experts trained, which is currently not the case at higher institutions of learning. The Senior Primary Curriculum (Grades 4–7) has been reviewed and implementation commended in 2016. Topics addressed within this curriculum include amongst others: Cruelty towards animals; Good touch, bad touch, values, positive behaviour towards someone living with HIV & AIDS; gender and sex; gender based violence; learner pregnancy and Human trafficking/child labour.

71. Similarly, the Junior Secondary Curriculum (Grades 8 & 9) has been revised for implementation in 2017 and 2018. This syllabus looks at cross curricular issues like Gangs; Criminal behaviour; Defamation of character; GBV; Freedom of speech; Sexual harassment; Sexual abuse; Baby dumping, and Intergenerational sex. The Senior Secondary Syllabus (Grades 10 & 11) has been reviewed and is implemented this year and 2020. Cross-curricular issues dealt with in here are pornography; abortion; responsible parenthood; marriage and sexual reproductive health.

72. Additionally, the curricula aimed at not only improving the quality of teaching and learning but also that of removing inequality in education. The National Institute for Educational Development is striving to reduce stereotyping such as disability, cultural and religious prejudices, etc. Instead, the focus in education is on inclusion, which emphasizes the right of every learner and thus promotes access to and participation in all educational programmes. Additional programmes offered include the National Safe School Framework and Comprehensive Sexuality Education, which is complemented by directives like Zero tolerance for corporal punishment; Anti-bullying campaigns are conducted at schools.

73. The Namibian government through Namibia Students Financial Assistance Fund (NSFAF) provides loans to students from low income families to pursue their tertiary education. The private sector often provides bursaries and grants to those who have met their requirements.

74. Article 8 of the Constitution of Namibia prohibits all forms of torture, cruel and degrading and inhuman treatment or punishment, this includes corporal punishment. The Education Act of 2001 prohibits all forms of corporal punishment in any school environment. The Child Care Protection Act further prohibits corporal punishment in the home setting.



## N. Recommendation 33. Measures against women unemployment

### Intensify efforts to reduce unemployment amongst women

75. The state party through the Ministry of Gender Equality and Child Welfare (MGE CW) provides technical support to women such as training on business management, equipment and material aid for business start-up, continuity and growth.

### Total Number of Income Generating Activities (IGA) beneficiaries from 2006–2018

<i>Financial Year</i>	<i># of IGAs</i>	<i>Female beneficiaries</i>	<i>Male beneficiaries</i>
2005–2006	138	350	108
2006–2007	72	179	109
2007–2008	92	273	95
2008–2009	78	181	98
2009–2010	79	176	117
2010–2011	72	182	96
2011–2012	58	168	84
2012–2013	102	209	102
2013–2014	80	129	136
2014–2015	313	1818	965
2015–2016	195	476	275
2016–2017	168	384	271
2017–2018	93	226	115
<b>Total</b>	<b>1 540</b>	<b>4 751</b>	<b>2 571</b>

*Source: Ministry of Gender Equality and Child Welfare.*

### Strengthen efforts to eliminate structural inequalities and occupational segregation

76. The state party wish to inform the committee that there are no deliberate structural inequalities and occupational segregation practised in Namibia. Women continue to break barriers in taking up employment and jobs that may have traditionally been viewed as reserved for men example in the Mining.

### Ratification of the Domestic Workers Convention No. 189 of 2011

77. The state party welcomes the recommendation and is consulting with relevant stakeholders to assess whether the Convention is in harmony with our domestic Laws. In an effort to protect and promote the rights of domestic workers the Government in October 2018, introduced the wage order for setting minimum wages and supplementary minimum conditions for domestic workers. Furthermore, in terms of the new regulations of 2017, employers of domestic workers are now required to register them for Social security benefits.

### Maternity leave period

78. The state party welcomes the recommendation and will consult with relevant stakeholders to develop modalities to better regulate the informal employment sector in order to ensure that issues of conditions of employment including maternity leave in terms of the Labour Act are adhered to.

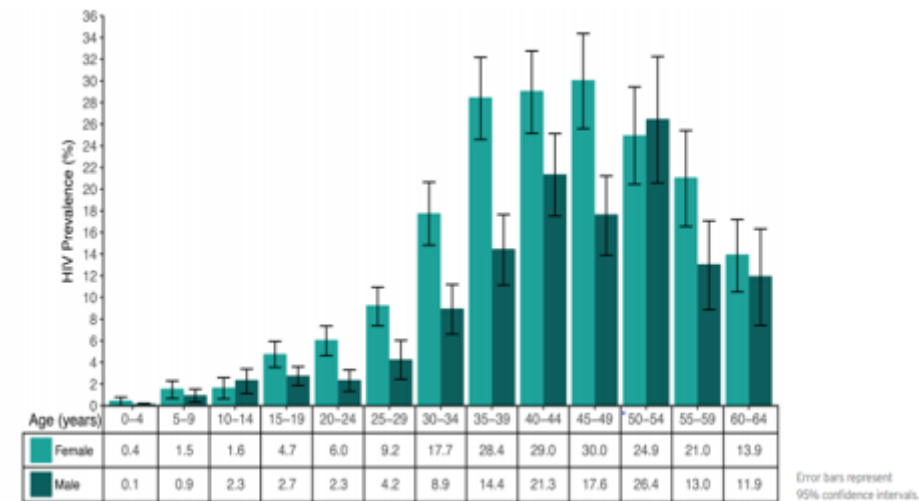
**Statistical data on sexual harassment**

79. The State party wish to inform the Committee that there was no statistical data on sexual harassment at the time of compiling this report. However, several pieces of legislation are in place to combat all forms of sexual harassment, namely the Labour Act, Act No.11 of 2007, the Combating of Rape Act, Act No.8 of 2000 as well as the Criminal Procedure Act, Act No. 51 of 1977. Moreover, in an effort to sensitise all public servants on the issue of sexual harassment and to strengthen measures on prohibiting sexual harassment in the public service, the Office of the Prime Minister issued staff rules on sexual harassment in 2019 and all public servants were required to sign as proof of their awareness and undertaking to adhere to the new staff rule.

**O. Recommendation 35. Measures on HIV prevention and the provision of free antiretroviral treatment**

80. Namibia like most of the countries in Southern Africa is affected by the scourge of HIV/AIDS and other related health problems. During the period under review, the country has done well with regard to anti-retroviral drugs distribution and population coverage hence lessened the negative impact that HIV/AIDS could have had on the economy through affecting the productivity of the work force.

**Figure 1: HIV Prevalence by Age and sex (NAMPHIA 2017)**



81. Namibia has made significant progress on eliminating mother to child transmission of HIV and AIDS. The 2013 Mid Term Review (MTR) suggests that mother to child transmission rates in Namibia is as low as 4%, putting the country on course to achieving the UN 2011 HLM Political Declaration on HIV/AIDS by end of 2015—an aspirational goal, and to reduce substantially maternal deaths. The Prevention of Mother To Child Transmission (PMTCT) roll out prior to and during the NSF is impressive, with over 95% of health facilities providing HIV testing and ART for PMTCT. Over 95% of women eligible to received ART for PMTCT. In order to Scale up of ART services government has adopted task shifting allowing trained nurses to initiate, administer and manage ART; including plans to recruit and train Health Extension Workers (HEW) and post them to health facilities. HEW would serve as the link between health facilities and communities. Government is also absorbing health professionals previously paid for by development partners.

82. Data from the Namibia Population-based HIV Impact Assessment (NAMPHIA) shows that 77 percent of all HIV-positive adults have achieved viral load suppression, a widely used measure of effective HIV treatment in a population, surpassing the Joint United Nations Programme on HIV/AIDS (UNAIDS) target of 73 percent by 2020. Compared with the UNAIDS 2012 estimates, Namibia has reduced its adult HIV incidence rate by 50 percent in the past five years. Namibia has reached or exceeded the UNAIDS 90-90-90 targets among women and, nationally, by attaining 86-96-91 among adults Namibia accomplished this through the strategic expansion of HIV prevention and treatment services, with a focus on viral load suppression at the individual and community level, and the swift implementation of forward-leading HIV policies. NAMPHIA results also suggest that women ages 15–24 still have a far higher HIV incidence rate (0.99 percent) than same-aged young men (0.03 percent). This highlights the continued need for expanded primary HIV prevention in young women, including through the PEPFAR-led DREAMS Partnership, and ensuring all men 25–35 are virally suppressed through the new MenStar Coalition.<sup>1</sup>

### **Maternal mortality and abortion**

83. The Annual Rate of Reduction in maternal mortality ratio accelerated to 3.9% in the reporting period. Antenatal care (ANC) services are provided free on all public health facilities in the country. However, the proportion of women who received at least one ANC has dropped from 86% to 73.6% in the reporting period. The proportions of women who deliver in health facilities remain high at 87% while 88% of the deliveries are attended by skilled birth attendants.

84. Family Planning and contraceptives are available in all public health facilities across the country and are provided free of charge to all in need. The contraceptive prevalence rate is at 50%, but the unmet needs for family planning are at 13.7%.

85. Adolescent Friendly Health Services are provided in 70% of the thirty-five health districts. One thousand three hundred and sixty-six (1366) community health workers were trained and deployed in 25 health districts in 12 of the 14 Regions of the country to deliver health services in the community and provide linkages between the community and the health services.

86. There is almost universal knowledge and awareness by men and women on reproductive health programmes, including contraception and elimination of mother to child transmission of HIV.

87. As in our previous reports, Namibia's Abortion and Sterilisation Act, Act No.2 of 1975 makes it a crime for a woman to seek an abortion, or to terminate her own pregnancy, except in very narrow circumstances.

## **P. Recommendation 37. Free, prior, and informed consent with regard to sterilisations**

88. It is not a state policy to sterilise women irrespective of their social and health status in Namibia. The Ministry of Health and Social Services issued a Government Notice No.73. Regulation 7 of the Notice deals with State Patients benefits and responsibilities. Regulation 7(1) and (a) and (c) and regulation 7 (1) (c) to (XIII) were issued to reiterate the Ministry's position on informed consent.

<sup>1</sup> Republic of Namibia. (2018). Namibia Population-based HIV Impact Assessment (NAMPHIA). Ministry of Health and Social Services.

**Q. Recommendation 39. Access to land, Access to micro finance and micro credit**

89. The Flexible Land Tenure Act, Act No. 4 of 2012 became operational in 2018. The law aims to create alternative forms of land titles that are simpler and cheaper to administer than existing forms of land titles, to provide security of titles to persons who live in informal settlements or who are provided with low-income housing, as well as to empower the person concerned economically by means of these rights. Starter title schemes and land hold title schemes may only be established on land situated within the boundaries of a municipality, town, village council or within boundaries of a settlement area. This Act will greatly enhance women's access to land.

90. With regard to access to micro finance and micro credit we refer the committee to paragraph 9.9 on article 9 of this report.

**R. Recommendation 41. Marriage and family relations**

91. The state party recognises marriages as per article 14 of the Namibian Constitution and related Laws. The distribution of marital property is done in relation to the marital regime in which the couple have entered into this includes the writing of Wills.

**S. Recommendation 42. Optional Protocol and amendment to article 21 of the Convention**

92. The state party acknowledges the committee's recommendation and will consult with relevant stakeholders on whether to accept this recommendation or not.

**T. Recommendation 43. Beijing Declaration and Platform for Action**

93. In 2019, the state party through the Ministry of Gender Equality and Child Welfare submitted the Beijing Declaration and Platform for Action + 25 Report, the aim of the Report is for the state party to report on the country's progress pertaining to human rights as well as celebrate 25 years of existence of the Beijing since its inception in 1995.

94. In addition, as part of her efforts to implement the provisions of the Convention, the state party in 2016 launched the National Plan of Action for the implementation of the concluding observations on the 4th and 5th country report made by the UN committee that monitors the Convention on the Elimination of all forms of Discrimination against Women.

95. Further the Plan of Action will assist in coordinating and guiding stakeholders in their efforts to implement and record progress made in their sectors; to ensure that discrimination against women is eliminated at all levels.

**U. Recommendation 44. Millennium Development Goals and the post-2015 development framework**

96. In an effort to highlight the achievements of the Millennium Development Goals and the post 2015 development framework the state party compiled and submitted the Beijing + 25 Report to the African Union and the UN Women in New York. This 2014–2019 Country Report comes at the backdrop of the review of milestones set in

the 2000 Millennium Development Goals (MDGs) which had other continental and regional set targets on Gender Equality and Women Empowerment aligned to, i.e. the African Union Gender Parity Principle and the SADC Protocol on Gender and Development which had targets set for 2015.

97. Hence, the period is characterised by the renewed momentum and drive to achieve the set goals, review mechanisms on progress made towards the achievement of the set goals as well as strategising on the way forward. All the while, intersecting with the birth of the Global Sustainable Development Goals which set new targets (Agenda 2030); the Continental Agenda 2063 and the Revised SADC Protocol on Gender and Development which were aligned to the global targets. The Report further highlights the achievements made by Namibia in the past five years in the implementation of the Beijing Platform for Action specifically recognising the most significant achievements made towards gender equality and the empowerment of women. This includes the top five priorities for accelerating progress for women and girls in the past five years through laws, policies and/or programmes, as well as challenges experienced. These top five priorities for accelerating progress for women and girls for the next five years are also highlighted.<sup>2</sup>

## **V. Implementation of Namibia's obligations under the convention**

### **A. Articles 1, 2, 3, 4 Discrimination**

98. As reported in the previous report, the Namibian Constitution is the supreme law of the country and prohibits all forms of discrimination including gender discrimination. Apartheid Era Laws that discriminated against women are being repealed. Chief among them, is the impending repealing of the Native Administration Proclamation of 1928. This was an apartheid era law which discriminated against women in marriage. The said proclamation dictated that all civil marriages between black people north of the old police demarcation zone, also known as the area beyond the 'Red Line', are automatically outside community of property, unless another arrangement was made with the marriage officer before the marriage took place.<sup>3</sup>

99. The Government continues to combat forms of child marriages. To this effect, the Married Persons Equality Act (Act No.1 of 1996) restricts the right to marry by age and consent. In other words, a child as defined under the Age of Majority Act (Act No. 57 of 1972) will not be allowed marriage unless emancipated to marry. In this regard the Married Persons Equality Act amended section 26 of the Marriage Act (Act No. 25 of 1961) and provides that "no boy or girl under the age of 15 years shall be capable of contracting a valid marriage except with the written consent of the Minister".

100. Moreover, section 226 of the Child Care and Protection Act (Act No. 3 of 2015), provides that a person may not give a child out in marriage or engagement if such child does not freely consent to the marriage or engagement or is below the minimum age for marriage as contemplated in the Marriage Act as well as the Married Persons Equality Act. It states that:

"No boy or girl under the age of 18 years shall be capable of contracting a valid marriage except with the written permission of the Minister responsible for

<sup>2</sup> See the attached Beijing Declaration Platform for Action +25 Report.

<sup>3</sup> Convention on the Elimination of All forms of Discrimination Against Women (2004–2012) 4th and 5th Report.

Home Affairs; and a person below the age of 21 years requires the consent of his or her parent, parents or guardian in order to marry”.

101. A person who contravenes these subsections commits an offence and is liable on the conviction to a fine not exceeding N\$50, 000 or imprisonment for a period not exceeding ten years or both such fine and imprisonment”.

102. These marital age restrictions serve as a safeguard against early child marriages which may have a detrimental impact on the child’s well-being and development. Despite the existence of a matrimonial regime in the form stated above matters pertaining to marriage resorts under the Ministry of Home Affairs and Immigration given the outdated nature of the Marriage Act, a Marriage Bill has since been considered.

103. Furthermore, the Government of the Republic of Namibia through MGEWCW conducted a study entitled “National Study on Child Marriage “to understand the root causes on phenomena. In an effort to eliminate incidences of child marriages, the said study made recommendations to be implemented by Offices/Ministries/Agencies and all stakeholders. GBV remains a serious national concern and in an effort to curb the prevalence of the scourge, Government has also conducted research entitled “National Gender Based Violence Baseline Study 2017: Consolidating GBV Prevention Efforts and Fast-tracking Namibia’s Response aimed at obtaining reliable, relevant and multi-sectoral baseline information on gender based violence in Namibia. This information will inform the development of evidence based policies, legal reform, resource mobilization and programming on GBV prevention against women and girls.<sup>4</sup>

104. With regard to legal aid, the Ministry of Justice have a legal aid directorate, which upon application by indigent persons may provide legal aid assistance to such persons if they meet the criteria. The Legal Aid Act provides for a means test in which indigent persons earning less than N\$2500.00 can qualify for such assistance.

105. The state party continues to raise awareness campaigns on GBV related Laws and Policies, harmful traditional practices as well as other gender related issues in all the 14 Regions. This is done by Community Liaison officers who are employed by the Government on permanent basis. The Government have reviewed the National Plan of Action on GBV 2019–2023.

106. In its quest to promote and protect human rights for all, the Government launched the National Human Rights Action Plan which is administered through the office of the Ombudsman. One of the key themes of this Plan is aimed at eliminating discrimination on account of gender. This plan is being spearheaded by the Office of the Ombudsman.

## **B. Article 5**

### **Gender stereotypes and harmful traditional practices**

107. The state party acknowledges the committees’ concerns pertaining to sex role stereotyping and harmful practices. In addressing these issues, the Government through the Ministry of Education Arts and Culture has included in the National Curriculum subjects that are aimed at combating sex roles stereotyping and harmful practices. These subjects are: life skills; social studies and Development studies. Tertiary institutions such as the University of Namibia, Namibian University of Science and Technology and the international University of Management continue to

<sup>4</sup> National Gender Based Violence Baseline Study: Consolidation GBV prevention effort and fast-tracking Namibia’s response. 2017.

introduce courses and subjects on gender and development. It is expected that with the introduction of these courses and subjects, challenges related to sex role stereotypes and prejudices will be reduced.

108. The state party continues to engage and offer training to the media on gender responsive reporting. This training is aimed at preventing the sexualisation of women in the media. Civil society organisations also have community programmes in place aimed at strengthening comprehensive sexuality education targeting out of school youth through Radio Production, and Brot for the World.

109. The MGEWCW also continues to engage traditional leaders on issues related to gender stereotypes and harmful practices. Furthermore, the MGEWCW through its community liaison officers stationed across the 14 Regions continues to disseminate information on the negative impact of gender stereotypes and harmful traditional practices. Issue pertaining to traditional governance are dealt with by the Traditional Authorities Act 25 of 2000 and the Community Courts Act of 2003. For effective implementation of the latter Act, the Government continue to train the administrative officers on how to apply the Act. These pieces of legislation operate within the framework of the Constitution. Therefore, all the functions performed by traditional leaders should conform to the Constitution.

### **C. Article 3**

#### **Violence against women**

110. Violence against women and girls is a violation of human rights as entrenched and this is clearly demonstrated through the Namibian Constitution's Article 8(1) which states that *"the dignity of all persons shall be inviolable,"* and Article 10 stipulates that *"All persons shall be equal before the law,"* and that *"No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status"*. There have been numerous cases in Namibia where violence between intimate partners ends with the murder of one of them, sometimes followed by the suicide of the abuser. Such murders arise from jealousy or revenge, or a refusal on the part of the abuser to accept the end of a sexual relationship. Apart from intimate partner violence; different forms of violence are committed against women and girls including domestic violence, rape and other forms of sexual abuse, sexual harassment at work and school, some forms of trafficking in persons, forced prostitution, child marriages and some certain harmful traditional practices such as widow deprived of the property she shared with her husband.<sup>5</sup>

111. According to the Namibia Police Force annual statistics, there has been a decrease in GBV incidences, the Namibian Police Force statistics recorded a decrease in the murder cases related to intimate relationship. Rape has recorded the highest. Despite the decrease the NDHS, 2013 revealed that 50% of women who are divorced; separated or widowed and 37% of married women or living together with a partner have experienced physical violence since the age of 15.

112. To provide effective comprehensive services to GBV victims and their families, the government through the Ministry of Safety and Security established seventeen (17) Gender Based Violence Protection Units (GBVPU), in 14 regions. The units adopt a multisectoral approach and key ministries involved are: Gender Equality and Child Welfare responsible for psycho-social support services; Safety and Security responsible for Protection Services and Health and Social Services responsible for care and treatment services.

<sup>5</sup> National Gender Based Violence Baseline Study: Consolidation GBV prevention effort and fast-tracking Namibia's response. 2017.

113. To identify and understand the root causes and consequences of violence against women and girls, the Ministry of Gender Equality and Child Welfare conducted a National Gender Based Violence (GBV) Baseline Study (Consolidating GBV Prevention Effort and fast Tracking Namibia Response) in 2017. The main objective was to synthesize information on knowledge; attitudes and good practices to address GBV. The study revealed that most drivers of GBV were relationship factors that were deeply entrenched within socio-cultural norms and escalated to societal level factors. Several factors include: unequal power social relations, alcohol abuse, early marriages, unemployment, family history etc. Recommendations from the study informed the development of the new GBV Plan of Action 2019–2023.

114. In raising Public awareness, changing of attitudes and behaviours; the 2009 National Zero Tolerance Campaign, has been revamped in July 2015 under the theme “Love Is”. The campaign focuses on three main issues: Domestic Violence; Rape and Mental Illness. Radio Drama series have been developed in English. At present, English drama series is being translated into local Namibian Languages such as Oshiwambo; Silozi; Rukwangali; Afrikaans; Herero; Damara- Nama; Rukwangali; San and Setswana.

115. To mobilise communities to fight violence against women and girls, community support groups have been established in Zambezi; Ohangwena and Omusati. The support groups have been effective in discussing issues related to GBV including negative cultural practices. Male engagement program has also been intensified and the training manual is available. A male engagement Training of Trainers workshop on the use of the Training Manual for Men and Boys (October 2018:) was conducted. The overall aim was to enhance the knowledge and skills of the Regional Community Gender Liaison Officer, key MGE CW staff, Civil Society and NGOs as well as Youth Organisations for the promotion of Sexual and Reproductive Health and Rights, prevention of the GBV, HIV & AIDS. Hence specific objectives were:

- To strengthen participant’s understanding of the key concepts of GBV, SRHR and HIV/AIDS as relating to gender to issues within the context of men and masculinity.
- Introduce participants to the National Training manual and Training Plan for Men and Boys on GBV, SRH and HIV & AIDS.
- Strengthen facilitation skills based on the manual.

116. The MGE CW engaged regions to discuss issues such as cohabitation; baby dumping and teenage pregnancy and other GBV issues through the establishment of Regional GBV clusters. Regional plan of actions to address these issues have been developed and implementation of these plans are reported on a quarterly basis to the MGE CW.

117. With regard to provision of temporary shelters for survivors of GBV and victims of Trafficking the MGE CW and stakeholders have identified shelters in 9 regions. Three shelters have been upgraded in 2018 to accommodate victims of trafficking In Persons (TIP). The Standard Operational Procedures (SOPs) on GBV and operationalisation of shelters have also been finalised in 2018 to assist referral of GBV cases and outlines responsibilities of stakeholders and key service providers. Namibia has a GBV helpline (10111) managed by the Namibia Police Force for reporting cases of GBV including TIP. The Lifeline/ChildLine has also a GBV Help line (106) that compliments the efforts of the Namibia Police Force by offering counselling services and also refer GBV and TIP cases to the Namibian Police Force.



## D. Article 6

### Trafficking in persons, sexual exploitation and prostitution

118. The state party acknowledges the seriousness of Trafficking in Persons, Sexual exploitation and prostitution in Namibia and the SADC Region. To this effect, the Government in 2018 enacted the Combating of Trafficking in Persons Act 1 of 2018. This Act will greatly assist government in combating cases of trafficking in persons. Prior to the enactment of the Trafficking in Persons Act, the state party relied on a number of legislation to combat this offence as mentioned in the previous report. The state party further carried out a Baseline study on Trafficking in Person.

119. To effectively assist victims of TIP, a National Referral Mechanism (NRM) and its Standard Operating Procedures (SOPs) has been developed through which state actors and civil society fulfil their obligations to protect and promote the human rights of victims of trafficking by coordinating their efforts in a strategic partnership. Implementation of the NRM & SOPs are being coordinated by the Ministry of Gender Equality and Child Welfare through the Inter Ministerial Committee and The National Coordinating Body (membership consisting of Government and non-governmental actors).

120. A national awareness campaign for TIP has also been launched on the 29 March 2019 to create awareness under the theme “Beware Namibians! Human Trafficking is real”. Material of this campaign include: billboards (erected in 3 towns, Oshikango, Windhoek and Katima Mulilo); pamphlets on basic knowledge on TIP; radio drama series; posters; pens; media engagement platforms and a s composed specific to warn the young against TIP. The campaign costed N\$1.2 Million approximately US\$84,000. This campaign has not yet been evaluated to determine the impact.

121. During the period under review, Namibia has recorded cases of Trafficking in Persons (TIP) of which most of the victims were women and girls.

#### Trafficking in Persons Cases: 2014–2019

<i>Reported</i>	<i>Finalized</i>	<i>Under investigation</i>	<i>At court pending trial</i>
40	6	15	19
	Conviction – 2		
	Not guilty – 0		
	PG declined to prosecute – 4		

*Source: Namibian Police Force*

*Exploitation: Mainly sexual and labour exploitation.*

*Victims: Young women, men and girls: 6 months to 38 years of age.*

122. Between 2014 and 2019, 40 cases have been reported to the Namibian police force and 6 cases have been prosecuted thus far. In 2019 the government of the republic of Namibia with the assistance of international organisation for migration (IOM) managed to assist 24 victims of trafficking in the country in total, 8 women, 6 boys and 10 girls.

123. The government of the Republic of Namibia in collaboration with UNODC conducted a training of national trainers on Trafficking in Persons. The main purpose of the training was to train participants on issues pertaining to identification, seeking of social support to the victims, prevention, awareness, prosecution and integration of the victims of trafficking; and also to further conduct awareness training in their own institutions. The training was conducted in all 14 regions and was attended by

prosecutors, police officers, social workers, immigration officials, customs and excise and labour inspectors.

124. From the 5th–26th July 2019, The Ministry of Gender Equality and Child Welfare (MGECW) have sent one of its officials to attend the International Visitors Leadership Programme- Trafficking in Persons. The official has joined the program with 22 other delegates from around the world where they got to visit different parts of the United States, learning about the role of the US Government in fighting Trafficking in Persons.

125. As reported in the previous report the government has enacted several laws to combat sexual exploitation and other related sexual offences. Apart from the newly enacted comprehensive law on the Combating of Trafficking in Persons, the legal and policy framework in this regard remains the same as reported in the previous country report.

126. Although prostitution is illegal in Namibia, sex workers are still protected under various Laws such as the Combating of Rape Act, Combating of Trafficking in Persons Act and the Combating of Domestic Violence Act. Sex workers like any other person residing in Namibia, have unlimited access to crucial Governmental services such as legal, health, psychosocial support and other Social services.

## **E. Article 7, 8**

### **Political, public life and diplomacy**

127. Namibia has made notable gains in enhancing women representation in National Assembly. In 2014 National Elections, women representation increased from 25% to 46% – notable to this achievement is primarily the amendment to the Constitution of the ruling party SWAPO, requiring a “zebra list” quota system altering male and female candidates on the party list. The government through the Ministry of Gender Equality and Child Welfare, in collaboration with International Institute for Democracy and Electoral Assistance (International IDEA) has also introduced capacity building workshops on Women in Politics and Decision Making; a number of initiatives to enhance gender equality and women participation in Namibia.

128. In July 2017, the MGECW in partnership with International IDEA convened two capacity building trainings on Enhancing Intra-Party Gender Equality and Women Empowerment in Namibia. The first training targeted women in senior party positions while the second one targeted women in local councils. To sustain the gains which Namibia has achieved to date in enhancing gender equality, women political participation and representation, one of the key recommendations from the 2017 capacity building trainings was for the MGECW to conduct a tailor made training targeting young women in political parties. In 2018 a capacity building workshop for the youth (men and women) group was conducted, targeting the youth from different Political Parties’ Youth leagues. In 2019, another capacity building workshop was conducted targeting regional councillors.

### **Women in Politics**

<i>Category</i>	<i>2019 (Percentage –%)</i>
Women representation in Cabinet	23
Women in Parliament	46
Women representation – Ambassadors and Consuls General	26

<i>Category</i>	<i>2019 (Percentage –%)</i>
Women Permanent Secretaries /Executive Directors (Namibia) / Principal Secretaries / Director Generals	29

### **Women in Management Positions in the Public Sectors**

<i>Category</i>	<i>2019 (Percentage –%)</i>
Deputy Permanent Secretaries/ Deputy Executive Directors (Namibia) / Principal Secretaries / Director Generals	41
Directors	42

### **Women in the Judiciary**

<i>Category</i>	<i>2019 (Percentage –%)</i>
Registrars / Chief Justice	75
President of the Courts	33.3
Judges	20.8
Magistrates	49.5

### **Women in National Assembly**

<i>National Assembly</i>	<i>% women elected</i>	<i># of women amongst non-voting members</i>
1990–1995 (1st)	8.3% (6/72)	1/6
1995–2000 (2nd)	12.5% (9/72)	2/6
2000–2005	25.0% (18/72)	0/6
2005–2010	23.6% (17/72)	3/6
2010–2015	22.2% (16/96)	3/6
2015–2020	41.7%	3/8

### **Women in National Council since independence**

<i>Women in National Council</i>	<i>% women elected</i>
1992–1998 (1st)	3.8% (1/26)
1998–2004 (2nd)	7.7%(2/26)
2004–2010 (3rd)	26.9% (7/26)
2010–2015 (4th)	26.9% (7/26)
2015–2020 (5th)	23.8% (10/42)

*Source:* Based on Amanda Clayton, “Namibia at a Crossroads: 50/50 and the Way Forward”, Institute for Public Policy Research (IPPR) Democracy Report, Special Briefing Report No. 7, September 2014 at 2 (with terms of office for National Council corrected), with 2014–2015 election figures added from sources indicated above.

129. The Constitution of the Republic of Namibia allows for universal suffrage for all its citizens who have reached the age of 18 irrespective of gender. Article 17 provides that:

- (1) All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of the Government. 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.

- (2) Every citizen who has reached the age of eighteen (18) years shall have the right to vote and who has reached the age of twenty-one (21) years to be elected to public office, unless otherwise provided herein.
- (3) The rights guaranteed by Sub-Article (2) hereof may only be abrogated, suspended or be impinged upon by Parliament in respect of specified categories of persons on such grounds of infirmity or on such grounds of public interest or morality as are necessary in a democratic society.

Whereas, Article 21(1) (e) states that: All persons shall have the right to:

Freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties.

130. The state party acknowledges the need for amending the Electoral Act with the view of attaining 50/50 representation of both men and women in politics and decision making positions. In order to achieve this, MGECW continues to lobby law makers through advocacy and tabling of a motion to this effect in Parliament.

## **F. Article 9 Nationality**

131. The right to nationality is a constitutionally guaranteed right. The Constitution and relevant legislation provides for procedures to apply for citizenship. The acquisition and loss of citizenship under the Namibian laws is gender neutral. Article 4 provides that:

- (1) The following persons shall be citizens of Namibia by birth:

- (a) those born in Namibia before the date of Independence whose fathers or mothers would have been Namibian citizens at the time of the birth of such persons, if this Constitution had been in force at that time; and

- (b) those born in Namibia before the date of Independence, who are not Namibian citizens under Sub-Article (a) hereof, and whose fathers or mothers were ordinarily resident in Namibia at the time of the birth of such persons: provided that their fathers or mothers were not then persons:

- (aa) who were enjoying diplomatic immunity in Namibia under any law relating to diplomatic privileges; or

- (bb) who were career representatives of another country; or

- (cc) who were members of any police, military or security unit seconded for service within Namibia by the Government of another country: provided further that this Sub-Article shall not apply to persons claiming citizenship of Namibia by birth if such persons were ordinarily resident in Namibia at the date of Independence and had been so resident for a continuous period of not less than five (5) years prior to such date, or if the fathers or mothers of such persons claiming citizenship were ordinarily resident in Namibia at the date of the birth of such persons and had been so resident for a continuous period of not less than five (5) years prior to such date;

- (c) those born in Namibia after the date of Independence whose fathers or mothers are Namibian citizens at the time of the birth of such persons;

(d) those born in Namibia after the date of Independence who do not qualify for citizenship under Sub-Article (c) hereof, and whose fathers or mothers are ordinarily resident in Namibia at the time of the birth of such persons: provided that their fathers or mothers are not then persons:

(aa) enjoying diplomatic immunity in Namibia under any law relating to diplomatic privileges; or

(bb) Who are career representatives of another country; or

(cc) who are members of any police, military or security unit seconded for service within Namibia by the Government of another country; or

(dd) who are illegal immigrants:

provided further that Sub-Articles (aa), (bb), (cc) and (dd) hereof will not apply to children who would otherwise be stateless.

(2) The following persons shall be citizens of Namibia by descent:

(a) those who are not Namibian citizens under Sub-Article (1) hereof and whose fathers or mothers at the time of the birth of such persons are citizens of Namibia or whose fathers or mothers would have qualified for Namibian citizenship by birth under Sub-Article (1) hereof, if this Constitution had been in force at that time; and

(b) who comply with such requirements as to registration of citizenship as may be required by Act of Parliament: provided that nothing in this Constitution shall preclude Parliament from enacting legislation which requires the birth of such persons born after the date of Independence to be registered within a specific time either in Namibia or at an embassy, consulate or office of a trade representative of the Government of Namibia.

(3) The following persons shall be citizens of Namibia by marriage:

(a) those who are not Namibian citizens under Sub-Article (1) or (2) hereof and who:

(aa) in good faith marry a Namibian citizen or, prior to the coming into force of this Constitution, in good faith married a person who would have qualified for Namibian citizenship if this Constitution had been in force; and

(bb) subsequent to such marriage have ordinarily resided in Namibia as the spouse of such person for a period of not less than two (2) years; and

(cc) apply to become citizens of Namibia;

(b) for the purposes of this Sub-Article (and without derogating from any effect that it may have for any other purposes) a marriage by customary law shall be deemed to be a marriage: provided that nothing in this Constitution shall preclude Parliament from enacting legislation which defines the requirements which need to be satisfied for a marriage by customary law to be recognised as such for the purposes of this Sub-Article.

(4) Citizenship by registration may be claimed by persons who are not Namibian citizens under Sub-Articles (1), (2) or (3) hereof and who were ordinarily resident in Namibia at the date of Independence, and had been so resident for a continuous period of not less than five (5) years prior to such date: provided that application for Namibian citizenship under this Sub-Article is made within a period of twelve (12) months from the date of Independence, and prior to making such application, such persons renounce the citizenship of any other country of which they are citizens.

(5) Citizenship by naturalisation may be applied for by persons who are not Namibian citizens under Sub-Articles (1), (2), (3) or (4) hereof and who:

(a) are ordinarily resident in Namibia at the time when the application for naturalisation is made; and

(b) have been so resident in Namibia for a continuous period of not less than five (5) years (whether before or after the date of Independence); and

(c) Satisfy any other criteria pertaining to health, morality, security or legality of residence as may be prescribed by law.

(6) Nothing contained herein shall preclude Parliament from authorizing by law the conferment of Namibian citizenship upon any fit and proper person by virtue of any special skill or experience or commitment to or services rendered to the Namibian nation either before or at any time after the date of Independence.

(7) Namibian citizenship shall be lost by persons who renounce their Namibian citizenship by voluntarily signing a formal declaration to that effect.

(8) Nothing in this Constitution shall preclude Parliament from enacting legislation providing for the loss of Namibian citizenship by persons who, after the date of Independence:

(a) have acquired the citizenship of any other country by any voluntary act; or

(b) have served or volunteered to serve in the armed or security forces of any other country without the written permission of the Namibian Government; or

(c) have taken up permanent residence in any other country and have absented themselves thereafter from Namibia for a period in excess of two (2) years without the written permission of the Namibian Government: provided that no person who is a citizen of Namibia by birth or descent may be deprived of Namibian citizenship by such legislation.

(9) Parliament shall be entitled to make further laws not inconsistent with this Constitution regulating the acquisition or loss of Namibian citizenship.

## **G. Article 10 Education**

132. The State party continues to dedicate relatively large sums of money to the Education sector. The Government expenditure on education is about 8, 4% of the GDP of the national budget each year. During 2014/2015, the Ministry of Education received a budget of N\$ \$13.1 billion. (Approx. US\$ 102 104 0593.00) which is one of the highest in Africa. In 2013 the Government introduced free primary education in terms of Article 20 of the Namibian Constitution. Free secondary education was introduced in 2016. Moreover, Males and females can pursue any career of their choice without any limitations.

133. Institutions of higher learning have in recent years recorded an increase in enrolment of courses by females in fields which were historically male dominated, namely: Law; Medicine; Engineering. The graduation (completion) rates at tertiary institutions for the past 4 years under the period of review are skewed in favour of females as shown below.

### Enrolment Distribution by Higher Education Institutions (HEI) and by sex 2015–2016<sup>6</sup>

HEI	2015		2016	
	Male	Female	Male	Female
UNAM	37.0%	63.0%	36.1%	63.9%
NUST	46.2%	53.8%	48.2%	51.8%
NAMCOL	8.6%	91.4%	7.8%	92.2%
Total Public HEIs	38.5%	61.5%	38.1%	61.9%
IUM	33.5%	66.2%	33.7%	66.3%
HEADSTART	4.3%	94.7%	16.3%	83.7%
IOL	17.7%	82.2%	16.1%	83.9%
MONITRONIC	47.9%	52.1%	54.4%	45.6%
LINGUA	31.6%	68.4%	39.3%	60.7%
NETS	73.7%	26.3%	74.1%	25.9%
IOB	35.0%	65.0%	24.3%	75.7%
TRIUMPHANT	67.0%	32.7%	55.7%	44.3%
ULTS-PAULINUM	65.2%	34.8%	59.0%	41.0%
ALI	26.1%	73.9%	21.4%	78.6%
ST. CHARLES LWANGA	93.9%	6.1%	93.1%	6.9%
Total Private HEIs	29.9%	69.9%	30.0%	70.0%
All Institutions	36.0%	64.0%	36.0%	64.0%

134. The table above shows the enrolment distribution by Higher Education Institutions (HEI) and by sex from 2015–2016. In Public HEIs, there has been a decrease in the enrolment for male by 0.4% from 38.5% in 2015 to 38.1% in 2016; while females increased by 0.4% from 61.5% in 2015 to 61.9% in 2016. Private HEIs recorded an increase for male from 29.9% in 2015 to 30% in 2016, while females also increased by 0.1% from 69.9% in 2015 to 70% in 2016.

### University of Namibia Completion Rate by sex 2016<sup>7</sup>

Faculty/School	Female	Male	Total	% Female	% Male
Faculty of Agriculture and Natural Resources	100	64	164	61	39
Faculty of Economic and Management Science	724	430	1154	63	685
Faculty of Education	797	355	1 152	69	31
Faculty of Engineering and Information Technology	17	48	65	26	74
School of Medicine	38	17	55	69	31
School of Nursing	199	46	245	81	19
School of Pharmacy	35	20	55	64	36
School of Public Health	6	2	8	75	25

<sup>6</sup> Republic of Namibia. (2015/16). Namibia Higher Education Statistical Yearbook (NHESY). National Council for Higher Education.

<sup>7</sup> UNAM 2016 Annual Report.

<i>Faculty/School</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>% Female</i>	<i>% Male</i>
Faculty of Humanities and Social Sciences	466	166	632	74	26
Faculty of Law	114	81	195	58	42
Faculty of Science: School of computing	5	6	11	45	55
Faculty of Science: School of Military Science	147	118	265	55	45
<b>Total</b>	<b>2 648</b>	<b>1 353</b>	<b>4 001</b>	<b>66</b>	<b>34</b>

135. The table above shows that there are more females who graduated at UNAM in 2016 with 66% compared to their male counterparts with 34%. The highest number of female graduates were in nursing with 81% and males with 19%. The lowest was in the field of Engineering and Information technology where females were 26% and males were 74%.

#### **Namibia University of Science and Technology Completion rate by sex 2016<sup>8</sup>**

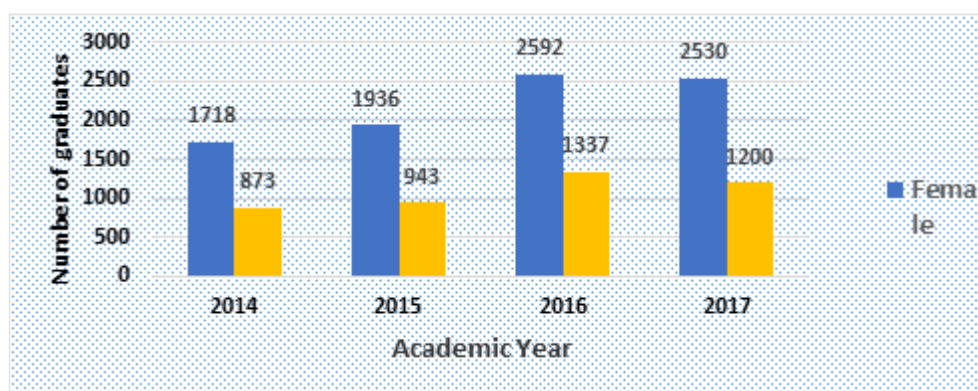
<i>Qualifications</i>	<i>Total Male</i>	<i>% Male</i>	<i>Total Female</i>	<i>% female</i>	<i>Total</i>
Certificate	105	48	112	52	217
Higher Certificate	17	40	25	60	42
Diploma	221	56	171	44	392
Bachelor's Degree	999	60	654	40	1 653
Honours Degree	212	64	121	36	333
Postgraduate Certificate	10	64	7	36	17
Postgraduate Diploma	5	38	8	62	13
Master's Degree	23	46	27	54	50
	<b>1 592</b>	<b>59</b>	<b>1 125</b>	<b>41</b>	<b>2 717</b>

136. The table above shows the completion or graduation rates for female and male at the Namibia University of Science and Technology for 2016. Females are more in Certificates, higher certificates, post graduate diploma and Master's degree. Men tend to be majority in Diploma, Bachelor's degree, Honours degree and post graduate certificate. The total graduates for 2016, there were more males with 59% and females were at 41%.

<sup>8</sup> NUST 2016 Annual report.

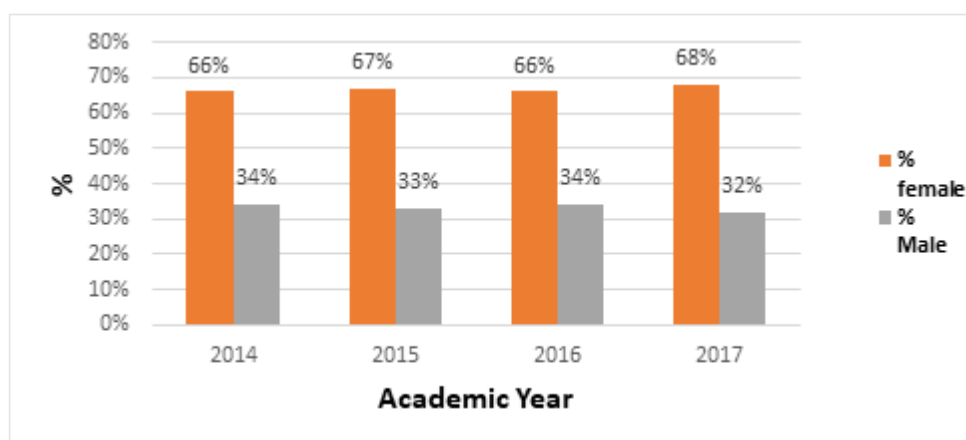


Figure 2: University of Namibia Graduation per Academic Year by sex 2014–2017



Source: <http://www.unam.edu.na/about-unam/statistics>.

Figure 3: Percentage of Female and Male Graduation per academic Year 2014–2017



Source: <http://www.unam.edu.na/about-unam/statistics>.

## H. Article 11 Employment

137. Unemployment in Namibia remains a challenge and its females of working age are mostly affected. To address relatively high unemployment rates, Government has enacted laws and developed policies as well as embarked on a number of programmes that are aimed at alleviating joblessness.

138. Article 95(i) of the Constitution provides that all employers are under an obligation to ensure that workers are paid a living wage adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities.

139. The Labour Act (No.11 of 2007) governs all labour relations in the country. Section 5 of the Act provides that:

- (7) For the purposes of subsections (8), (9) and (10) -
  - (a) “employee” includes a prospective employee;
  - (b) “sexual harassment” means any unwarranted conduct of a sexual nature towards an employee which constitutes a barrier to equality in employment where -

- (i) the victim has made it known to the perpetrator that he or she finds the conduct offensive; or
  - (ii) the perpetrator should have reasonably realised that the conduct is regarded as unacceptable, taking into account the respective positions of the parties in the place of employment, the nature of their employment relationships and the nature of the place of employment.
- (8) A person must not, in any employment decision or in the course of an employee's employment, directly or indirectly sexually harass an employee.
- (9) Where sexual harassment is perpetrated by an employer against an employee, and that employee resigns as a result of the sexual harassment, that resignation constitutes a constructive dismissal.
- (10) A constructive dismissal contemplated in subsection (9) may constitute unfair dismissal for the purposes of section 33, which entitles the employee to remedies available to an employee who has been unfairly dismissed.

140. The Government of Namibia has undertaken many measures aimed at enhancing the rights of all workers in Namibia. The National Employment Policy (NEP) came into effect in 2013.<sup>9</sup> NEP guides government in reaching productive and decent employment for all. In addition, the enactment of the Employment Services Act, Act No. 8 of 2011 resulted in the establishment of the National Employment Service mandated to provide professional labour market services for the purpose of achieving full, productive and decent employment in Namibia. The National Employment Service consists of Employment Services Board and the Employment Services Bureau. The Employment Services Bureau is tasked with maintaining of a National Integrated Employment Information System and to monitor skills gaps and employment vacancies in the country.

141. In terms of section 26 of the Labour Act, Act No.11 of 2007, a female employee who has completed six months' continuous service in the employment of an employer is, with a view to her confinement (date of childbirth), entitled to not less than 12 weeks' maternity leave, calculated as follows:

a) Before her actual date of confinement -

- (i) she is entitled to commence maternity leave four weeks before her expected date of confinement, as certified by her medical practitioner; and
- (ii) she is entitled to maternity leave for the entire time from the commencement of her maternity leave as contemplated in paragraph(i), until her actual date of confinement

b) After her date of confinement, she is entitled to

- (i) eight weeks maternity leave in every case; and
- (ii) In the case of an employee whose date of confinement occurred less than four weeks after the commencement of her maternity leave, the amount of additional time required to bring her total maternity leave to 12 weeks.

142. Before maternity leave is granted, procedures must be followed, the person applying is expected to provide the employer with a certificate signed by a Medical Practitioner confirming, the expected date of confinement before taking maternity leave as well as the actual date of confinement on her return from leave. During any period of maternity leave, the provisions of the contract of employment remain in

<sup>9</sup> National Employment Policy 2013.

force, and the employer must, during the period of maternity leave, pay to the employee the remuneration payable to that employee.

143. The Social Security Act (No.34 of 1994) makes provision for maternity leave by outlining further instructions to employees. The Social Security Commission established by the Social Security Act, 1994 (Act No. 34 of 1994) must, during the period that an employee is on maternity leave, pay to that employee such portion of that employee's basic wage as may be prescribed in terms of that Act.

144. Section 28 of the Social Security Act of 1994 makes provision for the establishment of Maternity Leave, Sick Leave and Death Benefit Fund, section 28 (4) further provides that, the Fund shall, subject to the provisions of this Act, must be applied to provide maternity leave benefits to every female employee.

145. Section 29 of the Social Security Act of 1994 provides for more benefit to be awarded to a female employee on maternity leave complimentary to the provisions of section 26 of the Labour Act 11 of 2007. Section 29 subsection 2 and 3 further makes provision for maternity award benefits in terms of death, subsection 2(c) states that "if the child concerned dies within two weeks after the actual date of confinement, be payable in respect of a further period of four weeks only, reckoned from the date of death".

146. Subsection 3 further states that, "If a female member dies while receiving or being entitled to receive maternity leave benefits, such benefits shall, subject to the provisions of this Act and such conditions as the Commission may determine, be payable to the person in whose care the child concerned of such member is left or placed or any other person who is considered by the Commission to be a fit and proper person to administer such benefits on behalf of such child".

147. The only time a female employee may not receive maternity leave benefits is in terms of section 29 (4) where it states that:

No maternity benefits shall be payable to a female member who resumes her employment or takes up any other employment during any period referred to in this section.

148. The point of departure is the Constitution of Namibia, Article 10 makes provision for Equality and Freedom from Discrimination and it stipulates that, "All persons shall be equal before the law and no persons may be discriminated on grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status". Article 10, implies that all persons should be treated equally and this should apply to all sectors in Namibia.

149. The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) is reviewing Country Decent Work Program (CDWP). The previous CDWP did not include gender aspects, however the revised program includes aspects of gender equality as one of the key priorities. Other priorities are, coordination and maximization of employment creation efforts, strengthening social dialogue and industrial peace, advancing social justice at work, and unlocking the possible efforts to bring informal economy closer to formal economy. The MLIREC has established a Steering Committee to monitor the implementation of the Program. The Country Decent Work Program activities are linked to other national plans, e.g., Vision 2030, NDP5, Harambee Prosperity Plan (HPP) as well as ILO programs.

150. With regards to the development of women, the country has passed domestic wage order in 2014 and the same document has been adjusted in 2017 in order to improve the working conditions of domestic workers of which the majority are women.

151. To create youth employment, the Government continues to build new vocational training centres and strengthening existing ones. It is expected that these vocational schools will equip unemployed youth with necessary skills to enable them to create employment for themselves and their fellow youths.

## **I. Articles 12, 13 & 14**

### **Socio-economic benefits, health, culture & rural women**

#### **Family benefits**

152. Expectant female workers under the Labour Act and the Social Security Act are entitled to maternity leave benefits. Moreover, there are no restrictions that prevents women from accessing bank loans, mortgages and other forms of financial credit for as long as one meets the financial institutions' terms and conditions.

#### **Access to health**

153. The state party has undertaken various and necessary measures to protect the health of its people and to ensure that they receive medical attention when they are sick. Access to state owned health facilities is affordable to many. Patients are only expected to pay between N\$ 9 and N\$15 to access health services in state owned health facilities. The elderly and people with disabilities are exempted from paying any fees for accessing health facilities. However, if any person approaches government health facilities without the prescribed fees, he/she would not be turned back without receiving medical assistance.

154. In its fight against HIV/AIDS government through the Ministry of Health and Social Services launched the updated 2016 Treatment Guidelines that include test and treat and pre-exposure prophylaxis. Namibia implemented Option B plus for the Prevention of Mother to Child Transmission (PMTCT).

155. In order to accelerate Namibia's progress towards national and international TB and leprosy targets, the Third Medium Term Strategic Plan for Tuberculosis and Leprosy (2017/18-2022) was launched with the following targets:

156. To have reduced the incidence of TB from 489/100, 00 IN 2015 TO 321/100, 000 by 2021.

- To have reduced TB mortality from 68/100,000 IN 2015 TO 34 /100,000 by 2021.
- To have reduced the incidence of leprosy from 10/1,000,000 in 2016 to 4/1,000,000 by 2021. The Ministry of Health has also recruited and trained Health Extension Workers who serve as the link between health facilities and communities. All of these interventions have contributed to an increased proportion of HIV positive people being on ART.

157. Women's right to reproductive health is recognised and protected by government. Family Planning services are provided for free to all sexually active individuals in all health facilities in the country. As a result of free family planning services, the national fertility has declined from 4.2 in 2000 to 3.6 in 2006, but has remained static at 3.6 in 2013 Namibia Demographic Health Survey (NDHS). It is higher in rural areas (4.3) compared to urban (2.8). The contraceptive prevalence rate is 55% NDHS 2013 having risen marginally from 53% in 2006-07 NDHS and from

26% in 1992. Urgent need for family planning is 3% for all women while for married women is 7%.<sup>10</sup>

### **Rural development and access to land**

158. The National Resettlement Policy of 2011 has made provision for land allocation and access to land by women and this has also been complimented by the Resettlement Criteria of the Ministry of Land Reform. The Criterion allows for the high scoring of 3 points for women in comparison to 0 point or score for men during the selection process for resettlement. Thus Namibian women are accorded equal opportunities to contribute to the improvement of socio-economic development through land productivity. Women's access to land in terms of resettlement in comparison to their male counterparts in all eight (8) regions with commercial land/farms.

### **The Green Scheme Projects**

159. The Green Scheme Project is an initiative by the Ministry of Agriculture, Water and Forestry to encourage the development of irrigation based agronomic production in Namibia, with the aim of increasing the contribution of agriculture to the country's Gross Domestic Product. Through this scheme, local small scale and medium crop production farmers are trained to acquire knowledge on basic crop production. This training is offered by the Agriculture Business Development Agency (AGRIBUSDEV) and coordinated by the Ministry of Agriculture, Water and Forestry. The training is equally offered to both men and women and thereafter, successful completion of training, candidates are allocated land of plots.

160. As stated in previous reports, Communal Land Boards have been established in all regions of Namibia, in terms of the Communal Land Reform Act 5 of 2002. The Land Boards consist of 12 members and 4 members should be women. Two of the four women must farm in the area of the Land Board's jurisdiction and the other two of the four women should have expertise in relevant functions of the board.

### **Resettlement Beneficiaries Allocated per Gender per Region, 2015/2016 FY and 2016/2017 FY**

<i>Region</i>	<i>2015/2016 FY</i>		<i>2016/2017 FY</i>	
	Male	Female	Male	Female
Hardap	8	12	11	12
//Karas	0	2	12	16
Khomas	0	0	2	0
Omaheke	3	2	5	10
Oshikoto	0	0	3	0
Erongo	2	2	4	1
Kunene	0	0	4	2
Otjozondjupa	12	6	15	6
<b>Total</b>	<b>25 (51%)</b>	<b>24 (49%)</b>	<b>56 (56%)</b>	<b>47 (44%)</b>

*Source:* Ministry of Lands and Resettlement.

<sup>10</sup> Namibia Demographic and Health Survey 2013.

161. Namibia recently held the second national land conference from 05 to 08 October 2018. The Conference sought to address the structure of land ownership in Namibia and debated the following issues, amongst others:

- To review progress made towards the implementation of the Resolutions of the 1991 National Land Conference and the Land Question in Namibia.
- To deliberate over what more could be done to fast track the implementation of the 1991 Land Conference and other related issues emerging during the implementation of the land reform programme.
- The willing-seller, willing-buyer principle.
- Ancestral land claims for restitution.
- Expropriation of Agricultural (Commercial) Land in public interest.
- Urban land reform and Resettlement Criteria.
- The Veterinary Cordon Fence, and other eminent land related issues.

162. Community Conservancies are being established across the country to provide employment and other income generating activities to community members. Rural women are also beneficiaries of this conservancies.

163. In order to provide adequate nutrition to the poorest members of society who are mostly women, the Ministry of Poverty Eradication and Social Welfare established a food bank where food rations are distributed to the needy.

#### **Access to bank loans, mortgages, and other forms of financial credit**

164. Women in Namibia have access to bank loans, mortgages and other forms of financial credit provided they meet the terms and conditions of such institutions. There are no laws or policies preventing women from having access to banking and credit services in the country.

165. Several government institutions offer loans to purchase farm land. The Government of the Republic of Namibia through the Agricultural Bank of Namibia Act, 2003 (No.5 of 2003) (Agribank), as amended, has mandated Agribank to advance money to persons or financial intermediaries to promote agriculture and activities related to agriculture. This includes the purchasing of farmland for economic development. Moreover, Agribank offers training to men and women on activities related to agriculture. Thereafter successful completions of the training allow both successful men and women to acquire plots of land ranging from 3 hectares (ha) for Small Scale Irrigation Farmers (SSIF) to 30 hectares (ha) for Medium Scale Irrigation Farmers (MSIF) at the Green Scheme Projects for their own production.

166. Although the Agricultural Bank of Namibia (Agribank) of Namibia does not have specific policies that favours women to access credit, however, they use the Affirmative Action policy which applies to both men and women that are previously disadvantaged and are full-time farmers where they receive a discounted loan which only applies when buying a farm.

167. Ministry of Industrialisation, Trade and SME Development and the Ministry of Gender Equality and Child Welfare support women to participate in exposure programmes such as the regional trade fairs through Women in Business Association (WIBA) programme. There are a number of men and women participating in national and regional trade but however institutions do not have sex disaggregated data available.

168. The Ministry of Trade, Industrialisation and SME Development provides grants to women to start their small businesses. The Ministry further provides free advice on

how to run an SME. The MGECW also provides materials under the Income Generating Activities to beneficiaries, it further provides training on basic business management.

169. The Development Bank of Namibia (DBN) has been entrusted with the responsibility to provide loans to Small and Medium Enterprises (SMEs) at low interest rates, SMEs owned by women are specially targeted.

### **Right to participate in recreational activities and sports**

170. The Sports Act, 2003 (Act No. 12 of 2003) is gender neutral and encourages both males and females to partake in sporting activities of their choice. Recreational facilities are open to all Namibians irrespective of gender. The Ministry of Youth and Sports is responsible for promoting sporting activities and maintaining sporting facilities across the country.

### **The same opportunities to participate actively in sport and physical education**

171. As a commitment of the Namibian government towards the emancipation of women in sport, the Namibian government through the Ministry of Sport, Youth and National Service has assisted the Namibian sport women with the establishment of the Namibia Women in Sport Association. This is a catalyst body to ensure that the Namibian women are not discriminated nor marginalised when it comes to sport development and participation in the country. Since its inception, in 1997 this body has been given an annual grant to fund its programmes and they have benefited from free office space from the Ministry of Sport, Youth and National Service.

172. In Namibia sport is jointly administered between the Ministry of Sport, Youth and National Service and Namibia Sport Commission.

173. To confirm Namibian government's commitment towards women empowerment, a division of Marginalised People and Women in Sport was created in 2007 and this division is headed by a deputy director, which is a level on management in the country.

174. Annual grant for Namibia Women in Sport Association has been transferred under the period under review except for the 2019/20 financial year.

175. Through the Ministry, most of the teams' participation both local, continental and international was funded. And women are given as much as an opportunity to participate in as accorded to men.

176. Most of the national sport federations were also funded with both administration and participation funds.

177. The Namibia Sports Commission (board) comprises of nine members of whom one of the Commissioner is nominated from the national umbrella sport body for women in sport (clause 4 (1) (e) of the Sport Act).

178. During the period under review the boards each had only three (3) women which bring the statistics at 33% of women representation on the Sport Commission.

179. During the period under review the following major games and medals were won by women, in 2015 African Games, Namibia won eighteen (18) medals and six (6) were by women. During the Rio 2016 Paralympics Games, Five (5) medals were won by Namibians and none was by a woman and in the 2018 Gold Coast Commonwealth Games, two medals were won by Namibians and one was won by a woman.

**Participation into sports**

180. All Namibian citizens and those finding themselves in Namibia can participate in any sport code of their choice. The only requirement from the government is for the association form to be for the advancement and participation in sport remain such. Any formation of sport going beyond being about sport development, will be terminate as prescribed by both the Sport Act and the Sport Regulations as well as the National Sport Policy.

181. Namibia remain committed to the emancipation of women in all sectors including sport development. As a member of the international sport federations such as the African Union Sport Council (AUSC), AUSC Region 5 and the Africa Women in Sport Association (AWISA) we remain committed to the course of the elimination of all and any discrimination against women, who are important partner in the sustainable development of our country.

**Right to culture**

182. All Namibians have the right to culture as stipulated in the Namibian Constitution. Article 19 of the Constitution states that:

“Every person shall be entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the condition that the rights protected by this Article do not impinge upon the rights of others or the national interest.”

183. The Ministry of Education, Arts and Culture is responsible for promoting culture in the Country. Culture forms part of the school curriculum in subjects such as Social Studies in primary schools and History in secondary schools. Furthermore, all public schools are encouraged to hold cultural festivals. Institutions of higher learning such as University of Namibia, Namibia University of Science Technology and International University of Management often hold annual cultural festivals in which students from all cultural backgrounds showcase their rich cultural heritage.

184. The duty to promote culture is not solely on Government, various communities/traditional authorities and private organisations are also involved. Most traditional authorities in Namibia hold their own cultural festival to preserve their cultural identities. Private organisations continue to organise various cultural activities of their own. In 2018, the Museum Association of Namibia held week long activities showcasing Namibia’s rich cultural heritage in what was called the Heritage week. Private entities and businesses continues to fund the annual /Ai// Gams festival in the capital Windhoek. The Omagongo festival is celebrated in the northern regions of the country and it attracts people from across the country. The Wika festival and the Octoberfest are cultural activities celebrated by German –speaking Namibians and other Namibians from all walks of life. Among other notable cultural festivals includes the fish-consumption week held at various coastal towns and the traditional cattle shows held in various parts of the country.

**J. Article 15  
Equality before the law**

185. The state party wish to inform the Committee that the situation regarding equality before the law remains as it was reported in the previous report.



## **K. Article 16**

### **Marriage and family**

186. The state party wish to inform the Committee that the situation on marriage and family rights remain the same. As stated in the last reports, the right to marriage and family is constitutionally guaranteed.

187. However, the state party is in the process of enacting or revising laws pertaining to women's rights in marriage. These proposed laws are explained below:

#### **Marriage Bill**

188. The Marriage Bill has been developed, it has been submitted to cabinet for further consideration where it will be referred to the Cabinet Committee on legislation for further action.

#### **The Divorce Bill**

189. The Divorce Bill is under development and once promulgated it will make divorce flexible as it will do away with the fault based system currently in place under the existing Divorce Act of 1935.

190. The Divorce Bill seeks to replace the Roman-Dutch Common Law grounds for divorce, based on fault, with irretrievable breakdown of marriage. The introduction of irretrievable breakdown of marriage as grounds for divorce is aimed at simplifying the procedures of a divorce; eliminate the current strict approach of marital property regimes and rules on forfeiture of benefits.

191. The Bill will allow for spouses to jointly apply for divorce. If both spouses allege that the marriage has irretrievably broken down, the court will make a finding and only consider ancillary arrangements such as maintenance issues and or the division of the estate, where the parties do not agree.

192. Currently only the High Court has the jurisdiction to determine issues pertaining to the status of a person. The new law seeks to confer civil jurisdiction on the regional courts to preside over unopposed divorce proceedings i.e. where both parties agree that the marriage has irretrievably broken down and the spouses further agree to all ancillary issues such as the division of their estate as well as the custody of their minor children, where applicable.

## **VI. Conclusion**

193. The Namibian Government has made great strides in complying with its obligations under the Convention for the Elimination of All Forms of Discrimination against Women. Highlights include the enactment of the Child Care and Protection Act in particular is a key piece of legislation that will enhance the protection and promotion the rights and welfare of the girl child. Progress in education is also noteworthy, with access to education for boys and girls now similar across all grades, although the issue of learner pregnancy continues to be a challenge. Nevertheless, the envisaged Education Act is expected to address this challenge.

194. In conclusion, whilst Namibia has made many strides in working towards the elimination of discrimination against women, a number of challenges do remain. However, the Government is committed to the achieving the goal of gender equality and will continue to strive towards improving conditions for women in Namibia.