



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Namibia*

Visibility of the Convention and its Optional Protocol

1. The State party indicates in its report ([CEDAW/C/NAM/6](#)) that, in 2016, the Inter-Ministerial Committee on Human Rights and International Humanitarian Law issued two booklets on the State party's outcome following reviews of State party reports to the Committee and other treaty bodies, which were distributed to universities and community libraries (para. 29).¹ In its report, the State party further indicates that, in 2017, it embarked on a project to develop a compendium of all human rights reports submitted to various treaty bodies and that the Office of the Ombudsman carried out nationwide dissemination campaigns on the State party's implementation of its obligations under various human rights treaties. In the light of the Committee's previous concluding observations ([CEDAW/C/NAM/CO/4-5](#), para. 9), please provide information on:

(a) Measures taken to raise awareness specifically among women, including marginalized and disadvantaged groups of women, about their rights under the Convention; and steps taken to translate the Convention into local languages;

(b) Concrete measures taken to conduct capacity-building programmes for judges, prosecutors and lawyers on rights under the Convention, the Optional Protocol and the Committee's general recommendations; and the percentage of such officers who have received such training.

Impact of the pandemic on women's rights, recovery and gender equality

2. In line with the Committee's guidance note on obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as an economic diversification strategy: to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and

* Adopted by the pre-sessional working group on 5 March 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party ([CEDAW/C/NAM/6](#)).



marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Legislative and institutional framework

3. The State party indicates in the report that article 10 of its Constitution “proscribes all forms of discrimination” and therefore “discrimination against any person on grounds of marital status and HIV status is also covered”, yet article 10 provides a closed list of prohibited grounds (para. 31). In accordance with the State party’s obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on steps being taken to amend article 10 of the Constitution or, by adopting other appropriate legislation, to adopt a comprehensive definition of discrimination that includes other grounds or “other status” in order to cover all forms of discrimination in line with article 1 of the Convention.

4. The State party lists in the report a number of legislative reform measures being undertaken and the parliamentary bills envisaged that will ensure formal and substantive equality between women and men in those governing marital and family relations such as the Divorce Bill, the Maintenance Amendment Bill, the Uniform Matrimonial Property Bill, the Combating of Domestic Violence Bill, the Combating of Rape Amendment Bill, the Child Justice Bill and the Prohibition of Torture Bill (paras. 2 to 16). In the light of the Committee’s previous concluding observations ([CEDAW/C/NAM/CO/4-5](#), para. 11 (b)), please provide information on the specific time frame for the adoption of these bills. Please also provide an update on the progress made by the Law Reform and Development Commission to review all existing civil and customary laws that directly or indirectly discriminate against women and girls (para. 37). What concrete steps have been taken to adopt the Marital Property Law that seeks to repeal the Native Proclamation Administration Act of 1928 that discriminates on the basis of certain “marriages conducted north of the ‘red line’” (para. 37)?

Access to justice and legal complaint mechanisms

5. In the light of the Committee’s previous concluding recommendation ([CEDAW/C/NAM/CO/4-5](#), para. 15) and general recommendation No. 33 (2015) on access to justice, please provide information about the measures taken to:

(a) Ensure that in cases of family conflict, or when the woman lacks equal access to the family income, means testing eligibility for legal aid and public defence should be based on the real income or disposable assets of the woman, including

liabilities, and not squarely on the pegged monthly income figure of 2,500 Namibia dollars;

(b) Increase funding to the State party's legal aid directorate in the Ministry of Justice and to ensure that legal aid is available where the interests of justice so require, particularly for women pursuing divorce and gender-based violence cases (para. 15);

(c) Ensure that San women have access to justice, including legal aid and legal complaint mechanisms in their communities.

National machinery for the advancement of women

6. Please provide information on measures taken to ensure that the Ministry of Gender Equality and Child Welfare effectively undertakes its activities as the national machinery for the advancement of women through the adequate allocation of human and budgetary resources. Please also provide information on the specific activities of the department responsible for gender equality and how it coordinates and monitors the implementation of gender mainstreaming with other departments in the State party. Specifically, please provide information on (a) the human, financial and technical resources allocated to this department; (b) how it engages with civil society organizations working on women's rights; and (c) the progress made to implement the national action plan on the Convention (2016–2020), which seeks to implement the concluding observations of the Committee, in line with the Sustainable Development Goals.

Temporary special measures

7. In paragraph 40 of the report, the State party acknowledges that “the percentage of women in management positions remains moderately low” but that “mechanisms and advocacy programs are being implemented to ensure that this challenge is addressed”. Please provide additional information about the mechanisms and advocacy programmes in place and on the effectiveness of these temporary special measures to achieve substantive equality between women and men, in particular in the areas of education, employment, the judiciary and the foreign service. Please also indicate if these measures also apply equally to the private sector and the specific steps being taken to adopt legislative provisions on temporary special measures to increase the participation of women in public life, in particular indigenous women such as San women ([CEDAW/C/NAM/CO/4-5](#), para. 17).

Stereotypes and harmful practices

8. The State party acknowledges in the report that there are isolated cases of discriminatory gender stereotypes and harmful practices such as widow inheritance and sexual initiations, but that it is undertaking awareness-raising campaigns through the Ministry of Gender Equality and Child Welfare (para. 41). It also indicates that it continues to advocate against polygamy and that communities are encouraged to report all harmful practices for prosecution (para. 41). Please provide data, disaggregated by region and age of the victims, on the number of cases that have been reported and prosecuted, and the nature of sanctions imposed against perpetrators of various harmful practices such as child marriage, sexual initiation, wife cleansing and inheritance. What specific steps have been taken to address harmful practices such as polygamy, sexual initiations and child marriage in the State party, particularly among the San community? In the light of the Committee's previous concluding recommendation ([CEDAW/C/NAM/CO/4-5](#), para. 19 (c)), please provide information on measures taken to conduct a study on the impact of the implementation of the

Traditional Authorities Act (No. 25 of 2000) and the Community Courts Act of 2003 on the enjoyment of rights by women in the State party.

Gender-based violence against women

9. In its previous concluding observations ([CEDAW/C/NAM/CO/4-5](#), para. 20), the Committee expressed concern at the high prevalence of gender-based violence against women and girls such as rape, murder and intimate partner violence despite the various legislative and policy measures taken such as the Combating of Domestic Violence Act (No. 4 of 2003) and the National Plan of Action on Gender-based Violence (2012–2016). The report (para. 113) indicates that in order to understand the root causes and consequences of gender-based violence against women and girls, the Ministry of Gender Equality and Child Welfare conducted a National Gender Based Violence Baseline Study in 2017, which revealed that the most drivers of gender-based violence were relationship factors such as unequal power relations, alcohol abuse, early marriages and unemployment. Following the development of the new Plan of Action on Gender-based Violence (2019–2023), please provide information on:

(a) Specific measures taken to address the increase in cases of gender-based violence, including domestic violence and femicide, during the COVID-19 pandemic, which resulted in public protests in October 2020;

(b) Concrete measures taken to address the root causes of gender-based violence against women and girls identified in National Gender Based Violence Baseline Study in 2017 and the specific indicators and benchmarks adopted by the State party (para. 113);

(c) Steps being taken to increase public awareness among communities about gender-based violence prevention under the “Love Is” campaign and to scale up the male engagement programme in order to change the mindsets that lead to social acceptance or tolerance of gender-based violence against women and girls (para. 114);

(d) Measures to ensure that women and girls in rural areas, including San women and girls, who are victims of gender-based violence have access to protection orders, reparations and to psychosocial treatment and counselling.

10. Please provide information on:

(a) Measures in place to address the continued withdrawal of complaints about gender-based violence against women and girls owing to intimidation of the complainants by ensuring that the provisions of the Witness Protection Act (No. 11 of 2017) are fully implemented (para. 45 and [CEDAW/C/NAM/CO/4-5](#), para. 21 (b));

(b) Progress made to adopt the bill to amend the Combating of Rape Act (No. 8 of 2000), the Criminal Procedure Act of 1977 and the Combating of Immoral Practices Act of 1980, which, inter alia, seeks to revise the minimum sentences for rape and remove the defence of marriage from sexual offences ([CEDAW/C/NAM/CO/4-5](#), para. 23 (b));

(c) Steps taken to ensure the systematic collection of data on gender-based violence against women and girls, including domestic violence, which is disaggregated by age, type of offence and the relationship between the perpetrator and the victim ([CEDAW/C/NAM/CO/4-5](#), para. 21 (c)).

11. In paragraph 112 of the report, the State party indicates that it has established 17 Gender-Based Violence Protection Units in 14 regions of the State party. In the light of the Committee’s previous recommendation (para. 23 (d)), please provide information on progress made on conducting a needs assessment to establish the demand for shelters in the State party and in particular whether the additional 17 units

established in 14 regions can adequately meet the demand for shelters. Please provide information on the total number of shelters in the State party for women and girls who are victims of gender-based violence, including domestic violence, and indicate the number of shelters that are privately funded.

Trafficking and exploitation of prostitution

12. In the report, the State party acknowledges the seriousness of trafficking in persons, sexual exploitation and prostitution in the State party and as a result adopted the Combating of Trafficking in Persons Act (No. 1 of 2018) (para. 118). It also indicates that between 2014 and 2019, 40 cases were reported and 6 cases were prosecuted. In the light of the Committee's previous concluding observations ([CEDAW/C/NAM/CO/4-5](#), para. 25), please provide information on:

(a) The number of human trafficking cases that have been prosecuted since 2019 and the nature of sanctions imposed against the perpetrators (para. 122);

(b) The nature of assistance provided to women and girls who were victims of human trafficking (para. 122);

(c) The extent of implementation of national awareness campaign launched in 2019 under the theme "Beware Namibians! Human trafficking is real", in particular among vulnerable groups such as women and girls, including in rural areas;

(d) The total number of shelters specifically established to assist women and girls who are victims of human trafficking, the nature of their funding and the assistance that they provide to victims ([CEDAW/C/NAM/CO/4-5](#), para. 25 (c) and (f));

(e) Efforts made to improve international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and harmonize legal procedures aimed at the prosecution and punishment of perpetrators as well as an update on efforts to revitalize the cross-border forum with Zambia.

Participation in political and public life

13. In paragraph 127 of the report, the State party states that it has made notable gains in enhancing women representation in the National Assembly, such that, during the national elections held in 2014, women's representation increased from 25 per cent to 46 per cent. However, women continue to be underrepresented in decision-making positions in both the public and private sector. Please provide information on concrete measures being taken to accelerate parity by 2030 at all levels of government (national and local), in particular in cabinet, judiciary, foreign service and academic positions, taking into account the Committee's general recommendation No. 25, on article 4, paragraph 1, of the Convention, and general recommendation No. 23, on women in public life. Please also provide information on concrete steps taken to implement the Committee's previous recommendation to revise the electoral law by adopting more prescriptive temporary special measures in order to secure gains achieved in the representation of women in parliament ([CEDAW/C/NAM/CO/4-5](#), para. 27).

Nationality

14. In paragraph 51 of the report, it is indicated that nationality is a constitutional right and that the State party, through the Ministry of Home Affairs and Immigration, has an e-birth system in place that allows for the timely registration of births and that it is accessible in all district hospitals of the State party. Please provide information on concrete steps taken to revise the policy on birth registration that allegedly requires

that both parents be present during birth registration, which is an obstacle to the timely registration of children in cases in which one of the parents, usually the male parent, is absent ([CEDAW/C/NAM/CO/4-5](#), para. 9 (b)).

Education

15. In the report, the State party indicates a significant improvement in enrolment rates for women and girls following the introduction of free primary and secondary education in 2013 and 2016 respectively (para. 132). The report also shows an increase in enrolment by women in courses previously dominated by men such as science, technology, engineering and mathematics (para. 133). However, completion rates for men and women at the Namibia University of Science and Technology in 2016 show that women are concentrated in degree tracks with lower-level qualifications compared to men and that more men graduated than women (para. 136). Please provide information on:

(a) Concrete measures being taken to ensure that women and girls attain high levels of qualifications in tertiary education and improve completion rates for women and girls;

(b) Mechanisms and programmes in place to ensure that efforts aimed at reducing school dropout due to early pregnancy and promoting re-entry into school of mothers after giving birth, in particular in the Kavango and Kunene regions and among the San indigenous community, are continuously evaluated against specific indicators and benchmarks (para. 58);

(c) Measures to effectively implement the Teenage Pregnancy Policy of 2009 on the prevention and management of pregnancy in the light of reports of high rates of pregnancy that result in girls dropping out of school;

(d) Specific efforts to enforce the Education Act 2001 and the Child Care Protection Act (No. 3 of 2015) so that corporal punishment is not used in the school setting (para. 74 and [CEDAW/C/NAM/CO/4-5](#), para. 31 (d));

(e) Steps taken to address reported discrimination, bullying and violence, particularly against San girls in schools.

Employment

16. In the light of the Committee's previous concluding observations ([CEDAW/C/NAM/CO/4-5](#), para. 32) expressing concern at the high levels of unemployment among women and the State party's acknowledgment that unemployment remains a challenge, particularly among women of working age, please provide specific information on measures taken to:

(a) Address occupational segregation between men and women in the labour market, including through the use of prescriptive temporary special measures applicable to both the public and private sectors ([CEDAW/C/NAM/CO/4-5](#), para. 33 (b));

(b) Finalize consultations with stakeholders on the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization and begin the process of ratifying the Convention in order to protect the rights of domestic workers in the State party (para. 77);

(c) Implement the Domestic Wage Order of 2014, which was revised in 2017, in order to ensure compliance with conditions of work by employers;

(d) Improve the regulation of the informal sector of employment in order to ensure that conditions of employment, including maternity leave, are adhered to (para. 78);

(e) Collect statistical data on the extent of the problem of sex discrimination in workplaces, in particular with respect to sexual harassment (para. 79); and implement the recommendations from a case study on violence and harassment in selected industries conducted by the International Labour Organization in 2019.

Health

17. In the report, the State party states that it has made commendable progress in its efforts to prevent mother-to-child transmission of HIV and AIDS, such that over 95 per cent of health facilities provide HIV testing and antiretroviral therapy; and that the annual rate of the reduction in the maternal mortality ratio accelerated to 3.9 per cent (paras. 81 and 83). However, the proportion of women who received antenatal care dropped from 86 per cent to 73.6 per cent and the contraceptive prevalence rate remains at 50 per cent (paras. 83 and 84). In the light of the Committee's previous recommendations (CEDAW/C/NAM/CO/4-5, paras. 35 and 37), please provide information on measures taken to:

(a) Enhance women's access to antenatal care and to investigate the recent drop in accessing antenatal care with a view to addressing its causes;

(b) Improve the contraceptive prevalence rate for women and girls by addressing the challenges in accessing contraceptives, including by addressing concerns that public health facilities have run out of almost all contraceptives owing to the COVID-19 pandemic;

(c) Improve access to safe abortion and post-abortion care by addressing the challenges that impede women to access abortions services such as the complex and onerous administrative procedures required to obtain an approval;

(d) Conduct a study in order to understand the extent of the problem of forced sterilizations of HIV-positive women in the State party;

(e) Address the prevalence of HIV/AIDS among women in the light of reports that the annual incidence of HIV among adults aged 15 to 64 and the rate of new infections are higher among females;

(f) Address the issue of the sexual abuse of women and girls as a contributor to HIV infection, early pregnancy and psychosocial trauma among women and girls.

Disadvantaged groups of women

18. Information received by the Committee indicates that San women and girls continue to register poor outcomes in education, employment and health. Please provide information on the specific measures designed to improve access to social and economic services such as education, employment, health care, housing, sanitation, electricity and credit facilities for San women, particularly in rural areas. Please also provide information on specific measures taken to ensure access to education, health care, including sexual and reproductive health care, basic services, housing, food and employment for other disadvantaged groups of women and girls such as asylum-seeking, refugee and indigenous women, women with disabilities and lesbian, bisexual and transgender women.

Disaster risk reduction and climate change

19. In the light of the Committee's previous concluding recommendations (para. 35) and in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on the participation of women, including women with disabilities and rural and older women, in the design, adoption and implementation

of programmes on climate change and disaster risk reduction in the State party. Please provide information specifically on:

(a) Concrete measures taken to ensure that the authorization of oil and gas exploration and development in the Okavango region does not violate the rights of rural women and girls to access to clean water, food and health care, considering the risks that oil drilling and fracking presents to water depletion, contamination and other pollution-related health hazards;

(b) Measures taken to ensure that climate change and energy policies, and specifically the policy on the extraction and export of oil and gas, including through fracking, take into account the differentiated and disproportionate impact of climate change on women, especially rural and indigenous women;

(c) Steps taken to undertake environmental and human rights assessments regarding the impacts of the oil and gas exploration activities, particularly on women and girls, and to adopt appropriate mitigation and protections measures.

Rural women

20. In paragraph 158 of the report, the State party indicates that the National Resettlement Policy of 2011 has made provision for land allocation and access to land by women. In paragraph 89, it is indicated that the Flexible Land Tenure Act (No. 4 of 2014) came into force in 2018 and that this law is aimed at creating alternative forms of land titles that are “simpler and cheaper to administer” and that it will “greatly enhance women’s access to land” in the State party. Please provide information on data disaggregated by age and region regarding the number of rural women that have (a) benefited from implementation of the Flexible Land Tenure Act (No. 4 of 2014) and the National Resettlement Policy of 2011 since their adoption; and (b) accessed bank loans, mortgages and other forms of financial credit, in particular through the Agricultural Bank of Namibia. Please provide information on concrete measures taken to improve rural women’s access to basic services such as health care, food, housing, electricity, transportation, water and sanitation.

Marriage and family relations

21. In paragraph 187 of the report, the State party indicates that it is in the process of developing a marriage bill and a divorce bill, which will replace the fault-based system of divorce with divorce on the grounds of “irretrievable breakdown of marriage”. Please provide an update on the status of these bills and the timeframe for their adoption. Please also provide information on (a) the steps taken to eliminate all forms of discrimination against women in the areas of marriage and family relations and in particular to eliminate polygamy in the State party; (b) measures taken to ensure that property division after divorce does not perpetuate discrimination against women and girls; and (c) ensure that the Married Persons Equality Act is also applicable to customary marriages, so that the minimum age of marriage of 18 years is enforced for all marriages in the State party.
