



**Republic of Namibia**

# **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

**Fourth & Fifth  
Country Report  
Republic of Namibia**

**Ministry of Gender Equality and Child Welfare  
(MGECW)**

**Windhoek, Namibia**

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## **ABBREVIATIONS**

BIG	Basic Income Grant
CORD	Coalition on Responsible Drinking
ETSIP	Education and Training Sector Improvement Programme
HC	High Court
FIFA	Federation of International Football Association
FAWENA	Forum for African Women Educationalist in Namibia
GEMSANaM	Gender and Media in Southern Africa, Namibia
GBV	Gender-based Violence
KAP	Knowledge, Attitudes and Practices
LaRRI	Labour Resource and Research Institute
LRDC	Law Reform and Development Commission
MFMR	Ministry of Fisheries and Marine Resources
MGECW	Ministry of Gender Equality and Child Welfare
MoHSS	Ministry of Health and Social Services
MTP	Medium Term Plan
NANGOF	Namibia Non-Governmental Organisations Forum
NIED	Namibian Institute of Education Development
NGO	Non-governmental Organisations
SAIF	Self-regulating Alcohol Industry Forum
SC	Supreme Court
VCT	Vocational Training Centre

## FORWARD

Namibia takes pride in presenting this Fourth Report since the historic Convention on the Eradication of all Forms of Discrimination against Women against the background of our overall commitment to the promotion of human equality and human rights. We believe that the compilation of these periodic reports provides us with a yardstick and an accountability mechanism to gauge the progress that our country is making towards the noble goals of eradication of discrimination against women and girl children while also keeping the flame burning with the flames of hope of creating a better society for all our people. Our beacon and guiding light has been the Universal Declaration of Human Rights of 1948, which laid the foundation for the modern-day human rights movement, enshrine the ideals of equality and dignity for all. The rights and liberties protected in this international instrument have formed the basis for many other human rights instruments, including the International Covenant on Civil and Political and the International Covenant on Economic, Social and Cultural Rights. These international instruments have become the foundation for the promotion and protection of human rights by governments, civil organisations and individuals.

This report sets out the progress that Namibia has made with regard to the achievement of the import, meaning and realizing the content of CEDAW in keeping with our international obligations and realizing national goals that Namibia has set for herself. The Report is informed by previous CEDAW Country Reports that came before, which serves as a foundation for maintaining continuity in the on-going work of addressing the real challenges of creating a fairer society, where citizens enjoy equal rights regardless of the gender they happen to belong to. Since gaining independence in 1990, the democratic government of the Republic of Namibia has endorsed the noble principle of Human Rights, as evident by the inclusion of a Bill of Rights in the Constitution of the Republic of Namibia by the crafters of the Constitution. Article 10 of the Namibian Constitution provides an important foundation for the combating discrimination. This was followed by several forward-looking pieces of legislation aimed at further entrenching promotion and protection of human rights in the country. These include the Married Person Equality Act No.1 of 1996, the Communal Land Reform No.5 2002, the Combating of Rape Act No.8 of 2003, the Combating of Domestic Violence Act 4 of 2003, the Labour Act No. 11 of 2007, the Child Status Act No 6 of 2006, Affirmative Act No 29 of 1998 as well as Legislation on Regional and Local authorities.

Namibia has also demonstrated her commitment to the promotion of human rights at both regional and continental level, through the ratification of regional and continental human rights instruments. These include the SADC Protocol on Gender and Development, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

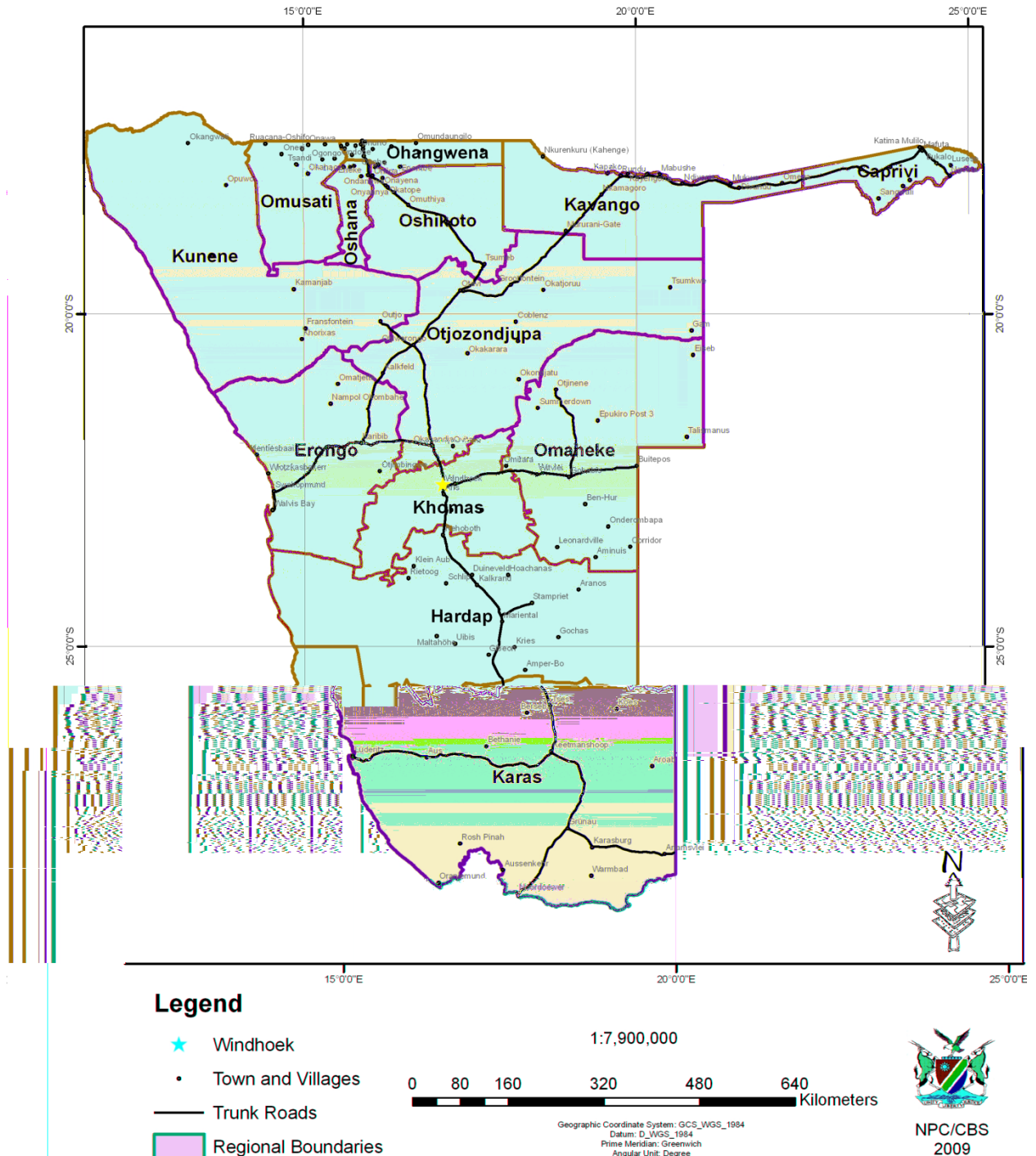
At international level, Namibia has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) without reservation in 1995. Since the ratification of this instrument, notable progress has been made in addressing discrimination against women. To complement the Constitution and the CEDAW instrument, the Namibian government has adopted significant legislative reforms and has developed policies and programmes aimed at empowering women. Some of these laws are enumerated above. Despite the stated legislative reforms and policies, cultural, social and economical matters continue to pose a challenge towards the elimination of all forms against women. However, we believe that a battle begun is half won. Therefore, we are encouraged by the progress that has been noted so far and believe that we will continue to score more success in future.

The process of preparing Namibia's CEDAW Country report involves not only the government but also all relevant stakeholders such as the civil society, NGOs, faith based organisations as well as input from members of the public.

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Honourable Doreen Sioka

**MINISTER OF GENDER EQUALITY AND CHILD WELFARE**

# Namibia





## DEMOGRAPHIC INFORMATION

Namibia is situated in the South-Western part of Africa and covers approximately 824,000 square kilometres. It is bordered by the Atlantic Ocean in the West, Botswana and Zimbabwe to the East, South Africa to the south, and Angola and Zambia to the north. The country falls within the Equator and the Tropic of Capricorn., and its main latitude and longitude is 22° South and 17° East.

On March 21, 1990 Namibia achieved its Independence after a century of colonial rule, first by Germany and then by South Africa. Following the successful implementation of United Nations Resolution 435, with a constitution based on Roman-Dutch law, the country has a multi-party system and holds general elections every five years. A bicameral legislature consists of the National Council (two members chosen from each regional council) and the National Assembly.

Administratively, the country is divided into 13 regions, namely: Caprivi, Kavango, Kunene, Ohangwena, Omusati, Oshana, and Oshikoto regions in the north; Omaheke, Otjozondjupa, Erongo, and Khomas regions in the central areas; and the Hardap and Karas regions in the south.

According to the 2001 Population and Housing Census, the Namibian population consists of 1,830,330 people, of which 942,572 are female and 887,721 male. The country has a relatively young population, with 43 percent under 15 years of age and less than 4 percent over age 65. Despite rapid urbanisation, Namibia is still mainly rural, with one in three living in urban areas. Despite its small population, Namibia has a rich diversity of ethnic groups, including Afrikaners, Basters, Caprivians, Coloureds, Damaras, Germans, Hereros, Kavangos, Namas, Owambos, San, and Tswanas.

English is the official language but there are more than 11 indigenous languages in Namibia. People commonly speak two or three languages and more than 50 percent of the population speaks Oshiwambo.

## INTRODUCTION

This report highlights the progress Namibia has made on meeting the requirements of the Convention on the Elimination of All Forms of Discrimination against Women since its previous report. The report provides details of changes made, challenges remaining and responses to comments from the Committee following the submission of the previous report. Details on the implementation of the Beijing Platform of Action and meeting the Millennium Development Goals are referenced in the report. The Ministry of Gender Equality and Child Welfare organised three consultative meetings with stakeholders from Government and civil society to ensure that the drafting of the report was a collaborative process.<sup>1</sup>

Since the previous report, Namibia has made much progress in addressing discrimination against women. According to the 2009 Global Gender Gap Index (which measures gender gaps in economic participation, educational attainment, political empowerment and certain health indicators), Namibia is ranked 32 out of 134 countries for overall gender equality and is ranked as the third most gender-equal country in Africa.<sup>2</sup> Namibia is also ranked 71 out of 157 countries in the 2009 Gender Equity Index (which looks at women's relative position in economic activity, decision-making positions and education) and is ranked as the second most gender-equitable country in Africa.<sup>3</sup> According to the 2009 Human Development Index, Namibia is ranked 43 out of 109 countries for gender empowerment (based on gender comparisons in political participation and decision-making, economic participation and command over resources) and 108 out of 155 countries on the gender-related development index (which measures the gender gap in life expectancy, adult literacy, educational enrolment and the purchasing power of per capita income).<sup>4</sup>

Namibia has not acceded to the amendment of article 20, paragraph 1 of the Convention. Namibia is also not yet party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Namibia does not experience a high level of immigrants and migrant workers working in Namibia are accorded the same treatment as Namibian citizens. Female migrant workers have the same rights as male migrant workers to have their spouses and children join them.<sup>5</sup>

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<sup>1</sup> The meetings were held in September 2008, November 2008, and January 2009.

<sup>2</sup> World Economic Forum. (2009). *Global gender gap report 2009*. Switzerland: World Economic Forum. Geneva, Switzerland: World Economic Forum. At pages 8 and 23. Available at: <<https://members.weforum.org/pdf/gendergap/report2009.pdf>> Last accessed 10 February 2011.

<sup>3</sup> Social Watch. (2009). *Gender equity index 2009*. Publishing details not reported. Available at <[www.socialwatch.org/sites/default/files/GEI2009\\_eng\\_0.pdf](http://www.socialwatch.org/sites/default/files/GEI2009_eng_0.pdf)> Last accessed 10 February 2011.

<sup>4</sup> United Nations Development Project. (2009). *Human development report 2009. Overcoming barriers: Human mobility and development*. New York, United States of America: United Nations Development Project. At pages 183 and 188. Available at <[http://hdr.undp.org/en/media/HDR\\_2009\\_EN\\_Complete.pdf](http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf)> Last accessed 10 February 2011.

<sup>5</sup> As per CEDAW General Recommendation No. 21 (13th session, 1994). Available at: <[www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21)> Last accessed 14 February 2011.

## **EXECUTIVE SUMMARY**

Namibia submitted its first country report in July 1997. The joint second and third reports were submitted in 2004. In compliance with legal and international obligations Namibia now submits its Fourth Report, which focuses on the progress made in implementing CEDAW for the period 2004 to 2012.

The situation of women in the country in relation to CEDAW was analyzed, and this report contains a detailed account of the progress made thus far with regards to the implementation of CEDAW in Namibia. The report provides quantitative and qualitative data on the status of women in Namibia and highlights the achievements made thus far and the challenges faced since the last report.

The report complies with the Reporting Guidelines issued by the CEDAW Committee, and covers the areas of concern raised by the Committee on the second and third reports.

### **ARTICLE 1: DISCRIMINATION**

The Namibian Constitution is the supreme law of the country and prohibits all forms of discrimination including gender discrimination. There have been no changes in this area since the previous report.

### **ARTICLE 2: POLICY MEASURES**

Three laws that address gender discrimination have been passed –the Community Courts Act of 2003, the Children’s Status Act of 2006 and the Labour Act of 2007.

The government has implemented a number of new policy measures including an update of the National Gender Policy, and the development of Vision 2030 and the third National Development Plan. Namibia has also signed and ratified the SADC Protocol on Gender and Development.

### **ARTICLE 3: GUARANTEE OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

Rape and gender-based violence like in many other given societies throughout the world continues to be a serious challenge in Namibia. In response to these, Namibia has taken steps to fully implement and enforce laws on violence against women. The Government has passed new legislation, namely the Criminal Procedure Amendment Act of 2003 ), which addresses issues of violence against women and is currently drafting the Child Care and Protection Bill which is in the final phase. This Bill contains among others, a number of provisions aimed at protecting children from abuse.

Other Government initiatives include establishing special offices within the Office of the Prosecutor-General and a Criminal Justice Forum, both of which address violence against women; establishing a national GBV database; hosting a National Conference on GBV; establishing a national advisory committee on GBV; launching a zero-tolerance campaign against GBV and considering improvements for the Woman and Child Protection Units. Namibia has also joined the international community in commemorating the Sixteen Days of Activism against Gender Based Violence annually.

## **ARTICLE 4: SPECIAL MEASURES**

The Affirmative Action (Employment) Act 29 of 1998 is used to promote the role of women in the workplace. Constitutional provisions on affirmative action for women can also be invoked to support the promotion of women in a wider range of areas.

The Government has implemented a range of special measures by establishing developmental programmes such as the Draught Animal Power Acceleration and fishing industry programmes which benefit women, particularly the previously marginalised.

## **ARTICLE 5: SEX ROLE STEREOTYPING AND PREJUDICE**

Gender stereotyping within society about sex roles continue to hamper women's empowerment and equality. However, the Government has made progress in addressing this issues this includes the development of a Gender Training Manual and Resource Guide, Male Involvement Training Manual and also reviewed the primary, secondary and tertiary institutions curricula for gender responsiveness.

## **ARTICLE 6: PROSTITUTION**

Whilst Namibia is not affected by high levels of prostitution or trafficking, the problem exist in the country. The Government is working to address both issues. Legislative changes include the passing of the Prevention of Organised Crime Act 29 of 2004 and the inclusion of provisions on child trafficking in the Child Care and Protection Bill.

## **ARTICLE 7: POLITICAL AND PUBLIC LIFE**

Female representation in Parliament is 25 percent as per 2009 National elections, which is below the SADC bench mark of 30 percent. In 2005, women in senior management positions represented 37 percent of the public service which exceeds the SADC target of 30 percent female representation. Whilst change is being slowly achieved in this area, the greatest impact will be achieved through initiatives aimed at promoting the retention of girls in the education system and on improving the quality of education in Namibia to ensure that women are equipped to meet the demands of political and public life.

## **ARTICLE 8: REPRESENTATION**

The number of women heading foreign missions remains unchanged since the last report. Thus representation in foreign missions continues to show gender parity at 50% but as previously noted, the majority of female representation is in supportive positions rather than as Ambassadors, High Commissioners or Councillors/Minister Councillors. Turnover in this field is lower than in other areas and progress is likely to be slowly achieved.

## **ARTICLE 9: NATIONALITY**

As previously reported, Namibia's rules on nationality are gender neutral. Legal change has been achieved through a High Court judgement which held that Namibian citizens by birth or descent may hold dual citizenship. The Government intends to improve the protection of child asylum seekers through provisions in the Child Care and Protection Bill and has launched a hospital-based registration system to promote birth registration. The Government

is considering amending the Constitution to increase the required time a person must wait to acquire citizenship by marriage from two to ten years.

## **ARTICLE 10: EDUCATION**

There is equal opportunity and access to education for boys and girls across all grades. The number of females enrolling in tertiary institutions continues to increase. The literacy rate stands at 90.9 percent for women and 88.6 percent for men in Namibia.

The Government has implemented a number of initiatives to address access to education including the development of a new policy for the prevention and management of learner pregnancy and the continued implementation of lifeskills programmes. The Government has also developed a fifteen-year strategic plan which focuses on the enhancement of education from early childhood development to lifelong learning.

## **ARTICLE 11: EMPLOYMENT**

Forty-four percent of the female working-age population are employed. Women are most commonly employed in private households and in the wholesale and retail sector. In contrast men are most commonly employed in the agriculture, the wholesale and retail sector and the construction industries.

Government initiatives to promote female representation in the workplace include the provision of grants for small and medium sized enterprises. The Government also updated the Labour Act which now provides better protections against gender discrimination.

## **ARTICLE 12: HEALTH**

Knowledge of at least one family planning method continues to be universal and approximately 95 percent of women receive antenatal care from a skilled service provider. However although access to maternal healthcare has increased, the maternal mortality rate has risen. The prevalence of HIV infection currently sits at 17.8 percent, a decrease from 22 percent in 2002. The highest prevalence rate is reported amongst people aged 30-34 years.

The Government has implemented a wide range of initiatives to address healthcare needs including policy development such as National Policy on HIV/AIDS, National Blood Policy, service provision of such as 1150 mobile clinics and the prioritisation of issues such as decreasing maternal mortality and preventing mother-to-child transmission of HIV.

## **ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS**

The Government provides old age pensions, state maintenance grants and disability grants to relevant parties. Grant amounts have increased since the previous reporting period.

## **ARTICLE 14: RURAL WOMEN**

A total of 67 percent of the population live in rural areas. Of this percentage, 52 percent are women. Government initiatives include a new Water Resources Management Act (passed but not yet in force) and an updated Water and Sanitation Policy. The Government also conducts training on communal land rights and has implemented a Rural Poverty Reduction Programme. A number of Government Ministries run projects to support rural women.

## ARTICLE 15: LAW

Progress in law reform is reported under Article 2.

## ARTICLE 16: MARRIAGE AND FAMILY LIFE

The average family size in Namibia is 4.5 people. A total of 33.9% of households has foster children. Over half the population is unmarried (56%) although only 10.3% of women aged 25-49 have never given birth.

## NAMIBIA'S IMPLEMENTATION OF THE CONVENTION

### ARTICLE 1: DISCRIMINATION

As previously reported, the Namibian Constitution is the supreme law of the country and prohibits all forms of discrimination including gender discrimination. There have been no changes in this area since the previous reports.

### ARTICLE 2: POLICY MEASURES

#### 2.1 LEGISLATIVE MEASURES

The following laws have been enacted since the previous report:

- The **Community Courts Act 10 of 2003**, provides for the recognition and establishment of community courts and the application of customary law by these courts.<sup>6</sup> . The Act states that a party to any proceedings before a community court shall appear in person and may represent him- or herself or be represented by any person of his or her choice. This means that women cannot be represented by traditional male “guardians” (i.e. fathers or husbands) without their consent. The Act includes a right of appeal to the magistrates’ courts.
- The **Children’s Status Act 6 of 2006** removes legal discrimination against children born outside of marriage in areas such as inheritance rights and provides that unmarried parents have equal rights to care for their children.
- The **Labour Act 11 of 2007** provides improved provisions for maternity leave for women. Women who have worked for more than 6 months for the same employer are entitled to maternity leave. Previously a woman had to work for her employer for 12 months, and thus discrimination on the grounds of present, past or future pregnancy is forbidden. Both male and female employees are entitled to compassionate leave in the case of the death or serious illness of a close family member. Sexual harassment in the workplace is defined and prohibited.

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<sup>6</sup> Legal Assistance Centre. (2010). *Namlex. Index to the Laws of Namibia. 2010 Update*. Windhoek, Namibia: Legal Assistance Centre. At page 141. Available at: <<http://www.lac.org.na/laws/namlex.html>> Last accessed 14 February 2011.

The Law Reform and Development Commission (LRDC) is currently engaged in the following projects:

- **Marital property regimes and customary marriage:** In the concluding comments from the CEDAW Committee following the submission of the 2<sup>nd</sup> and 3<sup>rd</sup> reports (hereafter referred to as “the concluding comments from the CEDAW Committee”) the Committee requested that Namibia review the Married Person’s Equality Act with a view to eliminating discrimination against women in customary marriages.<sup>7</sup> The Government anticipates that a new and more comprehensive law covering all forms of marriage will be enacted to replace the Married Person’s Equality Act.

A Bill on the Recognition of Customary Marriages was developed and approved by the Law Reform and Development Commission in 2004, with subsequent consultation being undertaken with traditional leaders on this proposed law. This law would set the minimum age for customary marriage at 18 as it is for civil marriage.<sup>8</sup>

The Child Care and Protection Bill being developed by the Ministry of Gender Equality and Child Welfare would also address the legal age of marriage under provisions on harmful social and cultural practices.<sup>9</sup>

The Law Reform and Development Commission Subcommittee on Marital Property completed its review in 2007 and a marital property bill was finalised and approved by the Commission in 2009.<sup>10</sup>

The draft laws on both marital property and customary marriage took into consideration proposals by civil society.<sup>11, 12</sup>

- **Divorce:** The current law on divorce is based on the fault principle, and the procedure entailed is formal and complicated - in virtually all circumstances requiring the assistance of a legal practitioner.<sup>13</sup> Cases must be heard in the High Court. The high cost and inaccessibility of the current system means that some people may be unable to access a divorce, or the financially weaker spouse (often the woman) may not be

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<sup>7</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia*. CEDAW/C/NAM/CO/3. 37<sup>th</sup> session. At points 28 and 29. Available at:

[www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf)> Last accessed 11 February 2011.

<sup>8</sup> Law Reform and Development Commission (LRDC). (2004). *Report on Customary Law Marriages (LRDC 12)*, Windhoek, Namibia: Law Reform and Development Commission.

<sup>9</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010. Clause 209.

<sup>10</sup> Law Reform and Development Commission (LRDC). (2010). *Report on Marital Property (LRDC 15)*, Windhoek, Namibia: Law Reform and Development Commission.

<sup>11</sup> Legal Assistance Centre. (2005). *Marital property in civil and customary marriages. Proposals for law reform*. Windhoek, Namibia: Legal Assistance Centre. Available at:

[www.lac.org.na/projects/grap/Pdf/marriageprop.pdf](http://www.lac.org.na/projects/grap/Pdf/marriageprop.pdf)> Last accessed 7 February 2011.

<sup>12</sup> Legal Assistance Centre. (2005). *Recognition of customary marriages. A summary of the Law Reform and Development Commission Proposal*. Windhoek, Namibia: Legal Assistance Centre. Available at:

[www.lac.org.na/projects/grap/Pdf/custommar2.pdf](http://www.lac.org.na/projects/grap/Pdf/custommar2.pdf)> Last accessed 7 February 2011.

<sup>13</sup> The Namibian divorce law is based on Roman Dutch common law together with the Divorce Laws Amendment Ordinance (Ordinance No. 18 of 1935), the Matrimonial Causes Jurisdiction Act (Act No. 22 of 1939), the Matrimonial Causes Jurisdiction Act (Act No. 35 of 1945) and the Matrimonial Affairs Ordinance (Ordinance No. 25 of 1955).

able to protect her interests.<sup>14</sup> According to the 2001 Population and Housing Census, 3.9% of women are divorced compared to 1.6% of men.<sup>15</sup>

In November 2004, the Law Reform and Development Commission published a Divorce Bill, which was sent out to stakeholders for comments. The bill contains a no-fault divorce regime which is based on the ground of irretrievable breakdown of marriage, as is widely used internationally. Civil society has been involved in the law reform process.<sup>16</sup>

- **Cohabitation:** In partnership with the civil society organisation the Legal Assistance Centre, the Law Reform and Development Commission is investigating the status of cohabitation in Namibia and considering proposals for law reform.<sup>17</sup>
- **Discriminatory provisions on inheritance:** In June 2003, racially discriminatory provisions in the Native Administration Proclamation 15 of 1928 were challenged in the High Court (*Berendt & Another v Stuurmann & Others* 2003 NR 81 (HC)). The High Court declared specific sections of this law to be in conflict with the Namibian Constitution.<sup>18</sup> The High Court ordered that the Proclamation be repealed or amended by Parliament. Parliament enacted the **Estate and Succession Amendment Act of 15 of 2005**. The Act allows for small estates to be handled by the Magistrates Court, thus increasing accessibility for many people, particularly women, whilst giving the Master of the High Court ultimate authority over all estates, thus removing the race discrimination which previously marked the procedure for administering estates. The Act repeals other problematic sections of the Proclamation but provides that the previous rules of intestate succession in the Proclamation “continue to be of force in relation to persons to whom the relevant rules would have been applicable had the said Proclamation not been repealed”.<sup>19</sup> Therefore further law reform is required in this area, and the Law Reform and Development Commission is in the process of working on the topic.

## 2.2 JUDICIAL DECISIONS

In the concluding comments from the CEDAW Committee, the Committee noted concern about the lack of reference to the Convention made in any court decisions.<sup>20</sup> The Convention

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<sup>14</sup> Legal Assistance Centre. (2005). *Divorce law reform. A summary of the Law Reform and Development Commission Proposals*. Windhoek, Namibia: Legal Assistance Centre. At page 3. Available at: [www.lac.org.na/projects/grap/Pdf/divlawref-summ.pdf](http://www.lac.org.na/projects/grap/Pdf/divlawref-summ.pdf) Last accessed 7 February 2011.

<sup>15</sup> National Planning Commission. (2003). *2001 Namibia Population and Housing Census*. Windhoek, Namibia: National Planning Commission. At page 26.

<sup>16</sup> Ibid.

<sup>17</sup> See the Legal Assistance Centre website at: [www.lac.org.na/projects/grap/grapcohab.html](http://www.lac.org.na/projects/grap/grapcohab.html) Last accessed 7 February 2011. See also the Law Reform and Development Commission website at [www.lawreform.gov.na/pdf/Project9CohabitationInvestigations.pdf](http://www.lawreform.gov.na/pdf/Project9CohabitationInvestigations.pdf) Link broken when accessed 7 February 2011.

<sup>18</sup> The court ruled that the following provisions were discriminatory: 18(1), 18(2) and 18(9) and the regulations made under section 18(9).

<sup>19</sup> Estate and Succession Amendment Act of 15 of 2005, section 1(2).

<sup>20</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia. CEDAW/C/NAM/CO/3. 37<sup>th</sup> session*. At point 12. Available at: [www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf) Last accessed 11 February 2011.



has been mentioned in one case that was erroneously omitted in the previous report (*Müller v President of the Republic of Namibia & Another* 1999 NR 190 (SC) at 205E-F.)

## 2.3 DISCRIMINATION BY PUBLIC AUTHORITIES AND INSTITUTIONS

As previously reported, women are under-represented in most public authorities and institutions. Details are discussed under Article 7.

## 2.4 STEPS TO ELIMINATE DISCRIMINATION AGAINST WOMEN BY ANY PERSON, ORGANISATION OR ENTERPRISE

As in the previous submission, no instances have been reported in which Government assistance has been sought or offered to combat instances of discrimination against women by private bodies.

## 2.5 REPEAL OF NATIONAL PENAL PROVISIONS WHICH DISCRIMINATE AGAINST WOMEN

The 2<sup>nd</sup> and 3<sup>rd</sup> report stated that sections 29 and 37 of the Criminal Procedure Act 51 of 1977 which provide that a woman may be bodily searched or examined only by another woman should be amended to have gender-neutral terminology so as to apply to both male and female searches.

## 2.6 INFANTICIDE

The problem of infanticide in Namibia was noted in the 2<sup>nd</sup> and 3<sup>rd</sup> report. Further data on the problem is now available.<sup>21</sup> Disaggregated data is not available as infanticide is not a specific crime, therefore data for baby-dumping and infanticide is usually recorded as a charge of concealment of birth combined with a charge of abandonment, manslaughter or murder.

**Table 1: Reported cases of concealment of birth, 2003-2007<sup>22</sup>**

Year	Number of cases
2003	6
2004	13
2005	17
2006	15
2007	23

The Ministry of Gender Equality and Child Welfare and local non-governmental organisations (NGOs) have implemented various strategies to address the problem of infanticide:

- The **Child Care and Protection Bill** includes a provision that will allow a parent to leave a child at a designated safe place without committing an offence of abandonment.<sup>23</sup>

<sup>21</sup> Hubbard, D. (2008). *Baby-dumping and infanticide*. Windhoek, Namibia: Legal Assistance Centre. Available at: [www.lac.org.na/projects/grap/Pdf/mono1infant.pdf](http://www.lac.org.na/projects/grap/Pdf/mono1infant.pdf) Last accessed 14 February 2011.

<sup>22</sup> Namibian Police, 2008. Data reported in Hubbard, D. (2008). *Baby-dumping and infanticide*. Windhoek: Legal Assistance Centre. At page 2. Available at: [www.lac.org.na/projects/grap/Pdf/mono1infant.pdf](http://www.lac.org.na/projects/grap/Pdf/mono1infant.pdf) Last accessed 14 February 2011.

<sup>23</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010. Provision 210.

- The Ministry of Gender Equality and Child Welfare chose infanticide as one of three specific topics highlighted in a national campaign on gender-based violence.<sup>24</sup> A range of materials in local languages was developed including radio dramas, posters, newspapers adverts, television adverts and billboards. Further details about this campaign are reported under point 3.6. Local NGOs have also produced information materials on baby-dumping for communities.

## 2.7 ABORTION

The Ministry of Health and Social Services (MoHSS) conducted a study in 2006 to assess service provision for emergency obstetric care. The report showed that 20.7% of direct complications and 8.3% of deaths were attributed to abortion. However it should be noted that only 12 deaths were recorded and that it is not clear whether the definition of abortion differentiated between legal, illegal and spontaneous abortions.<sup>25</sup> Police statistics from 2008 report that 15 people including three juveniles (two males and one female) were charged under the Abortion and Sterilization Act 2 of 1975.<sup>26</sup>

The Ministry of Education has also implemented a new policy for the prevention and management of learner pregnancy. This is discussed in further detail under point 10.1.1. The government hopes that the new policy will help to reduce the number of young people attempting illegal abortions through its provisions on sex education and its flexible options for continuing education for learner mothers.<sup>27</sup> However due to funding constraints, the implementation of the policy has been slow.

Local NGOs continue to sensitise communities on the danger of illegal abortions and are seeking funding for further research to assess the incidence of illegal abortion in Namibia.

## 2.8 WOMEN IN PRISONS

According to the Namibian Correctional Service, there were 139 female offenders (3 of whom were juveniles) and 4177 male offenders (78 of whom were juveniles) in prison as of December 2009.<sup>28</sup>

One of the NGOs has conducted a research, which indicated that there is no standardised formal health policy for visibly ill prisoners and that the conditions in detention facilities pose health risk. This problem has been recognised in the Government's review of the third medium term plan on HIV/AIDS.<sup>29</sup>

<sup>24</sup> The three topics were (1) infanticide; (2) trafficking; and (3) passion killing.

<sup>25</sup> Ministry of Health and Social Services. (2006). *Report on needs assessment for emergency obstetrics care*. Windhoek, Namibia: Ministry of Health and Social Services. At page 23. An earlier report on abortion conducted by the Ministry of Health and Social Services combined legal, illegal and spontaneous abortions. See Ministry of Health and Social Services. (2000). *Report of a hospital based study on abortion in Namibia*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>26</sup> National Crime Statistics for 2008 provided to the Legal Assistance Centre by the Ministry of Safety and Security.

<sup>27</sup> For a discussion on how the previous guidelines may have impacted on the incidence of illegal abortion, see Legal Assistance Centre. (2008). *School Policy on Learner Pregnancy in Namibia: Background to Reform*. Windhoek, Namibia: Legal Assistance Centre. Available at: [www.lac.org.na/projects/grap/Pdf/learnerpregnancyfull.pdf](http://www.lac.org.na/projects/grap/Pdf/learnerpregnancyfull.pdf) Last accessed 14 February 2011.

<sup>28</sup> Information provided to the Legal Assistance Centre by letter by the Commissioner General of the Namibian Correctional Service and by telephone. February/March 2011.

<sup>29</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page vii.

## 2.9 GOVERNMENT INITIATIVES

In line with general recommendation 6 by the CEDAW Committee,<sup>30</sup> the Government has strengthened its policy provisions to eliminate discrimination against women:

**Vision 2030:** The Government adopted Vision 2030 in 2004. The document is intended to guide Namibia's development over the next 30 years. The importance of achieving gender equality in order to meet the goals of Vision 2030 is cited throughout the report.<sup>31</sup>

**National Development Plan III:** Since the previous report, Namibia's third National Development Plan (2007/8-2011/2012) has come into effect. One of the main goals of the policy is to improve gender equality.<sup>32</sup> The recognition of gender should be further strengthened in the fourth development plan.

**Update of the National Gender Policy:** The Ministry of Gender Equality and Child Welfare (MGECW) is updating the National Gender Policy and the National Gender Plan of Action.<sup>33</sup> Two new areas have been included in the updated policy namely, *gender, peace-building, conflict resolution and natural disasters* and *gender equality in the family context*. The policy section on gender, health and reproductive health includes specific reference to HIV/AIDS. This is in line with CEDAW general recommendation 15.<sup>34</sup>

The points listed below were identified in the previous reports as challenges towards implementing the previous gender policy.<sup>35</sup> As requested in the concluding comments from the CEDAW Committee, the table details how Government has worked to address the challenges.<sup>36</sup> Measures associated with the National Gender Policy are also discussed under point 5.1.

**Table 2: Challenges in implementing the National Gender Policy and progress made**

Challenge	Progress
<b>At political level</b>	
Despite the support of top political leaders, there is a negative attitude to gender equality and marginalisation of	The Government has conducted a series of public outreach programmes and community

<sup>30</sup> Committee on the elimination of discrimination against women. (1999). *General Recommendation No. 6* (seventh session, 1988). Available at:

[www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom6](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom6) Last accessed 14 February 2011.

<sup>31</sup> Office of the President. (2004). *Namibia Vision 2030*. Windhoek, Namibia: Office of the President.

<sup>32</sup> National Planning Commission. (2008). *Third national development plan 2007/2008-2011/12*. Volume I. Windhoek, Namibia: National Planning Commission. At page 256.

<sup>33</sup> Ministry of Gender Equality and Child Welfare. (2009). *National Gender Policy*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>34</sup> Committee on the Elimination of Discrimination against Women. (1999). *General Recommendation No. 15* (ninth session, 1990). Available at:

[www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom15](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom15) Last accessed 14 February 2011.

<sup>35</sup> Based on the SWOT (strengths, weaknesses, opportunities and threats) analysis carried out in November 2001 through a Mission from the United Nations Economic Commission (UNECA) headed by Hilda Tadría, a Special Advisor on Gender at UNECA. This analysis was cited in the 2<sup>nd</sup> and 3<sup>rd</sup> periodic report.

<sup>36</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia. CEDAW/C/NAM/CO/3*. 37<sup>th</sup> session. At point 9. Available at:

[www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf) Last accessed 11 February 2011.

gender equality issues from mainstream programmes.	awareness initiatives. These are helping to reduce negative attitudes.
The allocation of financial and human resources does not match expectations for the advancement of women and gender equality.	<p>The Ministry of Gender Equality and Child Welfare has embarked on a gender responsive budgeting exercise for the agricultural, water and forestry, education, health and social services and financial sectors.<sup>37</sup></p> <p>Namibia is one of the few countries in Southern Africa to have made progress towards gender-responsive budgeting.<sup>38</sup></p> <p>The Ministry of Gender Equality and Child Welfare is working together with the Ministry of Finance and the National Planning Commission to conduct a gender analysis of budget allocations to health, education and agriculture.</p>
There is no clear implementation strategy. The Plan of Action is too broad and not clear on the implementation mechanism. It concentrates more on women and development and does not address the unequal gender relation or the transformative issues.	The Plan of Action is being updated with input from stakeholders.
<b>At institutional level</b>	
There is no effective national gender mainstreaming programme and therefore co-ordination of the gender mainstreaming at national level becomes difficult.	In terms of the updated National Gender Policy, the Gender Commission has been replaced by national and regional permanent Gender Task Forces. The Gender Task Forces will be responsible for coordinating the implementation of the policy.
There is no formalised structure for gender mainstreaming in sector ministries and no clear mandate for Gender Focal Points.	The updated National Gender Policy provides a clearer mandate for Gender Focal Points. As of 2009 the Ministry of Gender Equality and Child Welfare had appointed 48 focal points. <sup>39</sup>
<b>Gender disaggregated data</b>	
There has been no intensive research on the critical gender issues. There is limited gender disaggregated data and access, and therefore gender analysis cannot be effectively done.	Vision 2030 states that data should be disaggregated by gender. <sup>40</sup> In 2009 the Ministry of Gender Equality and Child Welfare trained 98 police officers from all 13 regions on data collection. The Ministry has also implemented a data warehouse for information on orphans and vulnerable children. <sup>41</sup>
<b>Resource allocation – human/financial</b>	
Since there is a general lack of recognition for the value of gender mainstreaming work, limited resources (financial and human) are allocated for this work at different levels.	The Ministry of Gender Equality and Child Welfare has embarked on a gender responsive budgeting exercise for the agricultural, water and forestry, education, health and social services and financial sectors. <sup>42</sup>

<sup>37</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>38</sup> Women in Development-Southern Africa Awareness: Beyond Inequalities 2008, Women in Southern Africa as reported in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia. At page 44.

<sup>39</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>40</sup> Office of the President. (2004). *Namibia Vision 2030*. Windhoek, Namibia: Office of the President. At page 53.

<sup>41</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>42</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<b>At the programme level</b>	
Although there are some gender equality and equity programmes (e.g. Affirmative Action and Women's Empowerment Projects), in many sectors and institutions gender equality commitments and plans are generally not translated into a gender-responsive programme of action; because, to a certain extent attitudes to women's advancement and gender equality, are still negative.	The Government has conducted a series of public outreach programmes and community awareness initiatives. These are helping to reduce negative attitudes.
<b>Monitoring and Evaluation</b>	
Established instruments or mechanisms for effective and continued monitoring and evaluation of the implementation of the National Gender Policy or the commitments Government has made regarding the advancement of women and gender equality and equity need to be strengthened.	The updated National Gender Policy includes more detail on Monitoring and Evaluation.
There is a limited of capacity (i.e. staff, skills and tools) for monitoring and evaluation of gender mainstreaming at the national level.	The Government has made an effort to implement the National Gender Plan of Action by allocating both financial and human resources.

**SADC Protocol on Gender and Development:** The Government signed and ratified the Protocol in 2008 and 2009 respectively.

The Government has widely disseminated information about CEDAW at Government and community levels. For example CEDAW is discussed during legal literacy trainings. The consultations held for this report were also used as a means of education about CEDAW.

## **2.10 CIVIL SOCIETY INITIATIVES**

The Namibia Non-Governmental Organisations Forum (NANGOF) Trust, the umbrella body for non-governmental organisations in Namibia, continues to engage Government and other stakeholders to eliminate discrimination against women. A number of individual NGOs are involved in advocacy, lobbying and awareness-raising to advance gender equality.

## **2.11 FACTORS AND DIFFICULTIES**

Whilst a number of law reform initiatives are in progress, the process of law reform has been slow because of a shortage of human resources for technical drafting and a multitude of competing priorities. In terms of advancing gender equality, family law reforms are the most crucial.

Infanticide and abortion continue to be problems in Namibia. More funds need to be allocated to increase community awareness about alternatives for unwanted pregnancies. The passage of the Child Care and Protection Bill will assist in increasing the options available in such instances.

## **ARTICLE 3: GUARANTEE OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

### **3.1 RAPE**

Police statistics indicate that approximately 1100 cases of rape and attempted rape are reported each year. This represents approximately 60 rapes per 100 000 people. Women account for 92-94% of victims of rape and attempted rape and one third of all cases of rape or

attempted rape involve children under the age of 18. Research based on police dockets indicates that the perpetrator was known to the victim in at least 67% of cases.<sup>43</sup>

The conviction rate for rape cases is low, partly because approximately 20% of all rape cases are withdrawn at the request of the complainant.<sup>44</sup> The three most common reasons for rape case withdrawal are resolving the case by means of compensation from the rapist or his family, family pressure and shame.<sup>45</sup>

The data suggests that the number of reported rapes and attempted rapes per year has more than doubled since independence, even though the population increased by only 39% during that time. However, reporting may have increased during this period as a result of positive factors such as the passage of the Combating of Rape Act in 2000, higher official sensitivity to rape, increased awareness of the crime on the part of both police and members of the public, and the general empowerment of women.<sup>46</sup>

The effectiveness of the Combating of Rape Act has been assessed by a local NGO, which found that the new definition of rape and the new minimum sentences are generally being correctly utilised in practice.<sup>47</sup> Following on this assessment, the Law Reform and Development Commission is considering recommendations for some minor amendments to the Combating of Rape Act to fine-tune its operation. Factors and difficulties associated with the pace of law reform in Namibia are noted under point 2.11.

### 3.2 GENDER-BASED VIOLENCE (GBV)

Violence against women continues to be a problem in Namibia and a review of the data suggests that the prevalence of GBV in Namibia has not changed since the previous report.

The Ministry of Gender Equality and Child Welfare conducted a knowledge, attitudes and practices (KAP) study on GBV in eight of Namibia's 13 regions in 2007.<sup>48</sup> The study reported that 69.3 percent of respondents had been subject to at least one form of GBV, including physical, sexual or emotional violence, from an intimate partner (68.9 percent were male respondents and 69.7 percent were female respondents).<sup>49</sup> About 34 percent of all respondents had been subject to physical or sexual violence from an intimate partner (40.5 percent of the female respondents and 27.6 percent of the male respondents).<sup>50</sup> When asked about attitudes towards violence, the reason that received the most support to justify slapping a partner was if the man finds out the woman has been unfaithful. A total of 45.9 percent of people agreed or strongly agreed that a man may slap his wife if he finds out that she has

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<sup>43</sup> Legal Assistance Centre. (2006). *Rape in Namibia. An assessment of the Operation of the Combating of Rape Act 8 of 2000*. Windhoek, Namibia: Legal Assistance Centre. Available at:

[www.lac.org.na/projects/grap/Pdf/rapefull.pdf](http://www.lac.org.na/projects/grap/Pdf/rapefull.pdf) Last accessed 7 February 2011. At pages 5, 7, 8 and 181.

<sup>44</sup> Ibid at 383.

<sup>45</sup> Legal Assistance Centre. (2009). *Withdrawn: Why complainants withdraw rape cases in Namibia*. Windhoek, Namibia: Legal Assistance Centre. At page iii. Available at:

[www.lac.org.na/projects/grap/Pdf/rapeWithdrawn.pdf](http://www.lac.org.na/projects/grap/Pdf/rapeWithdrawn.pdf) Last accessed 7 February 2011.

<sup>46</sup> Ibid at 5.

<sup>47</sup> Legal Assistance Centre. (2006). *Rape in Namibia. An assessment of the Operation of the Combating of Rape Act 8 of 2000*. Windhoek, Namibia: Legal Assistance Centre. Available at:

[www.lac.org.na/projects/grap/Pdf/rapefull.pdf](http://www.lac.org.na/projects/grap/Pdf/rapefull.pdf) Last accessed 7 February 2011.

<sup>48</sup> Ministry of Gender Equality and Child Welfare. (2009). *Knowledge, Attitudes and Practices Study on Factors and Traditional Practices that may Perpetuate or Protect Namibians from Gender Based Violence and Discrimination*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>49</sup> Ibid at 62.

<sup>50</sup> Ibid at 61.

been unfaithful. When broken down by sex, opinion was similar between men and women (44.1 percent of men and 47.8 percent of women agreed or strongly agree).<sup>51</sup>

The 2006-2007 Namibian Demographic and Health Survey reports similar data. Approximately 35% of respondents agreed that a husband is justified to beat his wife for one of five reasons (neglecting the children, arguing, refusing sex, burning food or going out without telling him).<sup>52</sup>

### 3.3 CHILD ABUSE

Crime statistics for 2008 report 30 cases of cruelty, ill-treatment and neglect of children.<sup>53</sup> The MGECSW KAP study reports that the use of physical discipline is common in Namibia, with over 40 percent of respondents reporting that members of their household hit, spank or slap children in the household. However this means that some 60 percent of households do not use violent forms of child discipline. The incidence of using physical force to discipline children was highest in the Erongo region and lowest in the Kavango region.<sup>54</sup>

### 3.4 VIOLENCE AGAINST WOMEN WITH HIV/AIDS

In 2008, an estimated 17.8 percent of people were infected with HIV/AIDS, a decrease of 4 percent since the previous report to the Committee. Further statistics on HIV infection are reported under 12.4.<sup>55</sup>

There is little documented evidence that violence against women with HIV/AIDS is a particular problem in Namibia. A study to assess HIV/AIDS and treatment literacy reported that whilst being made to feel shame is a subtle form of aggression, physical violence against people with HIV/AIDS is not reported.<sup>56</sup> Linkages between GBV and HIV were discussed in the MGECSW KAP study, but violence against women because of their HIV status was not reported as problematic.<sup>57</sup>

It is possible that the lack of data may be due to the fact that studies have not specifically or sufficiently addressed this issue, rather than the issue not being a problem in Namibia. The MGECSW-published KAP study recommends that Namibia's fourth HIV/AIDS medium term plan should include stronger reference to prevention of violence against women with

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<sup>51</sup> Ibid at 49.

<sup>52</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>53</sup> National Crime Statistics for 2008 provided to the Legal Assistance Centre by the Ministry of Safety and Security.

<sup>54</sup> Ministry of Gender Equality and Child Welfare. (2009). *Knowledge, Attitudes and Practices Study on Factors and Traditional Practices that may Perpetuate or Protect Namibians from Gender Based Violence and Discrimination*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At pages 66-67.

<sup>55</sup> Ministry of Health and Social Services. (2008). *Report on the 2008 National HIV Sentinel Survey*. Windhoek, Namibia: Ministry of Health and Social Services. At page vii.

<sup>56</sup> Family Health International/FABRIC, NawaLife Trust, Positive Vibes, the Social Marketing Association, and The Rainbow Project in Namibia. (2009). *HIV and AIDS and treatment literacy. Namibia survey 2008: Main report*. Windhoek, Namibia: Family Health International/FABRIC, NawaLife Trust, Positive Vibes, the Social Marketing Association, and The Rainbow Project in Namibia. At page 97.

<sup>57</sup> Ministry of Gender Equality and Child Welfare. (2009). *Knowledge, Attitudes and Practices Study on Factors and Traditional Practices that may Perpetuate or Protect Namibians from Gender Based Violence and Discrimination*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page XV.



HIV/AIDS. Therefore despite the low reported incidence of violence against women with HIV/AIDS in Namibia, the Government recognises the importance of monitoring this issue.<sup>58</sup>

### 3.5 LEGISLATIVE MEASURES

In the concluding comments from the CEDAW Committee, the Committee requested that Namibia take steps to fully implement and enforce laws on violence against women.<sup>59</sup> The Government is doing so through the **Combating of Rape Act 8 of 2000**, the **Combating of Domestic Violence Act 4 of 2003** and the **Labour Act 11 of 2007** (which addresses sexual harassment in the workplace). The impact and effectiveness of the Combating of Rape Act has been reported above under point 3.1. A similar study is underway by a local NGO to access the impact and effectiveness of the Combating of Domestic Violence Act.<sup>60</sup>

The **Criminal Procedure Amendment Act 24 of 2003** came into force in 2003. This Act makes provision for special arrangements for vulnerable witnesses such as giving testimony via closed circuit television or from behind a screen. The Act recognises the following people as vulnerable witnesses:

- (i) an individual who is under the age of 18 years;
- (ii) an individual against whom an offence of sexual or indecent nature has been committed;
- (iii) an individual against whom any offence involving violence has been committed by a close family member, a spouse, or a partner in any permanent relationship; and
- (iv) an individual who, as a result of some mental or physical disability, may be intimidated by the accused or any other person and may for that reason suffer undue stress while giving evidence, or may be unable to give full and proper evidence.

The Government passed the **Criminal Procedure Act 25 of 2004** but has not yet brought the Act into force as Government feels that further stakeholder consultation is needed.

The **Child Care and Protection Bill** contains a number of provisions aimed at protecting children from abuse. The bill addresses a wide range of areas including improved child protection procedures, protective measures for children including consent to medical treatment and HIV testing, measures to prevent child labour, provisions aimed at child prostitution and child trafficking, and improved procedures and powers for Children's Courts.<sup>61</sup>

The Child Care and Protection Bill also includes provisions to strengthen protections against underage drinking, including requiring all alcohol vendors to check for identification and stiffer penalties for the sale of alcohol to a child under the age of 18.<sup>62</sup>

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<sup>58</sup> Ibid at xvii.

<sup>59</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia*. CEDAW/C/NAM/CO/3. 37<sup>th</sup> session. At point 19. Available at:

[www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf)> Last accessed 11 February 2011.

<sup>60</sup> See the Legal Assistance Centre website at [www.lac.org.na/projects/grap/grapviolence.html](http://www.lac.org.na/projects/grap/grapviolence.html)> Last accessed 7 February 2011.

<sup>61</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010.

<sup>62</sup> Ibid at Provision 240.



### 3.6 GOVERNMENT INITIATIVES

**Sixteen Days of Activism:** In 2005 Namibia joined the international community in commemorating the 16 Days of Activism Campaign against GBV. Government and civil society continue to recognise the 16 Days each year.

**Special offices within the Office of the Prosecutor-General:** In 2006, the Office of the Prosecutor General established a specialised unit for prosecution of sexual offences, domestic violence and maintenance cases.<sup>63</sup>

**National GBV database:** Also in 2006, the Ministry of Gender Equality and Child Welfare established a National GBV Database which records information from court dockets in GBV cases.<sup>64</sup>

**Criminal Justice Forum:** In 2007 Government established a Criminal Justice Forum. The forum is composed of management personnel from offices involved in the criminal justice system including lawyers in private practice.<sup>65</sup>

**National conference on GBV:** Also in 2007, the Government held a national conference on GBV. The conference focused on two major sub-themes (1) understanding the underlying issues of GBV and (2) overcoming challenges in the implementation of gender-based violence legislation, policies and programmes.<sup>66</sup> General recommendations from the conference include the need to implement a zero-tolerance campaign against GBV, to educate communities about non-violent conflict resolution, to pay extra attention to violence against women as the most common manifestation of GBV, to pay special attention to women with disabilities as their disability puts them at higher risk, to involve men, to incorporate a multi-sectoral approach, to address the links between GBV and poverty and GBV and culture, and to endeavour to ensure that school dropouts are reintegrated into the education system as a means of discouraging criminal behaviour.<sup>67</sup> A number of these recommendations have been put into action as detailed below.

**High-level Strategic Inter-ministerial Committee on Domestic Violence and Violence in General:** In 2008 His Excellency President Hifikepunye Pohamba inaugurated the High-level Strategic Inter-ministerial Committee on Domestic Violence and Violence in General. The function of the committee is to advise Government and relevant stakeholders on the issues pertaining to GBV in Namibia. The committee consists of high-level members from Government institutions, parastatals, the private sector, NGOs, civil society and development partners.

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<sup>63</sup> Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia. At page 64.

<sup>64</sup> See the Ministry of Gender Equality and Child Welfare website at: [www.mgecw.gov.na/documents/Database%20GBV.pdf](http://www.mgecw.gov.na/documents/Database%20GBV.pdf). Last accessed 7 February 2011.

<sup>65</sup> Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia. At page 64.

<sup>66</sup> Ministry of Gender Equality and Child Welfare. *National conference on gender-based violence*. Windhoek 19-22 June 2007. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page iii.

<sup>67</sup> Ibid at 34-35.

**Zero-tolerance campaign against GBV:** In 2009 the Government launched a national media campaign on zero tolerance for GBV (*“Zero Tolerance for GBV: Report it to Stop it”*). The aim of the ongoing campaign is to:

- i) advocate for zero tolerance of GBV;
- ii) create awareness and educate the public on GBV;
- iii) educate the public on how to detect, protect, prevent, and report all GBV incidences/cases to the relevant authority/Namibian Police; and,
- iv) promote awareness about GBV services in the country such as the 24-hour toll free number for the Namibian Police.

The campaign included a specific focus on human trafficking given the proximity of the campaign to the 2010 World Cup held in South Africa.

**Women and Child Protection Units:** The Government is considering the feasibility of expanding the services offered at the Woman and Child Protection Units. The Government is also in the process of identifying places of safety for victims of GBV in all 13 regions.

**Legal literacy, gender sensitisation and gender-awareness programmes:** The Government conducts legal literacy workshops to sensitise communities on gender-related laws. Target groups include traditional leaders, life-skills teachers, social workers, faith-based organisations, police officers and members of the Namibian Defence Force. A total of 30,288 participants were reached through legal literacy and gender sensitisation and awareness workshops/meetings held between 2002 and 2009. A total of 75% of the participants were women.<sup>68</sup>

Gender Watch, a magazine produced through a Government-United Nations collaboration, aims to provide information about GBV in an accessible format. The Ministry of Gender Equality and Child Welfare produced and distributed 5000 copies of the second volume in December 2009.<sup>69</sup>

**Addressing alcohol abuse:** The MGEWCW KAP study suggests that alcohol abuse is a catalyst for GBV in Namibia.<sup>70</sup> The Government, in collaboration with civil society, has engaged in continuous education campaigns against alcohol abuse. For example the Ministry of Health and Social Services has produced a booklet entitled *“Guide for Responsible drinking”* in conjunction with the Coalition on Responsible Drinking (CORD). CORD is a group of diverse stakeholders using a multi-sectoral approach to promote responsible drinking in Namibia. Stakeholders include Government, civil society, the private sector and development partners.

The Government established the Etegameno Rehabilitation and Resource Centre in 2004. The centre provides residential support and is actively involved in preventing alcohol and drug abuse through awareness-raising, advocacy and youth and family programmes.

### 3.7 CIVIL SOCIETY INITIATIVES

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<sup>68</sup> Ministry of Gender Equality and Child Welfare. (2009). Progress report on the implementation of the solemn declaration on gender equality in Africa.

<sup>69</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>70</sup> Ministry of Gender Equality and Child Welfare. (2009). *Knowledge, Attitudes and Practices Study on Factors and Traditional Practices that may Perpetuate or Protect Namibians from Gender Based Violence and Discrimination*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 60.

Civil societies are active in addressing GBV. One example is the publication of the “I” stories, an annual project run by Gender Links and its partner organisations. To date two Namibian editions of the “I” stories have been published (2006 and 2008). The publications share firsthand accounts from men and women affected by GBV.<sup>71</sup>

The Legal Assistance Centre has also produced a wide range of materials in English and indigenous languages on GBV. The materials are produced in a variety of formats including comic books, factsheets, pamphlets, simplified guides to the laws and posters. The Government frequently collaborates with the Legal Assistance Centre to make use of these materials in its trainings and to distribute the materials across the country.

The Self-regulating Alcohol Industry Forum (SAIF) of Namibia, a consortium of alcohol manufacturers and distributors, was formed in 2007. SAIF conducts a number of outreach activities to address alcohol abuse. Individual manufacturers have also implemented independent measures, such as including health warning labels on bottles and supporting group campaigns such as “*Too much is too much*”.<sup>72</sup>

### **3.8 FACTORS AND DIFFICULTIES**

Violence against women remains a challenge in Namibia. However a wide range of initiatives are in place and the Government anticipates that over time positive change will be achieved. However care must be taken to ensure that focus is maintained on this area and that initiatives are supported by sufficient funds. There is a particular need to ensure that the Women and Child Protection Units receive adequate, earmarked funding.

## **ARTICLE 4: SPECIAL MEASURES**

### **4.1 DISTRIBUTION OF MALE AND FEMALE EMPLOYEES BY INDUSTRY**

In 2005, the Employment Equity Commission tasked the Labour Resource and Research Institute (LaRRI) to assess the impact of the Affirmative Action Act.<sup>73</sup> The report showed that gender inequalities are still apparent at most workplaces. “Traditionally-female” sectors such as education and health employ significantly more women than the other sectors; however even in these sectors women are still under-represented at management level.

More recent data shows similar findings. Overall women represent 43.85% of the workforce assessed. Women are under-represented in traditionally male-dominated sectors such as construction (8.8%) and mining and quarrying (18.80%). However a high proportion of women are represented in the hotel and restaurant (62.89%), education (68.87%) and financial intermediation (59.21%) sectors.<sup>74</sup>

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<sup>71</sup> Gender Links. (2008). *The “I” stories. Namibian girls come out of the box on gender based violence*. Volume 2. Location of publication not reported: Gender Links.

<sup>72</sup> Namibian Breweries Limited. (2008). *Ontap. Getting it all out there*. At page 6. Available at: <[www.namibiabreweries.com/documents/news\\_media/921\\_ontap\\_novdec\\_2008.pdf](http://www.namibiabreweries.com/documents/news_media/921_ontap_novdec_2008.pdf)> Last accessed 10 February.

<sup>73</sup> Labour Resource and Research Institute (2004). *Namibia’s Affirmative Action in Employment 2000 – 2004*. Executive summary. Windhoek, Namibia: Labour Resource and Research Institute..

<sup>74</sup> Ministry of Labour and Social Welfare. (2008). *Namibia labour force survey*. Windhoek: Ministry of Labour and Social Welfare. At page 53.

Women are also generally under-represented on parastatal Boards of Directors. There are 4 female Chief Executive Officers in 31 parastatals.<sup>75</sup>

## 4.2 TIME-USE SURVEYS

CEDAW general recommendations 16 and 17 recognise the problem of unpaid women workers in rural and urban family enterprises and in the domestic context and recommend the collection of time-use data for time spent on activities both in the household and on the labour market.<sup>76</sup> The 2006 inter-censal demographic survey provides the latest data on distance to water sources. This report does not disaggregate the data by sex, but the 2006-2007 Demographic and Health Survey states that, in households where water must be fetched, it is collected by females in 28.7 percent of households and by males in 11.6% of households.<sup>77</sup>

The inter-censal survey shows that 43.5 percent of households have water on the premises; according to the 2006-2007 Demographic and Health Survey, drinking water is available on the premises in 81 percent of urban households and 32 percent of rural households.<sup>78</sup> The inter-censal survey found that in 36.7 percent of households people travel 500m or less to collect water and in 4.6 percent of households people travel more than 1km to collect water. Assessment by urban/rural locality shows that in more than 7 percent of rural households, people travel over 1km to collect water. Assessment by region shows that in the rainy season in 18.3 percent of households in the Kavango region people travel more than 1km to collect water compared with 0.4 percent of households in the Khomas and Hardap regions.<sup>79</sup>

The Labour Force Survey reports that 28 percent of women and 31.7 percent of men are employed but are available for and would prefer to work more hours.<sup>80</sup>

## 4.3 GOVERNMENT INITIATIVES

**Affirmative Action:** As reported above, the Government has assessed the impact of the Affirmative Action Act.

The Government has implemented a range of special measures by establishing developmental programmes such as the Draught Animal Power Acceleration and fishing industry programmes which benefit women, particularly the previously marginalised.

In 2005, Cabinet approved special development programmes that are coordinated under the Office of the Deputy Prime Minister. The objective of the programme is to ensure that

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<sup>75</sup> Ministry of Gender Equality and Child Welfare. (2006). Statistics on men and women in management positions in the parastatals of Namibia. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>76</sup> Committee on the elimination of discrimination against women. (1999). *General Recommendation No. 16 and 17* (tenth session, 1991). Available at:

<<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom16> Error! Hyperlink reference not valid. > Last accessed 14 February 2011.

<sup>77</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek, Namibia: Ministry of Health and Social Services. At page 17. Remaining percentages are for water collected by “other” people (report does not specify who this may be given that options for male/female children or females/males over the age of 15 are given), water on the premises or missing data.

<sup>78</sup> Ibid at page 16.

<sup>79</sup> National Planning Commission. (2010). 2006 Namibia inter-censal demographic survey : analytical report. Windhoek, Namibia: Central Bureau of Statistics. At page 52.

<sup>80</sup> Ministry of Labour and Social Welfare. (2008). *Namibia labour force survey*. Windhoek: Ministry of Labour and Social Welfare. At page 65.

previously marginalised communities are fully socially and economically empowered. As part of these efforts, the Government, with financial assistance from development partners, has created a special fund for this Development Programme. The Office of the Deputy Prime Minister has also directed Ministries and Regional Councils to apply the Affirmative Action Act by employing disadvantaged community. To this end, Government has initiated projects such as needlework and bread-making in Regions (Omaheke and Oshikoto) through the Ministry of Gender Equality and Child Welfare.

**Draught Animal Power Acceleration Programme:** The aim of this Agribank initiative is to assist small-scale farmers to utilise draught animal power in the communal areas in order to increase productivity. As part of this programme, 135 San households, of which rural women and female-headed households constitute the majority, finalised loans.<sup>81</sup>

#### 4.4 FACTORS AND DIFFICULTIES

Namibia is making progress towards addressing gender inequality in the workplace. However it is important to note that ultimate goal of achieving gender equality requires societal mind change whereby both men and women understand the principal of gender equality and respect of human dignity and in Namibia as in any society, this will only be achieved over time as the community should be equipped with relevant skills and know how in order to enable them to implement, coordinate, monitor & evaluate different programmes at all levels.

Therefore the government found it of paramount important that programmes of capacity building especially for women and girls to be encouraged, fully supported financially and technically so that this will ensure female participation at all level. The issue of education is discussed under Article 10 hereto.

In the concluding comments from the CEDAW Committee, the Committee noted concern that measures to encourage female participation were limited to employment and decision-making at the local level.<sup>82</sup> As reported under point 2.2, the updated National Gender Policy continues to include a section on governance and decision-making. Therefore the Government continues to recognise the need to promote female participation in a wide range of areas and will continue to strive to achieve this goal.

#### ARTICLE 5: SEX ROLE STEREOTYPING AND PREJUDICE

In the previous report, Namibia stated that there is very little statistical data available on sex role stereotyping in Namibia. The Government addressed this issue by including a new section in the 2006-2007 Demographic and Health Survey on the decision-making autonomy of women.

The report assessed joint decision-making in marriage on issues including major household purchases (52 percent of relationships), purchases of daily household needs (41 percent of

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<sup>81</sup> Ministry of Agriculture, Water and Forestry: Projects and Progress for the Directorate of Rural Development Co-ordination as reported in Ministry of Gender Equality and Child Welfare. (2010). *Namibia Country Report on the implementation of the Beijing Platform of Action*, Beijing 15+. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 16.

<sup>82</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia*. CEDAW/C/NAM/CO/3. 37<sup>th</sup> session. At point 14. Available at: [www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf) Last accessed 11 February 2011.

relationships) and visits to the woman's family or relatives (54 percent of relationships). This data was provided by women. Men were asked who *should be* making these decisions. Whilst 60 percent and 64 percent of men stated that major household purchases and decisions to visit the wife's relatives should be made together (results which are higher than those given by the women who reported on actual decision-making rather than the ideal situation), men felt they should be the main decision-makers in 19-29 percent of cases compared with the women's perspective that men are the main decision-makers in 18-24 percent of cases.

The results also show that almost 73 percent of married women who participate in all examples of household decision-making disagree that wife-beating is justified and almost 79 percent of women who participate in all examples of household decision-making agree that a woman is justified in refusing to have sex with her husband for a series of reasons listed.<sup>83</sup>

## 5.1 GOVERNMENT INITIATIVES

**Gender Training Manual and Resource Guide:** The Government, in collaboration with civil society, has developed a Gender Training Manual and Resource Guide.<sup>84</sup> The activities in the manual are based on the provisions in the 1997 National Gender Policy. The manual includes sections on gender stereotyping. The manual is being used by stakeholders in gender-related trainings and has proven effective in addressing gender prejudice and stereotypes.

**Gender mainstreaming programme and Gender Focal Points:** The gender mainstreaming programme is integral towards creating an enabling environment for gender equality at all levels and in all sectors of development.<sup>85</sup> As required by the updated National Gender Policy, the Government has appointed and trained Gender Focal Points in Ministries on gender issues, gender responsive analysis and gender budgeting. As of 2009 the Ministry of Gender Equality and Child Welfare had appointed 48 focal points.<sup>86</sup> The Focal Points use their knowledge to mainstream gender into sectoral policies and programmes. The Ministry of Gender Equality and Child Welfare conducted gender-sensitisation and awareness raising activities in all 13 regions. A total of 8185 people were reached of which 4205 were women and 3980 were men.<sup>87</sup>

**Gender in the school curricula:** In an effort to eliminate sex role stereotypes, the Namibian Institute of Education Development (NIED) has analysed and changed gender-biased language in school text books. The words 'boys and girls' have been replaced with the gender neutral term 'learner'. The illustrations in the books have been similarly assessed and changed where appropriate. NIED has integrated population and family life education into Life Science, Biology, Social Studies, Home Economics, Development Studies, Geography

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<sup>83</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek, Namibia: Ministry of Health and Social Services. At pages 240 and 251.

<sup>84</sup> Ministry of Gender Equality and Child Welfare. (2006). *Gender training manual and resource guide*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>85</sup> Ministry of Gender Equality and Child Welfare. (2010). *Namibia Country Report on the implementation of the Beijing Platform of Action, Beijing 15+*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 7.

<sup>86</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>87</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

and Home Ecology due to cross-curricula issues.<sup>88</sup> Subject choices and career guidance are accessible to both boys and girls.

## 5.2 CIVIL SOCIETY INITIATIVES

**Gender and media:** The organisation Gender and Media in Southern Africa, Namibia (GEMSANaM) promotes gender equality through advocacy, lobbying, research, monitoring and training.

A number of other civil society organisations have conducted activities to address sex role stereotyping and prejudice.

## 5.3 FACTORS AND DIFFICULTIES

Sex stereotyping is another issue that will take time to change in Namibia. Government and civil society have implemented a range of initiatives to address and monitor stereotyping and change is visible. However traditional opinions about gender roles are often deeply entrenched and the Government should ensure that efforts to combat gender stereotypes are implemented

## ARTICLE 6: PROSTITUTION

### 6.1 PROSTITUTION

No legislative changes have occurred in this area. Therefore the practice of prostitution continues to be illegal under the Combating of Immoral Practices Act of 1980.

Three local studies have been conducted since the last report. Data collected from Oshikango (a town in Namibia that borders Angola) found that gender power relations can predispose women and girl-children into selling their bodies. Furthermore, prostitutes engaged in sex work were often subjected to rape, assault, and murder.<sup>89</sup>

Interviews conducted with sex workers in Windhoek in 2008 found that on average girls are age 16 when they start sex work. The study found that the main reasons women engage in prostitution are largely poverty related. The study also revealed violence within the industry as sex workers are sometimes forced to have sex without a condom and are vulnerable to abuse from their clients.<sup>90</sup>

Research conducted in the same year to assess linkages between HIV and prostitution suggests that prostitutes in Namibia are at a high risk of contracting HIV/AIDS as most do not have the bargaining power to negotiate condom use with their clients due to lack of money. The report identified regional differences in the situation of sex workers, with those

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<sup>88</sup> Mr. Samson, NIED, telephonic interview, 2 February 2009.

<sup>89</sup> Ministry of Gender Equality and Child Welfare. (2007). *Baseline Survey in Trafficking and Sex Work at Oshikango*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>90</sup> La Font, S. (2008). *Help Wanted: Sex Workers in Katutura*. Windhoek, Namibia: Legal Assistance Centre. Available at: <[www.lac.org.na/projects/grap/Pdf/mono2sexwork.pdf](http://www.lac.org.na/projects/grap/Pdf/mono2sexwork.pdf)> Last accessed 7 February 2011.



in poorer areas or where there is high competition (such as Rundu and Katima Mulilo) less able to negotiate condom use than those in more affluent areas (such as Walvis Bay).<sup>91</sup>

A 2009 regional study that included data from Namibia presented similar findings, reporting that sex workers face violence and abuse, unequal access to health services and stigmatisation. The study stated that the majority of sex workers advocate for the legalisation of prostitution as a means of realising their rights.<sup>92</sup>

## 6.2 TRAFFICKING OF WOMEN

Following comments from the CEDAW committee,<sup>93</sup> and in response to the United States Department of State designating Namibia a special case regarding trafficking in 2008,<sup>94</sup> the Government undertook a National Baseline Study on Human Trafficking in Namibia in 2009.<sup>95</sup> Findings revealed a small number of possible cases were reported but the facts could not be confirmed. There is the presumption that cases that were identified may be that of trafficking. In Namibia suspected cases of human trafficking most often appears to involve underage children to or from neighbouring countries for the purpose of manual labour or sex work.

Macro risk factors for trafficking were identified as follows:<sup>96</sup>

- Patriarchy
- Poverty
- HIV/AIDS
- Organised crime networks that, according to respondents, link drug trafficking to that of humans
- Norms that support the use of violence against women, children and the marginalised
- Cultural practices that are harmful or disempowering to women and children
- Sex tourism, described as occurring when an individual travels from one jurisdiction to another (either domestically or internationally) to engage in sexual abuse or exploitation of adults or children at the destination site
- Infrastructure issues such as; lack of public transport resulting in trucks being the main form of transport; control and security at borders and ports; a lack of

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<sup>91</sup> LeBeau, D. (2008). The Economics of Sex Work; Implications for Sex Workers' HIV Risk-taking and Legal Alternatives. In LaFont, S., and Hubbard, D. (eds). *Unravelling Taboos* (pp 255-275). Windhoek, Namibia: Legal Assistance Centre.

<sup>92</sup> Open Society Institute. (2009). *Rights not rescue. A report on female, male and trans sex workers' human rights in Botswana, Namibia, and South Africa*. Location of publication not reported: Open Society Institute.

<sup>93</sup> Committee on the Elimination of Discrimination against Women. (37<sup>th</sup> session, 2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia*. CEDAW/C/NAM/CO/3. At point 21.

<sup>94</sup> United States Department of State. (2008). *Trafficking in persons report 2008*. Available at [www.state.gov/g/tip/rls/tiprpt/2008/index.htm](http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm) . Last accessed 7 February 2011.

A special case means that trafficking is suspected but not substantiated by reliable information. See [www.state.gov/g/tip/rls/tiprpt/2008/105390.htm](http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm)

<sup>95</sup> Ministry of Gender Equality and Child Welfare. (2009). *A baseline assessment of human trafficking in Namibia*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>96</sup> Ibid at 66.



technology, including computers, screening equipment for cargo, phones; and, a shortage of trained personnel to deal with trafficking cases

### 6.3 LEGISLATIVE MEASURES

To fulfil its obligations under the United Nations Convention against Transnational Organised Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (ratified respectively in 2000 and 2002), Namibia enacted the **Prevention of Organised Crime Act of 2004**, which came into force in May 2009. This Act criminalises trafficking.

The Child Care and Protection Bill contains provisions to protect children who have been trafficked.<sup>97</sup>

Namibia is one of the SADC countries piloted to receive technical assistance to develop a stand-alone law on human trafficking, which could incorporate the provisions on trafficking from other Namibian laws.

### 6.4 GOVERNMENT INITIATIVES

**Prostitution:** Healthcare in Namibia is offered to every citizen. The national campaign on HIV/AIDS targets all citizens at all levels of society.

The Government, in collaboration with civil society, is providing training and education for sex workers on entrepreneur skills, alternative sources of income and the risks associated with sex work.

**Trafficking:** The baseline study includes a number of recommendations including the need for training of service providers to better identify instances of trafficking, better assistance for victims, improvement of the legal framework and further research into the issue.<sup>98</sup> The following recommendations have been implemented:

- *Prevention:* As discussed under points 2.8 and 3.6, the Government launched a zero-tolerance campaign on GBV. This campaign included a specific focus on trafficking.
- *Victim assistance:* 15 places of safety for victims of human trafficking have been identified in all 13 regions.
- *Training:* Key service providers, social workers, police, custom exercise officers, immigration officers, the judiciary, gender liaison officers and traditional leaders have received training from the Ministry of Gender Equality and Child Welfare on human trafficking. So far, 121 persons have been trained in this regard (71 women and 50 men).
- *Further research:* Further research will be conducted towards the end of 2011.

The impact of these initiatives will be reported in the next periodic report as the initiatives discussed above took place only recently or are still underway and evaluation has not yet taken place.

### 6.5 CIVIL SOCIETY INITIATIVES

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<sup>97</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010. Chapter 15.

<sup>98</sup> Ibid at 70-78.

Civil society also works with sex workers to help them find alternative means of employment. For example in 2007, 90 former sex workers in the Khomas Region were trained in bag production, needlework, breadmaking, cake baking and fabric painting by Women's Action for Development and in 2008 the Legal Assistance Centre conducted training on maintenance and gender-related laws for 100 current and former sex workers. The Council of Churches in Namibia and the Catholic Church have also embarked upon providing rehabilitating skills training programmes for sex workers. Some of the prostitutes have been successfully rehabilitated and are now employed as kindergarten teachers, receptionists and lodge employees. The Council of Churches distributed 120 bicycles through its sex worker programme during 2007-2008. However, a lack of financial resources is limiting the sustainability and impact of this project.<sup>99</sup>

## **6.6 FACTORS AND DIFFICULTIES**

The burden of poverty in Namibia and the high level of unemployment in the country make women particularly vulnerable to prostitution and trafficking. Long-term economic strategies are needed to address these issues in addition to shorter-term interventions, as detailed above.

The Government must ensure that the measures undertaken to promote awareness on trafficking are continued and that the impact of the initiatives is monitored.

## **ARTICLE 7: POLITICAL AND PUBLIC LIFE**

### **7.1 WOMEN IN GOVERNMENT**

As of 2009 there were 7 female members of the National Council (total composition 26 members) and 19 female members of the National Assembly (total composition 78 members). Of the six members of the National Assembly without voting rights (Presidential appointees), two are women. Therefore female representation in Parliament as a whole is 25 percent.

A total of 5 Ministers and 5 Deputy Ministers are female out of a total of 47 Ministers, Deputies and other officials ranked at Ministerial level.

As of 2009 there were 13 regional councillors out of a total of 107 (12 percent) and 3 regional governors out of a total of 13 (23 percent). A similar proportion of women are mayors (27 percent; 8 out of 30). Local Authority Councils, where there is a statutory requirement of affirmative action for women, show higher representation of women, with women in 40 percent of the local authority counsellor seats.<sup>100</sup>

In the 2009 national elections, some, but not all political parties showed serious intention of meeting gender parity in their election lists.<sup>101</sup> Civil society lobbied for 50/50 representation

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<sup>99</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page viii.

<sup>100</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>101</sup> Hubbard, D., Engelbrecht, Y., and Braun, S. (2009). *Gender: Are the parties serious?* Published in Election Watch, Issue No. 7. Windhoek, Namibia: Institute for Public Policy Research.

and following the elections there was debate in the media regarding the need for “zebra-style” party lists alternating women and men.<sup>102</sup>

## **7.2 WOMEN IN SENIOR MANAGEMENT POSITIONS IN PUBLIC SERVICE**

The percentage of women in senior management positions in public service is on a par (27.8 percent) with the SADC target of 30 percent female representation. However the majority of positions are not top-management.<sup>103</sup>

Of the 27 Government offices, ministries and agencies for which information is available, in 2006 30 percent representation of women in senior management positions had been achieved by half of the departments (13). Government institutions that reached 50 percent or more female representation were the Ministry of Gender Equality and Child Welfare (75 percent), the staff of the National Assembly (62 percent), the Ministry of Health and Social Services (57 percent), the staff of the National Council (56 percent) and the Office of the Auditor General (55 percent).<sup>104</sup>

## **7.3 WOMEN IN THE ADMINISTRATION OF JUSTICE**

As of the end of 2009 there were no female judges in the Supreme Court, one female judge in the High Court, and 32 female magistrates.<sup>105</sup>

## **7.4 WOMEN IN THE MEDIA**

The Namibian Broadcasting Corporation has three women on the Board of five Directors, One Africa TV has 100 percent female representation in senior positions and Radio Wave has 67 percent female representation in senior positions. At the other end of the scale, companies such as Radio 99 and I.N. T.V. Productions have low female representation (25 percent and 33 percent respectively).<sup>106</sup>

## **7.5 FEMALE REPRESENTATION IN CIVIL SOCIETY**

Organisations such as Women’s Action for Development, Sister Namibia, the Women’s Leadership Centre and the Gender Research and Advocacy Project of the Legal Assistance Centre advocate women’s rights in Namibia.

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<sup>102</sup> See Maletsky, C. (2009, 9 December). “Women the biggest losers in poll.” *The Namibian*. Available at: <[www.namibian.com.na/index.php?id=28&tx\\_ttnews\[tt\\_news\]=62718&no\\_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=62718&no_cache=1)>; JNdjebela, T. (2009 8 December). “Women lose out on Parliament”. *New Era*. Available at: [www.newera.com.na/article.php?title=Women lose out on Parliament&articleid=30923](http://www.newera.com.na/article.php?title=Women%20lose%20out%20on%20Parliament&articleid=30923). Last accessed 14 February 2011.

<sup>103</sup> MGEWCW. (2006). Statistics on men and women in management positions in the public service of Namibia, Volume 1. Windhoek, Namibia: MGEWCW.

<sup>104</sup> MGEWCW: Statistics on Men and Women in Mgt. Positions in the Public Service of Namibia, 2006, Volume 1 as reported in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 45.

<sup>105</sup> Personal communication with the Ministry of Justice. March 2011.

<sup>106</sup> MGEWCW: Statistics on Men and Women in Management Positions in the Private Sector of Namibia, 2006, Vol 3 as reported in Ministry of Gender Equality and Child Welfare. (2010). *Namibia Country Report on the implementation of the Beijing Platform of Action , Beijing 15+*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 52.

Civil society plays an active role in consultations with Government. Women are not discriminated against as a result of their lobbying activities. Organisations such as the Legal Assistance Centre and the Council of Churches have female Directors.

## **7.6 GOVERNMENT INITIATIVES**

**Gender action plan workshops:** In 2008 Gender Links in collaboration with the Association of Local Authorities in Namibia held workshops in six localities involving councillors and staff from all of the 13 regions of Namibia. The main purpose of the workshops was to build gender analysis and gender planning skills and to assist councils to develop gender action plans.<sup>107</sup>

## **7.7 FACTORS AND DIFFICULTIES**

As identified under point 4.3 above, it is important to note that change will only be achieved in this area, and in the labour force in general, over time as women must be equipped to hold management or top level positions. Therefore measures addressed at promoting the retention of girls in the education system, and on improving the quality of education in Namibia, will have positive effects on the representation of women in public and political life but data will only reflect these changes in the future.

## **ARTICLE 8: REPRESENTATION**

The number of women heading foreign missions remains unchanged since the last report.<sup>108</sup> Thus representation in foreign missions continues to show gender parity at 50 percent but as previously noted, the majority of female representation is in supportive positions rather than as Ambassadors, High Commissioners or Councillors/Minister Councillors. Turnover in this field is lower than in other areas and progress is likely to be slowly achieved.

Namibia has one female Commissioner at the African Union and four women and seven men at the SADC Secretariat.

## **ARTICLE 9: NATIONALITY**

### **9.1 ACQUISITION AND LOSS OF NAMIBIAN CITIZENSHIP**

As previously reported, Namibia's rules on nationality are gender neutral.

However there has been legal change as the High Court recently held that Namibian citizens by birth or descent may hold dual citizenship (*Tlhoru v Minister of Home Affairs* (Case No. (P) A159/2000) [2008] NAHC 65).

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<sup>107</sup> Local Government Gender Action Plan Workshops: Namibia Overview Report; September 2008. Available at: <[www.alan.org.na/downloads/Namibia%20Gender%20Action%20Plan.pdf](http://www.alan.org.na/downloads/Namibia%20Gender%20Action%20Plan.pdf)> Last accessed 14 February 2010.

<sup>108</sup> Ministry of Foreign Affairs, 2009 as reported in Ministry of Gender Equality and Child Welfare in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 47.

The Government is also considering an amendment to the Constitution to increase the number of years a couple must be married before citizenship can be acquired from two to

## **9.2 WOMEN ASYLUM SEEKERS**

The services available for asylum seekers are as reported in the 2<sup>nd</sup> and 3<sup>rd</sup> report.

## **9.3 LEGISLATIVE MEASURES**

The **Child Care and Protection Bill** includes improved provisions for the protection of child asylum seekers.<sup>109</sup> For example child asylum seekers may independently apply for asylum. The court can also order that a child who is illegally in Namibia is assisted in applying for asylum. Child asylum seekers must be afforded the same services as other children, including access to education and grants.

## **9.4 GOVERNMENT INITIATIVES**

In an effort to make it easier for men and women to obtain national documents for their children, the Ministry of Home Affairs and Immigration in collaboration with the Ministry of Health and Social Services launched a pilot birth registration project at the Katutura State Hospital, Windhoek in 2009. Birth certificates are now being issued at some hospitals before the baby and the mother are discharged. The Government plans to roll out this facility to a greater number of hospitals in future.

## **ARTICLE 10: EDUCATION**

### **10.1 PRIMARY AND SECONDARY EDUCATION**

Access to education for boys and girls is similar across all the grades as shown by the enrolment of learners in 2009.<sup>110</sup> This is important progress as for many years boys have outnumbered girls, particularly in the final years of secondary education. The Kavango and Kunene regions continue to have a low percentage of female learners in the senior secondary phase, although improvements have been seen over previous years.<sup>111</sup> In an assessment of change in enrolment between 2003-2009, the greatest increase in female learners is seen in senior secondary enrollment (7.2%).<sup>112</sup> There is a clear and progressive increase in the percentage of female learners repeating and re-entering school after grade 5, rising to above 70% by grade 10 before descending again. The higher repetition rates could indicate a higher commitment among females to complete their education, whereas the re-entrants could possibly indicate females returning to school after pregnancy.<sup>113</sup> The survival rate (the percentage of learners expected to stay in school until they reached at least that particular grade) is higher for female than male learners across the grades.<sup>114</sup>

Approximately 85 000 children participate in the school feeding programme.

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<sup>109</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010. Provision 215.

<sup>110</sup> Education Management Information System (EMIS). (2010). *Education statistics 2009*. Windhoek, Namibia: Ministry of Education. Data taken from Table 11.

<sup>111</sup> Ibid at table 8.

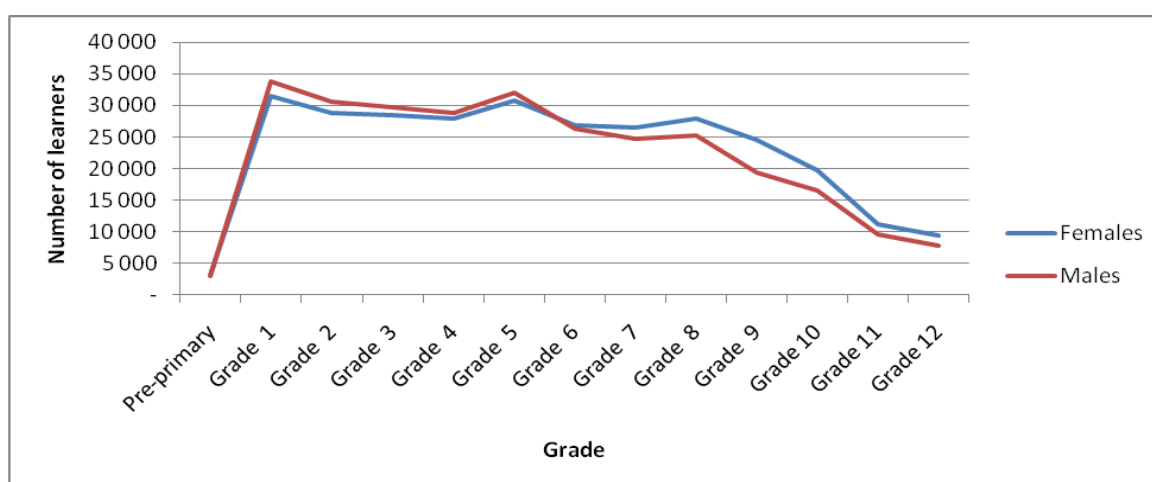
<sup>112</sup> Ibid at table 12.

<sup>113</sup> Ibid at table 29.

<sup>114</sup> Ibid at table 32.



**Figure 1: Enrolment from pre-primary to Grade 12 in 2009**



### 10.1.1 LEARNER PREGNANCY

In 2009 there were 1735 pregnancy-related drop outs of which 96 percent were girls. Regional disparities are evident. The regions most affected continue to be Kavango, Ohangwena, Omusati, Oshikoto and Oshana. Whilst the total number of drop outs between 2008 and 2009 has increased by 9.5 percent, the total number of pregnancy-related drop outs has increased by 17 percent.<sup>115</sup>

**Table 10: Pregnancy-related school drop-outs, 2009<sup>115</sup>**

Region	Male	Female	Total
Caprivi	1	114	115
Erongo	2	35	37
Hardap	2	42	44
Karas	11	33	44
Kavango	17	365	382
Khomas	3	62	65
Kunene	7	46	53
Ohangwena	4	282	286
Omaheke	0	23	23
Omusati	10	244	254
Oshana	0	141	141
Oshikoto	4	185	189
Otjozondjupa	0	102	102
<b>Total</b>	<b>61</b>	<b>1,674</b>	<b>1,735</b>

### 10.1.2 SCHOOL DEVELOPMENT FEES

As previously reported, parents are required to pay School Development Fees but are entitled to exemptions under certain conditions. However reports suggest that exemptions are not always consistently applied or that parents are not aware of how to access the exemptions. The process can also be challenging and off-putting to parents, and stigmatising for the affected children.<sup>116</sup>

<sup>115</sup> Ibid at table 65.

<sup>116</sup> Ministry of Gender Equality and Child Welfare. (2008). *National Plan of Action 2006-2010 for Orphans and Vulnerable Children in Namibia: Annual Progress and Monitoring Report for 1 April 2007 to 31 March 2008*, Windhoek, Namibia. Ministry of Gender Equality and Child Welfare. At page 12.

## 10.2 TERTIARY EDUCATION AND TRAINING

The number of females enrolling in tertiary institutions continues to increase. In 2007 the number of female students at the University of Namibia was far higher than male students (600 compared to 175). However in traditionally male-oriented faculties, such as science and agriculture, there continued to be more male than female learners (552 compared to 350 and 124 compared to 81).

At the Polytechnic of Namibia there were more female than male learners enrolled in the School of Business and Management (3377 compared to 2301), although there were more males enrolled in the Schools of Engineering and Information Technology (443 compared to 115 and 401 compared to 215).<sup>117</sup>

**Table 11: Males and female enrolment in tertiary institutions<sup>117</sup>**

	2004		2007	
	M	F	M	F
University of Namibia	3170	5310	3325	5443
Polytechnic of Namibia	1213	2644	3750	4437

## 10.3 MEETING THE MILLENNIUM DEVELOPMENT GOALS

As reported in Namibia's second progress review on meeting the Millennium Development Goals,<sup>118</sup> the target of achieving gender parity in secondary education has been met, is deemed likely in primary education (the current enrolment data shows very positive progress since this report, see 10.1 above) and is possible in tertiary education.

## 10.4 VOCATIONAL TRAINING

In 2007 females represented 31.5 percent of the students enrolled at Vocational Training Centres (VCTs). Regional differences are evidence as females outnumber males at the Volombola and Zambezi vocational training centres in the Caprivi and Oshana regions but are substantially outnumbered at the Windhoek vocational training centre.<sup>119</sup>

## 10.5 STAFF EMPLOYMENT

In 2008, over 60 percent of all primary and secondary education teachers were female and had tertiary qualifications of more than 2 years.<sup>120</sup>

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Sandi Lwin, K. (2007). *Stemming the Tide: Can Namibia pre-empt the potential reversal in Primary Education achievements?*. Windhoek, Namibia: UNICEF. At page 9.

European Union. (2009). *Support to the Formulation of the Education Sector Policy Support Programme (SPSP) in Namibia: FWC BENE Lot 9 2009/203570 v1, Final Report July 2009*. Windhoek, Namibia: European Union. At page 3.

<sup>117</sup> Ministry of Gender Equality and Child Welfare. (2009). Progress report on the implementation of the solemn declaration on gender equality in Africa.

<sup>118</sup> National Planning Commission. (2008). *Second Millennium Development Goals Report. Namibia*.

Windhoek, Namibia: National Planning Commission. At page XII.

<sup>119</sup> MGEWCW: Mapping Gender Enrolment on Namibia Tertiary Institutions as reported in Ministry of Gender Equality and Child Welfare in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 25.

<sup>120</sup> Education Management Information System (EMIS). 2008. *Education statistics 2008*. Windhoek, Namibia: Ministry of Education. Table 40.



## 10.6 NATIONAL LITERACY PROGRAMME

A total of 90.9 percent of women and 88.6 percent of men in Namibia are literate. Literacy rates for women are higher in urban areas (95.1 percent) compared to rural areas (86.9 percent). Regional differences range from 68.1 percent of women being literate in the Kunene region to 96.7 percent of women being literate in the Khomas region<sup>121</sup>.

## 10.7 GOVERNMENT INITIATIVES

**Feeding programme and boarding facilities:** The Government is expanding its learner feeding programme and is investing in boarding facilities for learners.<sup>122</sup>

**Learner pregnancy:** In 2008 the Ministry of Education held a nationwide consultation on a new policy for the prevention and management of learner pregnancy. In October 2009 Cabinet approved the final draft. The policy states that a learner who becomes pregnant may stay in school until four weeks before the birth, provided that she is healthy and that the learner, school and family are in agreement regarding this arrangement. The learner may return to school as soon as she is ready following the birth, provided that she and the baby are healthy and that there is a care plan for the baby. A social worker and health worker must confirm the health status and care plan for the mother and baby. The policy places a strong focus on preventing learner pregnancy and on supporting learner fathers to become responsible parents.<sup>123</sup> Civil society worked closely with Government to develop the policy.<sup>124</sup> The impact of the new policy cannot yet be reported as the policy had not been rolled out at time of writing.

**Orphans and Vulnerable Children:** The Ministry of Gender Equality and Child Welfare implemented a National Policy on Orphans and Vulnerable Children (OVC) in 2004<sup>125</sup> and the Ministry of Education implemented an Education Sector Policy for Orphans and Vulnerable Children in 2008.<sup>126</sup> Evaluation of the OVC policy is reported under point 16.6.

**School development fees:** The Ministry of Gender Equality and Child Welfare assists parents with the processing of exemptions of school fees. The Government has also set up an Education Development Fund to compensate for the costs not collected from exempted learners. However the operation of this fund is not yet optimised.<sup>127</sup>

**Teacher training:** In the previous report, Namibia noted that teachers need improved pre- and in-service training. The Ministry of Education policies on the prevention and management of learner pregnancies and orphans and vulnerable children make specific

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<sup>121</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek: Ministry of Health and Social Services. At pages 29-30.

<sup>122</sup> Ibid at 12.

<sup>123</sup> Ministry of Education. (2009). *Policy for the prevention and management of learner pregnancy*. Windhoek, Namibia: Ministry of Education.

<sup>124</sup> Legal Assistance Centre. (2008). *School Policy on Learner Pregnancy in Namibia: Background to Reform*. Windhoek, Namibia: Legal Assistance Centre. Available at:

[www.lac.org.na/projects/grap/Pdf/learnerpregnancyfull.pdf](http://www.lac.org.na/projects/grap/Pdf/learnerpregnancyfull.pdf) Last accessed 14 February 2011.

<sup>125</sup> Ministry of Gender Equality and Child Welfare. (2004). *National Policy on Orphans and Vulnerable Children*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>126</sup> Ministry of Education. (2008). *Education sector policy for orphans and vulnerable children*. Windhoek, Namibia: Ministry of Education.

<sup>127</sup> Sandi Lwin, K. (2007). *Stemming the Tide: Can Namibia pre-empt the potential reversal in Primary Education achievements?*. Windhoek, Namibia: UNICEF. At pages 10-11.

reference to the training that teachers and student teachers should receive.<sup>128</sup> The Ministry of Education published a manual for teacher and an accompanying manual for facilitators on the identification and support of orphans and vulnerable children. The report includes sections on legal responsibility, protection and ethics.<sup>129</sup>

**Education and Training Sector Improvement Programme (ETSIP):** The Education and Training Sector Improvement Programme is a fifteen-year strategic plan (2006-2020) developed by the Ministry of Education in response to Vision 2030. ETSIP focuses on the enhancement of education from early childhood development to lifelong learning. The Government will use ETSIP will ensure that education will be of high quality and in line with the developmental needs of Namibia.<sup>130</sup>

**Population and family life education:** The policy on the prevention and management of learner pregnancy places a strong focus on providing learners with information about sexual and reproductive health. The Government continues to implement the *My Future My Choice* extra-curricular lifeskills programme. The project is supported by UNICEF.<sup>131</sup> Approximately 65% of primary schools and 50% of secondary schools received HIV prevention lifeskills programmes between 2007-2008.<sup>132</sup>

**Girl-child conference:** The Government held a girl-child conference in August 2009, under The theme: “*Celebrating and Cementing the Rights of Girls: Fight Gender-Based Violence*”. The conference was attended by 110 girls and 40 boys from across Namibia.<sup>133</sup>

## 10.8 FACTORS AND DIFFICULTIES

Namibia is meeting its Millennium Development Goal targets for education. However problems such as learner pregnancy continue to affect the retention of learners in school. The Government hopes that the development of a new policy for the prevention and management of learner pregnancy which addresses this problem in a new way will help to lower the number of pregnant learners and to encourage learner parents to complete their education. The Government must allocate sufficient resources to ensure that the policy is effectively implemented.

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<sup>128</sup> Ministry of Education. (2009). *Policy for the prevention and management of learner pregnancy*. Windhoek, Namibia: Ministry of Education; Ministry of Education. (2008). *Education sector policy for orphans and vulnerable children*. Windhoek, Namibia: Ministry of Education.

<sup>129</sup> Diagnostic, Advisory and Training Services Directorate: Programmes and Quality Assurance. (2009). *Identification and support of orphans and vulnerable children in schools in Namibia*. Windhoek, Namibia: Ministry of Education.

<sup>130</sup> See the National Institute for Educational Development website at < [www.etsip.na/objectives.php](http://www.etsip.na/objectives.php) > Last accessed 14 February 2011.

<sup>131</sup> See the UNICEF website at: <[www.unicef.org/lifeskills/index\\_8798.html](http://www.unicef.org/lifeskills/index_8798.html)> Last accessed 10 February 2011.

<sup>132</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page viii.

<sup>133</sup> Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 60.

## ARTICLE 11: EMPLOYMENT

### 11.1 THE NAMIBIAN LABOUR FORCE

The rate of unemployment under a “broad definition” is 51.2 percent, whilst a ‘strict definition’ puts unemployment at 37.6 percent.<sup>134</sup> Only 34.6 percent of the working age population are employed and whilst women represent 53 percent of this population, more males (56 percent) than females (44 percent) are employed.<sup>135</sup>

Table 13 shows the employment to population ratio by region and sex. In 12 of the 13 regions, more men are employed than women. The percentage of females employed ranges from 8.7 percent in the Ohangwena region to 50.8 percent in the Erongo region.<sup>136</sup>

Nationally, women are most commonly employed in private households (19.4 percent) and in the wholesale and retail sector (18.0 percent). In contrast men are most commonly employed in the agriculture (22.1 percent), wholesale and retail sector (12.9 percent) and construction (11.4 percent) industries.

In the rural areas women are most commonly employed in the education (22.9 percent), wholesale and retail sector (19.6 percent) and agricultural sector (19.4 percent). Men are most commonly employed in agriculture (51.9 percent). In the urban areas women are most commonly employed in private households (22.2 percent) and in the wholesale and retail sector (17.1 percent). Men are most commonly employed in hotels and restaurants (22 percent) and the wholesale and retail sector (17.2 percent).<sup>137</sup>

**Table 13: Employment to population ratio (15 years and above), region and sex (2008)**<sup>136</sup>

Region	Sex		Total
	Female	Male	
Caprivi	20.4	32.0	25.7
Erongo	50.8	64.5	57.8
Hardap	35.8	52.8	44.0
Karas	49.6	58.4	54.3
Kavango	20.1	25.8	22.7
Khomas	49.0	59.0	54.2
Kunene	34.7	51.5	43.1
Ohangwena	8.7	10.8	9.5
Omaheke	36.9	51.0	43.9
Omusati	10.1	14.5	11.9
Oshana	34.7	31.9	33.5
Oshikoto	14.8	25.4	19.3
Otjozondjupa	28.4	68.8	49.6
<b>Rural</b>	<b>16.8</b>	<b>29.0</b>	<b>22.2</b>
<b>Urban</b>	<b>46.5</b>	<b>57.3</b>	<b>51.9</b>
<b>Namibia</b>	<b>28.5</b>	<b>41.6</b>	<b>34.6</b>

<sup>134</sup> Ministry of Labour and Social Welfare. (2008). *Namibia labour force survey*. Windhoek: Ministry of Labour and Social Welfare. At paragraph 6.7.1.

The ‘strict definition’ of unemployment includes all persons aged 15-65 years who are without jobs and available for work, and are actively seeking employment. The ‘broad definition’ of unemployment includes all such persons whether or not they are actively seeking employment.

<sup>135</sup> Ibid at table 5.1a and 5 1b.

<sup>136</sup> Ibid at table 5.1c.

<sup>137</sup> Ibid at table 5.2b.

## 11.2 LEGISLATIVE MEASURES

The gendered provisions in the Labour Act of 2007 are discussed under point 2.1.

## 11.3 GOVERNMENT INITIATIVES

**Small and medium enterprises:** The Ministry of Trade and Industry and the Ministry of Gender Equality and Child Welfare have programmes in place to encourage small and medium enterprises run by women. In 2008 a total of 38% of SMEs were run by women.<sup>138</sup>

The MGE CW has supported 873 income generating projects since 2000. A total of 90% of these projects are owned by women. The total number of small businesses owned by women in Namibia is not known as many operate informally and are not registered.

The Government also encourages the private sector, particularly financial institutions, to provide financial assistance to women.

A number of government policies relate to rural women. These are reported under Article 14 below.

## 11.4 FACTORS AND DIFFICULTIES

The promotion of employment for women must be addressed within wider initiatives to address the high level of unemployment in Namibia.

## ARTICLE 12: HEALTH

### 12.1 ACCESS TO HEALTHCARE SERVICES

The number of healthcare services in Namibia has increased since the previous report. Namibia now has 44 health centres (an increase of 7 since the 2<sup>nd</sup> and 3<sup>rd</sup> report), 265 clinics (an increase of 19) and 1150 mobile clinics (no mobile clinics were previously reported).<sup>139</sup> The mobile clinics are of particular importance in ensuring that women in rural areas have access to healthcare. However the average distance to a (fixed) government health facility is 73.5 minutes. The mean distance in urban areas is 24.6 minutes, and the mean distance in rural areas is 114.4 minutes.<sup>140</sup>

The 2006-2007 Demographic and Health Survey reports that 70.4 percent of women report at least one of seven specified problems accessing healthcare services: (1) getting permission to go for treatment; (2) getting money for treatment; (3) distance to health facility; (4) having to take transport; (5) not wanting to go alone; (6) concern no female service provider available; (7) concern no provider available.<sup>141</sup>

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<sup>138</sup> National Planning Commission. (2008) *Third national development plan 2007/2008-2011/12*. Volume I. Windhoek, Namibia: National Planning Commission. At page 259.

<sup>139</sup> Ministry of Health and Social Services. (2008). *Namibia Demographic and Health Survey 2006-2007*. Windhoek, Namibia: Ministry of Health and Social Services. At page 3.

<sup>140</sup> Ministry of Health and Social Services. (2008). *Namibia Demographic and Health Survey 2006-2007*. Windhoek, Namibia: Ministry of Health and Social Services. At page 242.

<sup>141</sup> Ibid at page 128.

## **12.2 FAMILY PLANNING**

Knowledge of at least one family planning method continues to be universal (98.3 percent of women know of at least one method of contraception, an increase from 97 percent as previously reported).<sup>142</sup> A total of 65.7 percent of sexually active women use a form of modern contraception.<sup>143</sup>

## **12.3 MATERNAL HEALTH**

Research shows that approximately 95 percent of women receive antenatal care from a skilled service provider, an increase from 91% as previously reported. The greatest improvements have been seen in the Omaheke (19 percentage points) and Kavango and Caprivi regions (10 percentage points).

Although the number of women accessing healthcare in rural and urban areas is similar (96.1 percent and 93.4 percent respectively), the type of service accessed differs as 27 percent of mothers in urban areas receive antenatal care from a doctor compared with 7 percent of women in rural areas. However whilst 69 percent of mothers receive antenatal care from nurses and midwives in urban areas, 86 percent of women in rural areas receive such care from nurses and midwives.

Access to antenatal care has been correlated to education – 15 percent of women without education fail to access antenatal care compared with only 4 percent of women with education.<sup>144</sup>

Women make their first antenatal visit in either their first or second trimesters (32.6 percent and 38.3 percent respectively). A slight improvement in the timing of visits is seen since 2000 with 71 percent of women receiving antenatal care before six months compared with 69 percent of women in 2000. Seventy percent of women make the WHO-recommended four antenatal visits.<sup>145</sup>

The percentage of women receiving assisted deliveries by trained personnel has risen from 75 percent in 2000 to 81.4 percent in 2006-07. Postnatal services were provided to 65 percent of women within two days of birth. Approximately 20 percent of women did not receive any post-natal care.<sup>146</sup>

Whilst free maternal healthcare is available, only 11.7 percent of women do not pay for the delivery of their child.<sup>147</sup>

### **12.3.1 FACTORS AND DIFFICULTIES IN MATERNAL HEALTH**

Although access to maternal healthcare has increased, the maternal mortality rate has also risen (from 0.38 in 2000 to 0.52 in 2006-2007). However the data must be viewed with caution due to the small sample size (the data has large sampling errors as the 95 percent confidence intervals indicate that the maternal mortality ratio varies from 341 to 557).

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<sup>142</sup> Ibid at 54.

<sup>143</sup> Ibid at 58.

<sup>144</sup> Ibid at 115-117.

<sup>145</sup> Ibid at 118-119.

<sup>146</sup> Ibid at 123-124.

<sup>147</sup> Ibid at 131.

Despite this caveat, the confidence intervals between the 2000 and 2006-7 data do not overlap thus indicating with reasonable confidence that maternal mortality has risen.<sup>148</sup>

The MoHSS conducted a needs assessment for emergency obstetrics care in 2006. The report concluded that there are insufficient emergency care facilities available. The distribution of current services is also inequitable across the country.

Reports also suggest that associated conditions, such as HIV and malaria must be addressed as HIV positive mothers are more susceptible to malaria, tuberculosis and other diseases due to immunodeficiency and these diseases contribute to the increase in maternal mortality.<sup>149</sup>

UNICEF has recommended more training for birth assistants, a more equitable distribution of trained staff between urban and rural areas, and incentives for healthcare professionals to work in the public rather than private sector.<sup>150</sup> As many people in Namibia live in poor socio-economic conditions, unemployment and hunger can also have adverse affects on the weakened mothers.<sup>151</sup>

## 12.4 HIV/AIDS

Women in Namibia are at increased vulnerability to HIV infection due to male dominance (men are seen as the heads of the family, decision-makers and controllers of resources), as well as poverty and unemployment (drivers that lead women to engage in transactional sex). Violence against women and alcohol are also considered to be risk factors for HIV infection in Namibia.<sup>152</sup>

HIV prevalence in Namibia is measured through data collected from pregnant women. In 2008, HIV prevalence was 17.8 percent, a decrease from 22 percent in 2002. The highest prevalence rate is reported amongst people aged 30-34 years. Although the prevalence of infection appears to be increasing in adult age groups, the prevalence of HIV infection in those aged 15-19 and 20-24 years has decreased from 11 percent to 5.1 percent and 22 percent to 13.9 percent respectively between 2002 and 2008. The prevalence rate for urban and rural residents is similar.<sup>153</sup>

A total of 164 609 people registered for counselling and testing in 2008-2009. More females (68.8 percent) than males (31.2 percent) accessed these services. Access was highest in the Oshana and Oshikoto regions (30 percent of the national total) and lowest in the Hardap region (3 percent).<sup>154</sup>

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<sup>148</sup> Ibid at 113

<sup>149</sup> Ministry of Health and Social Services. (2006). *Report on needs assessment for emergency obstetrics care*. Windhoek: Ministry of Health and Social Services. Windhoek, Namibia: Ministry of Health and Social Services. At page 87 Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page xi.

<sup>150</sup> UNICEF. (2009). *A time of joy, a time of challenge. The health of mothers and newborns in Namibia*. Windhoek, Namibia: UNICEF. At page 7.

<sup>151</sup> National Planning Commission. (2008). *Second Millennium Development Goals Report. Namibia*. Windhoek, Namibia: National Planning Commission. At page 29.

<sup>152</sup> SAfAIDS. (2009). *Interrogating culture, women's rights and HIV/AIDS in Namibia and Mozambique*. Place of publication not reported: SAfAIDS. At page 3.

<sup>153</sup> Ministry of Health and Social Services. (2008). *Report on the 2008 National HIV Sentinel Survey*. Windhoek, Namibia: Ministry of Health and Social Services. At pages vii and 15.

<sup>154</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page ix.

## 12.5 WOMEN WITH DISABILITIES

According to the 2001 population and household census, 5 percent of people in Namibia have a disability. Women account for 51.6 percent of people with disabilities.<sup>155</sup> Anecdotal evidence indicates that some women with disabilities may be specific targets of gender-based violence and research suggests that the victim has a disability – in most instances a mental disability - in 3 percent of reported rape cases.<sup>156</sup>

## 12.6 GOVERNMENT INITIATIVES

**Family planning:** The Government distributed 30, 314, 800 condoms and 1, 162, 000 femidoms during the 2008-2009 financial year. The NGO NASOMA also distributed 1,595,277 condoms and 19,446 femidoms.<sup>157</sup>

Education on family planning has been included in Safe Motherhood programmes (discussed below). The importance of family planning and sex education has also been recognised in the Ministry of Education policy for the prevention and management of learner pregnancy, as reported under point 10.1.1

**Maternal health:** The Government is committed to improving maternal health, as shown in Vision 2030, the third National Development Plan and practical guidelines such as the Roadmap to Maternal, Newborn and Child Health.<sup>158</sup> The Government places maternal and child health at the centre of sustainable development of the nation. A holistic approach to health management has been adopted with multi-sectoral involvement to create an environment in which the right to universal health is ensured for every woman and child.<sup>159</sup> The Ministry of Health and Social Services National Health Programme is aimed at promoting, protecting and improving the health of families and individuals with special programmes designed for women and children.

The Government provides pre-natal care, deliveries and postnatal care services through its Safe Motherhood programme. These services are provided at all health facilities countrywide. Government provides mothers with antenatal care services during pregnancy, safe midwifery, delivery services during labour and post natal care services.

**Health and Social Services System review:** In 2008 the Ministry of Health and Social Services conducted a Health and Social Services System review. The review recommends the roll out of the road map for reducing maternal mortality and improving newborn health. This includes conducting a maternal death audit and improving data recording, scaling up the availability of emergency obstetrics care, antenatal clinic attendance and the prevention of

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<sup>155</sup> National Planning Commission. (2003). *2001 Namibia Population and Housing Census*. Windhoek, Namibia: National Planning Commission. At page 4 and 29.

<sup>156</sup> Legal Assistance Centre. (2006). *Rape in Namibia. An assessment of the Operation of the Combating of Rape Act 8 of 2000*. Windhoek, Namibia: Legal Assistance Centre. Available at: [www.lac.org.na/projects/grap/Pdf/rapefull.pdf](http://www.lac.org.na/projects/grap/Pdf/rapefull.pdf) Last accessed 7 February 2011. At page 168.

<sup>157</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At pages viii-ix.

<sup>158</sup> World Health Organisation. (2009). *Maternal and child health in Namibia*. Second edition. Namibia: World Health Organisation. At page 29.

<sup>159</sup> Ministry of Health and Social Service. (2008). *Health and social services system review*. Windhoek, Namibia: Ministry of Health and Social Services. At page 12.

mother to child HIV transmission, and promoting family planning education, including a focus on reducing teenage pregnancies.<sup>160</sup>

**HIV:** The Government introduced rapid testing in 2005. The service is offered at approximately 110 public health facilities around the country. The speed in providing results is cost effective and has reduced the problem of clients who do not return.<sup>161</sup>

In the concluding comments from the CEDAW Committee, the Committee requested that Namibia ensure that its National Strategic Plan (MTP III) is effectively implemented and monitored.<sup>162</sup> The MoHSS published a progress report on the MTP III in 2008/2009. Data from this report has been cited throughout this document. The report cites evidence to show that the national response to HIV infection has reduced the prevalence of infection in 15-24 year-olds. However the burden of the epidemic is now affecting people in their thirties. Therefore more focus must be placed on the needs of this age group.<sup>163</sup>

The MOHSS is in the process of completing the next national strategic framework for HIV and AIDS (MTP IV). The framework will continue to mainstream gender and human rights principles into the national response to HIV.<sup>164</sup>

In line with the CEDAW committee general recommendation number 15,<sup>165</sup> the **National Policy on HIV and AIDS**, which was released in 2007, includes provisions on creating an enabling environment for women and girls.<sup>166</sup> The policy is accompanied by a national plan multi-sectoral monitoring and evaluation.<sup>167</sup> The report recognises the need to collect data disaggregated by gender. The Government also runs information campaigns through the media and extensively distributes free male and female condoms as discussed above.

The Government introduced a **National Blood Policy** in 2007.<sup>168</sup> The policy recognises the need for safe and adequate supplies of blood.

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<sup>160</sup> Ibid at 13.

<sup>161</sup> National Planning Commission. (2008). *Second Millennium Development Goals Report. Namibia*. Windhoek, Namibia: National Planning Commission. At page 33.

<sup>162</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia. CEDAW/C/NAM/CO/3*. 37<sup>th</sup> session. At point 25. Available at:

[www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhcr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf) Last accessed 11 February 2011.

<sup>163</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page 106.

<sup>164</sup> Ministry of Health and Social Services. (2009). *United Nations General Assembly Special Session (UNGASS) Country Report. Reporting Period 2008 –2009*. Windhoek, Namibia: Ministry of Health and Social Services. At pages 11-12.

<sup>165</sup> Committee on the elimination of discrimination against women. (1999). *General Recommendation No. 24 (seventh session, 1988)*. Available at: [www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom15](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom15) Last accessed 14 February 2010.

<sup>166</sup> Ministry of Health and Social Services. (2007). *National Policy on HIV and AIDs*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>167</sup> Directorate for Special Programmes. (2006). *Plan for National Multisectoral Monitoring and Evaluation of HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>168</sup> Ministry of Health and Social Services. (2007). *National Blood Policy*. Windhoek, Namibia: Ministry of Health and Social Services.



The MoHSS held a women's leadership conference in 2008 entitled "Namibian women in leadership taking action against HIV/AIDS". One of the outcomes of the meeting was the recognition that lack of male involvement in HIV/AIDS activities is still a challenge.<sup>169</sup>

The Government has a number of other ongoing project such as the implementation of workplace programmes with key emphasis on prevention, care and support, gender and monitoring and evaluation and the hosting of an annual national testing day.<sup>170</sup>

The Government has also prioritised the prevention of mother-to-child transmission. According to a recent report on the 20 countries in the world with the highest rates of HIV infection, Namibia is only one in four countries that has achieved the target of providing approximately half of all HIV-positive pregnant women with this treatment.<sup>171</sup> All pregnant women are routinely offered syphilis testing.<sup>172</sup>

An advocacy programme targeting Parliamentarians of the Parliamentary Standing Committee on Human Resources Management Development and Community Development on GBV, HIV/AIDS, Sexual Reproductive Health and Poverty issues is ongoing. The aim of the programme is to increase awareness and response in Parliament regarding gender issues affecting women and children.<sup>173</sup> In 2009 field visits were made to Ohangwena and Kunene.<sup>174</sup>

As reported under point 10.7, the Government also conducts *My Future My Choice* lifeskills programmes with youth in order to facilitate behavioural change.

**Activities by the MGE CW:** The MGE CW has implemented many activities to improve the health of women and girls in Namibia including trainings on family planning, nutrition, contraception, negotiation in relationships and empowerment. The Ministry includes both men and women in its trainings.

Civil society works closely with Government in all areas of HIV/AIDS prevention, education and support. For example the AIDS Law Unit at the Legal Assistance Centre conducted training on HIV/AIDS and human rights for HIV/AIDS regional co-ordinators in 6 regions in 2008.<sup>175</sup>

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<sup>169</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page vi.

<sup>170</sup> Ibid at viii.

<sup>171</sup> A Report Card on Prevention of Mother-to-Child Transmission of HIV and Paediatric HIV Care and Treatment in Low- and Middle-Income Countries: Progress on scaling-up 2004-2006, Executive Summary, November 2007; Ministry of Health and Social Services (2008). *Namibia United Nations General Assembly Special Session (UNGASS) Country Report: Reporting Period April 2006 – March 2007*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>172</sup> World Health Organisation. (2009). *Maternal and child health in Namibia*. Second edition. Namibia: World Health Organisation. At page 26.

<sup>173</sup> Ministry of Gender Equality and Child Welfare. (2009). Progress report on the implementation of the solemn declaration on gender equality in Africa.

<sup>174</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>175</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page vii.

**Women with disabilities:** The Ministry of Health and Social Service published a **National Policy on Mental Health** in 2005.<sup>176</sup> There is also a draft bill on mental health to replace the currently outdated legislation.

Namibia signed and ratified the Convention on the Rights of Persons with Disabilities in 2007.

The Ministry of Gender Equality and Child Welfare's updated **National Gender Policy** makes reference to special measures for women with disabilities under the sections on health, education, poverty and rural development and the girl child.<sup>177</sup>

## 12.7 FACTORS AND DIFFICULTIES

The Government must continue to address healthcare in all areas, particularly the need to reduce the rising level of maternal mortality and the prevalence of HIV infection of people in their thirties. Service provision across the country must be scaled up with a particular focus on regions where access to healthcare is low and mortality is high.<sup>178</sup> The Government must continue to encourage people to get tested for HIV infection and continue to expand the roll-out of anti-retroviral therapy. The distribution of condoms is below projected targets and more effort must be made to increase access to condoms throughout the country.<sup>179</sup>

Prevalence data for HIV infection is currently based on infection rates in pregnant mothers. This can give a skewed representation of incidence. The Government is considering collecting data from additional sources such as through national testing centres.<sup>180</sup>

## ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS

### 13.1 GOVERNMENT INITIATIVES

**Old age pension:** The Ministry of Labour and Social Welfare provides an old age pension of N\$500 per month to persons aged 60 and above. This is an increase from N\$250 as previously reported.

**State maintenance grant:** The Ministry of Gender Equality and Child Welfare continues to administer a maintenance grant for children. The grant is provided in instances where one parent is earning less than N\$1000 (an increase from N\$500 as previously reported) and the other parent is dead, imprisoned or receiving an old age or disability grant. A total of N\$200/child is paid for a maximum of 6 children (an increase from N\$100 for the parent and up to N\$100 for each child up to 3 children as previously reported). At the end of the 2009 financial year, the MGECW was providing 88,581 state maintenance grants.<sup>181</sup>

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<sup>176</sup> Ministry of Health and Social Services. (2005). *National Policy on Mental Health*. Windhoek, Namibia: Ministry of Health and Social Services.

<sup>177</sup> Ministry of Gender Equality and Child Welfare. (2009). *National Gender Policy*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>178</sup> World Health Organisation. (2009). *Maternal and child health in Namibia*. Second edition. Namibia: World Health Organisation. At page 46.

<sup>179</sup> Directorate of Special Programmes. (2009). *Progress report on the third medium term plan on HIV/AIDS*. Windhoek, Namibia: Ministry of Health and Social Services. At page ix.

<sup>180</sup> National Planning Commission. (2008). *Second Millennium Development Goals Report. Namibia*. Windhoek, Namibia: National Planning Commission. At page 34.

<sup>181</sup> Ministry of Gender Equality and Child Welfare. (2011). Data on file.

**Grants for foster parents:** The Ministry of Gender Equality and Child Welfare also provides a foster care grant for any person who undertakes the temporary care of a child (according to a placement in line with the Children's Act 33 of 1960). A total of N\$200 per month is paid per child. The number of children placed with a foster family is determined by the court.

**Place of safety allowance:** The Ministry of Gender Equality and Child Welfare provides a place of safety allowance for any person who cares for a child in terms of providing a place of safety (according to a placement in line with the Children's Act 33 of 1960). A total of N\$10 is paid per child per day.

**State disability grants:** The Ministry of Labour and Social Welfare Government provides a disability grant of N\$500 per month to persons aged 16 years and above who have been medically diagnosed as being temporarily or permanently disabled.

The Ministry of Gender Equality and Child Welfare provides a special maintenance grant of N\$200/month for children under the age of 16 who have a disability.

**Grants effectiveness study:** The Ministry of Gender Equality and Child Welfare conducted a study to assess the effectiveness of child welfare grants in 2009. The study is in the process of being finalised.<sup>182</sup>

**Communication materials on access to grants:** In 2009 the Ministry of Gender Equality and Child Welfare developed leaflets, posters and radio shows on how to access critical services. These materials will be printed and disseminated in 2010.<sup>183</sup>

**Child maintenance:** Data on the operation of the Maintenance Act of 2003 is not currently available, although many women indicate that this issue is a concern. The Legal Assistance Centre will be releasing a report on the operation of the Act in 2011.<sup>184</sup>

**Credit:** The National Association of Namibian Business Women assists women entrepreneurs through information sharing and capacity building.<sup>185</sup>

The Small Business Credit Guarantee Trust assists small entrepreneurs to access commercial loans from formal financial institutions. In January 2003, 1632 jobs were created and 1080 maintained. These figures include 305 female entrepreneurs.<sup>186</sup>

Credit facilities pertaining to rural women are discussed under Article 14 below.

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<sup>182</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>183</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>184</sup> See the Legal Assistance Centre website at: [www.lac.org.na/projects/grap/grapmainteducation.html](http://www.lac.org.na/projects/grap/grapmainteducation.html) Last accessed 14 February 2011.

<sup>185</sup> Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 39.

<sup>186</sup> See the Small Business Credit Guarantee Trust website at: [www.sbcgt.org.na/achiev.htm](http://www.sbcgt.org.na/achiev.htm) Last accessed 14 February 2011.

**Sport and culture:** The head coach of Namibian Women's Football team, the Brave Gladiators, became the first black African woman to become a Federation of International Football Association (FIFA) coaching instructor.<sup>187</sup> A second female football administrator was appointed to FIFA in an administrative capacity at the Under 20 World Cup in Chile in October 2008. However, within Namibia, women remain under-represented in sport administration.

## ARTICLE 14: RURAL WOMEN

### 14.1 COMMUNAL LAND

A total of 67% of the population live in rural Namibia.<sup>188</sup> Of this percentage, 52% are women.<sup>189</sup> Based on data from one traditional authority, 40% of applications registering for communal land are made by women. The average age on application was 62 years. Female holders of communal land rights are usually widowed, divorced or separated, or women who inherited the land from their parents and other family members. Very few households belonged to unmarried women in situations where the land was not acquired through inheritance.<sup>190</sup>

In 2008 the Legal Assistance Centre published a report on the operation of the Communal Land Reform Act. The report stated that whilst the customary land rights of widows appear to be more secure now than at independence, widows continue to be vulnerable to property grabbing in respect of moveable property. Another problem is that many people are unaware of their rights under the Act. The report recommends that there should be more clarity on gender equality in land policy and legislation, that officials in the Ministry of Lands and Resettlement should receive training on gender issues, and that the principle of gender equality should be better integrated at all levels.<sup>191</sup>

### 14.2 TRADITIONAL BELIEFS

In the concluding comments from the CEDAW Committee, the Committee urged Namibia to take measures to address stereotypes on the roles of men and women and to study the impact of the implementation of the Traditional Authorities Act and Community Courts Act.<sup>192</sup> These studies are still to be conducted, but the Law Reform and Development Commission and the Ministry of Justice are in the process of compiling preliminary information on issues relating to the operation of the community courts.

<sup>187</sup> Ihuaha, C. (2008, 19 September). "Shipanga scores big". *The Namibian*. Available at: <[www.namibian.com.na/index.php?id=28&tx\\_ttnews\[tt\\_news\]=500&no\\_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=500&no_cache=1)> Last accessed 14 February 2011.

<sup>188</sup> National Planning Commission. (2003). *2001 Namibia Population and Housing Census*. Windhoek, Namibia: National Planning Commission. At page 4.

<sup>189</sup> Ibid at page 25.

<sup>190</sup> Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). (2008). *Women's Access to Land: A Case Study of the area under the jurisdiction of the Ondonga Traditional Authority, Oshikoto Region*. Windhoek, Namibia: GTZ. At pages 4, 17, 18 and 21.

<sup>191</sup> Ibid 30-33.

<sup>192</sup> Committee on the Elimination of Discrimination against Women. (2007). *Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia. CEDAW/C/NAM/CO/3*. 37<sup>th</sup> session. At point 16. Available at: <[www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/\\$FILE/N0724338.pdf](http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/95ff8e7ce82c5662c12572a400337548/$FILE/N0724338.pdf)> Last accessed 11 February 2011.

Government has also conducted a study on the knowledge, attitudes and traditional practices that may perpetuate or protect Namibians from gender based violence and discrimination. Only 14.7% of participants agreed or strongly agreed with a statement that reporting violence to the traditional authority would not be helpful as the authority would not be sympathetic and in rural areas in the north, traditional norms were felt to be more important than civil laws in responding to GBV. However the study also found that a certain level of GBV is tolerated and permitted under traditional culture.<sup>193</sup>

### 14.3 POVERTY ALLEVIATION STRATEGIES

The Namibian Economic Policy Research Unit conducted an assessment of poverty alleviation strategies in rural Namibia in 2006 and found that improved access to financial services is associated with higher levels of income for the household head in rural areas. The report concludes that financial services can contribute to poverty alleviation among the poor in rural Namibia.<sup>194</sup>

In 2009 the Ministry of Gender Equality and Child Welfare completed the development of craft, community and women's centres in Ohangwena and Omaheke.<sup>195</sup>

### 14.4 CONSERVANCIES

In 2009 the overall income for Conservancies reached over N\$ 35 million from 59 registered communal area conservancies and 13 community forests.<sup>196</sup> The most significant benefit for individuals living the conservancies is direct employment opportunities. Conservancies and community forests also enable income to be used for community development initiatives, including increased participation of women in decision-making and initiatives to combat HIV/AIDS. Conservancies also help to strengthen local democracy, provide increased opportunities for business management and raise awareness of sustainability issues, thereby reducing rural people's vulnerability.

### 14.5 LEGISLATIVE MEASURES

The Government passed the **Water Resources Management Act 24 of 2004** but the Act is not yet in force. Under sections 11 and 118 (the establishment of a Water Advisory Council and a Water Tribunal) the Minister must consider gender balance in selecting advisory council members, thus ensuring the participation of women on the advisory council and the tribunal. Furthermore under sections 35 and 131, in deciding whether a licence to abstract and use water should be issued or whether financial assistance for a water management institution

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<sup>193</sup> Ministry of Gender Equality and Child Welfare. (2009). *Knowledge, Attitudes and Practices Study on Factors and Traditional Practices that may Perpetuate or Protect Namibians from Gender Based Violence and Discrimination*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At pages 47, 59 & 68.

<sup>194</sup> Adongo, J., and Deen-Swarray, M. (2006). *Poverty alleviation in rural Namibia through improved access to financial services. Working Paper No 109*. Windhoek, Namibia: The Namibian Economic Policy Research Unit. At page 26. Available at:

<[www.internationalbudget.org/pdf/Poverty\\_Alleviation\\_in\\_Rural\\_Namibia\\_Through\\_Improved\\_Access\\_to\\_Financial\\_Services.pdf](http://www.internationalbudget.org/pdf/Poverty_Alleviation_in_Rural_Namibia_Through_Improved_Access_to_Financial_Services.pdf)> Last accessed 14 February 2010.

<sup>195</sup> Ministry of Gender Equality and Child Welfare. (2009). Ministerial Annual Report. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

<sup>196</sup> Namibian Association of CBNRM Support Organisations (NACSO). (2010). *Namibia's communal conservancies: a review of progress and challenges in 2009*. Windhoek, Namibia: NACSO. At pages 7, 12, 22, 26, 31.

should be granted, the Minister must consider the need to redress the effects of past racial and gender discrimination (amongst other criteria).

The Ministry of Lands and Resettlement is in the process of drafting a new **Land Bill** which will consolidate the Communal Land Reform Act 5 of 2002 and the Agricultural (Commercial) Land Reform Act 6 of 1995, which will provide an opportunity to strengthen the existing gender equality provisions.

The **Water and Sanitation Policy (2008)** has also been updated. One of the objectives in the policy is to improve the provision of water supply in order to promote community based social development, taking the role of women into special account.<sup>197</sup>

Law reform to address inheritance issues and remove remaining sex discrimination in inheritance under customary law, which will be of particular relevance to rural women, is under discussion (see point 2.1).

## 14.6 GOVERNMENT INITIATIVES

**Communal Land:** The Ministry of Lands and Resettlement has embarked on training measures to raise awareness and build capacity of Land Board members, Regional Resettlement Committees and staff members on gender issues.

**National conference on women's land and property rights:** The Ministry of Gender Equality and Child Welfare held a national conference on women's land and property rights in 2005. The conference was structured into five broad themes (1) Legal issues; (2) Traditional institutions; (3) HIV/AIDS; (4) Namibian experiences; and (5) Regional experiences. Conference recommendations included the need for increased training, legal and policy reforms, the establishment of local institutions and mechanisms to protect and strengthen women's rights, and the need for specific support for orphans and vulnerable children.<sup>198</sup>

**Rural Poverty Reduction Programme:** The Ministry of Lands and Resettlement and the National Planning Commission held three workshops in 2007/2008 for members of communal land boards, regional resettlement committees and Ministerial staff. Approximately half of the 104 attendees (53) were female.<sup>199</sup>

**Projects run by the Ministry of Agriculture, Water and Forestry:** The Ministry of Agriculture, Water and Forestry has also embarked on various projects and activities aimed at improving extension capacity and outreach to men and women farming on communal land. Services are aimed at assisting farmers to better organise themselves and to improve farming technologies and practices through self-help groups.<sup>200</sup> During the period under review various projects on agronomy, livestock and auctions were also conducted. There was significant participation of women in these traditionally male-dominated projects even though

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<sup>197</sup> Ministry of Agriculture, Water and Forestry. (2008). Water supply and sanitation policy. Windhoek, Namibia: Ministry of Agriculture, Water and Forestry. At page 4.

<sup>198</sup> Ministry of Gender Equality and Child Welfare. (2005). Report on the proceedings of the National Conference on Women's Land and Property Rights and Livelihood in Namibia, with a special focus on HIV/AIDS. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At pages 11-13 and 57-60.

<sup>199</sup> Ministry of Lands and Resettlements. (2008). Annual report 2007/2008. Windhoek, Namibia: Ministry of Lands and Resettlements. At page 17.

<sup>200</sup> Legal Assistance Centre. (2005). Our Land We Farm: An analysis of the Namibian Commercial Agricultural Land Reform Process. Windhoek, Namibia: Legal Assistance Centre. At page 32.

men continued to predominate. Women were encouraged to penetrate some of these male dominated projects so as to acquire the technical skills.

The **Food/Cash for Work Programme** aims to create temporary employment in rural infrastructure development initiatives for the unemployed adult able-bodied people who are severely affected by drought. Between 2001-2006, 752 projects were supported under the programme, including projects such as feeder road establishment and rehabilitation, construction of auction kraals, fencing, water pipeline digging and pipes installation, construction of kindergartens, construction of community halls, construction of VIP toilets and earth dam digging. A total of 26 308 people benefitted from the scheme (13 045 males and 13 263 females).<sup>201</sup>

**Upgrade of facilities:** The Government upgraded three Rural Development Centres at Ongwediva, Okashana and Ben-Hur in 2005. The centres are now more responsive to the needs of rural farmers, especially women.<sup>202</sup>

**Loans:** The Government provides financial assistance to co-operatives through partnerships with the Agricultural Bank of Namibia Loan Guarantee Fund, Bank Windhoek Loan Guarantee Fund and the Rural Micro Finance Task team.<sup>203</sup> The Government has made great strides to channel funds to the rural areas for development purposes, through equity participation in Agribank.<sup>204</sup> According to the most recent statistics received from Agribank (2004/2005), 28.3% of Affirmative Action Loans are accessed by women.<sup>205</sup>

The Ministry of Gender Equality and Child Welfare runs an income-generating activity programme which aims to alleviate poverty by strengthening the earning capacity of poor communities. The programme provides communities with small, non-repayable financial grants and exposes them to technical and entrepreneurial skills. The businesses initiatives of the community are annually assessed by the Ministry.<sup>206</sup> Since 2002 the scheme has benefited 6208 women. The Ministry also facilitates women's participation in Trade Fairs through financial support and transportation.<sup>207</sup>

The Government has conducted gender sensitisation workshops in all 13 regions of Namibia.

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<sup>201</sup> Ministry of Agriculture, Water and Forestry: Projects and Progress for the Directorate of Rural Development Co-ordination as reported in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At page 15.

<sup>202</sup> Ministry of Agriculture, Water and Forestry. (2009). Projects, achievement and progress for the Directorate of Rural Development. At page 4.

<sup>203</sup> Ministry of Agriculture, Water and Forestry Annual Report 2005-2006

<sup>204</sup> Ministry of Finance. Namibia Budget in Brief MTEF 2007/8-2009/10. At page 2. Available at: [www.mof.na/Budget%20Documents/2007-08/2007-08%20Budget%20Brief.pdf](http://www.mof.na/Budget%20Documents/2007-08/2007-08%20Budget%20Brief.pdf) > Last accessed 14 February 2010.

<sup>205</sup> Interview, Mr. Mwazi, Agribank 2008

<sup>206</sup> Ministry of Gender Equality and Child Welfare pamphlet on income generating activities.

<sup>207</sup> National Council, National Assembly and \*Political Parties, 2009 as reported in Ministry of Gender Equality and Child Welfare. (2010). *National Country Report 2005-2009 on the implementation of the Beijing Platform for Action +15*. Windhoek, Namibia. At page 39.



## **14.7 CIVIL SOCIETY INITIATIVES**

A coalition of NGOs and church groups organised a Basic Income Grant (BIG) pilot project in the Otjivero-Omitara area, about 100 kilometres east of Windhoek. The pilot started in January 2008 and finished in December 2009. All residents below 60 years of age received N\$100 per month. The recipients reported a number of benefits associated with receiving the grant including an increase in school attendance and visits to healthcare clinics and a decrease in child malnutrition, crime and women's dependence on men.<sup>208</sup>

Various civil society organisations provide training on a range of areas relevant to rural women, including communal land rights.

## **14.8 FACTORS AND DIFFICULTIES**

Whilst much progress has been made in addressing the needs of rural women in Namibia, the Government acknowledges that more work is still needed in this challenging area. Particular challenges include access to water, sanitation and fuel; these problems are recognised in the updated National Gender Policy.

## **ARTICLE 15: LAW**

Progress in law reform is reported under Article 2.

## **ARTICLE 16: MARRIAGE AND FAMILY LIFE**

### **16.1 MARRIAGE**

The law on marriage in Namibia is gender neutral except for a common law principle that says the property regime of the couple is determined by law of the country where the husband was domiciled at time of marriage. The common law principle can be addressed if the couple make an ante-nuptial agreement to choose a law other than that of the country where the husband is domiciled. However many people are not aware of this option or the fact that the common law principle applies. The Marital Property Bill, as discussed under point 2.1, addresses this problem.

### **16.2 FAMILY LIFE**

The average family size is 4.5 people. A total of 33.9 percent of households contain foster children.<sup>209</sup> A total of 56 percent of the population have never married, 19 percent are married under civil law, 9 percent are married traditionally, 7 percent are cohabiting (married consensually), 3 percent are divorced/separated and 4 percent are widowed.<sup>210</sup> However, only 10.3 percent of women aged 25-49 have never given birth.<sup>211</sup>

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<sup>208</sup> Basic Income Grant Coalition. (2009). *Making the difference. The BIG in Namibia*. Windhoek, Namibia: Basic Income Grant Coalition. At pages 13-17. Available at: <[www.bignam.org/Publications/BIG\\_Assessment\\_report\\_08b.pdf](http://www.bignam.org/Publications/BIG_Assessment_report_08b.pdf)> Last accessed 10 February 2011.

<sup>209</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek, Namibia: Ministry of Health and Social Services. At page 9.

<sup>210</sup> National Planning Commission. (2003). *2001 Namibia Population and Housing Census*. Windhoek, Namibia: National Planning Commission. At page 4.

<sup>211</sup> Ministry of Health and Social Services. (2008). *Namibian Demographic and Health Survey 2006-07*. Windhoek, Namibia: Ministry of Health and Social Services. At page 49.



### 16.3 INHERITANCE

As discussed under 2.1, the Children's Status Act states that children born outside of marriage should be treated in the same manner as children born inside of marriage. This includes matters of inheritance.

### 16.4 INTER-COUNTRY ADOPTION

The intercountry adoption case reported in the 2<sup>nd</sup> and 3<sup>rd</sup> report (an application before the High Court by a non-Namibian couple who wish to adopt a Namibian baby) has been concluded. In *Detmold and Another v Minister of Health and Social Services and Others* 2004 NR 174 (HC) the court ruled the section in the Children's Act which found a complete ban on adoption of Namibian children by foreigners to be unconstitutional.

### 16.5 LEGISLATIVE MEASURES

Progress in law reform is reported under Article 2.

The **Child Care and Protection Bill** contains updated provisions on national and international adoption.<sup>212</sup>

### 16.6 GOVERNMENT INITIATIVES

**Grants:** The Ministry of Gender Equality and Child Welfare provides a state maintenance grant and a foster care grant for families in need. Details are discussed under Article 13.

**Orphans and Vulnerable Children:** In 2004 the Ministry of Gender Equality and Child Welfare issued a **National Policy on Orphans and Vulnerable Children**.<sup>213</sup> The policy is accompanied by a National Plan of Action. The accompanying monitoring and evaluation plan requires that data should be disaggregated by gender. The annual progress and monitoring Report for 2007/2008 recognises the need for activities that address the acceptance of violence and abuse against women and children to be identified and implemented (cited as one of nine most important recommendations) and states that female orphans and vulnerable children in particular need additional sex education.<sup>214</sup>

**Child Care and Protection Bill:** In 2009 the Government held the largest national public consultation on law reform to date on the Child Care and Protection Bill.<sup>215</sup> The Bill is a vital piece of legislation intended to replace the outdated Children's Act 33 of 1960. Law reform in this area is essential to ensure that children in Namibia receive the care and protection they need. The Bill addresses a number of key areas including children's courts, early intervention services, and procedures for removing endangered children from the home, foster care,

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<sup>212</sup> Child Care and Protection Bill. (2010). Revised final draft. June 2010. Chapter 15.

<sup>213</sup> Ministry of Gender Equality and Child Welfare. (2004). *National Policy on Orphans and Vulnerable Children*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare

<sup>214</sup> Directorate of Child Welfare. (2009). *National Plan of Action 2006-2010 for Orphans and Vulnerable Children in Namibia*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare. At pages 8, 24 and 35.

<sup>215</sup> Ministry of Gender Equality and Child Welfare, Legal Assistance Centre and UNICEF. (2009). *Public participation in preparing a new child protection law*. Windhoek, Namibia: Ministry of Gender Equality and Child Welfare.

adoption, child trafficking, child-headed households and many more issues. The Bill brings Namibian legislation in line with the Constitution of Namibia and with international agreements including the Convention on the Rights of the Child. One of the general principles in the bill is the protection of children from direct or indirect discrimination on a range of grounds, including sex and gender.

## **CONCLUSION**

The Namibian Government has made great strides in complying with the Convention for the Elimination of All Forms of Discrimination against Women as outlined in this report. Highlights include the enactment of legislation such as the Criminal Procedure Amendment Act 24 of 2003, the Children's Status Act 6 of 2006 and the Labour Act 11 of 2007, as well as the law reforms in progress in a number of other areas. The Child Care and Protection Bill in particular is a key piece of legislation that will promote and protect the rights of the girl child. Progress in education is also noteworthy, with access to education for boys and girls now similar across all grades, although the issue of learner pregnancy continues to be a problem.

The key remaining challenges include gender-based violence, infanticide, maternal mortality and the prevalence of HIV infection (the rate of which is decreasing but continues to remain high) and poverty. To address the above challenges, Namibia continues to address negative cultural practices and beliefs about the roles and status of women in society and promote the involvement of women in the role of governance and decision-making.

In conclusion, whilst Namibia has made many strides in working towards the elimination of discrimination against women, a number of challenges shall remain. However the Government is committed to achieving the goal of gender equality and will continue to strive towards improving conditions for women and girl child in Namibia.

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