

Sexual Exploitation of Children in Namibia

Submission

for the Universal Periodic Review of the Human Rights situation in Namibia

Submitted by

LifeLine/ChildLine Namibia

and

ECPAT International

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LifeLine/ChildLine Namibia

LifeLine/ChildLine Namibia (LLCL) is a registered Welfare Organisation and NGO whose vision is 'safer, healthier, more resilient children, families and communities in Namibia'. The mission is to provide quality counselling, social behavioural change interventions and capacity building in systemic preventative and responsive ways for improved well-being of children, families and communities in Namibia, to serve and protect, to listen and to be a voice for the voiceless. Lifeline/ChildLine Namibia has been in existence for 40 years and is a member of ECPAT International.



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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 30 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 121 network members operating in 103 countries.

Justification for submission

1. The purpose of the present submission is two-fold: (1) to serve as an update on the progress that has been made by the Government of Namibia (GoN) to end the sexual exploitation of children (SEC) in the country, and (2) to assess the level of implementation of the UPR recommendations relating to SEC made in 2015.¹
2. During Namibia's previous UPR in 2016, the report of the Working Group contained 74 recommendations related to children's rights,² of which 8 are directly related to SEC.³ Three of these recommendations addressed SEC in general,⁴ two encouraged Namibia to ratify the Optional Protocol to the Convention on the Rights of the Child Communications Procedure (OPIC),⁵ two targeted combatting trafficking⁶ and one specifically expressed the need to combat child marriage.⁷

Methodology and Scope

1. The content of this report is based on country work experience of LifeLine/ChildLine Namibia and desk research by ECPAT International.
2. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,⁸ online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),⁹ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)¹⁰ and child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Namibia

General overview of country conditions

3. As of 2018, the population of Namibia was 2.45 million with the growth rate at 1.9% annually.¹¹ The population of children under the age of 18 was approximately one million, corresponding to 41% of the overall population.¹²
4. Various ethnic minorities in Namibia have been reported to be at a higher risk to forms of sexual exploitation such as trafficking¹³ and child, early and forced marriage.¹⁴
5. In UNICEF's 2017 annual report for Namibia, it was indicated that children suffer from rights violations throughout their life.¹⁵ In 2017, the Gender Based Violence Protection Unit in Windhoek provided care to, on average, two child rape survivors under the age of eight per week.¹⁶ According to UNICEF, one in four school children has already experienced sexual

violence in their lives.¹⁷ Furthermore, UNICEF highlighted in its 2018 annual report for Namibia that 34% of girls aged 15-19 had experienced some form of physical or sexual violence in their lives.¹⁸

Exploitation of children in prostitution

6. Whilst no recent and precise statistics as to the scale of exploitation of children in prostitution in Namibia exist, previous studies have indicated that the presence of minors exploited in prostitution exists throughout Namibia.¹⁹ A study conducted in 2007 identified girls as young as 13 exploited in prostitution in Oshikango.²⁰ Furthermore, a 2008 study in Katutura identified 8 children in a sample of 62 sex workers, with the youngest of these children at just 12 years old.²¹ According to a 2011 analysis of sex work and HIV in different locations throughout the country, the presence of children exploited in prostitution was said to be of particular concern in the city of Katima Mulilo.²² In the absence of recent research and statistics it is difficult to predict the true extent of the problem in Namibia.

Online child sexual exploitation (OCSE)

7. According to the most recently available data from the World Bank, in 2017, 51% of the population of Namibia had access to the Internet.²³ As of 2018 there were 113 mobile cellular subscriptions per 100 inhabitants.²⁴ Furthermore, an exploratory research study of 735 children aged between 13-17, conducted in 2016, found that less than one in ten children reported that they did not have access to the Internet.²⁵ This rise in the access to the Internet in Namibia and similarly in many other countries of the world, although conducive to innovation and development, creates an environment where children are increasingly vulnerable to sexual exploitation. The misuse of available technologies allows perpetrators new avenues to groom and exploit children. Moreover, the anonymity of the Internet facilitates opportunities for offenders to share and disseminate CSAM.²⁶
8. Research on knowledge, attitudes and practises of ICT use and online protection risks by adolescents in Namibia, showed that 68% of 735 child respondents reported having seen unwanted sexual content, 31% had been sent unsolicited, sexual images from strangers, and 29% had seen child sexual abuse material online.²⁷ The rising rate of access and usage of ICTs, coupled with only 47% of the 735 children studied reporting that they spoke to their parents, guardians or caregivers about their online experiences,²⁸ may leave children unsupervised and at risk in an unsafe online environment.

Sale and Trafficking of children of sexual purposes

9. The lack of publicly available statistics on the trafficking of children for sexual purposes makes it difficult to ascertain the true scale of the problem. However, in a 2009 assessment of human

trafficking in Namibia the country was identified as a source, transit and destination country for trafficking for the purposes of forced labour and prostitution.²⁹ Whilst trafficking occurs across all genders, it is thought that women and girls are especially vulnerable to trafficking for sexual purposes in Namibia.³⁰ In a UNODC study into trafficking, that drew from data provided by the Namibian Police Force, 82 victims of trafficking were identified in Namibia between 2010 and 2017.³¹ Of these victims 12 were boys and 22 were girls.³² Although 18 of the 82 victims had been subjected to trafficking for the purposes of sexual exploitation,³³ it is unclear how many of these cases involved children.

10. Media reports from 2014 have identified that children from the San and Zemba communities are vulnerable to trafficking and that they have been moved to other regions of the country to be sexually exploited.³⁴ Members of these communities often face discrimination and are amongst the poorest and most marginalised groups in Namibia.³⁵ A government assessment of human trafficking in Namibia, conducted in 2009, identified that the growing number of orphaned children, many of whom were forced into the role of head of household by the AIDS epidemic, were vulnerable to trafficking offences.³⁶ In 2015, the judge in the *State v Lukas* case, which involved the first prosecution of a trafficking offence in Namibia, recognised the vulnerability of the poor and children to trafficking.³⁷

Sexual exploitation of children in travel and tourism

11. In 2017 Namibia saw nearly 1.5 million international tourist arrivals.³⁸ Whilst there has been no research carried out into SECTT in Namibia, the increasing number of tourists visiting the country may leave children at risk of exploitation.
12. Both the Namibian tourist board³⁹ and various companies offer volunteer opportunities that involve working directly with children within the community. Whilst no evidence is available as to whether this has led to instances of SECTT, it is well established that the practice of 'volun-tourism,' especially when not adequately regulated, may leave children at risk of exploitation.⁴⁰

Child, early and forced marriage

13. UNICEF data compiled between 2012 and 2018 shows that, amongst 20-24 year olds, 2% of women were married before the age of 15 and 7% were married before turning 18. According to the same data, 1% of men aged 20-24 were married before turning 18.⁴¹ In 2015, it was reported to the CEDAW Committee that girls from 13 years old were being forced into early marriage in various ethnic groups, including the indigenous San groups and the Ovahimba, Owambo, Kavango and Zambezi communities.⁴² Typically, young brides marry men much older which further exacerbates the power imbalance within the marriage.⁴³

14. Marriage may take place in Namibia under either civil or customary law.⁴⁴ Those marriages which are carried out under customary law are carried out according to the traditions of that community, are not registered and the couple will not receive a marriage certificate.⁴⁵ Given that the minimum age for customary marriage is not prescribed by law and left for the community to decide,⁴⁶ this may leave children more vulnerable to CEFM in the communities in which customary marriages are practiced.

Legislative framework on prohibition of sexual exploitation

15. In terms of international instruments, Namibia has yet to ratify the OPIC.

16. The Child Care and Protection Act sets the age of a child at 18,⁴⁷ aligning with the Combating of Trafficking in Persons Act (2018).⁴⁸

17. The age of sexual consent is inconsistent across Namibian legislation. Under the Combating of Rape Act (2000) the age of sexual consent is set at 14, which also provides for a close in age exemption of three years.⁴⁹ However, under Section 14 of the Combatting of Immoral Practices Act (1980) the age of consent is set at 16, with a close in age exemption of three years.⁵⁰

Exploitation of children in prostitution

18. Under the Combating of Immoral Practices Act (Act 21 of 1980),⁵¹ which covers prostitution, the actual act of engaging in sex for reward is not criminalised. Instead, the Act criminalises activities associated with it such as, among other things, keeping a brothel,⁵² soliciting sex in a public place⁵³ and knowingly living wholly or in part on the earnings of prostitution.⁵⁴

19. Under Section 14 of the Combatting of Immoral Practices Act it is illegal to “solicit or entice such a child to the commission of a sexual act or an indecent or immoral act”.⁵⁵ This Section only covers children under the age of 16. This may leave children aged 16 and over vulnerable to exploitation.

20. Under Section 7 any person who, “in any public street or place entices, solicits or importunes or makes any proposals to any other person for immoral purposes” will be guilty of an offence.⁵⁶ Section 10 makes it illegal for any person to knowingly live wholly or in part on the earnings of prostitution; or in public or in private in any way assist in bringing about, or receive any consideration for, the commission by any person of any immoral act with another person.⁵⁷ There is no provision stating that children are exempt from offences committed under these Sections which may result in child victims of prostitution being identified as

offenders.

21. Whilst there is no explicit reference to the exploitation of children in prostitution contained under the Child Care and Protection Act, it is criminalised under the Combatting of Trafficking in Persons Act. Under the Act, exploitation in prostitution is considered under the offence of human trafficking.⁵⁸ Prostitution and any form of sexual exploitation are covered under the definition of exploitation.⁵⁹ The offence under this Act is in alignment with the Palermo Protocol and sets out that anyone who recruits, transports, transfers, harbours or receives a child for the purpose of exploiting them in prostitution, will be guilty of an offence.⁶⁰ The Act also provides that no child may consent to their own exploitation in prostitution.⁶¹

Online child sexual exploitation (OCSE) and child sexual abuse materials (CSAM)

22. CSAM-related conduct is addressed under Section 234(1)(d) of the Child Care and Protection Act which states that a person may not “induce, procure, offer, allow or cause a child to be used for purposes of creating child pornography, whether for reward or not.”⁶² The lack of clear definition of “child pornography” leaves ambiguity as to what may constitute an offence under this Section. Therefore, despite the intention to adhere to international standards, the absence of a precise definition means it cannot be certain that Namibia will interpret the law in line with the OPSC.
23. Furthermore, whilst this section explicitly criminalises the production of CSAM, it is not broad enough to cover a host of related offences such as possession, possession with intent to sell, dissemination, viewing, downloading or accessing CSAM. This narrow scope does little to prohibit activities related to CSAM after its creation.
24. Crucially, there are no provisions under Namibian law that define or criminalise forms of online child sexual exploitation other than CSAM, such as live streaming of sexual abuse material, online grooming, online sexual extortion or unsolicited sexting. Another omission in the law relating to CSAM is the lack of an exemption clause concerning sexting between minors. The lack of such a clause may result in children becoming offenders for engaging in consensual sexting between peers or creating CSAM in an abusive or exploitive situation. It is clear that this would not be in the best interests of the child.
25. Under Section 4(2) of the Combating of Trafficking in Persons Act, all ISPs have a reporting obligation in relation to communications material stored or transmitted over its system that relates to trafficking.⁶³ There is no specific obligation for ISPs to report CSAM in situations not related to trafficking.
26. The Publications Act of 1974 is the regulatory law which governs publications. Section 8 prohibits the production, distribution, importation or possession of certain publications which are ‘undesirable.’⁶⁴ Section 9(2) further prohibits the distribution of all subsequent editions of

the 'undesirable publication'.⁶⁵ Section 27(2) similarly prohibits the exhibition, publication and possession of prohibited or not approved films.⁶⁶ Whilst the Act defines "undesirable" as offensive or harmful to public morals,⁶⁷ it does not specify if these would include child sexual abuse materials and so is not sufficiently in line with international law.

27. The Draft Electronic Transactions and Cybercrime Bill proposes to create new provisions on child sexual abuse material so as to criminalise offering, distributing, procuring, possessing or accessing CSAM.⁶⁸ The Bill also contains a provision that contains a definition of "child pornography."⁶⁹ However, as there has been no indication as to when or if it will come into force, Namibian legislation does not adequately criminalise the online sexual exploitation of children in line with international instruments.

Sale and trafficking of children for sexual purposes

28. The Combating of Trafficking in Persons Act protects children from trafficking. Under the Act a person will be guilty of trafficking a child if "he or she intentionally recruits, transports, delivers, transfers, harbours, sells, exchanges, leases or receives a person.... for the purpose of exploitation."⁷⁰ The definition of exploitation under the Act includes, among other things, prostitution or any form of sexual exploitation.⁷¹
29. In compliance with Article 3(c) of the Palermo Protocol, the involvement of the means provided for trafficking of adults i.e. "threat, use of force or other forms of coercion, of abduction, blackmail, fraud, deception, by abuse of a position of vulnerability or power or by means of giving or receiving of payment or benefits to achieve the consent of a person having control over another person", are not required to constitute the crime when the victim is a child.⁷²
30. The 'movement' or 'displacement' of the victim is not required to constitute a trafficking offence but the acts of recruitment, transportation, transfer, harbouring or receiving of a child amount to human trafficking.⁷³
31. The consent of a child victim is explicitly excluded as a defence under the Act.⁷⁴ This ensures that no child can consent to their own exploitation through trafficking.
32. The Act does not explicitly criminalise the trafficking of children both within and outside of national borders and there is no provision under Namibian legislation that explicitly prohibits the sale of children in line with the OPSC.

Sexual exploitation of children in travel and tourism

33. There is no legal framework in place in Namibia that protects children from SECTT. Neither the Child Care and Protection Act or the Tourism Board Act⁷⁵ contain provisions that provide protection for children from sexual exploitation in a travel and tourism context.
34. Only 16 travel and tours operators with operations in Namibia, including hotels and associations, have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism which aims to protect children from sexual abuse in travel and tourism.⁷⁶ Currently there are no companies based in Namibia that are signatories of The Code.

Child, early and forced marriage (CEFM)

35. Under the Child Protection Act the legal age of marriage is set at 21 years.⁷⁷ A person between the ages of 18-21 “requires the consent of his or her parents or guardian to enter into a marriage, unless that person has been previously married or emancipated by an order of court.”⁷⁸
36. However, under the Married Persons Equality Act 1996, which amends the 1961 Marriage Act, the minimum legal age of marriage is 18 years.⁷⁹ Furthermore, under Article 24 children under 18 can marry with written permission of a minister or any staff member in the Public Service authorised by the minister.⁸⁰ Despite this provision, the Child Protection Act will take precedence in all matters concerning children.⁸¹
37. Forced marriage is included under the definition of exploitation contained in the Combatting of Trafficking in Persons Act.⁸² Therefore the “recruitment, transportation, transfer, harbouring or receiving of a child” for the purposes of forced marriage will be considered a human trafficking offence.⁸³
38. The minimum age of required for customary marriages is not currently covered in Namibian law. Whilst a draft bill on the Recognition of Customary Marriages has previously been prepared, by the Law Reform and Development Commission, that seeks to set the minimum age for customary marriage at 18 years,⁸⁴ this has not yet been translated into legislation.

Extraterritorial jurisdiction and extradition

39. The Combatting of Trafficking in Persons Act states that it will have jurisdiction for acts committed outside of Namibia that would constitute an offence under the Act.⁸⁵ There is no requirement for the act to be considered an offence in the territory where it was carried out. This will apply if the person to be charged is: a citizen or resident of Namibia, or has committed an offence against a citizen or resident of Namibia, or is present in the territory of Namibia after the offence, or is not extradited by Namibia or is a juristic person or partnership

registered in terms of a law in Namibia.⁸⁶ Whilst this covers active and passive personality for those offences relating to the human trafficking of children, it does not cover all SEC-related offences.

40. The Extradition Act – in operation with the Child Care and Protection Act and Combatting of Trafficking in Persons Act – makes it an extraditable offence for children to be used for the purposes of trafficking, prostitution or child sexual abuse material.⁸⁷ Those countries to which an offender may be extradited are those with which Namibia has an extradition agreement or “any other country... which has been specified by the President by proclamation in the Gazette for purposes of this Act.”⁸⁸The principle of double criminality applies for extraditable offences as the Extradition Act requires that the offence be punishable with a minimum of 12 months imprisonment in both Namibia and the extraditing country.⁸⁹

Recommendations to the GoN

1. Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
2. Enact a provision defining child sexual abuse material in line with the OPSC;
3. Define and criminalise online child sexual exploitation offences such as live streaming of child sexual abuse, online grooming and online sexual extortion;
4. Amend the Married Persons Equality Act to remove conditions under which a child under 18 may marry with the permission of specified public authorities;
5. Enact legislation defining and criminalising SECTT and adopt mandatory policies to protect children in new public and private tourism developments;
6. Extend extraterritoriality provisions to include all offences related to SEC;
7. Amend the Extradition Act to abolish the dual criminality requirement for extraditable offences.

Implementation

National policies and programmes

41. The Ministry of Gender Equality and Child Welfare (MGE CW) is the key actor in coordinating national strategy relating to children. It is the mandate of the MGE CW to oversee the monitoring and evaluation processes for the National Gender Policy.⁹⁰ Furthermore, it is listed as the lead institution for the relevant goals listed under the 5th National Development Plan⁹¹ and The National Plan of Action on Gender Based Violence.⁹² The Directorate of Child Welfare, acting under the Ministry of Gender Equality and Child Welfare, is responsible for ensuring that the right mechanisms are put in place to protect all children. It develops policies, guidelines and standards for the provision of Child Care and Protection Services and monitors and ensures adherence to national and international standards and guidelines defined for the provision of these services.⁹³

42. The Namibian 5th National Development Plan 2017-2022 seeks to reduce violence against children as part of its gender equality strategy.⁹⁴ Forms of violence against children include child marriage, sexual violence (prostitution and pornography), and child trafficking.⁹⁵ The project to reduce violence against children includes awareness raising activities, review of existing policies and integrated service delivery for prevention and response.⁹⁶ The Plan estimated an investment cost of N\$40,000 (2400 USD as of October 2020) spread over 5 years to implement this project.⁹⁷ The National Planning Commission (NPC) is required to monitor the progress of the goals set out under the plan and provide annual progress reports to the GoN.⁹⁸ A midterm evaluation of the Plan is also due in 2020.⁹⁹
43. The National Gender policy 2010-2020 contains aims that seek to protect girls from sexual exploitation. Strategies include reinforcing and implementing laws aimed at protecting the girl-child from sexual abuse and rape, trafficking and all forms of violence, including sexual abuse.¹⁰⁰ These strategies are aimed specifically at girls and do not cover boys. Despite those strategies mentioned in the National Gender Policy, the only strategies specifically addressing SEC issues in the National Gender Plan of Action 2010-2020 are related to CEFM.¹⁰¹ The monitoring and evaluation of this plan was to be carried out within the monitoring framework of The Namibian 3rd National Development Plan.¹⁰² Any programme, under the National Gender Policy, was to submit a programme results matrix to the NPC annually in order to measure implementation and progress towards results.¹⁰³ Furthermore, the policy was due to have a midterm review.¹⁰⁴
44. The National Plan of Action on Gender Based Violence 2019-2023 sets out a number of goals that relate to trafficking, OCSE and CEFM.¹⁰⁵ Relevant strategies under the plan include improvising response and support services for victims of trafficking,¹⁰⁶ enacting and enabling the Electronic and Cybercrime Law to provide better online protection¹⁰⁷ and conducting a research study on child marriage.¹⁰⁸ In terms of monitoring, a midterm evaluation is due in 2021 and a final impact evaluation is scheduled within 3 months of the Plan ending.¹⁰⁹ Unfortunately, the lack of monitoring and evaluation reports of the previous Plan of Action on Gender Based Violence 2012-2016 makes it difficult to assess its impact in relation to SEC.
45. In the framework of this research no monitoring or evaluation reports have been found in relation to the plans mentioned above and so progress on projects relating to SEC is unclear.
46. The National Agenda for Children 2012-2016 committed to ensuring all children are safe from neglect, violence, abuse and exploitation.¹¹⁰ The strategies set out under the plan did not target SEC specifically. The MGECCW endeavours, in its strategic plan 2017-22, to improve care and protection for children's well-being but does not address SEC specifically.¹¹¹
47. Section 25 of the Child Care and Protection Act establishes that there must be a children's advocate in the Office of the Ombudsman.¹¹² A children's advocate was appointed to the role

in 2018.¹¹³ Functions of the role include receiving and investigating any complaints made that concern a violation of children's rights under Namibian law, monitoring the implementation of international and national legislation related to children and raising awareness throughout Namibia on the protection of children.¹¹⁴ In the Ombudsman Annual Report of 2018 it was stated that the then newly appointed children's advocate was also the head of the Human Rights and Legal Services Division in the office.¹¹⁵ The report recommended that the two should be separate roles and that both needed to be adequately resourced.¹¹⁶

Recommendations to the GoN

8. Develop comprehensive goals and strategies specifically related to all manifestations of SEC that can be incorporated into future national action plans;
9. Ensure that effective monitoring and evaluation for all strategies combatting SEC is carried out and published so as to provide transparency.

International Cooperation

48. The primary law that provides for international cooperation in Namibia is the International Cooperation in Criminal Matters (2000).¹¹⁷ The Act provides for mutual legal assistance between Namibia and foreign states, through the bilateral and multilateral agreements entered into under Section 27.¹¹⁸
49. Although Namibia submitted its Voluntary National Review of the implementation of SDGs in 2018, it did not directly address those sustainable development goals that directly relate to SEC.¹¹⁹

Prevention, awareness and education

50. A Children's fund is provided for under the Child Care and Protection Act that makes money available for prevention and early intervention programmes.¹²⁰ Some of the objectives of the prevention and early intervention services include addressing gender based violence, child trafficking and child labour.¹²¹ Furthermore, children who have been victims of trafficking¹²² and children who are engaged in commercial sex work or have been subjected to any form of sexual exploitation are considered as children in need of protective services and must be referred to a designated social worker for an investigation.¹²³ It has not been possible to verify whether funds have been directed specifically towards preventing SEC.
51. In 2019, the project titled "Strengthening coordination to respond to Trafficking in Persons (TIP) and ensure justice and protection for all victims of trafficking (VoT) in Namibia" was

implemented in coordination with the Namibian Government through the National Coordinating Body which is being led by the MGECW and is being supported by the International Organization of Migration. Under the project a police training manual was produced and an awareness raising campaign exists that seeks to increase public awareness of human trafficking, prevent the public from becoming victims of trafficking and encourage them to report or refer potential trafficking cases.¹²⁴

52. The Child Online Protection taskforce was established in 2017 and is comprised of government ministries, civil society organisations, development partners and the private sector with the purpose of coordinating the prevention and response to online child abuse and exploitation.¹²⁵ The taskforce is still functional and has been organising the annual Safer Internet Day within the country.¹²⁶
53. In 2018, The National Safe Schools Framework identified reluctance and unease from parents and teachers to discuss issues such as sexual exploitation, a lack of teacher training on the issue and failure to include students and parents, as factors which discourage the reporting of violence and abuse.¹²⁷ Under the Framework, training was provided, in 2018, to 31 education officials on how best to report and respond to instances of sexual violence in schools.¹²⁸

Recommendations to the GoN

10. Produce and disseminate more information to children and the general public about the harmful effects of all manifestations of SEC;
11. Promote awareness of the harmful effects of child early and forced marriage, especially among ethnic groups where the practice is more prevalent.

Protection

Measures taken by the GoN to protect the rights and interests of child victims

National complaint mechanisms

12. Namibia established the Gender Based Violence Investigation Units in 1991 and to date there are 17 units countrywide.¹²⁹ Whilst counselling is usually offered in person, each unit can provide urgent advice over the phone for those who are in danger.¹³⁰
13. Lifeline/Childline Namibia also offers a national free counselling helpline and SMS service for children.¹³¹ The helpline has offices located throughout different regions and helps to refer victims to the MGECW and social workers for further assistance. Helpline workers also seek to promote public awareness of their services and work directly with communities to promote safety in schools.¹³² In 2018, a school outreach programme conducted by Lifeline/Childline and UNICEF helped to improve the knowledge of online risks of 12 thousand children

nationwide.¹³³In the period between January 2019 and January 2020 the helpline dealt with 55 cases involving the sexual abuse of children and 2 involving CSAM.¹³⁴

14. In 2017 a partnership between UNICEF, Lifeline/Childline and the government launched a national portal for reporting online child sexual abuse.¹³⁵ In the period spanning June 2019 and November 2019, there were only 4 reported cases of CSAM, none of which were deemed actionable.¹³⁶
15. In 2019, the MGECW and National Coordinating Body, supported by the International Organisation for Migration established the National Referral Mechanism and Standard Operating Procedures that aim to identify, protect, and safely return victims of trafficking in Namibia.¹³⁷ No information as to the functionality of the referral mechanism could be found in the course of this research.
16. Section 132 of the Child Care and Protection Act introduces a mandatory reporting requirement for all those who work with children in a professional capacity when there is a suspicion that a child may be in need of protective services.¹³⁸ Section 133 provides that children who believes themselves or another in need of protective services may make a report to a community child care worker, a social auxiliary worker, a social worker or a member of the police.¹³⁹

Child sensitive justice

17. In 2019, a child witness training manual was released in coordination with UNICEF.¹⁴⁰This manual aims to provide those professionals working with child survivors with the skills required to successfully obtain evidence without contravening the rights of the child.
18. The Child Care and Protection Act contains provisions on the physical environment during children's courts hearings to ensure that they are as informal as possible. The room must be, as much as possible, "furnished and designed in a manner aimed at putting children at ease" and "conducive to the informality of the proceedings and the active participation of all persons involved in the proceedings without compromising the dignity of the court."¹⁴¹ Furthermore, Section 61 of the Act prohibits the disclosure of the identity of a child witness.¹⁴²

Section 158 of the Criminal Procedure Act 51 of 1977 provides a number of accommodations for vulnerable witnesses. All children, including the victims of sexual offences, are considered under the definition of a vulnerable witness.¹⁴³ These special arrangements include, among other things, using privacy screens or video links, rearrangement of the furniture in a courtroom, relocation of the trial and examination with the help of a support person.¹⁴⁴

19. In 2017 and 2018, police, social workers and other professionals dealing with child victims received training on best practices for interviewing victims of both online and offline sexual abuse, resulting in better child friendly methods that helped to prevent retraumatisation.^{145,146}In

2018, training was also provided to 338 medical professionals on how to obtain forensic evidence of sexual abuse against children.¹⁴⁷

Access to recovery and reintegration

20. Children who have been victims of sexual abuse or exploitation may access multi sectoral assistance in the Gender Based Violence Investigation Units. Currently there is at least one unit in each region of the country.¹⁴⁸ The centre in Windhoek was upgraded in 2019 and allows trained police officers, medical professionals and social workers to provide services tailored to the needs of the victim for survivors of violence against children.¹⁴⁹ These services include child-sensitive criminal investigation, court preparation, psychological support, and assistance to survivors and witnesses. This allows for key services such as shelter, medical treatment and post exposure prophylaxis to be provided in a single location.¹⁵⁰ It is planned that a centre will be established in each region of Namibia, preferably close to a health care facility.¹⁵¹ Although the services offered are for all women and children who have been victims of abuse or violence and are not tailored specifically for SEC, victims of SEC have made use of these units.¹⁵²
21. The Children's Fund, established under the Child Care and Protection Act, dedicates money to the establishment, maintenance or upgrading of facilities for children.¹⁵³ No information on the implementation of the Children's Fund for victims of SEC or the extent of the available funding has been found in the context of this research.

Access to compensation

22. The Criminal Procedure Act 1977 provides that, for cases convicted under proceedings taken by the children's advocate, the court may award compensation even when the victim has not applied for it.¹⁵⁴ However, compensation is provided for only where a crime results in "damage to or loss of property (including money)."¹⁵⁵ The Criminal Procedure Act of 2004 would have broadened the possibilities for victim compensation by covering "injury, damage or loss, whether patrimonial or otherwise" resulting from a criminal offence,¹⁵⁶ but has never been brought into force.
23. Similarly, the Combatting of Trafficking in Persons Act provides only for compensation for "damage to, or loss of property, including money, suffered by the victim" and "loss of income and support suffered by the victim."¹⁵⁷

Recommendations to the GoN

12. Ensure that shelters offering integrated services and tailored specifically for SEC victims are available and well-funded throughout all regions of Namibia;
13. Ensure that law enforcement use child friendly methods at all times when dealing with child witnesses and victims;

14. Deliver recovery and reintegration programmes for all children who have been victims of SEC and provide tailored training for all professionals working with such children;
15. Expand the law and introduce mechanisms that allow effective access to compensation for all children who have been victims of SEC.

¹ Human Rights Council. (2016). [Report of the Working Group on the Universal Periodic Review: Namibia A/HRC/32/4](#) 15th April 2016.

² See Human Rights Council. (2016). [UPR of Namibia – Second Cycle – Thematic List of Recommendations.](#)

³ Human Rights Council. (2016). Report of the Working Group on the Universal Periodic Review: Namibia A/HRC/32/4 15th April 2016 Recommendations 137.44, 137.48, 137.162, 137.163, 137.131, 137.150, 137.15, 137.130,

⁴ *Ibid.*, Recommendations 137.148, 137.150, 137.130.

⁵ *Ibid.*, Recommendations 137.44, 137.15.

⁶ *Ibid.*, Recommendations 137.162, 137.163.

⁷ *Ibid.*, Recommendation 137.131.

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