

**PRESENTATION TO UNITED NATIONS -UNIVERSAL PERIODIC REVIEW (UPR) PRE-SESSIONS ON NAMIBIA – 26<sup>TH</sup> MARCH 2021**

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This presentation by the Desk for Social Development of ELCRN (DfSD-ELCRN) is supported by a number of church and civil society organizations listed below and will focus on the **legal status of socio-economic and cultural rights, on poverty eradication and land reform.**

**1. Legal status of the Economic, Social and Cultural Rights in Namibia**

The fundamental rights and freedoms guaranteed in Chapter 3 of the Namibian Constitution is fully enforceable by the superior courts. Regrettably, most of the internationally recognized economic, socio, and cultural rights are not guaranteed in the Namibian Constitution as rights per se. These rights are instead relegated to mere policy aspirations in the form of unenforceable directive principles of state policy in terms of article 95 of the Namibian Constitution.

**Recommendations to Government of the Republic of Namibia**

- Strengthen the Constitution with an AMENDMENT to guarantee economic, social, and cultural rights as fully enforceable rights and broaden the mandate of the Ombudsman to include the protection of economic, social, and cultural rights.
- As recommended in the previous UPR, expedite the ratification of the “Optional Protocol to the International Covenant on Economic, Social and Cultural Rights”.
- Design and implement a training program to raise awareness on economic, social, and cultural rights among the general public, public officials, the judiciary and legal professionals in order to precipitate an attitude shift towards the enforceability of these rights.

**2. Poverty Eradication – addressing the evils of inequality, poverty and unemployment!**

Namibia is characterized by depressing levels of inequality, poverty, and unemployment. In respect of poverty, the 2019 Human Development Report Namibia shows that 38.0 percent of the Namibian population are multidimensionally poor while an additional 20.3 percent are classified as vulnerable to multidimensional poverty.

With a Gini coefficient of 0.57, Namibia is amongst the top three countries with the highest levels of income inequality in the world. Most of the population depend on paid wages, which are generally exceptionally low and according Namibia Human Development Report 2019, reveals that 86 percent of paid workers receive a monthly wage income of less than N\$1 353 (USD 90). The unemployment rate in the country varies between 28.5 percent (limited definition) and 51.4 percent (using the broad definition) and unemployment amongst young people aged 15 to 34 years stood at a staggering 46.1 percent in 2018.

The Namibia Inter-censal Demographic Survey Report shows that by 2016 about 40 per cent (39.7%) of urban households throughout the country reside in informal settlements where the living conditions are, generally, shocking, and intolerable amounting to an assault on human dignity.

The COVID-19 pandemic has forced many people into precarious economic situations with little hope to recover from this shock if current trends continue.

Namibian government has undertaken several steps to improve the social protection system, most notably through a substantial increase of its universal old-age pension. However, the delay in finalising the draft Social Protection Policy for five years has made the system exclusionary.

### **Recommendations to Government of the Republic of Namibia**

- Finalize, allocate resource and implement the Draft Social Protection Policy as a matter of urgency with the inputs and involvement of civil society and other stakeholders.
- Introduction of the basic income grant in the next financial year, which should at least include all children (universal children's grant) and all citizens earning less than N\$50 000, which is the income tax threshold.
- Design and implement a human right compliant and people centred housing strategy/action.

### **3. Land reform**

Namibia Statistics Agency in 2018 revealed that white Namibians and foreigners own 27 million hectares of the total of 39 million hectares i.e., 70.1% of freehold agricultural (commercial) land in the country. In October 2018, government with involvement of civil society organizations and other stakeholders convened the 2<sup>nd</sup> National Land Conference that adopted 60 resolutions after a critical review of land reform since independence. Almost three years later, progress has been very slow!

In 2019 the President appointed a Presidential Commission of Inquiry into the Claims of Ancestral Land Rights and Restitution as part of the outcomes of the 2<sup>nd</sup> National Land Conference. The Commission's report was released in January 2021.

### **Recommendations to Government of the Republic of Namibia**

- Allocate adequate budget and resources required for the urgently implementation of the Resolutions of the 2nd National Land Conference and the Recommendations of the Presidential Commission of Inquiry into Claims of Ancestral Land and Restitution.

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NB! Desk for Social Development of the Evangelical Lutheran Church in the Republic of Namibia (DfSD ELCRN) is currently one of the leading faith-based NGOs in the socio-economic justice sector with the main focus on poverty eradication, social protection as well as land and agrarian reform in Namibia. The state of human rights in Namibia is up for review during the 3rd UN UPR session. Namibia will be reviewed in May 2021. The Desk for Social Development of the Evangelical Lutheran Church in the Republic of Namibia (DfSD-ELCRN) prepared this submission with inputs from sister churches and civil society organizations with the view to highlight some of the pressing human rights issues for this process. The submission reports on the state of social protection, housing, land, indigenous people, the scourge of sexual and gender base violence, and public participation in the country. However, this presentation will be limited to Poverty Eradication and Land and Agrarian Reform and will conclude with a set of action-driven recommendations for each of these issues. Organizations associated with DfSD-ELCRN and supporting this presentation includes; Namibia National Farmers Union (NNFU); Council of Churches in Namibia (CCN); National Union of Namibian Workers (NUNW); National Youth Council (NYC); Namibia Housing Action Group (NHAG); Shack Dwellers Federation of Namibia (SDFN); //Naosan /Aes (Movement of Landless People); Trade Union Congress of Namibia (TUCNA); Namibia Rural Women's Assembly (NRWA); Namibia Development Trust (NDT) and the Legal Assistance Centre (LAC), ELCRN AIDS Program(ELCAP), Economic and Social Justice Trust and Women Solidarity!