

# Namibia

## Mid-term Implementation Assessment



Promoting and strengthening  
the Universal Periodic Review  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 17 March 2014

## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/namibia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

5 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

1 NGOs responded to our enquiry. 2 UN agencies responded. The State under Review provided a national mid-term report. The NHRI did not respond to our enquiry.

The following stakeholders took part in the report:

1. **State** of Namibia
2. **UN Agency:** (1) United Nations Children's Fund (UNICEF) (2) United Nations High Commissioner for Refugees (UNHCR)
3. **NGOs:** (1) NamRights (NR)

*IRI:* 27 recommendations are not implemented, 32 recommendations are partially implemented, and 40 recommendations are fully implemented. No answer was received for 24 out of 128 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



## 2. Index

---

Hereby the issues which the MIA deals with:

rec. n°	Rec. State	Issue	IRI	page
12	Algeria	Development,Poverty	fully impl.	page 8
86	Algeria	HIV - Aids,Women's rights	fully impl.	page 15
32	Angola	Women's rights	partially impl.	page 32
31	Argentina	Women's rights	partially impl.	page 31
81	Argentina	Rights of the Child	partially impl.	page 40
1	Australia	International instruments,Rights of the Child	fully impl.	page 20
79	Australia	International instruments,National plan of action,Women's rights	fully impl.	page 39
25	Austria	Minorities	fully impl.	page 18
33	Austria	Women's rights	partially impl.	page 34
47	Austria	Justice	partially impl.	page 27
92	Austria	International instruments	not impl.	page 23
4	Azerbaijan	Trafficking	partially impl.	page 25
19	Azerbaijan	Technical assistance	-	page 42
30	Azerbaijan	Women's rights	fully impl.	page 32
9	Botswana	Labour,Rights of the Child	fully impl.	page 30
20	Burkina Faso	Technical assistance,Treaty bodies	-	page 21
16	Canada	Women's rights	not impl.	page 32
34	Canada	Right to land,Women's rights	partially impl.	page 33
60	Canada	HIV - Aids,Torture and other CID treatment,Women's rights	not impl.	page 36
82	Canada	Women's rights	partially impl.	page 40
80	Chile	Women's rights	fully impl.	page 31
112	Chile	Right to water,Special procedures	partially impl.	page 24
21	China	Development	fully impl.	page 8
11	Cuba	Development	fully impl.	page 8
85	Cuba	Development,HIV - Aids,Right to health	fully impl.	page 14
109	Ecuador	Asylum-seekers - refugees,International instruments	not impl.	page 23
114	Ecuador	Special procedures	not impl.	page 24
6	France	Rights of the Child	not impl.	page 30
42	France	Human rights education and training,Justice,Women's rights	partially impl.	page 26
69	France	Indigenous peoples	partially impl.	page 16
102	France	Detention conditions	not impl.	page 28
121	France	Sexual Orientation and Gender Identity	not impl.	page 29
37	Germany	Other	not impl.	page 18
64	Germany	Right to health,Women's rights	partially impl.	page 37
83	Germany	Rights of the Child,Women's rights	fully impl.	page 41
52	Ghana	Rights of the Child,Women's rights	not impl.	page 35
13	Italy	Rights of the Child,Treaty bodies,Women's rights	fully impl.	page 20



rec. n°	Rec. State	Issue	IRI	page
45	Italy	Development	partially impl.	page 27
115	Latvia	Special procedures	not impl.	page 24
15	Lesotho	Women's rights	partially impl.	page 31
10	Malaysia	Labour,Rights of the Child	fully impl.	page 30
63	Malaysia	Development	not impl.	page 11
74	Malaysia	NHRI	fully impl.	page 43
89	Malaysia	Right to health	fully impl.	page 15
61	Mexico	HIV - Aids	partially impl.	page 10
65	Mexico	Indigenous peoples,Poverty	fully impl.	page 19
73	Mexico	Women's rights	not impl.	page 37
14	Morocco	Indigenous peoples	fully impl.	page 16
29	Morocco	Women's rights	partially impl.	page 33
58	Morocco	HIV - Aids	fully impl.	page 9
62	Morocco	Right to food,Technical assistance	fully impl.	page 42
123	Namibia	Other	-	page 44
124	Namibia	UPR process	not impl.	page 24
125	Namibia	General	-	page 44
126	Namibia	UPR process	not impl.	page 24
128	Namibia	Special procedures,UPR process	fully impl.	page 44
24	Nicaragua	Racial discrimination	fully impl.	page 18
17	Niger	Justice	fully impl.	page 26
68	Niger	Right to education,Rights of the Child,Women's rights	fully impl.	page 11
75	Niger	NHRI	partially impl.	page 43
57	Nigeria	ESC rights - general	fully impl.	page 9
72	Nigeria	Technical assistance	fully impl.	page 43
91	Nigeria	International instruments	partially impl.	page 23
18	Norway	Civil society,UPR process	partially impl.	page 21
39	Norway	Civil society,Freedom of the press,Human rights defenders	fully impl.	page 7
41	Norway	Women's rights	partially impl.	page 34
50	Norway	Detention conditions	partially impl.	page 27
70	Norway	Indigenous peoples,International instruments,Treaty bodies	not impl.	page 16
59	Pakistan	HIV - Aids	fully impl.	page 10
23	Palestine	Racial discrimination	partially impl.	page 17
55	Portugal	Rights of the Child,Women's rights	not impl.	page 37
120	Portugal	Sexual Orientation and Gender Identity	not impl.	page 29
78	Singapore	Right to education,Right to health	fully impl.	page 12
87	Singapore	HIV - Aids	fully impl.	page 15
2	Slovakia	Torture and other CID treatment	not impl.	page 25
48	Slovakia	Justice	fully impl.	page 27
76	Slovakia	International instruments,Labour,Rights of the Child	partially impl.	page 22
110	Slovakia	International instruments	not impl.	page 23
3	Slovenia	Labour,Rights of the Child,Trafficking	not impl.	page 29



rec. n°	Rec. State	Issue	IRI	page
66	Slovenia	Women's rights	partially impl.	page 37
67	Slovenia	Minorities	fully impl.	page 19
40	South Africa	Women's rights	partially impl.	page 31
77	South Africa	Women's rights	partially impl.	page 39
7	Spain	Disabilities, International instruments	partially impl.	page 20
35	Spain	ESC rights - general, Poverty	partially impl.	page 8
36	Spain	Women's rights	partially impl.	page 31
38	Spain	Minorities, Treaty bodies	not impl.	page 18
122	Spain	Sexual Orientation and Gender Identity	not impl.	page 29
22	Sudan	Human rights education and training, Racial discrimination	partially impl.	page 17
90	Sudan	Right to water	-	page 15
26	Sweden	International instruments, Women's rights	fully impl.	page 22
27	Sweden	Women's rights	not impl.	page 32
51	Sweden	Detention conditions, Rights of the Child	partially impl.	page 28
53	Sweden	Women's rights	not impl.	page 35
28	Turkey	Women's rights	fully impl.	page 32
88	Turkey	HIV - Aids	fully impl.	page 15
71	Uganda	Technical assistance	fully impl.	page 42
49	United Kingdom	Justice	not impl.	page 27
54	United Kingdom	HIV - Aids, Women's rights	fully impl.	page 36
5	United States	Trafficking	partially impl.	page 25
43	United States	National plan of action, Trafficking, Women's rights	fully impl.	page 34
113	Zambia	Special procedures	not impl.	page 24
46	Zimbabwe	General	fully impl.	page 42
84	Zimbabwe	Development, Right to education, Right to health	fully impl.	page 14



### 3. Feedbacks on recommendations

## CP Rights

Recommendation n°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 (Recommended by Norway)*

IRI: *fully implemented*

#### State of Namibia response:

Freedom of speech, expression and freedom of the press and other media is guaranteed under Article 21 of the Namibian Constitution and this freedom is respected by the Government. No journalist has been killed or arrested in the scope of his/her work since independence. According to Reporters Without Borders, World Press Freedom Index rankings for 2010 and 2011, Namibia tops Africa on press freedom. In 2008 Namibia was ranked 24th out of 173 countries in the world.

A media ombudsman exists in Namibia, meaning that the conduct of journalists is self-regulated to ensure that journalists remain accountable to their code of ethics.

In 2011, the President lifted the ban which Government had imposed on The Namibian, a daily English newspaper, which also includes content in local languages. The ban prohibited Governments Offices, Ministries and Agencies from putting advertisements in the newspaper as well as purchasing the newspaper.

Civil Society Organizations (CSOs) and NGO's have been operating in Namibia since Independence; many in close partnership with the Government. These organisations are very active on economic and social issues, including human rights and the Government welcomes their contribution to the socio-economic development of the country.

The Government has been in a process of seeing how to strengthen collaboration with civil society and NGOs, and in the last quarter of 2005, the Cabinet adopted a partnership policy between the Government and CSOs/NGO, so as to promote active civic participation to contribute to the socio-economic development of the nation. The policy document states that the realization of this objective requires: an improved environment for partnership; closing the gap between the Government and the people; strengthening civil capacity; and collective responses to existing development challenges and opportunities. This partnership formalizes the roles and functions of the civil society sector in the national governance and development processes.

Local NGOs are self- regulated without any undue influence from the Government.



## ESC Rights

Recommendation n°11: *Continue applying strategies and socio-economic development plans in the country* (Recommended by Cuba)

IRI: *fully implemented*

State of Namibia response:

The Government's number one priority is the socio-economic development of its people. In 2012, the Government launched its 4th National Development Plan (NDP4) for 2013-2017. NDP4 identified the following key goals and targets for the country for the next 5 years:

- High and sustained Economic Growth (Average growth of 6% per year)
- Job Creation ( 90 000 jobs to be created)
- Reduction of income inequality (Target: Gini Coefficient to be 0.3)

UNICEF response:

Namibia has launched Fourth National Development Plan 2012/13-2016/17 and National Planning Commission is actively coordinating and monitoring its implementation

Recommendation n°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* (Recommended by Algeria)

IRI: *fully implemented*

+

Recommendation n°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* (Recommended by China)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 11]

UNICEF response:

Reduction of extreme poverty one key outcome of Fourth National Development Plan 2012/13-2016/17, planned expansion of child grants will make decisive impact on reduction of (child) poverty and income inequality

Recommendation n°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* (Recommended by Spain)

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n° 11]

UNICEF response:

Reduction of extreme poverty one key outcome of the Fourth National Development Plan 2012/13-2016/17, planned expansion of child grants will make decisive impact on reduction of (child) poverty and income inequality; birth registration and health services (Health Extension Workers) increasingly reaching out to remote and marginalised populations; abolishment of school development fund in primary education significantly reduced barriers to access to education for poor and vulnerable children

*Recommendation n°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 (Recommended by Nigeria)*

*IRI: fully implemented*

State of Namibia response:

[See response to recommendation n° 11]

UNICEF response:

Reduction of extreme poverty one key outcome of the Fourth National Development Plan 2012/13-2016/17, planned expansion of child grants will make decisive impact on reduction of (child) poverty and income inequality; birth registration and health services increasingly reaching out to remote and marginalised populations; abolishment of school development fund in primary education significantly reduced barriers to education for poor and vulnerable children; implementation of national policies protecting vulnerable populations remains slow (e.g. on inclusive education, on learner pregnancies)

*Recommendation n°58: Strengthen measures to combat AIDS and if necessary seek the assistance of the World Health Organization (Recommended by Morocco)*

*IRI: fully implemented*

State of Namibia response:

In 30 July 2012, the High Court ruled in favour of the three women who sued the Government for the alleged forced sterilization in State-run hospitals. It should be noted however that the High Court held that those three women were not sterilized because of their HIV status.

In August 2012, following numerous complaints about the poor health service delivery in the country, and in line with the Government's commitment to protect the right to the highest attainable standard of health, the President established a Commission of Inquiry to investigate the operations and the conditions of health facilities in the country. The report of the Commission was delivered to the President during the first quarter of 2013 and has since been made public. Some of the findings include the inadequate number of health professionals such as doctors, nurses as well as other health professionals. The Commission also identified a shortage in medical specialists such as surgeons, obstetricians, anaesthetics, physicians and paediatricians, which were found to be the main contributing factor to poor quality patient care. The recommendations contained in the report are receiving the Government's attention.



The Ministry of Health and Social Services continues to prioritize programmes targeting HIV and AIDS in order to decrease the prevalence rate, which is currently at about 18%. The Fourth National Development Plan's (NDP4 2013-2017) goal in the health sector is to increase access to quality health systems, in terms of prevention, cure and rehabilitation, characterized by an increase in the healthy adjusted life expectancy. The Ministry of Health and Social Services which receives the fourth largest allocation in the Government budget will work with all relevant partners to ensure that this goal is met.

The Government established a National Strategic Framework for HIV and AIDS Response in Namibia 2010/11 – 2015/16, where community participation and involvement in scaling up the national response is being encouraged. The Government strategy relies on strengthening the capacity and management of HIV response at community level.

UNICEF response:

Substantive progress made in prevention of mother to child transmission of HIV and in access to ART; adherence to treatment and stigmatisation of PLWH remain challenges; more focus needed on prevention and young people living with HIV; WHO is active partner with other UN Agencies, GFATM and PEPFAR.

Recommendation n°59: *Continue its efforts to combat HIV/AIDS* (Recommended by Pakistan)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 58]

UNICEF response:

Substantive progress made in prevention of mother to child transmission of HIV and in access to ART; adherence to treatment and stigmatisation of PLWH remain challenges; more focus needed on prevention and young people living with HIV; Mid Term Review of National Strategic framework on HIV and AIDS in 2013 re-focussed on high impact interventions.

Recommendation n°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* (Recommended by Mexico)

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n° 58]

UNICEF response:

Lifeskills programmes incorporated in national curriculum and extracurricular activities; pilot underway to introduce HIV counselling and testing of young people in and out of school using ICT. UNICEF, WHO, UNFPA and UNAIDS all active partners.



Recommendation n°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 (Recommended by Malaysia)*

IRI: *not implemented*

State of Namibia response:

The Ministry of Trade and Industry is responsible for the articulation of policies and enactment of laws to regulate trade and commercial activities in the country. One of the Ministry's primary roles is to facilitate amongst others, diversification of the economy through accelerated growth of the country's industrial sector which includes SME development and facilitation of access to finance.

Recommendation n°68: *Continue its education policy, giving special emphasis to the education of young girls (Recommended by Niger)*

IRI: *fully implemented*

State of Namibia response:

Since Independence, the Government has invested significantly in the education sector. Although the Ministry of Education is responsible for the education sector in Namibia, various other Government Ministries, Offices and Agencies have specialized mandates for their relevant target groups vis à vis education. For example, the Ministry of Gender Equality and Child Welfare has special programmes for early childhood development which have an educational component. The San Development Programme under the auspices of the Office of the Prime Minister also has targeted initiatives for the education of marginalized communities in the country. Namibia continues to work closely with its donor partners to increase the capacity of educational institutions, including having enough skilled teachers, to meet the demands for the development of the nation. As of 1 January 2013, the Government abolished School Development Fees to ensure equality for all children, including the poor and those living in rural areas, in line with the Constitutional provision for free primary education.

The Government works closely with the Forum for Africa Women Education in Namibia (FAWENA) in addressing the educational challenges facing the girl child.

In 2012, gender parity was largely achieved at both primary and secondary levels, with equal enrolment ratios in primary schools, and more girls than boys enrolled in secondary schools.

The "Education for All" Policy addresses issues related to access to education, and that schools (primary and secondary) should be built within 5kms walking distance. Also access to education has been greatly improved by the adoption and implementation of the Education Sector Policy for the Prevention and Management of Learner Pregnancy. Among others, one of the goals of this new policy is to promote the continued education of pregnant learners and to ensure the equal treatment of the female and male learners.

The Government adopted a national health policy for the period 2010/2020. Most of the primary health care policies of the World Health Organization have been incorporated into that policy.



In an effort to combat HIV/AIDS, the Government launched a Strategic Plan Programme in 1999, and in 2009 the Government launched the National HIV/AIDS Policy that calls on all stakeholders to contribute to the fight against HIV/AIDS and Prevention. A considerably high budget is allocated to fight HIV/AIDS and Prevention.

The Government also launched the Third Medium Term Plan (MTP3). The MTP3's national goal is to reduce the incidence of HIV/AIDS below the epidemic threshold of one percent. The Ministry of Health and Social Services has made great strides in the five components of dealing with HIV/AIDS, namely, Enabling Environment, Prevention; Access to treatment; Care and Support Services; Impact mitigation; and Integrated and Coordinated Programme Management. These achievements included among others, launching of the National HIV/AIDS Policy and the hosting of the first National HIV/AIDS Male Leaders Conference aimed at empowering them to mainstream HIV/AIDS response to all sectors in the country. Male circumcision is also being encouraged by Government as one effort to reduce HIV/AIDS.

The results from the biennial Sentinel Survey show that the incidence of HIV/AIDS raised from 19.3% in 2000 to 22.0% in 2002, and stabilised thereafter at 19.7% in 2004 and 19.6% in 2006 to 16.8% in 2010. Through strong political leadership and with increased donor support, the Government has been successful in rolling out anti-retroviral treatment since 2004 at all Government hospitals free of charge. ARV services increased from 43 health facilities in 2006/2007 to 57 health facilities in 2007/2008. Approximately 131 158 of infected people need ARV treatment in the country, and 75 681 people were on ARV treatment as at March 2010 which increased to 110 053 people during the 2012/13 financial year. The number of eligible clients on ARV had increased from 29,767 in 2007 to 47 963 in 2008, exceeding the MTP3target of 33 591 by 2007.

During the 2007/8 financial year, 99,365 clients compared to 31 050 in 2005/2006 received voluntary counseling and testing (VCT) at 250 out of 338 public health facilities as well as 17 stand-alone community VCT centers.

UNICEF response:

2013 abolishment of School Development Fund in primary education increased school enrolment; girls have higher enrolment rates and better performance than boys.

**Recommendation n°78: *Continue to prioritize the education and health sectors in its development plans (Recommended by Singapore)***

*IRI: fully implemented*

State of Namibia response:

Since Independence, the Government has invested significantly in the education sector. Although the Ministry of Education is responsible for the education sector in Namibia, various other Government Ministries, Offices and Agencies have specialized mandates for their relevant target groups vis à vis education. For example, the Ministry of Gender Equality and Child Welfare has special programmes



for early childhood development which have an educational component. The San Development Programme under the auspices of the Office of the Prime Minister also has targeted initiatives for the education of marginalized communities in the country.

Namibia continues to work closely with its donor partners to increase the capacity of educational institutions, including having enough skilled teachers, to meet the demands for the development of the nation. As of 1 January 2013, the Government abolished School Development Fees to ensure equality for all children, including the poor and those living in rural areas, in line with the Constitutional provision for free primary education.

The Government works closely with the Forum for Africa Women Education in Namibia (FAWENA) in addressing the educational challenges facing the girl child.

In 2012, gender parity was largely achieved at both primary and secondary levels, with equal enrolment ratios in primary schools, and more girls than boys enrolled in secondary schools.

The “Education for All” Policy addresses issues related to access to education, and that schools (primary and secondary) should be built within 5kms walking distance. Also access to education has been greatly improved by the adoption and implementation of the Education Sector Policy for the Prevention and Management of Learner Pregnancy. Among others, one of the goals of this new policy is to promote the continued education of pregnant learners and to ensure the equal treatment of the female and male learners.

The Government adopted a national health policy for the period 2010/2020. Most of the primary health care policies of the World Health Organization have been incorporated into that policy.

In an effort to combat HIV/AIDS, the Government launched a Strategic Plan Programme in 1999, and in 2009 the Government launched the National HIV/AIDS Policy that calls on all stakeholders to contribute to the fight against HIV/AIDS and Prevention. A considerably high budget is allocated to fight HIV/AIDS and Prevention.

The Government also launched the Third Medium Term Plan (MTP3). The MTP3’s national goal is to reduce the incidence of HIV/AIDS below the epidemic threshold of one percent. The Ministry of Health and Social Services has made great strides in the five components of dealing with HIV/AIDS, namely, Enabling Environment, Prevention; Access to treatment; Care and Support Services; Impact mitigation; and Integrated and Coordinated Programme Management. These achievements included among others, launching of the National HIV/AIDS Policy and the hosting of the first National HIV/AIDS Male Leaders Conference aimed at empowering them to mainstream HIV/AIDS response to all sectors in the country. Male circumcision is also being encouraged by Government as one effort to reduce HIV/AIDS.



The results from the biennial Sentinel Survey show that the incidence of HIV/AIDS raised from 19.3% in 2000 to 22.0% in 2002, and stabilised thereafter at 19.7% in 2004 and 19.6% in 2006 to 16.8% in 2010. Through strong political leadership and with increased donor support, the Government has been successful in rolling out anti-retroviral treatment since 2004 at all Government hospitals free of charge. ARV services increased from 43 health facilities in 2006/2007 to 57 health facilities in 2007/2008. Approximately 131 158 of infected people need ARV treatment in the country, and 75 681 people were on ARV treatment as at March 2010 which increased to 110 053 people during the 2012/13 financial year. The number of eligible clients on ARV had increased from 29,767 in 2007 to 47 963 in 2008, exceeding the MTP3 target of 33 591 by 2007.

During the 2007/8 financial year, 99,365 clients compared to 31 050 in 2005/2006 received voluntary counseling and testing (VCT) at 250 out of 338 public health facilities as well as 17 stand-alone community VCT centers.

UNICEF response:

Health and education outcomes clearly prioritized in Fourth National Development Plan 2012/13-2016/17.

*Recommendation n°84: Consider continuing increasing allocation of more resources to the sectors of education, health and employment (Recommended by Zimbabwe)*

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 78]

UNICEF response:

Education sector continues to receive about a quarter of national budget, allocations to health sector have remained mostly stable with slight decrease, increased investments in employment with TIPEEG programme to create short-term employment and stimulate economy

*Recommendation n°85: 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 (Recommended by Cuba)*

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 78]

UNICEF response:

Health services (Health Extension Workers) increasingly reaching out to remote and marginalised populations; abolishment of school development fund in primary education enables access to education for poor and vulnerable children; quality of health care and education remain of concern; good progress made in PMTCT and ART coverage



Recommendation n°86: *Give top priority to reducing further the national prevalence rate [of HIV/AIDS], especially among pregnant women* (Recommended by Algeria)

IRI: *fully implemented*

+

Recommendation n°88: *Adopt a systematic approach to prevent mother-to-child transmission of HIV* (Recommended by Turkey)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 78]

UNICEF response:

Namibia has made great progress in PMTCT, aiming to eliminate the mother to child transmission of HIV by 2015.

Recommendation n°87: *Maintain and further build upon its HIV/AIDS preventive, care and treatment programmes* (Recommended by Singapore)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 78]

UNICEF response:

Substantive progress made in prevention of mother to child transmission of HIV and in access to ART; adherence to treatment and stigmatisation of PLWH remain challenges; more focus needed on prevention and young people living with HIV;

Recommendation n°89: *Explore the feasibility of establishing a network of mobile clinics in order to reach out to the widely dispersed population* (Recommended by Malaysia)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n° 78]

UNICEF response:

GRN has piloted and is currently rolling out Health Extension Worker system in remote communities

Recommendation n°90: *Continue towards providing safe drinking water in the inhabited areas* (Recommended by Sudan)

IRI: -

UNICEF response:

2013/14 drought has created challenges in access to safe drinking water in some regions, leading to cholera outbreak in early 2014

## Minorities

Recommendation n°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* (Recommended by Morocco)

IRI: *fully implemented*

+

Recommendation n°69: *Take all necessary measures to eradicate discrimination against indigenous peoples* (Recommended by France)

IRI: *partially implemented*

+

Recommendation n°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* (Recommended by Norway)

IRI: *not implemented*

### State of Namibia response:

Namibia is signatory to the United Nations Declaration on the Rights of Indigenous Peoples of 2007.

The Namibian Government through the Office of the Prime Minister established the San Development Programme in 2005. The Programme is run by the Special Projects Division in the Office of the Prime Minister which is mandated by Cabinet to ensure that the formerly marginalized ethnic minorities in Namibia are fully integrated in the mainstream economy. The Programme focuses on resettlement, sustainable livelihood support programmes, education, land and income-generating initiatives for formerly marginalized communities.

The Government, through the Ministry of Lands and Resettlement acquired land both in communal (five projects) and commercial areas (four projects) where some San communities have been resettled. Four of the nine projects, translate into about 18,600 ha of land acquired in the commercial area with 358 families being resettled. Three of the five projects are farms in communal areas with a size of 18,333 ha, which are allocated to 281 San families, while the remaining farms were allocated to 313 families.

The San Development Programme has been expanded to include other ethnic minorities such as the Ovaherero and Nama. The Government set up an Inter-Sectoral Task Force to formulate policy guidelines for educationally marginalized children (EMC), to coordinate the activities of Ministries, NGOs, and other stakeholders regarding EMC, in order to promote access to education for formerly marginalized communities. A policy document entitled “National options for educationally marginalized children” was formulated and adopted by Government in



1998. EMC include children from the San community, the Ovatjimba community and children in various urban centers. Reasons for the lack of access to school for these children are: poverty within the families; negative societal attitudes; and high illiteracy rates of parents resulting in them not valuing education.

In order to ensure that the Ovatjimba children get access to education, the Ministry of Education introduced mobile school units. Co-operation between the Ministry of Education and the Namibia Association of Norway made it possible to start the mobile school units for the Ovatjimba community in the Kunene Region. This intervention is aimed at providing access to education to the Ovatjimba children without uprooting their traditional way of nomadic life.

A National Conference on Education was held from 27 June – 1 July 2011 to discuss the many challenges in the education sector under the theme “Collective Delivery of the Education Promise; Improving the Education and training System for Quality learning Outcomes and Quality of Life”. The Conference aimed to provide a platform for the public and key stakeholders to scrutinize the current state of the education and training system in Namibia and develop strategies to address it. All recommendations made at the Conference were subsequently approved by Cabinet. Cabinet, *inter alia* gave a directive that free primary education must prevail in accordance with the provision of the Namibian Constitution. As from January 2013, free primary education, including for children belonging to ethnic minorities, will be rolled out in phases which will be completed in 3 years.

In June 2012, the National Agenda for Children (2012-2016) was launched by the Prime Minister. This five year framework will aim to ensure that all children, including children belonging to ethnic minorities, are healthy and well-nourished; that they have equitable access to quality integrated early childhood development services; as well as an improved standard of living, legal identity and protection from negligence, violence, abuse and exploitation.

Namibia remains committed to raising the standard of living of all ethnic minorities and as such invited the United Nations Special Rapporteur on the Rights of Indigenous Peoples to carry out a country visit to Namibia which was successfully completed on 28 September 2012. Namibia looks forward to working closely with the UN Special Rapporteur in order to address the challenges facing ethnic minorities in Namibia.

Recommendation n<sup>o</sup>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* (Recommended by Sudan)

IRI: *partially implemented*

+

Recommendation n<sup>o</sup>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* (Recommended by Palestine)

IRI: *partially implemented*



+

Recommendation n°24: *Continue investing in the breaking down of a culture of inequality, which was inherited from apartheid, from a human rights angle (Recommended by Nicaragua)*

IRI: *fully implemented*

State of Namibia response:

At the dawn of Independence Namibia adopted a progressive stance against racism which among other things calls for the policy of national reconciliation to eliminate all the vestiges from the colonial, racist and apartheid era. There have been no acts of retribution against those citizens who may have perpetrated acts of racism against other racial groups.

Article 10 of the Namibian Constitution makes provision for equality and freedom from discrimination and states that: “All persons shall be equal before the law. No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”

Relevant pieces of legislation aimed at prohibiting racism and redressing the effect of past discriminatory policies and practices have been passed to give effect to the provisions in the Constitution, including the Prohibition of Racial Discrimination Act No 26 of 1991 as amended, and the Affirmative Action (Employment) Act No 29 of 1998. The Prohibition of Racial Discrimination Act criminalizes racism in Namibia while the Affirmative Action (Employment) Act derogates from the prohibition of discrimination by allowing for measures to be taken to redress past imbalances.

Namibia is committed to strengthening implementation of the above-mentioned and other relevant legislations by all organs of the State, in line with its international treaty obligations. The Government is in the process of finalizing its 13th and 15th Combined Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Recommendation n°25: *Ensure that persons who only speak non-official languages used widely by the population are not denied access to public services (Recommended by Austria)*

IRI: *fully implemented*

+

Recommendation n°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 (Recommended by Spain)*

IRI: *not implemented*

+

Recommendation n°37: *Take effective measures to enhance the access to public services concerning persons who do not speak the official language (Recommended by Germany)*

IRI: *not implemented*



State of Namibia response:

Article 3 (1) of the Namibian Constitution states that: Namibia's official language shall be English. Literacy programmes in English and other languages are on-going across the country, in order to raise the level of literacy in the country. English is taught in schools, and local languages are also taught in primary education across the country.

It is worth noting that Namibia's literacy rate is over 80%. Namibia is also known for having one of the best practises in southern Africa as far as the integration of ethnic languages in school curriculum is concerned.

Furthermore, Article 3(2) of the Namibian Constitution allows for the use of other languages, other than English, for legislative, administrative and judicial purposes in regions or areas where such other language or languages are spoken by a substantial component of the population. People who do not speak the official language are therefore not denied the use of their mother tongue in administration of justice, education and other public services.

Articles 11(2) and 24 (2) (a) of the Namibian Constitution protect the right of a detainee to be addressed in a language which he or she understands. In the justice system, interpreters are provided to ensure that persons who are part of the proceedings, be it the accused persons or litigants are able to participate and follow the proceedings.

Recommendation n°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* (Recommended by Mexico)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n°14]

UNICEF response:

Barriers to health care, education, birth registration have been reduced, incl. for marginalised communities, economic and community development remain constrained, esp. against background of drought in 2013/14. Special Rapporteur on Indigenous Peoples visited in 2012 and report disseminated in 2014.

Recommendation n°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* (Recommended by Slovenia)

IRI: *fully implemented*

State of Namibia response:

[See response to recommendation n°14]



## International Instruments

Recommendation n°1: *Strengthen efforts to fulfil obligations under the Convention on the Rights of the Child (Recommended by Australia)*

IRI: *fully implemented*

State of Namibia response:

The Ministry of Gender Equality and Child Welfare's mandate is dedicated to the protection and welfare of children in Namibia and is responsible for all the country's obligations under the CRC. The Ministry has extensive programs ranging from early childhood development to foster care programs.

UNICEF response:

Namibia reported to CRC Committee in 2012; Child Care and Protection Bill expected to be enacted in 2014 which will domesticate provisions in CRC

Recommendation n°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 (Recommended by Spain)*

IRI: *partially implemented*

State of Namibia response:

The Namibian Constitution guarantees the fundamental human rights and freedoms of all its citizens, including people with disabilities. Prior to the entry into force of the UN Convention on the Rights of Persons with Disabilities in 2007, Namibia had already adopted the National Policy on Disability in 1997, and enacted a legislation the National Disability Council Act of 2004 which makes provision for disabled persons to participate in the mainstream economy and society through the provision of adequate services. Namibia is one of a few countries in Africa to have social protection programmes for disabled people. The 2008 National Policy on Inclusive Education makes explicit reference to Article 24 of the Convention which urges signatory States to adopt the principles of inclusive education.

UNICEF response:

Initial State Report to the CRPD currently being drafted

Recommendation n°13: *Further promote women's and children's rights taking into consideration the views of relevant treaty bodies of the United Nations system (Recommended by Italy)*

IRI: *fully implemented*

State of Namibia response:

Namibia has ratified the major international instruments relating to the promotion and protection of women and children's rights. Namibia is a State Party to the Convention on the Elimination of Discrimination Against Women. Namibia also ratified the CRC and its two protocols immediately after Independence. The Ministry of Gender Equality and Child Welfare is overseeing the implementation of all the country's obligations towards these treaties. Namibia submitted its 2nd and 3rd combined reports to the CRC in 2010 and appeared before the Committee on the Rights of the



Child in September 2012. Namibia welcomed the Committee's concluding observations and recommendations and is currently reviewing them.

The Government is considering two new pieces of legislation namely, the Child Care and Protection Bill, and the Child Justice Bill.

The Children's Act No 33 of 1960 is currently under review to address the current needs including issues of inter-country adoption.

The Office of the Ombudsman which is established by a constitutional provision can be approached by any aggrieved individual, male or female to investigate any case of discrimination against them.

The Anti-Corruption Commission, which is a statutory body, can also be approached to carry out any investigations on any alleged discriminatory practice against women by the Government or private institutions.

UNICEF response:

Child Care and Protection Bill expected to be enacted in 2014 which will domesticate provisions in CRC, National Agenda for Children (2012-2016) furthering children's rights, dissemination of user-friendly version of CRC concluding observations planned for 2014

*Recommendation n°18: A participatory and inclusive process with civil society in the implementation of UPR recommendations (Recommended by Norway)*

*IRI: partially implemented*

State of Namibia response:

The Government established an Inter-ministerial committee on human rights and humanitarian law which comprises of relevant Government Ministries, agencies as well as members of the civil society. This committee is tasked among other things to compile and submit national reports to treaty bodies on implementation of international and regional human rights instruments to which Namibia is a party as well as the Universal Periodic Review (UPR).

*Recommendation n°20: Request technical assistance from OHCHR regarding the preparation of reports which need to be submitted to treaty bodies (Recommended by Burkina Faso)*

IRI: -

State of Namibia response:

The Government is committed to seeking technical assistance from relevant regional and intergovernmental and non-governmental agencies in order to augment shortcomings in the capacity of its technical staff in addressing the implementation of human rights obligations especially with regard to reporting obligations to relevant treaty bodies.

Namibia welcomes these recommendations and appreciates the assistance already received from its international partners in implementing UPR recommendations. The



Namibian Government will continue to work closely with the international community in strengthening human rights both nationally and abroad.

*Recommendation n°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) (Recommended by Sweden)*

IRI: *fully implemented*

State of Namibia response:

[...]

Namibia submitted its 4th and 5th Periodic report to the CEDAW Committee on 23 July 2013. The Report highlights the challenges as well as the commitment of the Namibian Government to protect the rights of women and girls.

In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).

UNICEF response:

National Gender Policy and National Gender plan of action 2010-2020 is in place to ensure compliance with the international obligations under the CEDAW. In August 2008, Namibia became party to SADC protocol on Gender and Development.

*Recommendation n°76: 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 (Recommended by Slovakia)*

IRI: *partially implemented*

State of Namibia response:

Steady progress has been made in the Government's quest to combat and eliminate child labour as per the Action Programme. The Ministry of Labour and Social Welfare produced a report on the Technical Co-operation Programme on elimination of child labour in the country.

Furthermore, an Action Plan was developed during 2011 for the five Government line ministries to co-operate to eliminate child labour. These include Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Gender Equality and Child Welfare and the Ministry of Safety and Security.

The Directorate responsible for labour inspection in the Ministry of Labour and Social Welfare conducts periodic inspections to identify cases of child labour. During these sessions compliance orders are issued and cases are filed with the Ministry of Labour and Social Welfare. Arrests are made of those who do not adhere to compliance orders.

UNICEF response:



The Namibian Constitution protects children under the age of 16 years from economic exploitation, and prohibits hazardous work and any work that interferes with education. The Labour Act no 11 of 2007 also regulates child labour and makes provision for in the investigation and prosecution of child labour. The current Child Care and Protection Bill provide further protection for children in labour situation.

Recommendation n°91: *Consider ratifying all outstanding international instruments to which it is not yet party and endeavour to domesticate them in its national legislation (Recommended by Nigeria)*

IRI: *partially implemented*

+

Recommendation n°92: *Become a party to the outstanding core international human rights treaties (Recommended by Austria)*

IRI: *not implemented*

State of Namibia response:

It should be noted that Namibia follows what is known as a monist approach to the reception of international instruments and rules of international law in its domestic legal system. Article 144 of the Namibian Constitution provides that the general rules of public international law and international agreements binding upon Namibia shall form part of the law of Namibia. Thus the Namibian Constitution explicitly incorporates international law and makes it part of the law of Namibia. In light of the above, the Government undertakes a thorough study of the international instruments to ensure that national laws are harmonized to meet the requirements of the international instruments before they are signed, ratified and/or acceded to. This approach shall be used for the consideration of all international instruments which Namibia has not yet ratified.

UNICEF response:

Cabinet has approved the ratification of the Hague Convention on Intercountry adoption. Process of ratification started in 2013.

Recommendation n°109: *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 (Recommended by Ecuador)*

IRI: *not implemented*

UNHCR response:

Namibia did not review the reservation to Article 26. Namibia is strongly encouraged to review the reservation to Article 26 of the Refugee Convention.

Recommendation n°110: *Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Recommended by Slovakia)*

IRI: *not implemented*

UNHCR response:

Namibia did not ratify the 1954 Convention. Namibia is strongly encouraged to sign the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.



Recommendation n°112: *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* (Recommended by Chile)

IRI: *partially implemented*

UNICEF response:

UN Special Rapporteur on Sanitation visited Namibia in 2011

Recommendation n°113: *Should extend standing invitations to the special procedures mandate holders* (Recommended by Zambia)

IRI: *not implemented*

+

Recommendation n°114: *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* (Recommended by Ecuador)

IRI: *not implemented*

+

Recommendation n°115: *Consider extending a standing invitation to all special procedures of the Human Rights Council* (Recommended by Latvia)

IRI: *not implemented*

UNICEF response:

UN Special Rapporteur on Extreme Poverty and Human Rights and the Special Rapporteur on Indigenous People visited Namibia in 2012. [...]

Recommendation n°124: *Namibia remained committed to implementing the recommendations that enjoyed its support during the first cycle of the UPR.* (Recommended by Namibia)

IRI: *not implemented*

+

Recommendation n°126: *Namibia remains committed to implementing the recommendations that enjoyed her support during the first cycle of the UPR and to participating in the second cycle of the UPR in an open and constructive manner.* (Recommended by Namibia)

IRI: *not implemented*

NR response:

The same which applies to [the recommendation n° 123], applies here too. Virtually all the 120 UPR recommendations remain unimplemented at the national level. Namibia has been paying lip-service to all other international human rights treaties and there is no indication, whatsoever, that Namibia's position vis-a-vis 2011 UPR recommendations has changed a bit!

## Justice

Recommendation n°2: *Review its criminal law framework with a view to incorporate the crime of torture in accordance with its international obligations* (Recommended by Slovakia)

IRI: *not implemented*

State of Namibia response:

Namibia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1994. In addition, Article 8 of the Namibian Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment.

Progress has been made pursuant to the Committee's advice that Namibia needs to criminalize torture as a specific crime through legislation in order to supplement constitutional provisions. In this regard, the Law Reform and Development Commission investigated the issues of torture with a view to recommend criminalization of the offence. During 2012, the Commission reported that it has proposed a Bill on the crime of torture for consideration by the Minister of Justice.

Recommendation n°4: *Intensify its efforts regarding the process of enacting legislation on human trafficking* (Recommended by Azerbaijan)

IRI: *partially implemented*

+

Recommendation n°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* (Recommended by United States)

IRI: *partially implemented*

State of Namibia response:

The Prevention of Organized Crime Act No 29 of 2004 explicitly criminalizes human trafficking, and makes provision for the provision of services to the victims of trafficking as well as their protection.

Progress has been made regarding having specific legislation on human trafficking. The Ministry of Justice held consultative meetings during the end of 2012 with the United Nations Office on Drugs and Crime (UNODC) on the development of a comprehensive anti-human trafficking legislation.

The Women and Child Protection Units (WCPUs) provide protection and other relevant services to victims of gender-based violence, including trafficking. There are 15 Units in the 13 regions of the country, and plans are underway to upgrade the Units to have an improved and holistic service delivery.



UNICEF response:

The Prevention of Organised Crime Act 29 of 2009, explicitly criminalises human trafficking, and the Child Care and Protection Bill make provisions for the prohibition of trafficking, and for the protection and provision of services to victims of trafficking.

Recommendation n°17: *Continue the policy of national reconciliation in a spirit of accommodation (Recommended by Niger)*

IRI: *fully implemented*

State of Namibia response:

At the dawn of Independence Namibia adopted a progressive stance against racism which among other things calls for the policy of national reconciliation to eliminate all the vestiges from the colonial, racist and apartheid era. There have been no acts of retribution against those citizens who may have perpetrated acts of racism against other racial groups.

Article 10 of the Namibian Constitution makes provision for equality and freedom from discrimination and states that: “All persons shall be equal before the law. No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”

Relevant pieces of legislation aimed at prohibiting racism and redressing the effect of past discriminatory policies and practices have been passed to give effect to the provisions in the Constitution, including the Prohibition of Racial Discrimination Act No 26 of 1991 as amended, and the Affirmative Action (Employment) Act No 29 of 1998. The Prohibition of Racial Discrimination Act criminalizes racism in Namibia while the Affirmative Action (Employment) Act derogates from the prohibition of discrimination by allowing for measures to be taken to redress past imbalances.

Namibia is committed to strengthening implementation of the above-mentioned and other relevant legislations by all organs of the State, in line with its international treaty obligations. The Government is in the process of finalizing its 13th and 15th Combined Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Recommendation n°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 (Recommended by France)*

IRI: *partially implemented*

State of Namibia response:

The Government, in its efforts to promote and protect the rights of women, enacted a number of legislation, such as the Combating of Rape Act No 8 of 2000, and the Combating of Domestic Violence Act No 4 of 2003 which in part led to the increase in the number of Women and Child Protection Units by the Namibian Police.

Significant progress has been made with regard to the equal treatment of women through the passage, reviewing, amending and repealing of certain legislation that may have been discriminatory against women.



Namibia submitted its 4th and 5th Periodic report to the CEDAW Committee on 23 July 2013. The Report highlights the challenges as well as the commitment of the Namibian Government to protect the rights of women and girls.

In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).

UNICEF response:

Combating of Domestic Violence Act 4 of 2003, Combating of Immoral Practices Amendment Act 7 of 2000 are in force and provided protection to women and young girls and boys. The Namibian Police Training College curriculum was reviewed and updated in 2013 and incorporates child specific and gender sensitive modules.

Recommendation n°45: *Improve the living conditions and infrastructure of detention facilities in the country* (Recommended by Italy)

IRI: *partially implemented*

+

Recommendation n°50: *Investigate the cases and assess the possibility of making improvements to the facilities in local prisons* (Recommended by Norway)

IRI: *partially implemented*

State of Namibia response:

Cabinet authorized the Ministry of Safety and Security to budget for the construction of Remand Prisons which started during 2010/2011 financial year, and continued during 2011/2012. In addition, about 31 new police stations will be completed during the financial year 2013/14 across the country.

A new Prison, Elizabeth Nepembe Rehabilitation Centre with juvenile facilities, was officially opened in March 2012.

Recommendation n°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* (Recommended by Austria)

IRI: *partially implemented*

+

Recommendation n°48: *Continue its efforts to ensure that trials take place within a reasonable period of time* (Recommended by Slovakia)

IRI: *fully implemented*

+

Recommendation n°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* (Recommended by United Kingdom)

IRI: *not implemented*

State of Namibia response:

Namibia is a unitary state based on the principles of rule of law as propounded by the Constitution, and the Government is determined to ensure that threats to its unitary character are firmly addressed.



The Government has taken measures to reduce the backlog of criminal cases through the appointment of additional judicial officers and prosecutors, and the provision of legal aid to indigent persons. The Government is also working on a strategy to improve the working conditions of legal officers in order to reduce the turnover of staff which contributes to the backlog in the courts. In addition, a Judicial Case Management (JCM) was introduced on 16 May 2012 at the High Court. Before the JCM was introduced, Legal Practitioners or the parties were controlling the pace at which litigation moved through the court process. That was found to be a major cause for the delays of cases which took long to be finalized. With the JCM, the judge is now in control of the case and he or she sets deadlines for the parties for the case to be heard in court.

The Caprivi treason trial is on-going and all the defendants have been afforded legal aid at State expense, to mount their defences. Between August 2012 and February 2013, a total of 44 suspects were acquitted.

*Recommendation n°51: Take measures to safeguard the human rights of prisoners, and to separate juvenile and adult prisoners (Recommended by Sweden)*

*IRI: partially implemented*

State of Namibia response:

Cabinet authorized the Ministry of Safety and Security to budget for the construction of Remand Prisons which started during 2010/2011 financial year, and continued during 2011/2012. In addition, about 31 new police stations will be completed during the financial year 2013/14 across the country.

A new Prison, Elizabeth Nepembe Rehabilitation Centre with juvenile facilities, was officially opened in March 2012.

UNICEF response:

A Child Justice Bill is being reviewed to bring legislation in line with international child rights standards. It provides for separation of juvenile from adults in detention in both prison and police cells as per the CRC and ACRWC. Currently, this is not done in the majority of cases.

*Recommendation n°102: Put in place an independent national mechanism for the inspection of places of deprivation of liberty (Recommended by France)*

*IRI: not implemented*

UNICEF response:

According to a recent rapid analysis on children in conflict with the law (UNICEF 2012), no policy or law is in place that provides for independent national mechanism. However, the current Ombudsman to Namibia has done such visits over the years in places of deprivation of liberty.



## SOGI

Recommendation n°120: *Revoke the law which criminalizes consensual, non-commercial adult homosexual conduct, as it violates the rights to privacy, and the protection against discrimination* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°121: *Abrogate all laws prohibiting consensual sexual relations between adults of the same sex* (Recommended by France)

IRI: *not implemented*

+

Recommendation n°122: *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* (Recommended by Spain)

IRI: *not implemented*

UNICEF response:  
no change

## Women & Children

Recommendation n°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* (Recommended by Slovenia)

IRI: *not implemented*

State of Namibia response:

The Prevention of Organized Crime Act No 29 of 2004 explicitly criminalizes human trafficking, and makes provision for the provision of services to the victims of trafficking as well as their protection.

Progress has been made regarding having specific legislation on human trafficking. The Ministry of Justice held consultative meetings during the end of 2012 with the United Nations Office on Drugs and Crime (UNODC) on the development of a comprehensive anti-human trafficking legislation.

The Women and Child Protection Units (WCPUs) provide protection and other relevant services to victims of gender-based violence, including trafficking. There are 15 Units in the 13 regions of the country, and plans are underway to upgrade the Units to have an improved and holistic service delivery.



UNICEF response:

Enactment of Child Care and Protection Bill still outstanding. Accession to Hague Protocol also actively under discussion.

Recommendation n<sup>o</sup>6: *Strengthen the mechanisms of legal and social protection of children against violence, particularly sexual, of which they are victims* (Recommended by France)

IRI: *not implemented*

State of Namibia response:

The Combating of Rape Act No 4 of 2003 is a very progressive law on the offence of rape because of its broad definition of rape.

In 2012, the Law Reform Development Commission presented a report to the Minister of Justice on the Combating of Rape Act containing recommendations for changes to be made to the law. The Law Reform Development Commission proposed that the Act should be clarified to make it clear that a sentence to be imposed on someone convicted of attempted rape should be the same as the sentence which the person would have received if the attempt to commit the crime had succeeded.

UNICEF response:

Child protection mechanisms in place (e.g. Woman and Child Protection Units, Safety Shelters, Child Care and Protection Forums) but with limited coverage and institutional capacity. They need improved coordination, capacities and integration.

Recommendation n<sup>o</sup>9: *Pursue efforts to address concerns regarding child labour, in particular through its Action Programme to Eliminate Child Labour in Namibia 2008-2012* (Recommended by Botswana)

IRI: *fully implemented*

+

Recommendation n<sup>o</sup>10: *Redouble efforts aimed at fully implementing the Action Programme to Eliminate Child labour in Namibia 2008-2012* (Recommended by Malaysia)

IRI: *fully implemented*

State of Namibia response:

Steady progress has been made in the Government's quest to combat and eliminate child labour as per the Action Programme. The Ministry of Labour and Social Welfare produced a report on the Technical Co-operation Programme on elimination of child labour in the country.

Furthermore, an Action Plan was developed during 2011 for the five Government line ministries to co-operate to eliminate child labour. These include Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Gender Equality and Child Welfare and the Ministry of Safety and Security.

The Directorate responsible for labour inspection in the Ministry of Labour and Social Welfare conducts periodic inspections to identify cases of child labour. During these sessions compliance orders are issued and cases are filed with the Ministry of



Labour and Social Welfare. Arrests are made of those who do not adhere to compliance orders.

Recommendation n°15: *Remain steadfast in pursuing its exemplary policies towards gender equality, particularly by strengthening measures to eradicate gender-based violence* (Recommended by Lesotho)

IRI: *partially implemented*

+

Recommendation n°31: *Continue its efforts to prevent, punish and eradicate all forms of violence against women as well overcoming stereotypes which provoke genderbased discrimination* (Recommended by Argentina)

IRI: *partially implemented*

+

Recommendation n°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* (Recommended by Spain)

IRI: *partially implemented*

+

Recommendation n°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* (Recommended by South Africa)

IRI: *partially implemented*

+

Recommendation n°80: *Consider undertaking measures that promote gender equality and the rights of women in the internal normative framework* (Recommended by Chile)

IRI: *fully implemented*

#### State of Namibia response:

The Namibian Government through the Ministry of Gender Equality and Child Welfare embarked on an aggressive policy to eradicate all forms of gender based violence. This includes reviewing and strengthening existing laws against gender based violence, as well as holding an annual event of 16 Days Against Gender Based Violence and Human trafficking.

Due to the prevailing high rate of gender based violence in the country, a National GBV Database was established in 2006 by the Ministry of Gender Equality and Child Welfare. This National GBV database system provides necessary data and statistics for planning and assisting various stakeholders to develop focused interventions in addressing GBV.

A number of rape cases have been prosecuted over the past years, and the courts imposed sentences ranging between 5 and 45 years imprisonment for convicted rapists. However, a number of factors such as limited police vehicles, lack of expertise in dealing with violence against women and children, inadequate facilities in accommodating vulnerable witnesses, and the withdrawals of cases by rape victims (complainants) after they have filed charges continue to hamper investigations and prosecutions.



The Government launched the revised National Gender Policy (2010-2020) in March 2010. The overarching goal is to achieve gender equality and the empowerment of both female and male persons in Namibia. Amongst other things, the policy framework aims to provide mechanisms and guidelines for all sectors and relevant stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women's empowerment.

UNICEF response:

Gender-based violence remains major concern in Namibia. National Plan of Action on GBV 2012-2016 being implemented slowly with limited Govt. resources.

Recommendation n°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* (Recommended by Canada)

IRI: *not implemented*

State of Namibia response:

[See response to recommendation n° 15]

UNICEF response:

Quality disaggregated data on violence against women and children still lacking; newly established Namibia Statistics Agency works towards strengthening survey and administrative data across different sectors

Recommendation n°27: *Strengthen its legislation as well as promptly implement existing legislation, with a view to promote and protect women's rights* (Recommended by Sweden)

IRI: *not implemented*

UNICEF response:

Enactment of Child Care and Protection Bill addressing girls' rights still outstanding

Recommendation n°28: *Enhance the rights of women to civic participation* (Recommended by Turkey)

IRI: *fully implemented*

+

Recommendation n°30: *Continue its efforts to put a halt to all negative cultural practices and stereotypes that discriminate against women* (Recommended by Azerbaijan)

IRI: *fully implemented*

+

Recommendation n°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* (Recommended by Angola)

IRI: *partially implemented*

+



Recommendation n°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* (Recommended by Canada)

IRI: *partially implemented*

State of Namibia response:

A number of legislation passed since 1992, including the Local Authorities Act No 6 of 1992, contain provisions which affirm gender equality by requiring that the number of women in decision-making positions should be increased.

These measures have been successful in both Parliament and Regional and Local Authority Councils. However, it was not until the 1998 Local Authority Council Elections that affirmative measures were strengthened, with a requirement that party lists should include a minimum of three women on councils with 10 members or fewer and at least five women on larger Councils.

Furthermore, the commitment to gender equality culminated in a December 2012 decision to have 50/50 women's representation in all the SWAPO party structures, especially positions of power, as of August 2013.

In line with the constitutional provision that no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status, the Government works closely with traditional leaders through regional councils to ensure that women do not experience discrimination in accessing and owning land. The Ministry of Gender Equality and Child Welfare, through its Community Development/Women Empowerment Programme also works to improve access to services as well as the living conditions of women, particularly in rural areas.

Parliament enacted the Traditional Authorities Act No 25 of 2000 and Community Courts Act No 10 of 2003. Section 3 (g) of the Traditional Authority Act place duty on traditional authorities to promote affirmative action amongst the members of that community, particularly by promoting women to positions of leadership and to adjudicate on matters before their courts in a fair manner in accordance with the laws of Namibia.

It is worth noting that some traditional authorities in Namibia are headed by women, which serves as a best practice to encourage other women to participate in social, economic and domestic matters that affect them on a daily basis.

Recommendation n°29: *Increase measures to strengthen women's rights and combat stereotypes that can interfere with the enjoyment of women's fundamental rights* (Recommended by Morocco)

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n° 28]



UNICEF response:

UNICEF-supported sports programme "Galz and Goals", integrating life skills education in place with Namibian Football Association. Girl's football now the second largest sports discipline in the country.

Recommendation n°33: *Ensure that women in customary marriages enjoy the same rights as those in civil marriages* (Recommended by Austria)

IRI: *partially implemented*

State of Namibia response:

Parliament has already taken note of the continued discrimination and difficulties experienced by couples married under customary marriages, even though Article 66 of the Namibian Constitution recognizes customary law and common law. The Law Reform and Development Commission has been tasked to investigate measures to ensure that traditional marriages are brought in line with constitutional requirements of equality of spouses as envisaged under marriages under the civil law. Consultations on this issue are ongoing to ensure equality of rights for access to public services.

The Government is in the process of amending the law governing intestate succession. A report on the current situation of intestate succession was finalized and is awaiting political guidance on the way forward.

Parliament passed the Communal Land Reform Act, Act No.5 of 2002. The Act governs the allocation of communal land. It provides that widows (including those who are married under customary law) have a right to remain on communal land allocated to their late husbands, even if they remarry. The Act further provides that women must be represented on the Communal Land Boards to monitor the implementation of the Act.

UNICEF response:

Marriage Bill replacing provisions of pre-independence Births Marriages and Deaths Act is ready to be tabled in Parliament in 2014.

Recommendation n°41: *Prioritize the elimination of discrimination and violence against women* (Recommended by Norway)

IRI: *partially implemented*

State of Namibia response:

[...] In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).

UNICEF response:

National Plan of Action on Gender-Based Violence developed. Coordination and implementation capacities needs strengthening.

Recommendation n°43: *Move forward quickly with a national action plan to combat genderbased violence, including human trafficking* (Recommended by United States)

IRI: *fully implemented*



State of Namibia response:

The Prevention of Organized Crime Act No 29 of 2004 explicitly criminalizes human trafficking, and makes provision for the provision of services to the victims of trafficking as well as their protection.

Progress has been made regarding having specific legislation on human trafficking. The Ministry of Justice held consultative meetings during the end of 2012 with the United Nations Office on Drugs and Crime (UNODC) on the development of a comprehensive anti-human trafficking legislation.

The Women and Child Protection Units (WCPUs) provide protection and other relevant services to victims of gender-based violence, including trafficking. There are 15 Units in the 13 regions of the country, and plans are underway to upgrade the Units to have an improved and holistic service delivery.

UNICEF response:

National Plan of Action on Gender-Based Violence (2012-16) developed. Coordination and implementation capacities needs strengthening.

*Recommendation n°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 (Recommended by Ghana)*

*IRI: not implemented*

State of Namibia response:

The Government is working with relevant stakeholders to strengthen the current child protection system in Namibia. At a workshop held in 2012, a definition of 'child protection' was agreed upon, a significant step towards ensuring that the relevant services are provided in a holistic manner. Training of more police and child witness officers is also ongoing. The Ministry of Gender Equality and Child Welfare increased the number of vehicles for use by the Women and Child Protection Units in order to ease the burden of staff going to very remote areas.

UNICEF response:

Women and Child Protection Units continue to need to be strengthened and better integrated with other services

*Recommendation n°53: Conduct thorough and impartial investigation into all allegations of discrimination against women (Recommended by Sweden)*

*IRI: not implemented*

State of Namibia response:

[...]

The Office of the Ombudsman which is established by a constitutional provision can be approached by any aggrieved individual, male or female to investigate any case of discrimination against them.



The Anti-Corruption Commission, which is a statutory body, can also be approached to carry out any investigations on any alleged discriminatory practice against women by the Government or private institutions.

*Recommendation n°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 (Recommended by United Kingdom)*

IRI: *fully implemented*

+

*Recommendation n°60: Issue clear directives to all health officials prohibiting the sterilization of women living with HIV/AIDS without their informed consent (Recommended by Canada)*

IRI: *not implemented*

State of Namibia response:

In 30 July 2012, the High Court ruled in favour of the three women who sued the Government for the alleged forced sterilization in State-run hospitals. It should be noted however that the High Court held that those three women were not sterilized because of their HIV status.

In August 2012, following numerous complaints about the poor health service delivery in the country, and in line with the Government's commitment to protect the right to the highest attainable standard of health, the President established a Commission of Inquiry to investigate the operations and the conditions of health facilities in the country. The report of the Commission was delivered to the President during the first quarter of 2013 and has since been made public. Some of the findings include the inadequate number of health professionals such as doctors, nurses as well as other health professionals. The Commission also identified a shortage in medical specialists such as surgeons, obstetricians, anaesthetics, physicians and paediatricians, which were found to be the main contributing factor to poor quality patient care. The recommendations contained in the report are receiving the Government's attention.

The Ministry of Health and Social Services continues to prioritize programmes targeting HIV and AIDS in order to decrease the prevalence rate, which is currently at about 18%. The Fourth National Development Plan's (NDP4 2013-2017) goal in the health sector is to increase access to quality health systems, in terms of prevention, cure and rehabilitation, characterized by an increase in the healthy adjusted life expectancy. The Ministry of Health and Social Services which receives the fourth largest allocation in the Government budget will work with all relevant partners to ensure that this goal is met.

The Government established a National Strategic Framework for HIV and AIDS Response in Namibia 2010/11 – 2015/16, where community participation and involvement in scaling up the national response is being encouraged. The Government strategy relies on strengthening the capacity and management of HIV response at community level.



Recommendation n°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* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°73: *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* (Recommended by Mexico)

IRI: *not implemented*

State of Namibia response:

Parliament has already taken note of the continued discrimination and difficulties experienced by couples married under customary marriages, even though Article 66 of the Namibian Constitution recognizes customary law and common law. The Law Reform and Development Commission has been tasked to investigate measures to ensure that traditional marriages are brought in line with constitutional requirements of equality of spouses as envisaged under marriages under the civil law. Consultations on this issue are ongoing to ensure equality of rights for access to public services.

The Government is in the process of amending the law governing intestate succession. A report on the current situation of intestate succession was finalized and is awaiting political guidance on the way forward.

Parliament passed the Communal Land Reform Act, Act No.5 of 2002. The Act governs the allocation of communal land. It provides that widows (including those who are married under customary law) have a right to remain on communal land allocated to their late husbands, even if they remarry. The Act further provides that women must be represented on the Communal Land Boards to monitor the implementation of the Act.

UNICEF response:

Marriage Bill replacing provisions of pre-independence Births Marriages and Deaths Act is ready to be tabled in Parliament in 2014.

Recommendation n°64: *Take effective measures to ensure that all women have access to adequate health facilities* (Recommended by Germany)

IRI: *partially implemented*

+

Recommendation n°66: *Take all the necessary measures to ensure women have access to adequate health-care services, including sexual and reproductive health services* (Recommended by Slovenia)

IRI: *partially implemented*

State of Namibia response:

The NHIES of 2009/2010 indicates that 30% of the households in Namibia are situated 1 kilometer or less to the nearest hospitals or clinics and 36% live between 2



and 5 kilometers away. However, about 7% still have to travel more than 40 kilometers to reach a hospital or a clinic, especially in the rural areas.

Through the Fourth National Development Plan (2013-2017) the Government has identified access to quality health services as a key priority to increasing the standard of living for people living in urban and rural areas. The Government has taken a multifaceted approach to improving access to health services including poverty alleviation, improvement in education, sanitation, food security and infrastructure development.

The Government monitors the progress on maternal mortality through the Demographic Health Survey (DHS). The last DHS was carried out during 2006/2007. The Ministry of Health and Social Services is busy to put in place the logistics for the finalization of the DHS for the period 2013/2014.

Given the available data at our disposal, the Government acknowledges that the maternal mortality ratio has increased from 225 deaths per 100,000 live births in 1992 to 449 deaths per 100,000 live births in 2006/2007, which is unacceptable. Since then the Government has prioritized the reduction of maternal mortality as matter which requires its urgent attention by providing increased maternal healthcare services and a more equitable distribution of trained staff between urban and rural areas, amongst others.

The following are some of the major interventions and policies in place geared toward the reduction of maternal mortality in Namibia:

- Road map for acceleration of reduction in maternal and neonatal mortality and revision of scope of practice for the health professions-Nurses and Mid-wives.
- Increase in capacity building (Establishment of Namibia School of Medicine and other regional nursing training centers)
- Information awareness campaign on health issues.
- Prevention of Mother to Child Transmission (PMCT) currently stands at 92%.
- Increased access to anti-retroviral drugs which currently stands at: adults 82%, children 75%. HIV/AIDS is one of the major factors contributing to the high maternal mortality in the country.
- The reduction in the malaria mortality rate is an achievement as the incidence of malaria was also one of the contributing factors to high maternal mortality among expecting mothers.
- The Policy guidelines on reproductive health have been revised in order to create more awareness among couples to make informed decisions about reproductive health and births.
- Guidelines for completing the Maternal and Peri/Neonatal death review are in place and maternal audit committees are in place at national, regional and district levels to review and assist the quality of services provided to pregnant women.
- Approximately 150 midwives and medical officers working in maternity wards underwent refresher training on life saving skills in order to improve the quality of care.



- Decline in new HIV cases amongst pregnant women attending ANC. (8% of women who were tested for HIV were positive in 2011/2012 compared to 18% in 2009/2010)

UNICEF response:

Health and education outcomes clearly prioritized in Fourth National Development Plan 2012/13-2016/17.

*Recommendation n°77: Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women (Recommended by South Africa)*

*IRI: partially implemented*

State of Namibia response:

The Government, in its efforts to promote and protect the rights of women, enacted a number of legislation, such as the Combating of Rape Act No 8 of 2000, and the Combating of Domestic Violence Act No 4 of 2003 which in part led to the increase in the number of Women and Child Protection Units by the Namibian Police.

Significant progress has been made with regard to the equal treatment of women through the passage, reviewing, amending and repealing of certain legislation that may have been discriminatory against women.

Namibia submitted its 4th and 5th Periodic report to the CEDAW Committee on 23 July 2013. The Report highlights the challenges as well as the commitment of the Namibian Government to protect the rights of women and girls.

In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).

*Recommendation n°79: Develop a National Plan of Action on eliminating violence against women and strengthen efforts to fulfil its obligations under CEDAW (Recommended by Australia)*

*IRI: fully implemented*

State of Namibia response:

The Namibian Government through the Ministry of Gender Equality and Child Welfare embarked on an aggressive policy to eradicate all forms of gender based violence. This includes reviewing and strengthening existing laws against gender based violence, as well as holding an annual event of 16 Days Against Gender Based Violence and Human trafficking.

Due to the prevailing high rate of gender based violence in the country, a National GBV Database was established in 2006 by the Ministry of Gender Equality and Child Welfare. This National GBV database system provides necessary data and statistics for planning and assisting various stakeholders to develop focused interventions in addressing GBV.



A number of rape cases have been prosecuted over the past years, and the courts imposed sentences ranging between 5 and 45 years imprisonment for convicted rapists. However, a number of factors such as limited police vehicles, lack of expertise in dealing with violence against women and children, inadequate facilities in accommodating vulnerable witnesses, and the withdrawals of cases by rape victims (complainants) after they have filed charges continue to hamper investigations and prosecutions.

The Government launched the revised National Gender Policy (2010-2020) in March 2010. The overarching goal is to achieve gender equality and the empowerment of both female and male persons in Namibia. Amongst other things, the policy framework aims to provide mechanisms and guidelines for all sectors and relevant stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women's empowerment.

UNICEF response:

National Plan of Action on Gender-Based Violence (2012-16) developed. Coordination and implementation capacities needs strengthening.

Recommendation n°81: *Continue its efforts to prevent, punish and eradicate violence against boys and girls (Recommended by Argentina)*

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n°15]

UNICEF response:

Violence against children remains widespread; legislation in place but not always enforced by mainstream, as well as, traditional justice systems. However, in 2013 a teacher was brought to court and penalised for corporal punishment of a student. Child Care and Protection Bill also contains provisions on violence against children.

Recommendation n°82: *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 (Recommended by Canada)*

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n°15]

UNICEF response:

National Plan of Action on Gender-Based Violence developed. Coordination and implementation capacities needs strengthening. The President addressed the serious issue of violence against women and children during the opening of Parliament 2014.



Recommendation n°83: *Increase its efforts to combat violence against women and children* (Recommended by Germany)

IRI: *fully implemented*

State of Namibia response:

The Namibian Government through the Ministry of Gender Equality and Child Welfare embarked on an aggressive policy to eradicate all forms of gender based violence. This includes reviewing and strengthening existing laws against gender based violence, as well as holding an annual event of 16 Days Against Gender Based Violence and Human trafficking.

Due to the prevailing high rate of gender based violence in the country, a National GBV Database was established in 2006 by the Ministry of Gender Equality and Child Welfare. This National GBV database system provides necessary data and statistics for planning and assisting various stakeholders to develop focused interventions in addressing GBV.

A number of rape cases have been prosecuted over the past years, and the courts imposed sentences ranging between 5 and 45 years imprisonment for convicted rapists. However, a number of factors such as limited police vehicles, lack of expertise in dealing with violence against women and children, inadequate facilities in accommodating vulnerable witnesses, and the withdrawals of cases by rape victims (complainants) after they have filed charges continue to hamper investigations and prosecutions.

The Government launched the revised National Gender Policy (2010-2020) in March 2010. The overarching goal is to achieve gender equality and the empowerment of both female and male persons in Namibia. Amongst other things, the policy framework aims to provide mechanisms and guidelines for all sectors and relevant stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women's empowerment.

UNICEF response:

Violence against children remains widespread; legislation in place but not always enforced by mainstream, as well as traditional, justice systems. Child Care and Protection Bill also contains provisions on violence against children. Strengthening child protection systems is a priority in the Ministry of Gender Equality and Child Welfare work plan for 2014/15 and a Gender Justice Colloquium in Namibia is being planned for 2014 with a special focus on community based actions.

## Other

Recommendation n°19: *Seek technical assistance from OHCHR in regard to human and material constraints faced* (Recommended by Azerbaijan)

IRI: -

State of Namibia response:

The Government is committed to seeking technical assistance from relevant regional and intergovernmental and non-governmental agencies in order to augment shortcomings in the capacity of its technical staff in addressing the implementation of human rights obligations especially with regard to reporting obligations to relevant treaty bodies.

Namibia welcomes these recommendations and appreciates the assistance already received from its international partners in implementing UPR recommendations. The Namibian Government will continue to work closely with the international community in strengthening human rights both nationally and abroad.

Recommendation n°46: *For the purposes of fully protecting the human rights of all Namibians, secessionists be pursued and be brought to book* (Recommended by Zimbabwe)

IRI: *fully implemented*

State of Namibia response:

Namibia is a unitary state based on the principles of rule of law as propounded by the Constitution, and the Government is determined to ensure that threats to its unitary character are firmly addressed.

[...]

The Caprivi treason trial is on-going and all the defendants have been afforded legal aid at State expense, to mount their defences. Between August 2012 and February 2013, a total of 44 suspects were acquitted.

Recommendation n°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* (Recommended by Morocco)

IRI: *fully implemented*

State of Namibia response:

Namibia appreciates the recommendation and will continue to work with all its partners including organizations such as FAO to improve food security in the country.

Recommendation n°71: *Consider requesting assistance from the international community to facilitate the implementation of its obligations in the protection and promotion of human rights* (Recommended by Uganda)

IRI: *fully implemented*

+



Recommendation n°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* (Recommended by Nigeria)

IRI: *fully implemented*

State of Namibia response:

The Government is committed to seeking technical assistance from relevant regional and intergovernmental and non-governmental agencies in order to augment shortcomings in the capacity of its technical staff in addressing the implementation of human rights obligations especially with regard to reporting obligations to relevant treaty bodies.

Namibia welcomes these recommendations and appreciates the assistance already received from its international partners in implementing UPR recommendations. The Namibian Government will continue to work closely with the international community in strengthening human rights both nationally and abroad.

UNICEF response:

United Nations Partnership Framework (2014-2018) has started, reflecting changed relationship of government and UN towards partnership rather than development assistance. Includes specific outcome on treaty compliance and reporting obligations.

Recommendation n°74: *Explore the possibility of strengthening the institutional and operational capacity of the Office of the Ombudsman by allocating human and financial resources* (Recommended by Malaysia)

IRI: *fully implemented*

State of Namibia response:

The Ombudsman's Office has submitted proposed amendments to the Ombudsman Act to the Minister of Justice to strengthen its human rights mandate.

The Ombudsman reported that the budget allocated for the promotion of human rights was increased from N\$ 400 000 (approximately US\$ 47 000 ) in 2004 to N\$ 1 000 000 ( about US\$ 100 000) for the year 2011-12.

The Office of the Ombudsman established two more offices, one in the south of the country, at Keetmanshoop and another office in the north, Oshakati, to make it more accessible to the public. Another regional office in the western part of the country was opened in December 2012.

UNICEF response:

UN support to Ombudsman's Office agreed, including establishment of Children's Advocate in 2014, although financial resources remain tight

Recommendation n°75: *Provide the Office of the Ombudsman with the necessary financial and human resources so that it can implement its action plan* (Recommended by Niger)

IRI: *partially implemented*

State of Namibia response:

[See response to recommendation n°74]

UNICEF response:

Human Rights Action Plan developed. UN support to Ombudsman's Office agreed, including establishment of Children's Advocate in 2014, although financial resources remain tight

Recommendation n°123: *Namibia commits herself to promote peace and international cooperation. (Recommended by Namibia)*

IRI: -

+

Recommendation n°125: *Namibia remains committed to enhancing efforts towards the promotion and protection of human rights in order to improve the quality of life for the Namibian people. (Recommended by Namibia)*

IRI: -

UNICEF response:

Commitments reflected in Fourth National Development Plan. Commitment to free and fair elections in 2014.

NR response:

If previous experience were used as pointer, it remains doubtful whether Namibia will in terms of actions promote peace and international cooperation. Namibia has already been involved in regional wars, such as the war in the Democratic Republic of Congo and Angola and this is not compatible with Articles 95(d) and 96(d) of the Namibian Constitution.

Recommendation n°128: *Namibia shall continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms. (Recommended by Namibia)*

IRI: *fully implemented*

UNICEF response:

Namibia was elected to the HRC in late 2013

## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### ***Disclaimer***

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

## Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
8	Conduct a review process and if necessary, amend its national legislation	Spain	Accepted	3	Other
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	Accepted	5	Human rights education and training, Trafficking
56	Take effective measures to safeguard freedom of expression for individuals and the media	Sweden	Accepted	4	Freedom of opinion and expression, Freedom of the press
93	Ratify the following international instruments: the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)	Ecuador	Rejected	5	International instruments, Labour, Migrants
94	Ratify the following international instruments: 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	Accepted	5	Detention conditions, Enforced disappearances, ESC rights - general, International instruments, Torture and other CID treatment
95	Sign and ratify OP-CAT	Sweden	Accepted	5	Detention conditions, International instruments, Torture and other CID treatment
96	Should ratify CMW	Zambia	Rejected	5	International instruments, Migrants
97	Ratify CMW	Burkina Faso	Rejected	5	International instruments, Migrants
98	Consider, in its spirit of commitment, the possibility of acceding to CMW	Algeria	Rejected	3	International instruments, Migrants
99	Accede to OP-CAT, and incorporate this into domestic law	Australia	Accepted	5	Detention conditions, International instruments, Torture and other CID treatment



100	Sign and ratify OP-CAT	United Kingdom	Accepted	5	Detention conditions, International instruments, Torture and other CID treatment
101	Sign and ratify OP-CAT	France	Accepted	5	Detention conditions, International instruments, Torture and other CID treatment
103	Consider becoming a party to OP-CAT	Uganda	Accepted	3	Detention conditions, International instruments, Torture and other CID treatment
104	Consider signing and ratifying OP-CAT	Mauritius	Accepted	3	Detention conditions, International instruments, Torture and other CID treatment
105	Sign and ratify CED, as it constitutes an important instrument for the prevention against torture	France	Accepted	5	Enforced disappearances, International instruments
106	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	Accepted	5	ESC rights - general, International instruments
107	Sign and ratify OP-ICESCR, OP-CAT and CED	Spain	Accepted	5	Detention conditions, Enforced disappearances, ESC rights - general, International instruments, Torture and other CID treatment
108	Become a party to OP-ICESCR, OP-CAT, CMW and CED	Argentina	Accepted	5	Detention conditions, Enforced disappearances, ESC rights - general, International instruments, Migrants
111	Sign and ratify the Conventions and Protocols to which it is not a party	Niger	No Response	5	International instruments



116	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	Accepted	5	Labour, Right to education, Rights of the Child
117	Review its legislation on communications and bring it in line with international standards	Sweden	Accepted	3	Freedom of the press
118	Strengthen measures to end discrimination, exclusion and marginalization of indigenous groups and minorities, in particular the San people	Austria	Accepted	4	Indigenous peoples, Minorities
119	Guarantee non-discrimination against persons belonging to minorities	Spain	No Response	4	Minorities
127	Namibia shall continue to build the Namibian society in a spirit of harmony and national reconciliation.	Namibia	Voluntary Pledge	2	Justice

A= Action Category (see on [our website](#))

SMR = State making recommendation

## Contact

---

### UPR Info

Rue de Varembé 3  
CH - 1202 Geneva  
Switzerland

---

Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

*General enquiries*

[info@upr-info.org](mailto:info@upr-info.org)



<http://twitter.com/UPRInfo>



<http://www.facebook.com/UPRInfo>