

GOVERNMENT OF THE REPUBLIC OF NAMIBIA



**MID-TERM PROGRESS REPORT ON THE UNIVERSAL PERIODIC
REVIEW OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

Mid-Term Progress Report on the implementation of the recommendations of the Human Rights Council Working Group on the Universal Periodic Review (UPR) following Namibia's UPR on 31 January 2011

During the initial review of the situation of human rights in Namibia on 31 January 2011, Member States made 120 recommendations during the interactive dialogue of which 90 were accepted, 27 were reserved and 3 did not enjoy the support of the Namibian Government. Subsequently, during the Outcome of the Review, a further 24 of the 27 recommendations were accepted and 3 did not enjoy the support of the Namibian Government.



2013

GOVERNMENT OF THE REPUBLIC OF NAMIBIA

This Report was prepared by the Inter-Ministerial Committee on Human Rights and Humanitarian Law (coordinated by the Ministry of Justice), in consultation with the Permanent Mission of Namibia to the UN (Geneva), the UN Country Office, Non-Governmental Organisations (NGOs) and Civil Society.

Summary of implementation on UPR recommendations accepted by Namibia

PARAGRAPH	ISSUES / RECOMMENDATIONS	IMPLEMENTATION MEASURES
1	Strengthen efforts to fulfill obligations CRC (Australia)	The Ministry of Gender Equality and Child Welfare's mandate is dedicated to the protection and welfare of children in Namibia and is responsible for all the country's obligations under the CRC. The Ministry has extensive programs ranging from early childhood development to foster care programs.
2	Review Namibia's criminal law framework with a view to incorporate the crime of torture in accordance with its international obligations.	<p>Namibia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1994. In addition, Article 8 of the Namibian Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment.</p> <p>Progress has been made pursuant to the Committee's advice that Namibia needs to criminalize torture as a specific crime through legislation in order to supplement constitutional provisions. In this regard, the Law Reform and Development Commission investigated the issues of torture with a view to recommend criminalization of the offence. During 2012, the Commission reported that it has proposed a Bill on the crime of torture for consideration by the Minister of Justice.</p>
3	1. Adopt appropriate legislation on trafficking in human beings, prohibit the use, procuring or offering of children for prostitution and ensure that children under the age of 14 are not engaged in	<p>The Prevention of Organized Crime Act No 29 of 2004 explicitly criminalizes human trafficking, and makes provision for the provision of services to the victims of trafficking as well as their protection.</p> <p>Progress has been made regarding having specific legislation on human trafficking.</p>

	<p>child labour.</p> <p>2. Intensify its efforts regarding the process of enacting legislation on human trafficking</p> <p>3. Accelerate the passage and implementation of anti-trafficking legislation and, in the interim, use current laws, like the Prevention of Organised Crime Act (POCA), to prosecute sex and labour trafficking offenses and adequately punish trafficking offenders. (U.S.A)</p> <p>4. Move forward quickly with a national action plan of action to combat gender-based violence, including human trafficking (U.S.A)</p>	<p>The Ministry of Justice held consultative meetings during the end of 2012 with the United Nations Office on Drugs and Crime (UNODC) on the development of a comprehensive anti-human trafficking legislation.</p> <p>The Women and Child Protection Units (WCPUs) provide protection and other relevant services to victims of gender-based violence, including trafficking. There are 15 Units in the 13 regions of the country, and plans are underway to upgrade the Units to have an improved and holistic service delivery.</p>
4	<p>1. Strengthen the mechanisms of legal and social protection of children against violence, particularly sexual violence, they suffer (France)</p>	<p>The Combating of Rape Act No 4 of 2003 is a very progressive law on the offence of rape because of its broad definition of rape.</p> <p>In 2012, the Law Reform Development Commission presented a report to the Minister of Justice on the Combating of Rape Act containing recommendations for changes to be made to the law. The Law Reform Development Commission proposed that the Act should be clarified to make it clear that a sentence to be imposed on someone convicted of attempted rape should be the same as the sentence which the person would have received if the attempt to commit the crime had succeeded.</p>

5.	<p>1. Ensure that the national legislation is in line with the obligations of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain)</p>	<p>The Namibian Constitution guarantees the fundamental human rights and freedoms of all its citizens, including people with disabilities. Prior to the entry into force of the UN Convention on the Rights of Persons with Disabilities in 2007, Namibia had already adopted the National Policy on Disability in 1997, and enacted a legislation the National Disability Council Act of 2004 which makes provision for disabled persons to participate in the mainstream economy and society through the provision of adequate services. Namibia is one of a few countries in Africa to have social protection programmes for disabled people. The 2008 National Policy on Inclusive Education makes explicit reference to Article 24 of the Convention which urges signatory States to adopt the principles of inclusive education.</p>
6	<p>1. Pursue efforts to address concerns regarding child labour, in particular through its Action Programme to Eliminate Child Labour in Namibia 2008-2012 (Botswana).</p> <p>2. Redouble efforts to address concerns regarding child labour, in particular through its Action Programme to Eliminate Child Labour in Namibia 2008-2012 (Malaysia).</p> <p>3. Continue pursuing appropriate policies, such as the Action Programme to Eliminate Child Labour in Namibia</p>	<p>Steady progress has been made in the Government's quest to combat and eliminate child labour as per the Action Programme. The Ministry of Labour and Social Welfare produced a report on the Technical Co-operation Programme on elimination of child labour in the country.</p> <p>Furthermore, an Action Plan was developed during 2011 for the five Government line ministries to co-operate to eliminate child labour. These include Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Gender Equality and Child Welfare and the Ministry of Safety and Security.</p> <p>The Directorate responsible for labour inspection in the Ministry of Labour and Social Welfare conducts periodic inspections to identify cases of child labour. During these sessions compliance orders are issued and cases are filed with the Ministry of Labour and Social Welfare. Arrests are made of those who do not adhere to compliance orders.</p>

	<p>between 2008-2012, in particular with regard to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to address the phenomenon of child labour. (Slovakia)</p>	
7.	<p>1. Continue applying strategies and socio-economic development plans in the country (Cuba).</p> <p>2. Continue its economic and social policies in the framework of “Vision 2030” by paying greater attention to programmes for the fight against poverty and the reduction of social inequalities (Algeria)</p> <p>3. Continue to take effective measures to eliminate social inequalities such as skewed distribution of income and to promote the sound and sustained development of the country’s economy and society (China).</p> <p>4. Promote a policy of equality and non-discrimination and that Namibia step up its efforts to reduce poverty with</p>	<p>The Government’s number one priority is the socio-economic development of its people. In 2012, the Government launched its 4th National Development Plan (NDP4) for 2013-2017. NDP4 identified the following key goals and targets for the country for the next 5 years:</p> <ul style="list-style-type: none"> • High and sustained Economic Growth (Average growth of 6% per year) • Job Creation (90 000 jobs to be created) • Reduction of income inequality (Target: Gini Coefficient to be 0.3)

	<p>economic and social measures, which ensure equal opportunity to citizens, social economic and political life of the country.(Spain)</p> <p>5. Continue its efforts to promote economic, social and cultural rights and initiate national policies to guarantee the rights of its people and create conducive environment for socio-economic development (Nigeria).</p>	
8.	<p>1. Further promote women's and children's rights taking into consideration the views of relevant treaty bodies of the UN system (Italy).</p> <p>2. Conduct thorough and impartial investigation into all allegations of discrimination against women (Sweden)</p>	<p>Namibia has ratified the major international instruments relating to the promotion and protection of women and children's rights. Namibia is a State Party to the Convention on the Elimination of Discrimination Against Women. Namibia also ratified the CRC and its two protocols immediately after Independence. The Ministry of Gender Equality and Child Welfare is overseeing the implementation of all the country's obligations towards these treaties. Namibia submitted its 2nd and 3rd combined reports to the CRC in 2010 and appeared before the Committee on the Rights of the Child in September 2012. Namibia welcomed the Committee's concluding observations and recommendations and is currently reviewing them.</p> <p>The Government is considering two new pieces of legislation namely, the Child Care and Protection Bill, and the Child Justice Bill.</p> <p>The Children's Act No 33 of 1960 is currently under review to address the current needs including issues of inter-country adoption.</p>

		<p>The Office of the Ombudsman which is established by a constitutional provision can be approached by any aggrieved individual, male or female to investigate any case of discrimination against them.</p> <p>The Anti-Corruption Commission, which is a statutory body, can also be approached to carry out any investigations on any alleged discriminatory practice against women by the Government or private institutions.</p>
9.	<p>1. Continue its policy of promoting and protecting the rights of indigenous peoples by consolidating it by further measures to ensure the full exercise of the rights of all components of the Namibian society while respecting its traditions and identity (Morocco)</p> <p>2. Increase efforts to reduce poverty and stimulate development of the most marginalized groups, particularly indigenous communities, involving them in the decisions regarding their rights and interests (Mexico)</p> <p>3. Ensure access to education, employment, health care and other basic services for the members of all ethnic</p>	<p>Namibia is signatory to the United Nations Declaration on the Rights of Indigenous Peoples of 2007.</p> <p>The Namibian Government through the Office of the Prime Minister established the San Development Programme in 2005. The Programme is run by the Special Projects Division in the Office of the Prime Minister which is mandated by Cabinet to ensure that the formerly marginalized ethnic minorities in Namibia are fully integrated in the mainstream economy. The Programme focuses on resettlement, sustainable livelihood support programmes, education, land and income-generating initiatives for formerly marginalized communities.</p> <p>The Government, through the Ministry of Lands and Resettlement acquired land both in communal (five projects) and commercial areas (four projects) where some San communities have been resettled. Four of the nine projects, translate into about 18,600 ha of land acquired in the commercial area with 358 families being resettled. Three of the five projects are farms in communal areas with a size of 18,333 ha, which are allocated to 281 San families, while the remaining farms were allocated to 313 families.</p>

	<p>communities, including the San and Himba communities (Slovenia)</p> <p>4. Take all necessary measures to eradicate discrimination against indigenous peoples (France)</p> <p>5. Formulate Whitepaper in accordance with the UNDRIP and that recommendations from the CERD, ILO and the African Commission’s Working Group on Indigenous Population/Communities are taken into consideration in this process (Norway)</p>	<p>The San Development Programme has been expanded to include other ethnic minorities such as the Ovatie and Ovatjimba. The Government set up an Inter-Sectoral Task Force to formulate policy guidelines for educationally marginalized children (EMC), to coordinate the activities of Ministries, NGOs, and other stakeholders regarding EMC, in order to promote access to education for formerly marginalized communities. A policy document entitled “National options for educationally marginalized children” was formulated and adopted by Government in 1998. EMC include children from the San community, the Ovatjimba community and children in various urban centers. Reasons for the lack of access to school for these children are: poverty within the families; negative societal attitudes; and high illiteracy rates of parents resulting in them not valuing education.</p> <p>In order to ensure that the Ovatjimba children get access to education, the Ministry of Education introduced mobile school units. Co-operation between the Ministry of Education and the Namibia Association of Norway made it possible to start the mobile school units for the Ovatjimba community in the Kunene Region. This intervention is aimed at providing access to education to the Ovatjimba children without uprooting their traditional way of nomadic life.</p> <p>A National Conference on Education was held from 27 June – 1 July 2011 to discuss the many challenges in the education sector under the theme “Collective Delivery of the Education Promise; Improving the Education and training System for Quality learning Outcomes and Quality of Life”. The Conference aimed to provide a platform for the public and key stakeholders to scrutinize the current state of the education and training system in Namibia and develop strategies to address it. All recommendations made at the Conference were subsequently approved by Cabinet. Cabinet, inter alia gave a directive that free primary education must prevail in accordance with the provision of the Namibian Constitution. As from January 2013,</p>
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		<p>free primary education, including for children belonging to ethnic minorities, will be rolled out in phases which will be completed in 3 years.</p> <p>In June 2012, the National Agenda for Children (2012-2016) was launched by the Prime Minister. This five year framework will aim to ensure that all children, including children belonging to ethnic minorities, are healthy and well-nourished; that they have equitable access to quality integrated early childhood development services; as well as an improved standard of living, legal identity and protection from negligence, violence, abuse and exploitation.</p> <p>Namibia remains committed to raising the standard of living of all ethnic minorities and as such invited the United Nations Special Rapporteur on the Rights of Indigenous Peoples to carry out a country visit to Namibia which was successfully completed on 28 September 2012. Namibia looks forward to working closely with the UN Special Rapporteur in order to address the challenges facing ethnic minorities in Namibia.</p>
10.	<p>1. Remain steadfast in pursuing her exemplary policies towards gender equality, particularly by strengthening measures to eradicate gender-based violence (Lesotho).</p> <p>2. Put in place mechanisms to systematically collect and analyze disaggregated data to enable assessment of the effectiveness of policies and</p>	<p>The Namibian Government through the Ministry of Gender Equality and Child Welfare embarked on an aggressive policy to eradicate all forms of gender based violence. This includes reviewing and strengthening existing laws against gender based violence, as well as holding an annual event of 16 Days Against Gender Based Violence and Human trafficking.</p> <p>Due to the prevailing high rate of gender based violence in the country, a National GBV Database was established in 2006 by the Ministry of Gender Equality and Child Welfare. This National GBV database system provides necessary data and statistics for planning and assisting various stakeholders to develop focused</p>

<p>initiatives aimed at preventing and eliminating violence against women (Canada).</p> <p>3. Continue its efforts to prevent, punish and eradicate all forms of violence against women as well as overcoming stereotypes which provoke gender based discrimination (Argentina).</p> <p>4. More efforts be made to combat gender violence, principally through the adoption of political measures to include the representation of women in decision making posts and in public administration (Spain).</p> <p>5. Take steps to fully implement and enforce laws on violence against women and to ensure that victims were able to benefit from the existing legislative framework (South Africa).</p> <p>6. Develop a National Plan of Action on Eliminating violence against women and strengthen efforts to fulfill obligations under the CEDAW (Australia).</p>	<p>interventions in addressing GBV.</p> <p>A number of rape cases have been prosecuted over the past years, and the courts imposed sentences ranging between 5 and 45 years imprisonment for convicted rapists. However, a number of factors such as limited police vehicles, lack of expertise in dealing with violence against women and children, inadequate facilities in accommodating vulnerable witnesses, and the withdrawals of cases by rape victims (complainants) after they have filed charges continue to hamper investigations and prosecutions.</p> <p>The Government launched the revised National Gender Policy (2010-2020) in March 2010. The overarching goal is to achieve gender equality and the empowerment of both female and male persons in Namibia. Amongst other things, the policy framework aims to provide mechanisms and guidelines for all sectors and relevant stakeholders for planning, implementing and monitoring gender equality strategies and programmes in order to ensure effective strategies for gender equality and women's empowerment.</p>
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	<p>7. Consider undertaking measures that promote gender equality and the rights of women in the internal normative framework (Chile).</p> <p>8. Continue its efforts to prevent, punish and eradicate violence against boys and girls (Argentina).</p> <p>9. Allocate the resources necessary for the full implementation of the “Zero Tolerance Campaign against Gender Based Violence, Including Human Trafficking”, and ensure engagement at the highest political level in the campaign to highlight the unacceptability of violence against women and address the attitudes and stereotypes that perpetuate discriminatory practices that are harmful and violent toward women (Canada)</p> <p>10. increase its efforts to combat violence against women and children (Germany)</p>	
11.	1. Continue the Policy of national reconciliation in a spirit of accommodation (Niger)	At the dawn of Independence Namibia adopted a progressive stance against racism which among other things calls for the policy of national reconciliation to eliminate all the vestiges from the colonial, racist and apartheid era. There have been no acts

	<p>2. Make more efforts and additional legislation and awareness raising and counseling to eliminate the consequences of racial discrimination and all its forms (Sudan)</p> <p>3. Continue its efforts in combating racial segregation and discrimination in various fields, particularly in education and to continue the adoption of special measures in the context of the Durban Declaration and Programme of Action. (Palestine)</p> <p>4. Continue investing in the breaking down of a culture of inequality, which was inherited from apartheid from a human rights angle (Nicaragua)</p>	<p>of retribution against those citizens who may have perpetrated acts of racism against other racial groups.</p> <p>Article 10 of the Namibian Constitution makes provision for equality and freedom from discrimination and states that: “All persons shall be equal before the law. No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”</p> <p>Relevant pieces of legislation aimed at prohibiting racism and redressing the effect of past discriminatory policies and practices have been passed to give effect to the provisions in the Constitution, including the Prohibition of Racial Discrimination Act No 26 of 1991 as amended, and the Affirmative Action (Employment) Act No 29 of 1998. The Prohibition of Racial Discrimination Act criminalizes racism in Namibia while the Affirmative Action (Employment) Act derogates from the prohibition of discrimination by allowing for measures to be taken to redress past imbalances.</p> <p>Namibia is committed to strengthening implementation of the above-mentioned and other relevant legislations by all organs of the State, in line with its international treaty obligations. The Government is in the process of finalizing its 13th and 15th Combined Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).</p>
12.	1. A participatory and inclusive process with civil society in the implementation of UPR recommendations (Norway)	The Government established an Inter-ministerial committee on human rights and humanitarian law which comprises of relevant Government Ministries, agencies as well as members of the civil society. This committee is tasked among other things to compile and submit national reports to treaty bodies on implementation of international and regional human rights instruments to which Namibia is a party as well as the Universal Periodic Review (UPR).

13.	<p>1. Seek technical assistance from OHCHR in regard to human and material constraints faced (Azerbaijan).</p> <p>2. Request technical assistance from OHCHR regarding the preparations of reports which need to be submitted to treaty bodies (Burkina Faso).</p> <p>3. Consider requesting assistance from the International community to facilitate the implementation of its obligations in the protection and promotion of human rights (Uganda).</p> <p>4. Continue to seek international assistance to sustain its efforts aimed at the promotion and protection of human rights, in line with its national policies (Nigeria)</p>	<p>The Government is committed to seeking technical assistance from relevant regional and intergovernmental and non-governmental agencies in order to augment shortcomings in the capacity of its technical staff in addressing the implementation of human rights obligations especially with regard to reporting obligations to relevant treaty bodies.</p> <p>Namibia welcomes these recommendations and appreciates the assistance already received from its international partners in implementing UPR recommendations. The Namibian Government will continue to work closely with the international community in strengthening human rights both nationally and abroad.</p>
14.	<p>1. Ensure that persons who only speak non-official languages used widely by the population are not denied access to public services (Austria).</p> <p>2. Take effective measures to enhance the access of public services concerning</p>	<p>Article 3 (1) of the Namibian Constitution states that: Namibia's official language shall be English. Literacy programmes in English and other languages are on-going across the country, in order to raise the level of literacy in the country. English is taught in schools, and local languages are also taught in primary education across the country.</p> <p>It is worth noting that Namibia's literacy rate is over 80%. Namibia is also known for</p>

	<p>persons who do not speak the official language (Germany).</p> <p>3. Adopt measures to ensure access to public service, persons who do not speak English as they are a significant proportion of the Namibian population. (Spain)</p>	<p>having one of the best practises in southern Africa as far as the integration of ethnic languages in school curriculum is concerned.</p> <p>Furthermore, Article 3(2) of the Namibian Constitution allows for the use of other languages, other than English, for legislative, administrative and judicial purposes in regions or areas where such other language or languages are spoken by a substantial component of the population. People who do not speak the official language are therefore not denied the use of their mother tongue in administration of justice, education and other public services.</p> <p>Articles 11(2) and 24 (2) (a) of the Namibian Constitution protect the right of a detainee to be addressed in a language which he or she understands. In the justice system, interpreters are provided to ensure that persons who are part of the proceedings, be it the accused persons or litigants are able to participate and follow the proceedings.</p>
15.	<p>1. Take effective measures to ensure the equal treatment of women in accordance with its international obligations under CEDAW (Sweden)</p> <p>2. Continue its education policy, giving special emphasis to the education of a young girl. (Niger)</p> <p>3. Prioritise the elimination of discrimination and violence against women (Norway)</p>	<p>The Government, in its efforts to promote and protect the rights of women, enacted a number of legislation, such as the Combating of Rape Act No 8 of 2000, and the Combating of Domestic Violence Act No 4 of 2003 which in part led to the increase in the number of Women and Child Protection Units by the Namibian Police.</p> <p>Significant progress has been made with regard to the equal treatment of women through the passage, reviewing, amending and repealing of certain legislation that may have been discriminatory against women.</p> <p>Namibia submitted its 4th and 5th Periodic report to the CEDAW Committee on 23 July 2013. The Report highlights the challenges as well as the commitment of the Namibian Government to protect the rights of women and girls.</p>

	<p>4. Apply fully the legislation geared towards combating discrimination and violence, particularly sexual, against women and young girls, and this, particularly in terms of access of victims to justice and training of magistrates, judges and police regarding this problem. (France)</p> <p>5. Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women (South Africa)</p>	<p>In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).</p>
16.	<p>1. Enhance the rights of women to civic participation (Turkey)</p> <p>2. Increase measures to strengthen women's rights and combating stereotypes that can interfere with the enjoyment of women's fundamental rights (Morocco)</p> <p>3. Continue its efforts to put a halt to all negative cultural practices and stereotypes that discriminate against women (Azerbaijan)</p> <p>4. That practices and traditional cultural customs are neither harmful to women, nor have a discriminatory impact, since</p>	<p>A number of legislation passed since 1992, including the Local Authorities Act No 6 of 1992, contain provisions which affirm gender equality by requiring that the number of women in decision-making positions should be increased.</p> <p>These measures have been successful in both Parliament and Regional and Local Authority Councils. However, it was not until the 1998 Local Authority Council Elections that affirmative measures were strengthened, with a requirement that party lists should include a minimum of three women on councils with 10 members or fewer and at least five women on larger Councils.</p> <p>Furthermore, the commitment to gender equality culminated in a December 2012 decision to have 50/50 women's representation in all the SWAPO party structures, especially positions of power, as of August 2013.</p>

	<p>during the Namibian struggle for national liberation, women fought alongside and on par with men for the country's independence, and that they receive the necessary merit and attention in society (Angola)</p> <p>5. Develop and implement, in cooperation with local customary authorities, a strategy to eliminate discriminatory traditional practices against women, including in respect of access to and ownership of land (Canada)</p>	<p>In line with the constitutional provision that no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status, the Government works closely with traditional leaders through regional councils to ensure that women do not experience discrimination in accessing and owning land. The Ministry of Gender Equality and Child Welfare, through its Community Development/Women Empowerment Programme also works to improve access to services as well as the living conditions of women, particularly in rural areas.</p> <p>Parliament enacted the Traditional Authorities Act No 25 of 2000 and Community Courts Act No 10 of 2003. Section 3 (g) of the Traditional Authority Act place duty on traditional authorities to promote affirmative action amongst the members of that community, particularly by promoting women to positions of leadership and to adjudicate on matters before their courts in a fair manner in accordance with the laws of Namibia.</p> <p>It is worth noting that some traditional authorities in Namibia are headed by women, which serves as a best practice to encourage other women to participate in social, economic and domestic matters that affect them on a daily basis.</p>
17.	<p>1. Ensure that women in customary marriages enjoy the same rights as those in civil marriages (Austria).</p> <p>2. Take effective measures to encourage the registration of customary marriages and to grant the spouses and children of registered customary marriages the same rights as those married under civil law</p>	<p>Parliament has already taken note of the continued discrimination and difficulties experienced by couples married under customary marriages, even though Article 66 of the Namibian Constitution recognizes customary law and common law. The Law Reform and Development Commission has been tasked to investigate measures to ensure that traditional marriages are brought in line with constitutional requirements of equality of spouses as envisaged under marriages under the civil law. Consultations on this issue are ongoing to ensure equality of rights for access to public services.</p>

	<p>(Portugal).</p> <p>3. Review the law on equality of spouses in order to eliminate discrimination against women in customary marriages in relation to property rights, so that the rights recognized in customary marriages are the same as in civil marriages (Mexico)</p>	<p>The Government is in the process of amending the law governing intestate succession. A report on the current situation of intestate succession was finalized and is awaiting political guidance on the way forward.</p> <p>Parliament passed the Communal Land Reform Act, Act No.5 of 2002. The Act governs the allocation of communal land. It provides that widows (including those who are married under customary law) have a right to remain on communal land allocated to their late husbands, even if they remarry. The Act further provides that women must be represented on the Communal Land Boards to monitor the implementation of the Act.</p>
18.	<p>1. Close cooperation with civil society, NGOs and the media in order to prevent harassment and threats against journalists, media organizations, human rights defenders and NGOs in the future.</p>	<p>Freedom of speech, expression and freedom of the press and other media is guaranteed under Article 21 of the Namibian Constitution and this freedom is respected by the Government. No journalist has been killed or arrested in the scope of his/her work since independence. According to Reporters Without Borders, World Press Freedom Index rankings for 2010 and 2011, Namibia tops Africa on press freedom. In 2008 Namibia was ranked 24th out of 173 countries in the world.</p> <p>A media ombudsman exists in Namibia, meaning that the conduct of journalists is self-regulated to ensure that journalists remain accountable to their code of ethics.</p> <p>In 2011, the President lifted the ban which Government had imposed on The Namibian, a daily English newspaper, which also includes content in local languages. The ban prohibited Governments Offices, Ministries and Agencies from putting advertisements in the newspaper as well as purchasing the newspaper.</p> <p>Civil Society Organizations (CSOs) and NGO's have been operating in Namibia</p>

		<p>since Independence; many in close partnership with the Government. These organisations are very active on economic and social issues, including human rights and the Government welcomes their contribution to the socio-economic development of the country.</p> <p>The Government has been in a process of seeing how to strengthen collaboration with civil society and NGOs, and in the last quarter of 2005, the Cabinet adopted a partnership policy between the Government and CSOs/NGO, so as to promote active civic participation to contribute to the socio-economic development of the nation. The policy document states that the realization of this objective requires: an improved environment for partnership; closing the gap between the Government and the people; strengthening civil capacity; and collective responses to existing development challenges and opportunities. This partnership formalizes the roles and functions of the civil society sector in the national governance and development processes.</p> <p>Local NGOs are self- regulated without any undue influence from the Government.</p>
19.	<ol style="list-style-type: none"> 1. Improve the living condition and infrastructure of detention facilities in the country. 2. Investigate the cases and assess the possibility of making improvements of the facilities in local prisons (Norway) 3. Take measures to safeguard the human rights of prisoners, and to separate juvenile and adult prisoners (Sweden) 	<p>Cabinet authorized the Ministry of Safety and Security to budget for the construction of Remand Prisons which started during 2010/2011 financial year, and continued during 2011/2012. In addition, about 31 new police stations will be completed during the financial year 2013/14 across the country.</p> <p>A new Prison, Elizabeth Nepembe Rehabilitation Centre with juvenile facilities, was officially opened in March 2012.</p>

20.	<p>1. For the purposes of fully protecting the human rights of all Namibians, secessionists be pursued and be brought to book (Zimbabwe).</p> <p>2. Undertake steps to guarantee that trials take place within a reasonable period of time, and that special measures be taken to address the backlog of criminal cases. (Austria)</p> <p>3. Continue its efforts to ensure that trials take place within a reasonable period of time. (Slovakia)</p> <p>4. Take immediate measures to address the capacity issues faced by security and justice sectors, including the amount of time it takes for court cases to be heard (United Kingdom)</p>	<p>Namibia is a unitary state based on the principles of rule of law as propounded by the Constitution, and the Government is determined to ensure that threats to its unitary character are firmly addressed.</p> <p>The Government has taken measures to reduce the backlog of criminal cases through the appointment of additional judicial officers and prosecutors, and the provision of legal aid to indigent persons. The Government is also working on a strategy to improve the working conditions of legal officers in order to reduce the turnover of staff which contributes to the backlog in the courts. In addition, a Judicial Case Management (JCM) was introduced on 16 May 2012 at the High Court. Before the JCM was introduced, Legal Practitioners or the parties were controlling the pace at which litigation moved through the court process. That was found to be a major cause for the delays of cases which took long to be finalized. With the JCM, the judge is now in control of the case and he or she sets deadlines for the parties for the case to be heard in court.</p> <p>The Caprivi treason trial is on-going and all the defendants have been afforded legal aid at State expense, to mount their defences. Between August 2012 and February 2013, a total of 44 suspects were acquitted.</p>
20.	<p>1. The existing women and children units in the country which are staffed with police officers be strengthened with sufficient human and logistical resources (Ghana)</p>	<p>The Government is working with relevant stakeholders to strengthen the current child protection system in Namibia. At a workshop held in 2012, a definition of ‘child protection’ was agreed upon, a significant step towards ensuring that the relevant services are provided in a holistic manner. Training of more police and child witness officers is also ongoing. The Ministry of Gender Equality and Child Welfare increased the number of vehicles for use by the Women and Child Protection Units in order to ease the burden of staff going to very remote areas.</p>
21.	<p>1. Investigate reports of forced or</p>	<p>In 30 July 2012, the High Court ruled in favour of the three women who sued the</p>

<p>coerced sterilization in HIV-positive women and that it takes steps to ensure women are educated about the effects of sterilization and options available to them (United Kingdom)</p> <p>2. Issue clear directives to all health officials prohibiting the sterilization of women living with HIV/AIDS without their informed consent (Canada)</p> <p>3. Strengthen measures to combat AIDS and if necessary seek the assistance of the World Health Organization. (Morocco)</p> <p>4. Continue its efforts to combat HIV/AIDS (Pakistan)</p> <p>5. promote, in a comprehensive manner, sexual education particularly of adolescents, with special attention to the prevention of early pregnancy and sexually transmitted diseases and HIV/AIDS (Mexico)</p>	<p>Government for the alleged forced sterilization in State-run hospitals. It should be noted however that the High Court held that those three women were not sterilized because of their HIV status.</p> <p>In August 2012, following numerous complaints about the poor health service delivery in the country, and in line with the Government's commitment to protect the right to the highest attainable standard of health, the President established a Commission of Inquiry to investigate the operations and the conditions of health facilities in the country. The report of the Commission was delivered to the President during the first quarter of 2013 and has since been made public. Some of the findings include the inadequate number of health professionals such as doctors, nurses as well as other health professionals. The Commission also identified a shortage in medical specialists such as surgeons, obstetricians, anaesthetics, physicians and paediatricians, which were found to be the main contributing factor to poor quality patient care. The recommendations contained in the report are receiving the Government's attention.</p> <p>The Ministry of Health and Social Services continues to prioritize programmes targeting HIV and AIDS in order to decrease the prevalence rate, which is currently at about 18%. The Fourth National Development Plan's (NDP4 2013-2017) goal in the health sector is to increase access to quality health systems, in terms of prevention, cure and rehabilitation, characterized by an increase in the healthy adjusted life expectancy. The Ministry of Health and Social Services which receives the fourth largest allocation in the Government budget will work with all relevant partners to ensure that this goal is met.</p> <p>The Government established a National Strategic Framework for HIV and AIDS Response in Namibia 2010/11 – 2015/16, where community participation and</p>
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		involvement in scaling up the national response is being encouraged. The Government strategy relies on strengthening the capacity and management of HIV response at community level.
22.	Seek financial and technical assistance necessary to meet the challenges identified by the World Food Programme, namely the persistent food deficits, recurring drought and high malnutrition. (Morocco)	Namibia appreciates the recommendation and will continue to work with all its partners including organizations such as FAO to improve food security in the country.
23.	1. Expand micro-credit and financing schemes, with a view to expanding the formal economy in the country and gradually reducing the inequality in income distribution. (Malaysia)	The Ministry of Trade and Industry is responsible for the articulation of policies and enactment of laws to regulate trade and commercial activities in the country. One of the Ministry's primary roles is to facilitate amongst others, diversification of the economy through accelerated growth of the country's industrial sector which includes SME development and facilitation of access to finance.
24.	1. Take effective measures to ensure that all women have access to adequate health facilities (Germany) 2. Take all the necessary measures to ensure women have access to adequate	The NHIES of 2009/2010 indicates that 30% of the households in Namibia are situated 1 kilometer or less to the nearest hospitals or clinics and 36% live between 2 and 5 kilometers away. However, about 7% still have to travel more than 40 kilometers to reach a hospital or a clinic, especially in the rural areas. Through the Fourth National Development Plan (2013-2017) the Government has identified access to quality health services as a key priority to increasing the standard of living for people living in urban and rural areas. The Government has taken a multifaceted approach to improving access to health services including poverty alleviation, improvement in education, sanitation, food security and infrastructure

	<p>health-care services, including sexual and reproductive health services (Slovenia)</p>	<p>development.</p> <p>The Government monitors the progress on maternal mortality through the Demographic Health Survey (DHS). The last DHS was carried out during 2006/2007. The Ministry of Health and Social Services is busy to put in place the logistics for the finalization of the DHS for the period 2013/2014.</p> <p>Given the available data at our disposal, the Government acknowledges that the maternal mortality ratio has increased from 225 deaths per 100,000 live births in 1992 to 449 deaths per 100,000 live births in 2006/2007, which is unacceptable. Since then the Government has prioritized the reduction of maternal mortality as matter which requires its urgent attention by providing increased maternal healthcare services and a more equitable distribution of trained staff between urban and rural areas, amongst others.</p> <p>The following are some of the major interventions and policies in place geared toward the reduction of maternal mortality in Namibia:</p> <ul style="list-style-type: none"> • Road map for acceleration of reduction in maternal and neonatal mortality and revision of scope of practice for the health professions-Nurses and Mid-wives. • Increase in capacity building (Establishment of Namibia School of Medicine and other regional nursing training centers) • Information awareness campaign on health issues. • Prevention of Mother to Child Transmission (PMCT) currently stands at 92%.
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25.	1.Continue its education policy, giving special emphasis to the education of young girls (Niger)	Since Independence, the Government has invested significantly in the education sector. Although the Ministry of Education is responsible for the education sector in Namibia, various other Government Ministries, Offices and Agencies have specialized mandates for their relevant target groups vis à vis education. For

<p>2. Continue to prioritize the education and health sectors in its development plans (Singapore)</p> <p>3. Consider continuing increasing allocation of more resources to the sectors of education, health and employment (Zimbabwe)</p> <p>4. Continue applying programmes and measures to improve the enjoyment of the right to education and the right to health, including addressing the HIV/AIDS pandemic (Cuba)</p> <p>5. Give top priority to reducing further the national prevalence rate of HIV/AIDS, especially among pregnant women (Algeria)</p> <p>6. Maintain and further build upon its HIV/AIDS preventive, care and treatment programmes (Singapore)</p> <p>7. Adopt a systematic approach to prevent mother-to-child transmissions of HIV (Turkey)</p> <p>8. Explore the feasibility of establishing a network of mobile clinics in order to</p>	<p>example, the Ministry of Gender Equality and Child Welfare has special programmes for early childhood development which have an educational component. The San Development Programme under the auspices of the Office of the Prime Minister also has targeted initiatives for the education of marginalized communities in the country.</p> <p>Namibia continues to work closely with its donor partners to increase the capacity of educational institutions, including having enough skilled teachers, to meet the demands for the development of the nation. As of 1 January 2013, the Government abolished School Development Fees to ensure equality for all children, including the poor and those living in rural areas, in line with the Constitutional provision for free primary education.</p> <p>The Government works closely with the Forum for Africa Women Education in Namibia (FAWENA) in addressing the educational challenges facing the girl child.</p> <p>In 2012, gender parity was largely achieved at both primary and secondary levels, with equal enrolment ratios in primary schools, and more girls than boys enrolled in secondary schools.</p> <p>The “Education for All” Policy addresses issues related to access to education, and that schools (primary and secondary) should be built within 5kms walking distance. Also access to education has been greatly improved by the adoption and implementation of the Education Sector Policy for the Prevention and Management of Learner Pregnancy. Among others, one of the goals of this new policy is to promote the continued education of pregnant learners and to ensure the equal treatment of the female and male learners.</p> <p>The Government adopted a national health policy for the period 2010/2020. Most of the primary health care policies of the World Health Organization have been</p>
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	<p>reach out to the widely dispersed population. (Malaysia)</p>	<p>incorporated into that policy.</p> <p>In an effort to combat HIV/AIDS, the Government launched a Strategic Plan Programme in 1999, and in 2009 the Government launched the National HIV/AIDS Policy that calls on all stakeholders to contribute to the fight against HIV/AIDS and Prevention. A considerably high budget is allocated to fight HIV/AIDS and Prevention.</p> <p>The Government also launched the Third Medium Term Plan (MTP3). The MTP3's national goal is to reduce the incidence of HIV/AIDS below the epidemic threshold of one percent. The Ministry of Health and Social Services has made great strides in the five components of dealing with HIV/AIDS, namely, Enabling Environment, Prevention; Access to treatment; Care and Support Services; Impact mitigation; and Integrated and Coordinated Programme Management. These achievements included among others, launching of the National HIV/AIDS Policy and the hosting of the first National HIV/AIDS Male Leaders Conference aimed at empowering them to mainstream HIV/AIDS response to all sectors in the country. Male circumcision is also being encouraged by Government as one effort to reduce HIV/AIDS.</p> <p>The results from the biennial Sentinel Survey show that the incidence of HIV/AIDS raised from 19.3% in 2000 to 22.0% in 2002, and stabilised thereafter at 19.7% in 2004 and 19.6% in 2006 to 16.8% in 2010. Through strong political leadership and with increased donor support, the Government has been successful in rolling out anti-retroviral treatment since 2004 at all Government hospitals free of charge. ARV services increased from 43 health facilities in 2006/2007 to 57 health facilities in 2007/2008. Approximately 131 158 of infected people need ARV treatment in the country, and 75 681 people were on ARV treatment as at March 2010 which increased to 110 053 people during the 2012/13 financial year. The number of eligible clients on ARV had increased from 29,767 in 2007 to 47 963 in 2008,</p>
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		<p>exceeding the MTP3 target of 33 591 by 2007.</p> <p>During the 2007/8 financial year, 99,365 clients compared to 31 050 in 2005/2006 received voluntary counseling and testing (VCT) at 250 out of 338 public health facilities as well as 17 stand-alone community VCT centers.</p>
26.	<p>1. Explore the possibility of strengthening the institutional and operational capacity of the Office of the Ombudsman by allocating human and financial resources (Malaysia)</p> <p>2. Provide the Office of the Ombudsman with the necessary financial and human resources so that it can implement its action plan (Niger)</p>	<p>The Ombudsman's Office has submitted proposed amendments to the Ombudsman Act to the Minister of Justice to strengthen its human rights mandate.</p> <p>The Ombudsman reported that the budget allocated for the promotion of human rights was increased from N\$ 400 000 (approximately US\$ 47 000) in 2004 to N\$ 1 000 000 (about US\$ 100 000) for the year 2011-12.</p> <p>The Office of the Ombudsman established two more offices, one in the south of the country, at Keetmanshoop and another office in the north, Oshakati, to make it more accessible to the public. Another regional office in the western part of the country was opened in December 2012.</p>

27.	<p>Recommendation 92 on the ratifications of all outstanding international instruments to which it is not yet party and endeavor to domesticate them into its legislation.</p>	<p>It should be noted that Namibia follows what is known as a monist approach to the reception of international instruments and rules of international law in its domestic legal system. Article 144 of the Namibian Constitution provides that the general rules of public international law and international agreements binding upon Namibia shall form part of the law of Namibia. Thus the Namibian Constitution explicitly incorporates international law and makes it part of the law of Namibia. In light of the above, the Government undertakes a thorough study of the international instruments to ensure that national laws are harmonized to meet the requirements of the international instruments before they are signed, ratified and/or acceded to. This approach shall be used for the consideration of all international instruments which Namibia has not yet ratified.</p>



2013

GOVERNMENT OF THE REPUBLIC OF NAMIBIA

This Report was prepared by the Inter-Ministerial Committee on Human Rights and Humanitarian Law (coordinated by the Ministry of Justice), in consultation with the Permanent Mission of Namibia to the UN (Geneva), the UN Country Office, Non-Governmental Organisations (NGOs) and Civil Society.