



Freedom in the World 2014 - Namibia

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2014 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 2.0

Civil Liberties (1 = best, 7 = worst): 2

Political Rights (1 = best, 7 = worst): 2

OVERVIEW

Infighting in Namibia's ruling South West Africa People's Organisation (SWAPO) party – which has governed the country since independence in 1990 – continued in the wake of contentious party leadership elections in December 2012. Hage Geingob, the incumbent, won the crucial election for party vice president, positioning himself to be SWAPO's candidate for president in 2014. He defeated more radical rivals Jerry Ekandjo and Pendukeni Iivula-Ithana, both ministers in the current government. The SWAPO Youth League (SPYL) had supported Ekandjo, and in 2013, its members began openly criticizing Geingob. The intraparty rifts related to ideological differences such as the promotion of Black Economic Empowerment policies versus the Geingob faction's neoliberal economic policies.

Namibia experienced its worst drought in 30 years in 2013, with more than a third of the population facing food insecurity, according to the UN Children's Fund (UNICEF). Estimates made by the government – which declared a national emergency in May – showed that the 2013 harvest would yield 42 percent less than the previous year.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 30 / 40

A. Electoral Process: 10 / 12

Namibia's bicameral legislature consists of the 26-seat National Council, whose members are appointed by regional councils for six-year terms, and the 72-seat National Assembly, whose members are popularly elected for five-year terms using party-list proportional representation. The president, who is directly elected for a five-year term (and eligible for a second term), appoints the prime minister and cabinet. Geingob was appointed prime minister after winning the SWAPO vice presidency.

President Hifikepunye Pohamba of SWAPO was reelected in November 2009 with 75 percent of the vote, while the candidate of the Rally for Democracy and Progress (RDP), an opposition party formed in 2007 mainly by SWAPO defectors, captured just 11 percent.

In concurrent parliamentary elections, SWAPO won 54 seats in the National Assembly, while the RDP took 8 seats; seven smaller parties won 1 or 2 seats each. The elections were praised as free and fair by domestic and international observers, although the latter raised some concerns about pro-SWAPO bias in the state-run Namibian Broadcasting Corporation (NBC), delays in the counting process, and organizational mishaps during the polling process. Nine opposition parties, led by the RDP, filed a legal challenge calling for the nullification of the parliamentary elections due to "gross irregularities"; the Supreme Court dismissed the case in October 2012.

B. Political Pluralism and Participation: 11 / 16

SWAPO has dominated the political landscape since Namibia gained independence in 1990. Significant opposition parties include the RDP, the Congress of Democrats, the Democratic Turnhalle Alliance, and the United Democratic Front. Since the RDP's formation in 2007 by SWAPO dissidents, its supporters have been subject to harassment and intimidation by SWAPO members, who occasionally disrupt RDP rallies. While these problems have subsided somewhat in recent years, the RDP experienced some difficulty in holding rallies before the 2009 elections.

Given SWAPO's previous electoral dominance, Geingob is expected to become Namibia's next president in November 2014 elections. From the minority Damara community, Geingob would become the first Namibian president who did not hail from the Oshiwambo-speaking majority.

C. Functioning of Government: 9 / 12

Although Pohamba has made anticorruption efforts a major theme of his presidency, official corruption remains a problem, and investigations of major cases proceed slowly. The Anti-Corruption Commission has considerable autonomy, reporting only to the National Assembly, though it lacks prosecutorial authority. In a survey by Afrobarometer released in April 2013 of 1,200 adult Namibians, 42 percent said the majority of police are corrupt, while 44 percent said most or all national government officials are corrupt. A major scandal surfaced in July 2010 over a scheme that cost the Government Institutions Pension Fund N\$660 million (US\$71.1 million) between 1994 and 2002. Following a forensic audit by the Office of the Auditor General, the Namibian police did not start an official investigation until January 2012. The complexity and magnitude of the case have led to delays in prosecutions, and the investigation was ongoing as of the end of 2013. Namibia was ranked 57 out of 177 countries and territories surveyed in

Transparency International's 2013 Corruption Perceptions Index, and placed sixth out of 52 countries evaluated in the 2013 Ibrahim Index of African Governance.

Civil Liberties: 46 / 60

D. Freedom of Expression and Belief: 14 / 16

The constitution guarantees free speech, and Namibia's media generally enjoy an open environment. However, government and party leaders at times issue harsh criticism and even threats against the independent press, usually in the wake of unflattering stories. In July 2013, former president Sam Nujoma sued the newly established independent weekly *Confidante* for defamation for a May story alleging that Nujoma's herd of cattle was going to graze at a military base farm. Nujoma filed the suit even though *Confidante* published a retraction and an apology on its front page. The case had not been resolved by the end of the year.

While many insist that the state-owned NBC is free to criticize the government, concerns have increased about excessive government influence over programming and personnel. Many private publications and websites are critical of the government. There is no access to information law in Namibia, despite prior government pledges to introduce the law and a strong civil society campaign backing it. The 2009 Communications Act raised concerns about privacy rights, as it allows the government to monitor telephone calls, e-mail, and internet usage without a warrant.

Freedom of religion is guaranteed and respected in practice. The government has in the past been accused of pressuring academics to withhold criticism of SWAPO, though there were no such reports in 2013.

E. Associational and Organizational Rights: 12 / 12

Freedoms of assembly and association are guaranteed by law and permitted in practice, except in situations of national emergency. Human rights groups generally operate without interference, but government ministers have threatened and harassed nongovernmental organizations (NGOs) and their leadership in the past. Activism in the LGBT (lesbian, gay, bisexual, and transgender) community has grown, with organizations such as Out-Right Namibia urging officials to reassess anti-sodomy laws.

Constitutionally guaranteed union rights are respected. However, essential public sector workers do not have the right to strike. Collective bargaining is not widely practiced outside the mining, construction, agriculture, and public service industries. The main umbrella union, the National Union of Namibian Workers, is affiliated with SWAPO and played a role in selecting the new party leaders.

F. Rule of Law: 11 / 16

The constitution provides for an independent judiciary, and the separation of powers is observed in practice. Access to justice, however, is obstructed by economic and geographic barriers, a shortage of public defenders, and delays caused by a lack of capacity in the court system, especially at lower levels. Traditional courts in rural areas have often ignored constitutional procedures. However, legislation to create greater uniformity in traditional court operations and better connect them to the

formal judicial system was implemented in 2009. Allegations of police brutality persist. Conditions in prisons are improving, though overcrowding in certain facilities remains a problem.

Secessionist fighting in Namibia's Caprivi region between 1998 and 1999 led some 2,400 refugees to flee to neighboring Botswana. Treason trials for more than 100 alleged secessionists began in 2003. Ten defendants were found guilty in 2007 and sentenced to more than 30 years in prison; in July 2013, the Supreme Court ordered a retrial. However, the case against 65 defendants in the High Court had yet to be resolved as of the end of 2013.

Minority ethnic groups have claimed that the government favors the majority Ovambo – which also dominates SWAPO – in allocating funding and services. Attempts to ensure equal rights to the San indigenous group are progressing gradually. After a series of land invasions, in June 2013 the police inspector general ordered settlers without a certificate from the communal land board to vacate land traditionally occupied by the !Kung – a community of San – in Namibia's western Tsumkwe region. The order was issued after the UN Special Rapporteur on the Rights of Indigenous Peoples called for Namibia to boost efforts to protect the San from marginalization on their land.

A colonial-era law prohibits consensual sexual relations between men, but the law is generally not enforced. Members of the LGBT community report continued discrimination and persecution, including negative rhetoric by some public officials and discrimination in employment. A former Mr. Gay Namibia, Wendelinus Hamutenya, allegedly received death threats after he authored a list in early 2013 exposing affluent gay Namibians. His actions were condemned by Out-Right Namibia, which stated that public naming would not aid in productive discussion of LGBT issues. In May, an SPYL spokesperson made homophobic remarks at a press conference, denouncing homosexuality as un-African.

G. Personal Autonomy and Individual Rights: 9 / 16

The government respects constitutionally guaranteed rights to freedom of movement, foreign travel, emigration, and repatriation. The small white minority owns just under half of Namibia's arable land, and redistribution of property has been slow despite efforts to accelerate the process. In 2012, Pohamba warned that unequal land distribution could become a threat to political stability.

Women continue to face discrimination in customary law and other traditional societal practices. Widows and orphans have been stripped of their land, livestock, and other assets in rural areas. Lack of awareness of legal rights as well as informal practices have undermined the success of legal changes. Violence against women, including sexual violence, is reportedly widespread, and rights groups have criticized the government's failure to enforce the country's progressive domestic violence laws. In 2011, the government and a leading NGO launched a National Plan of Action on Gender-Based Violence, to run from 2012-16; the plan included actions to address human trafficking, but sustainable progress has been lacking in government efforts to prosecute such crimes. In the 2009 elections, women won 19 seats in the National Assembly and 7 seats in the National Council.

Namibia's HIV infection rate, though high – an estimated 15 percent in 2013 – is much lower than its southern African neighbors.

According to the U.S. State Department's 2013 Trafficking in Persons Report, Namibia serves as a source, transit, and destination country for human trafficking for forced labor and prostitution. Namibia was placed on the Tier 2 Watch List due to its failure to take legal action against offenders.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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