



Convention on the Rights of the Child

Distr.: General
18 April 2024

Original: English

Committee on the Rights of the Child

Replies of Namibia to the list of issues in relation to its combined fourth to sixth periodic reports*

[Date received: 12 April 2024]

* The present document is being issued without formal editing.



Reply to paragraph 2 (a) of the list of issues in relation to the combined fourth to sixth periodic reports of Namibia (CRC/C/NAM/Q/4-6)

1. The Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPEWSW) embarked on various initiatives to ensure the effective implementation of the Child Care and Protection Act (CCPA) since its enforcement in 2019. The following activities were carried out: Training of key stakeholders (social workers, police officers, magistrates, clerk of courts, medical personnel, community members (through the Child Care and Protection Forums) as well as teachers and other gatekeepers) on key provisions of the Act. Between 2019–2023 a total of 543 key stakeholders has been trained on the act. In the upcoming financial year, the Ministry intends to continue training key stakeholders on the provision of the Act, and more importantly extend the trainings to include children and young people. The Ministry developed child friendly materials on certain provisions of the CCPA, relating to HIV testing, medical consent, child marriage and harmful cultural practices, with the specific focus on helping children to engage with the Act.
2. Development of guidelines on specific provision of the Act. The Ministry with the support of UNICEF and the Legal Assistance Centre developed guidelines for training of professionals and community members on the provision of the Act. The guidelines are available online, and are useful for raising awareness and training on the provision of the Act.
3. The Ministry has completed the development of child friendly materials on specific provisions in the Act, relating to HIV testing, medical consent, child marriage, and harmful practices to ensure that children are not left behind in the implementation of the Act.
4. Continuous advocacy and outreach meetings and other mediums on the CCPA with community members, parents and other gatekeepers.
5. To ensure sustainability and training of key stakeholders, the Namibian Police and the University of Namibia have revised their curriculum to incorporate training for social workers and police officers on the provision of the Child Care and Protection Act.
6. The training of community members on the provision of the CCPA, is a continuous activity to which the Ministry allocates resources in each financial year.

Reply to paragraph 2 (b) of the list of issues

7. Namibia acknowledges that the National Agenda for Children (NAC) has come to an end and the country is now in the process of reviewing the implementation of the agenda as well as the development of the new agenda for children.

Reply to paragraph 2 (c) of the list of issues

8. The Ministry of Gender Equality, Poverty Eradication and Social Welfare, is mandated to provide services that will ensure the wellbeing of all children. In this regard it plays a pivotal role in coordinating the various mandates on children that are vested in various Ministries, Agencies and institutions. To ensure that this coordination is effective, the Ministry has established various structures from national, regional and constituency levels to deliberate, report and act on children's issues at grassroot level. The representations of key stakeholders such as those from education, health, home affairs, justice, labour, Children's Advocate, NGO's and children has been streamlined to maximise their participation at all levels. Through this mechanism the implementation of the Convention and other relevant legislation is ensured.

Reply to paragraph 2 (d) of the list of issues

9. Response will be provided at a later stage.

Reply to paragraph 2 (e) of the list of issues

10. The State Party notes the concern on the lack of disaggregated data to assess progress achieved in the realization of children's rights. However, the country has made significant progress in developing comprehensive data systems to collect data that measure the performance of the country in specific areas such as health, education and the social protection sector. The Ministry engaged Namibia Statistics Agency (NSA) on this matter and in this regard, developed a Statistics Strategic Plan (SSP) on Child Protection. The aim of the SSP is to improve statistics and their use within Child Protection Sector programming for improved evidence-based planning, decision-making and performance management.

11. The Ministry of Gender Equality, Poverty Eradication and Social Welfare have a reliable database under the Office of the Prime Minister contains the number of children receiving child grant by type of grant, region, constituency, sex, age, and the amount being spend on monthly basis.

12. The Ministry also under the Child Welfare Directorate (now Gender Equality, Child Care and Protection) has introduced the database (DHIS2) which will help the staff members to collect, analyze and use accurate data related to Child Welfare Directorate programs including cases of Violence against children at different levels i.e. National, regional and constituency. The National Agenda for Children 2018–2022 has a Monitoring, Evaluation and Reporting (M&ER) strategy which includes regular data collection, report compilation and dissemination of performance as a vital part of the overall Agenda.

13. The Ministry of Gender Equality, Poverty Eradication and Social Welfare, under the Integrated Early Childhood Development (IECD) program is hosting a database collecting and analysing data on children and Edu-carers in ECD centres. Recently the Ministry of Gender Equality, Poverty Eradication and Social Welfare developed a Statistics Strategic Sector plan for child care and protection sector with the aim to improve statistics and their use for improved evidence-based planning, decision-making and performance management. It is the government continued efforts to improve the quality of our services we are committed to the production and use of statistics for evidence-based planning, policy formulation and decision making for children.

14. Other governmental institutions including Ministry of Education are continuously collecting sex disaggregated data on educational indicators at various levels – input and outcome levels. Ministry of Health and Social Services has a dedicated data collection system that capture data on various health outcomes for children in the country.

Reply to paragraph 3 of the list of issues

15. Namibia through the Ministry of Industrialisation and Trade have developed legal frameworks that protect and safeguard businesses as well as consumers. Amongst those legal frameworks include the Liquor Act, Metrology Act, Consumer Protection Policy and the National Quality Policy which have a direct bearing on safeguarding the rights of children.

(a) The Consumer Protection Policy protects consumers against unfair, discriminatory, abusive acts and practices (UDAAP) that they might encounter in the market place and the objectives of the Policy are:

- Create market transactions that strive to obtain a fair balance of power between sellers and consumers.
- Protect vulnerable consumers from marketplace conduct that take advantage of unsophisticated, less educated or infirm consumers; provide an incentive for honesty and fair dealings by all sellers.
- Promote consumer participation in decision-making processes concerning the regulation of the marketplace in the interests of consumers.
- Promote efficiency and transparency in the Namibian economy and market; thus increasing economic development.

- Ensure accessible, transparent and efficient redress for consumers.

(b) The Policy aims to protect consumers from unfair dealings within the market place and this protection will be further strengthened once the Bill is promulgated.

(c) The 1999 National Quality Policy (NQP) served Namibia well. Notable achievements of its implementation include the promulgation of the Standards Act, 2005 (Act No. 18 of 2005) and the establishment of the Namibian Standards Institution (NSI) in 2008 as the national standards body, the implementation of legal and trade measurement controls, the establishment of some testing and certification capacities, and the usage of the Southern African Development Community Accreditation Service (SADCAS) as the de facto national accreditation body. The local and external environment, however, has changed appreciably since then. The 1999 NQP therefore needed to be revised.

16. As part of our legal and regulatory mandate the Ministry launched the Revised National Quality Policy 2020–2025 on the 23 April 2021 to improve the business environment and the quality of products and services being locally manufactured, imported and exported, and in doing so, boost investor's confidence. Businesses today, particularly on the international market are required to meet standardized quality requirements.

17. The Metrology Act, 2022 (Act. No.5 of 2022) contributes to the protection of children's rights by ensuring the accuracy, safety, and fairness of measurements in various aspects of their lives.

Liquor act, 1998 (act no. 6 of 1998) and liquor amendment bill, 2016

18. The Liquor Act aims to protect children from the harmful effects of alcohol consumption.

19. These provisions are designed to regulate the sale, advertising and consumption of alcohol to help safeguard the well-being of minors. Some of the ways in which the liquor act protects children include:

(a) The prohibition of sale of alcohol to individuals under the legal drinking age of 18 years. Vendors and establishments selling alcohol are required to verify the age of customers to ensure that minors do not have access to alcoholic beverages.

(b) The Act supports the initiatives aimed at educating the public about the risks of underage drinking and the importance of preventing access to alcohol by minors.

(c) The liquor amendment bill, 2016 includes provisions regulating the proximity of alcohol outlets to places where children and adolescents congregate, such as schools, playgrounds and youth centers as well as residential premises and children's home.

(d) By incorporating these measures, the liquor Act aims to reduce the likelihood of alcohol related harm among children and adolescent, as well to promote responsible alcohol consumption within the country.

Reply to paragraph 4 of the list of issues

20. Response will be provided at a later stage.

Reply to paragraph 5 of the list of issues

21. Response will be provided at a later stage.

Reply to paragraph 6 of the list of issues

22. The Cybercrime Bill tends to criminalise the acts committed towards children in the digital environment. The government further developed the Cybercrime Strategy and Awareness Raising Plan which aims to sensitise citizens on the dangers of cybercrime and importance of cybersecurity. The primary target group of this Strategy is the children and

parents/guardians. Various cybersecurity awareness sessions have been conducted targeting schools and communities and are still rolled out. The Ministry and Lifeline Childline Namibia are finalising partnership modalities to enhance cybersecurity awareness campaigns for children and parents/guardians.

23. The government is finalising the Data Protection Bill which aims to protect individual privacy rights enshrined in Article 13 of the Namibian Constitution. The proposed law further lays down rules about how individual data may be processed or used by such data controllers and processors.

24. The government with the support from UNICEF and the United Kingdom based Internet Watch Foundation (IWF) launched the portal which allows for anonymous reporting of online images and videos of child sexual abuse. The IWF portal appears on the landing web page of Life Line ChildLine Namibia which is a partner in this initiative. Once the image or video is reported, it gets assessed by the experts and taken down if found illegal.

Reply to paragraph 7 (a) of the list of issues

25. The State Party acknowledges that corporal punishment is not explicitly prohibited in Namibia, however, the Child Care and Protection Act state that any person with control of a child, including the child's parents, must respect the child's right to dignity when disciplining the child, in accordance with Art 8 of the Namibian Constitution. It explicitly outlaws the use of corporal punishment in:

- (a) Any registered facility for children (including children's homes, shelters, crèches and day care centres);
- (b) Any form of alternative care by court order (such as foster care or court-ordered kinship care);
- (c) Public and private schools; and
- (d) Prisons and police cells.

26. The Act also gives the Minister responsible for child welfare a duty to promote alternatives to corporal punishment (s.228).

27. Even though the CCPA does not speak specifically to the consequences of violation of the general rule on acceptable discipline, the intention was that corporal punishment in the home can be treated as "child abuse" in terms of section 254, which is a criminal offence punishable by a fine of up to N\$50 000, imprisonment for up to ten years, or both.

28. It should also be noted that section 132 of the Child Care and Protection Act places a duty on professionals who work with children to report any suspicion that a child is being "maltreated or physically or mentally abused" to police or to a State-employed social worker. Failure to comply with this legal reporting duty is a criminal offence punishable by a fine of up to N\$20 000, imprisonment for up to five years, or both. The Combating of Domestic Violence Act has established that corporal punishment of children constitutes domestic violence – in reference to a 2012 High Court case, in which a father's severely beat his 13 year old child and 8 year old with a belt and the court found that the beating of *both children* constituted domestic violence and issued a final protection order directing the father not to commit any further acts of domestic violence against his children.

Reply to paragraph 7 (b) of the list of issues

29. Namibia became a Pathfinding country in 2018 and through this, the country made a commitment to end all form of violence against children. To this end, the country conducted a National Survey on Violence Against Children to determine the extent and dynamics of the phenomenon. The findings of the survey was used to develop a 5 year roadmap (National Plan of Action to end Violence Against Children – 2020–2025). The Roadmap which is based on the Inspire Framework is a multisectoral response that is aimed at addressing violence against children in the country. The Plan was endorsed by seven key Ministers from

education, health, gender, labour, justice, youth and home affairs. This shows the concerted efforts by the Namibian government to address the issue.

30. In terms of digital: See response on No. 6. In addition the MGEPSW continue to mobilise support and raise awareness on the reporting of sexual exploitation and abuse of children, and in the digital environment. The Ministry with key partners continues to train partners and stakeholders on how to prevent, identify and respond to cases of OCSEA.

Reply to paragraph 7 (c) of the list of issues

31. Marriages of children under the age of 18 years are prohibited and is a punishable offence in terms of the Child Care and Protection Act. The Child Care and Protection Act forbids child marriage by making it a crime to give a child out in marriage or engagement if the child is below age 18, or does not consent to the marriage or engagement. The prohibition applies to civil, customary and religious marriages. This crime is punishable by a fine of up to N\$50000 or imprisonment for up to ten years, or both.

32. Cabinet directed that the Ministry of Gender should take forward the recommendation from the Formative study on child marriages in Namibia. To this end the Ministry is now in the process of developing a strategy to end child marriages in the country. The Ministry also has developed materials to popularise the CCPA provision that prohibit child marriages in the country. The Ministry has committed resources for education and advocacy campaigns to address the issues.

Reply to paragraph 7 (d) of the list of issues

33. The government has designed awareness programmes aimed at addressing issues of discrimination for children with disabilities. Thus far the approach has been rights based ensuring that society and community understand that children with disabilities are equal citizens. There are no reported cases of discrimination against children with albinism, however at household level there has been cases of child neglect which is adequately dealt with when reported. Children with albinism are treated as children with disabilities and qualify to receive a monthly child grant of N\$ 1 300 from the state as well as other services. In addition, the Ministry of Gender provides direct support to children with severe disabilities, particularly those with cerebral palsy and hydrocephalus in terms of diapers, nappies, PREP, and potable toilets, potable showers and formula milk.

Reply to paragraph 8 (a) of the list of issues

34. Namibia has taken measures to promote equal sharing of parental responsibilities through the enactment of the Child Care and Protection Act (CCPA). The Act provides procedures for equal allocation of parental rights and responsibilities for children born outside marriage. Furthermore, the Act also provides for simple procedures to use for parents who wish to apply for a change in custody or guardianship, restrict or stop access, or request for right of reasonable access. These provisions are also available to divorced parents or separated parents. In addition, the Act contains provision on maintenance and inheritance which put children born outside marriage on an equal footing with children born inside marriage. These provisions are also extended to children born of assisted reproductive techniques.

Reply to paragraph 8 (b) of the list of issues

35. Namibia introduced kinship care to prevent family separation and ensure that children are cared for by parents/or extended family members. In cases where children do not have adequate parental care, social workers always considered family/extended family members as the first option before other alternative care option.

Reply to paragraph 8 (c) of the list of issues

36. Namibia has acceded to the Hague Convention on Inter-country Adoption and in this regard, it has managed to regulate domestic and inter-country adoptions. The country has restricted inter-country adoptions to family members who are not habitually resident in Namibia. It is important to note that only a few adoptions (around 70–80) are concluded in Namibia, thus it is not beneficial for the country to do inter-country adoptions. Namibia has adopted the provision of the Hague Convention through the Child Care and Protection Act, and all adoptions in the country are concluded according to the Hague Convention on Inter-country Adoptions.

Reply to paragraph 9 (a) of the list of issues

37. Namibia adopted a more inclusive human rights developmental approach to disability. This is reflected in numerous different legal instruments and policies such as the Basic Education Act and the Child Care and Protection Act Of 2015 as well as the National Disability Policy of 2004. The Policy provides the mandate to accept the principles of participation, integration and equalisation of opportunities defined by the United Nations in the World Programme of Action Concerning Disabled Persons and The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

Reply to paragraph 9 (b) of the list of issues

38. The Namibian constitution prohibits discrimination on the grounds of disability. The country has taken steps to ensure access to justice for persons with disability (as with other citizens). Persons with disability have the right apply for legal aid, in matters where they require legal representation. The Ministry of Gender provide sign language interpreters for hearing impaired victims who have experienced violence. The cost of these interpreters is covered by the MGEPSW, this is in an effort to improve access to justice.

Reply to paragraph 9 (c) of the list of issues

39. Through Primary Health Care program, health practitioners (at district level) conduct early screening and detection of abnormalities among children and where anomalies are found referral is done to a specialist/specific unit for further assessment.

Reply to paragraph 10 (a) of the list of issues

40. Mental Health Bill: The Mental Health Bill is still awaiting the finalization of the accompanying Regulations. The Ministry of Health is in the process of contracting an expert to develop regulation for the draft bill.

Reply to paragraph 10 (b) of the list of issues

41. The MGEPSW managed to increase its staff complement for social workers from 83 to 217 during 2023. The allocation of additional 134 social workers was granted by the Public Service Commission to the MGEPSW to address issues of violence against children as well as Gender Based Violence. The increase in the number of social workers will improve the provision of services at grassroot level. Funds are still to be allocated for new positions to be filled.

Reply to paragraph 10 (c) of the list of issues

42. Support is provided through the office of the Life Skills teacher and the School Counselor. Sexual and reproductive health education is integrated into the Life Skills syllabus

and reproductive health is taught in Life Science and Biology. Aspects of SRHR training are also integrated across the curriculum. All the requirement in the policy e.g. full time life skills teachers, after school programmes, SRHR training etc. have been attended to in an attempt to prevent learner pregnancy. The Ministry continues with other interventions with support from our development partners like Safe-Guard the Young People (SYP), FAWENA initiatives and training.

Reply to paragraph 10 (d) of the list of issues

43. The Ministry of Health have introduced a new approach for the screening of adolescence using and abusing alcohol and drugs. The Brief Motivation Intervention (BMI) approach: an effective strategy to address alcohol-use disorders and the public health issues by health practitioners, was rolled out to all health facilities in the country. Social workers provide interventions at community levels, which include screening, counselling, and outreach services to user and those at risk. The Ministry of Health and Social Services introduced an outpatient program in the Karas and Kavango Regions and there are plans to roll this program to other regions. An in-patient treatment program for children will commence in 2024.

44. There are prevention programs in schools where Life Skills teachers were trained on prevention measures, specifically on substance use among school going children. Referral is done to educational counsellors and social workers for further management of identified cases.

Reply to paragraph 10 (e) of the list of issues

45. Namibia is among few African countries that continue to provide direct cash grants to vulnerable people, and these include the elderly, as well as orphans and vulnerable children. During the 2022/2023 financial year, the government of Namibia increased all the children grants as follows:

- Disability Grant from N\$ 250 to N\$ 1300 for children below the age of 16. In addition, these children depending on the severity of their disabilities also qualified for an additional state maintenance grants as per the Child Care and Protection Act
- State Maintenance Grant from N\$ 250 to N\$ 350
- Foster care grant from N\$ 250 to N\$ 350

46. In addition, the Ministry of Gender allocate an annual budget of N\$ 10 000 per region to be utilised for emergency cases of children who are in need of basic commodities.

Reply to paragraph 11 of the list of issues

47. Response will be provided

Reply to paragraph 12 (a) of the list of issues

48. The Ministry of Education has taken a pro-active approach in this regard and introduced several strategies to address these issues.

49. Early Grade Reading Assessment (EGRA). was introduced as an assessment tool for early grade reading and Jolly phonics was rolled out as a strategy to teach reading. The exit point was expanded to the 11th year to keep learners longer in schools. The promotion policy is a blend of grade repetition and social promotion to tap on the advantages each offer.

Reply to paragraph 12 (b) of the list of issues

50. The objectives of the Sector Policy on Inclusive Education are:

(a) To expand access to and provision of quality education, especially for educationally marginalized learners, and

(b) To support learners with a wide range of individual abilities and needs in compulsory education at ECD, pre-primary, primary and secondary levels.

51. Currently learners with disabilities receive 4 times the amount of money allocated per child for the Primary and Secondary Education Grant.

52. The Ministry has introduced the Washington Group Questionnaire into the annual education census in order to gather more data on learners with disabilities.

53. The analysis aimed at determining the barriers faced by CWDs in accessing education. It highlighted negative attitudes towards LWDs which were addressed through trainings, and advocacy through the media. Schools were equipped with resources to facilitate teaching and learning. Posts for human resources (Education special needs assistants) needed to ensure quality inclusive education are being established.

54. Sensitizing the school community through training programmes is necessary to create a positive accommodating attitude towards children with disabilities.

Reply to paragraph 12 (c) of the list of issues

55. A draft language policy for schools was developed which makes provision for the use of the mother tongue as the medium of instruction in the formative years of schooling. Concurrently measures which communities should take when they want to introduce a language in school were developed.

Reply to paragraph 12 (d) of the list of issues

56. In an effort to integrate education services, the Ministry of Education, Arts and Culture and the Ministry of Gender Equality, Poverty Eradication and Social Welfare have reached an agreement to transfer early childhood education to the Ministry of Education. This is a long process, but the Ministries are working closely together in order to already start providing support to ECD Centres, particularly those that house learners that are supposed to be in Pre-primary under formal education, but due to lack of space are still in ECD centres.

57. The Ministry of Education intent to finalise the mapping of ECD centres in relation to schools in order to provide additional support.

Reply to paragraph 12 (e) of the list of issues

58. The Ministry of Education, Arts and Culture has been rolling out the Namibia Safe School Framework since 2018 in the attempts to prevent all forms of violence in schools; additionally we are working with the Namibian Police on the #Keep me Safe campaign, to ensure safety of learners.

Reply to paragraph 12 (f) of the list of issues

59. Human rights and democracy is a theme across the curriculum in language curriculum for all phases of schooling.

Reply to paragraph 12 (g) of the list of issues

60. The Ministry of Higher Education, Technology and Innovation (MHETI) is pleased to update the Committee on the Rights of the Child a comprehensive measures taken on issue (g) under Part I, No 12 which is to expand the availability of vocational training, with a specific focus on children who have dropped out of school. This initiative is in line with the

National Technical and Vocational Education and Training (TVET) Policy, Cabinet Decision Number 4th/23.03.21/005, implemented in March 2021.

61. One of the key primary objective of the National TVET Policy is to recognize Prior Learning (RPL), providing a framework to acknowledge skills acquired outside the formal VET sector. This allows candidates to be assessed and certified based on their competencies and skills. The policy is strategically aligned with global, regional, and local perspectives, emphasizing skills development initiatives in accordance with the United Nations Sustainable Development Goals 4, 5, and 8 (SDGs). The focus is not only on workforce preparation but also on supporting lifelong learning, fostering inclusion, and contributing to low-carbon transitions in economies and societies.

62. The TVET policy is in harmony with the Namibian Constitution Article 20, ensuring the right to education for all individuals. Additionally, it aligns with the Basic Education Act No 3 of 2020, emphasizing equitable, inclusive, and quality education, along with promoting lifelong learning.

63. Recognizing the challenges within the TVET sector, particularly weak linkages with mainstream education, the policy adopts a strategic approach. This involves harmonizing and linking Pre-Vocational Education with TVET, with a specific focus on strengthening pre-vocational education in secondary schools. The policy aims to overcome challenges within the TVET sector and contribute to a more inclusive and skilled workforce.

64. The Ministry of Education, Arts and Culture has introduced basic pre-vocational skills course for learners with intellectual disabilities and also introduced vocational subjects in mainstream education. Schools offering technical and vocational subjects are also allocated additional resources as part of the Primary and Secondary Education Grants to ensure that activities are carried out.

Reply to paragraph 12 (h) of the list of issues

65. Response will be provided at a later stage.

Reply to paragraph 13 (a) of the list of issues

66. The Ministry of Labour, industrial Relations and Employment promote awareness and enforce compliance, in respect of the Basic Conditions of Employment and Health, Safety and Welfare of Employees. The Ministry is enforcing Section 3 and 4 of the Labour Act, 2007 (Act No. 11 of 2007) on prohibition and Restriction of Child Labour. To effectively address child labour and force labour, the Labour Inspectors conduct joint inspection in collaboration with the several key Ministries such as gender, justice, home affairs, education and health. The purpose of the workplace inspection by Labour Inspector is to ensure compliance with labour laws including checking for instances of child labour and forced labour in all sector of the economy. In addition, an Inter-Ministerial committee was established with the mandate to ensure the prohibition and elimination of any form of child labour extensively, and that child labour victims are protected, have access to education, and are effectively integrated with their families or into society. It also ensures the prosecution of suspected offenders and coordinates all initiatives relating to child labour in Namibia. All reported cases of child labour are investigated by the Namibian Police and children receive psychosocial support from social workers.

Reply to paragraph 13 (b) of the list of issues

67. The MGEPEWS has developed national strategy to address the challenges of children living and working on the street. Among the strategies target including reintegration of these children in schools and other social aspects of the society. The MGEPEWS allocates an annual budget for approximately 350 children who were living and working on the street to be reintegrated into schools. The Ministry provides stationeries, school uniforms, cosmetics, transport and educational materials to ensure the successful integration of these children into

schools. In addition, the Ministry has acquired a Farm (Farm Kaukurus) to implement programs for children living on working on the street who are not able to attend formal school. The purpose of the program is to upskill these young people and integrate them in the formal employment. The programs at the Farm are also extended to children with behavioural challenges and children in conflict with the law.

Reply to paragraph 13 (c) of the list of issues

68. The Child Justice Bill is amongst the bills which are to be tabled in the National Assembly during the first session in 2024 and notice to table the Bill was given in this regard. The government continues to protect and to promote the rights and welfare of persons deprived of their liberty. The Correctional Service Act, 2012 (Act No. 9 of 2012) is the governing law pertaining to persons deprived of their liberty. The government continues to make progress in ensuring that the rights and welfare of offender are protected and promoted in places of detention. The correctional facilities and condition in these facilities are in compliance with the Nelson Mandela Rules.

69. The Children's Advocate plays a pivotal role in relation to children in conflict with the law. The Children's Advocate is mandated in terms of Section 25 of the CCPA, 2015 (Act no. 3 of 2015) to receive and investigate complaints from any source including a child.

70. The Namibian Correctional Services in collaboration with other role players in the criminal justice system in Namibia introduced Community Services Orders (CSO) program in 2012 as a measure to reduce overcrowding in the correctional facilities. The NCS has rolled out CSO to forty six (46) courts out of a total number of seventy one courts nation wide. The NSC is planning to roll-out CSO to seven courts in Omaheke and Karas regions during the 2023/2024 financial year. The average period an inmate is detained in pre-trial detention varies from six (6) months to two (2) years.

Reply to paragraphs 14 (a), (b), (c) and (d) of the list of issues

The Prohibition of Torture Bill

71. The State Party has drafted the Prevention of Combating Torture Bill to give effect to Namibia's obligations under the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) to criminalise offences of torture and other forms of cruel, inhuman, and degrading treatment. This Bill is currently being reviewed by the Ministry of Justice to address some concerns raised by the National Assembly concerning, amongst others, appropriate penalties for torture, before it can re-tabled in Parliament.

The Combating of domestic violence amendment Act and the Combating of the Rape Amendment Act

72. Other new laws are the Combating of Domestic Violence Amendment Act, (Act No. 6 of 2022) and the Combating of Rape Amendment Act, (Act No. 4 of 2022).

73. The substantive Combating of Domestic Violence Act was amended to strengthen and insert a definition of "primary caretaker"; to extend the scope of "domestic relationship" to the primary caretake of a child and clarify that a domestic relationship between a child and a parent continues even after the child attained the age of 18 years; to strengthen safeguards against intimidation of complainants; to clarify the necessity to show urgency in order to obtain an interim protection order on an ex parte basis; to amend procedural matters relating to vulnerable witnesses, cross examination, of witnesses and the admissibility of previous statements of children to proceedings relating to protection orders; to amend the terms of protection orders so as to add provisions relating to the location or relocation of content of a joint residence, directing the respondent not to interfere with legal custody of or control over a child and directing the responded to take part in a counselling or treatment programme; to provide a maximum period pertaining to exclusive occupation of a shared residence on communal land; to provide for the issuing of emergency protection order; to provide for notification of any breach of a protection order to the court; to provide that temporary

maintenance orders included in protection order be treated in the same way as maintenance orders under the Maintenance Act, 2003; to clarify that criminal proceedings for a domestic violence offence may be initiated simultaneously with proceedings for a protection order; to provide for the initiation of procedure for suspending a firearm licence in relation to a person involved in the commission of a domestic violence offence; and to provide for incidental matters.

74. The substantive Combatting Rape Act was amended to strengthen and to provide for:

- Additional coercive circumstances for rape; to amend certain minimum sentences for rape; to clarify that the minimum sentences for rape apply equally to rape under the common law as well as attempt; conspiracy and incitement to commit rape; to require that a court shall not draw any inference only from the absence of evidence of the rupture of the hymen; to empower the court to impose conditions upon bail relating to contact necessary to protect the complainant; to amend the Criminal Procedure Act, 1977, so as to provide for additional duties of the prosecutor towards complainants and vulnerable witnesses before commencement of trials; to empower the minister responsible for justice to make regulations to provide for protection of complainants and to impose further duties in that regard; to amend the Combating of Immoral Practices Act, 1980 in order to remove the defence of marriage from sexual offences with a child, to amend the Correctional Services Act, 2012, in order to clarify that all forms of rape are scheduled offences; to provide for matters incidental thereto.

Latest bills

75. Apart from the bills that were mentioned in the report, amongst other, other bills that are ready to be tables in parliament for the year 2024/2025 are as follows:

- (a) Divorce Bill.
- (b) Child Justice Bill.
- (c) Ombudsman Bill.
- (d) Marriage Bill.
- (e) Civil Registration Bill.
- (f) Public Gathering and Demonstration Bill.
- (g) Regularization of status of Certain Residents their Foreign Spouses and their Descendants Bills.
- (h) Namibia Energy Regulator Bill.
- (i) Electricity Bill.
- (j) Roads Bill.
- (k) National Equitable Economic Empowerment Bill.
- (l) Land Bill.
- (m) Vehicle Mass Bill.
- (n) Regional Constituency Development Fund Bill.
- (o) Health Profession Bill.

New institutions and their Mandates or institutional reforms

76. The Witness Protection Act, 2017, (Act No. 11 of 2017) is not in operation, the Ministry of Justice has established a Witness Protection Unit. The function of the unit is to formulate regulations, policies, agreements and to oversee all operational activities to ensure full implementation of the said Act.

77. Recently introduced policies, programmes and actions plans, their scope and the financing provided for their implementation.

78. Information below was provided by the Ministry of Gender Equality, Poverty Eradication and Social Welfare in respect of the list of issues to the International Covenant on Civil and Political Rights (ICCPR).

79. In compliance with the Child Care and Protection Act, (Act No. 3 of 2015) (CCPA), the MGEPEWS has set up a national program to identify and register prospective adoptive and foster parents. The programs culminate from the provision of the CCPA, which obligates the State to decriminalize baby abandonment by desperate parents and to offer alternative care options to their children.

80. The National Action Plan on Combating Trafficking in Person 2023–2027 was officially launched on the 28 July 2023. This Action Plan was developed to ensure that actions are taken to protect and to ensure the safe return of Victims of Trafficking (VOTs). This plan enhances a coordinated and efficient response to combating trafficking in persons in Namibia, it also ensures the operationalization of the Combating of Trafficking in Person Act, (Act No. 1 OF 2018), to confront suspicious TIP activities as well as provide prevention measures necessary for TIP and protection victims and potential victims.

81. A National Plan of Action (2022–2025) to prevent and respond to violence against children is in place. It is aligned to strategies for ending violence against children and sets out the government intend to make homes, schools, and communities safer for children.

Recent ratification of human rights instruments

82. The Government of the Republic of Namibia has not recently ratified human rights instruments. Suffice to reiterate that, the Republic of Namibia has signed, acceded, and ratified seven of the nine core international human rights treaties and conventions.

83. Ministry of Justice and MGEPEWS has facilitated discussions with the Hague Secretariat and key stakeholders, with the intention of supporting Namibia to acceded to the outstanding Hague Conventions on children which are those concerned with:

- (a) Hague Convention on the Civil Aspects of International Child Abduction.
- (b) Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.
- (c) Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Reply to paragraphs 15 of the list of issues

84. Namibia invests a significant share of its budget in various sectors that provide direct services to children. These include the education, health, youth and social sectors. The table below illustrate the various budget allocations per year.

<i>Sector</i>	<i>2020/2021 (N\$ – billions)</i>	<i>2021/2022 (N\$ – billions)</i>	<i>2022/2023 (N\$ – billions)</i>
Education	14.1	13,7	14.2
Health	7.95	8.08	8,4
Social Grants	5.3	5.4	6.4
Youth and Sports	283 208 mil	278 750 mil	473 224 mil

Reply to paragraphs 16 and 17 of the list of issues

85. All data will be provided during the live session.

Reply to paragraph 18 of the list of issues

86. The Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPEWSW) has worked tirelessly to ensure that children actively participated in the development of policies, laws and national strategies that address child protection issues in the country. Children form part of the Permanent Taskforce on children and contribute actively to the debates and issues that affect children. Other platforms where children are also represented and where they actively engage in meaningful discussions include the Junior Town Councils and the Children Parliamentarians.

Reply to paragraph 19 of the list of issues

87. All data will be provided during the live session.

Reply to paragraph 20 of the list of issues

88. None.
