



Home Office

# **Country Policy and Information Note**

## **Namibia: Women fearing gender-based violence**

**Version 1.0**

**September 2021**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, and to provide a range of views and opinions which are compared and contrasted where possible, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

### **Feedback**

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance and welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

### **Independent Advisory Group on Country Information**

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 08 September 2021

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of gender-based persecution and/or serious harm by non-state actors because the person is a woman.

### 1.2 Points to note

1.2.1 Gender-based violence (GBV) includes, but is not limited to, domestic abuse, sexual violence including rape, 'honour crimes', and marriage related harm such as early or forced marriage, and women accused of committing adultery or having pre-marital relations.

1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. Anyone can experience domestic abuse, regardless of age, disability, gender identity, gender reassignment, race, religion or belief, sex or sexual orientation. Domestic abuse can also manifest itself in specific ways within different communities. However, to establish a claim for protection under the refugee convention or humanitarian protection rules, that abuse needs to reach a minimum level of severity to constitute persecution or serious harm.

1.2.3 For further guidance on assessing gender issues see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.1.4 Decision makers should question the person carefully to establish the following points at interview. These are not exhaustive or prescriptive, but will be relevant to assessing the asylum claim:

- The nature, occurrence, and frequency of the gender-based harm encountered, and who the perpetrator(s) were
- The status, reach and location of the perpetrator(s), including (where relevant) details and timings of the person's last contact with them
- Details of any assistance or protection the person obtained, or tried to obtain, from the state or other bodies/individuals (such as family, friends, or non-governmental organisations) or reasons why they did not seek assistance or protection.
- Socio-economic indicators to help explore the viability of internal relocation for example, the person's level of education, past employment, financial situation, cultural background, ethnic group and languages spoken, and areas lived in. Any previous relocation attempts (or reasons why the person did not) prior to coming to the UK
- The availability of family or community support in their home area or elsewhere.

2.1.5 For guidance on interviewing generally see the Asylum Instruction, [Conducting asylum interviews](#).

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## 2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave see the Asylum Instructions, [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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Decision makers must consider referring these cases to Special Cases Unit.

For guidance on SCU referrals, see [What is a special cases unit \(WIASCUC\) guidance](#) and [Special Case Unit referral form – in country cases](#).

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## 2.3 Convention reason(s)

- 2.3.1 Women are not considered to form a particular social group (PSG) in Namibia within the meaning of the Refugee Convention. This is because while they do share an innate characteristic that cannot be changed – being female – they do not have a distinct identity in Namibia due to their equality

in law and its application in practice, and the sufficiency of state protection. In general, society does not discriminate against women, meaning the group is not perceived as being different by the surrounding society.

- 2.3.2 In the absence of a link to one of the five Refugee Convention grounds necessary for the grant of refugee status, the question is whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.3.3 For further guidance on the five Refugee Convention grounds see the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).
- 2.3.4 For guidance on Humanitarian Protection see the Asylum Instruction, [Humanitarian Protection](#).

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## 2.4 Risk

### a. State treatment

- 2.4.1 The right to equality and freedom from discrimination because of a person's personal characteristics (including gender) is provided for in the Constitution, and domestic laws provide for protections against gender-based discrimination and violence. This includes laws that prohibit early marriage, discrimination and sexual harassment in the workplace, and legislation that criminalises sexual violence, rape and domestic violence and trafficking of persons. In addition to legal measures that protect the rights of women, the government has acknowledged that GBV remains a 'serious concern' and has published policies and education programmes to promote gender equality, such as the National Gender Policy (2010-2020) and the National Plan of Action on Gender-Based Violence (2019-2023) (see [Legal context](#) and [Government policies and programmes](#).)
- 2.4.2 Women participate in the political process and are represented in government, comprising 46% of Namibia's parliament in part due to legislation that aspires to equal representation. Women also have access to formal education resulting in high literacy rates and access to employment opportunities, including in skilled occupations and leadership roles. Namibia has one of the smallest income gaps between men and women globally, and in terms of gender parity, is currently ranked 6th in the Global Gender Gap Index 2021, above the UK in 23rd place (out of 156 countries) and top in Sub-Saharan Africa (see [Social, economic and political status](#) and [Government policies and programmes](#)).
- 2.4.3 In general, while women sometimes experience discrimination in some areas such as accessing land rights, inheritance and certain employment sectors, any discrimination that may be encountered is not sufficiently serious by its nature and repetition to reach the high threshold required to constitute persecution or serious harm (see [Social, economic and political status](#) and [Government policies and programmes](#) and [Enforcement and implementation of legislation](#)).
- 2.4.4 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

b. Societal treatment

- 2.4.5 Despite comprehensive gender equality legislation and strong state gender equality attitudes, patriarchal socio-cultural norms on gender roles still exist in some areas. Women are less likely to be the main wage earner, and traditional attitudes on the roles and responsibilities of women in the home and family remain. Declining marriage rates and increased numbers of single parent families, however, are contributing to a change in societal attitudes towards unmarried or single mothers, who do not generally face stigma.
- 2.4.6 In 2013, in the government's Demographic and Health Survey (DHS) (the most recent comprehensive dataset available), 28% of women and 22% of men believed that a husband is justified in beating his wife. Factors contributing to gender-based violence (GBV) generally include substance and alcohol abuse, cultural and religious practices, illiteracy and limited education, early marriage, unemployment and family history, can affect a woman's risk of experiencing gender-based harm (see [Cultural, family and religious attitudes](#), [Education, employment and financial equality](#), [Single and divorced women / mothers – statistics, trends and attitudes](#)).
- 2.4.7 Prevalence of GBV is difficult to assess from the data available, with sources differing in their methodology and analysis. Additionally, existing societal attitudes which blame or shame victims, may result in under-reporting of incidents or affect the content of answers women give in surveys about their experiences. In 2013, in the DHS, 33% of ever married women reported spousal (physical, sexual, and/or emotional) abuse. However, in 2017, (in a smaller survey by Afrobarometer), 91% of respondents reported they or their family had not experienced GBV in the preceding year (see [Domestic and public violence against women](#)).
- 2.4.8 Police recorded almost 6,000 GBV cases nationally in the year ending September 2020 (the highest rates being in the central Khomas region, with the largest population) including 896 rape cases and 74 gender-based killings. Other forms of GBV experienced by women and girls include domestic violence (which alongside rape is the most encountered form), sexual abuse, sexual harassment at work and trafficking of persons. The prevalence of child marriage (under 18) among girls is around 18%, and although more common in rural areas, the northern Kavango regions and among marginalised ethnic communities such as the San, is generally in decline (see [Domestic and public violence against women](#) and [Incidence of gender-based crime](#).)
- 2.4.9 GBV although reportedly widespread in Namibia, contains a wide spectrum of behaviour, much of which is not likely to be sufficiently serious by its nature and repetition to reach the high threshold of persecution or serious harm. However, it is for the person to show she has a well-founded fear of persecution or is at real risk of serious harm, with each case assessed on its own facts.
- 2.4.10 For further guidance on assessing risk, see the instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.2 There are specific statutory laws in place which provide penalties for domestic and sexual violence, broadly commensurate with the gravity of the offence, for example custodial sentences of up to 45 years for rape (including marital rape). Furthermore, legislation adopted since 2019 including the Child Care and Protection Act (Act 3 of 2015) and the Combating of Trafficking in Persons Act 1 of 2018 provide for the prevention of, and response to, trafficking of adults and children, and provide for penalties for the facilitation of child marriage. In 2020/21 the government proposed legislation to reinforce existing laws on GBV, including bills relating to the prohibition of torture and the Combating of Domestic Violence Act, and amendments to the Combating Rape Act of 2000 to allow for harsher prison sentences and to secure convictions, the latter of which has been tabled (but not yet enacted) in the National Assembly (see [Legislation](#) and [Domestic and public violence against women](#), [Enforcement and implementation of legislation](#), and [State attitude towards discrimination and gender-based violence](#)).
- 2.5.3 The government operates a generally effective criminal justice system, including the Namibian Police Force and an independent judiciary. GBV protection units are present across all 14 regions staffed with police, social workers, legal advisors, and medical personnel to handle and investigate cases, and provide services to victims and their families. Police services and magistrates' courts are reportedly available throughout the country, including in small towns although access may be more difficult for rural and San women (a generally marginalised community). Other factors hindering the reporting and handling of GBV cases and victims' subsequent access to justice, include the belief that police will not be helpful, empathic or give due attention and urgency to the case, a lack of police training and the length of the criminal justice process. Victims can also be influenced by family or their community to withdraw cases, or so they can be settled through traditional dispute resolution (see [Access to protection](#) and [Enforcement and implementation of legislation](#)).
- 2.5.4 In 2020 there was a decrease in reported GBV incidences including domestic killings, but a rise in reported rape. Of reported GBV incidents, the government demonstrates a serious effort to arrest, prosecute and convict perpetrators, although the prosecution and conviction of rape cases has been affected by limited police capacity and victim withdrawal. The courts generally enforced sentences of those convicted of GBV and examples of deterrent sentences in domestic caselaw, and public comments made by members of the judiciary, demonstrate the seriousness with which the courts view gender-based offending (see [Incidence of gender-based crime](#), [Enforcement and implementation of legislation](#) and [Domestic and public violence against women](#)).
- 2.5.5 The Combating of Domestic Violence Act allows for protection orders to be obtained in a magistrates' court to stop abuse, prevent contact, order the

payment of rent or maintenance to the victim, and restrict custody rights to children. Registration of domestic violence applications at the magistrates' courts by victims has risen over the last 3 years and over 5,000 interim protection orders and more than 2,600 final protection orders were issued in that period, although it is difficult to ascertain whether this is due to an increase in domestic violence, a greater willingness of victims to report harm and obtain protection, or an increase in effectiveness of criminal justice services (see [Incidence of gender-based crime](#), [Enforcement and implementation of legislation](#) and [Domestic and public violence against women](#))

- 2.5.6 Some victims of domestic violence have access to government shelters and support, although many shelters and safe houses remain closed due to staffing and funding shortfalls, and access for rural and marginalised communities can be difficult. In June 2021 there were said to be 8 operational shelters across the country. There are a number of non-governmental organisations (NGOs) operating throughout Namibia and working with the government to provide shelter, social services, medical and psychological care, and provision of other basic needs to victims of trafficking and GBV (see [Access to protection](#), [Shelters and witness protection](#) and [Assistance and support](#).)
- 2.5.7 The state has taken reasonable steps to prevent GBV by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, which is accessible to women and girls. In general, therefore, the state is willing and able to provide effective protection. However, an assessment of whether a person would be able to access assistance and protection must be carefully considered on the facts of the case.
- 2.5.8 For further guidance on assessing state protection see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Decision makers must give careful consideration to whether internal relocation is reasonable (or not unduly harsh) taking into account the person's individual circumstances.
- 2.6.2 Namibia is a relatively large country, about 3 ½ times the size of the UK, but with a small population estimated to be around 2.6 million. The largest city is Windhoek (with around 446,000 people) and the majority (55%) of people live in rural areas, in the north and northeast parts of the country. The law provides for freedom of internal movement and the government generally respects these rights, which apply equally to women (see [Freedom of movement](#)).
- 2.6.3 In general, there are parts of the country, such as (but not limited to) Windhoek, where a woman, including a single woman or one with children to support, would not face persecution or serious harm and could reasonably relocate to. This will be more likely to be viable if the woman can access accommodation and support networks, or is educated, skilled or wealthy enough to be able to support herself. Where a woman may seek to access a

government or NGO shelter, decision makers must not only have regard to the availability and accessibility of shelters/centres but also to the situation the woman may reasonably and foreseeably face after she leaves such centres. Each case must be considered on its own facts.

- 2.6.4 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 There are specific statutory laws in place which provide penalties for domestic violence, a generally effective and accessible criminal justice and legal system and access to shelters which demonstrate, in general the state is willing and able to provide effective protection. When considering certification, each case must be considered on its own facts.
- 2.7.3 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 14 June 2021

## 3. Legal context

### 3.1 The Constitution

3.1.1 Article 10 of The Constitution of The Republic of Namibia provides for equality between men and women and freedom from discrimination, including by sex (gender), and states:

‘(1) All persons shall be equal before the law.

‘(2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.’<sup>1</sup>

3.1.2 Article 23 includes the provision to advance previously disadvantaged groups, including women:

‘(2) Nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the police force, the defence force, and the prison service.

‘(3) 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.’<sup>2</sup>

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### 3.2 Legislation

3.2.1 The US Department of State 2020 Country Reports on Human Rights Practices: Namibia (USSD report 2020) noted that there is legislation that criminalises the rape of men and women (including spousal rape), prohibits domestic violence, sexual harassment in the workplace and civil marriage for under 18 year olds. Civil law prohibits gender-based discrimination, including in employment<sup>3</sup>.

3.2.2 The same USSD report outlined the types of behaviour covered by domestic violence legislation and the scope of available penalties: ‘Penalties for conviction of domestic violence--including physical abuse, sexual abuse, economic abuse, intimidation, harassment, and serious emotional, verbal, or psychological abuse--range from a token monetary fine for simple offenses

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<sup>1</sup> The Republic of Namibia, [The Constitution](#), (article 10), 21 March 1990

<sup>2</sup> The Republic of Namibia, [The Constitution](#), (article 23), 21 March 1990

<sup>3</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

to sentences of 10 years' imprisonment, a substantial monetary fine, or both for assault with intent to cause grievous bodily harm.<sup>4</sup>

3.2.3 The Legal Information Institute, on its undated webpage on women and justice in Namibia, listed legislation which covers gender discrimination (including in employment), sexual violence and rape, trafficking in persons, harmful traditional practices, property and inheritance rights, reproductive health rights, domestic and intimate partner violence, forced and early marriage and divorce<sup>5</sup>:

- [Local Authorities Act](#) (1992)
- [Combating of Immoral Practices Act](#) (1980)
- [Social Security Act](#) (1994)
- [Communal Land Reform Act](#) (2002)
- [Affirmative Action \(Employment\) Act](#) (1998)
- [Co-Operatives Act](#) (1996)
- [Labour Act](#) (2007)
- [Maintenance Act](#) (2003)
- [Children's Status Act](#) (2006)
- [Married Persons Equality Act](#) (1996)
- [Abortion and Sterilization Act](#) (1975)
- [The Combating Rape Act](#) (2000)
- [The Combating Domestic Violence Act](#) (2003)

3.2.4 The government's National Action Plan on Women, Peace and Security 2019 - 2024 (NNAPWPS) published in 2019 listed further legislation such as the Defence Act (ACT1 of 2000), and Police Act 19 (1990) which address the protection of women<sup>6</sup>.

3.2.5 In their Sixth Periodic Report Submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) in May 2020, the Namibian government noted new legislation and policy frameworks relevant to protecting women's rights since it submitted its last report to the CEDAW in 2013, namely the enactment of the [Child Care and Protection Act, Act No.3 of 2015](#), the [Public Procurement Act, Act No. 15 of 2015](#) (see Section 69 and Section 70(3)), the [Witness Protection Act, Act No. 11 of 2017](#) (passed by Parliament not yet brought into force), and the [Combating of Trafficking in Persons Act, Act 1 of 2018](#)<sup>7</sup>.

For more detail on the laws see [Domestic and public violence against women](#) and [Implementation and enforcement of legislation](#).

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<sup>4</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>5</sup> Cornell Law School, [Legal Information Institute](#) (Namibia), no date

<sup>6</sup> Republic of Namibia, [NNAPWPS](#) (page 5), March 2019

<sup>7</sup> Republic of Namibia, [Report to CEDAW](#) (para 2), 18 September 2020

## 4. Social, economic, and political status

### 4.1 Socio-economic and political indicators

- 4.1.1 Namibia's population was estimated to be just under 2.5 million in 2019<sup>8</sup>, of which there were 1,285,665 women (approximately 51.5% of the total 2019 population)<sup>9</sup>. Most Namibians were educated, only 5% of women and 8% of men had no formal education<sup>10</sup> and 48% of women were educated to secondary level, compared to 44% of men<sup>11</sup>. Literacy rates were high in those over 15 years of age with 91.6% of males and 91.4% females being able to read and write (2018 estimate)<sup>12</sup>. Women and men were more likely to be literate in urban areas than those in rural areas<sup>13</sup>. Enrolment rates at university in 2020 were 30% for women and 15% for men<sup>14</sup>. 69.1% of women were in the labour force, as compared to 73.5% of men (2018 estimate)<sup>15</sup>. Women participated in government and constituted 46% of members of parliament in 2020<sup>16</sup>.
- 4.1.2 The majority of Namibians lived in rural areas (about 55%), mostly residing in the north and northeast parts of the country<sup>17</sup>. In 2013, when the most recent national Demographic and Health Survey took place, 75.5% of women and 59.7% of men did not own land, 64.9% of women and 42.7% of men did not own a house<sup>18</sup> and 44% of households were headed by women<sup>19</sup>. The maternal mortality rate was reported as high in Namibia<sup>20</sup>(see report for comparisons to other southern African countries), at 265 deaths per 100,000 live births in 2015<sup>21</sup>. The mean age of a mother at first birth was estimated at 21.5 years in 2013<sup>22</sup>. Life expectancy was longer for women and girls than for men<sup>23</sup> with the average life expectancy being 66.5 years for women and 60.7 years for men (2019 estimate)<sup>24</sup>. In 2019, the child mortality rate (under age 5) was estimated at 42.4 per 1000 live births<sup>25</sup> [compared to 3.7 for the UK<sup>26</sup>].
- 4.1.3 The paper by Nelago Indongo and Lillian Pazvakawambwa 'Perceptions of Women on Marriage in Namibia' published by Scientific Research in their Psychology Journal in 2015 noted 'Namibia has experienced very rapid

<sup>8</sup> The World Bank, [Namibia](#), no date

<sup>9</sup> The World Bank, [Population, female – Namibia](#), no date

<sup>10</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 16), 24 February 2021

<sup>11</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 71), 24 February 2021

<sup>12</sup> CIA, [World Factbook – Namibia](#) (People and Society), 8 June 2021

<sup>13</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 33), September 2014

<sup>14</sup> UN Data, [Social indicators](#), no date

<sup>15</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 63), 24 February 2021

<sup>16</sup> Genderlinks, [Namibia Narrowly Misses 50% Women In Parliament](#), 24 March 2020

<sup>17</sup> CIA, [World Factbook – Namibia](#) (People and Society), 8 June 2021

<sup>18</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 15), 24 February 2021

<sup>19</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 20), September 2014

<sup>20</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 16), 24 February 2021

<sup>21</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 77), 24 February 2021

<sup>22</sup> CIA, [World Factbook – Namibia](#) (People and Society), 8 June 2021

<sup>23</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 15), 24 February 2021

<sup>24</sup> The World Bank, [Life expectancy at birth, total \(years\)- Namibia](#), no date

<sup>25</sup> UNICEF, [Namibia Country Profile](#), no date

<sup>26</sup> ONS, [Child and infant mortality in England and Wales: 2019](#), 24 February 2021

socioeconomic development since independence in 1991. This has contributed [sic] to a significant improvement in the status of women through expanding education and participation in the modernized sectors of the labor force. Such changes have affected attitudes towards marriage and divorce, patterns of marriage, marital dissolution and the role and status of women in the family.<sup>27</sup>

- 4.1.4 The United Nations Development Programme (UNDP), joint report with the government of the Republic of Namibia (GRN) in the 'Namibia National Human Development Report 2019' (The UNDP report 2019) noted:

'Women and girls in Namibia hold overall higher levels of human development [people's opportunities and choices] than men and boys, placing Namibia among only 20 countries in the world where this holds true. However, despite longer life expectancy at birth for females than males, women remain at a disadvantage in income, health, and protection. Despite noticeable achievements regarding gender, gender-based inequalities persist in multiple dimensions in Namibia. These include: gender based violence and violence against children; gender-based economic inequalities; gender based inequalities in local representation; and unequal access of women to land rights.'<sup>28</sup>

- 4.1.5 The World Economic Forum's Global Gender Gap Index benchmarks the evolution of gender-based gaps among four key dimensions (economic participation and opportunity, educational attainment, health and survival, and political empowerment) and tracks progress towards closing these gaps over time. The Global Gender Gap Report 2021, published March 2021, noted that although no country had achieved full gender parity, Namibia was one of 7 that had closed at least 80% of their gender gap. Namibia is currently ranked 6th in the Global Gender Gap Index 2021, above the UK in 23rd place (out of 156 countries) and top in sub-Saharan Africa<sup>29</sup>. The report noted 'Namibia, ...[has] improved significantly (2.5 percentage points or more) [since 2019], allowing [it] to jump up by several places in the global ranking.'<sup>30</sup>

- 4.1.6 Minority Rights Group International on its undated profile on San (which references information at least up to November 2018) stated:

'They remain the most marginalized community in Namibia. Most San lack land rights and face rampant societal discrimination... Official estimates suggest that more than half (55.6 per cent) of San have never accessed formal education and so are illiterate... In general gender inequality is a growing problem among the San community. One reason for this is that the community has been increasingly influenced by the hierarchical structures within wider Namibian society, where men are typically placed above women.'<sup>31</sup>

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<sup>27</sup> Indongo, N. and Pazvakawambwa, L., '[Perceptions of Women...](#)' (Abstract), 2015

<sup>28</sup> UNDP, '[Namibia National Human Development Report 2019](#)' (page 15), 24 February 2021

<sup>29</sup> World Economic Forum, '[Global Gender Gap Report 2021](#)' (section 1.2, tables 1.2, 1.3), March 2021

<sup>30</sup> World Economic Forum, '[Global Gender Gap Report 2021](#)' (section 1.5.7), March 2021

<sup>31</sup> Minority Rights Group International, '[San](#)', no date

- 4.1.7 The Freedom House ‘Freedom in the World 2021’ report covering events in 2020 repeated its assessment from the previous year’s 2020 report (events of 2019)<sup>32</sup> that ‘women face widespread discrimination’<sup>33</sup> but did not provide any further detail.

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## 4.2 Cultural, family, and religious attitudes

- 4.2.1 The Namibia Ministry of Health and Social Services (MoHSS) most recent Demographic and Health Survey (DHS) 2013 (published in 2014), a source which many other sources refer to even in more recently published reports, stated:

‘Twenty-eight percent of women and 22 percent of men believe that a husband is justified in beating his wife for any of five specified reasons’. The report explained that these situations were ‘...if she burns the food, if she argues with him, if she goes out without telling him, if she neglects the children, and if she refuses to have sexual intercourse with him.’ The report also noted ‘There has been an improvement in women’s attitudes toward wife beating since the 2006-07 NDHS, when 35 percent of women agreed that wife beating is justified for at least one of the specified reasons.’<sup>34</sup>

- 4.2.2 As a comparison to other Sub-Saharan African countries, in answer to the same question in the DHS, 39% of women surveyed in Zimbabwe and 6% of those in South Africa believed that a husband was justified in beating his wife<sup>35 36</sup>.

- 4.2.3 Afrobarometer surveyed a nationally representative, random, stratified probability sample of 1,200 adult Namibians in November 2017 (a much smaller study than the 2013 MoHSS). Their report ‘Summary of Results Afrobarometer Round 7 Survey in Namibia, 2017’ found that 28% of people surveyed thought cultural and traditional values did ‘not at all’ contribute to gender-based violence in Namibia and 22% thought they contributed ‘a lot’. The remaining people surveyed felt it was somewhere in between or did not know<sup>37</sup>.

- 4.2.4 Afrobarometer, in analysis of their 2017 survey, stated:

‘On the whole, Namibians believe that the government is doing a good job on gender equality and prevention of gender-based violence, and more than two-thirds of citizens say that equal opportunities and treatment of women are better now than they were a few years ago.

‘That said, survey findings also demonstrate that much work remains to be done to ensure that Namibians fully experience the gender equality envisaged in Namibia’s Constitution and gender policies. Despite strong gender-equality attitudes, 14% of Namibians say they experienced discrimination based on their gender during the previous year, and a majority

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<sup>32</sup> Freedom House, [Freedom in the World 2020](#) (section F.4), 2020

<sup>33</sup> Freedom House, [Freedom in the World 2021](#) (section F.4), 2021

<sup>34</sup> MoHSS, ‘[Demographic and Health Survey 2013](#)’ (pages 288-289), September 2014

<sup>35</sup> SADHS, [DHS 2016](#) (p334), 2017

<sup>36</sup> Government of Zimbabwe, [DHS 2015](#) (p300), November 2016

<sup>37</sup> Afrobarometer, [Summary of Results for Namibia 2017](#) (page 54), 28 May 2018

believe that it is better for women to have the main responsibility of taking care of the home and children.’<sup>38</sup>

- 4.2.5 Namibia’s Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) report ‘Violence and Harassment in the World of Work in Namibia Rapid Assessment - Final Report 2019’ which used a combined methodology across 3 economic sectors in Windhoek, namely domestic workers, security, and the retail industry, with information obtained from both males and females noted ‘...a certain amount of victim shaming in the Namibian society, generally blaming women for any inappropriate sexual encounter, which could be a reason for female victims of sexual violence and harassment not to open up about their experiences.’<sup>39</sup>
- 4.2.6 Namibia’s 2019 National Action Plan on Women, Peace and Security (NNAPWPS) noted: ‘Gender based violence... [has its] roots in gender-based inequalities, gender stereotypes, patriarchal social norms and attitudes and harmful cultural practices.’<sup>40</sup>
- 4.2.7 The UN Human Rights Council in its Compilation on Namibia for the Human Rights Council Working Group on the Universal Periodic Review (UPR) 3–14 May 2021, dated 26 February 2021 (UN HRC Compilation on Namibia) stated: ‘The Independent Expert on older persons noted the persistence of certain harmful traditional practices and deep-rooted stereotypes regarding the roles and responsibilities of women and men within the family and society at large.’<sup>41</sup>
- 4.2.8 The same UN HRC Compilation on Namibia noted: ‘The Committee on Economic, Social and Cultural Rights noted that domestic violence and abuse were condoned or tolerated by the majority of the population... The Committee against Torture stated that Namibia should strengthen its efforts to raise awareness about violence against women and children, including by ensuring that children were educated about such violence...’<sup>42</sup>
- 4.2.9 In relation to discourse in the media, gender parity and gender-based violence were issues that were widely reported in national media (see [Bibliography](#)). The UNDP report 2019 analysed gender-based violence media coverage from April 2017 to April 2018 by the Namibia Media Monitoring Agency (NaMedia). The report noted:
- ‘... “abuse and domestic violence account for 26 percent of the time [and space] throughout print and broadcast media in Namibia”. Furthermore, it showed that GBV received more media coverage than other crimes. The analysis concludes that during the period under review, the results indicate that coverage of GBV cases in Namibia has increased, with Namibian newspapers devoting 29 percent of their news coverage to GBV news. The results are complicated, however, by the fact that two newspapers – The

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<sup>38</sup> Afrobarometer, [Though a leader in gender representation...](#) 24 July 2018.

<sup>39</sup> MLIREC, [Violence and Harassment in the World of Work in Namibia](#) (section 4.1), 2019

<sup>40</sup> Republic of Namibia, [NNAPWPS](#) (page 10), March 2019

<sup>41</sup> UN HRC, [Compilation on Namibia](#), (paragraph 23), 26 February 2021

<sup>42</sup> UN HRC, [Compilation on Namibia](#), (paragraphs 79 to 82), 26 February 2021

Namibian and the Namibian Sun – recorded “passion killings”, and “domestic violence” as separate categories.<sup>43</sup>

- 4.2.10 Namibia is estimated to be 80-90% Christian<sup>44</sup>. In sources consulted CPIT could not find any specific information on religious attitudes towards women in Namibian society (see [Bibliography](#)).
- 4.2.11 For more information on people’s opinions about other factors contributing to gender-based violence see the full Afrobarometer survey [Summary of Results for Namibia 2017](#).

See also [Single and divorced women / mothers – statistics, trends and attitudes](#) and [Domestic and public violence against women](#) and [Public campaigns against gender-based violence](#).

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### 4.3 Representation in government, political parties, and public roles

- 4.3.1 The USSD report 2020 repeated its assessment from 2019<sup>45</sup> that ‘No law limits participation of women...in the political process, and they did participate.’<sup>46</sup>
- 4.3.2 Maryam Quadri and Erika Thomas of the universities of Lagos and Namibia respectively, in their paper ‘Women and Political Participation In Namibia And Nigeria: A Comparative Analysis Of Women In Elective Positions’, published in the Journal of Humanities and Social Sciences, May 2018 stated: ‘Women politicians in Namibia have been able to increase [political] participation in spite of observable barriers. This is due to the adoption of some forms of legislation that helped women in gaining political relevance...The action of the [ruling SWAPO] party to execute the 50/50 zebra style that increased women’s representation on the party lists has empowered Namibian women politically.’<sup>47</sup>
- 4.3.3 The UNDP report 2019 noted ‘In 2018, Namibia was awarded the African Gender Award in recognition of the progress the country has made in promoting gender equality and the empowerment of women, and for promoting women’s representation in key decision-making positions.’<sup>48</sup>
- 4.3.4 The Freedom House ‘Freedom in the World 2021’ report focusing on events in 2020 stated: ‘The constitution guarantees political rights for all, and the government works to uphold these rights in practice. Namibia has made great strides in increasing female parliamentary representation; women held 46 National Assembly seats as of December 2020. Nevertheless, women are often discouraged from running for office and few women contested the November 2020 regional and local elections.’<sup>49</sup>
- 4.3.5 Genderlinks, a Southern African women’s rights non-governmental organisation, noted in March 2020 that women constituted 46% of Namibia’s

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<sup>43</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 61), 24 February 2021

<sup>44</sup> CIA, [World Factbook – Namibia](#) (People and Society), 8 June 2021

<sup>45</sup> USSD, [USSD report 2019](#) (section 3), 11 March 2020

<sup>46</sup> USSD, [USSD report 2020](#) (section 3), 30 March 2021

<sup>47</sup> Quadri, M, & Thomas,E, [Women And Political Participation...](#) (conclusion), May 2018

<sup>48</sup>UNDP, [Namibia National Human Development Report 2019](#) (page 60), 24 February 2021

<sup>49</sup> Freedom House, [Freedom in the World 2021](#) (section B.4), 2021

parliament after the November 2020 elections, up from 40% with 38% of cabinet ministers being women (compared to 28% in the previous cabinet). The same report stated: 'An analysis of Namibia's newly appointed cabinet indicates that women are now leading some of the traditionally male dominated ministries such as international relations, trade, education, justice and the presidency.'<sup>50</sup>

- 4.3.6 Genderlinks in their May 2020 policy brief, noted that national and local elections run on a Proportional Representation (PR) electoral system that is generally more favourable to women's representation than a First Past the Post (FPTP) basis, which is how regional elections are run, and accounts for the lower representation of women at regional level (17%). A legislated 30% quota for women at local but not national government level was noted<sup>51</sup>.
- 4.3.7 For statistical information on people's views on the representation of women in government see the Afrobarometer survey [Summary of Results for Namibia 2017](#)

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#### 4.4 Education, employment, and financial equality

##### 4.4.1 The MoHSS DHS 2013 stated:

'...there is a gap in educational attainment between females and males. Although the majority of the household population age 6 and older has some education, 12 percent of females have never attended school, as compared with 14 percent of males. Females have completed a median of 6.6 years of schooling, which is 0.6 years more than the median for males (6.0 years)... The percentage of females who have no education decreases from 43 percent among those age 65 and over to 2 percent among those age 10-19.'<sup>52</sup>

- 4.4.2 The UNDP report 2019 noted 'Women are more likely to reach higher levels of education than men. In most regions in Namibia, women tend to complete more years of schooling than men. Education disparities in Namibia are defined by the urban/ rural divide, regional variations and income/ wealth differences.'<sup>53</sup>

##### 4.4.3 In relation to employment, the MoHSS DHS 2013 noted:

'In Namibia, women are most likely to be employed in sales and services (58 percent), followed by professional, technical, or managerial jobs (19 percent) and clerical jobs (12 percent). By contrast, men are most likely to be employed in skilled manual work (33 percent), followed closely by sales and services (30 percent). Sixteen percent of men are engaged in professional, technical, or managerial jobs. Three percent of women and 9 percent of men work in agriculture.'<sup>54</sup>

- 4.4.4 The UNDP report 2019 noted 'Males are usually better off, earning more than females. According to the NSA [Namibia Statistics Agency], in 2015/16

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<sup>50</sup> Genderlinks, [Namibia Narrowly Misses 50% Women In Parliament](#), 24 March 2020

<sup>51</sup> Genderlinks, [50/50 Policy Brief Namibia](#), May 2020

<sup>52</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 23), September 2014

<sup>53</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 16), 24 February 2021

<sup>54</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 40), September 2014

only 43% of female headed households reported depending on salaries as a source of income, as opposed to 61.8% of male-headed households.<sup>55</sup>

- 4.4.5 The USSD report 2020 noted ‘Civil law prohibits gender-based discrimination, including employment discrimination. The government generally enforced the law effectively. Nevertheless, women experienced persistent discrimination in access to credit, salary level, owning and managing businesses, education, and housing’.<sup>56</sup>
- 4.4.6 Namibia’s Sixth periodic report submitted to the UN Committee on the Elimination of Discrimination against Women (CEDAW), published 18 September 2020 stated: ‘Women in Namibia have access to bank loans, mortgages and other forms of financial credit provided they meet the terms and conditions of such institutions. There are no laws or policies preventing women from having access to banking and credit services in the country.’<sup>57</sup>
- 4.4.7 On 9 December 2020 Namibia was the first African country to ratify the International Labour Organization’s (ILO) Domestic Workers Convention, 2011 (No. 189) to provide fundamental protections to domestic workers. The ILO News report stated: ‘In depositing [the ratification]...His Excellency Penda Naanda [Permanent Representative of Namibia to the United Nations Office at Geneva] stated that: “There are approximately 50,000 domestic workers in Namibia, constituting 7% of Namibian employees, of whom more than two-thirds are female. Despite their importance, domestic workers generally fall within the ranks of the lowest paid workers”.’<sup>58</sup>
- 4.4.8 The Global Gender Gap Report 2021 noted:  
‘Gender parity is ...progressing in the workplace, albeit more slowly [than in other areas such as health and survival, political empowerment, and educational attainment]...Relatively high participation in education, helps women to be employed in skilled occupations more than men (55.9%). Further, in parallel with the strong presence of women in politics, the integration of women in leadership roles in the workplace is also relatively advanced: 43.5%...the average income of a Namibian woman today [is] about 82.1% of that of a man, among the 10 smallest income gender gaps in the world.  
  
‘Income gaps, however, are still relatively large as there is still almost a 20% gap to close, and business leaders report a still relatively slow progress in reducing wage gaps..., highlighting persistent barriers to reward women at the same levels as men. Similarly, women still participate less in the job market than men. Only 57.2% of women were in the labour force in 2019...a gap of almost 10% separates women from men.’<sup>59</sup>
- 4.4.9 The UN HRC Compilation of information on Namibia, published 26 February 2021, repeating the assessment made by CEDAW in 2015<sup>60</sup> noted: ‘The [UN] country team ...stated that sex-based occupational segregation in the

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<sup>55</sup>UNDP, [Namibia National Human Development Report 2019](#), (page 18), 24 February 2021

<sup>56</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>57</sup> Republic of Namibia, [Report to CEDAW](#) (para 164), 18 September 2020

<sup>58</sup> ILO, [Namibia ratifies the Domestic Workers Convention...](#), 10 December 2020

<sup>59</sup> World Economic Forum, [Global Gender Gap Report 2021](#) (section 1.5.10), March 2021

<sup>60</sup> CEDAW, [Concluding observations on periodic reviews](#) (para 32), 24 July 2015

labour market prevailed and that the representation of women in managerial positions in the private sector remained very low.’<sup>61</sup>

- 4.4.10 For more detailed information and statistics on education, attainment and school attendance, including regional variations see the MoHSS [Demographic and Health Survey 2013](#) and [The UNDP report 2019](#). For more detailed information and statistics on gender parity comparisons globally, see the [Global Gender Gap Report 2021](#). See also [Sexual harassment](#)

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## 4.5 Nationality and citizenship

- 4.5.1 The OECD Social Institutions and Gender Index report (the SIGI report 2019), published in 2019 noted:

‘Citizenship rights are governed by both the [Constitution](#) and the [Citizenship Act \(Act 14 of 1990\)](#). Women, both married and unmarried, have the same rights as men in terms of acquiring and losing citizenship, and in transferring their citizenship to their children.

‘Women and men are equally able to register the birth of their child, and the state is required to adopt policies to promote legislative awareness. One challenge reported in the 2015 CEDAW report was that birth registration using the unmarried mother’s surname, and the subsequent transfer of nationality is difficult when the father is not present and the mother is not a Namibian citizen. This can affect her ability to register her children as Namibian citizens. The Committee noted concern regarding the requirement that both parents be present at registration, because it often had the impact of delaying birth registration (CEDAW, 2015). However, according to the Ministry of Home Affairs, where the couple is not married only the mother’s name is required (Office of the Prime Minister).’<sup>62</sup>

- 4.5.2 For more information on birth registration and statistics on the prevalence of holding a birth certificate, see section 2.6 of the MoHSS [Demographic and Health Survey 2013](#)

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## 4.6 Marriage, divorce, and inheritance rights

- 4.6.1 In relation to polygamous marriage, the MoHSS DHS 2013 found that ‘...Six percent of women report that their husbands have more than one wife. Rural women are more likely to live in a polygynous union than urban women... The proportion of women in a polygynous relationship declines with increasing education and, in general, with increasing household wealth’.<sup>63</sup>

- 4.6.2 The UNDP report 2019 noted:

‘In Namibia, 44% of rural households are headed by females. Most female landowners are widows who inherited the land from their husbands, typically following a major confrontation and possible interventions by the law; others obtained land through divorce or inheritance from families. Since the

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<sup>61</sup> UN HRC, [Compilation on Namibia](#), (para 53), 26 February 2021

<sup>62</sup> OECD, [SIGI 2019, Namibia](#) (section 4a), 2019

<sup>63</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 46), September 2014

promulgation of the Communal Land Reform Act in 2003, single women have been able to register their land without the consent of family members. Corruption in the land sector (and land administration in particular) hinders women's access to land ownership and affects their use of and control over the land... It is still difficult for women to secure land in urban areas.'<sup>64</sup>

- 4.6.3 Ndapewa F Nakanyete, Romie V Nghitevelekwa, Mark M Matsa, John Mendelsohn; Selma Lendelvo and Fanuel Shikale's paper 'Communal Land Tenure Security for Widows in the Eenhana Constituency of the Ohangwena Region, Namibia', published in the Journal of International Women's Studies, February 2020 noted:

'Widows are a particularly singled-out social group for legal protection, land security and rights to land enjoyed during their spouses' lifetimes, and are granted protection, at least on paper, from discriminatory practices such as unlawful land evictions... Through this case study, the findings establish that even though Namibia acclaims progressive policies and legislative frameworks on gender equality, there are still pockets of discrimination against widows where they continue to be at risk of losing their land rights in some of Namibia's communal areas.'<sup>65</sup>

- 4.6.4 The Freedom House 'Freedom in the World 2021' report stated: 'There are no legal barriers to women's access to land. However, customs regarding inheritance procedures and property rights limit women.'<sup>66</sup>
- 4.6.5 The USSD report 2020 noted: 'The law bases marital property solely on the domicile of the husband at the time of the marriage and sets grounds for divorce and divorce procedures differently for men and women. The law protects a widow's right to remain on the land of her deceased husband, even if she remarries. Traditional practices in certain northern regions, however, permitted family members to confiscate the property of deceased men from their widows and children.'<sup>67</sup>
- 4.6.6 The Global Gender Gap Report 2021 noted 'There are... inequalities in accessing financial and real estate assets and not all women have the same inheritance rights as men.'<sup>68</sup>
- 4.6.7 The Summary of Stakeholders' submissions on Namibia to the UN Human Rights Council Working Group on the Universal Periodic Review (UPR), 3<sup>rd</sup> cycle, published 18 February 2021 (Stakeholders' submissions on the UPR), in information provided in joint submissions from civil society organisations (JS2<sup>69</sup>) stated:

'...the draft bill on the Recognition of Customary Marriages which had been introduced many years ago, had yet to be adopted. This had resulted in a lack of formal recognition of customary marriages and no general protection

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<sup>64</sup>UNDP, [Namibia National Human Development Report 2019](#) (page 56), 24 February 2021

<sup>65</sup> Nakanyete, Ndapewa F et al, [Communal Land Tenure...](#) (Abstract), February 2020

<sup>66</sup> Freedom House, [Freedom in the World 2021](#) (section G.4), 2021

<sup>67</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>68</sup> World Economic Forum, [Global Gender Gap Report 2021](#) (section 1.5.10), March 2021

<sup>69</sup> Positive Vibes Trust, Women's Leadership Centre, Young Feminists Movement Namibia, Coalition of African Lesbians, AIDS and Rights Alliance for Southern Africa and, Sexual Rights Initiative, Geneva (Switzerland)

of property rights, leaving women married under customary law vulnerable during their marriage and in cases of divorce and death of their spouse. In addition, the failure to reform the archaic law on divorce, which was fault-based, had made it difficult and expensive to obtain a divorce.<sup>70</sup>

- 4.6.8 The UN HRC Compilation on Namibia dated 26 February 2021 stated: ‘The Human Rights Committee expressed concern about the high number of customary marriages that had not been registered, which deprived women and children of their rights, particularly in relation to inheritance and landownership.’<sup>71</sup>

See also [Child and forced marriage](#)

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#### 4.7 Single and divorced women / mothers – statistics, trends, and attitudes

- 4.7.1 The MoHSS DHS 2013 stated: ‘A large majority of respondents age 15-49 (60 percent of women ...) have never been married. Thirty-four percent of women... are currently married or living together with a partner as if married, while 7 percent... are divorced, separated, or widowed. The proportion of formerly married women increases with age.’<sup>72</sup>

- 4.7.2 Indongo and Pazvakawambwa’s 2015 paper noted in its conclusion:

‘...there is a social change in the Namibian society as reflected in the emerging marital patterns of declining marriages, rising cohabitation and rising singlehood...

‘A crucial factor that has led to increased childbearing amongst single women is the fact that increasingly, the stigma attached to bearing children out of wedlock is disappearing. It is no longer considered taboo for a woman to choose to have children outside the confines of marriage, in fact in some societies it is becoming a very normal occurrence. In more liberal and secular societies the stigma has been disappearing.’<sup>73</sup>

- 4.7.3 The Namibia Gender Analysis 2017 report by the Legal Assistance Centre (LAC) noted ‘Namibia has a low rate of marriage and a significant incidence of informal cohabitation. It is common for children to live in single parent situations, or to live apart from both parents (even where one or both parents are still living).’<sup>74</sup>

- 4.7.4 The Namibian, a Namibian newspaper, in the article Tackling Single Parenthood, 21 April 2017 noted:

‘While society might be more open and understanding of the plight of single parents, there are still those who ostracise and marginalise people precisely for this reason. Single parents are judged either because they were not able to make their relationships work or for having children out of wedlock. There have been instances where in some churches, single parents are treated like

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<sup>70</sup> UNHRC, [Stakeholders’ submissions](#) (para 29), 18 February 2021

<sup>71</sup> UN HRC, [Compilation on Namibia](#), (para 49), 26 February 2021

<sup>72</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 29), September 2014

<sup>73</sup> Indongo, N. and Pazvakawambwa, L. [Perceptions of Women...](#) (Conclusion) 2015

<sup>74</sup> LAC, [Namibia Gender Analysis 2017](#) (page 173), July 2017

they are less worthy than the rest of the congregation, forcing them to sit at the back and excluding them from certain church activities.’<sup>75</sup>

- 4.7.5 The Namibian Sun, a Namibian newspaper, in the article ‘Deadbeat dads’, 21 May 2019 noted:

“The absence of men as fathers in Namibia is a well-known fact,” James Itana of the Regain Trust told Namibian Sun. “Most children in Namibia are being raised by single mothers.”... Accessing grants and court orders to compel fathers to pay maintenance or help otherwise, is a near insurmountable challenge for many women who don’t have the financial, emotional or other resources required. “The procedures involved do tend to be lengthy and can deter parents from following through with their complaints,” Itana said. He advised that a number of organisations, including the Regain Trust, the Legal Assistance Centre and Lifeline/Childline as well as the gender ministry can assist.’<sup>76</sup>

- 4.7.6 The Central Intelligence Agency (CIA) in The World Factbook noted ‘The average age at first birth has stayed fairly constant, but the age at first marriage continues to increase, indicating a rising incidence of premarital childbearing.’<sup>77</sup>

See also [Marriage, divorce, and inheritance rights](#)

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#### 4.8 Healthcare, pregnancy and maternity, and reproductive rights

- 4.8.1 The MoHSS DHS 2013 stated:

‘Ninety-seven percent of women age 15-49 who gave birth in the five years preceding the survey received antenatal care from a skilled provider during the pregnancy for their most recent birth. Forty-three percent of women received antenatal care during their first trimester...

‘Twenty-eight percent of women report that getting money for treatment is a serious problem in accessing health care when they are sick; 31 percent indicate that distance to a health facility is a serious problem...

‘Forty-six percent of women indicate that they have sole decision-making power with respect to their own health care.’<sup>78</sup>

- 4.8.2 The SIGI 2019 report noted ‘Paid maternity leave is provided for by the Labour Act (Section 26) for a minimum of 12 weeks, paid entirely by the employer...Women’s positions are secured during maternity leave.’<sup>79</sup> SIGI and the USSD report 2020 noted there was no provision for paternity or other parental leave<sup>80 81</sup>.

- 4.8.3 [The Abortion and Sterilization Act 2 of 1975](#) (inherited from South Africa, which formerly controlled Namibia) provides the circumstances in which a

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<sup>75</sup> The Namibian, [Tackling Single Parenthood](#), 21 April 2017

<sup>76</sup> The Namibian Sun, [Deadbeat dads](#), 21 May 2019

<sup>77</sup> CIA, [World Factbook – Namibia](#) (People and Society), 8 June 2021

<sup>78</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 99 and 277), September 2014

<sup>79</sup> OECD, [SIGI 2019, Namibia](#) (section 2d), 2019

<sup>80</sup> OECD, [SIGI 2019, Namibia](#) (section 2d), 2019

<sup>81</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

woman can obtain an abortion or be sterilised. The Legal Assistance Centre (LAC) summarised that abortion is only allowed:

- ‘where continuing the pregnancy will endanger the woman’s life or constitute a serious threat to her physical or mental health
- ‘there is a serious risk that the child will suffer from a physical or mental defect that will result in an irreparable and serious handicap
- ‘the pregnancy resulted from rape, incest or unlawful carnal intercourse with a woman who has a severe mental incapacity.’<sup>82</sup>

4.8.4 Sarah N Mwatilifange submitted a research paper in 2017 to the University of Namibia titled ‘A Comparative Study of Men and Women’s Attitudes Towards the Legalization of Availability of Abortion on Demand: The Case of Youth Centres in Katutura, Windhoek.’ The research used a sample of 100 participants (50 males and 50 females from 5 youth centres) and found: ‘A noteworthy percentage of respondents (49%) would not advocate for abortion to be legalized on demand, regardless of the risks that accompany unsafe and illegal abortion practices’.<sup>83</sup>

4.8.5 In 2020 numerous sources reported on the debate to legalise abortion in Namibia<sup>84 85 86</sup>. In June 2020 a petition was posted to legalise abortion and was signed by multiple organisations and women’s groups<sup>87</sup>. In July 2020 protests by both pro and anti-abortion campaigners took place<sup>88</sup>. Opposition to reform came from religious groups, some women’s groups, and politicians<sup>89 90</sup> such as Gender minister Doreen Sioka who was said to be against the legalisation of abortion due to her Christian beliefs and values<sup>91</sup>. In June 2020 Health minister Kalumbi Shangula was reported to have said he was ‘pro-choice’ and the anti-abortion law should be scrapped<sup>92</sup>. A motion to debate reforming the law was put before Namibian parliament by Esther Muinjangu, deputy minister of health and social services, in June 2020 and as at November 2020 the government had yet to make public their decision on reform<sup>93</sup>.

4.8.6 The UN HRC Compilation on Namibia dated 26 February 2021 stated:

‘Expressing concerns about the cumbersome procedures for getting a legal abortion, the same Committee stated that Namibia should, inter alia, remove unwarranted requirements for gaining access to legal abortions, adopt and implement awareness-raising policies to combat the stigmatization of women and girls who seek abortions, guarantee the availability of good-quality

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<sup>82</sup> LAC, [Abortion](#) (current law), no date

<sup>83</sup> Mwatilifange, Sarah N. N., [A Comparative Study Of ...Attitudes](#), (Conclusions) September 2017

<sup>84</sup> LAC, [Abortion](#) (current law), no date

<sup>85</sup> The Herald, [Abortion debate heats up in Namibia](#), 29 June 2020

<sup>86</sup> CNN, [Abortion is legal in Namibia, but...](#), 27 November 2020

<sup>87</sup> CNN, [Abortion is legal in Namibia, but...](#), 27 November 2020

<sup>88</sup> CNN, [Abortion is legal in Namibia, but...](#), 27 November 2020

<sup>89</sup> LAC, [Abortion](#) (current law), no date

<sup>90</sup> NBC, [CCN describes legalisation of abortion as immoral](#), 1 July 2020

<sup>91</sup> The Namibian, [Shangula spells stance on Abortion](#), 24 June 2020

<sup>92</sup> The Namibian, [Shangula spells stance on Abortion](#), 24 June 2020

<sup>93</sup> CNN, [Abortion is legal in Namibia, but...](#), 27 November 2020

services for the management of complications arising from unsafe abortions and also guarantee immediate and unconditional treatment.’<sup>94</sup>

- 4.8.7 The UN HRC Compilation on Namibia, dated 26 February 2021 stated: ‘The Human Rights Committee stated that Namibia should ensure that women subjected to forced or coerced sterilization had access to reparation as well as to sterilization reversal where possible and that Namibia should adopt formal guidelines to ensure that the fully informed consent of a woman undergoing sterilization is systematically sought by medical personnel.’<sup>95</sup>
- 4.8.8 In sources consulted (see [Bibliography](#)) CPIT could not find data or statistics on the number or prevalence of forced or coerced sterilisation of women.
- 4.8.9 In relation to HIV, the Stakeholders’ submissions on the UPR, published 18 February 2021, the BCU Centre for Human Rights, City University Birmingham UK stated:
- ‘While noting that there were a number of legal provisions and policies in place to combat stigma and discrimination... BCU [BCU Centre for Human Rights, City University Birmingham UK] stated that the protections laid out in the Constitution and the National Policy on HIV/AIDS had not gone far enough to protect women and girls from stigma and discrimination. Stigma and discrimination had led to women and girls being afraid of seeking out testing for HIV and ultimately receiving antiretroviral treatment... and that Namibia had made significant progress in the prevention of mother to-child transmission of HIV.’<sup>96</sup>
- 4.8.10 The UN HRC Compilation on Namibia published 26 February 2021, the UN country team stated that ‘...Namibia had made tremendous progress by reaching or exceeding the...targets of the Joint United Nations Programme on HIV/AIDS (UNAIDS) among women.’<sup>97</sup>

See also [Cultural, family, and religious attitudes](#)

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#### 4.9 Lesbian, bisexual and trans women

- 4.9.1 For information on the situation for lesbian, bisexual and trans women, see the Country policy and information note [Namibia: Sexual orientation and gender identity and expression](#)

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Section 5 updated: 26 June 2021

## 5. Domestic and public violence against women

### 5.1 Overview

- 5.1.1 Sources provided information on gender- based violence generally, sometimes without stipulating the type of violence referred to and in some instances without specifying whether the abuse occurred in the public or domestic sphere. Where possible, CPIT has sought to distinguish the

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<sup>94</sup> UN HRC, [Compilation on Namibia](#), (para 72), 26 February 2021

<sup>95</sup> UN HRC, [Compilation on Namibia](#), (para 71), 26 February 2021

<sup>96</sup> UNHRC, [Stakeholders’ submissions](#) (para 40 and 42), 18 February 2021

<sup>97</sup> UN HRC, [Compilation on Namibia](#), (para 69), 26 February 2021

information by type of violence, but there remains generalisation (covered in this subsection) and overlap between other sections of this note.

- 5.1.2 The Afrobarometer 2017 survey asked respondents whether, in the year preceding, they, or anyone in their family had been a victim of gender-based violence, and if so, how often. The results were that 91% of those surveyed answered 'no', 8% answered 'yes' with the violence having occurred between one and 3 times in the preceding year. The remaining 1% answered 'don't know'<sup>98</sup>.
- 5.1.3 The United Nations Population Fund (UNFPA) in the undated publication 'Gender-Based Violence' on their Namibia website noted: 'Women and girls and in particular adolescent girls continue to experience gender based violence... Of particular concern is the sexual and gender based violence (SGBV) especially intimate partner violence against women and girls, sexual violence by non-partners and femicide.'<sup>99</sup>
- 5.1.4 Sources listed some of the causes of gender-based violence such as substance and alcohol abuse, harmful cultural and religious practices / traditions, illiteracy and limited education, the low status of women and unequal power relations, early marriages, unemployment and family history<sup>100 101 102</sup>.
- 5.1.5 The UNDP report 2019 stated 'The two most common forms of gender-based violence in Namibia are rape and domestic violence, both of which disproportionately affect Namibian women. However, domestic violence has a significant impact on Namibian children as well.'<sup>103</sup>
- 5.1.6 The MoHSS DHS 2013 showed the percentage distribution of those surveyed who had ever experienced physical or sexual violence committed by anyone, according to whether they sought help to stop the violence and among those who did not seek help, whether or not they told anyone about the violence<sup>104</sup>. Most of the women surveyed did not provide any information or said 'don't know' which narrows down the survey sample. The survey relies on self-reported data which might mean under-reporting of GBV incidents. Information (or lack of) provided, could depend on the individual's perception of what constitutes violence.
- 5.1.7 The MoHSS 2013 noted:  
'Overall, only 21 percent of women in Namibia who have ever experienced any form of physical violence have sought help from any source... 15 percent [of abused women] who sought help did so from the police...  
  
'The most common source of help for physical or sexual violence is the woman's own family. Forty-eight percent of abused women who sought help did so from their own family... 8 percent did so from their friends and 7 percent from a doctor or medical personnel. Social work organisations are a

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<sup>98</sup> Afrobarometer, [Summary of Results for Namibia 2017](#) (page 8), 28 May 2018

<sup>99</sup> UNFPA, [Gender-Based Violence](#), no date

<sup>100</sup> UNODC, [UNODC supports Namibia Police...](#), September 2019

<sup>101</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 61), 24 February 2021

<sup>102</sup> Republic of Namibia, [Report to CEDAW](#) (para 113), 18 September 2020

<sup>103</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 61), 24 February 2021

<sup>104</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 315), September 2014

source of help for only 5 percent of abused women. One in five women sought help from other unspecified sources. Notably few women seek help from neighbours, religious leaders, or their husband/partner.’<sup>105</sup>

- 5.1.8 Namibia’s 2020 report to CEDAW, formed of information taken from the National Gender Based Violence Baseline Study: Consolidation GBV prevention effort and fast-tracking Namibia’s response (2017) noted:  
‘There have been numerous cases in Namibia where violence between intimate partners ends with the murder of one of them, sometimes followed by the suicide of the abuser. ... Apart from intimate partner violence; different forms of violence are committed against women and girls including domestic violence, rape and other forms of sexual abuse, sexual harassment at work and school, some forms of trafficking in persons, forced prostitution, child marriages and some certain harmful traditional practices such as widow deprived of the property she shared with her husband.’<sup>106</sup>
- 5.1.9 In its January 2021 submission to the UN Committee on the Elimination of Discrimination against Women, the Namibian Ombudsman noted: ‘The ever-increasing number of gender based violence cases, is a matter of grave concern. Despite the existence of the Combating of Domestic Violence Act, 2003 that provides protection and mechanisms to protect women and children, violence against them remains widespread. Legislation alone is not enough, it only deals with the fact after commission of such violence; more is needed. Tolerance education should be considered an urgent imperative.’<sup>107</sup>
- 5.1.10 The last [Demographic and Health Survey](#) (MoHSS DHS 2013 ) took place in 2013. For more detailed statistics on gender-based violence including causation see the full report.

See also [State protection](#)

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## 5.2 Sexual harassment

- 5.2.1 The SIGI 2019 report explained:  
‘There is no overarching law related to sexual harassment. Sexual harassment is prohibited in terms of labour legislation, and the code of conduct for teachers in Namibia, however there are no prescribed criminal penalties (The Labour Act (Act 11 of 2007), Section 5(7)). Harassment is also defined as a crime in the Combating of Domestic Violence Act (Act 4 of 2003). Sexual harassment in the workplace is grounds for constructive dismissal, should the victim of harassment choose to resign as a result of the harassment (The Labour Act (Act 11 of 2007), Section 9).’<sup>108</sup>
- 5.2.2 The Ministry of Labour, Industrial Relations and Employment Creation ‘Violence and Harassment in the World of Work in Namibia Rapid Assessment - Final Report 2019’ (MLIREC 2019 report), covering violence and harassment in the workplace generally as well as gender-based, stated:

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<sup>105</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 316), September 2014

<sup>106</sup> Republic of Namibia, [Report to CEDAW](#) (para 110), 18 September 2020

<sup>107</sup> The Ombudsman: Namibia (NHRI), [Submission to CEDAW](#) (pages 2 and 3), January 2021

<sup>108</sup> OECD, [SIGI 2019, Namibia](#) (section 2d), 2019

‘As explained in section 4.1, the survey is likely to show a significant under-representation of the respondents’ direct experiences of violence and harassment in the world of work [109]. However, when asked not directly about their own experiences but about their ideas in general, as many as 72% of the female respondents agreed with the statement that sexual harassment at the workplace is a reality for most women in Namibia, with only 11% of the women disagreeing and 17% remaining neutral...’<sup>110</sup>

- 5.2.3 On 9 December 2020 Namibia was the first African country to ratify the International Labour Organization’s (ILO) Violence and Harassment Convention, 2019 (No.190). The News report by ILO on 10 December 2020 stated:

‘Convention No. 190 is the first international treaty to address violence and harassment in the world of work...In depositing the official instrument of ratification, His Excellency Penda Naanda [Permanent Representative of Namibia to the United Nations Office at Geneva] stated: “The adoption of Convention No.190 has introduced an important overall framework within which Namibia can address deep-seeded social problems that have a unique impact on the World of Work. For many years, our country has been grappling with the problem of sexual and gender-based violence and harassment...”’<sup>111</sup>

- 5.2.4 In the UN HRC Compilation on Namibia published 26 February 2021, the UN country team stated ‘... that although sexual harassment was defined in the Labour Act of 2007, it was not well understood and there was therefore a need to raise awareness through the development and popularization of sectoral sexual harassment policies in the workplace.’<sup>112</sup>
- 5.2.5 In sources consulted (see [Bibliography](#)), no information could be found on sexual harassment outside of the work environment.

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### 5.3 Domestic violence

- 5.3.1 The MoHSS DHS 2013 defined and outlined the types of behaviour that constituted domestic violence and highlighted the issue of underreporting:

‘Domestic violence, also known as domestic abuse, spousal violence, family violence, and intimate partner violence, is broadly defined as a pattern of abusive behaviours by one or both partners in an intimate relationship. Domestic violence, so defined, has many forms, including physical aggression (hitting, kicking, biting, shoving, restraining, slapping, or throwing objects) as well as threats, sexual and emotional abuse, controlling or domineering behaviours, intimidation, stalking, and passive or covert abuse (e.g., neglect or economic deprivation).

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<sup>109</sup> For example, due to the sensitivity of the topic, fear of job loss / income, fear of victimization or victim shaming. See section 4.1 of the report for full interpretation of the results.

<sup>110</sup> MLIREC, [Violence and Harassment in the World of Work in Namibia](#) (section 4.4), 2019

<sup>111</sup> ILO, [Namibia ratifies the Domestic Workers Convention...](#), 10 December 2020

<sup>112</sup> UN HRC, [Compilation on Namibia](#), (para 52), 26 February 2021

‘Domestic violence is an endemic problem in Namibia and may be the most underreported form of violence against both women and men and girls and boys residing in the country.’<sup>113</sup>

5.3.2 The MoHSS DHS 2013 in its key findings on domestic violence stated that:

‘Thirty-two percent of ever-married women age 15-49 have experienced physical violence at least once since age 15, and 14 percent experienced physical violence within the 12 months prior to the survey.

‘Overall, 33 percent of ever-married women age 15-49 report ever having experienced physical, sexual, and/or emotional violence from their spouse, and 28 percent report having experienced such violence in the past 12 months.

‘Among ever-married women who had experienced spousal physical violence in the past 12 months, 36 percent reported experiencing physical injuries.

‘Six percent of women reported experiencing violence during pregnancy.

‘Fifteen percent of Namibian women who have experienced violence have never sought help and never told anyone about the violence.’<sup>114</sup>

5.3.3 For a rough comparison (due to differences in definitions of domestic abuse and the time periods considered) the Office for National Statistics Crime Survey for England and Wales showed 8.1% of women aged 16 to 59 years had experienced domestic abuse within the year ending March 2020<sup>115</sup>.

5.3.4 The MoHSS DHS 2013, in the section on perpetrators of physical violence in a domestic context found: ‘The most commonly reported perpetrator of physical violence among ever-married women is their current husband (50 percent), indicating a high level of spousal violence. Twenty percent of women reported their former husband or partner as the perpetrator, and 10 percent reported others. Women were more likely to report mothers or stepmothers (9 percent) than fathers or stepfathers as perpetrators.’<sup>116</sup>

5.3.5 Africanews in its article [Namibian Governor Calls for Action Against Gender-Based Violence](#), 24 November 2020 reported on the 16 Days of Activism campaign against gender-based violence launched by the Ministry of Gender Equality, Poverty Eradication and Social Welfare. At the campaign the regional governor of the Khomas Region, Laura Veendapi McLeod-Katjirua stated: ‘... the rate of femicide is disconcerting and urgently requires serious action — as around 70% of women in the nation suffer some form of violence from their intimate partners.’<sup>117</sup> The source of this statistic could not be found, nor was it replicated in other sources consulted (see [Bibliography](#)).

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<sup>113</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 295), September 2014

<sup>114</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 99 and 277), September 2014

<sup>115</sup> ONS, [Domestic abuse in England and Wales overview: November 2020](#), 25 November 2020

<sup>116</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 299), September 2014

<sup>117</sup> Africanews, [Namibian Governor Calls for Action...](#), 24 November 2020

- 5.3.6 The USSD report 2020, repeating its assessment from 2019<sup>118</sup> noted ‘Gender-based violence, particularly domestic violence, was a widespread problem’ but did not quantify ‘widespread’<sup>119</sup>.
- 5.3.7 In the UN HRC Compilation on Namibia dated 26 February 2021 noted:  
‘The Committee on Economic, Social and Cultural Rights ...recommended, inter alia, that Namibia address the obstacles faced by victims of ...[domestic abuse and] violence in seeking remedies and obtaining protection. The Committee against Torture stated that Namibia should strengthen its efforts...[by] providing specialized training to police and law enforcement forces and ensuring the effective investigation, prosecution and punishment of perpetrators.’<sup>120</sup>

See also [Rape and sexual violence](#)

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## 5.4 Sexual violence, including rape

### 5.4.1 The MoHSS DHS 2013 noted:

‘7 percent of women age 15-49 have experienced sexual violence since age 15, and 4 percent experienced sexual violence in the 12 months prior to the survey... The most commonly reported perpetrator of sexual violence among ever-married women is their current husband (46 percent), again indicating a high level of spousal violence. Twenty-four percent of women reported their former husband or partner as the perpetrator, and 12 percent reported strangers. Seven percent of women reported experiencing violence from others and 6 percent from other relatives. Never married women most often reported strangers and others (27 percent and 21 percent, respectively) as perpetrators of sexual violence.’<sup>121</sup>

### 5.4.2 The SIGI 2019 report explained: ‘Rape is prohibited in terms of the Combating of Rape Act (Act 8 of 2000), and is defined as an intentional sexual act under coercive circumstances. Marital rape is prohibited (The Combating of Rape Act (Act 8 of 2000)). The minimum sentence as prescribed in this act is five years imprisonment... sentences range from ten to forty-five years...’<sup>122</sup>

### 5.4.3 UNODC in the September 2019 report noted: ‘...analysis of data over the past three years indicated that girls were more frequently victimized as compared to males... [Lieutenant-General Sebastian Ndeitunga, Inspector General of the Namibian Police Force ] cited statistics of rape cases of minors, indicating the increase in rape cases over the last 3 years.’<sup>123</sup>

### 5.4.4 The Namibian Investigative Unit (part of The Namibian newspaper) focuses on in depth journalism of national interest. In its report ‘Stricter laws on gender violence’ published 14 November 2019 noted proposed changes to rape sentences under the Combating of Rape Act and that ‘The government

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<sup>118</sup> USSD, [USSD report 2019](#) (section 6), 11 March 2020

<sup>119</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>120</sup> UN HRC, [Compilation on Namibia](#), (para 79-82), 26 February 2021

<sup>121</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 299-301), September 2014

<sup>122</sup> OECD, [SIGI 2019, Namibia](#) (section 2c), 2019

<sup>123</sup> UNODC, [UNODC supports Namibia Police...](#), September 2019

plans on tightening the laws on gender-based violence to allow for harsher prison sentences to be passed and to make it easier to secure convictions.<sup>124</sup> The Namibian reported on 3 March 2021 that amendments to the Combating Rape Act of 2000 had been tabled in the National Assembly<sup>125</sup>. In sources consulted, no further information could be found on the progress of the bill at the time of writing (see [Bibliography](#)).

- 5.4.5 The US Overseas Security Advisory Council (OASC) in the Namibia 2020 Crime & Safety Report, 22 April 2020 noted: 'Only a small fraction of rape cases are prosecuted and fewer still result in conviction'.<sup>126</sup>
- 5.4.6 The Stakeholders' submissions on the UPR published 18 February 2021, in information provided in joint submissions from civil society (JS2<sup>127</sup>), stated that '...gender based violence had continued to be extremely high and that in the recent months there had been a dramatic rise in rape and gender based violence cases.'<sup>128</sup>
- 5.4.7 The UN HRC Compilation on Namibia dated 26 February 2021 noted:  
'The United Nations country team stated that, despite the ongoing efforts, gender based violence, particularly the number of incidents of rape and intimate partner violence, was still a great concern...  
'The same Committee remained concerned by the prevalence of traditional practices that were harmful to women and girls, particularly the ritual of Olufuko, which involved child marriage and sexual initiation rites. It stated that Namibia should strengthen its efforts to eliminate harmful traditional practices by criminalizing them and prosecuting alleged perpetrators.'<sup>129</sup>
- 5.4.8 The Namibian Sun, in the report 'Violence against children endemic in Namibia', 17 May 2021 published results of a GBV against children survey conducted in 2019 by the Namibian Gender Equality Ministry:  
'Overall, 11.8% of girls have experienced childhood sexual violence that includes unwanted sexual touching, attempted sex in childhood, pressured or coerced sex in childhood as well as physically forced sexual encounters... data revealed that the most common location of the first incident of sexual violence in childhood is the school and home, places that are deemed safe, and most common perpetrators of first incidence of sexual violence in childhood are close friends, of which 30% are family members.'<sup>130</sup>

See also [Overview](#), [Domestic violence](#) and [Child and forced marriage](#)

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<sup>124</sup> The Namibian Investigative Unit, [Stricter laws on gender violence](#), 14 November 2019

<sup>125</sup> The Namibian, [Amendments to Rape Act on the table](#), 3 March 2021

<sup>126</sup> OASC, [Namibia 2020 Crime & Safety Report](#) (Personal Identity Concerns), 22 April 2020

<sup>127</sup> Positive Vibes Trust, Women's Leadership Centre, Young Feminists Movement Namibia, Coalition of African Lesbians, AIDS and Rights Alliance for Southern Africa and, Sexual Rights Initiative, Geneva (Switzerland)

<sup>128</sup> UNHRC, [Stakeholders' submissions](#) (para 47), 18 February 2021

<sup>129</sup> UN HRC, [Compilation on Namibia](#), (para 79-82), 26 February 2021

<sup>130</sup> The Namibian Sun, [Violence against children endemic in Namibia](#), 17 May 2021

## 5.5 Child and forced marriage

### 5.5.1 The SIGI 2019 report explained:

'The Constitution [Article 14] regulates marriage limiting it to those who have reached "full age" and requires that marriage should only be entered into with the free and full consent of intending spouses ... The legal age of marriage for both men and women in Namibia is 18, although adults under 21 require permission from their parents or a legal guardian, or where this cannot be acquired, they require special permission from the high court (The Marriage Act 25 of 1961, Article 26).' <sup>131</sup>

### 5.5.2 Indongo and Pazvakawambwa's 2015 paper noted 'The practice of early marriage was reported to be still happening especially in remote rural areas but was on the decline.' <sup>132</sup>

### 5.5.3 Namibia's 2019 NNAPWPS noted 'Forced marriages (of children and adults) are still prevalent in some regions.' <sup>133</sup>

### 5.5.4 The United Nations Populations Fund (UNFPA) reported on the publication of The Ministry of Gender Equality, Poverty Eradication and Social Welfare's (MGEPESW) [Child Marriage](#) report in October 2020. UNFPA stated: 'The report states that the prevalence of child marriage among girls in Namibia is 18.4%, while that for boys it is considerably lower, at 4.1%. By region, the highest prevalence of child marriage among girls was reported in the Kavango regions at 39.7%, while Kunene reported 24%, Zambezi 23.8%, Omaheke 23% and Otjozondjupa 22.6%.' <sup>134</sup>

### 5.5.5 The Namibian Sun reported on the publication of the same MGEPESW Child Marriage report. The article noted comments from Women's rights activist Rosa Namises who stated '... marginalised communities such as the San and Ovahimba are most at risk because of their deeply-rooted cultural beliefs...'. The article also referenced gender minister Doreen Sioka who '...condemned well-known traditional rituals, including the holy fire celebration of womanhood, arranged marriages and Olufuko, as harmful rituals. According to her, most of these practices take place at puberty and are primarily focused on preparing the girl for adulthood and marriage.' <sup>135</sup>

### 5.5.6 The Namibian in the article 'Child marriage report launched', 30 October 2020 also reported on comments by Sioka:

"The consequences of child marriages are grave, because findings indicate some cases are linked to gender-based violence, poor educational attainment, poor sexual and reproductive health outcomes, physical, emotional and sexual abuse, deprivation of childhood experiences and abandonment by husbands."...

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<sup>131</sup> OECD, '[SIGI 2019, Namibia](#)' (section 1a and 1b), 2019

<sup>132</sup> Indongo, N. and Pazvakawambwa, L. [Perceptions of Women...](#) (Abstract), 2015

<sup>133</sup> Republic of Namibia, [NNAPWPS](#) (page 10), March 2019

<sup>134</sup> UNFPA, [Ministry of Gender launches Child Marriage Report](#), 30 October 2020

<sup>135</sup> The Namibian Sun, [Child brides as young as 11](#), 12 November 2020

‘We have legislation to criminalise child marriages. We have a strong coordination system with other stakeholders and we are complying with the African charter on the rights and welfare of the child,’ she said.<sup>136</sup>

- 5.5.7 In sources consulted (see [Bibliography](#)) CPIT could not find specific information on attitudes to, or the consequences of refusing a marriage, or information on ‘honour’ crimes.

See also [Legal context, Cultural, family and religious attitudes](#) and [Single and divorced women / mothers – statistics, trends and attitudes](#)

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## 5.6 Other forms of gender-based violence and abuse

- 5.6.1 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019 drawing on 2013 information from UNICEF stated: ‘Female genital mutilation is not addressed in Namibian law or policy, but there is little evidence that this practice exists in Namibia...’<sup>137</sup>

- 5.6.2 UNICEF presented statistical profiles with the latest available data on Female Genital Mutilation (FGM) published in May 2020 on 31 countries globally where FGM was concentrated. Namibia was not listed<sup>138</sup>. There was also no available data on its prevalence on the World Bank website (which considered other surveys and sources)<sup>139</sup>.

- 5.6.3 The SIGI 2019 report noted ‘The Child Care Protection Act (Act 3 of 2015) criminalises the trafficking of children, and those who provide venues (offices, or buildings) for trafficking to take place. A person who contravenes this is liable, on conviction, to a fine not exceeding N\$1 000 000 [just under £49,000<sup>140</sup>] or to imprisonment for a period not exceeding 20 years or both, or imprisonment without the option of a fine (The Child care and Protection Act (Act 3 of 2015), Section 202).’<sup>141</sup>

- 5.6.4 Namibia’s 2020 report to CEDAW in the section on new legislative and policy frameworks noted the:

‘Combating of [Trafficking in Persons Act, Act No. 1 of 2018](#). The purpose of the Act is to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to criminalise trafficking in persons and related offences; to protect and assist victims of trafficking in persons, especially women and children; to provide for the coordinated implementation and administration of this Act; and to provide for incidental matters.’<sup>142</sup>

- 5.6.5 In terms of prevalence, the Commonwealth Parliamentary Association UK (CPA)’s July 2019 briefing paper to UK Parliament noted:

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<sup>136</sup> The Namibian, [Child marriage report launched](#), 30 October 2020

<sup>137</sup> OECD, [SIGI 2019, Namibia](#) (section 4e), 2019

<sup>138</sup> UNICEF, [Female Genital Mutilation Country Profiles](#), May 2020

<sup>139</sup> World Bank, [Female Genital Mutilation prevalence \(%\) – Namibia](#), no date

<sup>140</sup> XE, [Currency Converter NAD-GBP](#), 16 August 2021

<sup>141</sup> OECD, [SIGI 2019, Namibia](#) (section 2c), 2019

<sup>142</sup> Republic of Namibia, [Report to CEDAW](#) (paragraph 2), 18 September 2020

'With around 8000 victims of trafficking, numbers in Namibia are much lower than in other countries in Africa. However, there are two points of concern. Firstly, the prevalence rate of 3.3 [out of 1000 people] in a country of 2.5 million is relatively high compared to other states with a similar population; secondly, the number of people being trafficked is rapidly growing at an alarming rate. Namibia is now recognised as a source and destination of trafficked people, mainly women and children.'<sup>143</sup>

5.6.6 The 8,000 trafficking victims statistic referred to in the briefing was taken from the Global Slavery Index 2018, which gave that figure as an estimated absolute number of victims but did not state the period referred to<sup>144</sup>.

5.6.7 The USSD 2021 Trafficking in Persons Report: Namibia (TIP report), 1 July 2021 noted:

'As reported over the past five years, human traffickers exploit domestic and foreign victims in Namibia... Some victims are initially offered legitimate work for adequate wages, but then traffickers subject them to forced labor in urban centers and on commercial farms. Traffickers subject Namibian children to forced labor in agriculture, cattle herding, and domestic service, and sex trafficking... Among Namibia's ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes; officials identified Zemba child trafficking victims during the reporting period.'<sup>145</sup>

See also [Overview](#) and [Shelters and witness protection](#)

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## 5.7 Public campaigns against gender-based violence

5.7.1 In October 2020 news organisations CNN<sup>146</sup> and Al Jazeera<sup>147</sup>, reported on protests across Namibia campaigning against sexual and gender-based violence. The protests were triggered by the discovery of the remains of a missing woman which generated the #ShutItAllDown<sup>148</sup> campaign<sup>149 150 151</sup>. CNN reported that 'the protesters want specific deadlines on government policy actions; the resignations of Namibian gender equality minister, Doreen Sioka and her deputy Bernadette Jagger; and the declaration of a state of emergency.'<sup>152</sup>

5.7.2 The USSD report 2020 explained the demands of the protesters were the 'establishment of a sexual offender register, a review of sentencing laws for sexual offenses and gender-based violence (including murder), hastening the investigation of all reported sexual offense and gender-based violence

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<sup>143</sup> CPA, [UK Briefing Paper](#), July 2019

<sup>144</sup> Walk Free, Global Slavery Index, [Regional Analysis Africa](#), 2018

<sup>145</sup> USSD, [TIP report Namibia 2021](#) (Trafficking Profile), 1 July 2021

<sup>146</sup> CNN, [Anti-femicide protesters call for a state of emergency in Namibia](#), 19 October 2020

<sup>147</sup> Al Jazeera, [Why are anti-femicide protesters taking to Namibia's streets?](#), 13 October 2020

<sup>148</sup> Twitter, [#ShutItAllDown](#), no date

<sup>149</sup> Al Jazeera, [Why are anti-femicide protesters taking to Namibia's streets?](#), 13 October 2020

<sup>150</sup> CNN, [Anti-femicide protesters call for a state of emergency in Namibia](#), 19 October 2020

<sup>151</sup> CIVICUS, [NAMIBIA: 'Protests against gender-based violence...'](#), 26 January 2021

<sup>152</sup> CNN, [Anti-femicide protesters call for a state of emergency in Namibia](#), 19 October 2020

cases, institution of armed neighborhood patrols, and an evaluation of school practices that promote victim blaming.<sup>153</sup>

- 5.7.3 CIVICUS, a global alliance of civil society organisations and activists interviewed Bertha Tobias, a youth leader involved in the protests and the #ShutItAllDown movement. In the report published 26 January 2021 Tobias stated:

‘Unfortunately, we did not obtain the declaration of the state of emergency for which we were hoping. But other demands, such as strengthening security through patrolling, implementing school curricula and establishing task forces or committees to revive efforts to curb SGBV were positively responded to. Another petition demand that was important [sic] and received a positive response was training for police officers to be more sympathetic and empathetic when dealing with cases and reports of GBV.’<sup>154</sup>

- 5.7.4 The #ShutItAllDown hashtag remains active on Twitter with the last postings being from 27 August 2021 (accessed 28 August 2021)<sup>155</sup>.

- 5.7.5 The Namibian Sun reported on additional protests against sexual and gender-based violence (GBV) and victim-blaming in Windhoek in April 2021<sup>156</sup>.

See also [Government statements](#) and discourse in the media in [Cultural, family and religious attitudes](#)

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Section 6 updated: 26 June 2021

## 6. State attitude towards gender-based discrimination and violence

### 6.1 Government statements

- 6.1.1 The USSD report 2020 noted ‘The government and media focused national attention on gender-based violence. The president and first lady spoke out publicly against gender-based violence; the Office of the First Lady actively promoted gender-based violence awareness and remedies in every region.’<sup>157</sup>

- 6.1.2 CNN noted the government’s response to protests across Namibia campaigning against sexual and gender-based violence in 2020:

‘On October 13 [the protests began on 6 October], the government released a statement assuring the public that "this situation cannot be allowed to continue." It promised to implement measures which included the establishment of a sexual offenders register and dedicated courts to handle sexual and gender-based violence.

‘The statement was criticized by activists who say it is time for material change, and have called for a definitive timeline showing the actions the government will take. Namibia's president, Hage Geingob, met protest

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<sup>153</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>154</sup> CIVICUS, [NAMIBIA: ‘Protests against gender-based violence...’](#), 26 January 2021

<sup>155</sup> Twitter, [#ShutItAllDown](#), no date

<sup>156</sup> The Namibian Sun, [We are all Sluts](#), 13 April 2021

<sup>157</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

leaders... He said the nation as a whole needed to do more to fight "the scourge" of sexual and gender-based violence.<sup>158</sup>

- 6.1.3 See [Cabinet approves measures on SGBV](#) from the Office of the Prime Minister for the full statement issued to parliament by the Prime Minister on 13 October 2020.
- 6.1.4 Namibia's National report submitted to the UN Human Rights Council Working Group on the Universal Periodic Review for its Thirty-eighth session 3–14 May 2021, stated 'The Government acknowledges that gender-based violence remains a serious concern in the country.'<sup>159</sup>
- 6.1.5 The Namibian Sun, in the article 'GBV thrust at heart of govt agenda', 15 February 2021 noted:

'[The] Government wants to put gender-based violence (GBV) at the centre of public discourse with its newly launched mass media campaign, information minister Peya Mushelenga said last week... Mushelenga said when it comes to the prosecution of offenders, ending impunity means that laws must be enforced. "Women must have access to the police to file a criminal report and receive legal advice and protection orders. The response to violence must be immediate, coordinated and effective so that crimes are punished and justice is secured," he added. The campaign, aimed at promoting behavioural change, is targeted mainly towards men and women between the ages of 18 and 55 and will be rolled out through various media agencies as well as digital and social media platforms.'<sup>160</sup>

See also [Public campaigns against gender-based violence](#)

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## 6.2 Government policies and programmes

- 6.2.1 The UNDP report 2019 noted:
- 'The gender machinery put in place has generated the National Gender Policy (2010–2020), the National Gender Plan of Action (2010–2020), the Gender-responsive Budget Guidelines approved by the Cabinet in 2014, and the Education and Training Sector Improvement Programme (2006–2020) to enhance education from early childhood development to lifelong training. Moreover, the Child Care and Protection Act (No. 3 of 2015) entered into force in January 2019 with the gazetting of its Regulations. It provides a comprehensive approach to the prevention of and response to violence against children, including provisions on the trafficking of children and the minimum age of marriage.'<sup>161</sup>
- 6.2.2 The same UNDP report 2019 noted 'The Ministry of Gender Equality and Child Welfare and various stakeholders launched an [annual awareness campaign against gender-based violence](#). GRN [government of the Republic

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<sup>158</sup> CNN, [Anti-femicide protesters call for a state of emergency in Namibia](#), 19 October 2020

<sup>159</sup> Government of Namibia, [National Report to the UNHRC](#), (para 92), 11 February 2021

<sup>160</sup> The Namibian Sun, in the article [GBV thrust at heart of govt agenda](#), 15 February 2021

<sup>161</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 60), 24 February 2021

of Namibia ] has also launched a “Zero Tolerance Campaign against Gender-based Violence Including Human Trafficking”.<sup>162</sup>

6.2.3 Namibia’s 2019 National Action Plan on Women Peace and Security (NNAPWPS) 2019-2024 noted:

‘Namibia has displayed the political will to create gender equality, ensure gender mainstreaming in the security sector, and to prevent violence against women. Its... Defence Policy (2011) ...Vision 2030, National Development Plan (NDP5), the Harambee Prosperity Plan, (2015) National Gender Policy (2010-2020) and National Plan of Action On Gender Based Violence (2012-2016) are all frameworks that address gender equality, gender mainstreaming and the protection of women.’<sup>163</sup>

6.2.4 In the NNAPWPS’s Implementation plan on prevention of impunity for SGBV, the report stated their strategic objective was to improve access to justice for victims of SGBV and to: ‘Increase and strengthen specialised courts to deal with violence against women and children. Train and capacitate justice sector officials to ensure higher prosecution rates for SGBV. Ensure that perpetrators are tried by courts of competent jurisdiction and handed appropriate sentences. Provide adequate legal aid services for women and children.’<sup>164</sup>

6.2.5 Namibia’s 2020 report to CEDAW, in the section on Envisaged Bills noted: ‘The Prohibition of Torture Bill...aims to combat all forms of torture. The law once enacted will reinforce other pieces of existing laws on GBV.’<sup>165</sup> The same section provided details on the Combating of Domestic Violence Amendment Bill and the Combating of Rape Amendment Bill (not enacted)<sup>166</sup>. CPIT was not able to find information in the sources consulted that the bills have been enacted at the time of writing (see [Bibliography](#)).

6.2.6 The National report submitted to the UN Human Rights Council Working Group on the Universal Periodic Review for its Thirty-eighth session 3–14 May 2021, stated: ‘The Ministry of Gender Equality, Poverty Eradication and Social Welfare was established in 2020 to initiate, coordinate, advocate for and implement measures aimed towards the empowerment of girls, boys and women, the eradication of poverty eradication, expansion of social protection and social welfare. Before 2020, these functions were undertaken by the Ministry of Poverty Eradication and Social Welfare and the Ministry of Gender Equality and Child Welfare, respectively.’<sup>167</sup>

6.2.7 The same National report stated:

A National [5 year] Plan of Action on Gender-Based Violence 2019-2023 was adopted...[it] comprises of four Action Areas which support either a long-term movement that targets root causes or short-term goals that will improve response systems and community safety in general to ensure that survivors and victims’ no longer feel unsafe or untrusting of protection

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<sup>162</sup>UNDP, [Namibia National Human Development Report 2019](#) (page 60-61), 24 February 2021

<sup>163</sup> Republic of Namibia, [NNAPWPS](#) (page 5), March 2019

<sup>164</sup> Republic of Namibia, [NNAPWPS](#) (page 24), March 2019

<sup>165</sup> Republic of Namibia, [Report to CEDAW](#) (para 10), 18 September 2020

<sup>166</sup> Republic of Namibia, [Report to CEDAW](#) (para 15 and 16), 18 September 2020

<sup>167</sup> Government of Namibia, [National Report to the UNHRC](#), 11 February 2021

structures. This Plan seeks to put survivors first by making sure that the services they receive are empathetic and correct. The Plan also stimulated a culture of care and GBV-watch amongst families, communities and institutions and promotes early help-seeking to prevent or limit harm.<sup>168</sup>

- 6.2.8 For more information on the NNAPWPS, its concept and priorities see the report [NNAPWPS 2019-2024](#) and the [MGEPESW](#) downloads page.

See also [Government statements](#)

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## 7. State protection

### 7.1 Incidence of gender-based crime

- 7.1.1 In sources consulted (see [Bibliography](#)), no official statistics on GBV crime rates were published directly by the Namibia Police Force or the Namibia Statistics Agency<sup>169 170</sup>.
- 7.1.2 The Daily Maverick, an independent South African daily online newspaper, in the article published 4 February 2020 noted: 'Police statistics... show that between 2014 and 2019, 139 adult women were murdered by their partners. Twenty-one minors are included in this category – presumably murdered by the adult male of the household or partner. That represents an average of 27 women murdered every year by their partners in a population of 2.5 million... The statistics also show that 89 men were arrested for those crimes, but do not give figures for convictions.'<sup>171</sup>
- 7.1.3 Namibia's 2020 report to CEDAW provided information from the Ministry of Gender Equality and Child Welfare (MGECW) and the Ministry of Justice and stated: 'According to the Namibia Police Force annual statistics, there has been a decrease in GBV incidences, the Namibian Police Force statistics recorded a decrease in the murder cases related to intimate relationship. Rape has recorded the highest [increase].'<sup>172</sup>
- 7.1.4 A report by CNN on 19 October 2020 noted: 'Sexual and gender-based violence is a serious problem in Namibia. Last year [2019] police handled at least 200 cases of domestic violence each month [according to] ... the commander of Namibia's gender based violence protection unit...'<sup>173</sup>
- 7.1.5 The Namibian Sun, a daily newspaper, in the article 'Cops flooded with 6,000 GBV cases', 26 October 2020 reported on statistics that were provided in a presentation by Namibian police on 23 October 2020<sup>174</sup>. In sources consulted CPIT has been unable to find the original source for the data (see [Bibliography](#)) and therefore has been unable to consider the methodology applied and definition of GBV used. From the information provided there are

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<sup>168</sup> Government of Namibia, [National Report to the UNHRC](#),(para 93) 11 February 2021

<sup>169</sup> Namibia Statistics Agency, [website](#), no date

<sup>170</sup> The Republic of Namibia, [The Namibian Police Force](#) (website), no date

<sup>171</sup> Daily Maverick, [Namibian Government to tighten laws...](#), 4 February 2020

<sup>172</sup> Republic of Namibia, [Report to CEDAW](#) (para 111), 18 September 2020

<sup>173</sup> CNN, [Anti-femicide protesters call for a state of emergency in Namibia](#), 19 October 2020

<sup>174</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

more convictions and acquittals than cases finalised, which suggests there may have been more than one person convicted per case.

7.1.6 The estimated population of women in Namibia was 1,285,665 in 2019<sup>175</sup>. It has not been possible to use the Namibian Police Force statistic of 6,000 GBV cases reported in the year ending September 2020 to estimate the % of the female population who have experienced gender-based violence. This is because cases may have been underreported<sup>176</sup>, someone could have reported more than one offence over the year period and equally, one case could apply to more than one victim (mother and child for example).

7.1.7 The Namibian Sun report noted between September 2019 and September 2020:

- 5,961 gender-based violence (GBV) [cases] were reported nationally
- 1,145 protection orders were issued
- The regions with the highest number of GBV cases reported were Khomas (2,531), Oshana (560), Ohangwena (533), Hardap (502) and Omusati (336).
- 3,116 people were arrested for GBV, 2 595 cases went to court, 892 were withdrawn and 2,883 were under investigation
- 900 GBV cases were finalised, 712 people were convicted, and there were 378 acquittals<sup>177</sup>.

7.1.8 The same Namibian Sun report provided statistics from the police on rape cases between January and December 2019 whereby out of the 711 reported cases, 95% of them involved women and girls. The statistics for the period September 2019 to September 2020 were also provided but were not broken down by sex. Based on the predominance of rape cases involving females in the January to December 2019 time-period, it is likely the majority of these cases related to women or girls. The September 2019 to September 2020 statistics were:

- 896 cases were reported with 604 arrests and 594 cases that went to court
- 25 cases were withdrawn
- 125 were under investigation
- 4 cases were finalised and there were 3 convictions and 9 acquittals
- The regions with the highest rape cases were Ohangwena (218), Khomas (162), Omusati (87), Hardap (69) and Kavango East (60)<sup>178</sup>.

7.1.9 The same Namibian Sun article also provided statistics on murders (sex of victims not stated). In the September 2019 to September 2020:

- 74 cases were reported with 64 suspects having been arrested and 64 cases having gone to court

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<sup>175</sup> The World Bank, [Population, female – Namibia](#), no date

<sup>176</sup> MoHSS, [Demographic and Health Survey 2013](#) (page 295), September 2014

<sup>177</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

<sup>178</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

- No cases were withdrawn or finalised and no convictions were recorded
- 10 cases were still under investigation
- The regions with the highest prevalence of murder were Khomas (16), Ohangwena (15), Kunene (8), Omusati (6) and Omaheke (5)<sup>179</sup>.

7.1.10 The 5 regions with the largest populations according to the most recent population and housing census of 2011 were: Khomas (340,900) followed by Ohangwena (245,100), Omusati (242,900), Kavango (222,500) and Oshana (174,900)<sup>180</sup>. Based on the 2019 / 2020 rape statistics<sup>181</sup> and the 2011 census, aside from Hardap, the regions with the highest number of rape cases generally corresponded to the regions with the largest populations.

7.1.11 Based on the 2019/ 2020 murder statistics<sup>182</sup> and the 2011 census<sup>183</sup> the 2 regions with the highest number of murder cases (Khomas and Ohangwena) corresponded to 2 the regions with the largest populations.

7.1.12 In relation to protection orders, the Namibian Sun in its article 'Over 6,000 GBV cases registered in three years', 22 February 2021 noted: 'Namibian magistrate's courts registered more than 6300 domestic violence applications over the past three years, in addition to over 5000 interim protection orders and more than 2600 final protection orders. In 2018, 1938 survivors turned to the magistrate's courts for help, and in 2019 just over 2000 survivors approached the courts. Last year [2020], a total of 2370 domestic applications were registered.'<sup>184</sup>

See also [Enforcement and implementation of legislation](#)

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## 7.2 Enforcement and implementation of legislation

7.2.1 The USSD report 2020 explained that the Namibian Police Force (NAMPOL) maintains internal security, reporting to the Ministry of Safety and Security, and that the 'Civilian authorities maintained effective control over the security forces [both NAMPOL and the Namibian Defense Force]'. The report further noted that 'Members of the security forces allegedly committed some abuses. Significant human rights issues were limited to acts of official corruption. The government took steps to prosecute or administratively punish officials who committed abuses, whether in the security services or elsewhere in the government.'<sup>185</sup>

7.2.2 The USSD also observed regarding the operation of the legal system generally, that the government respected judicial independence and impartiality. The report went on to note 'The constitution and law provide for the right to a fair and public trial, and the government generally respected judicial independence. Nevertheless, long delays in courts hearing cases

<sup>179</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

<sup>180</sup> Republic of Namibia, [Population and Housing Census 2011](#) (page 7), 2011

<sup>181</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

<sup>182</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

<sup>183</sup> Republic of Namibia, [Population and Housing Census 2011](#) (page 7), 2011

<sup>184</sup> The Namibian Sun, [Over 6 000 GBV cases registered in three years](#), 22 February 2021

<sup>185</sup> USSD, [USSD report 2020](#) (Executive summary), 30 March 2021

and the uneven application of constitutional protections in the customary system compromised this right.<sup>186</sup>

- 7.2.3 Freedom House in its annual report on events in 2020 similarly observed: 'By law and in practice, the separation of powers is observed, and judges are not frequently subject to undue influence. The 2015 establishment of the Office of the Judiciary affords the system administrative and financial independence. However, the judiciary lacks adequate resources and is vulnerable to budget cuts.'<sup>187</sup>
- 7.2.4 Namibia's 2019-2024 NNAPWPS noted 'Even though there is comprehensive legislation and action plans to deter gender-based violence there is a low level of successful prosecution of its perpetrators.'<sup>188</sup>
- 7.2.5 The Equality and Justice Alliance report 'A Comparative Legal Review of Harassment and Sexual Exploitation Laws Across the Commonwealth' published in 2020 noted: 'Political will to address GBV has been evident in the many statements, conferences and plans focused on GBV, but implementation continues to lag behind good intentions, with few significant strides made in prevention or reduction of GBV or in state responses to victims of GBV.'<sup>189</sup>
- 7.2.6 The USSD TIP noted 'Although the government meets the minimum standards, it identified fewer victims and did not initiate any new prosecutions of alleged traffickers. Occasional breakdowns in communication between government officials and civil society and within government ministries led to a lack of coordination among members of the National Coordinating Body (NCB)'<sup>190</sup>
- 7.2.7 The Legal Information Institute webpage (undated) listed 25 examples of domestic caselaw promulgated in the Namibian High Court and Supreme Court between 2001-2018 on cases involving gender-based violence, domestic and intimate partner violence, and gender discrimination<sup>191</sup>. One of the cases cited was the High Court case of *S v Alfeus* (CC 16/2011) [2013] NAHCMD 102 (16 April 2013) whereby a 30 year deterrent sentence was imposed for murder in a domestic context due to the prevalence of domestic violence in society and the need to protect the right to life<sup>192</sup>.
- 7.2.8 In the 2018 High Court case of *S v lipinge* (CC 06/2015) [2018] NAHCNLD 28 (09 March 2018) the defendant was convicted of murdering a domestic partner and sentenced to 10 years imprisonment. The judge stated at sentencing 'I reiterate that death in a domestic setup is very serious. This court undertook to impose sentences to sufficiently reflect the seriousness with which these crimes are viewed.'<sup>193</sup>

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<sup>186</sup> USSD, [USSD report 2020](#) (section 1e), 30 March 2021

<sup>187</sup> Freedom House, [Freedom in the World 2021](#) (section F.1), 2021

<sup>188</sup> Republic of Namibia, [NNAPWPS](#) (page 10), March 2019

<sup>189</sup> Equality and Justice Alliance, [A Comparative Legal Review...](#) (page 16), 2020

<sup>190</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021

<sup>191</sup> Cornell Law School, [Legal Information Institute](#) (Namibia), no date

<sup>192</sup> High Court of Namibia, [S v Alfeus \(CC 16/2011\) \[2013\] NAHCMD 102](#), 16 April 2013

<sup>193</sup> High Court of Namibia, [S v lipinge \(CC 06/2015\) \[2018\] NAHCNLD 28](#), 09 March 2018

7.2.9 The USSD report 2020, repeating its assessment from 2019<sup>194</sup>, noted:

‘The courts tried numerous cases of rape during the year. The government generally enforced court sentences of those convicted, which ranged between five and 45 years’ imprisonment...

‘Factors hampering rape prosecutions included limited police capacity and the withdrawal of allegations by victims after filing charges. Survivors often withdrew charges because they received compensation from the accused; succumbed to family pressure, shame, or threats; or became discouraged by the length of time involved in prosecuting a case. Traditional authorities may adjudicate civil claims for compensation in cases of rape, but criminal trials for rape are held in courts’.<sup>195</sup>

7.2.10 The USSD Overseas Security Advisory Council, (OSAC) ‘Namibia 2020 Crime & Safety Report’, 2 April 2020 noted ‘Only a small fraction of rape cases are prosecuted and fewer still result in conviction.’<sup>196</sup>

7.2.11 The Namibian Sun in the article ‘Criminal justice system irks public’, 18 November 2020, reported on the speech made by Chief Justice Petrus Shivute at the annual Magistrates Conference:

‘Shivute said it is sad to note that violence against women and children, that invariably involves rape and murder, remain a very serious problem in Namibian society. The gravity of this problem is apparent from the number of disturbing cases of GBV reported by the media over the past few months and weeks, he said. “We, however, remain cognisant of this concern and that, united in our efforts, these will be addressed within the confines of the law and the available resources.”

‘He further spoke about the theme of the conference, saying it is intended to strengthen compliance and judicial ethics and devise means to improve integrity and accountability among judicial officers as well as to bolster public confidence in the justice system.’<sup>197</sup>

7.2.12 In relation to a joint-operation to tackle gender-based violence, the Namibian Sun, on 18 December 2020, reported:

‘A total of 1 342 bars and shebeens [pubs, often unlicensed] were inspected and 509 unlicensed liquor outlets were closed in Namibia during Operation Basadi, a SADC-wide [Southern African Development Community] initiative to fight gender-based violence (GBV)... It targeted suspects wanted for GBV and focused on serious crimes such as rape, murder, kidnapping, assault, online child sexual abuse and exploitation... A total of 11 protection orders were served on defendants in terms of the Combating of Domestic Violence Act. Furthermore, 108 arrests were executed for violation of the Combating of Violence Act and five arrests were made for violation of the Combating of Rape Act.’<sup>198</sup>

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<sup>194</sup> USSD, [USSD report 2019](#) (section 6), 11 March 2020

<sup>195</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>196</sup> OSAC, [Namibia 2020 Crime & Safety Report](#), 22 April 2020

<sup>197</sup> The Namibian Sun, [Criminal justice system irks public](#), 18 November 2020

<sup>198</sup> The Namibian Sun, [Operation Basadi tackles GBV](#), 18 December 2020

- 7.2.13 In relation to protection orders, The Namibia Institute for Democracy report ‘The Justice Sector and the Rule of Law in Namibia: The Criminal Justice System’, published 2018 noted:
- ‘Under the Act, a victim of domestic violence may apply for a protection order to stop the abuse and to prevent the abuser from entering the mutual home, the victim’s residence or the victim’s place of employment. The court may place other conditions on the order, including seizing any weapons, evicting the abuser from the house, and forcing him/her to pay rent and/or emergency maintenance to the victim. The court also has the power to limit the abuser’s custody rights to children. Despite such progressive statutory provisions, however, violence against women remains a serious problem in Namibia.’<sup>199</sup>
- 7.2.14 The USSD report 2020 noted: ‘The law provides for procedural safeguards such as protection orders to protect gender-based violence survivors.’<sup>200</sup>
- 7.2.15 In relation to trafficking, the USSD TIP report, 1 July 2021 noted:
- ‘The Government of Namibia fully meets the minimum standards for the elimination of trafficking [Tier 1]. The government continued to demonstrate serious and sustained efforts during the reporting period...The government maintained anti-trafficking law enforcement efforts... Specialized prosecutors within the Office of the Prosecutor General’s Sexual Offenses Unit prosecuted all trafficking cases in the High Court and worked closely with prosecutors on cases indicted outside of the High Court...The government maintained overall protection efforts but identified fewer trafficking victims.’<sup>201</sup>
- 7.2.16 For more detailed information on trafficking see the [USSD TIP report 2021](#) and [UK Parliament CPA UK Briefing Paper July 2019](#)
- See also [Incidence of gender-based crime](#) and [Access to justice](#)

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### 7.3 Access to protection

- 7.3.1 In 2019 and 2020, sources noted the establishment of 17 Gender-based Violence Protection Units (GBVPU) within NAMPOL across all 14 regions to provide services to GBV victims and their families<sup>202</sup> and to handle and investigate cases relating to sexual offences and violence<sup>203</sup>.
- 7.3.2 The United Nations Office on Drugs Crime (UNODC) noted the renovation of the GBVPU facility in Windhoek, launched in September 2019<sup>204</sup>.
- 7.3.3 UNODC in ‘UNODC supports Namibia Police in addressing Violence against Women and Children’ noted in September 2019 ‘...the UN System in Namibia has provided support to the GBVPU in Windhoek for the

<sup>199</sup> The Namibia Institute for Democracy, [The Justice Sector](#) (page 23), 2018

<sup>200</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>201</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021

<sup>202</sup> Republic of Namibia, [Report to CEDAW](#) (para 112), 18 September 2020

<sup>203</sup> UNDP, [Namibia National Human Development Report 2019](#) (page 60), 24 February 2021

<sup>204</sup> UNODC, [UNODC supports Namibia Police...](#), September 2019

Government to upscale work in addressing GBV, especially in law enforcement and criminal justice areas.<sup>205</sup>

- 7.3.4 The USSD report 2020 noted: ‘When authorities received reports of domestic violence, gender-based violence protection units intervened. The gender-based violence units were staffed with police officers, social workers, legal advisors, and medical personnel trained to assist victims of sexual assault.’<sup>206</sup> The USSD OASC 2020 report largely repeated this assessment<sup>207</sup>.
- 7.3.5 The USSD TIP noted: ‘...efforts [made by the Namibian government to eliminate trafficking] included training social workers on the national referral mechanism (NRM) and standard operating procedures (SOPs) on victim identification, referring identified victims to care, and allocating more funding to NGOs and shelters supporting trafficking victims.’<sup>208</sup>
- 7.3.6 Sources noted some of the factors hindering the reporting of GBV and SGBV for example, Namibia’s 2019-2024 NNAPWPS noted ‘... long distances to police stations and gender protection units’<sup>209</sup> and in CIVICUS’s interview with Bertha Tobias, a youth leader she noted ‘...the reception that survivors get at police stations and the lack of attention and urgency with which their cases are handled...’<sup>210</sup>.
- 7.3.7 The USSD report 2020, repeating its assessment from 2019<sup>211</sup> noted ‘A lack of access to police, prosecutors, and courts prevented San women [a marginalised community] from reporting and seeking protection from gender-based violence.’<sup>212</sup>
- 7.3.8 The same USSD report 2020 noted ‘Some magistrates’ courts provided special courtrooms with a cubicle constructed of one-way glass and child-friendly waiting rooms to protect vulnerable witnesses from open testimony.’<sup>213</sup>
- 7.3.9 The Namibian Sun, in the 26 October 2020 article, reported ‘Highlighting some challenges, the police said GBV incidents are very complex and hard to detect and prevent before they occur. Cases are also withdrawn so they can be settled at traditional authority level, or due to the influence of a family member or because the victim has forgiven the suspect.’<sup>214</sup>
- 7.3.10 One Africa TV, a free Namibian television station, in its report ‘GBV cases increase during the COVID 19 lockdown, City Police’ 1 April 2020, a video interview with a representative from Windhoek City Police, noted an increase in the number of domestic violence reports to Windhoek City Police during

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<sup>205</sup> UNODC, [UNODC supports Namibia Police...](#), September 2019

<sup>206</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>207</sup> OSAC, [Namibia 2020 Crime & Safety Report](#), 22 April 2020

<sup>208</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021

<sup>209</sup> Republic of Namibia, [NNAPWPS](#) (page 10), March 2019

<sup>210</sup> CIVICUS, [NAMIBIA: ‘Protests against gender-based violence...’](#), 26 January 2021

<sup>211</sup> USSD, [USSD report 2019](#) (section 6), 11 March 2020

<sup>212</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>213</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>214</sup> The Namibian Sun, [Cops flooded with 6,000 GBV cases](#), 26 October 2020

the COVID-19 lockdown. The police urged victims, neighbours and the public to report GBV to the police and provided contact numbers<sup>215</sup>.

- 7.3.11 Namibia's May 2020 state submission to CEDAW, in relation to location of police stations and courts stated:

'Namibia is a vast country with a population of approximately 2.5 million people. There are magistrate courts in each and every town, there are also periodical court in populated settlement area. Police stations or services offered by the police officers are widely found in almost every smallest settlement in the country which in turn assist rural women in accessing justice...The office has courts in a number of remote areas of Namibia... There is [sic] currently no surveys that indicate whether there are impediments that hinder women to access the courts, be it due [to] cultural financial factors or because of the remoteness of the court.'<sup>216</sup>

- 7.3.12 The summary of Stakeholders' submissions on Namibia, for the most recent UPR cycle, published 18 February 2021, in information provided in joint submissions from civil society (JS2<sup>217</sup>), it was stated that: '...protection orders provided for under the Combating of Domestic Violence Act 4, 2003 (Act No. 4 of 2003), were still not available to those rural women who resided far from a magistrate's courts. In addition, same-sex couples were excluded from protections offered under this Act.'<sup>218</sup>

- 7.3.13 In its January 2021 submission to the UN Committee on the Elimination of Discrimination against Women, the Namibian Ombudsman noted: 'The withdrawal of criminal charges of gender based violence before prosecution, by victims, is another matter of grave concern. The Ombudsman calls on government to establish family courts to deal exclusively and speedily with crimes of gender-based violence, protection orders, illegal abortion, child abandonment, maintenance matters, etc..<sup>219</sup>

- 7.3.14 The Namibian Sun, referring to the year-on-year increase of in domestic violence applications registered at the magistrates' courts since 2018, noted: 'It is unclear how the numbers reflect on Namibia's epidemic of gender-based and domestic violence. "We do not have enough information to analyse the trends accurately. Is domestic violence increasing, or are people who suffer domestic violence becoming more willing to reach out for assistance? It is difficult to know which of these scenarios might be leading to high case numbers," says Dianne Hubbard of the Legal Assistance Centre (LAC).

'James Itana of the Regain Trust says in his view these numbers are a sign that more survivors are reaching out and seeking help, but warned that these numbers are "still just the tip of the iceberg."<sup>220</sup>

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<sup>215</sup> One Africa TV, [GBV cases increase during the COVID 19 lockdown, City Police](#), 1 April 2020

<sup>216</sup> Republic of Namibia, [Report to CEDAW](#) (para 39), 18 September 2020

<sup>217</sup> Positive Vibes Trust, Women's Leadership Centre, Young Feminists Movement Namibia, Coalition of African Lesbians, AIDS and Rights Alliance for Southern Africa and, Sexual Rights Initiative, Geneva (Switzerland)

<sup>218</sup> UNHRC, [Stakeholders' submissions](#) (para 48), 18 February 2021

<sup>219</sup> The Ombudsman: Namibia (NHRI), [Submission to CEDAW](#) (page 3), January 2021

<sup>220</sup> The Namibian Sun, [Over 6 000 GBV cases registered in three years](#), 22 February 2021

- 7.3.15 The Namibian, in the article ‘Fewer victims seek shelter during lockdown’, 30 June 2021 noted:

‘Clinical psychologist at the Bel Espirit mental health clinic in Windhoek, Iani de Kock, said even under normal circumstances, it is difficult for victims of domestic abuse to report cases. Lockdown conditions only exacerbate that. ...De Kock said victims might also not report incidents because they believe the police will not be helpful. “There is a campaign to train police officers now, but places aren't getting the message. The majority of people live in rural areas and the further away you move from the capital, the less available services are,” she said.’<sup>221</sup>

See also [Legal context, Shelters and witness protection](#) and the Country policy and information note [Namibia: Sexual orientation and gender identity and expression](#)

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#### 7.4 Shelters and witness protection

- 7.4.1 The Namibian Broadcasting Corporation (NBC) published a video on YouTube on the report from the National Council's Women's Caucus and the ministries of Gender Equality in Child Welfare, Health and Social Services and Education, Arts and Culture, 22 July 2019. In information taken from the audio and subtitles, the video noted that despite enactment of new legislation:

‘...gender-based violence remains a concern. It is for this reason that safe houses were established, to provide shelters to victims and help them get back on their feet. However, due to a lack of funds safe houses remain closed. Despite the Ministry of Gender Equality and Child Welfare's efforts to purchase houses to be turned into shelters for victims of gender-based violence in their regions, the shelters remained non-operational due to lack of staff, with the ministry unable to recruit due to budget cuts.’<sup>222</sup>

- 7.4.2 The USSD report 2020 noted: ‘The Ministry of Gender Equality and Child Welfare operated shelters; however, due to staffing and funding shortfalls, the shelters operated only on an as needed basis with social workers coordinating with volunteers to place victims and provide them with food and other services.’<sup>223</sup>

- 7.4.3 The Namibian Investigative Unit in its November 2019 report noted ‘Regain Trust has received complaints from survivors that they have not received adequate protection from the police or prosecuting authorities. These institutions suffer from staff shortages, and a lack of vehicles, equipment and infrastructure such as shelters or places of safety for victims.’<sup>224</sup>

- 7.4.4 Namibia's May 2020 state submission to CEDAW, in its section on new legislative and policy framework pertaining to women's rights, noted the Witness Protection Act, Act No. 11 of 2017 aimed to establish a Witness Protection Unit, a Witness Protection Advisory Committee, a Witness

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<sup>221</sup> The Namibian, [Fewer victims seek shelter during lockdown](#), 30 June 2021

<sup>222</sup> NBC, [Most GBV shelters remain closed due to budget cuts](#), 22 July 2019

<sup>223</sup> USSD, [USSD report 2020](#) (section 6), 30 March 2021

<sup>224</sup> The Namibian Investigative Unit, [Stricter laws on gender violence](#), 14 November 2019

Protection Programme and a Witness Protection Review Tribunal ‘...so as to effectively cater for protection of witnesses’. The report stated the Act had not yet been brought into force<sup>225</sup>. At the time of writing CPIT could not find any information to subsequently confirm the enactment (see [Bibliography](#)).

7.4.5 Namibia’s May 2020 state submission to CEDAW stated:

‘With regard to provision of temporary shelters for survivors of GBV and victims of Trafficking the MGECW [Ministry of Gender Equality and Child Welfare] and stakeholders have identified shelters in 9 regions. ...Namibia has a GBV helpline...managed by the Namibia Police Force for reporting cases of GBV... The Lifeline/ChildLine has also a GBV Help line...that compliments the efforts of the Namibia Police Force by offering counselling services and also refer GBV...cases to the Namibian Police Force.’<sup>226</sup>

7.4.6 The Namibian Sun, in the article ‘Over 6 000 GBV cases registered in three years’, 22 February 2021 noted ‘James Itana of the Regain Trust [a non-profit trust addressing discrimination against women and children]...underlined that access to services for survivors is still “a major obstacle that we are battling within Namibia, especially amongst our marginalised and rural communities.”’<sup>227</sup>

7.4.7 NBC reported on a 12-month pilot project to operationalise GBV shelters in Namibia’s regions. The report, in information taken from the YouTube video’s audio and subtitles, published 4 June 2021 noted:

‘Fully furnished safe shelters will open their doors in eight regions in July [2021] namely in Khomas, Hardap, Karas, Ohangwena, Omusati, Oshana, Zambezi and Kavango East regions the exact shelter locations will be kept confidential...

‘[Ivonne] Kaukeuti [Special Adviser: Minister of Gender Equality] says that GBV shelters could not be operationalised in the past due to a lack of staff...

‘Volunteers to be identified by social workers and endorsed by regional governors would be recruited as shelter caretakers and will undergo training before assuming duty.

‘[Enjouline Kole, Chief Social Worker: Ministry of Gender Equality said] “we ... had submitted multiple proposals to the office of the Prime Minister to ... help us... establish these shelters but... there was always a blockage so ... we had to submit a new proposal to [use]... volunteers.”’<sup>228</sup>

7.4.8 The Namibian, in the article ‘Fewer victims seek shelter during lockdown’, 30 June 2021 noted:

‘... for a victim of GBV to be placed in a shelter, a case must first be reported with the police. Only thereafter will a state-assigned social worker be allotted to the case. Currently, Namibia has a total of eight operational shelters for domestically-abused women, namely in the Khomas, //Kharas, Omusati, Zambezi, Kavango East, Kunene, Oshikoto and Ohangwena regions. This is

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<sup>225</sup> Republic of Namibia, [Report to CEDAW](#) (para 10), 18 September 2020

<sup>226</sup> Republic of Namibia, [Report to CEDAW](#) (para 117), 18 September 2020

<sup>227</sup> The Namibian Sun, [Over 6 000 GBV cases registered in three years](#), 22 February 2021

<sup>228</sup> NBC, [Shelters for GBV victims expected to go operational countrywide next month](#), 4 June 2021

according to figures provided by the gender equality, poverty eradication and child welfare ministry. The executive director in ... [the gender equality, poverty eradication and child welfare ministry] Ester Lusepani, said victims must report cases to the police first as these get channelled to the ministry through the police GBV Protection Unit. She said social workers liaise with the police GBV Protection Unit and are available around the clock. "We also have social workers at the GBV Unit. We even have some at the police station," ... 'Clinical psychologist at the Bel Espirit mental health clinic in Windhoek, Iani de Kock... said there is generally a lack of shelters around the country, especially in rural areas.'<sup>229</sup>

7.4.9 The USSD TIP report 2021 noted 'There were no shelters or services specifically for trafficking victims, but the government and NGOs jointly provided shelter, psycho-social services, medical care, and provision of other basic needs to victims of trafficking, gender-based violence, and child abuse... Child victims were placed in government residential childcare facilities and had access to education.'<sup>230</sup>

7.4.10 The same USSD TIP report noted 'Authorities did not condition access to victim services on cooperation with law enforcement; the government provided legal aid, transportation, and witness protection to victims who chose to cooperate with law enforcement proceedings. The government allowed victims to testify in rooms separate from the courtroom when such rooms were available.'<sup>231</sup>

See also [Assistance and support](#)

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Section 9 updated: 26 June 2021

## 8. Civil society

### 8.1 Assistance and support

8.1.1 Organisations found to be operating in Namibia including (but not limited to):

- Sister Namibia, a women's advocacy Civil Society Organisation (CSO). See their [Facebook page](#) which is updated regularly.
- Monica Gender Equality, Human Rights and Social Justice explained its function as 'a Namibian registered NGO [Non-governmental organisation] dealing with Gender Equality, Human Rights, Legal Aid, Counselling training and workshops as well as Social Justice matters.'<sup>232</sup> Based in Windhoek with a [website](#) that lists its services and contact details, and [Facebook page](#).
- The [Single Parents Support Foundation](#) (website launched in 2017) provide counselling to single parents, encourage self-reliance and alleviate domestic violence across Namibia's 14 regions<sup>233</sup>. The website

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<sup>229</sup> The Namibian, [Fewer victims seek shelter during lockdown](#), 30 June 2021

<sup>230</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021

<sup>231</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021

<sup>232</sup> Monica Gender Equality, Human Rights and Social Justice, [Website](#) (home), no date

<sup>233</sup> The Namibian, [Tackling Single Parenthood](#), 21 April 2017

was not fully operational (as at June 2021) but there was a [Facebook](#) page and contact details.

- [Happydu Village](#), an NGO based in Windhoek. Their website provided information on their project for young single mothers living in the suburbs of the city, where it reported high levels of sexual violence and alcohol abuse. The project offered psychological support and training<sup>234</sup>.
- [Regain Trust](#) NGO, established in 2015, provide counselling and advocacy around gender-based violence<sup>235</sup>.
- The [Legal Assistance Centre \(LAC\)](#) which works on litigation, information and advice, education and training, research, and law reform and advocacy on issues including gender equality and discrimination (such as domestic violence and rape)<sup>236</sup>.

8.1.2 In relation to shelters the OASC report 2020 noted a privately run shelter operated in the Khomas region<sup>237</sup>. The USSD TIP report 2021 noted that although there were no shelters or services specifically for trafficking victims, NGO shelters cared for men, women, and child victims of trafficking<sup>238</sup>.

See also [Shelters and witness protection](#)

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Section 9 updated: 26 June 2021

## 9. Freedom of movement

### 9.1 Geography and demography

9.1.1 United Nations Geo Spatial provided a map of Namibia and surrounding countries, 1 May 2021:

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<sup>234</sup> Happydu, [Happydu Village](#), no date

<sup>235</sup> Regain Trust, [Website](#) (About us), no date.

<sup>236</sup> LAC, [Website \(About Us\)](#), 2020

<sup>237</sup> OSAC, [Namibia 2020 Crime & Safety Report](#), 22 April 2020

<sup>238</sup> USSD, [TIP report Namibia 2021](#) (Protection), 1 July 2021



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- 9.1.2 The Central Intelligence Agency (CIA) World Factbook estimated the population of Namibia to be over 2.6 million (July 2021 estimate) with 446,000 estimated to live in the capital Windhoek. The source noted ‘The majority of Namibians are rural dwellers (about 55%) and live in the better-watered north and northeast parts of the country.’<sup>240</sup>
- 9.1.3 World Atlas provided estimates (based on 2017 data) of the populations of Windhoek, 268,132 and the next most populated cities of Rundu, in the north (58,172 - 63,430) and Walvis Bay on the west-central coast (52,058)<sup>241</sup>. World Atlas did not state where it had obtained the 2017 data from and CPIT was unable to find information from other sources consulted to corroborate these exact figures (see [Bibliography](#)). The most recent Population and Housing Census of 2011 provided differing figures to World Atlas (perhaps due to difference in time) but did note the largest urban populations resided in Windhoek followed by Rundu, Walvis Bay, Swakopmund and Oshakati respectively<sup>242</sup>.
- 9.1.4 The 5 regions with the largest populations according to the most recent population and housing census of 2011 were: Khomas (340,900) followed by Ohangwena (245,100), Omusati (242,900), Kavango (222,500) and Oshana (174,900)<sup>243</sup>.
- 9.1.5 Namibia is geographically about 3 ½ times the size of the UK<sup>244</sup>.

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<sup>239</sup> UN Geospatial, [Namibia](#), 01 May 2021

<sup>240</sup> CIA, [World Factbook – Namibia](#) (People and Society), 29 June 2021

<sup>241</sup> World Atlas, [Biggest Cities In Namibia](#), 2017

<sup>242</sup> Republic of Namibia, [Population and Housing Census 2011](#) (page 7), 2011

<sup>243</sup> Republic of Namibia, [Population and Housing Census 2011](#) (page 7), 2011

<sup>244</sup> CIA, [‘World Factbook – Namibia’](#) (Geography and country comparison), 29 June 2021

## 9.2 General provision

- 9.2.1 The SIGI report 2019 stated: ‘The [Constitution](#) provides all Namibians with the right to move freely within the country, to live in any part of the country, and to leave and return to the country (The Constitution, Article 21).’<sup>245</sup> Freedom House and the USSD reports covering events in 2020 noted this constitutional right was generally respected in practice<sup>246 247</sup>.
- 9.2.2 The SIGI 2019 report noted: ‘All Namibians have the same ability to apply for identity cards and passports, however married women must provide the marriage certificate to indicate any change in surnames, and divorced women must provide divorce certificates if they have reverted to their maiden names (Namibian Ministry of Home Affairs, 2015).’<sup>248</sup>
- 9.2.3 The CIA World Factbook noted:  
‘Migration, historically male-dominated, generally flows from northern communal areas...to agricultural, mining, and manufacturing centers in the center and south. After independence from South Africa, restrictions on internal movement eased, and rural-urban migration increased, bolstering urban growth. Some Namibians – usually persons who are better-educated, more affluent, and from urban areas – continue to legally migrate to South Africa temporarily to visit family and friends and, much less frequently, to pursue tertiary education or better economic opportunities. Namibians concentrated along the country’s other borders make unauthorized visits to Angola, Zambia, Zimbabwe, or Botswana, to visit family and to trade agricultural goods.’<sup>249</sup>

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## 9.3 Single women

- 9.3.1 In sources consulted (see [Bibliography](#)) CPIT could not find specific information on the ability of single women to travel throughout Namibia. For general freedom of movement see [General provision](#) and for information on societal attitudes towards single women and mothers see [Single and divorced women / mothers – statistics, trends and attitudes.](#)

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<sup>245</sup> OECD, [SIGI 2019, Namibia](#) (section 4b), 2019

<sup>246</sup> Freedom House, ‘[Freedom in the World 2021](#)’ (section G.1), 2021

<sup>247</sup> USSD, [2020 Country Report on Human Rights Practices](#), Namibia (section 2.d), 30 March 2021

<sup>248</sup> OECD, [SIGI 2019, Namibia](#), 2019

<sup>249</sup> CIA, [World Factbook – Namibia](#) (People and Society), 24 November 2020

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context (considering laws that protect and/or discriminate constitution, criminal, penal and civil codes) applicable to
  - general anti-discrimination provisions
  - specific to women and girls in political, economic, social, cultural, civil or any other field
- Social, economic and political status
  - socio-economic and political indicators (as compared to men), such as rates / proportion in
    - literacy
    - education
    - employment and income
    - government, political parties and public roles
    - single, divorced or widowed (including stigma attached)
- cultural and family status and attitudes, including attitudes of religious groups, and representation and discourse in media
  - public sphere – government and politics
  - availability and access to
    - employment and work
    - education
    - healthcare, including pregnancy
    - finance
  - nationality and citizenship
  - family rights including
    - marriage (including child and forced)
    - divorce
    - ownership and management of property
    - inheritance
    - custody of children
    - guardianship and adoption

- reproductive rights, such as choice of how many children, contraception and abortion
  - situation of single women
- Domestic and public violence against women (from state and non-state. Violence may take many forms including sexual, such as rape, honour crimes, and harassment (particularly in the workplace) child marriage, FGM. For each of these:
  - nature of violence and perpetrators
  - legal status
  - prevalence, including variations amongst particular groups
- State attitude and assistance to eliminate discrimination
  - government statements
  - government departments, policies and programmes
- State protection
  - security services and judiciary, size, composition, capability and effectiveness, including specific units or groups with the remit to assist women or particularly vulnerable groups
  - attitudes of security forces and judiciary to women
  - accessibility to protection and justice
  - enforcement - arrest and detentions, prosecutions and convictions
  - assistance and support - witness protection, shelters and other support, and compensation
- Civil society assistance
  - number, size and aims of civil society groups assisting women
  - activities including
    - legal advice and support
    - financial
    - medical, physical and mental healthcare
    - accommodation and shelters
    - helplines
    - awareness training
- Freedom of movement
  - legal freedoms/restrictions, including documentation
  - safety of movement
  - vulnerabilities of different groups, such as single women, single mothers

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **13 September 2021**

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### Official – sensitive: Start of section

- this version approved by: **Martin Stares, Head of CPIT**
- approved on: **8 September 2021**

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### Official – sensitive: End of section

## Changes from last version of this note

First version.

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