

**REPUBLIC OF NAMIBIA**

**Additional Statement on the Implementation of Human Rights in Namibia**

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**Thank you, Honourable Minister for giving me the floor.**

Madame President, Excellencies, Colleagues, Ladies and Gentlemen, thank you for welcoming us to engage with you today on the occasion of Namibia 3rd Cycle review. I take this opportunity to provide an update on the implementation of human rights in Namibia, and respond to questions and issues raised in this regard.

**Madame President,**

At the onset, one of the issues raised by the various UN Committees relates to the right to life, liberty and security of person. I wish to reinforce Namibia’s continued and firm commitment to protecting the right to life at all times and in all circumstances as a country that abolished the death penalty at independence under Article 6 of the Namibian Constitution. It is our belief that that all persons should be treated with humanity and with respect for their inherent dignity, as a norm, not as an exception.

The Government of the Republic of Namibia has made tremendous progress in ensuring that the rights and welfare of offenders are protected and promoted in places of detention. The Namibian justice system takes a rehabilitative approach in relation to convicted offenders in order to ease reintegration into society after rehabilitation. The Namibian Correctional Service (NCS) is in the process of aligning their policies and infrastructure to the Mandela Rules, and as a result the NCS has adopted a health policy to deal with public health concerns such as Tuberculosis, HIV/AIDS, Hepatitis and other infectious and contagious conditions. In terms of this policy the inmates receive equal health care standards offered under the public health system, and those who can afford private health care have access to such services. In addition, the NCS is progressively renovating correctional facilities to improve living conditions of offenders. Inmates are provided with nutritious foods and special diets for those that suffers from ill health. Children below the age of two living with their mothers are provided with milk formula, disposable nappies as well as baby foods such as cereals, fruits and special diets to the nursing mothers that includes fruits and vegetables in addition to their daily meals. In addition, the NCS provides gratuities for offenders as a way of encouraging them to participate in rehabilitation programs as well as financial assistance to offenders to facilitate their reintegration into society, between 2015-2019, a total of number of 116 offenders who have obtained higher qualifications while incarcerated.

**Madame President,**

Slovenia and Germany raised an important issue on corporal punishment, and I am proud to inform that the Namibian Government has gone a step further in abolishing other forms of cruel punishment such as corporal punishment in both the school and home setting. To this effect, the Basic Education Act, 2020 (Act No. 3 of 2020 ) prohibits all forms of violence including corporal punishment in any school environment. The Child Care Protection Act, 2015 (Act No. 3 of 2015) further prohibits corporal punishment in the home setting**.**

The Ministry of Education, Arts and Culture has passed a new school curriculum that is in its final stages of implementation as a way to enhance sexual education, allow pregnant girls to complete their education and return to school after giving birth. These efforts are aimed at reducing the number of drop-out learners due to teenage pregnancy amongst other factors, though we acknowledge other social factors may impact teenage mothers, we are committed to implementing inter-ministerial efforts to ensure that girls have the opportunity to stay in school. In this light, access to menstrual health and hygiene management facilities has been found to be one of the reasons why girls stay away from school, and recently, the Government has committed to zero tax on sanitary products to improve access to these facilities. In addition, pre-vocational and vocational streams have been re-introduced to provide learners with different options as opposed to only following an academic stream.

**Madame President,**

Like many countries Namibia faces numerous challenges in ensuring speedy delivery of justice, however we remain committed to improving the administration of justice. On the issue of the Caprivi High Treason cases, I wish to update that the main trial ended in September 2015, 30 accused persons were found guilty and sentenced to various terms of imprisonment and 79 were found not guilty and released from custody. Several of those found guilty are appealing their convictions in the Supreme Court and some of those acquitted are suing the state for malicious prosecution.

Additionally, the distinguished delegation of Spain queried into the Government’s efforts to hire more judges. To expedite the delivery of justice, the Office of the Judiciary devised a programme called “Aspirant Judges Programme”. This project is meant to enhance capacity of judges in our superior courts. Prior to this project, the Ministry of Justice ran a similar programme for aspiring magistrates and prosecutors, the former was a resounding success as Namibia has largely managed to reduce the shortage of magistrates in lower courts. In relation to alternatives to detention, police officers and judicial officers usually provide an “admission of guilty’ option to individuals accused of committing petty offences.

**Madame President,**

As we mentioned during the introductory statement, Namibia has recorded an alarming increase in cases of violence against children, and its duty to protect the welfare of the child is more urgent than ever. To address this challenge, Namibia has adopted the National Plan of Action on Gender-Based Violence 2019-2023 based on a socio-ecological model which is intended to improve coordinated national action. We recently tabled an amendment to the Combating of Domestic Violence Act to strengthen the safeguards for children who may be affected by domestic violence, and to provide that temporary maintenance orders included in protection orders may be enforced as a matter of urgency. Namibia is also committed to addressing social and cultural practices which perpetuate violence against children through education and awareness campaigns.

The Republic of Panama raised a very pertinent issue in relation to the protection of children from sexual exploitation including online exploitation. Currently, legislative measures relating to sexual exploitation and sexual violence are found in the Combating of Rape Act, 2000 (Act No. 8 of 2000), Combating of Domestic Violence Act (Act No. 4 of 2003), and the Child Care and Protection Act, 2015 (Act No. 3 of 2015) which specifically prohibits all child exploitation, including child pornography. In filling the policy gap on online child exploitation, the Ministry of Information and Communication Technology is finalising the draft legislation on cybercrime which will address online sexual exploitation specifically. However, this gap has not prevented the Government from ensuring that children are protected against online exploitative conduct, in 2020 the Namibian Police with the assistance of the Netherlands, South African Police and Interpol was able to make an arrest in an investigation on child sexual abuse and child pornography.

**Madame President,**

The Namibian Government is committed to realising gender equality in line with the 2030 Agenda for sustainable development, and has put various measures in place to realise this goal. The National Gender Policy sets out 12 areas of concern which serve as indicators for gender equality and women empowerment including poverty, governance and participation, trade and economic empowerment, peace-building and human rights to mention a few. The Government therefore continues to make strides in in promoting gender equality in all aspects of society and governance, and in addition to the improvements made in female representation in political structures there has been an increase in the number of female graduates at institutes of higher learning. The Ministry of Gender Equality, Poverty Eradication and Social Welfare is working with other stakeholders to ensure that gender equality improves in areas of management (both public and private) and diplomacy.

The pertinent issues highlighted by UN human rights committees, stakeholders, and some States also include a concern on the lack of laws prohibiting discrimination on grounds of sexual orientation. The Namibian Constitution provides for inclusive protection against discrimination and the Government continues to implement the general right to non-discrimination in the promotion and protection of human rights for all persons in Namibia. Articles 8(1) and 10(1) of the Namibian Constitution provides for the inviolable right to dignity and inherent equality before the law of all persons, the legal framework on non-discrimination therefore provides remedies for persons whose human rights have been infringed or violated in any way.

All vulnerable groups including the LGBTQI community, commercial sex workers in Namibia have unfettered access to public health care facilities countrywide. Government will continue to sensitize officials on the prohibition against discrimination and cultural bias towards the said vulnerable groups. The Ministry of Gender Equality, Poverty Eradication and Social Welfare in conjunction with local organisations have embarked on programmes that are aimed at rehabilitating former sex workers and providing advice on health and human rights to those in the profession. To alleviate the shortage of doctors and other health professionals the Ministry of Higher Education urged the country’s universities and private health colleges to increase the enrolment of health professionals at their campuses. Currently, the University of Namibia, the Namibia University of Science and Technology, the International University of Management (private university) all offer health related courses.

**Madame President,**

The rights of persons with disabilities remains a priority for the Government of Namibia, and we have taken measures to ensure that the legal framework aligns with the Convention on Rights of Persons with Disabilities. The National Disability Council of Namibia (NDCN) is a statutory body established for purposes of monitoring the implementation of the National Policy on Disability, advise any person responsible for the enforcement of existing legislation which provides for equal opportunities on the enforcement of that legislation, comment on proposed legislation which may affect persons with disabilities in Namibia. In this regard, the NDCN has embarked on a legislative review project to amend National Disability Council Act, the National Policy on Disability with the intention of aligning the domestic legislative and policy framework to the principles in the Convention on Rights of Persons with Disabilities. The NDCN has also created a Disability Review Advisory Committee consisting of representatives from the Office of the Attorney-General, the Ministry of Justice (Law Reform and Development Commission), the Department of Disability Affairs, as well as experts from the private sector with expertise in disability mainstreaming and universal design. The project is at an infant stage and the NDCN anticipates to have the draft bills and reports prepared for submission to Parliament in the near future.

The Ministry of Health and Social Services has reviewed the Mental Health Act, 1973 (Act No. 18 of 1973) in efforts to mainstream disability issues and align it to the principles of the Convention on the Rights of Persons with Disabilities. Key issues addressed in this regard include, the ability of the persons with mental health disabilities to be able to maintain at least limited freedom to decision-making, autonomy and independence; reinforcing the right to dignity; and ensuring that mental health care does not discriminate against patients and addressing the effects of isolation as a form of treatment as a matter which impedes inclusion in society.

**Madame President,**

Various stakeholders have asked for an elaboration on the measures taken to eliminate harmful cultural practices. The Ministry of Gender Equality, Poverty Eradication and Social Welfare continues to engage traditional leaders on issues related to gender stereotypes and harmful practices. There are 14 community liaison officers stationed across 14 regions in the country and they educate and disseminate information on the negative impact of gender stereotypes and harmful practices. The Child Care and Protection Act, 2015 (Act No. 3 of 2015) (CCPA) contains provisions, which proscribe harmful customary practices that affect women and children’s rights including child marriage, early sexual activity and child bearing. Such marriages are against the law and once discovered the perpetrators may be charged with the contravention of Section 226 of the CCPA .

The Government through the Ministry of Gender Equality, Poverty Eradication and Social Welfare conducted a formative study on child marriages in Namibia. The purpose of this study was to describe the state of child marriages in Namibia to inform the development of evidence-based policies, legal reform, resource mobilization and programming. The same Ministry through its Gender Liaison Officers in the regions continues to make communities aware of the dangers of certain cultural practices as well as to encourage community members to report cases of these practices.

**Madame President,**

The Covid-19 pandemic has impacted on global efforts to protect and promote human rights, Namibia is no exception. However, we took several measures to ensure that in spite of the disruption caused by the pandemic, human rights obligations persist even in times of crises. On 17 March 2020, the President declared a State of Emergency in terms of Article 26(1) of the Namibian Constitution, read together with section 30(3) of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012) on account of the outbreak of Covid-19. The State of Emergency also included the suspension of certain laws that would otherwise impose heavy burdens on the Namibian people and Government throughout the pandemic. The following mechanisms are some of the efforts made to ease the impact of the pandemic on the rights of the Namibian people:

* 769,000 Namibians have benefited from the Emergency Income Grant of N$750 each for Namibians who were either unemployed or running a small business;
* The Government continues to provide free covid tests for every person in the country under the public health system, and the Government is also providing free covid vaccines to every person on voluntary basis;
* The Office of the President continues to provide grants to members of marginalised communities who are studying at various institutions of higher learning, and students from the marginalised communities also received laptops and internet devices to assist them access online education during the pandemic.
* Budgetary allocations were made to cater to employer subsidy and employee salary protection programmes, access to education, renovate ablution facilities at schools and hostels across the country and building of new facilities, and to provide access to water during the lockdown period.

**Madame President,**

Namibia is the most arid country in Africa, south of the Sahara, and we are greatly impacted by climate change. Majority of our citizens rely on the environment for sustenance, relying on the rain for food production. Subsistence farmers and marginalised communities are more affected by the climate change challenges in this regard. Namibia is therefore invested in taking action to improve the environment and adapt measures to reduce the consequences of climate change, towards ensuring a safe and sustainable environment for future generations.

Since 2015, Namibia has adopted two policies on climate change, namely: National Energy Policy, 2017 and National Renewable Energy Policy, 2017. The National Energy Policy spells out the Government of Namibia’s intent, direction and undertakings regarding the development and future of the Namibian energy sector. The National Renewable Energy Policy 2017, was developed to provide and demonstrate strong commitment to providing clean energy for people powered by renewable energy, and also to enable access to modern, clean, environmentally sustainable, and affordable energy services for all Namibians. These policies are geared to better equip Namibia to prevail over climate change difficulties. The Regulations which would operationalise the Water Resources Management Act, 2013 (Act No. 11 of 2013) are currently being finalised by the legislative drafters in the Ministry of Justice.

In response to Haiti, the Ministry of Environment, Forestry and Tourism has developed the Inter-Sectoral Committee called the National climate Change committee, for the purpose of advising Government on climate change issues. In 2011 a climate change Policy was developed and it was followed by the National Climate Strategy and Action Plan (2013). As part of its obligations under the Paris Agreement, Namibia submitted its Intended Nationally Determined Contributions (INDC) to the United Nations Framework Convention on Climate Change consisting of both mitigation and adaptation measures. In this document, to mitigate effects of climate change, Namibia committed to reduce greenhouse gas emissions by 89 % by 2030 through climate-smart agriculture, reducing deforestation and renewable energy. As a country that is highly vulnerable to the impacts of climate change, Namibia considered diverse solutions, including improving water security, preventing desertification and increasing resilience to flooding, to reduce climate vulnerability. To achieve these goals, we have embraced the NDC Partnership’s integrated planning process to strengthen coordination, resource mobilization and transparency on NDC implementation. We however face numerous challenges in the implementation of our NDC, particularly in terms of financial and technological resources.

**Madame President,**

There are procedures in place to adjudicate applications for asylum seekers to obtain refugee status. Asylum seekers and irregular migrants are treated humanely in accordance with the laws of the land and can only be detained when they violate immigration or any other laws. In instances where such laws are violated, the asylum seekers are procedurally detained and subsequently deported. Before the deportation order is made by the Immigration Control Board, asylum seekers are given an opportunity to appeal the Board’s decision.

**Finally Madame President,** I would like to address Namibia’s ratification of various international human rights instruments. Currently, Namibia is a party to 7 out of the 9 core instruments on human rights. As per the domestic policy on adopting new laws or instruments, the Ministry of Home Affairs, Immigration, Safety and Security has sought Cabinet approval in principle to hold stakeholder consultations to investigate Namibia’s possible accession to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. In respect of the instruments raised by Liechtenstein, these are all under consideration, and the Ministry of Home Affairs, Immigration, Safety and Security is in the final stages of ratifying the Protocol against the Illicit Manufacturing of and Trafficking in Firearms. We therefore remain open to progressively considering the ratification to additional instruments subject to our domestic legal framework. However, the Government undertakes a thorough study of the international instruments to ensure that its 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.

**Madame President,** I will stop at this juncture to allow the next list of States to make their constructive interventions.

**I thank you.**