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USDOS – US Department of State

2019 Trafficking in Persons Report: Namibia

NAMIBIA: Tier 2

The Government of Namibia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Namibia remained on Tier 2. These efforts included more investigations and prosecutions of potential traffickers and convicting traffickers for the first time in two years. The government referred to care a higher percentage of identified victims and facilitated the safe repatriation of more foreign victims. In partnership with an international organization the government finalized a National Referral Mechanism (NRM) and Standard Operating Procedures (SOPs) to guide front-line officials in the identification of victims and provision of protective services. It also finalized and disseminated the National Gender Based Violence (GBV) Plan of Action, which included a comprehensive framework to address trafficking. However, the government did not meet the minimum standards in several key areas. The government did not finalize implementing regulations for the Combating of Trafficking in Persons Bill, which are required for the law to be operational. It also did not adequately fund facilities equipped to shelter victims of trafficking.

PRIORITIZED RECOMMENDATIONS

Finalize implementing regulations for the Combating of Trafficking in Persons Bill and train officials on the new law. • Train officials on implementation of the national referral mechanism and standard operating procedures. • Increase funding to civil society partners that provide accommodation and care to trafficking victims to ensure they have adequate resources. • Increase efforts to investigate and prosecute traffickers. • Strengthen coordination among government ministries to ensure roles and responsibilities are clear and anti-trafficking policies are increasingly effective. • Increase efforts to raise public awareness, especially in rural areas.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2004 Prevention of Organized Crime Act (POCA) criminalized sex trafficking and labor trafficking and prescribed penalties of up to 50 years' imprisonment or a fine not exceeding 1 million Namibian dollars (\$69,690). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. In March 2018, the president signed the Combating of Trafficking in Persons Act, which explicitly criminalizes human trafficking and provides protection measures for victims of trafficking and it was promulgated in April 2018; however, the implementing regulations required for the law to be fully operational were not finalized by the end of the reporting period.

During the reporting period, the government investigated nine trafficking cases involving 18 suspects, compared to seven cases in 2017; of these, three involved alleged sex trafficking, four alleged forced labor, and two investigations remained ongoing at the close of the reporting period. The government initiated prosecutions in seven cases involving five defendants, an increase from four cases prosecuted during the previous year. All defendants were charged under the POCA of 2004. The government convicted two defendants, compared to zero convictions during the previous reporting period; of these, one was sentenced to eight years’ imprisonment, while the other had not yet been sentenced at the close of the reporting period. The trial of a South African national extradited to Namibia in December 2017 was ongoing in the Windhoek High Court at the close of the reporting period.

The government conducted a multidisciplinary training for 35 criminal justice practitioners on identifying potential victims, referring them to protective services and legal support, as well as on prevention efforts and raising awareness of the crime. Anti-trafficking focal points within the Namibian Police Force and the Office of the Prosecutor-General trained participants at courses conducted by two international organizations. A senior officer of the Namibian Police Force and a senior prosecutor from the Office of the Prosecutor-General, in collaboration with an international organization, trained 35 social workers and shelter service providers on provision of victim-centered protective services. The Namibian Police Force and a senior prosecutor from the Office of the Prosecutor-General trained 140 immigration officials and provided anti-trafficking training to an unknown number of law enforcement officers in three police colleges during the reporting period. In partnership with an international organization, the government drafted anti-trafficking manuals for police and prosecutors, which provided guidelines for victim identification. In addition, the government drafted and printed pocket manuals for police officers to aid in the identification and referral of potential trafficking victims to services. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government increased efforts to protect trafficking victims. The government identified 21 trafficking victims, including five women, 10 girls, and six boys and referred 14 victims to an NGO shelter, which was partially government-funded. The government reunified five Namibian child victims with their parents and repatriated two Zambian nationals. This was compared to 21 victims identified and five referred in 2017. Seven victims were Namibian and 14 were foreign nationals from Zambia, the Democratic Republic of the Congo, and Angola. Thirteen victims were exploited in forced labor, including domestic servitude and cattle herding, seven were sex trafficking victims, and one victim was exploited in both sex trafficking and forced labor. The Cabinet approved a NRM and SOPs, drafted by the Inter-Ministerial Committee on Trafficking in Persons in collaboration with an international organization. Separate from the NRM and SOPs, the Namibian Police Force (NamPol) and immigration officials used their own referral procedures. In practice, labor inspectors and immigration officials contacted NamPol when they identified an instance of potential trafficking; NamPol referred victims of all crimes to temporary shelter and medical assistance. The government partnered with a local NGO to provide protective services to Namibian and foreign victims of trafficking; the NGO provided safe accommodation and the government provided psycho-social support, legal assistance, medical care, and ensured victims had proper documentation. Child victims were provided with access to education. The Gender-based Violence Protection Units facilities offered initial psycho-social, legal, and medical support to crime victims, in cooperation with the police, the Ministry of Gender Equality and Child Welfare (MGECW), the Ministry of Health, and NGOs. Government shelters for victims of gender-based violence,

including trafficking, were non-operational during the reporting period. Adult victims had the ability to seek employment and work while receiving assistance, though it is unknown how many victims did so during the reporting period. The NGO shelter that received victims during the reporting period was equipped to receive families, teen boys, and men. The government provided 26,000 Namibian dollars (\$1,810) per month to the NGO that received victims. The government also provided 24,000 Namibian dollars (\$1,670) to an NGO shelter in the northeastern part of the country. The Ministry of Home Affairs and Immigration continued to provide immigration officials a printed manual to guide identification of trafficking victims.

The government did not have a policy to encourage trafficking victims' participation in investigations; the law provides for witness protection or other accommodations for vulnerable witnesses that in principle would be available for trafficking victims. However, 14 victims voluntarily assisted law enforcement during the reporting period. The government requested information and offered repatriation assistance in a case involving five Namibian child trafficking victims exploited in the United Kingdom. While the government had no formal policy to provide residence permits to foreign victims of trafficking, during previous reporting periods, government officials made ad-hoc arrangements for victims to remain in Namibia.

PREVENTION

The government maintained prevention efforts. The ministerial-level national committee to combat trafficking and its technical committee did not hold any official meetings during the reporting period. The National Coordinating Body met four times during the reporting period with support from an international organization. The government addressed trafficking in the National GBV Plan of Action, which was finalized and disseminated to relevant agencies in all 14 political regions of the country during the reporting period. The government hosted the third annual commemoration of World Day Against Trafficking in Persons in all 14 regions of the country. In partnership with an international organization, the government developed materials and launched a national awareness-raising campaign, and NamPol created and distributed informational pamphlets and posters throughout the country, including at major immigration points, such as international airports. The government continued to participate in the Southern African Development Community (SADC) regional data collection tool by uploading information about trafficking cases and victim and trafficker profiles, as well as sharing information with countries in the region. The Ministry of Labor and Social Welfare employed 77 labor and occupational health and safety inspectors, who were responsible for enforcing laws against child labor. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Namibia, and traffickers exploit victims from Namibia abroad. Some victims are initially offered legitimate work for adequate wages, but are then subjected to forced labor in urban centers and on commercial farms. Namibian children are subjected to forced labor in agriculture, cattle herding, and domestic service, and to sex trafficking in Windhoek and Walvis Bay. A 2015 media report alleged foreign sex tourists from southern Africa and Europe exploit child sex trafficking victims. Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities; however, in some

instances, these children are exploited in forced labor. Among Namibia’s ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes. Children from less affluent neighboring countries may be subjected to sex trafficking and forced labor, including in street vending in Windhoek and other cities as well as in the fishing sector. Angolan children may be brought to Namibia for forced labor in cattle herding.

ecoi.net summary:

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