

2023 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. These efforts included identifying more victims and providing assistance for a large influx of male trafficking victims; repatriating Namibian victims exploited abroad; and providing anti-trafficking training to law enforcement and members of the judiciary. However, these efforts were not serious and sustained compared with the efforts during the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on the government's anti-trafficking capacity. The government did not report on any of its efforts to investigate trafficking crimes or prosecute or convict traffickers. The government also did not report on its efforts to identify trafficking victims. The government inappropriately penalized victims with incarceration, fines, and deportation solely for offenses committed as a direct result of being trafficked and detained potential trafficking victims, even after identification as such by government officials, instead of referring them to care. Occasional breakdowns in communication between government officials and civil society and within government ministries led to a lack of coordination among members of the National Coordinating Body (NCB). Limited understanding and inconsistent use of the NRM and SOPs by front-line officials hindered overall efforts. Therefore Namibia was downgraded to Tier 2.

PRIORITIZED RECOMMENDATIONS: ✓

- Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.
- Increase efforts to investigate and prosecute traffickers, including officials complicit in trafficking crimes, address court backlogs, and seek adequate penalties for convicted traffickers, which should involve significant prison terms.
- Conduct trainings and multi-sector information sharing workshops for criminal justice and social welfare professionals on implementing the Trafficking in Persons Act of 2018.
- Train law enforcement, immigration officials, healthcare workers, social workers, and other front-line responders on using the NRM and SOPs to proactively screen vulnerable populations, including individuals engaged in commercial sex, migrants, refugees, and Cuban medical workers, referring trafficking victims to services, especially in rural and border regions.
- Strengthen coordination and collaboration mechanisms across government ministries and with civil society partners to ensure clear roles and responsibilities, effective anti-trafficking policies, and increased communication.
- Increase funding to civil society partners that provide accommodation and care to trafficking victims.
- Adopt the National Plan of Action (NAP) for Trafficking in Persons 2022-2027.
- Expand efforts to raise public awareness of human trafficking indicators and risks through sensitization campaigns and community outreach, especially in rural areas.
- Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable.

PROSECUTION ✓

The government maintained law enforcement efforts. The Combating of Trafficking in Persons Act of 2018, which came into effect in November 2019, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 30 years' imprisonment, a fine not exceeding 1 million Namibian dollars (\$59,000) or both. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping.

The government did not report on its law enforcement efforts. Media reported the government initiated two trafficking investigations and prosecuted and convicted two sex traffickers, issuing sentences of 35 and 20 years' imprisonment, respectively. This compared with investigating two cases, initiating seven prosecutions, and convicting one trafficker in 2021. The government investigated alleged labor trafficking of Namibian citizens in Oman in collaboration with international law enforcement agencies. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained concerns, inhibiting law enforcement action. Observers reported high-level government officials allegedly interfered with trafficking investigations. A Namibian diplomat stationed abroad allegedly exploited domestic workers; the government did not report any action by the end of the reporting period.

Specialized prosecutors within the Office of the Prosecutor General's Sexual Offenses Unit prosecuted all trafficking cases in the High Court and worked closely with prosecutors on cases indicted outside of the High Court. The Magistrate's Court was required to first hear human trafficking cases before determining if the case warranted elevation to the High Court. Additionally, a special children's court at Karatura Magistrate's Court heard child trafficking cases. Judicial backlogs from courts which operated at a reduced capacity during the pandemic remained, hindering law enforcement efforts. The government reported it conducted anti-trafficking training for officials in law enforcement and the judiciary. The government used its agreement for mutual legal assistance with the Government of Angola to investigate cross-border trafficking cases and maintained bilateral law enforcement cooperation agreements with the Governments of Zimbabwe and Angola.

PROTECTION ✓

The government made uneven protection efforts and did not report on its protection efforts. Media and an international organization reported the government identified 83 trafficking victims in two cases compared with identifying seven victims in 2021. Of the 83 victims identified, the government collaborated with international organizations to identify and repatriate 35 Namibian women exploited in domestic servitude in Oman and identified 48 foreign male labor trafficking victims on a fishing vessel. The government did not report the total number of victims referred to care. However, following identification on a fishing vessel, the government referred 40 foreign victims to services in provisional facilities; these victims did not have a choice in entering the shelter and were not permitted to leave. Authorities inappropriately penalized victims of trafficking for immigration offenses committed as a direct result of being trafficked. According to reports, the government arrested approximately 32 Bangladeshis who were identified by law enforcement as potential trafficking victims; eight of the potential victims were fined and deported for immigration violations and the remaining 24 potential victims were still detained in detention centers at the end of the reporting period. NGOs and international organizations intercepted 1,168 potential victims of trafficking through transit monitoring at airports and border crossings.

The government had SOPs for victim identification and an NRM for referral and provision of services, although implementation efforts were not reported. As reported in previous years, police and immigration officials used anti-trafficking pocket manuals outlining the SOPs and NRM. Observers continued to report some government and civil society front-line responders lacked awareness of and did not fully understand their roles within the SOPs and NRM. In practice, labor inspectors and immigration officials contacted the Namibian Police Force (NAMPOL) when they identified a potential trafficking victim; however, the government did not report any referrals from labor inspectors or immigration officials during the reporting period.

The government and NGOs could jointly provide shelter, psycho-social services, medical care, and provision of other basic needs to victims of trafficking, GBV, and child abuse. The government previously reported it opened eight government-operated shelters available to trafficking victims; however, the shelters were not operationalized during the reporting period. Three NGO shelters could provide care for men, women, and children, although observers noted it was sometimes difficult to find shelter for male victims. The government did not report allocating any funding for the three NGO shelters, compared with allocating 6 million Namibian dollars (\$354,020) in the previous reporting period. The government could place child victims in government-operated residential childcare facilities and provide access to education. Foreign victims had access to the same shelter and services as domestic victims. Government and NGO shelter staff did not permit victims, including adults, freedom of movement. Seventeen GBV Protection Units nationwide offered initial psycho-social, legal, and medical support to victims of crime, in coordination with the police, the Ministry of Gender Equality, Poverty Eradication, and Child Welfare (MGEPECW), the Ministry of Health and Social Services, and NGOs. Adult victims could seek employment and work while receiving assistance, although the government did not report if any victims did so during the reporting period.

The government did not report if any victims identified voluntarily assisted law enforcement with investigations and prosecutions, as in previous reporting periods. Authorities did not condition access to victim services on cooperation with law enforcement; the government could provide legal aid, transportation, and witness protection to victims. The government could also assign victim advocates to victims testifying and allowed victims to testify in rooms separate from the courtroom when such rooms were available. Foreign victims could obtain temporary residence visas during legal proceedings, but the government did not report if any foreign victims received visas during the reporting period. The law allowed victims to obtain restitution and file civil suits against their traffickers; however, no victims to date have received restitution or compensation. The government did not report screening vulnerable populations – including irregular migrants, refugees, and individuals in commercial sex – for trafficking indicators, as in previous reporting periods, and some trafficking victims may have remained unidentified within the law enforcement system.

PREVENTION ✓

The government maintained prevention efforts. The NCB, chaired by the MGEPECW, coordinated the government's anti-trafficking efforts and met regularly during the reporting period. The MGEPECW previously worked collaboratively with other stakeholders to draft a five-year NAP on Trafficking in Persons (2022-2027) to align and fund mandated responsibilities, which remained pending adoption for the second consecutive year. However, coordination issues remained at the operational level due to the lack of designated authority. The government continued implementing its 2019-2023 NAP on GBV, which included all forms of human trafficking, but did not report implementation activities. The MGEPECW held an in-person event to commemorate World Day against Trafficking in Persons, and officials distributed brochures on trafficking; awareness materials were only available in English. The government reported conducting public awareness raising through radio and television programming.

The government provided in-kind support to an NGO-operated hotline for GBV, child abuse, and human trafficking; the hotline operated daily from 8:00 a.m. to 10:00 p.m. Authorities did not report identifying any trafficking victims from the hotline. With support from an international organization, the government contributed information to a centralized anti-trafficking database that collected national data on cases and victims identified and shared it with countries in the region. The Ministry of Labor, Industrial Relations, and Employment Creation (MLIREC) was responsible for conducting labor and occupational health and safety inspections and enforcing laws against child labor; the government did not report identifying any victims during inspections. The law outlined regulations for recruitment agencies and banned employee-paid recruitment fees. The MLIREC oversaw recruitment agency licensing and managed a database registering job seekers, coordinating overseas job placements, and monitoring employees' arrival in their intended destinations. However, the government did not report initiating any investigations into fraudulent recruitment for the third consecutive reporting period. The government did not make efforts to

reduce the demand for commercial sex acts. The government provided pre-deployment training to its diplomatic corps on identifying and referring trafficking victims to care.

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 by recruiters for adequate wages, but then traffickers subject them to forced labor in urban centers and on commercial farms. Traffickers subject Namibian children to sex trafficking and forced labor in agriculture, cattle herding, and domestic service. Following the influx of more than 7,000 Angolan migrants fleeing severe drought in southeastern Angola, Namibians increasingly employ Angolan children as domestic workers and cattle herders, increasing their vulnerability to exploitation. Traffickers bring children from Angola and neighboring countries and subject them to sex trafficking and forced labor, particularly in agriculture, cattle herding, domestic servitude, street vending in Windhoek and other urban centers, and in the fishing industry. Zambian children working as cattle herders in Namibia may be subjected to forced labor. Namibians commonly care for children of distant relatives to provide expanded educational opportunities; however, in some instances, traffickers exploit these children in forced labor. Among Namibia's ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes. Traffickers exploit individuals from Angola, Kenya, Zambia, Zimbabwe, and South Africa in sex trafficking and forced labor. An NGO noted an increase in exploitation of Namibians seeking economic opportunities abroad and an increase in labor trafficking of adult male victims in Namibia's fishing and agricultural sectors. Traffickers increasingly use social media to advertise false jobs and groom potential victims. Cuban nationals working in Namibia on medical missions may have been forced to work by the Cuban government.