



**Submission by the United Nations Country Team in the Republic of
Namibia**

For the UN Compilation Report

Universal Periodic Review: 3rd Cycle, 27th Session

THE REPUBLIC OF NAMIBIA

I. INTRODUCTION

1. Over the past 30 years Namibia continues to enjoy a stable democracy with regular, free and fair elections that are observed to meet international standards. The last parliamentary and presidential elections took place in November 2019, and the next regional council and local authority elections are scheduled for November 2020.
2. The UN system in Namibia's operations and priorities are guided by the United Nations Partnership Framework, in which the Government of the Republic of Namibia (GRN) and the United Nations Development System in Namibia, pledge to work together in partnership to support the implementation of the Fifth National Development Plan (NDP 5) and overall the realization of Namibia's Vision 2030. The current UNPAF (2019-2023) is aligned with NDP 5, and contributes to four main results areas: Economic Progression, Social Transformation; Environmental Sustainability and Good Governance.
3. Human rights are enshrined in the Constitution and Namibia is a party to many international human rights agreements and continues to commit to the provision, promotion and protection of human rights as set out in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments.

II. METHODOLOGY

4. This report is a combined submission of several UN agencies in Namibia.ⁱ The UNCT supports the facilitation and submission of this report under the leadership of the UN Resident Coordinator's Office.

III. THEMATIC AREAS: OBSERVATIONS & RECOMMENDATIONS

A. Acceptance of International Norms & Cooperation with International Mechanisms

5. Namibia has made progress in terms of ratification of international human rights instruments.ⁱⁱ

6. Namibia has ratified all eight Fundamental ILO Conventions, three of the four governance conventions and additional four technical conventions.¹ The latest ratifications were in September 2018, on Employment Policy Convention (C122), Labour Inspection Convention (C081), Labour Relations (Public service) Convention (C151) and Work in Fishing Convention (C188). Namibia has also ratified the Protocol of 2014 to the Forced Labour Convention, 1930 (C029) in November 2017.
7. Namibia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the CRC on Communications Procedures as recommended in terms of the UPR 2nd cycle.
8. The Council of Europe Conventions on Cybercrime ('Budapest Convention') and on the Protection of Children against Sexual Exploitation and Sexual Abuse ('Lanzarote Convention') sets international standards on safeguarding and protecting children, against child sexual exploitation and abuse facilitated through digital technologies. Considering the need for international cooperation to address these human rights violations, states who are not a member of the Council of Europe are highly encouraged to ratify these. To date, Namibia has not yet done so.

9. **Recommendations:**

- Ratify the international human rights instruments that it is not yet a party to as referred to in paragraphs 7 and 8 above.

Cooperation with Treaty bodiesⁱⁱⁱ

¹ These Conventions, cover subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These include the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

, Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), Abolition of Forced Labour Convention, 1957 (No. 105), Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1999 (No. 182), Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

10. Namibia has made progress in meeting its obligations under the ILO Constitution Articles: 19 on reporting on conventions and unratified Conventions; 22 on reporting on ratified Conventions; and, 23 on ratified and unratified conventions and recommendations submitted to ILO supervisory bodies on a periodic basis.²
11. Namibia has reported on the measures which it has taken to give effect to the provisions of Conventions it has ratified and the position of its law and practice regarding the matters dealt with in ratified Conventions. Since 2016, the ILO supervisory bodies, particularly the Committee on the Application of Conventions and Recommendations, has made observations and requested information from government on the application in law and practice related to key international labour standards.
12. UNCT has noted progress made in implementing the concluding observations and recommendations of the 2nd and 3rd periodic report by the Committee on the Convention on the Rights of a Child (CRC). In particular; the enactment of the Child Care and Protection Act (CCPA) No 1 of 2015 and the enactment of Trafficking in Persons Act No. 1 of 2018.
13. However, reporting to the Committee on the Rights of the Child and its Optional Protocols has been considerably delayed.

14. Recommendations:

- Ensure timely state reporting on CRC and its Protocols, with meaningful child and adolescent participation in the development and dissemination of the report and the subsequent concluding observations from the Committee.
- Accelerate the implementation of the CCPA.
- Continue to strengthen the capacity of the Namibia Inter-Ministerial Committee on Human Rights and International Humanitarian Law to be able to effectively coordinate the implementation of recommendations from all human rights mechanisms.

² https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO#A23.

Constitutional & legislative framework^{iv}

15. Fundamental rights and freedoms are enshrined in the Bill of Rights of the Constitution.

In terms of the Constitution, general rules of public international law and international Conventions ratified by Namibia including those relating to human rights are binding and forms part of Namibian law without further domestication with enabling legislation. The promotion and protection of human rights is implemented through various organs and institutions including the Judiciary, which is an independent organ of the state, and the Office of the Ombudsman which amongst others investigates complaints of violations of fundamental rights and freedoms including the abuse of State power, unfair treatment and the functions of the defense force and police. The Legal Aid directorate of the Ministry of Justice provides free legal representation for applicants who cannot afford services of a private lawyer in criminal, civil and labor matters.

16. Although the Child Care and Protection Act (CCPA) defines a child as anyone under the age of 18, the definition of a child in the Constitution, which is the supreme law, still defines a child as anyone under the age of 16. The Constitution and the Child Care & Protection Act are not aligned in this regard.

17. Progress is noted in finalizing the Child Justice Bill, which is aligned with International standards on juvenile justice and the Convention on the Rights of a Child. In particular, the age of minimum criminal responsibility has been raised to 12 years and diversion programs are formalized. The Bill makes provisions for detention centers for children to ensure that they are not detained with adults.

18. **Recommendations**

- Amend the Constitution to align the definition of a child with the CCPA and the CRC.
- Expedite the enactment of the Child Justice Bill to ensure compliance with international standards on juvenile justice and promotion of the rights of children in conflict with the law.

Institutions & policies^v

19. The National Disability Council Act No. 26 of 2004 establishes the Council that amongst others, monitors the implementation of the National Policy on Disability of 1997. Both the Act and the Policy document are not aligned with the provisions of the Convention on the Right of Persons with Disabilities (CRPD). Progress has been made in strengthening the office of the Ombudsman when it opened its fifth regional office in Katima Mulilo, Zambezi Region, in March 2019, with the aim of extending its accessibility to all Namibians especially those in remote areas³ to lodge their human rights related complaints with the office for investigations. A Children's Advocate was appointed to provide legal advice to the Office of the Ombudsman and to oversee investigations involving children as mandated by the Child Care and Protection Act. No 3 of 2015.

20. Recommendation:

- Amend the National Disability Council Act and the National Policy on Disability to align them to the CRPD.
- Enact the Ombudsman Bill.
- Ensure that the establishment of the National Disability Forum⁴ to function as an Independent Monitoring Mechanism (IMM) as in line with art 33(2) of the CRPD is included in the revision and in conformity with the National Policy on Disability.

B. Specific issues of concern

Right to participate in public affairs & right to vote^{vi}

21. The Electoral Act No. 5 of 2014 allows for the election process and outcome to be challenged in court and this platform was used in both the 2009 and 2019 elections by aggrieved persons. In the 2019 elections case, opposition parties challenged the use of electronic voting machines (EVMs) without Voter Verified Paper Audit Trail and the court ruled in their favour that in future the Electoral Commission of Namibia will have to ensure that the use of EVMs be accompanied by a Voter Verified Paper Audit Trail.

³ Ombudsman 2019 Annual Report, available at https://drive.google.com/file/d/1gmIiJ4kjtMx6Qvvr0tACooy2Hk5Dc_Q9/view?usp=sharing.

⁴ National Disability Forum is a critical coordination element to ensure that disability is mainstreamed across all sectors.

Issue 1: Human rights and extreme poverty^{vii}

22. Cabinet approved the Namibia School Feeding Programme Policy and Action Plan [2019-2024] to address inequalities faced by orphans and vulnerable children and expand access to educational opportunities for all children, particularly those from food insecure households. The Home-Grown School Feeding Programme 2019-2024 aims to provide balanced and diversified meals at schools that promotes nutritional health of learners.
23. The development of the Namibian Zero Hunger Strategic Review report (2017) resulted in a road map to be operationalized by the Ministry of Poverty Eradication and Social Welfare to achieve Zero Hunger.⁵ The Road Map (2016-2020) is aligned to the goals of the Harambee Prosperity Plan and the Sustainable Development Agenda – particularly SDG2: “End hunger, achieve food security and improved nutrition, and promote sustainable agriculture“. It delineates a clear set of objectives and milestones for Namibia to track and accelerate progress toward Zero Hunger and assigns responsibilities to various line ministries and other stakeholders to ensure a multi-sectoral, inter-connected response.
24. The government is currently exploring the building of its “heritage tourism” sector in order to stimulate job creation at the community level as a measure to combat unemployment and poverty.
25. The indigenous San ethno-lingo group remains particularly vulnerable to extreme poverty, with approximately ¾ of under-fives stunted and more than 1 in 10 wasted. This disproportionate vulnerability is exacerbated by poor access to social safety nets, including legal national identity documents. The Ministry of Gender Equality, Poverty Eradication and Child Welfare has been tasked to develop a package of interventions and an oversight technical taskforce to improve service delivery to the San community with a focus on reducing malnutrition.

26. Recommendation:

⁵ The Road Map is aligned to the goals of the Harambee Prosperity Plan and the Sustainable Development Agenda – particularly SDG2: “End hunger, achieve food security and improved nutrition, and promote sustainable agriculture“. It delineates a clear set of objectives and milestones for Namibia to track and accelerate progress toward Zero Hunger. The Road Map assigns responsibilities to various line ministries and other stakeholders to ensure a multi-sectoral response, as well as inter-connections among different sectors.

- Ensuring that the Social Protection Policy that has been submitted to Cabinet is approved and measures are taken to ensure implementation.
- Accelerate development and implementation of equity-focused interventions to improve the San community's access to social safety nets and a comprehensive multi-sectoral nutrition programme to improve nutrition outcomes in this marginalized group.

Issue 2: Right to protection of property, financial credit^{viii}

27. The government continues to build the capacity of the national parliament of Namibia and traditional authorities on their responsibilities under the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) of Lands, Fisheries and Forests. This is in the context of national food security to enhance the capacity of traditional authorities to administer communal land within their jurisdictions in line with the Communal Land Reform Act No. 5 of 2002 and cognisant of the resolutions of the 2nd National Land Conference held in 2019.
28. The Capacity Building Strategy for Resettlement Farmers was developed in 2017 and its implementation is coordinated by the Ministry of Agriculture, Water and Land Reform. It mandates different stakeholders in equipping both existing and new resettlement farmers with the necessary skills to manage their farms productively.
29. The Land Reform resettlement program has so far resettled over 1,500 families; with a total quantity of land redistribution to black farmers through both the ministerial land reform program and Agribank's loan scheme estimated at 3 million hectares, representing 8.3% of all Namibian commercial agricultural land. A Special Committee on Land and Related Matters (SCLRM) was constituted to examine and provide proposals and recommendations to all legal aspects related to an effective land acquisition, mechanisms to address the escalation of land prices, amongst others.
30. However, there are challenges in the resettlement program which include the lack of comprehensive evaluation of the performance of resettled farms and inadequate human, technical and financial capacity of resettled farmers to enhance productivity of their farms.

31. Different programs have been implemented to support the resettlement programmes such as the Support to Land Reform 2003-2016 by GIZ, and the Livelihood Support Programme to the resettlement projects in the Omaheke Region.

Issue 3: Adequate housing and safe drinking water^{ix}

32. The Mass Housing Development Programme was adopted in 2013 by Cabinet to address the country's critical housing crisis with a promise to build 148 000 houses by 2030 but faced some challenges and was discontinued in 2015. However, it's worth noting that an estimated 40% (995,000 people) of the Namibian population live in shacks in the informal settlements, characterized by overpopulation with poor access to sanitization.

33. Namibia has achieved progress in increasing access to safe drinking water. In 2017 it was estimated that 76.3% of Namibia's population has access to clean water.⁶ Nevertheless, access remains a concern in rural and isolated areas. Over 98.5% of the urban population have access to clean water, however, only 61.5% of the rural population have such access. There is also significant regional disparity in access to safe drinking water.

34. Recommendation:

- Design and implement an alternative housing scheme to replace the discontinued Mass housing Project, especially targeting the urban poor in the informal settlements.
- Support the Ministry of Agriculture, Water and Forestry to invest in rural water supply to ensure that the gap between access to water in urban and rural areas is reduced.

Issue 1: Domestic Workers and Violence and Harassment at Work

35. The government is in the process to ratify the ILO Domestic Workers Convention⁷ following approval by Cabinet to table it to parliament before the end of 2020. Measures to address the minimum wage and supplemental minimum conditions of employment for domestic workers are being implemented through the Domestic Wage Order adopted in

⁶ The Root Causes of Poverty- National Planning Commission (2017).

⁷ (No. 189 of 2011).

September 2017 by Government Regulations.⁸ The Order has since been revised to cater for adjustments for inflation and transport allowances.

36. Although sexual harassment is defined in the Labour Act No 11 of 2007, it is not well understood thus there is need for awareness raising through development and popularisation of sectoral sexual harassment policies in the place of work. There is currently no code of good practice on sexual harassment which can be used as a guide to handle sexual harassment cases in the workplace.

37. The 2007 Labour Act does not specifically prohibit discrimination on the ground of sexual orientation. This had previously been prohibited under the 1992 Labour Act. The Special Report on Racism and Discrimination published by the Office of the Ombudsman in November 2017 states that lesbian, gay, bisexual, transgender and intersex (LGBTI) people continue to experience discrimination, including at their workplace.

38. Recommendations:

- The Ministry of Labour, Industrial Relation and Employment Creation should draft the Code of good practice on sexual harassment.
- Conduct training for social partners and enforcement authorities, awareness-raising campaigns, helplines and legal assistance or support units to assist victims of sexual harassment in the workplace.
- Amend the Labour Act so that discrimination at the workplace on the ground of sexual orientation is expressly prohibited.

Issue 2: Gender equality in employment

39. Article 10 of the Constitution prohibits discrimination on the ground of sex, race, colour, ethnic origin, religion, creed or social or economic status. Section 5 of the Labour Act of 2007 also prohibits discrimination on the basis of HIV/AIDS status, persons with disabilities, family responsibility and racially disadvantaged persons. The National Human Rights Action Plan identifies the right not to be discriminated against in the

⁸ GN 6428/2017 available at <https://mol.gov.na/documents/53329/69998/Wage+Order+for+Domestic+Workers.pdf/21e752aa-13af-074d-03ef-683fc0b76baf>.

workplace, this is especially in respect of specific groups including women, indigenous persons, persons with disabilities and LGBTI persons.

40. Despite progress made by the government to achieve gender parity (50/50) representation in parliament, sex-based occupational segregation in the labour market prevails and the representation of women in managerial positions in the private sector remains very low. According to the Namibia Gender Analysis (2017) prepared by the Legal Assistance Centre of Namibia, the unemployment rate of women (49%) is higher than men (38%).⁹

41. Recommendation:

- Accelerate the implementation of the affirmative action policy to increase the access of women, particularly those from indigenous groups, to decent work especially at the managerial level and to provide vocational training opportunities in gender stereotyped occupations.

NON DISCRIMINATION

Issue 1: LGBTI Persons^x

42. There is no new policy or legislative development in Namibia to promote the rights of LGBTI persons since the UPR 2nd cycle.

43. Recommendations:

- Eliminate the normative provisions which criminalize and discriminate against LGBTI persons and take measures to investigate and prosecute on cases of violence against LGBTI persons .
- Repeal legal provisions such as section 269 of the Criminal Procedure Act 51 of 1977¹⁰ and other normative provisions, which result in, or are likely to result in the discrimination, prosecution and punishment of people on the basis of their sexual orientation.

Issue 2: Human trafficking^{xi}

⁹ http://www.lac.org.na/projects/grap/Pdf/Namibia_Gender_Analysis_2017.pdf.

¹⁰ Section 269 relates to the law of sodomy which is often used to target LGBTI persons.

44. Namibia has committed itself to eliminate all forms of trafficking in persons by adopting the Combating of Trafficking in Persons Act No. 1 of 2018, which came into effect in November 2019. This Act criminalizes trafficking for labor and sexual exploitation. It prescribes maximum penalties of 30 years' imprisonment, a fine not exceeding one million Namibian dollars (USD \$71,140), or both. These penalties are considered sufficiently stringent and, with respect to trafficking for sexual exploitation, commensurate with punishments prescribed for other serious crimes such as kidnapping.
45. This legislation gives an effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; criminalise trafficking in persons and related offences; protect and assist victims of trafficking in persons, especially women and children; provide for the coordinated implementation and administration of this Act; and provide for incidental matters.
46. Pursuant to the adoption of the Act; the National Referral Mechanism and Standard Operating Procedures were developed and a National Coordinating Body was established to facilitates stakeholders' cooperation in preventing and combating trafficking in persons.
- 47. Recommendations:**
- Implement a comprehensive and multi-sectoral, coordinated approach to both policing and social services provision, to the victims of trafficking,
 - Strengthen the capacity of service providers on identification of victims, victim assistance, the legal framework, and international cooperation in dealing with trafficking matters on a continuous basis, including the private sector, especially in the tourism industry.
 - Ministry of Gender Equality Poverty Eradication and Social Welfare (MGEPESW) in collaboration with other stakeholders conduct a study to better understand trafficking patterns or risk factors and gaps in counter-trafficking efforts.

Issue 3: Gender-based violence^{xii}

48. The National Plan of Action on Gender Based Violence (2019-2023) and its accompanying Monitoring and Evaluation Plan as part of efforts to address the persistent cases of gender-based violence (GBV).¹¹ The National Plan of Action advocates for gender mainstreaming , strengthening structures and provision of empathetic services to victims of GBV.
49. The Male Engagement Programme in addressing GBV which is a collaboration between government and civil society has been intensified to strengthen participants' knowledge and understanding of key concepts of GBV, sexual reproductive health rights and HIV prevention, in relation to gender within the context of men and masculinity.
50. A multi-sectoral response to strengthen the health, police, justice and psychosocial support sectors was developed and guidelines, tools, equipment, skills and knowledge provided to deliver effective services. This includes the development of the GBV Police Database, adaptation of the global clinical handbook for health care workers on management of intimate partner and sexual violence including rape; training of media practitioners on responsive GBV reporting.
51. To better understand the root causes and drivers of GBV in the country, a number of studies were carried out with service providers, survivors and perpetrators during 2017-2019. For example, a study on the prevalence of child marriage in Namibia was conducted and resulted in recommendations to combat this practice. These recommendations were approved by the Cabinet in 2020.
52. The government continues conducting media campaigns focusing on combatting harmful traditional norms to educate communities on the causes, signs and consequences of GBV and the services available to survivors.
53. Despite the ongoing efforts GBV is still a great concern in Namibia, particularly the number of incidences of rape and intimate partner violence. Services for survivors are not easily accessible to the majority of Namibia's rural population.

54. Recommendation:

¹¹ The four priority areas are: (i) Survivors First, getting the response basic rights; (ii) Safety Needs and Community Care: Primary Prevention Agent, (iii) Youth in the lead: Transforming Gender norms for long term prevention; (iv) Counting the costs: adequate data, adequate funding.

- Intensify the capacity building of GBV service providers (law enforcement officers, judiciary and health practitioners) in the areas of being sensitive and empathetic with victims, including in the rural areas.
- Implement a multi-sectoral integrated approach to address GBV including assert building, employability skills, economic empowerment, awareness on sexual and reproductive health of adolescent and young women.
- As part of community engagement, design and implement interventions on changing harmful social norms that perpetuate GBV.

Issue 4: Rights related to name, identity and nationality^{xiii}

55. Children's rights to a name and nationality at birth are recognized under article 15 of the Constitution. The government ensures that children are issued with birth certificates immediately. Since February 2018 birth certificates are being issued at hospitals.

56. The government is currently developing a database and a single registry system linked to the civil registration system that will overcome the current fragmented approach to social grants for orphans and vulnerable children.

57. Recommendations:

- Align the provisions of the nationality law with international human rights standards to enable children born in the territory of Namibia whose parents cannot be identified to acquire Namibian nationality.

Issue 5: Rights related to marriage & family^{xiv}

58. The right to marriage and to found a family is provided and protected under article 14 of the Constitution and the right to equality in marriage is reinforced in the Married Persons Equality Act 1 of 1996. This includes the right to equality during marriage and at the dissolution of marriage.

59. Child marriage and other harmful traditional practices remains a major concern for children in Namibia. Although the Married Persons Equality Act, sets the minimum age

of marriage at 18, this does not apply to customary marriages.

60. Recommendations:

- Align customary practices with the Married Persons Equality Act to ensure that the minimum age of marriage at 18 is fully implemented in all contexts.

Freedom of speech and expression^{xv}

61. Freedom of expression is guaranteed under Article 21 of the Constitution. This right can be restricted in cases of any threat to the sovereignty and integrity of Namibia's national security and public order.

Issue 1: Access to information

62. The amplification of citizens' demand and awareness of the need to timely access reliable information has put a spotlight on the important role that media plays as an enabling facilitator and partner of Access to Information (ATI), and public education amid the COVID-19 pandemic.

63. The government tabled a draft Access to Information bill in the National Assembly in June 2020³. The bill seeks to establish an independent administrative body, to be placed within the Ombudsman's office, to ensure the effective implementation of access to information legislation.

64. However, civil society organizations and opposition leaders have strongly expressed their concerns regarding some clauses in the bill such as clauses 2, 29 and 38.¹²

65. In 2019 The African Commission on Human and Peoples Rights revised its Declaration of Principles on Freedom of Expression in Africa to include digital rights and online activity¹³ - Namibia forms part of 54 African states that have ratified this convention.

66. Recommendation:

¹² <https://action-namibia.org/action-coalition-statement-on-the-access-to-information-ati-bill-before-the-national-assembly/>.

¹³ https://www.achpr.org/public/Document/file/English/Declaration%20of%20Principles%20n%20Freedom%20of%20Expression_ENG_2019.pdf¹³

67. In the development and implementation of ICT policies, the government should make use of the Declaration as a benchmark as articulated in Article 62 of the African Charter.

- Namibia is encouraged to ensure an effective adoption of the ATI Bill taking into consideration the proposed changes to the provisions in the Bill submitted by civil society organizations.

Issue 2: Press freedom

68. Namibia retained first place on the African continent in the World Press Freedom Index published by Reporters Without Borders in 2020. Namibia will host the 2021 Global Celebration of World Press Freedom Day, which highlights journalism as a crucial pillar of democracy.

Issue 3: Right to Education ^{xvi}

69. The right to education is enshrined in Article 20 of the Constitution, which was last amended in 2010 to include the right to free primary education. Education in Namibia is free from pre-primary to secondary level.

70. In June 2020, the government promulgated the Basic Education Act, (Act No. 3, 2020) which promotes and regulates free and compulsory basic education; ensures equitable inclusive quality education and lifelong learning; and promote and protect the right of learners to education.

71. The legislation on education does not expressly proscribe discrimination in education.

72. The Ministry of Education Arts and Culture has developed a Sector Policy on Inclusive Education (2013) which aims “*to ensure that all learners are educated in the least-restrictive education setting and in schools in their neighborhood to the fullest extent possible. The policy contributes to pedagogical and wider educational development and correlates with the policy directions of the National Curriculum for Basic Education, the Curriculum Framework for Inclusive Education and the Education Sector Policy for*

Orphans and Vulnerable Children.”¹⁴ In addition, the Education Sector Policy on the Prevention and Management of Learner Pregnancy of 2012 promotes the right to access to education and avoid discrimination against the girl child due to pregnancy.

73. The National Safe School’s Framework was launched in 2018 to protect learners from all sorts of school violence in and around school communities, and to strengthen the provision of healthy, supportive and conducive teaching and learning in all schools. Due to the impact of COVID-19 plans are currently ongoing to finalize stakeholder consultations and awareness raising activities in preparation for the endorsement of the Safe School Declaration.
74. A framework for integrated Early Childhood Development (ECD) guides resource mobilization and implementation of ECD, including access to early learning. The share of Education budget allocated to pre-primary education has increased from less than 2% to 3.6%, which remains too low to drive achievement of the results articulated in the framework.
75. Support is provided to learners with a disability to ensure continued education and inclusivity during the COVID-19 pandemic. Parents of young children with disabilities 0-8 years old received training on COVID-19 safety and precautionary measures. Apart from food parcels, hand sanitizers and masks, braille paper was also donated to schools for learners with visual impairment to ensure continuity of learning during the school closure.
76. **Recommendations:**
- The government should consider ratifying the UNESCO Convention against Discrimination in Education.

¹⁴ The following policies on Education also in place in Namibia: the National Policy on Disability (1997): which stresses government to ensure that children and youth with disabilities have the same right to education as children and youth without disabilities; the Presidential Commission on Education, Culture and Training (1999, 2000) which endorsed the National Policy on Disability by recommending that all schools be inclusive and that they be supported to achieve this goal of inclusivity; the National Policy Options for Educationally Marginalized Children (2000) which proposes a two-pronged targeted approach encompassing poverty-related actions and attitude-related policy options. This approach can be applied through the Sector Policy on Inclusive Education. Education policy on prevention and Management of learner pregnancy: This policy ensures the educational rights of schoolgirls are pregnant.

- The government is encouraged to ensure that the Safe School Declaration is endorsed and thereafter effectively implemented.
- Develop a long-term financing strategy for ECD and pre-primary education, and substantially improve the share of the Education budget allocated to pre-primary education.

RIGHT TO HEALTH^{xvii}

Issue 1: Right to water and sanitation

77. According to the National Planning Commission, the proportion of the Namibian population with access to safely managed drinking water services in 2019 was 99,4% in urban areas and 85% in the rural areas. During the same period, the proportion of the population using safely managed sanitation services including hand washing facilities with water was 77,7% in urban areas and 29,2% in rural areas.

78. All of the 14 regional councils' management teams were trained on community-led sanitation and school-led total sanitation standards. Actual implementation of these standards has been observed in only five of the 14 region and roll-out remain under-resourced.

79. Recommendations:

- Incorporate informal settlements into town planning; and resource the provision and promotion of sustainable and affordable sanitation facilities in informal settlements.
- Scale up community and school led sanitation initiatives in the rural areas in all the regions.

Issue 2: Access to health

80. The government prioritized access to health services for all through its National Development Plan 5, the Health Strategic Plan for 2017/2018, 2021/2022 to achieve universal health coverage. The UN through its Partnership Framework for 2019-2023

supports the government “*towards ensuring access to and utilization of health care services by the people in Namibia who are more at risk of being left behind: women, children, adolescents and young people, as well as migrants and among them, the most vulnerable*”.¹⁵

81. The Ministry of Health and Social Services (MoHSS) introduced a programme to strengthen health care workers’ capacity to provide family planning counseling, particularly on long term-acting, reversible methods. This was coupled with the development, review and/or update of the various national strategies and/or guidelines for the government to improve delivery of quality sexual and reproductive health services, particularly for adolescent girls and women.
82. Namibia records high rate of skilled birth attendance but continues to experience disproportionately high rates of neonatal mortality pointing to limitations in quality of care. The GRN is leading an effort to institutionalize maternal and newborn quality improvement interventions.
83. Namibia’s Strategic Framework on HIV and AIDS (2017-2021/2022) guides and informs the planning and implementation of a national multisectoral and decentralized HIV/AIDS response to which the UN and other partners have committed both human and financial resources. The country has made tremendous progress by either reaching or exceeding the UNAIDS 90-90-90 targets among women nationally, and, by attaining 86-96-91 among adults.¹⁶ Namibia accomplished this through the strategic expansion of HIV prevention and treatment services with a focus on viral load suppression at the individual and community level and the swift implementation of forward-leading HIV policies.
84. Namibia continues to have high-level political commitment for HIV prevention and the five pillars of HIV combination prevention. As a member of the Global HIV Prevention Coalition, since its launch, technical working groups have been strengthened to ensure inclusive coordination mechanisms. Guidelines have been refined and/ or updated to standardize approaches towards access to health. National HIV Combination Prevention guidelines were developed by the Government with stakeholders.
85. The Ministry of Finance and the Government Tender Board exempted the Ministry of Health from the rigorous tender procedures in the procurement of clinical supplies, ARVs and pharmaceutical products and instead advised pooled procurement through the UN system and other partners to ensure timely access to health services and to prevent

¹⁵ United Nations Partnership Framework (UNPAF) 2019-2023.

¹⁶ <https://reliefweb.int/report/namibia/new-data-show-dramatic-progress-namibia-toward-hiv-epidemic-control-substantial-gaps>.

possible inventory exhaustion.

86. Recommendation:

- The Ministry of Health and Social Services' should:
 - Enhance National Dialogue on Universal Health Coverage and strengthen the capacity of the health system to provide good quality health services and improved emergency response;
 - Accelerate implementation and institutionalized monitoring of quality improvement interventions for quality maternal and neonatal care in all health care facilities
 - Strengthen and sustain national efforts at decentralizing HIV prevention and treatment services at the primary health care and community levels. Monitor the implementation of the National Policy on Sexual, Reproductive and Child Health (2013).¹⁷
 - Prioritize sustained actions on improving the supply chain system.

Issue 3: Access to education and health services in rural areas

87. The Ministry of Health and Social Services introduced the Community Health Workers Programme in 2012. With support from the UN and other partners, over 1,600 Community health workers have been trained and deployed to almost every region of the country to facilitate access to basic health care and education in remote areas. The programme contributed to improved health awareness and knowledge among communities and improved health-seeking behavior and increased utilization of maternal, newborn and child health services. However, the programme experience variability in quality and consistency of service delivery to the most vulnerable communities.

88. The government spends approximately 14% of its national budget on public health (averaging 450 USD per capita) and approximately 25% on education at all levels. Guaranteeing universal access to primary and secondary education has resulted in achieving equity and gender parity at the primary school level.

¹⁷ The National Policy on Sexual, Reproductive and Child Health (2013) states that “All persons who are sexually active, regardless of age or marital status, shall have the right to be fully informed about available family planning options and methods, and shall have the right to receive the family planning method of their choice.”

89. Access to sanitation remains a challenge in Namibia. Only 34% of households in Namibia use improved toilet facilities that are not shared with other households; 46% of households have no toilet facilities. Close to half of Namibia practice open defecation, which is one of the highest rates in Africa.

90. Recommendations:

- Review recommendations of the 2017 evaluation of the community health workers programmes to improve its efficiency and effectiveness of service delivery in all under-served communities and sub populations
- The government is encouraged to increase its investment in a community-led sanitation strategy which is cost-effective .

OTHER HUMAN RIGHTS ISSUES

Issue 1: The living conditions and infrastructure of detention facilities^{xviii}

91. The Namibian Correctional Service has improved the living conditions of female prisoners, including the delivery of health care services through, for example, investing in the renovation and equipment of a health care clinic at the Windhoek Correctional Facility Female Center. Medical and non-medical staff were trained on the provision of sexual and reproductive health services and the human rights of women prisoners.^{xix}

92. An assessment of compliance with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) was conducted in all 13 correctional facilities across the country in February 2018 using the UNODC checklist for self-assessment. A work plan for addressing the identified gaps was developed and more staff were trained on implementing the Rules.

93. However, there are still issues of overcrowding in prisons health, sanitation and habitability conditions in prisons that need to be addressed.

94. Recommendation:

- Take additional measures to address issues of overcrowding in prisons in compliance with international standards and improve health, sanitation and habitability conditions in prisons.

Migrants^{xx}

95. To date Namibia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW)..

96. There is currently no specific policy addressing the rights of migrants, asylum seekers and refugees. However, the country attempts to address the rights of migrant workers and their families through domestic legislation.¹⁸ A National Migration Policy was finalized in May 2020 and is awaiting endorsement by the Cabinet.

97. The National Migration Policy recommends the development of national policies and legal frameworks that incorporate migrants' human rights and the obligations of the State in protecting those rights. This includes ratifying the CRMW.

98. Recommendation:

- Ratify the CRMW Convention.

¹⁸ Some of the domestic legislations that impacts migrant workers and their family include the Child Care and Protection Act, 2015 (Act no. 3 of 2015), Citizenship Act, 1990 (Act no. 14 of 1990) ,Decentralisation Enabling Act, 2000 (Act no. 33 of 2000), Departure from Namibia Regulation, 1993 (Act no. 4 of 1993),Education Act, 2001 (Act no. 16 of 2001), Employment Services, 2011 (Act no. 8 of 2011) , Immigration Control Act, 1993 (Act no. 7 of 1993) , Labour Act, 2007 (Act no. 11 of 2007) ,Marriage Act, 1961 (Act no. 25 of 1961), Married Persons Equality Act, 1996 (Act no. 1 of 1996), Namibia Refugees (Recognition and Control) Act, 1999 (Act no. 2 of 1999), National Planning Commission Act, 2013 (Act no. 2 of 2013), Higher Education Act, 2003 (Act no. 26 of 2003), Prevention of Organised Crime Act (POCA), 2004 (Act no. 29 of 2004).

ⁱ UNICEF, UNDP, UNESCO, IOM, FAO, WFP, UNAIDS, UNODC, ILO, UNFPA and WHO.

ⁱⁱ **Linked to UPR 2nd Cycle Recommendations- no 137.1** “Consider ratifying the outstanding international human rights instruments and further update their national laws to be in line with those treaties (Lesotho)”; **no 137.2** “Accelerate the process for the ratification of international human rights instruments to which it is not yet a party (Benin)”; **no 137.13** “Accede to the international instruments to which it is not a party (Congo)”; **no 137.48** “Ratify the Kampala amendments to the Rome Statute of the ICC (Estonia); **no 137.86** Develop an instrument to monitor the implementation and verification of the recommendations from the previous and current universal periodic reviews, paying special attention to the ratification of international human rights instruments which are pending, including the Optional Protocol to the Convention against Torture (Costa Rica)”; **no 137.49** “Ratify the Kampala amendments to the Rome Statute with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression in 2017 (Liechtenstein)”; **no 137.47** Ratify the Rome Statute of the ICC (Latvia); **no 137.48** “Ratify the Kampala amendments to the Rome Statute of the ICC (Estonia)”; **no 137.50** “Reconsider the country’s position on a possible withdrawal as a State Party to the ICC Rome Statute (Austria)”; **no 137.43** “Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures (Slovakia)”; **no 137.45** “Consider the ratification of the 1961 Convention on the Reduction of Statelessness (Côte d’Ivoire)”; **no 137.14** “Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal)”; **no 137.41** “Ratify the International Covenant on Economic, Social and Cultural Rights (Madagascar)”; **no 137.42** “Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro)”; **no 137.44** “Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Montenegro)”.

ⁱⁱⁱ **Linked to UPR 2nd Cycle recommendations – no 137.98** “Strengthen its cooperation with treaty bodies (Niger)”; **no 137.99** “Submit overdue reports to the relevant treaty bodies (Sierra Leone)”; **no 137.100** “Make effort to submit outstanding human rights reports to relevant bodies (Ethiopia)”.

^{iv} **Linked to UPR 2nd Cycle recommendations- no 137.69** “Establish legislative measures to decriminalize sexual relations among adults of the same sex (Spain)”; **no 137.74** “Continue to strengthen their national legislation into line with international human rights instruments to which it is a party (Nicaragua)”; **no 137.71** “Bring its legislation into conformity with its international human rights obligations by repealing laws that criminalize sexual activity between consenting adults of the same sex (Iceland)”; **no 137.60** “Expedite the enactment of existing Bills that would impact on the enjoyment of women’s rights (Sierra Leone)”; **no 137.62** “Adopt, as soon as possible, the draft laws that promote the rights of women in marriage, marital property and divorce (Uruguay)”; **no 137.52** “Update the constitutional provisions regarding the definition of a child to be in harmony with the overall definition in the Convention on the Rights of the Child (Kenya)”; **no 137.53** “Expedite the adoption of pending bills such as the Child Care and Protection Act, with a view to ensuring better protection for children against all types of violence and abuses (Republic of Korea)”.

^v **Linked to UPR 2nd Cycle recommendations- no 137.78** “Continue to strengthen its human rights institutions and develop additional measures to ensure the effective implementation of their mandate (Lesotho)”; **no 137.79** “Create a national governmental independent mechanism in charge of the supervision of human rights policies (Morocco)”; **no 137.80** “Strengthen the capacities of the Ombudsman office (Haiti)”; **no 137.82** “Continue to implement the National Human Rights Action Plan 2015-2019 (Pakistan)”; **no 137.93** “Maintain efforts to protect the rights of vulnerable groups, considering their specific needs and capabilities, through the empowerment of their rights, and fair reparation mechanisms (Ecuador)”; **no 137.94** “Continue its efforts to promote human rights in all spheres, in particular in regard to protecting the victims of violence (Iraq)”; **no 137.85** “Adopt a National Action Plan to implement the UN Guiding Principles on Business and Human Rights (Netherlands)”; **no 137.83** “Adopt and implement a national action plan on gender-based violence with the support from all sectors within the society, including the judiciary (Sweden)”; **no 137.84** “Adopt and develop a comprehensive national action plan that addresses traditional harmful practices and gender-based violence against women and girls (Botswana)”.

^{vi} **Linked to UPR 2nd Cycle recommendations- no 137.180** “Continue the practice of holding public meetings with senior authorities in the country, so that persons from the communities can have access to higher authorities and participate in the process of seeking solutions and decision-making (Cuba)”.

^{vii} **Linked to UPR 2nd Cycle recommendations- no 137.187** “Accelerate ongoing efforts to address the root causes of poverty and hunger so as to uplift the living standards of the poor (Zimbabwe)”; **no 137.188** “Continue its efforts towards reducing poverty through continuing setting up programs aimed at this purpose (Libya)”; **no 137.189** “Further strengthen the successful implementation of the Vision 2030 Strategic Plan, in the fight against poverty (Bolivarian Republic of Venezuela)”; **no 137.185** “Continue to undertake measures to

eliminate poverty and combat unemployment (Sri Lanka)”; **no 137.182** “Increase poverty reduction and development policies that promote the participation of vulnerable groups in decisions regarding their rights and interests (Mexico)”.

viii **Linked to UPR 2nd Cycle recommendations- no 137.88** “Further strengthen its successful land reform and resettlement program, which grants land to historically disadvantaged groups (Bolivarian Republic of Venezuela)”; **no 137.89** “Continue implementing its agrarian reform policy and resettlement program by giving land to groups who have been historically disadvantaged (Cuba)”; **no 137.90** “Pursue its land reform and resettlement program in order to enable underprivileged persons to have access to land, given that the right to land is a fundamental human right (Angola)”; **no 137.91** “Continue Government’s efforts with its land reform and resettlement programme, both at the rural and urban level (South Africa)”.

ix **Linked to UPR 2nd Cycle recommendations- no 137.92** “Implement effectively the Green Scheme, the San Development, Land distribution, the Mass Housing Programme, Water Supply and Sanitation, Safe drinking water, and Equipment Aid Scheme to SMEs (Democratic People’s Republic of Korea)”; **no 137.183** “Make progress in the effective realization of human rights to safe drinking water and sanitation through increasing the public water infrastructures, particularly in rural areas and in informal urban settlements, through the adequate training and awareness-raising on sanitation of the local communities who benefit from these services (Spain)”; **no 137.184** Ensure access to clean water supply and proper sanitation (Malaysia)”.

x **Linked to UPR 2nd Cycle recommendations- no 137.70** “Repeal provisions criminalizing sexual relations between consenting adults of the same sex, to respect the principles of equality and non-discrimination among all people (France)”; **no 137.73** “Adopt the necessary measures aiming at eliminating the normative provisions which criminalize and discriminate against LGBTI persons (Argentina)”; **no 137.72** “Bring its law in conformity with its international human rights obligations by repealing all laws which result in, or are likely to result in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity (Netherlands)”; **no 137.81** “Strengthen existing mechanisms within its institutional infrastructure to eradicate discriminatory, cultural or based on customary laws, practices to the detriment of women, children, minorities and LGBT groups (Honduras)”.

xi **Linked to UPR 2nd Cycle recommendations- no 137.76** “Continue its efforts in drafting the Human Trafficking Legislation, with the active participation of the civil society (Indonesia)”; **no 137.64** “Strengthen legislation to prohibit torture and ill-treatment as well strengthen legislation against human trafficking (Zambia)”; **no 137.163** “Continue efforts in the prevention of human trafficking, with special attention to investigation and prosecution of all cases of sale and trafficking of children (Serbia)”.

xii **Linked to UPR 2nd Cycle recommendations- no 137.134** “Strengthen measures aimed at eliminating all forms of gender-based violence (Zambia)”; **no 137.137** “Take measures to prevent all incidents of violence against women, in particular in rural areas; and ensure effective interventions by law enforcement officials responding to allegations of violence committed by intimate partners; and prosecute perpetrators (Canada)”; **no 137.146** “Redouble efforts in addressing gender-based violence, with the support of the international community (Mozambique)”; **no 137.147** “Strengthen collaboration with the relevant stakeholders to address the causes of gender-based violence (Singapore)”; **no 137.152** “Redouble its efforts to enforce the relevant legislation such as the Combating of Rape Act to eliminate all forms of gender-based violence, and continue the ongoing efforts to address the root causes and contributing factors of the violence (Republic of Korea)”; **no 137.141** “Allocate the resources necessary for the full implementation of the Zero Tolerance Campaign against Gender Based Violence (Canada)”; **no 137.136** “Step up its efforts in eliminating all forms of violence against women and girls and in that context improve the national legislation in accordance with relevant international human rights standards (The former Yugoslav Republic of Macedonia)”.

xiii **Linked to UPR 2nd Cycle recommendations- no 137.120** “Ensure the issuance of birth registration documents for all children born on its territory (Romania)”; **no 137.56** “Align the provisions of the nationality law with international human rights standards so as to enable children born in the territory of Namibia whose parents are unknown to acquire nationality of Namibia (Kenya)”; **no 137.123** “Continue to encourage the immediate registration of newly born children, and introduce mechanisms to ensure that the absence of a parent does not prevent the registration of the child concerned (Uruguay)”; **no 137.87** “Launch a comprehensive national policy to universalize the right to civil registration, considering its pivotal role to ensure the realization of other human rights, including to an adequate standard of living (Brazil)”; **no 137.122** “Ensure the registration of all new born as a way to generate reliable statistics and data (Mexico)”; **no 137.121** “Expedite efforts to ensure that a birth certificate is issued free of charge for all children without discrimination, including children born in rural and poor areas (Turkey)”.

xiv **Linked to UPR 2nd Cycle recommendations- no 137.177** “Continue to support the family which is one of the main actors in achieving sustainable development goals in any state (Russian Federation)”; **no 137.178** “Continue its work in upholding family as the basic social institution and in the protection of its rights

(Bangladesh)”.

^{xv} **Linked to UPR 2nd Cycle recommendations- no 137.179** “Enhance the law on the freedom of the media and promulgate laws on the freedom of expression (Lebanon)”.

^{xvi} **Linked to UPR 2nd Cycle recommendations- no 137.200** “Take the necessary measures to guarantee the right to schooling for all children (Algeria)”; **no 137.202** “Continue efforts to achieve universal primary education in line with the vision of the National Plan of “Education for all” (Sri Lanka)”; **no 137.218** “Facilitate the access of ethnic minority group children to education for instance by allowing them to attend school in their traditional dress or by providing them with free school uniforms (Austria)”; **no 137.204** “That Namibia’s education policies which were designed for inclusivity, be evaluated by the Government for effectiveness in relation to access and affordability for minority cultural groups (Fiji)”.

^{xvii} **Linked to UPR 2nd Cycle recommendations- no . 137.190** “Continue to promote access to health (Pakistan)”; **no 137.198** “Continue efforts to ensure universal access to quality education and health care (Uzbekistan)”; **no 137.197** “Mitigate the lack of qualified and experienced healthcare professionals by putting in place a national training strategy in the medical and paramedical branches (Morocco)”; **no 137.195** “Strengthen the capacities of health infrastructures in rural and remote areas (Haiti); **no 137.193** “Intensify the efforts in fighting against HIV/AIDS, in particular, to improve access to health-care services in rural areas (Ukraine)”.

^{xviii} **Linked to UPR 2nd Cycle recommendations- no 137.159** “Improve health, sanitation and habitability conditions in prisons, including a decrease in overcrowding (Spain)”; **no 137.153** “Take steps to improve prison conditions and, particularly, ensure that adults and minor prisoners are separated at all times (Australia)”; **no 137.156** “Take measures to ensure that children are housed in separate facilities from adults in cases of detention (Trinidad and Tobago)”.

^{xix} Based on UNODC Study Guide.

^{xx} **Linked to UPR 2nd Cycle recommendations- no 137.3** “Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines)”; **no 137.11** “Consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador)”.