



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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15 January – 2 February 2007

**Responses to the list of issues and questions for consideration of the  
combined second and third periodic report of Namibia**

## **QUESTIONS RELATING TO THE PRESENTATION OF NAMIBIA'S 2<sup>ND</sup> AND 3<sup>RD</sup> PERIODIC REPORT TO CEDAW**

### **Preparatory of the Report**

1. Members to the CEDAW consultative meeting on the Draft of the Country Report consisted of the following Governmental institutions, their nature and participation in the drafting stage:

- (a) The Ministry of Gender Equality and Child Welfare (MGECW) the then Ministry of Women's Affairs Child Welfare (MWACW), (Custodian of the Convention and ensuring that the report on CEDAW is done). The mandate of the Ministry is "to ensure gender equality, equitable and socio-economic development of women, men and children."
- (b) The Ministries that had expertise in Gender, Poverty and Rural Development:
  - (i) Ministry of Agriculture, Water and Rural Development
  - (ii) Ministry of Labour
- (c) The Ministries that had expertise in Gender Balance in Education and Training and Information Education and Communication:
  - (iii) Ministry of Education (formerly was two Ministries of Basic Education and Culture and Higher Education)
  - (iv) University of Namibia
  - (v) Polytechnic of Namibia
  - (vi) Ministry of Works Transport and Communication
- (d) Expertise in Gender and Reproductive Health
  - (vii) Ministry of Health and Social Services
- (e) Expertise in Violence against Women and Children
  - (viii) Ministry of Safety and Security – Namibian Police/Women and Child Protection Unit (formerly under the Ministry of Home Affairs)
- (f) Expertise in Gender and Economic Empowerment
  - (viii) Ministry of Labour
  - (x) Ministry of Agriculture, Water and Rural Development
- (g) Expertise in Gender and the Environment
  - (xi) Ministry of Environment and Tourism
  - (xii) Ministry of Mines and Energy
- (h) Expertise in Gender and Legal Affairs
  - (xiii) National Assembly
  - (xiv) Office of the Attorney General
  - (xv) Ministry of Justice (Law Reform and Development Commission)
- (i) Offices chosen because of their advice
  - (xvi) Office of the President
  - (xvii) Office of the Prime Minister
  - (xviii) Ministry of Foreign Affairs

However, members were not confined to their expertise, because gender is a cross cutting issue, therefore, all had roles to play in many if not all areas.

The Namibian Cabinet reviewed the Draft of the Second and Third Country Report on CEDAW and approved its submission on the 17<sup>th</sup> August 2004 to the UN Committee on CEDAW; the report was tabled in the National Assembly on the 17<sup>th</sup> February 2005 by the Minister of Women's Affairs and Child Welfare.

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## **Constitution, Legislation and National Machinery for the Advancement of Women**

2. The Community Courts Act (10 of 2003) is now an Act of Parliament.
  3. Ministry of Gender Equality and Child Welfare the then Ministry of Women Affairs and Child Welfare started its basic legal literacy workshops in September 2002 and has since trained six hundred and twelve (612) women and four hundred and ninety three (493) men in all parts of the country by September 2006.
  4. The Ministry of Gender Equality and Child Welfare which is the National Machinery with the mandate of ensuring the implementation of the National Gender Policy, has started the process of reviewing and updating the National Gender Policy (NGP) also looking at the issues of establishing a Gender Commission as well as enactment of a Gender Act.
  5. To eliminate these bottlenecks the Cabinet decision (No. 21 of 1998) gave the then Ministry of Women Affairs and Child Welfare (MWACW), responsible for gender issues to appoint Gender Focal Points (GFPs) in every Ministry and Government institution. Ministries and other Government Institutions have selected GFPs among their staff members. All GFPs had received gender training on gender issues and gender budgeting. The duties of these Focal Points are to promote gender issues and awareness raising within their respective institutions; assisting their ministry to review policies and programmes from gender-sensitive viewpoints; reporting to the MGECW and drawing up annual gender budgets for their ministries.
  6. In 2005 the MGECW had conducted a review of the implementation of the National Gender Policy (1997) and National Gender Plan of Action (1998). The review found that success has been achieved, in areas such as Gender and Reproductive Health, Gender and Legal Affairs, The Girl Child, Gender and Poverty and Rural Development. In these areas a high number of communities is showing high level of understanding gender issues, rates and obligations as well as their reproductive rights. The challenges during the implementation of the Plan of Action were persistence of traditions and beliefs, in some members of communities, inadequate financial resources and inadequate access of information especially in remote rural areas.
  7. The MGECW initiated a process of systematic collection of sex-disaggregated data in areas of the Convention one of its priority, through creating collaboration with National Planning Commission (National Bureau of Statistic) as well as different institutions. The Government through the MGECW also has a programme of collecting gender disaggregated data from different institutions, in order to be published in booklets. The first publication was done in March 2006 on Statistics on Men and Women in Management Positions in the Public Sector. The second volume on parastatals will be published before the end of 2006. This is an ongoing programme of collecting sex-disaggregated data in different areas.
- In terms of the Gender-based Violence, the Ministry of Gender Equality and Child Welfare has now a database in place and the information is being provided by the Ministry of Safety and Security- (Women and Child Protection Unit under Namibian Police). The database is available on the Ministerial website ([www.gbv.gov.na](http://www.gbv.gov.na)) and it consists of information on a number of cases that had been handled by the Women and Child Protection Units country-wide; all the detailed information as contained in the police files, such as the type of abuse, sex of the victim and perpetrator, age group etc.

### **Discriminatory Practices and Stereotypes**

8. The Government through MGECW has officials who coordinate the dissemination of information on gender issues, laws and policies in place countrywide. Gender Liaison

Officers in all thirteen regions and it is through these officials that the Ministry has been disseminating information to rural areas. The MGECW has in place programmes of Gender Sensitization and Basic Legal literacy, which aimed at sensitizing traditional leaders and community members at large on gender issues, policies and laws in place. The MGECW has developed a Gender Training Manual and Resource Guide, which is now used by trainers at workshops. The material used at the workshops are in simplified English language as well as translated into different local languages, which made it easy for training and understandable by community members.

### **Violence Against Women**

9. The step, which have been taken to improve women access to justice the ministry, has launched a Basic Legal Literacy Programme, which train and educate the communities on existing laws and policies, such as the Constitution, Combating of Rape Act, Combating of Domestic Violence Act eg. in order to know their rights and obligations as well as what to do and where to go when their rights are violated. Apart from the police stations the government has created Women and Child Protection Units under the Ministry of Safety and Security, which are in all thirteen regions and in the vicinity or close to Hospitals and/or Clinics. This initiative is to ensure that women and children report cases of violence especially rape and domestic violence to such facilities. The Units are close to these health facilities to make sure that the victims receive immediate medical help when necessary. All Units have social workers, in cases where they do not have social workers the MGECW as well as the Ministry of Health and Social Services (MHSS) have social workers in place who can rescue the situation.

10. These are not the only cases but there are some other cases that the Combating of Rape Act has dealt with. Some of the cases may be obtained from our website as indicated here ([www.gbv.gov.na](http://www.gbv.gov.na)).

11. All the data of the cases brought to court is not available but some of them can be obtained on our website ([www.gbv.gov.na](http://www.gbv.gov.na)).

12. The government have taken steps in educating the communities on existing law and policies in place through workshops and meetings and also to enforce the implementations of those laws and policies such as the Constitution, Affirmative Action Act (Act No. 29 of 1998), Traditional Authority Act (Act No. 25 of 2000), Liquor Act, 1998 (Act No. 6 of 1998). The Government also has Employment and Equity Commission in place, which monitor the implementations of Affirmative Action Act (Act No. 29 of 1998).

### **Exploitation of Prostitution and Trafficking**

13. First and foremost health care in Namibia is for everyone and it does not discriminate, anyone who seeks health care at a clinic or hospital gets it. In terms of Family Planning services it is available as free services to all Namibians including men who request them. All (100%) health facilities in Namibia provide Family Planning services, counseling and contraceptives commodities to all sexual active persons (men and women) who need it.

The rehabilitation and support for the social reintegration of women who leave prostitution is provided by the MGECW as well as by the Council of Churches in Namibia (CCN). The Commercial Sex Work Project, which is aimed at primary prevention, secondary prevention and tertiary prevention of CSW and HIV/AIDS. The project is also directed at contributing to the adoption of CSW positive attitudes, values and behaviour with regard to gender perspectives for optimal sexual and reproductive health. It also promotes the increase use of sexual and reproductive health services. This project is funded by Global Fund.

14. The government, through MGEWCW is intending to carry out a study in order to assess the prevalence of trafficking in women and girls in Namibia.

#### **Participation in political and public life**

15. The situation has changed since the 2004 Namibian elections. As it can be seen below it is evident that women are increasing in the decision making positions and it is through the Affirmative Action (Employment) Act 29 of 1998 and the fact that there is a strong political will behind the implementation of the Namibian Gender Policy.

**Table 1: Women in Cabinet and Parliament in Namibia.**

<b>Portfolio</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>% of female</b>
Prime Minister	1	1	0	0
Deputy Prime Minister	1	0	1	100%
Ministers	22	20	5	23%
Deputy Ministers	20	15	5	25%
Speaker of the National Assembly	1	1	0	0
Deputy Speaker of National Assembly	1	0	1	100%
Members of the National Assembly	<b>78</b>	<b>57</b>	<b>21</b>	<b>27%</b>
Members of the National Council	<b>26</b>	<b>19</b>	<b>7</b>	<b>27%</b>
Chairperson of the National Council	1	1	0	0
Deputy Chairperson National Council	1	0	1	100%
<b>Total number of MP's</b>	<b>104</b>	<b>76</b>	<b>28</b>	<b>27%</b>

**Source: National Assembly and National Council, 2005.**

The above table shows that there has been an increase in the number of women members of parliament, from 20% to 27%. This has been largely contributed by the increase in the number of women members of the National Council from two during the previous elections to seven currently. It is important also to note that there have been major new developments with the new parliament – the appointment of a woman Deputy Prime Minister, Deputy-Speaker of the National Assembly, Minister of Justice and Attorney-General, the Minister of Finance and the Deputy Chairperson of the National Council.

**Table 2: Women in Regional and Local Authority Councils**

<b>Position</b>	<b>Total</b>	<b>Males</b>	<b>Females</b>	<b>% of female</b>
Regional Councilors	107	94	13	12%
Regional Governors	13	9	3	23%
Local Authority Councilors	299	165	134	45%
Mayors	30	22	8	27%
Deputy – Mayors	28	14	14	50%

**Source: National Council 2005, ALAN 2004.**

There are greater improvements at regional and local levels with the increase in the number of women regional councilors from 5 to 13, governors from one to three. Women in Local Authority have increased their representation from 42% to 45%, hence making local government the only area in Namibia, which has gone far beyond the SADC minimum target of 30% women representation by 2005.

16. The Government has enacted Affirmative Action Act (Act No.29 of 1998), as well as to reach the African Union and SADC benchmark of 50% of women in senior management level in public service by 2015. Statistics have changed since the 2<sup>nd</sup> and 3<sup>rd</sup> report was submitted in 2004. Namibia's public service has achieved 33% of women in management positions in the public sector. This is an indication of the commitment of the Government to promote gender equality, more specifically the empowerment of women. Gender Sensitization and Legal Literacy are continuing programmes which are educating the community on the equality between women and men and this will help on the achievement of equal representation of both women and men in senior management level.

### Education

17. Please note that this information is always a year behind as it is monitored as such. It means report in 2005 will be end of 2004 figures. This is an international accepted reporting:

<b>Promotion, repetition and school leaving rates from 1997 to 2003</b>								
	<b>Year</b>	1997	1998	1999	2000	2001	2002	2003
<b>School Phase</b>	<b>Grade</b>							
<i>Promotion rates</i>								
<b>Lower Primary</b>	Grade 1	81.5 %	80.1 %	80.4 %	79.6%	78.8%	77.0%	76.3%
	Grade 2	87.8 %	85.9 %	86.7 %	86.2%	85.3%	84.4%	83.7%
	Grade 3	84.9 %	84.8 %	87.5 %	86.1%	86.3%	85.9%	85.6%
	Grade 4	78.7 %	79.0 %	85.2 %	85.9%	85.1%	84.7%	84.6%
<b>Upper Primary</b>	Grade 5	81.3 %	78.4 %	75.3 %	72.6%	73.4%	73.2%	74.2%
	Grade 6	85.1 %	84.0 %	83.1 %	80.1%	79.9%	81.0%	81.8%
	Grade 7	80.8 %	82.9 %	82.5 %	78.2%	77.4%	77.5%	76.8%
<b>Junior Secondary</b>	Grade 8	77.8 %	74.4 %	69.7 %	69.6%	70.8%	67.9%	67.2%
	Grade 9	80.9 %	75.8 %	74.1 %	73.4%	73.8%	74.3%	73.6%
	Grade 10	46.7 %	51.9 %	53.6 %	58.2%	51.8%	51.8%	48.4%
<b>Senior Secondary</b>	Grade 11	94.4 %	94.2 %	95.5 %	95.6%	95.7%	94.4%	95.2%
<i>Repetition rates</i>								
<b>Lower Primary</b>	Grade 1	14.6	15.0	16.4	17.7%	18.9%	18.6%	18.8%

		%	%	%				
	Grade 2	12.1 %	11.8 %	12.6 %	13.0%	13.8%	13.7%	13.5%
	Grade 3	12.1 %	12.8 %	11.9 %	12.7%	13.0%	12.7%	11.9%
	Grade 4	16.7 %	15.5 %	12.6 %	13.5%	14.8%	14.4%	13.4%
<b>Upper Primary</b>	Grade 5	12.7 %	14.7 %	19.9 %	22.0%	22.0%	21.9%	20.5%
	Grade 6	9.0%	9.1%	11.9 %	14.9%	15.7%	14.1%	13.8%
	Grade 7	10.9 %	6.9%	10.5 %	14.5%	16.1%	15.9%	15.6%
<b>Junior Secondary</b>	Grade 8	12.4 %	13.5 %	20.2 %	20.3%	21.0%	22.4%	21.5%
	Grade 9	10.5 %	12.5 %	15.6 %	15.6%	16.9%	16.7%	15.8%
	Grade 10	7.5%	4.9%	4.3%	3.5%	4.9%	4.9%	5.0%
<b>Senior Secondary</b>	Grade 11	0.7%	1.0%	1.1%	1.3%	2.0%	1.5%	1.3%
<b>School-leaving rates</b>								
<b>Lower Primary</b>	Grade 1	3.9%	4.9%	3.2%	2.7%	2.3%	4.4%	4.8%
	Grade 2	0.1%	2.2%	0.7%	0.8%	1.0%	1.8%	2.9%
	Grade 3	2.9%	2.4%	0.5%	1.1%	0.8%	1.5%	2.5%
	Grade 4	4.6%	5.4%	2.2%	0.6%	0.1%	0.9%	2.0%
<b>Upper Primary</b>	Grade 5	6.1%	6.8%	4.8%	5.5%	4.6%	4.9%	5.2%
	Grade 6	5.8%	7.0%	5.0%	5.1%	4.4%	4.9%	4.3%
	Grade 7	8.3%	10.2 %	7.0%	7.3%	6.5%	6.6%	7.5%
<b>Junior Secondary</b>	Grade 8	9.7%	12.2 %	10.2 %	10.0%	8.2%	9.6%	11.3%
	Grade 9	8.7%	11.7 %	10.3 %	10.9%	9.3%	9.0%	10.6%
	Grade 10	45.8 %	43.2 %	42.1 %	38.3%	43.4%	43.2%	46.6%
Senior Secondary	Grade 11	4.9%	4.9%	3.5%	3.1%	2.3%	4.0%	3.5%

<b>Promotion, repetition and school-leaving Grades 1-11 between 2003-2004</b>									
	<b>Promotion rates</b>			<b>Repetition rates</b>			<b>School-leaving rates</b>		
<b>Grade</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>
<b>Total</b>	77.4%	78.9%	75.8%	15.1%	13.6%	16.6%	7.5%	7.4%	7.6%
<b>Grade 1</b>	76.3%	78.7%	74.1%	18.8%	16.5%	21.1%	4.8%	4.8%	4.8%
<b>Grade 2</b>	83.7%	86.5%	81.0%	13.5%	10.9%	16.0%	2.9%	2.7%	3.0%
<b>Grade 3</b>	85.6%	88.5%	82.7%	11.9%	9.4%	14.3%	2.5%	2.1%	3.0%

<b>Grade 4</b>	84.6%	87.3%	82.0%	12.4%	11.0%	15.8%	2.0%	1.8%	2.3%
<b>Grade 5</b>	74.2%	78.4%	70.1%	20.5%	17.5%	23.6%	5.2%	4.1%	5.3%
<b>Grade 6</b>	81.8%	83.8%	79.7%	13.8%	12.6%	15.1%	4.3%	3.6%	5.2%
<b>Grade 7</b>	76.8%	78.4%	75.1%	15.6%	15.0%	16.4%	7.5%	6.7%	8.6%
<b>Grade 8</b>	67.2%	67.7%	66.6%	21.5%	21.5%	21.5%	11.3%	10.7%	11.9%
<b>Grade 9</b>	73.6%	71.8%	75.7%	15.8%	16.5%	14.9%	10.6%	11.7%	9.4%
<b>Grade 10</b>	48.4%	46.0%	51.2%	5.0%	6.4%	3.4%	46.8%	47.6%	45.5%
<b>Grade 11</b>	96.2%	94.8%	95.6%	1.3%	1.7%	0.9%	3.5%	3.6%	3.5%

**18. Implementation of the Policy on Pregnancy among Learners:** Circular Formal Education Number 5/2001 dealt with this issue after Cabinet has resolved that it should be implemented across the education system.

**Cabinet Resolution stated that:** 1. While the report is awaited from the ad hoc Cabinet Committee on the above issue, as a temporary guideline, pregnant school girls are allowed to attend special afternoon /evening classes and they should also be allowed to sit for examinations. 2. A pregnant girl should be allowed to attend regular classes at least until her pregnancy is visibly clear. 3. As a temporary guideline, girls who fall pregnant should be allowed to return to normal schooling after spending at least a year with the baby and, 4. The same condition should apply to the schoolboy who is held responsible for the pregnancy.

This is the current policy and is being implemented as per the Cabinet Resolution in all our schools. Where there is deviation, such deviation can only be through the approval by the Ministry of Education.

19. The Government has taken steps by training women in qualifying training courses and those who are educating them that both men and women have equal right to employment and to earn salaries in line with their qualifications and experiences irrespective of their sex. The Government through the Ministry of Trade and Industry and MGECW also has programmes in place, which encourages women to come up with projects, which are assisted, by Small and Medium Enterprises (SME). The government also encourages private sectors especially financial institutions to provide financial assistance to women in order to create different projects. This form of programmes creates employment of a considerable number of women.

20. The MGECW the then MWACW have supported eight hundred and seventy three (873) income-generating projects owned by both women and men's since 2000. Ninety (90%) percent of these projects are owned by women since 2000. The overall numbers of women who run small businesses in the country are difficult to measure since most of them are not registered.

21. The following national development plans or poverty reduction strategies are in place in the country and they all have a gender perspective as well as contributing to the implementation of CEDAW:

- (a) National Gender Policy
- (b) The Poverty Reduction Strategy for Namibia (PRS)
- (c) Namibia Millennium Development Goals (2004)
- (d) Vision 2030: Policy Framework for Long-term National Development
- (e) Mid-term Expenditure Framework
- (f) Affirmative Action Loan Scheme



- (g) Second National Development Plan: (NDPII) 2001/2002-2005-2006  
 (h) The National Strategic Plan on HIV/AIDS. Third Medium-term Plan (MTPIII) 2004 – 2009  
 (i) Green Scheme

### **Health**

22. The general public is being educated on the danger of unprofessional abortion, which is done illegally without medical experts; they are also informed about the laws in place in which situations abortion is allowed in Namibia.
23. Yes, Government has included a gender perspective in the strategic operational plan on HIV/AIDS developed by the Ministry of Education the then Ministry of Basic Education, Sport and Culture and the Ministry of Higher Education in 2001. A more progressive approach has been adopted by Namibia to tackle the high rate HIV infection not only for women but by everyone. The National Strategic Plan on HIV/AIDS: Third Medium Term Plan (MTP III) 2004-2009 which is consistent with the United Nations General Assembly Special Session (UNGASS) Declaration of Commitment. Also the Ministry of Health and Social Services has developed a National HIV/AIDS Policy.
24. In Namibia there is only one cancer screening unit, therefore cervical Pap smear or specimens are collected at various clinics, health centers and hospitals where there are trained or skilled personnel and sent to Windhoek Central Laboratory for diagnosis. A very limited number of health service providers at health facilities have skills to screen for breast and cervical cancers, however, in-service training on cervical and breast cancer screening has been planned by the Ministry of Health and Social Services to develop the skills of the health service providers at regional and district levels to facilitate early detection, referral and treatment and to prevent death.

### **Rural Women**

25. The Namibian Constitution Article.10 states that “All persons are equal before the law; and no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social and economic status”. Also Article 23 (3) states that “In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation”. Article 66 (1) states that “Both the customary and common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law”.
- These constitutional provisions are some of the enforcement and monitoring mechanisms in place. Legal Literacy Programmes and Gender Sensitization Programmes which are aiming at educating communities including traditional leaders on law and policies in place and gender issues; are some of the awareness raising activities, which the government is conducting through the MGECW.

### **Marriage and family relations**

26. Yes, the Government of the Namibia adopted a National Land Policy in 1998, under which a unitary land system was proposed, whereby all citizens have equal rights, opportunities and security across a range of tenure and management systems. The Communal Land Reform Act (Act No. 5 of 2002), provides for the equal rights of

women to apply for and be granted land rights in communal areas. Section 26 (2) (b) of Act provides the following:

*“A customary land rights ends when the person who held that right dies. The Communal Land Reform Act determines that a customary land rights reverts back to the Chief or Traditional Authority who has to re-allocate it to the surviving spouse. If there is no surviving spouse, or the spouse refuses the allocation, the right has to be allocated to the child of either the first or a later marriage. The Chief or Traditional Authority must determine which child is entitled to the allocation of the right in accordance with the customary law.”*

27. The consultation between the Ministry of Justice and the Traditional leaders took place countrywide. The Bill is now at its final stage and it will be tabled into Parliament in the near future.
28. The proposed Bill makes clear that existing polygamous marriages will be recognized, but not future polygamous marriage. The Law Reform and Development Commission report on the Bill argues that the prohibition of polygamy will eliminate disputes between women competing over a man's resources.