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Namibia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	11 Nov. 1982	None	Individual complaints (art. 14): No
ICESCR	28 Nov. 1994	None	–
ICCPR	28 Nov. 1994	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	28 Nov. 1994	None	–
ICCPR-OP 2	28 Nov. 1994	None	–
CEDAW	23 Nov. 1992	None	–
OP-CEDAW	26 May 2000	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	28 Nov. 1994	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	30 Sept. 1990	None	–
OP-CRC-AC	16 April 2002	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	16 April 2002	None	–
CRPD	4 Dec. 2007	None	–
OP-CRPD	4 Dec. 2007		Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Namibia is not a party: OP-ICESCR,³ OP-CAT, ICRMW and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except the 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	No

1. The Committee on Elimination of Discrimination against Women (CEDAW) in 2007⁸ and the Committee on Elimination of Racial Discrimination (CERD) in 2008⁹ encouraged Namibia to consider ratifying ICRMW.

2. In 2010, the United Nations High Commissioner for Refugees (UNHCR) recommended that Namibia accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.¹⁰

B. Constitutional and legislative framework

3. In 2004, the Human Rights Committee (HR Committee) noted with concern that the crime of torture was not defined in domestic criminal law and was still considered a common law offence to be charged as assault or *crimen injuria*. It recommended that Namibia, as a matter of priority, make torture a specific statutory crime.¹¹ In 1997, the Committee against Torture (CAT) expressed similar concerns.¹²

4. In 2008, CERD was concerned that the definition of racial discrimination in the Racial Discrimination Prohibition Act of 1991 was not completely consistent with article 1 of the Convention. It recommended that Namibia ensure that its domestic law is in conformity with the Convention,¹³ and also review its laws in order to prevent, combat and punish hate speech by countering any tendency to target, stigmatize, stereotype or profile persons and communities on the basis of race, colour, descent, or national or ethnic origin.¹⁴

C. Institutional and human rights infrastructure

5. The Office of the Ombudsman of Namibia was accredited with “A” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2003, which was reconfirmed in April 2006.¹⁵

6. The HR Committee in 2004¹⁶ and CERD in 2008¹⁷ encouraged Namibia to take all necessary steps to strengthen the legislative mandate and the capacity of the Office of the Ombudsman, so that it effectively fulfilsits mandate. In 2010, the United Nations

Children's fund (UNICEF) noted the need for sensitization of staff of the Office of the Ombudsman on children's issues and the Convention on the Rights of the Child.¹⁸

D. Policy measures

7. In 2005, Namibia adopted the United Nations Plan of Action (2005–2009) for the World Programme for Human Rights Education focusing on the national school system. Human rights education is integrated in the national curriculum and in educational standards. The National Curriculum for Basic Education provides a legal basis for human rights and democracy education. A national human rights and democracy education programme has been implemented since 1999 with the assistance of UNESCO.¹⁹

8. In 2008, CERD urged Namibia to ensure that its integration policies and programmes respect and protect the cultural identities of persons belonging to national or ethnic minorities; and ensure the participation of these groups in the design and implementation of integration policies and programmes, at both national and local levels.²⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2007	Aug. 2008	Overdue since 2009.	Thirteenth to fifteenth reports due in 2012.
CESCR	–	–	–	Initial report overdue since 1997.
HR Committee	2003	July 2004	Overdue since 2005.	Second report overdue since 2008.
CEDAW	2005	Jan. 2007	–	Fourth and fifth reports overdue since 2009.
CAT	1996	May 1997	–	Second report overdue since 1999.
CRC	1992	Jan. 1994	–	Second and third reports received in 2009.
OP-CRC-AC	–	–	–	Initial report overdue since 2004.
OP-CRC-SC	–	–	–	Initial report overdue since 2004.
CRPD	–	–	–	Initial report overdue since 2009.

9. In 2008, CERD noted that the report submitted by Namibia was almost 10 years overdue and invited it to observe the deadlines set for the submission of its future reports.²²

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	–
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	Visit requested in 2010 by the Independent Expert on human rights obligations related to access to safe drinking water and sanitation.
<i>Facilitation/cooperation during missions</i>	–
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 4 communications were sent. The Government replied to 1 communication.
<i>Responses to questionnaires on thematic issues</i>	Namibia responded to none of the 23 questionnaires sent by special procedures mandate holders. ²³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. In 2007, CEDAW expressed concern about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society. It was also concerned that the Traditional Authorities Act which gives traditional authorities the right to supervise and ensure the observance of customary law, may have a negative impact on women in cases where such laws perpetuate the use of customs and cultural and traditional practices that are harmful to and discriminate against women.²⁴

11. While noting the establishment of a Law Reform and Development Commission which is charged with, inter alia, the review of discriminatory laws dating back to colonial times, CERD, in 2008, reiterated its concern about the discriminatory character of some Namibian laws that remain in force, including with regard to the administration of intestate inheritance. It also remained concerned about aspects of customary laws of certain ethnic groups on personal status that discriminate against women and girls, including laws pertaining to marriage and inheritance.²⁵

12. While noting the reason why Namibia recognized only one official language, namely English, in 2004 the HR Committee was concerned that those persons who did not speak the official language might be discriminated against in the administration of public affairs and in the administration of justice. It recommended that Namibia take measures to ensure, to the extent possible, that persons who only speak non-official languages used widely by the population were not denied access to public service and that it undertake measures to protect the use of such languages.²⁶

2 Right to life, liberty and security of the person

13. Since its establishment, the Working Group on Enforced or Involuntary Disappearances transmitted three cases to the Government of Namibia. The Government responded to two cases. However, the three cases remained outstanding.²⁷

14. In 2004, the HR Committee requested Namibia to consider establishing an independent body which would be able to visit all places of detention and conduct investigations into violations of rights and abuses in prisons and places of detention, as well as to investigate acts of police brutality in general.²⁸

15. On 21 October 2009, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health together with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government regarding the forced sterilization of women living with HIV in government-run hospitals. According to the information received, forced and coerced sterilization might be systematic and part of a larger strategy to prevent mother-to-child transmissions of HIV.²⁹ The Government has not yet replied to this communication.

16. In 2007, CEDAW was concerned that violence against women remained a serious problem. It was also concerned that no statistical data and information were provided to measure the impact and effectiveness of Namibia's legal and policy measures aimed at preventing and redressing violence against women. It called upon Namibia to 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. It also called upon Namibia to ensure that all violence against women was effectively prosecuted and adequately punished.³⁰

17. In 2008, CERD was concerned about the high incidence of rape of San women by members of other communities, which seemed to be caused by negative stereotypes, and it regretted the lack of detailed information provided by Namibia on this issue. It recommended that Namibia adopt all necessary measures to ensure prompt, thorough and independent investigations into all allegations of rape against San women. It also urged Namibia to increase its efforts aimed at combating prejudices against the San and to promote tolerance and foster intercultural dialogue among the different ethnic groups of Namibia.³¹

18. In 2010, UNICEF noted that violence against children remained widespread. The response of the legal system in cases of rape and gender-based violence remained inadequate, especially concerning the reporting of cases and follow-through to the courts. Lack of trained social workers, heavy workloads and time-consuming administrative tasks impacted on the effectiveness and quality of services provided to orphans and vulnerable children.³²

19. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) expressed concern for the large number of children under the minimum age of 14 who were engaged in economic activities. The Committee requested Namibia to pursue its efforts within the Action Programme to Eliminate Child labour in Namibia 2008–2012 to ensure that, in practice, children under the age of 14 would not engage in child labour.³³ The Committee also requested Namibia, so as to be consistent with Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to take measures to prohibit the use, procuring or offering of both boys and girls for prostitution,³⁴ and to prevent children affected by HIV/AIDS from being engaged in the worst forms of child labour.³⁵

20. In 2010, the ILO Committee of Experts stated that children were trafficked from third countries to Namibia for livestock and child-minding work and that children were trafficked within Namibia for work in agriculture, road construction, vending and commercial sex work. It noted that, because of the absence of a specific provision on human trafficking in Namibia, no prosecutions or convictions were recorded for trafficking in persons and urged Namibia to take the necessary measures to ensure that the draft Child Care and Protection Bill, which related to child trafficking, is adopted in the near future.³⁶

3. Administration of justice, including impunity, and the rule of law

21. In 2004, the HR Committee was concerned that Namibia was not fully complying with the obligation to ensure the right to be tried without undue delay, especially taking into account the backlog of cases that remain pending. It recommended that Namibia undertake urgent steps to guarantee that trials take place within a reasonable period of time, and that special measures be taken to address the backlog of cases, in particular through the necessary increase in the number of judges.³⁷

22. In 2010, UNICEF noted that juvenile offenders under the age of 18 were tried in special, closed courts. Diversion programmes aim to prevent the imprisonment of children. Successful completion of programmes leaves the child without a criminal record. UNICEF also noted that the Office of the Ombudsman found that the majority of detention centres did not have separate facilities for children though and that the prison infrastructure was poorly prepared to meet CRC requirements.³⁸

4. Right to privacy, marriage and family life

23. In 2007, CEDAW called upon Namibia to review the Married Persons Equality Act with a view to eliminating discrimination against women in customary marriages related to property rights in order to bring such rights into line with those in civil marriages. It also called upon Namibia to take all necessary steps in order to draft a bill on the registration of customary marriages.³⁹ In 2004, the HR Committee expressed similar concerns.⁴⁰

24. In 2004, the HR Committee noted the absence of anti-discrimination measures for sexual minorities, such as homosexuals and recommended that Namibia consider, while enacting anti-discrimination legislation, introducing the prohibition of discrimination on the ground of sexual orientation.⁴¹ For its part, the ILO Committee of Experts in 2010 regretted that the new Labour Act of 2007 did not prohibit discrimination on the ground of sexual orientation.⁴²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

25. In 2004, the HR Committee requested Namibia to take appropriate steps to prevent threats to and harassment of media personnel and journalists; ensure that cases of threat or harassment were investigated promptly and with the requisite thoroughness; and that suitable action was taken against those responsible.⁴³

26. In 2008, CERD recommended that Namibia strengthen its efforts to ensure the full participation of indigenous communities in public affairs at all levels. It encouraged Namibia to revise its electoral laws with a view to encouraging political parties to broaden their appeal to ethnic minorities and to include a minimum proportion of candidates from these groups.⁴⁴

27. While welcoming the adoption of the Affirmative Action Act of 1998 to encourage the participation of women in the workforce, and the Local Authority Act of 1992 to ensure higher representation of women in the decision-making process, CEDAW was concerned in

2007 that those temporary special measures were limited to the areas of employment and women's political representation at the local level.⁴⁵

6. Right to work and to just and favourable conditions of work

28. In 2010, the ILO Committee of Experts recalled that the Labour Act of 2007 excluded members of the Namibian prison service from its provisions and that the Prisons Service Act did not provide for the extension of the new Labour Act's guarantees to the Namibian prison service either. The Committee expressed the hope that the necessary legislative amendments to guarantee, to the prison services, the rights provided under Convention No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively would be adopted in the near future.⁴⁶

7. Right to social security and to an adequate standard of living

29. In 2010, the World Food Programme (WFP) stated that Namibia is a lower middle-income country with perennial food deficits, recurring droughts, high rates of malnutrition and high prevalence of HIV/AIDS.⁴⁷

30. In 2007, CEDAW expressed concern about the lack of access of women to adequate health-care services, including to sexual and reproductive health services; the widespread use of unsafe illegal abortions, with consequent risks on women's life and health; the steady increase in the number of HIV/AIDS infected women and the increasing rate of maternal mortality.⁴⁸ In 2010, UNICEF made similar observations.⁴⁹

31. Also in 2010, UNICEF highlighted that the right of every child to social security and an adequate standard of life remained a concern.⁵⁰ It indicated that trends in critical health related indicators were of major concern, with a high neonatal, infant and child mortality.⁵¹

8. Right to education

32. CEDAW in 2007⁵² and UNICEF in 2010⁵³ expressed concern about the high dropout rates of girls from formal education, teenage pregnancies ranking highly among the reasons for girls' school drop-out. UNICEF added that there remained a need for a strategy to address issues that challenged the completion of education by many girls.⁵⁴

33. In 2008, CERD urged Namibia to strengthen the implementation of its laws and policies aimed at the desegregation of education. In particular, it urged Namibia to increase its efforts aimed at reducing illiteracy, especially among the most marginalized communities.⁵⁵

34. In 2010, UNICEF also indicated that there was concern that the improvement in the quality of education lagged far behind the expansion in access, and that child-centred learning initiatives needed strengthening.⁵⁶

9. Minorities and indigenous peoples

35. In 2008, CERD was concerned about the lack of recognition of the rights of ownership of indigenous communities over the lands which they traditionally occupy or have occupied. It encouraged Namibia, in consultation with the indigenous communities concerned, to demarcate or otherwise identify the lands which they traditionally occupy or use, and to establish adequate procedures to resolve land claims by indigenous communities within the domestic judicial system while taking due account of relevant indigenous customary laws.⁵⁷ It also encouraged Namibia to strengthen its laws and policies aimed at ensuring that national parks established on ancestral lands of indigenous communities allow for sustainable economic and social development compatible with the cultural characteristics and living conditions of those indigenous communities. In cases where

indigenous communities have been deprived of their lands and territories traditionally owned, it recommended that Namibia take steps to return those lands and territories or to provide adequate reparation measures.⁵⁸

36. In 2008, CERD was also concerned that despite the special measures taken to reduce poverty and to progressively realize equal and sustainable development, discrimination on the grounds of ethnicity with regard to the enjoyment of economic, social and cultural rights persisted in Namibia.⁵⁹ It was further concerned about the high rate of HIV/AIDS infection among the San, their lack of access to identification documents, their low level of school attendance and their comparatively low life expectancy.⁶⁰ It recommended that Namibia conduct studies with a view to assessing and evaluating the level of enjoyment of economic, social and cultural rights by the different ethnic groups, based on which Namibia should strengthen its efforts in combating poverty among marginalized groups as well as its measures aimed at promoting equal opportunities for all persons.⁶¹

37. In 2010, the ILO Committee of Experts noted from the report on the mission to Namibia of the African Commission's Working Group on Indigenous Populations/Communities that the majority of the San population lacked access to means of earning cash income, had no work prospects and no access to education and basic services and was often subjected to unfair labour practices. The Committee understood that the members of the Himba communities also face serious economic and social marginalization resulting in various obstacles to their access to employment and occupation. The Committee requested Namibia to provide information on the specific measures taken to combat discrimination against the members of the San and Himba communities.⁶² In 2007, CEDAW raised similar concerns, in particular concerning the situation of rural women of all ethnic groups.⁶³ It recommended that Namibia pay special attention to the situation of those women by ensuring that they have access to education, health services and credit facilities and land and that they participate fully in decision-making processes, especially in the regional councils. It also urged Namibia to disseminate information on the Communal Land Reform Act of 2002 and to ensure that mechanisms are in place to monitor implementation of the Act.⁶⁴

10. Migrants, refugees and asylum-seekers

38. CERD in 2008⁶⁵ and UNHCR in 2010⁶⁶ recommended that Namibia remove its reservation to article 26 of the 1951 Refugee Convention and allow freedom of movement and residence to refugees and asylum-seekers. CERD also urged Namibia to respect refugees and asylum-seekers' right to identity documents, including by issuing official birth certificates to newborn children of asylum-seekers and refugees.⁶⁷ UNHCR recommended that Namibia also facilitate the repatriation of Namibian refugees residing in a neighbouring country.⁶⁸

III. Achievements, best practices, challenges and constraints

39. In 2010, UNICEF reported that the right of children to civic participation was widely respected. Most schools had Learners Representative Associations that acted as liaison between students and school administration. In 2007, the Namibian Parliament took the lead in establishing an annual Children's Parliament which brings children's issues to the attention of parliamentarians. The development of the new Child Care and Protection Bill was a good example for the involvement of children in political decision making. A Children's Reference Group was integral part of the public consultation process, ensuring that children's views were included.⁶⁹

40. In 2008, CERD acknowledged the difficulties with which Namibia has been confronted in eliminating racial discrimination following decades of its institutionalization during colonial occupation and welcomed Namibia's efforts to combat segregation and racial discrimination in various areas, particularly education.⁷⁰ It also welcomed the adoption of special measures in the context of the Durban Declaration and Programme of Action.⁷¹

41. The 2006–2010 United Nations Development Assistance Framework (UNDAF) indicated that the continued increase in HIV prevalence and the growing impact of AIDS was not only Namibia's foremost challenge to fulfilling rights to life and health, but also a threat to the fulfilment of all human rights in the nation. The negative impact of AIDS on health and longevity was the major factor contributing to a reduction in the population growth rate. Likewise, as a result of AIDS Namibia's life expectancy declined. Although the rate of new HIV infections may be slowing down, there were more people falling ill, dying and leaving behind a rising number of orphans and vulnerable children.⁷²

42. A Food and Agriculture Organization (FAO) 2009 report indicated that food security assessments conducted by WFP and the Government of Namibia in 2008 revealed high levels of chronic food insecurity in the flooded area, mainly in Caprivi, Ohangwena, Omusati, Oshana, and Oshikoto. The chronic food insecurity, understood as a long-term and persistent inability to meet minimum food requirements, was found to be linked to HIV and AIDS, structural poverty, and impact of recurrent natural disasters.⁷³ WFP also indicated that, even in good years, access to adequate food for marginalized and vulnerable populations remained a constant challenge contributing to an unacceptable level of malnutrition.⁷⁴

43. In 2010, the World Bank indicated that social and economic imbalances of the former apartheid system left a deep divide in Namibia and that the structure of the economy made job creation difficult, poverty and inequality remained unacceptably high, and human development challenges persisted.⁷⁵

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

44. In 2004, the HR Committee requested Namibia to provide information, within one year, on its response to recommendations regarding customary marriages and criminalization of torture.⁷⁶ No response has been received yet.

45. In 2008, CERD requested Namibia to provide information, within one year, on its follow-up to the recommendations concerning law reform, hate speech and rape of San women.⁷⁷ No response has been received yet.

V. Capacity-building and technical assistance

46. In 2007, CEDAW encouraged Namibia to take steps to ensure accurate recording of maternal deaths and to obtain assistance to this end from the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the World Health Organization (WHO).⁷⁸

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation;

- Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Concluding comments of the Committee of the Elimination of Discrimination against Women (CEDAW/C/NAM/CO/3), para. 33.
- ⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/NAM/CO/12), para. 26.
- ¹⁰ UNHCR submission to the UPR on Namibia, p. 3.
- ¹¹ Concluding observations of the Human Rights Committee (CCPR/CO/81/NAM), para. 11.
- ¹² CAT, *Official Records of the General Assembly, Fifty-second Session, Supplement No.44 (A/52/44)*, para. 239.
- ¹³ CERD/C/NAM/CO/12, para. 10.
- ¹⁴ *Ibid.*, para. 14.
- ¹⁵ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ¹⁶ CCPR/CO/81/NAM, para. 7.
- ¹⁷ CERD/C/NAM/CO/12, para. 25.
- ¹⁸ Ministry of Gender Equality and Child Welfare (2009) First, second and third Namibia Country Periodic Reports on the implementation of the United Nations Convention on the Rights of the Child and Two Optional Protocols 1997–2008. Windhoek.
- ¹⁹ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>, and an evaluation questionnaire from the Ministry of Education of Namibia dated 23 April 2010 at <http://www2.ohchr.org/english/issues/education/training/evaluationWPHRE.htm>.
- ²⁰ CERD/C/NAM/CO/12, para. 24.
- ²¹ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ²² CERD/C/NAM/CO/12, para. 4.
- ²³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ²⁴ CEDAW/C/NAM/CO/3, para. 16.
- ²⁵ CERD/C/NAM/CO/12, para. 11.
- ²⁶ CCPR/CO/81/NAM, para. 21.
- ²⁷ A/HRC/13/31, paras. 378–391. See also E/CN.4/2006/56, paras. 366–369.
- ²⁸ CCPR/CO/81/NAM, para. 14.
- ²⁹ A/HRC/14/20/Add.1, paras. 191–196, A/HRC/13/39/Add.1, para. 198, A/HRC/14/22/Add.1, paras. 245–250.
- ³⁰ CEDAW/C/NAM/CO/3, paras. 18–19.

- ³¹ CERD/C/NAM/CO/12, para. 23.
- ³² UNICEF submission to the UPR on Namibia, para. 13.
- ³³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Minimum Age Convention, 1973 (No. 138), 2010, Geneva, doc. No. (ILOLEX) 092010NAM138, eighteenth paragraph.
- ³⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010NAM182, fourth paragraph.
- ³⁵ Ibid., para. 21.
- ³⁶ Ibid., para. 2.
- ³⁷ CCPR/CO/81/NAM, para. 17.
- ³⁸ UNICEF submission to the UPR on Namibia, para. 14.
- ³⁹ CEDAW/C/NAM/CO/3, para. 29.
- ⁴⁰ CCPR/CO/81/NAM, para. 9.
- ⁴¹ Ibid., para. 22.
- ⁴² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010NAM111, first paragraph.
- ⁴³ CCPR/CO/81/NAM., para. 15.
- ⁴⁴ CERD/C/NAM/CO/12, para. 22.
- ⁴⁵ CEDAW/C/NAM/CO/3, para. 14.
- ⁴⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2010, Geneva, doc. No. (ILOLEX) 062010NAM098, second paragraph.
- ⁴⁷ WFP, Namibia Overview, available at <http://www.wfp.org/countries/namibia>
- ⁴⁸ CEDAW/C/NAM/CO/3, para. 24.
- ⁴⁹ UNICEF submission to the UPR on Namibia, para. 12.
- ⁵⁰ Ibid., para. 16.
- ⁵¹ Ibid., para. 11.
- ⁵² CEDAW/C/NAM/CO/3, para. 22.
- ⁵³ UNICEF submission to the UPR on Namibia, para. 10.
- ⁵⁴ Ibid., para. 18.
- ⁵⁵ CERD/C/NAM/CO/12, para. 13.
- ⁵⁶ UNICEF submission to the UPR on Namibia, para. 18.
- ⁵⁷ CERD/C/NAM/CO/12, para. 18.
- ⁵⁸ Ibid., para. 19.
- ⁵⁹ Ibid., para. 20.
- ⁶⁰ Ibid., para. 21.
- ⁶¹ Ibid., para. 20.
- ⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010NAM111, second paragraph.
- ⁶³ CEDAW/C/NAM/CO/3, para. 26.
- ⁶⁴ Ibid., para. 27.
- ⁶⁵ CERD/C/NAM/CO/12, para. 15.
- ⁶⁶ UNHCR submission to the UPR on Namibia, p. 3.
- ⁶⁷ CERD/C/NAM/CO/12, para. 15.
- ⁶⁸ UNHCR submission to the UPR on Namibia, p. 3.
- ⁶⁹ UNICEF submission to the UPR on Namibia, para.15. MGECW (2009), Ministry of Gender Equality and Child Welfare (2009) First, second and third Namibia Country Periodic Reports on the implementation of the UN Convention on the Rights of the Child and Two Optional Protocols 1997–2008. Windhoek.; UNICEF Namibia (2009), Annual Report 2009.
- ⁷⁰ CERD/C/NAM/CO/12, paras. 5–6.
- ⁷¹ Ibid., para. 7.
- ⁷² Namibia UNDAF 2006-2010, Windhoek, 2005, p. 4, available at http://www.undg.org/archive_docs/770-Namibia_UNDAF_-_2006-2010.doc.

- ⁷³ FAO Special Report FAO/WFP Crop, Livestock and Food Security Assessment Mission to Namibia 14 July 2009, available at <http://www.fao.org/docrep/012/ak334e/ak334e00.htm>.
- ⁷⁴ WFP, Namibia Overview, available at <http://www.wfp.org/countries/namibia>.
- ⁷⁵ World Bank, Namibia Country Brief, September 2010, available at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/NAMIBIAEXTN/0,menuPK:382303~pagePK:141132~piPK:141107~theSitePK:382293,00.html>.
- ⁷⁶ CCPR/CO/81/NAM., para. 24.
- ⁷⁷ CERD/C/NAM/CO/12, para. 33.
- ⁷⁸ CEDAW/C/NAM/CO/3, para. 25.
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