

Responses to Recommendations

NAMIBIA

Review in the Working Group: 31 January 2011
 Adoption in the Plenary: 8 June 2011

Namibia's responses to recommendations (as of 28.11.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
90 recs. accepted (among which 18 are considered as implemented or in the process of implementation); 3 rejected; 27 pending	Out of the 27 pending recs., 14 were accepted, 9 were rejected and 6 were not addressed (-> pending) ¹	No additional information provided	Accepted: 104 Rejected: 12 No clear position: 0 Pending: 6

List of recommendations contained in Section II of the Report of the Working Group A/HRC/17/14:

A - 96.1. Strengthen efforts to fulfil obligations under the Convention on the Rights of the Child (Australia);

A - 96.2. Review its criminal law framework with a view to incorporate the crime of torture in accordance with its international obligations (Slovakia);

A - 96.3. Adopt appropriate legislation on trafficking in human beings, prohibit the use, procuring or offering of children for prostitution and ensure that children under the age of 14 are not engaged in child labour (Slovenia);

A - 96.4. Intensify its efforts regarding the process of enacting legislation on human trafficking (Azerbaijan);

A - 96.5. Accelerate the passage and implementation of anti-trafficking legislation and, in the interim, use current laws, like the Prevention of Organized Crime Act (POCA), to prosecute sex and labour trafficking offences and adequately punish trafficking offenders (United States of America);

¹ The total number of recommendations is now 122 as 2 were split.

- A - 96.6. Strengthen the mechanisms of legal and social protection of children against violence, particularly sexual, of which they are victims (France);
- A - 96.7. Ensure that the national legislation is in line with the obligations of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain);
- A - 96.8. Conduct a review process and if necessary, amend its national legislation (Spain);
- A - 96.9. Pursue efforts to address concerns regarding child labour, in particular through its Action Programme to Eliminate Child Labour in Namibia 2008-2012 (Botswana);
- A - 96.10. Redouble efforts aimed at fully implementing the Action Programme to Eliminate Child labour in Namibia 2008-2012 (Malaysia);
- A - 96.11. Continue applying strategies and socio-economic development plans in the country (Cuba);
- A - 96.12. Continue its economic and social policies in the framework of Vision 2030 by paying greater attention to programmes for the fight against poverty and the reduction of social inequalities (Algeria);
- A - 96.13. Further promote women's and children's rights taking into consideration the views of relevant treaty bodies of the United Nations system (Italy);
- A - 96.14. Continue its policy of promoting and protecting the rights of indigenous peoples by consolidating it with further measures to ensure the full exercise of the rights of all components of Namibian society while respecting its traditions and identity (Morocco);¹
- A - 96.15. Remain steadfast in pursuing its exemplary policies towards gender equality, particularly by strengthening measures to eradicate gender-based violence (Lesotho);
- A - 96.16. Put in place mechanisms to systematically collect and analyse disaggregated data to enable assessment of the effectiveness of policies and initiatives aimed at preventing and eliminating violence against women (Canada);
- A - 96.17. Continue the policy of national reconciliation in a spirit of accommodation (Niger);
- A - 96.18. A participatory and inclusive process with civil society in the implementation of UPR recommendations (Norway);
- A - 96.19. Seek technical assistance from OHCHR in regard to human and material constraints faced (Azerbaijan);
- A - 96.20. Request technical assistance from OHCHR regarding the preparation of reports which need to be submitted to treaty bodies (Burkina Faso);
- A - 96.21. Continue to take effective measures to eliminate social inequalities such as skewed distribution of income and to promote the sound and sustained development of the country's economy and society (China);
- A - 96.22. Make more efforts to, pass additional legislation and carry out awareness-raising and counselling to eliminate the consequences of racial discrimination in all its forms (Sudan);
- A - 96.23. Continue its efforts in combating racial segregation and discrimination in various fields, particularly in education and continue the adoption of special measures in the context of the Durban Declaration and Programme of Action (Palestine);
- A - 96.24. Continue investing in the breaking down of a culture of inequality, which was inherited from apartheid, from a human rights angle (Nicaragua);
- A - 96.25. Ensure that persons who only speak non-official languages used widely by the population are not denied access to public services (Austria);

A - 96.26. Take effective measures to ensure the equal treatment of women in accordance with its international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Sweden);

A - 96.27. Strengthen its legislation as well as promptly implement existing legislation, with a view to promote and protect women's rights (Sweden);

A - 96.28. Enhance the rights of women to civic participation (Turkey);

A - 96.29. Increase measures to strengthen women's rights and combat stereotypes that can interfere with the enjoyment of women's fundamental rights (Morocco);

A - 96.30. Continue its efforts to put a halt to all negative cultural practices and stereotypes that discriminate against women (Azerbaijan);

A - 96.31. Continue its efforts to prevent, punish and eradicate all forms of violence against women as well as overcoming stereotypes which provoke genderbased discrimination (Argentina);

A - 96.32. That practices and traditional cultural customs are neither harmful to women, nor have a discriminatory impact, since during the Namibian struggle for national liberation women fought alongside and on par with men for the country's independence, and that they receive the necessary merit and attention in society (Angola);

A - 96.33. Ensure that women in customary marriages enjoy the same rights as those in civil marriages (Austria);

A - 96.34. Develop and implement, in cooperation with local customary authorities, a strategy to eliminate discriminatory traditional practices against women, including in respect of access to and ownership of land (Canada);

A - 96.35. Promote a policy of equality and non-discrimination and that Namibia step up its efforts to reduce poverty with economic and social measures which ensure equal opportunity to citizens in the social, economic and political life of the country (Spain);

A - 96.36. More efforts be made to combat gender violence, principally through the adoption of political measures to include the representation of women in decision-making-posts and in public administration (Spain);

A - 96.37. Take effective measures to enhance the access to public services concerning persons who do not speak the official language (Germany);

A - 96.38. Adopt measures to ensure access to public services for persons who do not speak English as they are a significant proportion of the Namibian population. This was recommended by the Human Rights Committee in 2004 (Spain);

A - 96.39. Close cooperation with civil society, NGOs and the media in order to prevent harassment and threats against journalists, media organizations, human rights defenders and NGOs in the future (Norway);

A - 96.40. Take steps to fully implement and enforce laws on violence against women and to ensure that victims were able to benefit from the existing legislative framework (South Africa);

A - 96.41. Prioritize the elimination of discrimination and violence against women (Norway);

A - 96.42. Apply fully the legislation geared towards combating discrimination and violence, particularly sexual, against women and young girls, particularly in terms of access of victims to justice and of training of magistrates, judges and police regarding this problem (France);

A - 96.43. Move forward quickly with a national action plan to combat genderbased violence, including human trafficking (United States of America);

A - 96.44. Implement standard procedures to identify victims and provide them with protection, conduct national anti-trafficking public awareness campaigns, and incorporate anti-human trafficking training into its police training curriculum (United States of America);

A - 96.45. Improve the living conditions and infrastructure of detention facilities in the country (Italy);

A - 96.46. For the purposes of fully protecting the human rights of all Namibians, secessionists be pursued and be brought to book (Zimbabwe);

A - 96.47. Undertake steps to guarantee that trials take place within a reasonable period of time, and that special measures be taken to address the backlog of criminal cases (Austria);

A - 96.48. Continue its efforts to ensure that trials take place within a reasonable period of time (Slovakia);

A - 96.49. Take immediate measures to address the capacity issues faced by security and justice sectors, including reducing the amount of time it takes for court cases to be heard (United Kingdom);

A - 96.50. Investigate the cases and assess the possibility of making improvements to the facilities in local prisons (Norway);

A - 96.51. Take measures to safeguard the human rights of prisoners, and to separate juvenile and adult prisoners (Sweden);

A - 96.52. The existing women's and children units in the country which are staffed with police officers be strengthened with sufficient human and logistical resources (Ghana);

A - 96.53. Conduct thorough and impartial investigation into all allegations of discrimination against women (Sweden);

A - 96.54. Investigate reports of forced or coerced sterilization in HIV-positive women and that it takes steps to ensure women are educated about the effects of sterilization and options available to them (United Kingdom);

A - 96.55. Take effective measures to encourage the registration of customary marriages and to grant the spouses and children of registered customary marriages the same rights as those married under civil law (Portugal);

A - 96.56. Take effective measures to safeguard freedom of expression for individuals and the media (Sweden);

A - 96.57. Continue its efforts to promote economic, social and cultural rights and initiate national policies to guarantee the rights of its people and create a conducive environment for socio-economic development (Nigeria);

A - 96.58. Strengthen measures to combat AIDS and if necessary seek the assistance of the World Health Organization (Morocco);

A - 96.59. Continue its efforts to combat HIV/AIDS (Pakistan);

A - 96.60. Issue clear directives to all health officials prohibiting the sterilization of women living with HIV/AIDS without their informed consent (Canada);

A - 96.61. Promote, in a comprehensive manner, sexual education, particularly of adolescents, with special attention to the prevention of early pregnancy and sexually transmitted diseases and HIV/AIDS (Mexico);

A - 96.62. Seek financial and technical assistance necessary to meet the challenges identified by the World Food Programme, namely the persistent food deficits, recurring drought and high malnutrition rates (Morocco);

A - 96.63. Expand micro-credit and financing schemes, with a view to expanding the formal economy in the country and gradually reducing the inequality in income distribution (Malaysia);

A - 96.64. Take effective measures to ensure that all women have access to adequate health facilities (Germany);

A - 96.65. Increase efforts to reduce poverty and stimulate development of the most marginalized groups, particularly indigenous communities, involving them in the decisions regarding their rights and interests (Mexico);

A - 96.66. Take all the necessary measures to ensure women have access to adequate health-care services, including sexual and reproductive health services (Slovenia);

A - 96.67. Ensure access to education, employment, health care and other basic services for the members of all ethnic communities, including the San and Himba communities (Slovenia);

A - 96.68. Continue its education policy, giving special emphasis to the education of young girls (Niger);

A - 96.69. Take all necessary measures to eradicate discrimination against indigenous peoples (France);

A - 96.70. Formulate a white paper in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and that recommendations from the Committee on the Elimination of Racial Discrimination, the International Labour Organization (ILO) and the African Commission's Working Group on Indigenous Populations/Communities are taken into consideration in this process (Norway);

A - 96.71. Consider requesting assistance from the international community to facilitate the implementation of its obligations in the protection and promotion of human rights (Uganda);

A - 96.72. Continue to seek international assistance to sustain its efforts aimed at the promotion and protection of human rights, in line with its national policies (Nigeria).

97. The following recommendations enjoy the support of Namibia which considers that they have already been implemented or are in the process of implementation:

A - 97.1. Review the law on equality of spouses in order to eliminate discrimination against women in customary marriages in relation to property rights, so that the rights recognized in customary marriages are the same as in civil marriages (Mexico);

A - 97.2. Explore the possibility of strengthening the institutional and operational capacity of the Office of the Ombudsman by allocating human and financial resources (Malaysia);

A - 97.3. Provide the Office of the Ombudsman with the necessary financial and human resources so that it can implement its action plan (Niger);

A - 97.4. Continue pursuing appropriate policies, such as the Action Programme to Eliminate Child Labour in Namibia 2008-2012, in particular with regard to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to address the phenomenon of child labour (Slovakia);

A - 97.5. Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women (South Africa);

A - 97.6. Continue to prioritize the education and health sectors in its development plans (Singapore);

A - 97.7. Develop a National Plan of Action on eliminating violence against women and strengthen efforts to fulfil its obligations under CEDAW (Australia);

A - 97.8. Consider undertaking measures that promote gender equality and the rights of women in the internal normative framework (Chile);

A - 97.9. Continue its efforts to prevent, punish and eradicate violence against boys and girls (Argentina);

A - 97.10. Allocate the resources necessary for the full implementation of the “Zero Tolerance Campaign against Gender Based Violence, Including Human Trafficking”, and ensure engagement at the highest political level in the campaign to highlight the unacceptability of violence against women and address the attitudes and stereotypes that perpetuate discriminatory practices that are harmful and violent toward women (Canada);

A - 97.11. Increase its efforts to combat violence against women and children (Germany);

A - 97.12. Consider continuing increasing allocation of more resources to the sectors of education, health and employment (Zimbabwe);

A - 97.13. Continue applying programmes and measures to improve the enjoyment of the right to education and the right to health, including addressing the HIV/AIDS pandemic (Cuba);

A - 97.14. Give top priority to reducing further the national prevalence rate [of HIV/AIDS], especially among pregnant women (Algeria);

A - 97.15. Maintain and further build upon its HIV/AIDS preventive, care and treatment programmes (Singapore);

A - 97.16. Adopt a systematic approach to prevent mother-to-child transmission of HIV (Turkey);

A - 97.17. Explore the feasibility of establishing a network of mobile clinics in order to reach out to the widely dispersed population (Malaysia);

A - 97.18. Continue towards providing safe drinking water in the inhabited areas (Sudan);

98. The following recommendations will be examined by Namibia which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:

P - 98.1. Consider ratifying all outstanding international instruments to which it is not yet party and endeavour to domesticate them in its national legislation (Nigeria);

P - 98.2. Become a party to the outstanding core international human rights treaties (Austria);

98.3. Ratify the following international instruments:

R - the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW),

A - the International Convention for the Protection of All Persons from Enforced Disappearances (CED), OP-CAT and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Ecuador);

A - 98.4. Sign and ratify OP-CAT (Sweden);

R - 98.5. Should ratify CMW (Zambia);

R - 98.6. Ratify CMW (Burkina Faso);

R - 98.7. Consider, in its spirit of commitment, the possibility of acceding to CMW (Algeria);

A - 98.8. Accede to OP-CAT, and incorporate this into domestic law (Australia);

A - 98.9. Sign and ratify OP-CAT (United Kingdom);

A - 98.10. Sign and ratify OP-CAT

P - and put in place an independent national mechanism for the inspection of places of deprivation of liberty (France);

A - 98.11. Consider becoming a party to OP-CAT (Uganda);

A - 98.12. Consider signing and ratifying OP-CAT (Mauritius);

A - 98.13. Sign and ratify CED, as it constitutes an important instrument for the prevention against torture (France);

A - 98.14. Sign and ratify OP-ICESCR as soon as possible, allowing individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights (Portugal);

A - 98.15. Sign and ratify OP-ICESCR, OP-CAT and CED (Spain);

A - 98.16. Become a party to OP-ICESCR, OP-CAT, CMW and CED (Argentina);

R - 98.17. Review the reservation to article 26 of the Refugee Convention to authorize the free movement and residence of persons with recognized refugee status and to also extend this to asylum seekers (Ecuador);

P - 98.18. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

P - 98.19. Sign and ratify the Conventions and Protocols to which it is not a party (Niger);

R - 98.20. Assess the possibility of extending an invitation to the United Nation special procedures, with thanks for the information provided regarding the invitation to the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (Chile);

R - 98.21. Should extend standing invitations to the special procedures mandate holders (Zambia);

R - 98.22. Extend an open and standing invitation to the special procedures of the Human Rights Council and be proactive when questionnaires are sent by mandate holders (Ecuador);

R - 98.23. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

A - 98.24. Amend the labour law to address the inconsistency with regard to the minimum age to work and the school age for compulsory education, as well as more vigorously enforce the labour laws related to child labour (United States of America);

A - 98.25. Review its legislation on communications and bring it in line with international standards (Sweden);

A - 98.26. Strengthen measures to end discrimination, exclusion and marginalization of indigenous groups and minorities, in particular the San people (Austria);

P - 98.27. Guarantee non-discrimination against persons belonging to minorities (Spain);

99. The following recommendations below did not enjoy the support of Namibia.

R - 99.1. Revoke the law which criminalizes consensual, non-commercial adult homosexual conduct, as it violates the rights to privacy, and the protection against discrimination (Portugal);

R - 99.2. Abrogate all laws prohibiting consensual sexual relations between adults of the same sex (France);

R - 99.3. Legislative measures be adopted to decriminalize consensual sexual relations between adults of the same sex including a provision on the prohibition of discrimination on the basis of sexual orientation or on gender identity (Spain);

Notes

1 The recommendation as read during the interactive dialogue: Continue its policy of promoting and protecting the rights of vulnerable persons by consolidating it by further measures to ensure the full exercise of the rights of all components of the Namibian society while respecting its traditions and identity (Morocco);

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