



REPUBLIC OF NAMIBIA

MINISTRY OF GENDER EQUALITY, POVERTY ERADICATION AND SOCIAL AND WELFARE

NAMIBIA'S AFRICAN CHARTER ON RIGHTS AND WELFARE OF THE CHILD COMBINED 3rd, 4th AND 5th PERIODIC REPORTS

MARCH 2022



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LIST OF ABBREVIATIONS

ACERCWC	African Committee of Experts on the Rights and Welfare of the Child
ACWRC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immunodeficiency Syndrome
ANC	Ante-Natal Care
BFHI	Baby-Friendly Hospital Initiative
GBFI	Baby-Friendly Hospital Initiative
BPVSC	Basic Pre-Vocational Skills Course
CCPA	Child Care and Protection Act
CESA	Continental Education Strategy for Africa
CHW	Community Health Workers
CJB	Child Justice Bill
CPD	Continuous Professional Development
CRC	Convention on the Rights of the Child
CSE	Comprehensive Sexual Education
CSR	Corporate Social Responsibility
CWD	Child Welfare Directorate
DHIS2	District Health Information System
ECD	Early Childhood Development
ETSIP	Education and Training Sector Improvement Program
EU	European Union
FAWENA	Forum for African Women Education
GBV	Gender-Based Violence
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
HPP	Harambee Prosperity Plan
ICT	Information Communication Technology
IECD	Integrated Early Childhood Development
ILO	International Labour Organization
IMC	Inter-Ministerial Committee
LFPR	Labour Force Participation Rate
M&ER	Monitoring, Evaluation and Reporting
MGECW	Ministry of Gender Equality and Child Welfare
MGEPESW	Ministry of Gender Equality, Poverty Eradication and Social Welfare

MLIREC	Ministry of Labour, Industrial Relations and Employment Creation
MoEAC	Ministry of Education Arts and Culture
MoHSS	Ministry of Health and Social Services
MTCT	Mother to Child Transmission
NAC	National Agenda for Children
NANSO	Namibia National Students Organization
NAMPHIA	Namibia Population-based HIV Impact Assessment
NCIS	Central Intelligence Services
NDHS	Namibia Demographic Health Survey
NDPs	National Development Plans
NEEEF	New Equitable Economic Empowerment Framework
NFPDN	National Federation of Persons with Disabilities
NGOs	Non-Governmental Organizations
NHRAP	National Human Rights Action Plan
NIED	National Institute for Education Development
NSA	Namibia Statistics Agency
NSF	National Strategic Framework
OVC	Orphans and Vulnerable Children
PEPFAR	President's Emergency Plan for AIDS Relief
PHC	Primary Health Care
PPE	Pre-Primary Education
PTF	Permanent Task Force
RCCF	Residential Child Care Facilities
SACMEQ	Southern and Eastern Africa Consortium for Monitory Education Quality
SADC	Southern African Development Community
SDF	School Development Fund
SDGs	Sustainable Development Goals
SRCs	Students Representative Councils
SSP	Statistics Strategic Plan
UN	United Nations
UNAIDS	United Nations Program on HIV/AIDS
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNICEF	United Nations Fund for Children
WFP	World Food Program

FOREWORD

Namibia signed the African Charter on the Rights and Welfare of the Child (ACRWC) in 1999 and ratified it in 2004. The State Party is committed to the realisation of the protection of children's rights and welfare as prescribed in the charter.

This was done after the signing and the ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1990.

The Namibian Government is guided by the "rights-based approach" in developing its policies, guidelines and legislation for Namibian children. The most recent evidence hereof is the Child Care and Protection Act, 2015 (Act No.3 of 2015), which is based on the "best interests of the child" and "child participation" principles Namibia, through the Ministry of Gender Equality, Poverty Eradication Social Welfare (MGEPESW) and role players are devoted to champion gender equality and the well-being for children through creation and promotion of sustainable socio-economic development.

There is no doubt that any society depends on its ability to foster the health and well-being of its future generations. In another words: today's children will become tomorrow's citizens, parents and leaders. Consequently, if we fail as a nation to care for and protect our children, we place our prosperity and security at risk.

Namibia is pleased to submit its combined 3rd, 4th and 5th periodic State Party report on the ACRWC. The report is the evidence to the commitment the country has made to fulfil the rights of children as preserved in the Namibian Constitution. The report contains strategies and interventions undertaken by Namibia for the benefit of children from 2013 to 2021.

The preparation of the report included several meetings and consultations between the key stakeholders and children themselves. We express our gratitude to all key ministries, civil society organizations and NGOs who contributed to the development of this State Party.



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Hon. Doreen Sioka

Minister of Gender Equality, Poverty Eradication and Social Welfare

I. INTRODUCTION AND PURPOSE OF REPORT

Namibia signed the African Charter on the Rights and Welfare of the Child in 1999 and ratified it in 2004. The State Party is committed to promote and protect the rights of the children as per the African Child on the rights of the Child, as well as the United Nations Convention on the Rights of the Child that was signed and ratified in 1990.

This report is submitted pursuant to Article 43 of the reporting guideline of the ACWRC. The charter is domesticated through different legislation and framework pertaining children and human rights in particular. The State Party submitted its first report covering the period of 2004-2012 in 2014. It was a combination of the initial report and the second period reports; and it was defended by the delegation from Namibia in 2015. The report highlighted the progress made towards the promotion, care and protection of children's rights in Namibia.

The report is a combined of third, fourth and fifth periodic reports that was due in August 2018. The State Party wishes to inform the committee that this report contains additional information from September 2018 to March 2021. Thus, the report covers the period from 2013-2021, in accordance with State Party's obligation under Article 43 of the African Charter on the Rights and Welfare of the Child (ACRWC).

The report consists of 2 (two) parts, part 1 (one) covers the responses to the Concluding Observations and Recommendations by the African Committee of Experts on the Rights and Welfare of the Child on the status of implementation of the rights and Welfare of the child, from the previous report. Part 2 (two) covers the treaty specific information according to the clusters of rights contained in the ACRWC including data.

II. METHODOLOGY AND PREPARATION OF THE REPORT

This report was prepared by the Ministry of Gender Equality, Poverty Eradication and Social Welfare in consultations with key government line ministries and agencies. After the compilation of the report, further step was taken by the Inter-Ministerial Committee (IMC) to examine the response on concerns and recommendations to the State party in the form of concluding observations. Thereafter, the report was submitted to Cabinet for the approval before its submission to the Committee of Experts on the Rights and Welfare of the Child (ACERCWC).

SECTION ONE (1)

III. RESPONSES TO THE COMMITTEE'S MAIN AREAS OF CONCERN AND RECOMMENDATIONS

A. GENERAL MEASURES OF IMPLEMENTATION

Recommendation no.5: The Gazetting of the Child Care and Protection Bill

Response:

The Child Care and Protection Act, 2015 (Act No 3 of 2015) was promulgated into in 2015 and the and came into force on 30th January 2019 and it is in force. The Child Justice Bill is at an advance stage, and is expected to be in Parliament during the course of 2022.

Recommendation no.6: The National Agenda for Children (NAC) in 2012-2016 and which include the abolishment of school Development Fund.

Response:

The State party has developed a new National Agenda for Children (NAC) for 2018-2022. The NAC priorities are Child Protection and Social Protection; Child Education; Child and Adolescent Health; Child disability and Child Participation. Further; the payment of the compulsory school development fund was abolished in 2014 and expanded to cover secondary education.

Recommendation 7: Measures to speed up the process including the establishment of a one stop centres for grant applications.

Response:

Although a one stop centre was not established. The Ministry of Gender Equality, Poverty Eradication and Social Welfare has embarked on Business Process Reengineering method in collaboration with the Office of the Prime Minister; and 41 volunteers were strategically recruited through President's Emergency Plan for AIDS Relief (PEPFAR) support to assist with grants application process. Those two initiatives are geared towards the speeding up the grant application process.

Recommendation 8: Observation of the wellbeing of orphan children; and to accelerate treatment access for adults to reduce the increasing number of orphans; and establishment a mechanism for collaboration of the stakeholders working for children.

Response:

The State Party took note of the concern raised and the increase is attribute to an intensified process of identifying and recording of orphans. Although Namibia had the high HIV prevalence rate 14.3 % in 2010, it was slightly reduced to 13.6 in 2017. The number of OVC has also reduced from 149 412 to 129 920 in 2016. Further, the country exceeded many of the 90-90-90 targets by 2020 set by UNAIDS in 2014. According the NAMPHIA (2017) results shows that 86% of people with HIV aged 15-64 years knew their HIV positive status, 96% of those who knew their status were on treatment, while 91% of those on treatment were virally suppressed.

The Permanent Task Force (PTF) for OVC was renamed as Permanent Task Force for children. The PTF is the coordination body which is well functioning; and it is composed with all key stakeholders i.e line ministries, Civil Society Organizations, UN agencies and development partners working with children.

The meetings are convened on quarterly basis and the discussions focus on issues affecting children in Namibia. A new National Agenda for children (NAC) for 2018-2022 was developed and being implemented by all key stakeholders. The progress report on the implementation of the NAC for the period of 2018-2020 is available. The report contains the achievements and constraints on the implementation of the NAC.

Recommendation 9: Strengthening of the National Statistics Agency and to put in place a comprehensive data collection system and to include disaggregated statistical data under all clusters in its next report to be submitted for the committee.

Response:

The State Party notes the concern on the lack of comprehensive collection data systems in the country by the committee and the Ministry engaged Namibia Statistics Agency (NSA) on this matter. The Ministry of Gender Equality, Poverty Eradication and Social Welfare also developed a Statistics Strategic Plan (SSP) on Child Protection in collaboration with NSA. The aim of the Strategic is to improve statistics and their use within Child Protection programming for improved evidence-based planning, decision-making and performance management.

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

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

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

Recommendation no. 10: The strengthening of the capacity of the National Society for Human Rights as an autonomous body to inquire on human rights violations including violation of children's rights

Response:

The Children's Advocate is authorized to investigate complaints about services provided to children under the Namibian laws or violation of children's rights under the Namibian Constitution, or any other violation of children's rights under the Namibia Constitution or any other law.

Children's Advocate monitor implementation of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other international agreements on child protection which are binding on Namibia.

The same office also takes cases to court as necessary to further the interests of children; as well as raising awareness about the Child Care and Protection Act and the importance of child protection in general.

Recommendation no.11: Submission of the Day of the African Child reports**Response:**

The State Party commemorates the Day of African Child every year. The commemoration of the Day of African Child and the Day of the Namibian Child are led by children, who are engaged from planning process.

There has not been regular submission of a report on the commemoration of the Day of the African Child. The State Part note of the recommendation.

B. DEFINITION OF THE CHILD

Recommendation no. 12 and 13: To harmonize the definition of the child in all its laws in line with article 2 of the African Children’s Charter and to provide the minimum age of marriage at age of 18 years with articles 2 and 21 of African Children’s Charter and to eliminate child marriage.

Response:

The State Party takes note of the Committee’s recommendation. The Children Status Act was repealed and incorporated in the Child Care and Protection Act (CCPA) that reads in line with the definition in the United Nation Convention on the Rights of the Child (UNCRC) and the African Charter and the Rights and Welfare of the Child (ACRWC). The Combating of the Domestic Violence Act defines the child as a person under the age of 18 year, this is also in line with the primary legislation on children which is the CCPA.

The Child Care and Protection Act defines a “child” as being a person below the age of 18. This brings Namibian law in line with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. However, despite the change in the age of majority, the consent of a parent or guardian is still required for the marriage of persons under age 21.

Section 226 of the CCPA criminalizes customary child marriages in terms harmful cultural practices

Recommendation no.14: To provide for a restricted and specific interpretation of the term “full age” under article 14 of the Namibian Constitution as one means of fulfilling its obligation under article 21 of the African Children’s Charter

Response:

The State Party acknowledge the concern raised by the committee, it cannot be subjectively interpreted because the definition of the child is any person under the age of 18 therefore a person of full age is regarded as a person above 18 years.

C. GENERAL PRINCIPLES

Non-Discrimination

Recommendation no. 15 and 16: Intestate succession: The State Party to ensure the observance of the principle of non-discrimination in intestate succession under customary law and to enact the Intestate Succession Bill within a short time frame.

Response:

Article 10 provides that all persons are equal before the law, and shall not be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. In addition, respect for human dignity and freedom from discrimination are recognized within Chapter 3 of the Namibian Constitution as fundamental rights to be upheld by the executive, legislature, judiciary and all other organs of Government as well as by all natural and legal persons in Namibia. The abovementioned is the first constitutional protection and it is not only applicable to adults, but also to children including children from marginalized communities.

The State Party acknowledge the concern for lack of access to basic services for San community, however government will consider designing programs in consultation with the affected communities to ensure that they are adaptive to the lifestyle of communities.

The State Party acknowledges that there are challenges in relation to customary marriages and inheritance. In addressing these challenges pertaining to customary marriages and inheritance, the Namibian Government has drafted several bills to ensure that women in such marriages are legally protected. To this effect the following bills have been drafted, namely the Matrimonial Property Regime Bill and the Intestate Succession Bill.

In 2012, the Law Reform and Development Commission provided a report on the intestate Succession Bill to the Master of the High Court as a Custodian of the Bill. The Bill is still in the process to be gazetted.

One of the many projects of the Law Reform and Development Commission (LRDC) is to remove and amend the old discriminating laws. On 31 December 2018 the Namibian Government promulgated the Administration of Deceased Estates Amendment Act, 2018 (Act No.22 of 2018).

The amendments are aimed at further protecting the interests of minor heirs and delegates as well as addressing issues pertaining to the Guardian Fund. Furthermore, the amendments provide for an investment framework, including an investment committee and policy to ensure more transparent and effective governance of the investments made by the Master of the High Court.

The Matrimonial Property Regime Bill, 2019 submitted by the Ministry responsible for Home Affairs in September 2019. The Bill is still in the process to be enacted, and it repeals the offensive and overtly racist Native Administration Proclamation Act, 1928 (Act No.15 of 1928). The law provides for a uniform matrimonial property regime for all civil marriages. It repeals the remainder of the Proclamation, and provide measures of redress for those who have been unfairly affected by its discriminatory provisions on marital property regimes.

The Child Care and Protection Act, 2015 (Act No. 3 of 2015) removed the discrimination against children born outside marriage; it provides for custody, access to inheritance and guardianship in respect of both children born in marriage or outside the marriage upon the death of their parent or guardian.

The Article 66 of the Constitution recognise customary law as valid. Therefore, children can inherit from the estate of both parents based on the law of that particular ethnic group, provided it does not conflict with the spirit of the constitution.

Recommendation no. 17: The best interest of the Child

Response:

The best interest of the child is the underlying general principle of the Child Care and Protection Act, 2015 (Act No 3 of 2015. Section 3 of the CCPA provides that the Act must be interpreted and applied in all matters concerning the care, protection and well-being of a child arising under this Act or under any proceedings, actions and decisions by an organ of State in any matter concerning a child or children in general. The best interests of the child concerned is the paramount consideration. The CCPA is the first Namibian law to make the best interest of the child the key consideration in matters concerning the child. The proposed Child Justice Bill is also premised on this general principle of the best interest of the child and once it is enforced all matters relating to children in conflict with the law will also apply.

The principle of the best interest is applied when the Act is implemented by key actors such as social workers, magistrates and other services providers. The principle of best interest of the child, is an overriding principle, in all administrative and judicial matters relating to children, and form/serve as a foundation for social worker's recommendation and decisions in all child protection cases.

The Children's Advocate as a watchdog provides monitoring mechanism in the overall implementation of the Act, and also holds key implementers accountable on how these principles are applied.

Recommendation no.18: The Right to Life, Survival and Development

Response:

The country has adopted a Child Survival Strategy (2014-2018) in an effort to address infant and under five mortalities. The goal of the five-year strategy was to contribute to the accelerated reduction of under-5 morbidity and mortality in order to achieve the national and international targets. The general objective is to increase and sustain the integrated delivery of high impact and cost effective maternal, new-born, child health and nutrition interventions.

In terms of community outreach the Ministry of Health and Social Services introduced a new cadre known as community health workers whose functions are to conduct home visits, health education on communicable diseases, as well as maternal, child health and family planning. A UNICEF evaluation on the program found that it has contributed to the improvement of maternal, new-born and child health indicators.

Through the program, CHW are able to identify pregnancy at an early stage, provide health promotion and advice and as a result there was an increased ANC coverage, a decrease diarrhoea and malnutrition cases, decreased illnesses as a result of immunization, early health seeking behaviour and management of other childhood illnesses.

In addition, through the primary health care strategy, the Ministry of Health provide an expanded program on child immunization. The program includes conducting outreaches to grassroots communities with critical vaccinations in order to increase coverage. The country introduced annual maternal and child health days to ensure that children who missed their vaccination schedules have another opportunity to catch up. The immunization campaigns target children under the age of 5, as well as expectant mothers. The country made progress in the reduction of under 5 mortalities from 75.5 (deaths per 1000 live births) to 45.2 (between 1990-2015).

In terms of breastfeeding initiative, the country launched the Namibia Baby and Mother Friendly Initiative (BMFI), to promote, support and protect breastfeeding practices and is adopted from the global Baby Friendly Hospital Initiative (BFHI). The BMFI guidelines were developed and health workers were trained on breastfeeding management and promotion.

Since 1996, 35 (100%) state and state-subsidized missionary hospitals were declared Baby and Mother Friendly according to the international laid down criteria of the Ten Steps to Successful Breastfeeding. According to the 2006/7 NDHS, only 23.9 percent of children under the age of 6 were exclusively breastfed. This proportion gradually increased to 48.5 percent in 2013. The practice of exclusive breastfeeding in Namibia at age 0-1 months was recorded at 72 percent, 52.7 percent at 2-3 months and 26.8 percent among 4-5 months old infants. Although the BFHI is in place it only promotes exclusive breastfeeding in the health facility but does not sustain it at community level. In reality many mothers are unable to practice exclusive breastfeeding as advocated and there is paucity of scientific data on reasons why exclusive breastfeeding is not practiced optimally.

Recommendation no.19: Infanticide and Baby dumping

Response:

The country has made provision for the Child Care and Protection Act to address the issue of baby dumping. In the Act, mothers are encouraged to leave their unwanted babies at a safe place without the fear of prosecution. In addition, the Ministry has made effort to establish a Register for Adoptable Children and Adoptive Parents to ensure that parents who are unable to provide appropriate parental care to their children can find alternative care for their children. The purpose of the register is to identify all children in need of alternative care in the country and match them with parents who are approved to foster or adopt.

Recommendation no. 20: Child Participation

Article 21 of the Namibian Constitution guarantees fundamental freedoms including the freedom of thought, expression, association and peaceful assembly. The National Agenda for Children (2018-2022) provides for interventions on child participation. The Namibia National Students Organisation (NANSO) and the various school and university Students Representative Councils (SRCs) represent learners and students at schools and institutions of higher learning respectfully.

The student's organisations were established to organize, mobilize, and unite all learners and students of Namibia so as to enable them to participate fully in the social, cultural, economic and political life of the society. These organizations also strive for research-based reform and democratization of education in order for it to respond positively to the developmental needs of the Namibian society.

Through the establishment of Children's Parliament; its primary goal is to lobby or advise Government and its agencies responsible for law-making and their implementing machinery to fast track policies that would improve the rights and welfare of children and young persons in accordance with national legal instruments and international convention provisions. The Children's Parliament sit every two years.

Junior Town Councils are operational in certain towns and serves as an extension of the council managing the towns. These councillors are exposed to leadership and management, decision making and advocacy platforms that enhance their development and skills.

Furthermore, all Namibians including children are free to access social media networks such as Facebook, twitter and other social media.

Recommendation no.21: Child Friendly courts

The Criminal Procedure Amendment Act, 2003 (Act, No.24 of 2003) makes provision for the protection and support of vulnerable witnesses and for special measures to be applied for. In enhancing the protection of child victims, social workers, police officers and prosecutors have been trained on child witness support and protection.

A training manual for professionals (social workers, police and prosecutors) who work with child victims and witnesses of crimes was developed. Child friendly courts that makes provision for special measures to be applied are also established. In addition, the Office of the Prosecutor General have introduced vulnerable Witness support program to support children while testifying during the court proceedings. Volunteers from all regions in the country were recruited and trained under the program.

D. CIVIL RIGHTS AND FREEDOMS

Recommendation no. 22 & 23: Name, National, Identify and registration at birth

However, the Committee has concerns about the legal uncertainty in relation to children born in Namibia to stateless parents and migrants and refugees.

Response:

Article 15 of the Namibian Constitution provides that children have a right to a name and nationality.

A birth certificate is usually the first step to secure this right.

The provision of national documents including the issuing of birth certificates is the responsibility of the Ministry of Home Affairs and Immigration. The Ministry has established offices in all regions, as well in 23 hospitals to encourage early birth registration.

There have been a number of administrative reforms introduced to better enable timely registration linked to health facilities following birth and to improve the national integrity of the records. The parents should present themselves in front of Registrar if not married, or provide the other parents' statement under oath, claiming maternity/paternity of the child.

In the event that the father denies paternity or is unknown, the mother can register the child on her surname, and father's details will be left blank. Insertion of the father's details are free until the age of 5 of the child. Any parent can register a child's birth as soon as possible after the birth of the child and birth registration is free. Registration can be done at the nearest office of the Ministry of Home Affairs and Immigration or at a hospital-based office.

The Ministry of Home Affairs and Immigration also undertakes community outreach programmes on a regular basis to provide services to the communities in remote rural areas. Some of the outreach programmes are arranged together with Ministry of Gender Equality, Poverty Eradication and Social Welfare official responsible for registration of child grants to create an incentive for the parents to register for birth, in the event that it was delayed.

Section 232 (1) of the CCPA prohibits schools and hospitals from denying services to children on the basis of not being registered. Section 145 (3) (t) of the CCPA instructs any organ of state to assist the child in obtaining access of a public services to which a child is entitled, for example, the Osire Settlement Centre for refugees provides all basic services including birth registration.

Ministry of Home Affairs provides documentation for identification of all non-citizens to reside freely in the country and this include children (stateless children).

Recommendation no. 24: Protection for privacy

The State Party welcome the recommendation and will engage the relevant institution with regards to child privacy. It is worth noting that the Office of the Media Ombudsman is self-regulated and have its own constitution and self-funded.

Recommendation no.25: Protection against abuse and torture

The State Party take note of the recommendation by the Committee, and it is taking effort to address the issue of corporal punishment in the home. There are mechanisms in place to address cases of corporal punishment in the home through the provision of the Child Care and Protection Act, 3 of 2015.

Cases of severe physical abuse by parents are treated as criminal offences and charges are laid against parents. Children who experiences corporal punishment are also regarded as children in need of protective services and where it is necessary are removed from danger and place in alternative care. The Ministry in partnership with their stakeholders also sensitize parents on alternative to corporal punishment.

In addition, the country also has an Effective Parenting Program in place led by Ministry of Health and Social Services in collaboration with Civil Society Organisation which is aimed at building capacity of parents and supporting parents who are challenged with parenting skills.

Recommendation no. 26: To conduct a study to understand the root causes of rape against girls under the age of 18 and improvement on service provision of such category of girls

Response:

The State Party conducted a Survey on Violence against Children in 2019 to determine the extent and common types of violence that children in Namibia experiences. The objective of the study was to; estimate the national prevalence of physical, emotional and sexual violence in childhood, adolescence, and young adulthood, identify risk and protective factors for physical, emotional and sexual violence against children and youth in Namibia to inform stakeholders and guide prevention efforts, identify the health and social consequences associated with violence against children and youth in Namibia, assess the knowledge and utilization of medical, psychosocial, legal, and protective services available for children and youth who have experienced violence.

The results of the survey showed that nearly two out of five females (39.6%) and males (45.0%) aged 18-24 years experienced physical, sexual, or emotional violence in childhood. This clearly shows us that the rate of violence among children is unacceptably high. Based on the findings of the survey, the Cabinet recommended the following:

- Review relevant legislation (including the CCPA, Child Justice Bill) to explicitly prohibit corporal punishment in all settings
- Build the capacity of key stakeholders such as magistrates, prosecutors, court clerks, social workers and police officers on the CCPA to ensure the incorporation of child protection.
- Support the development and implementation of a national plan of action to end VAC
- Review parenting manual and training of parents. (Positive parenting practices and alternative disciplinary measures.

The country made provision through the Child Care and Protection Act No 3 of 2015, for mandatory reporting of cases of children in need of protective services by certain professional, community members and children themselves. The MGEPESW has embarked on the process of popularizing these provisions to key stakeholders, communities as well as to children platforms. In addition, government works with Civil Society Organization to popularize all reporting portals for case of children in need of protective services. This include popularizing platforms such as the helplines, social workers contact details and other critical/emergency response services.

The government has invested in the capacity building of key professionals who work on Gender Based Violence cases (including rape, domestic violence, and child abuse). The training approach has been multi-sectoral as prosecutors, social workers and police officers were trained together to ensure a common understanding of case management with regard to Gender Based Violence.

E. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Recommendation no. 27: Parental Guidance and responsibilities

The government is working on the process of re-engineering the grant system to ensure that the process of grant approval has improved and children/families are able to access these grants faster.

Recommendation no.28: Arrangements for parents to play integral role in the learning process of their children, and to continue and strengthen its action with a view of ensuring children of working parents are provided with basic services.

Response:

The State party takes note of the recommendation and will endeavour to work towards the provision of these needs.

Recommendation no.29: Family reunification and children deprived of the family environment**Response:**

The country has an established family reunification approach build in the alternative care system. As part of the standard on foster care and other forms of consideration, family is always considered as the best option for children (including extended family members- through kinship care). In other cases where children are removed and placed in other form of alternative care, the principle guideline applied here is that of eventual reunification of a child with family.

The CCPA makes provision for social workers to promote family contact between child and family, even in the case where the child is removed. This is done in view of eventual reconciliation between child and family when it is possible.

Government provide subsidies to private Residential Child Care Facilities to help with the management cost of such facilities. In addition, the government conducts annual monitoring and inspections to all these facilities to ensure that they are following the established mechanism and standards on RCCF.

Recommendation no. 30: Adoption**Response:**

Government has made effort to address the loophole with regard to inter-country adoptions. In this regard, the country has enacted the CCPA which made provision for inter-country adoptions in line with the Hague Convention on Inter-country adoptions. Namibia acceded to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption in 2015, and deposited its instrument of ratification in the same year.

F. HEALTH AND WELFARE OF CHILDREN WITH DISABILITIES**Recommendation no.31: To address the needs and ensure services of children with disability****Response:**

According to the 2011 Namibia Population and Housing Census, the proportion of persons with disabilities is higher in rural areas (5.7%) than in urban areas (3.3%). The Census further revealed that in terms of limitations, 42% of the persons with disabilities had difficulties to engage in any learning and/or economic activity. However, recent statistics further shows that about 21,000 children in Namibia between the age of 6 and 19 years have a disability, representing 3.3 percent of the population in that age group.

The Government has policies and guidelines which aimed at removing social inequalities for persons with disability. The most relevant legislation and policies pertaining to children with disabilities in Namibia include the National Policy on Disability (1997), the National Disability Council Act, 2004 (Act No.26 of 2004) and the Mental Health Policy.

The policy framework follows the principles outlined in the UN Standard Rules on the Equalization of Opportunities for Persons with disability and incorporates various rights protecting the persons with disabilities. It also recognizes that persons with disability are an integral part to development and they should be accorded equal access in all areas and exempted such as rehabilitation, assistive devices and orthopaedic services.

Thus, creating an enabling environment where persons with disability are empowered leading to self-sufficiency, independence, integration and inclusion into society. The Ministry of Gender Equality, Poverty Eradication and Social Welfare in terms of child protection has developed the National Agenda for Children (NAC) 2018-2022 which is a five-year strategy that implores all sector players in Namibia to ensure the rights of children are met.

The NAC is structured along five unique strategic pillars each with a set of desired outcomes. Each pillar and associated desired outcomes are based on national and international development commitments. The disability pillar is a first for the NAC and is aimed at stimulating advocacy towards the equalisation of opportunities for access to both the physical environment which includes the materialisation of reasonable accommodation of CWD and ICT environments. The Office of the Vice President – Department of Disability Affairs is a lead agency for this pillar.

Primarily, ensuring access to education for children with disabilities is a vital entry point. Schools in general and IECD centres in particular play an important role in the identification and referral of children with disabilities to the relevant services. This is where partnership with the MoHSS in the provision of rehabilitation services, the Ministry of Gender, Poverty Eradication and Social Welfare (MGEPSW) for social protection and other civil society organisations for counselling services is key.

It is fundamentally important to effectively capacitate teachers and Edu-carers in particular with the skills to work with children with disabilities. Matters of access have to do with health, education, social protection and participation. All planning and implementation of activities under each of the pillars in the NAC reflect the inclusion of children with disabilities.

According to a survey done by Sintef Health Research in collaboration with University of Namibia, Central Statistical Office and National Federation of Persons with Disability in Namibia (NFPDN) earlier in 2004, over 70 % of persons with disabilities had access to health care services when the need arose. Those who did not make use of the services noted the cost of paying for the service and transport problems acted as a barrier to utilizing services.

The Regulations of 2010 relating to Classification of State Hospitals, Admission of Patients to State Hospitals, and Fees Payable by Patient Receiving Treatment in, at or from State Hospital: Hospitals and Health Facilities Act, (No. 36 of 1994), states that a person may not be refused admission to a state hospital for treatment in, at or from that hospital on the grounds that he or she is not able to afford the payment of the prescribed fees for treatment. Vulnerable persons (including children) exempted from paying fees include veterans, pregnant women, persons receiving social grant (older persons, persons with disabilities, children under the age of 16 years).

The Education policy provides that basic education is received by all Namibian children. In this regard, the Ministry of Education, Arts and Culture has implemented inclusive education for all Namibian children including those who are with disabilities. This process of inclusion entails developing the capacity of the regular school system to enable it to meet the diverse educational needs of all children.

To address the needs of children with disabilities in the country, the Ministry of Education, Arts and Culture with the support of UNICEF conducted a rapid analysis aimed at documenting the implementation of inclusive education in Namibia. The main purpose of this analysis was to identify the needs and barriers that may hinder the full participation of children with disabilities and children with special education needs.

The analysis identified many challenges including the lack of disability-friendly infrastructure in and around schools, classrooms and in hostels and lack of supporting technology. Challenges on access to educational facilities remains despite policies and other efforts; these challenges are linked to resources prioritization, distances, and geographical situation in Namibia (sparse population, geographical challenges- too mountainous or too sandy).

Recommendation no.32: Health and Health Services

Response:

The State Party appreciates positive comments the committee has given to Namibia, and pledges its commitment to ensure that these measures continue to be strengthened.

Recommendation 33: The tenaciously high rate of child and maternal mortality

Response:

The government of Namibia through the Ministry of Health and Social Services has adopted a Child Survival Strategy (2014-2018). The strategy proposes the scaling up of selected high impact interventions that will be delivered using three service delivery modes: (i) family oriented, community-based services; (ii) population-oriented, schedulable services and (iii) individually-oriented, clinical services

The goal is to contribute to the accelerated reduction of under-5 morbidity and mortality in order to achieve the national and international targets by 2018. The general objective is to increase and sustain the integrated delivery of high impact and cost effective maternal, new born and child health and nutrition interventions.

A recent Situation Analysis Summary report by UNICEF states that there is improved local access to improved health facilities and skilled staff. Namibia has strengthened the nationwide coverage of district, health centres and clinics, complimented by private health facilities, as well as access to Community Health Workers (Health Extension Workers) and skilled birth attendants. The report further states that the quality of local access appears to have also benefitted from decentralised managerial and supervisory support roles of the Ministry of Health and Social Services (MoHSS).

The National Health Policy Framework 2010-2020 provides for promotion, preventive, curative and rehabilitative services undertaken in collaboration with other sectors, communities, individuals and partners. The policy includes among its principles and values a stated commitment to gender issues to ensure that women and girls can enjoy a healthy life and have access to health services according to their specific needs. The policy also identifies as one of its priorities the need to support maternal, neonatal and child health.

The Government is still addressing many challenges in the health sector, including inadequate human resources and skills personnel as well as the fact that approximately 21% of the population mainly in the rural areas still live more than 10 kilometres from the nearest health facilities.

To address the issue of distance to health facilities and lack of transportation in rural areas, the Government continues to promote the use of mobile clinics and it has been an interesting intervention. A pilot programme called Mister Sister utilised a public-private partnership to bring primary health care to remote and underserved populations was introduced. This programme has assisted thousands of registered patients who otherwise would be unlikely to have access to medical care.

Some of its main services include confirmation of pregnancy, routine antenatal and postnatal care, family planning, immunisations, well-child care, screening for TB and sputum collection, voluntary counselling and testing for HIV, and diagnosis and treatment of routine communicable diseases.

Children living with HIV, TB and other chronic diseases e.g. cancer Identified, counselled put on treatment and monitored according to the set standards. The ministry also trained and employ Community Health Workers based in the community to identify and refer cases.

Nutrition Assessment, Counselling and Support (NACS) is an approach designed to provide:

- Nutrition services as part of standard care and treatment, with strong links to community services
- Routine nutrition screening in the community and nutrition assessment in health facilities
- Nutrition counselling based on the results of nutrition assessment
- Therapeutic and supplementary food prescribed as take-home rations to clinically malnourished target individuals for a limited time, based on clear admission and discharge criteria.

Recommendation no.34: Exclusive breast feeding; complementary foods and feeding programs in schools; collaboration with CSOs and the international community for financial and technical support.

Response:

Government has adopted a primary health care strategy in the delivery of health services to the Namibian population. One of the components of primary health care programs is maternal and child care including family planning, immunizations and promotion of breastfeeding up to the age of 6 months and nutrition. Various global instruments as well as national laws and policies have guided the implementation of infant feeding.

These include the international code of marketing of breast milk substitutes, the baby friendly hospital initiative, and the baby and mother friendly initiatives through the implementation of the ten steps to successful breastfeeding. In Namibia the Baby and Mother Friendly Initiative (BMFI) was launched in 1992. The initiative aims to promote, support and protect breastfeeding practices and is adopted from the global Baby Friendly Hospital Initiative (BFHI). The BMFI guidelines were developed and health workers were trained on breastfeeding management and promotion.

Since 1996, 35 (100%) state and state-subsidized missionary hospitals were declared Baby and Mother Friendly according to the international laid down criteria of the Ten Steps to Successful Breastfeeding According to the 2006/7 NDHS only 23.9 percent of children under the age of 6 were exclusively breastfed. This proportion gradually increased to 48.5 percent in 2013. The practice of exclusive breastfeeding in Namibia at age 0-1 months was recorded at 72 percent, 52.7 percent at 2-3 months and 26.8 percent among 4-5 months old infants.

Although the BFHI is in place it only promotes exclusive breastfeeding in the health facility but does not sustain it at community level. (Namibia Child Survival Strategy (2014-2018)). The Cabinet has approved the Namibia School Feeding Policy with an implementation Action Plan for 2018-2023.

The policy aims address inequalities and expand access to educational opportunities for all children, particular those from food insecure households. The goal of the policy is to improve access and quality of education in Namibia delivered by a decentralised feeding programme and also promote the consumption of locally produced food from smallholder producers as well as the diversification of meals.

In collaboration with World Food Program (WFP) the Ministry is in the process of designing a home-grown strategy to diversify school meals from current fortified maize. A total of 377 521 learners currently benefited from the school feeding programme. The number of beneficiaries increased by 25 521 from 352 000 due to more advocacy and drought effects at households.

G. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Recommendation no. 35: Establishment of public ECD centres and provision quality and equitable ECD services to all children.

Response:

The Ministry of Gender Equality, Poverty Eradication and Social Welfare drives the Early development interventions at central Government, through the relevant line Ministries as well as Faith Based Organisation, NGO'S and Development Partners. The main goal of these interventions is to ensure that all children from 0-4 years of age have access to quality early childhood development services with the focus on the most vulnerable children. Recent survey revealed that

In July and August 2012, the Ministry of Gender Equality and Child Welfare (MGECW) conducted a nationwide survey ("ECD Survey"). The Survey revealed that there are 2 070 ECD centres in the country. At least 84% of these centres were registered with MGECW in both rural and urban areas, compared to 15% unregistered centres. The survey attempted to comprehensively cover all ECD centres in Namibia, as its methodology for determining enrolment rates was to compare the number of children at the ECD centres surveyed with the figures from the 2011 Census.

The ECD Survey recorded a total of 61 218 children were enrolled in ECD centres, 52% were girls and 48% were boys. A comparison of children aged 0-9 enrolled in ECD centres to all children in Namibia in the same age group showed that just 12% of girls and 11% of boys were enrolled. Enrolment varied according to age group, with the highest enrolment recorded for children aged 4-5 (25%) and 6-7 (19%). Enrolment of girls was slightly higher than that of boys across all age groups.

At the regional level, enrolment varied significantly by age group, with trends being similar for girls and boys in each case. In 2016, the Office of the First Lady commissioned a Needs Assessment for ECD centres. It analysed 32 ECD centres across eight regions, intentionally selecting centres that were remote and rural, located in poor constituencies and poorly resourced.

The Government will use the information and the recommendations to improve the implementation of the ECD centres in the country. Section 66 of the CCPA makes provisions for the regulation of all ECD facilities in the country by the Ministry of Gender Equality and Child Welfare.

Recommendation no.36: Improving access to education to all children by removing barriers such as the School Development Fund (SDF) and access to education for pregnant girls.

Response:

In order to continue improving access to education to all children the State Party has eliminated all types of hidden or additional fees in school system. The school development fund is abolished in primary and secondary school. The Government expenditure on education is about 18% of the GDP of the national budget every year. In 2013, the Government implemented Universal Primary Education (UPE) (free education) for primary school in line with Article 20 of the Namibian Constitution and Universal Secondary Education in 2016.

Access to education has been greatly improved during the past 5 years by the adoption and implementation of several policies, such as; the Education Sector Policy for Orphans and Vulnerable Children (2008), Sector Policy on Inclusive Education (2013), and the implementation of Universal free Primary Education (2013). Education Sector Policy for the Prevention and Management of Learner Pregnancy (2009).

The education sector policy for the prevention and management of learner pregnancy. The goal of this policy is to improve the prevention and management of learner of learner pregnancy in Namibia, with the aim of decreasing the number of learners – parents who complete their education. The policy outlines conditions under which pregnant learners, expectant fathers and learner parents can continue their education. It is still up to the learners and their families to decide if and when the learner will take advantage of the opportunities which the policy makes available.

The Government through the Ministry of Education, Arts and Culture, in collaboration with the UNICEF, has been working on the new Education Bill to legislate free education in Namibia from pre-primary to secondary education levels.

The government has increased the number of schools from a total of 1604 in 2012 to 1826 schools in 2016, resulting in the establishment of 222 schools in order to increase access to education. In order to increase access to education for orphans and vulnerable children (OVC) learners receive hostel exemption at all government schools. Over 2000 OVCs are beneficiaries from the provision of scholarships to orphans and vulnerable young people.

National study conducted on Out of School Children (2015) to identify major challenges with regard to drop out and retention of learners; National Conference Held on Out of School Children (2016); Annual Advocacy campaigns for learner enrolment;

Recommendation no.37: The existence of high rates of dropouts and non-completion of secondary education

Response:

The committee is referred to recommendation 34 paragraph two

In terms of scholarships for children, Namibia has established the Forum for African Women Educationalists (FAWE) is a non-governmental organization with its goal to increase access, improve retention and enhance the quality of education for girls and women in Africa.

FAWE Namibia's (FAWENA) national chapter opened its office in 1999 with the support of the Ministry of Education to help address the education challenges girls face in Namibia. Its goal is to increase access, improve retention and enhance the quality of education for girls and women in Namibia. It is concerned about the access retention and quality of education of orphans, marginalized and vulnerable children particularly AIDS orphans.

The National Policy for School Health (2008), this policy acknowledges that girls are more susceptible to sexual violence and abuse, putting them at increased risk to contract sexually transmitted infections including HIV, and notes that sexual abuse and early pregnancy are harmful to girls' physiological, social and intellectual development, undermining their educational and economic opportunities and thus having a negative impact on the welfare of their own children.

It outlines a Comprehensive School Health Programme which includes health services, health education, nutrition and food services, quality physical education and recreational activities, a supportive school environment and collaboration with the surrounding community. The MoHSS in collaboration with MoEAC developed the Training of Trainers Manual on Integrated School Health, Government of the Republic of Namibia, 2016. The Ministry of Education, Arts and Culture's Strategic Plan 2012-2017, the Ministry of Education managed to provide learners with knowledge and skills and information on sexual

and reproductive health, especially in connection with HIV prevention such as the "Window of Hope" and "My Future My Choice" programmes. The above-mentioned programmes are integrated into the new revised National Curriculum for Basic Education.

The government has also conducted a National study on Out of School Children (2015) to identify major challenges with regard to drop out and retention of learners; National Conference Held on Out of School Children (2016); Annual Advocacy campaigns for learner enrolment. Basic and Secondary education is free and children are also provided with free text books. The Ministry of Education in collaboration with development partners and Non-governmental Organisations provides sanitary material to school girls and the National Menstrual Hygiene Management day is observed in various regions and schools on an annual basis.

Government through the Ministry of Education has introduced Pre-vocational education program currently piloting in ten (10) schools in Namibia and aims to eventually roll out this programme to the rest of the country in due course.

Recommendation no.38: Provision of Specific needs for children with disabilities

Response:

Through the Sector policy on Inclusive Education, OVC policy and Educational marginalized policy MoEAC has ensured that all schools are inclusive, that all children with disabilities, marginalized and vulnerable are given right to Education in schools of their choice.

For children with severe disabilities provision is made to enrol them in fully fledged special/Resource schools that can be school for the Deaf, Visual, and Intellectual and for learners with learning difficulty. There are 11 Resource schools in various regions, resource units, learning support classes and inclusive schools. For the past five years inclusive mainstream school have increase drastically as well as schools with learning support classes for children with different disabilities.

H. SPECIAL PROTECTION MEASURES REFUGEE CHILDREN

Recommendation no.39: Access to basic service and establishment of a strong and functional legislative and institutional framework for all refugee and asylum-seeking children not to become stateless.

Response:

The Namibian Refugees (Recognition and Control) Act No. 2 of 1999 stipulates the criteria and the grounds to be considered for asylum seekers in the country on individual basis including children. The Act provides for protection of asylum seekers who have a well-founded fear of being persecuted in his/her country for reasons of race, religion, nationality, membership of a particular social group or political opinion.

These are the same criteria/grounds contained in the 1951 Convention Relating to Status of Refugees and its 1967 Protocol. Namibia only have isolated cases of migrant children who at times require protective measures of which the government provide services to, as the need arise. Similarly, Namibia has not experienced cases where children have been seeking asylum without parents or guardians. Nevertheless, the Government provides protection to refugees against expulsion or return to countries where their lives or freedom would be threatened.

The Osire Refugee Settlement, which accommodates most refugees in the country, has permanent school's infrastructures which are administered by the government. Refugee children start school at Grade 1 until Grade 12 and they are allowed to attend schools of their choice throughout the country. The government also advocate for family reunification on voluntary basis when it is safe to do so.

In terms of the CCPA, asylum seekers may be considered as temporary caregivers for unaccompanied foreign child, to remain living within a particular refugee community. In addition, the Act makes provision to considered refugee children as children in need protective services, and also such children may not be repatriated without proper arrangements for his reception in the receiving country.

Recommendation no.40: Age of criminal responsibility for children, Review of Child Justice Bill and recruitment and training of service providers and establishment of more child friendly courts across the country.

Response:

The government has considered the recommendation by the Committee. The Child Justice Bill has been reviewed and is in the process of finalisation. The proposed Child Justice Bill, sets the age of criminal responsibility to twelve (12), although this proposal may still be reviewed by parliament.

The government has established child friendly courts which makes provision for special measures to be provided especially in cases involving children. In addition, the Office of the Prosecutor General have introduced vulnerable Witness support program to support children while testifying during the court proceedings. Volunteers from all regions in the country were recruited and trained under the program.

The Witness Protection Act, 2017 (Act, No.11 of 2017) was gazetted, even though not in force yet. enacted. This Act provides the framework and procedures for protection measures, on behalf of the state, to witnesses and related persons who face potential risk or intimidation due to their being witnesses or related persons.

The Criminal Procedure Amendment Act, 2003 (Act, No.24 of 2003) makes provision for the protection and support of vulnerable witnesses and for special measures to be applied for. In enhancing the protection of child victims, social workers, police officers and prosecutors have been trained on child witness support and protection. A training manual for professionals (social workers, police and prosecutors) who work with child victims and witnesses of crimes was developed.

Recommendation no.41: Namibia to introduce diversion programs in the criminal justice system and to establish rehabilitation centres for children in conflict with the law.

Response:

In addressing the concern, the Child Care and Protection Act, 2015 (Act No. 3 of 2015) has been passed in 2015 and is now in operation since 30 January 2019. In respect to the Child Justice Bill (CJB), the consultations are still in progress and in its final stages but due to the complexity of the Bill it is important to consult widely with all stakeholders in order to ensure that the Bill meet the international legal standards, also cognisant of the Guidelines on Action for Children in the Justice System in Africa, as well as the domestic laws of the country. However, the age of criminal capacity responsibility for children was raised to 12 years in terms of Section 7 of the CJB.

Section 85 of the CJB provides for the establishment of the Children's Court which will be also known as child justice court. Section 85 (1) further provide that child justice court is a court at district court level which must adjudicate on all cases referred to that court in terms of the Act.

Key stakeholders such as Police Officer, Social Workers and Prosecutors have been trained on relevant international standards on working with child offender. The standards have been institutionalised in the training curriculum for Police Officers and Prosecutors. The components of the CJB is based on the principles of the Guidelines on Action for Children in the Justice System in Africa.

In November 2019, the Ministry of Gender Equality, Poverty Eradication and Social Welfare was allocated with a farm for the purpose of establishing a detention centre (rehabilitation centre) aimed at rehabilitating children in conflict with the law. The Ministry is in the process of developing a concept on the utilization of the farm aimed at rehabilitation of children in conflict with the law.

The State has a program where the Social Workers conduct inspection to ensure that children in detentions are separated from adults; and also check on the overall wellbeing of the children in those detention centres. These inspections guarantee the separation of children from adults in all prisons and pre-trial detention centres throughout the country.

Through the provisions of the Child Justice Bill and as per provisions of the UNCRC and ACRWC children in conflict with the law are diverted away from the criminal justice system through various diversion options as set out in the law. The following objectives are the reasons why the Government enthusiastically want the CJB to become a law:

- to establish a separate criminal justice system for children who are in conflict with the law;
- to protect the rights of children entrenched in the Namibian Constitution and in international instruments;
- to set out principles relating to the best interest of children;

- to provide for the minimum age of criminal capacity for children;
- to delineate the powers and responsibilities of members of the Namibian Police Force and probation officers in relation to children;
- to provide for the detention of children and their release from detention;
- to entrench the notion of restorative justice;
- to incorporate diversion of cases from formal court procedures as a central feature of the process;
- to establish assessment of children;
- to establish a preliminary enquiry as a compulsory procedure in the process;
- to create special rules for a child justice court;
- to provide for legal representation for children;
- to extend the sentencing options available for children;
- to establish review procedures;
- to establish monitoring mechanisms to ensure the effective operation of this legislation;
- to establish a child justice commission; and
- to provide for matters incidental thereto.

The State part will take into consideration the Guidelines on Action for Children in the Justice System in Africa as per committee advice

Recommendation 42: Children of Imprisoned Mothers and care givers

Response:

Article 30 of the African Charter on the rights and welfare of the child (ACRWC) which is incorporated in the Child Care and Protection Act makes special provision for children of imprisoned mothers by providing for special treatment to expectant mothers and mothers of infants and young children accused or found guilty of infringing penal law.

Provision is also made for Social workers to be informed when a child is in a prison or police custody with an incarcerated parent, to ensure that child is protected so as to ensure that alternative options are sought for these children. Correctional Services Act, provides for rules on separating prisoners for instance juveniles from adults, convicted from unconvicted as well as males from females.

Further it provides for female inmates to be under the care of female inmates only. Pregnant inmates are provided with pre and post -natal care. Babies must be delivered outside prison and if they are born in prison this should not appear on their birth certificates and provides for infants to stay with their mothers up to the age of two years, then handed over in the care of a family/relative, friend or Social workers for alternative options to be sought.

Namibian police operational guidelines also provide for the restrictive precautionary measures to prevent child offenders from coming into contact with adult prisoners. Children under the age of sixteen (16) must not be detained in police cells if it is possible to accommodate them elsewhere. If a person is arrested with a child, the child may not be left behind alone, it should be left with a relative if possible, the prisoner may be released on police bail or own recognizance if possible or expedite bail application.

Recommendation no.43: Economic Exploitation and Child labour

Response:

The State has taken notice of the Committee's recommendation to amend the Labour Act for Minimum age of employment to be 16 years and 18 years for hazardous work respectively. The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms.

The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) enforces child labour laws and investigate allegations of violations, including forced labour and cases involving human trafficking and commercial sexual exploitation of children.

The Ministry employs about 52 labour inspectors' country wide responsible for inspections. The Ministry works with other line Ministries such as the Ministry of Safety and Security (MSS); Ministry of Gender, Poverty Eradication and Social Welfare (MGEPSW); Namibia Central Intelligence Service (NCIS); and the Ministry of Basic Education Arts and Culture (MOACE) on child labour matters and on joint labour inspections/outreaches. Training of the Labour Inspectors on enforcement of the applicable Namibian laws on child labor was also conducted.

In 2016, the Government made a moderate advancement in efforts to eliminate child labor by reactivating the Inter-Ministerial Committee on Child Labor, which consists of the above-mentioned line ministries including officials from the office of the Ombudsman. The Government also drafted the National Action Plan against Child Labour and Domestic Work.

Namibia Labour Force Participation Rate (LFPR) 2016 Survey indicates that LFPR for 15-19-year olds is 21.3% (24.9% urban, 19.4% rural), and 15-19-year olds represent 42.3% (39.5% urban, 44.1% rural; 37.2% female, 49.1% male) of the inactive population across all age groups. For the 15-19-year-old population, this is an increase in the LFPR that appears to be entirely attributable to a sizable increase in the urban LFPR, and a small fall in its share of the inactive population, mainly for females.

Government has also introduced the following social programs to address child labor:

- Namibian School Feeding Program provides mid-morning meals to school children
- National Youth Service offers training in civic education, national voluntary service, and job skills to unemployed youth, some of whom have never attended school,
- Shelters and victim services are established for women and children to assist victims of sexual assault, gender-based violence, and the worst forms of child labour. The low risk cases of child labour are dealt with through other child protection programs.

In addition, the Government ratified the following international Conventions on Child Labor:

- ILO Convention No. 138 on Minimum Age
- ILO Convention No. 182 on Worst Forms of Child Labour, and
- Palermo Protocol on Trafficking in Persons

Corporate social responsibility (CSR) for the private sector is already introduced in Namibia. Some private sector entities are following various international instruments to implement CSR initiatives such as the King report on governance and are investing a percentage of their profits in the social sector focusing on educational, health and sports initiatives. However, these initiatives need to be strengthened.

Recommendation no.44: Sale, Trafficking and abduction

Response:

The country has enacted the Combatting of Trafficking in Persons Act, 2018 (Act No. 1 of 2018) which came into operation on 14 November 2019. The purpose of this act is to give effect to the United Nations Protocol to prevent, suppress and punish trafficking in persons especially women and children; to criminalize trafficking in persons and related offences; to protect and assist victims of trafficking in person, especially women and children.

The Government continues to make efforts to combat trafficking in persons by creating awareness, building capacity of service providers. It has improved the identification and reporting of cases and providing shelter to Trafficking in Persons (TIP) victims, repatriation and reintegration of victims. In this regard, the Government established a Cabinet steering committee in 2016 to strengthen inter-ministerial coordination on trafficking cases.

The Government has also developed a National Referral Mechanism which includes the Standard Operating Procedures with its accompanying tools to ensure standardization of service provision for victims of trafficking by all key stakeholders.

Trafficking of children is largely focused on labour exploitation and sexual exploitation and legislation that curbs this issues are the following: The Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004) which criminalizes human trafficking; the Labour Act, 2007 (Act No. 11 of 2007) prohibits the engagement of children under the age of 14 years in paid employment; the Combating of Immoral Practices Amendment Act, 2000 (Act No. 7 of 2000) prohibits the procurement of children for the purposes of prostitution.

The rapid expansion in access to the internet has increased concern about its role in the sexual exploitation of children. This primarily involves the exploitation of children in the production and distribution of child pornography and in the online grooming of children for exploitative purposes. The country has adopted safe internet day and we protect commitment. The Government is having a reporting portal where images of children being exploited can be reported, as well as a toll-free helpline where children can report abuse.

The government have developed an Immigration Standard Operation Procedure Manual, for the training of immigration officials to identify possible victims of trafficking. All immigrations officers are capacitated in this regard.

Regulation 91 of the CCPA state that a person who holds parental responsibilities and rights over the child is required to give consent to enable a person to take or send a child out of Namibia as contemplated in section 236 of the Act. In terms of children found in need of protective services, the Minister of Gender Equality and Child Welfare is required to give for the child to leave the country according to section 88 (1), (2) of the CCPA.

If the child does not return to Namibia on the date stated in the consent, the person who consented to the departure of the child from Namibia may report the failure of the child to return. In the matter of *S v Lukas* (CC 15 -2013) (2015) NAHCMD 186 (08 October 2015) the High Court handed down the country's first conviction in terms of the Prevention of Organized Crime Act, Act No 24 of 2004, which made trafficking in persons a criminal offence in Namibia. The Government also initiated prosecution in two trafficking cases of seven defendants in 2015.

In 2016, the Government conducted eight trafficking investigations, three for sex trafficking and five for forced labour, compared to seven in 2015.

The Government continues to implement its program by offering anti-trafficking training to immigration officers and other law enforcement officers; and provision of shelters for alleged victims of Trafficking.

Recommendation no.45: Harmful traditional practices

Response:

The State Party recognizes that there have been isolated incidences of harmful cultural practices reported in the country. In combatting harmful cultural practices, the government has devised legal and policy framework mechanisms to this effect.

The Child Care and Protection Act, 2015 (Act No. 3 of 2015) contains provisions, which are against harmful customary practices that affect children's rights including child marriage, early sexual activity and child bearing. As stated above the State Party acknowledges the fact that early and forced marriages do exist in some isolated cases, however such marriages are against the law and once discovered the perpetrators shall be charged with contravening Section 226 of the CCPA.

Furthermore, the Ministry of Gender Equality and Child Welfare conducted a formative study on child marriage in 2019. The purpose of this study was to describe the extent of child marriages in the country to inform the development of evidence-based policies, legal reform, resource mobilization and programming. Based on the findings of the study, it was recommended that to:

- Undertake law reform and dissemination to ensure comprehensive and consistency implementation to prevent and response to child marriage.
- Conduct community mobilization with a focus on social norms and change
- Empower married, divorced or separated children with asset building, employability skills, economic empowerment adolescent friendly health services
- Enhance adolescent and Youth Sexual Reproductive Health
- Address gender-based violence and harmful practices
- Improve and expand economic incentive to address poverty

Recommendation no.46: Responsibility of the child

Response:

The government will ensure children are protected at all times and those who that violate the rights of children are dealt with in terms of the provisions of the Child Care and Protection Act, relevant legislation and the constitution of Namibia.

SECTION TWO (2)

IV. GENERAL MEASURES OF IMPLEMENTATION UPDATES (ART. 1(1))

1. Introduction

Since last report, the Government of Namibia, the Ministry of Gender Equality, Poverty Eradication and Social Welfare has made various efforts to strengthen children's rights in terms of legislation and policy framework for the promotion and protection of the rights and welfare of the child:

1.1 Namibia signed the African Charter on the Rights and Welfare of the Child (ACRWC) in 1999 and the charter was ratified in 2004. Prior the signing and ratification of the charter, Namibia has as well signed and ratified the United Nations Convention on the Rights of the Child in 1990.

1.2 Namibia is a member of the Southern African Development Community Development (SADC) and the State Party is part of all initiatives related to children initiated by the SADC secretariat. Such as Psychosocial Support package of care for Orphans and Vulnerable and Youth; Eastern and Southern African Commitments road map to eliminate all new HIV infections among adolescents and young people; to reduce early and unintended pregnancy among young people; eliminate Gender Based Violence; eliminate child marriage, increase number of adolescents and young people aged 10-24 who demonstrate comprehensive HIV prevention knowledge levels.

1.3 The right to life shall be respected and protected as provided in the Article 6 of the Namibian Constitution. Under Article 8(2) (b) of the Constitution, children are not allowed to be subject to any form of torture, inhuman, cruel or degrading treatment or punishment, both in the national or domestic environment. Children's protection rights are afforded to all children including those without families and children with disabilities.

Article 10 of the Constitution guarantees the following: (1) all persons are equal before the law; (2) No person shall be discriminated against on the grounds of sex, race, colour, ethnic, origin, religion, creed or social or economic status.

The Constitution recognize the family, as the natural and fundamental group unit of society, is accorded special protection in Article 14 of the Constitution. This Article also bars child marriages, and states that men and women have equal rights as to marriage, during marriage, and at its dissolution. Further, the Constitution puts girls and boys in an identical position with respect to citizenship.

The Namibian Vision 2030 articulates that, it is important to provide opportunities to disadvantaged children, including orphans, which will prepare them for, and live a meaningful and happy life. It also provides strategies in relation to the development of programs, policies and laws targeting children including vulnerable ones

2. Legislation

The following legislation were passed by Parliament since the last report:

- **Child Care and Protection Act, 2015 (Act No. 3 of 2015)**

The purpose of the Act is to give effect to the rights of children as contained in the Namibian Constitution and international agreements binding on Namibia; to set out principles relating to the best interests of children and child participation; to set the age of majority at 18 years; to provide for the establishment of a National Advisory Council on Children; to provide for the appointment of a Children's Advocate; to provide for the establishment of a Children's Fund; amongst other.

The CCPA has annexed the African Charter on the Rights and Welfare of the Child and therefore has domesticated it.

- **Combating of Trafficking in Persons Act, 2018 (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.

- **Witness Protection Act, 2017 (Act No.11 of 2017)**

The Act provides for the protection and assistance to those who have witnessed crimes and are providing evidence to the authorities. The Act further provides for the establishment of a Witness Protection Advisory Committee, protection programme and fund. This law once enforced will greatly aid authorities to enforce measures or actions that will protect witnesses and related persons. Children are considered as vulnerable witnesses, and therefore will benefit greatly from the protection measures that the Act provides. The Act has been passed by Parliament but it has not yet been brought into force.

- **National Health Act, 2015 (Act No. 2 of 2015)**

The State Party recognises and affirms the right to health for all her its citizens. To this effect the government enacted the National Health Act, 2015 (Act No. 2 of 2015). This Act provides a framework for providing financial assistance for special medical treatment of State patients. This provision is important because children with special medical needs can access expensive medical treatment for which the State can cover.

- **Basic Education Act, 2020 (Act No. 3 of 2020)**

The Act was passed to promote and regulate free and compulsory basic education, and also to ensure equitable, inclusive, quality education and lifelong learning. This Act promote and protect the rights of learners to education, and places the learners at the centre of education. This Act therefore ensures that all children in the country can access free education regardless of their economic and social status.

3. Envisaged bills with human rights implications

In an effort to protect and promote the rights and welfare of the child, the State Party is in the process of enacting various bills into laws:

- **Child Justice Bill**

The envisaged Act is to establish a distinct criminal justice system for children who are in conflict with the law; to protect the rights of children entrenched in the Namibian Constitution and in international instruments; to set out principles relating to the best interest of children; to provide for the minimum age of criminal capacity for children; to delineate the powers and responsibilities of members of the Namibia Police Force and probation officers in relation to children; to provide for the detention of children and their release from detention; to entrench the notion of restorative justice; to incorporate diversion of cases from formal court procedures as a central feature of the process; to establish assessment of children; to establish a preliminary enquiry as a compulsory procedure in the process; to create special rules for a child justice court; to provide for legal representation for children; to extend the sentencing options available for children; to establish review procedures; to establish monitoring mechanisms to ensure the effective operation of this legislation; to establish a Child Justice Commission; and to provide for matter matters incidental thereto.

- **Combatting of Domestic Violence Amendment Bill**

The government is in the process of drafting the amendment bill on the Domestic Violence Act, which provides for strengthening safeguards for children who may be affected by domestic violence. The Bill makes provision to grant temporary sole custody of a child born to or jointly adopted by the complainant and the respondent to another suitable custodian.

The Bill clarifies the provision of temporary maintenance order in protection order. It extends the scope of domestic relationship to include primary caretaker of a child (whether related to the child or not). The Bill also provides for special arrangements for vulnerable witnesses including empowering the court to admit any previous statement by a child who is younger than 14 years.

- **Combatting of Rape Amendment Bill**

Draft amendment bill on the Rape Act, provides to clarify that the highest category of minimum sentences for the rape of person with physical, mental disabilities or other vulnerabilities; provide for additional duties to the Prosecutor towards complainants and vulnerable witness before the commencement of trials; impose upon the court the duty not to regard the testimony of a child as inherently unreliable or to treat in with special caution simply because the witness is a child.

4. Policies

- **Policy on Inclusive Education (2013)**

The aim of this Sector Policy on Inclusive Education is to ensure that all learners are educated in the least-restrictive education setting and in schools in their neighbourhood to the fullest extent possible. The policy contributes to pedagogical and wider educational development and correlates with the policy directions of the National Curriculum for Basic Education, the Curriculum Framework for Inclusive Education and the Education Sector Policy for Orphans and Vulnerable Children.

The main objectives of the Sector Policy on Inclusive Education are to expand access to and provision of quality education, especially for educationally marginalised learners and to support learners with a wide range of individual abilities and needs in compulsory education at Early Childhood Development (ECD), pre-primary, primary and secondary levels.

- **National Gender Policy 2010-2020**

The policy intended to promote and protect the rights of girls and eliminate discrimination against them in education and training. The policy advocated for the implementation of the Convention on the Rights of the Child through appropriate legislative, administrative and all other measures that foster and enable conditions which encourage full respect for the rights of children.

It promotes the effective implementation and monitoring of laws pertaining to child support and encourage financial, psychological, moral and spiritual support by both parents. It advocates the elimination of injustices and obstacles faced by the girl child in relation to inheritance. It promotes the participation of girls in sport, educational and cultural activities. It also promotes and support programs that addresses harmful cultural practices, violence against children, teenage pregnancies.

- **National Health Policy Framework 2010 – 2020**

The policy framework provides for a minimum package for maternal, neonatal, child health and family services. It also provides for the creation of community awareness of the health of young people in particular sexual and reproductive health through media and other channels. It also speaks to increase access to protective means against pregnancy, sexual transmitted infections and HIV. Finally, it promotes the strengthening of school health services, adolescents' friendly services; and provision of nutritional supplements for children and mothers after delivery

- **Social Protection Policy 2021-2030**

The policy seeks to harmonize and promote effective coordination and implementation of the various social protection interventions in Namibia to minimize the life cycle risks and empower the Namibian people to meaningfully contribute to personal and national development. Including child support grants program. Furthermore, this Policy aims to address vulnerabilities, inequalities and poverty. It also promotes gender equality, social solidarity and guarantee the life of dignity for all including children.

5. National Plans

- **Harambee Prosperity Plan I**

The Harambee Prosperity Plan calls for the harmonisation of the social protection system in Namibia including child state grants, and in terms of health. The Plan places emphasis on the reduction of infant and maternal mortality rate. It also focuses on economic empowerment leading to greater inclusion of disadvantaged groups into the formal economy that benefit children and their families.

- **National Development Plan 5 (NDP5)**

Under social transformation pillar, NDP5 sets out to drop the proportion of severely poor individuals in Namibia and households living in improvised houses. The Plan focuses on social protection to address poverty and child poverty in particular. On education, the NDP5 states that Namibian children should have a secure educational foundation, through access to ECD services and that all learners have access to equitable inclusive quality education that qualifies them to pursue higher education.

The NDP5 envisions Namibia to have sustainable production and consumption of water resources resulting in improved access to safe drinking water for human consumption and for industry use. It also calls for the inclusion of marginalized communities and their integration into the mainstream economy. Further, interventions addressing gender equality including gender-based violence and violence against children are also spelled out.

- **National Agenda for Children (2018-2022)**

The National Agenda for Children (NAC) 2018-2022 is a multi-sectoral five (5) year strategy focusing on child protection programming in Namibia. The main objective of this strategy, which is to ensure that the rights of the children are protected, is within the framework of higher-level strategies such as Vision 2030, the Fifth National Development Plan, Harambee Prosperity Plan, the National Strategic Framework for HIV and AIDS; and the Ministry of Gender Equality and Child Welfare strategic plan which run parallel for more or less the same period.

The National agenda priorities are Child Protection and Social Protection; Child Education; Child and Adolescent Health, Child disability and Child Participation

- **Integrated Early Childhood Development Service Delivery Framework 2017-2022**

Integrated Early Childhood Development (IECD) services cater for a child's holistic development; cognitive, social, emotional and physical, from conception to the 8th year of life.

IECD services fall under the mandate of three key ministries. The Ministry of Gender Equality and Child Welfare (MGECW) responsible for ECD of children aged 0 to 4. The Ministry of Education, Arts and Culture (MoEAC) is responsible for pre-primary and primary education of children aged 5 and above. While the Ministry of Health and Social Services (MoHSS) is responsible for the health and immunization of all children, pregnant and breastfeeding women.

Thus, the IECD Framework was prepared as part of a collaboration of the three key ministries responsible for IECD, as a guiding document to strengthen inter-ministerial and inter-sectoral coordination and implementation of activities that comprise IECD services. The majority of these activities fall under ministries existing mandates and work plan and only require a dedicated mechanism for increased investments in ECD and improved communication and inter-ministerial cooperation.

- **National Strategic framework on HIV 2018/2022**

The National Strategic Framework (NSF) for HIV and AIDS places specific emphasis on addressing HIV and AIDS among children in a holistic way which include their mothers. The NSF calls for the elimination of Mother to Child Transmission (MTCT) of HIV and an overall reduction of HIV infections and AIDS related mortality. The NSF sets out to ensure adolescent girls and young women who are not infected with HIV remain negative, and those diagnosed with HIV are linked to care and treatment.

- **Prioritised National Plan of Action on GBV 2019-2023**

The Prioritised National Plan on GBV 2019-2023 seeks to put survivors first by making sure that the services they receive are empathetic and correct. The Plan also stimulates a culture of care and GBV-watch amongst families, communities and institutions and promotes early help-seeking to prevent or limit harm. It also seeks to take the long view on changing social norms by focusing on providing young people with the tools for developing healthy relationships and harnessing their energy to change the discourse amongst their peers.

6. Institutional framework for promotion and protection of the rights and welfare of the child

The Ministry of Gender Equality, Poverty Eradication and Social Welfare is mandated to coordinate key activities with key ministries such Education, Health, Home Affairs, Safety and Security and Justice. Children's advocate office is one of the independent institution with a specific mandate to promote and protect children's rights in the ombudsman office (See response under recommendation 10).

This office also has specific responsibility of monitoring the implementation of legislation and policies related to child protection in the country. It receives individuals complains from children, organizations and representatives, investigate these complains and bring matters to court for legal remedies. The Namibian Child Rights Network was established to represent the interest of Civil Society Organizations.

The network shares the common concern for the advancement of children's wellbeing as outlined in the CRC, ACRWC and international human rights agreements. The network act as a catalyst for change in building a child friendly nation, through the promotion, protection and fulfilment of the rights of the child.

It also advocates for children to participate meaningfully in all aspects of their lives, especially in matters affecting them, such as formulation of policy and decisions. National Advisory Council on children is a high-level statutory body comprising of the Executive Directors of key ministries and representatives for non-governmental organizations working on children issues. Council is composed with key stakeholders from different government ministries and civil society organizations that encourage cross-sectoral cooperation on children's issues, and to advise the Ministry responsible for children on matters pertaining to children.

7. Budgetary allocation and actual expenditure

Namibia allocates a generous portion of the budget to OMAS which are tasked to provide care and protection for children. The Ministry of Gender Equality and Child Welfare (MGECW) received 2.1% of the total national budget in the financial year 2017/2018 of which 1.6% was allocated to the child grants paid to vulnerable children (UNICEF, 2018). This is a significant increase from 1.2 % to 1.6% during 2015/2016 and 2016/2017 respectively.

A total of 23.6% of national budget allocated to education including arts and culture in 2012/2013. This share has increased and it was expected to reach 25.3% in 2018/2019. The budget for education was equivalent to 10.6% of the country's Gross Domestic Product (GDP) in 2015. Between 74. % and 79.3 % of this total budget is dedicated to the basic education, arts and culture which includes pre-primary and secondary education, with the remaining amount being allocated to higher education, training and innovation (UNICEF, 2017)

Provision of health services has been the Government's second key priority after education. The budget allocation to the Ministry of Health and Social Services (MOHSS) averaged to 9.9% of the total expenditure in the past ten years. This share was expected to rise to 11.1% in 2018/2019. The budget of the MOHSS was equivalent to 5.8% of the GDP in 2015 (UNICEF, 2017).

The below figure 1 shows the budget for children allocation on Social Sectors and figure 2 shows such budget allocation since and over years since 2013/2014 to 2017/2018.

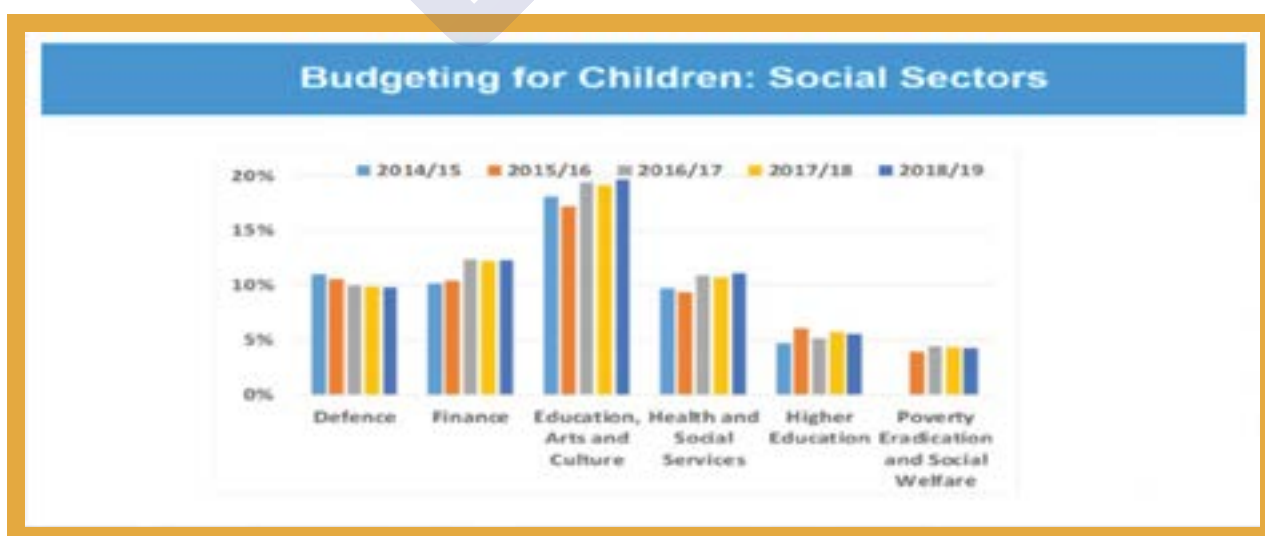


Figure 1: Budget for Children in Social Sectors (UNICEF, 2019)

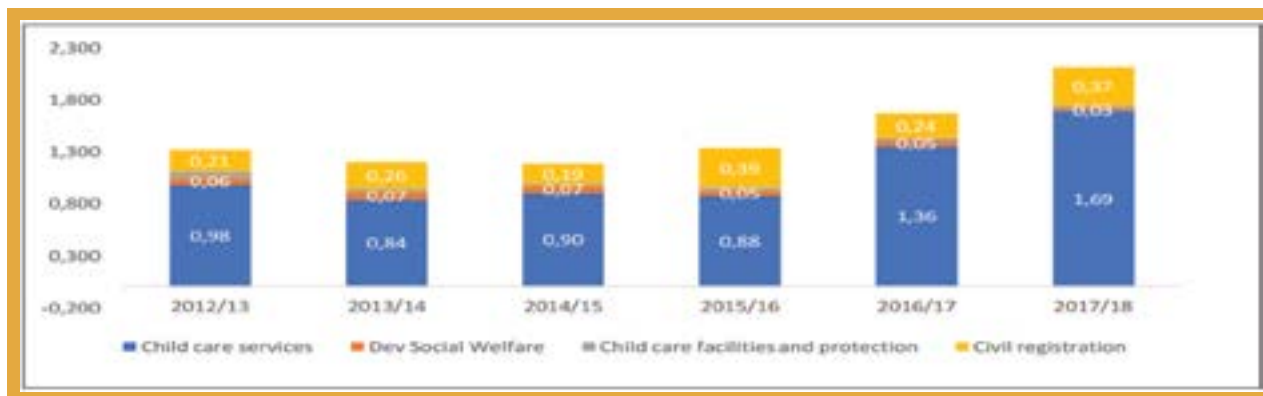


Figure 2: Budget for Children in Social Sectors (UNICEF, 2019)

8. Cooperation with non-state actors

Namibia highly values the contribution of the non-governmental Organizations. The Legal Assistance Centre, a public interest law organisation often assist government by translating child related laws into child-friendly and local languages versions. The government cooperate and collaborates as well as providing subsidies to some civil society organizations. These are Lifeline/Childline, Project Hope Namibia, Katutura Youth Centre, and other various Civil Society Organizations, as well as development partners such UNICEF, International Organization for Migration, UNFPA, USAID, PEPFAR operating in the country through Permanent Task Force (PTF) on Children. They participate in the planning of national strategies related to children, the implementation, monitoring and evaluation thereof.

9. Implementation of the decisions of the Committee and other relevant regional bodies

The State Party has received communication in terms of article 44 of the charter. During the course of the finalization of this periodic report official visit by the committee took place from the 1st to 3rd December 2021.

10. Implementation of relevant programs, action plan involving child rights Campaign on Accelerated Reduction of Maternal, New born and Child Mortality in Africa (CARMA)

The Programme for Accelerating the Reduction of Maternal and Child Mortality in Namibia was funded by the European Union and implemented by MOHSS in collaboration with World Health Organisation (WHO). The Project was signed in February 2013 for an initial duration of 4 years extended to 5 years for the MHW component (until February 2018). The programme was implemented in six (6) Programme for Accelerating the Reduction of Maternal and Child Mortality in Namibia (PARMACM) Districts 1-Katima Mulilo; 2-Keetmashoop; 3-Opuwo Hospital; 4-Okongo Hospital; 5-Outapi and 6-Gobabis. The overall objective of the program was to accelerate the achievement of MDGs 4 and 5, respectively “Reducing Child Mortality” and “Improving Maternal Health” in Namibia. The following achievements were recorded:

- Medical and nutrition equipment was delivered to all the Hospitals and training carried out by suppliers of equipment.
- 12 doctors were trained in Anaesthesia.
- 12 nurses were trained in Advanced Midwifery.
- 306 health workers in total were trained in Emergency Obstetric Care (EMONC) and 61 in Focused Antenatal Care (FANC).
- Six ambulances and two operations/supervision vehicles were provided six selected districts.

- 185 nurses in total were trained to date: 68 health workers trained as facilitators of (Integrated Management of Newborn and Childhood Illnesses (IMNCI) case management course, including Tutors from UNAM.
- 208 Health providers from all 14 regions – were trained in IMNCI case management.
- 26 staff have been trained in Follow up supervision and this has been conducted in 13 regions, following up over 100 health providers
- Developed and printed training guides for Community Health Promoters (Emergency Obstetric and New-born Care (EMONC, AFHS, IMNCI and Nutrition).
- 406 Health Extension Workers trained through this support.
- Improved Health Management Information System in six selected district and at the central level; including technical and financial support to shift from (International Statistical Classification of Diseases and Related Health (ICD9) to ICD10 in MoHSS and training on interpreting and analyzing data from Health Information Management System (HIMS).
- Program for Accelerating the Reduction of Maternal and Child Mortality (PARMaCM) in Namibia support provided for Review of Namibia Road Map for Accelerating the Reduction of Maternal and Neonatal Morbidity and Mortality including Sexual Reproductive Health, Maternal and Newborn Health, Child and Adolescent Health (SRH/MNCH) programs planned at the request of the Ministry of Health and Social Services (MOHSS).
- Two fixed EmONC Skills Laboratories & 10 mobile sets established through the support of the Liverpool School in collaboration with the MoHSS.
- Call for Accelerated Action on the Implementation of Action towards Africa Fit for Children Namibia has taken steps to create an enabling environment that promotes the realization of the aspirations as set out by the Agenda 2040:
 - ✓ Enactment of child friendly legislation and policy frameworks
 - ✓ Ensure access to free primary and secondary education
 - ✓ Domesticating the African Charter on the Rights and Welfare of the Child through Child Care and Protection Act, 2015 (Act, no.3 of 15)
 - ✓ Promotion of Child Participation in the matters affecting their lives and freedom of expression through Children’s Parliament and other related platforms.
 - ✓ Develop and implement the National Agenda for Children for children which is a national strategy for children

11. Dissemination of the Charter and previous concluding observations of the Committee

The charter is disseminated during the commemoration of the Day of the African Child on the 16th June and celebration of the day of the Namibian Child on the 28th September. These important days on children are celebrated every year in all corners of the country. Various talk shows on National television and radio relating to the days also are held. The concluding observations were disseminated directly to line ministries for actions and responses through IMC members. Cabinet in September 2021 approved the National Recommendations Tracking Database (NRTD). The NRTD will assist the government to track the progress of the implementation of recommendations made by various regional and international treaty bodies. In addition, the observation is shared with Permanent Task Force on Children members.

12. Allocation of resources and actual expenditures for Social Services

See information under point 7 on budgetary allocation and actual expenditure

b) During the reporting period the following trainings were conducted for professionals working with children.

- Multisectoral trainings on Gender Based Violence and Violence against Children for Social Workers, Prosecutors and Police Officers;
 - Multisector trainings on vulnerable witness support trainings for Prosecutors, Police Officers, Social Workers and Magistrates;
 - Trainings on the Child Care and Protection Act of 2015 for Magistrates, Clerks of the court, Social Workers and Police Officers;
 - Trainings on Trafficking in Persons for Social Workers and Police Officers;
 - Training for Social Workers and Police Officers on Sexual Violence;
 - Trainings on HIV Disclosure for Social Workers;
 - Trainings on case management for Social Workers;
 - Trainings on Parenting Skills for Social Workers; and
 - Trainings on Child Justice for Social Workers, Prosecutors and Police Officers.
 - Trainings on alternative care to Social Workers (adoption, foster care)
 - Trainings on minimum standards for Residential Child Care Facilities (add MOEAC trainings)
 - Training on trainers on Namibia Safe School Framework (NSSF) for Regional School Councillors (RSC) and Regional Aids Committee in Education (RACE)
 - Training on sexual violence to Educator Response
 - Training on Physical Education 4 Life to Physical Education teachers
-
- ✓ Enactment of child friendly legislation and policy frameworks
 - ✓ Ensure access to free primary and secondary education
 - ✓ Domesticating the African Charter on the Rights and Welfare of the Child through Child Care and Protection Act, 2015 (Act, no.3 of 15)
 - ✓ Promotion of Child Participation in the matters affecting their lives and freedom of expression through Children's Parliament and other related platforms.
 - ✓ Develop and implement the National Agenda for Children for children which is a national strategy for children

B. DEFINITION OF A CHILD (ART. 2)

13. Definition of the Child

A child is defined as a person under the age of 18 years according to Section 1 of the Child Care and Protection Act, (Act 3 of 2015). The Age of Majority Act (Act No. 57 of 1972) which set the age of majority at the age of 21, was repealed with the enactment of the CCPA.

The CCPA has repealed the Majority Act (Act No. 57 of 1972) which set the age of majority at 21 years with the exception of a person under the age of 21 still requires the consent of the parent or guardian to enter into marriage. The lowering of the age of majority to 18 years brings the Namibian law in line with the CRC and the ACRWC.

Number of Children in Namibia by age, sex (Namibia Projected population by age and sex, medium variant, 2021)

Age	Both sex	Male	Female
Total	1078253	543824	534429
0	68225	34537	33688
1	67520	34154	33366
2	66904	33821	33083
3	66332	33513	32819
4	65715	33185	32530
5	65046	32836	32210
6	64314	32460	31854
7	63470	32024	31446
8	62551	31555	30996
9	61584	31057	30527
10	60045	30275	29770
11	59249	29816	29433
12	57124	28741	28383
13	54410	27383	27027
14	51737	26048	25689
15	49447	24894	24553
16	47751	24015	23736
17	46829	23510	23319

Source: Namibia Statistics Agency, 2021

V. GENERAL PRINCIPLES (ARTS. 3, 4, 5 & 26)

14. General Principles Cluster

a) Non-discrimination (art 3 and 26)

On Constitutional prohibition against discrimination, the information remains the same as per the last State report.

However, during the reporting period the Ministry of Education, Arts and Culture launched the Sector Policy on Inclusive Education. This policy provides for a conducive educational environment where all learners are educated in the least-restrictive setting and ensure access to equity and quality education for all children including Ovahimba, Ovahive, San, and children with disability, refugee and migrant children.

The policy target special group of children that are found in disadvantaged situations, and are currently not benefitting equally from the education system for example children of farm workers, children living on the streets and children from families living in extreme poverty, the girl child and the learner parent.

Section 2, 5, and 9 of CCPA refers to non-discrimination which focuses on protecting the child from direct or indirect discrimination on different grounds. Moreover, section 9 of the said Act makes special provision in relation to respecting the dignity of children with disabilities.

In addition, in 2015 the Government developed a National Human Rights Action Plan (NHRAP) for the period 2015 until 2019 to address seven (7) themes of human rights including non-discrimination, equality rights of girls and women. The Office of the Ombudsman coordinates the implementation of the NHRAP on behalf of the Government.

The state party also undertook a National Formative study on Child Marriages (2020). The main objective of the study was to determine the extent of child marriages in the country. The recommendations of this study will inform strategies to curb child marriages.

The following were recommendations from the study: to undertake law reform and dissemination to ensure comprehensive and consistency implementation to prevent and response to child marriage; conduct community mobilization with a focus on social norms and change; empower married, divorced or separated children with asset building, employability skills, economic empowerment adolescent friendly health service; enhance adolescent and Youth Sexual Reproductive Health; and to address gender based violence and harmful practices

The State Party acknowledges that there are challenges in relation to customary marriages and inheritance. In addressing these challenges pertaining to customary marriages and inheritance, the Namibian Government has drafted several bills to ensure that women and children in such marriages are legally protected. To this effect the following bills have been drafted, namely the Matrimonial Property Regime Bill and the Intestate Succession Bill.

The Matrimonial Property Regime Bill repeals the offensive and overtly racist Native Administration Proclamation Act, 1928 (Act No.15 of 1928). The bill provides for a uniform matrimonial property regime for all civil marriages.

It repeals the remainder of the Proclamation, and provide measures of redress for those who have been unfairly affected by its discriminatory provisions on marital property regimes.

In 2012, the Law Reform and Development Commission provided a report on the intestate Succession Bill to the Master of the High Court as a Custodian of the Bill. Master of the High Court is the appropriate authority on any further progress made on the Intestate Succession Bill.

Further, the Divorce Bill, which intended to repeal the Divorce Law Amendment Ordinance 18 of 1935 is currently line up to be tabled at Parliamentary session. While the Bill is primarily aimed at simplifying divorce proceedings. It also removes the red line which divides marital regimes in the country and makes provision for equal rights to property and inheritance.

The Administration of Deceased Estates Amendment Act, 2018 (Act No.22 of 2018). The amendments are aimed at further protecting the interests of minor heirs and delegates as well as addressing issues pertaining to the Guardian Fund. Furthermore, the amendments provide for an investment framework, including an investment committee and policy to ensure more transparent and effective governance of the investments made by the Master of the High Court.

The Child Care and Protection Act, 2015 (Act No. 3 of 2015) removed the discrimination against children born outside marriage; it provides for custody, access to inheritance and guardianship in respect of both children born in marriage or outside the marriage upon the death of their parent or guardian.

The Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPESW) in collaboration with the University of Namibia conducted a study on the demographic profiles of street children. This study informed the development of a national strategy on street children which provides for responsive well-coordinated services to prevent, identify and intervene with child-centred and rights-based approaches to promote resilience in children on the streets. This strategy is aligned to the Child Care and Protection Act, Act 3 of 2015.

b) Best interest of the child (art. 4)

The best interest of the child is the underlying general principle of the Child Care and Protection Act. Section 3 of the CCPA provides that the Act must be interpreted and applied in all matters concerning the care, protection and well-being of a child arising under this Act or under any proceedings, actions and decisions by an organ of State in any matter concerning a child or children in general. The best interests of the child concerned is the paramount consideration.

The CCPA is the first Namibian law to make the best interest of the child the key consideration in matters concerning the child, and the first to recognize the child participation. In addition, Basic Education Act, 2020 (Act No 3 of 2020) makes provision on the best interest of the child. Furthermore, the Child Justice Bill is also supporting the general principle of the best interest of the child and once it is enforced the provisions will be implemented.

c) The right to life, survival and development (art. 5)

Article 6 of the Constitution provides that the right to life shall be respected and protected. No law may prescribe death as a competent sentence. No court or tribunal shall have the power to impose a sentence of death upon any person; and no executions shall take place in Namibia.

This constitutional provision is important to ensure that every child as an inherent right to life and this right is also protected by law. Section 227 of the Child Care and Protection Act provides for the establishment of approved institutions for unwanted and abandoned babies, and provides safeguards against the misuse of such facilities as well as decriminalizing baby dumping.

The Government through the relevant line ministries addresses the issue of baby-dumping, by providing alternatives such as increased awareness on Sexual Reproductive Health Education including family planning, foster care, adoption and legal grounds for abortion. Learners and students in particular are targeted with information about alternatives to baby-dumping and options for continuing their education after becoming parents in terms of the Prevention and Management of Learner Pregnancy Policy.

Children in conflict with the law have inherent to life and enjoy the same constitutional provision as any other citizen. Therefore, there is not a single case of a child who has committed serious offence and has been sentenced to death.

The enforcement of the Maintenance Act, 2003 (Act No. 9 of 2003) which provides that both parents have a legal duty to maintain their children, regardless of their marital status are efforts to prevent baby-dumping as well as Sexual Reproductive Health Education (SRH) curriculum for life skills teachers are some of the measures in place to address the root causes of teenage pregnancy. A national integrated school health programme is in place and an integrated school health task force was established in all the regions to combat all issues related to adolescents and young people sexual reproductive health issues including teenage pregnancy. In 2017, the Ministry of Health and Social Services developed Adolescents and Young People Job Aid.

The aim was to guide all health workers on how to comprehensively assess and support learners and adolescents who are at risk of engaging in harmful behaviours that could put one at risk of negative health outcomes. A teenage pregnancy prevention Campaign is in place on social media platforms where adolescents and young people share and engage on prevention of teenage pregnancies.

d) Respect for the views of the child (art. 4)

The Child Care and Protection Act, 2015 provides that every child that is of an age, maturity and stage of development as to be able to participate in any matter concerning that child in terms of this Act must participate in an appropriate way and the views expressed by the child, verbally or non-verbally, must be given due consideration.

The Act also emphasises that the child has the right to choose not to participate in a matter concerning that child in terms of this Act, but must be given all necessary information and advice to enable that child to decide on participation which is in his or her best interests.

Namibia's education policies are progressive in terms of meeting the educational requirements of its children from the minorities. For example; the Education Sector Policy on Inclusive Education of 2013, aims to enable all children in Namibia to learn and participate fully in the education system. Its mission is to create an enabling, supporting environment for every school for all learners and teachers.

It further aims to do this by focusing on educationally marginalised children, and it identifies the girl-child as one such type of child, along with the learner-parent, amongst the list of 16 categories of educationally marginalised children.

The government continues to ensure that the majority of San children have access to education, by constructing schools close to their settlement. The challenge is that there is good retention in the lower-primary grades (Grades 1-3), and thereafter there is a sharp decline in the enrolment of marginalised children in upper-primary and secondary school grades. The reasons for the high and early dropout rates among the marginalised communities especially the San learners are manifold, and reflect an interplay of economic, cultural and social factors.

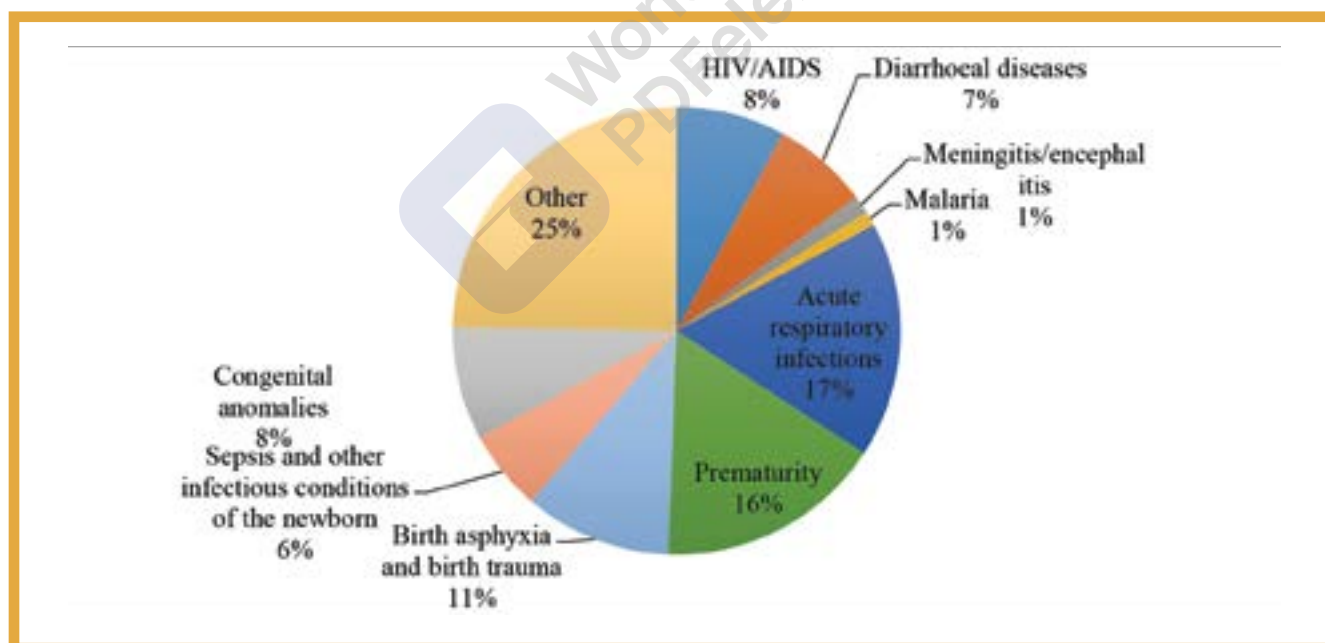
In order to ensure that the Ovahimba and Ovazemba children get access to education, the Ministry of Education, Arts and Culture continues to provide mobile school units for the Ovahimba and Ovazemba community in Kunene Region. This intervention is aimed at providing access to education to the Ovahimba and Ovazemba children without uprooting their traditional way of nomadic life.

15. Death and Illnesses

a) The death of children as a result of illnesses

The government continues to invest a considerable amount of money towards the health sector to alleviate deaths, ill-health caused by disease such as malaria, TB and HIV/AIDS. The Ministry of Health and Social Services regularly carries out awareness campaigns on the prevention and treatment of these illnesses. Other Ministries and civil society organisations are also contributing to these efforts.

Figure 2: Estimates for child causes of death, Namibia (2016)



Source: http://www.who.int/entity/healthinfo/global_burden_disease/childcod_estimates_2000_2016.xls (last updated February 2018) (accessed 1 March 2018).

b) Death and unlawful killings

As per our last report, capital punishment is still constitutionally prohibited in Namibia. The State Party acknowledges that incidences of unlawful killings of children are a cause of concern. Socio-economic factors tend to contribute to these kinds of deaths. The Ministry of Gender Equality, Poverty Eradication and Social Welfare regularly holds awareness campaigns on gender issues including GBV, Violence against Children.

In an effort to alleviate motor vehicle accidents the National Roads Safety Council (a body under the Ministry of Works) in collaboration with other stakeholders regularly embarks on Roads Safety Campaigns especially during the festive seasons and public holidays.

Table 1: Number of death of children as a result of unlawful killings from September 2015 to August 2020.

Crime Description	Sep. 2015 to Aug. 2018		Sept. 2018 to Aug.2020	
	M	F	M	F
Murders	23	20	27	25
Culpable homicide as a consequence of driving a vehicle negligent	52	58	88	64
Culpable homicide by other means	2	3	11	55
Concealment of death	7	14	26	24

Source: The Namibian Police Statistics

c) Death as a Results of harmful cultural Practices

No death of children as a result of harmful cultural practices (such as traditional rituals and sacrifice) during the period under review were reported.

d) Child and Youth Organizations

In an effort to promote youth empowerment the state party funds several youth organizations that has diverse interest in politics, economics and social issues. Examples of these youth organisations are National Youth Council (NYC); Namibia National Students Organizations (NANSO); Student Union of Namibia (SUN), tertiary, secondary and primary education, Student Representative Councils; Children's Parliament; Junior Town Councils and Namibia Children's Federation.

e) Children heard under Judicial and Administrative Proceedings

With regard to the number of children who have been heard under judicial and administrative proceedings, the country does not collect this information. However, there is general data on cases such as custody, access, adoption, children's court proceedings and other administrative matters.

VI. CIVIL RIGHTS AND FREEDOM (arts. 6-10 and 16)

16. Information of Civil Rights and Freedom

a) Name and nationality (art. 6)

Article 15 of the Namibian Constitution provides that children have a right to a name and a nationality. A birth certificate is usually the first step to secure this right. Therefore, every parent has a duty to register the birth of a child as soon as possible following the birth of the child. The national birth registration rate is 87.8 % and 77.6% of children under the age 5 have a birth certificate, according to the Namibia Inter-censal Demographic 2016 Report.

There are large regional disparities. //Karas in the south has birth registration rate of 96.2, while the Kavango West region in the northeast has the country lowest birth registration rate of 67.3%.

The birth registration has been fully digitalized, and is an integral part of the e-National Population Registration System, which caters for all vitals events from birth to deaths, including ID register. 82.9% of all Namibians hold an ID card.

The provision of national documents including the issuing of birth certificates is the responsibility of the Ministry of Home Affairs, Immigration, Safety and Security. The Ministry has established offices in all towns and cities, as well in 23 hospitals to encourage early birth registration.

The parents should present themselves in front of Registrar if not married, or provide the other parents' statement under oath, claiming maternity/paternity of the child. In the event that the father denies paternity or is unknown, the mother can register the child on her surname, and father's details will be left blank. Insertion of the father's details are free until the age of 5 of the child.

Any parent can register a child's birth as soon as possible after the birth of the child and birth registration is free. Registration can be done at the nearest office of the Ministry of Home Affairs and Immigration or at a hospital-based office. The Ministry also undertakes community outreach programmes on regular basis to provide services to the communities in remote rural areas. Some of the outreach programmes are arranged together with MGEPEWSW Official responsible for registration of child grants to create an incentive for the parents to register for birth, in the event that it was delayed.

Section 232 (1) of the CCPA prohibits hospitals and schools to deny services on the basis on not being registered. Section 145 (3) (t) instructs the organ of state to assist the child in obtaining access of public services to which a child is entitled e.g. Osire Settlement Centre for refugees provides all basic services including birth registration.

b) Freedom of expression (art.7)

One of the guiding principles under the Child Care and Protection Act, 2015 (Act no.3 of 2015) is child participation. Every child has the right to choose to participate in any matter and express their opinion freely. The CCPA emphasises that information regarding the context where the child expressing the view should be provided, including the protection against victimisation, information about the outcome on the views expressed, as well as opportunity to complain.

In this regard the country has established national structures to facilitate the participation of children and their rights to express their opinion freely in all matters. This include:

- Children's Parliament was established in 2012 with the primary goal of lobbying or advising Government and its agencies responsible for law-making and their implementing machinery to fast track policies that would improve the rights and welfare of children and young persons in accordance with national legal instruments and international convention provisions.
- Junior Town Councils are operational in certain towns and serves as an extension of the council managing the towns. These councillors are exposed to leadership and management, decision making and advocacy platforms that enhance their development and skills.
- Children's Federation is a body established by the Child Rights Network (an umbrella body for Child Protection CSOs) to provide an independent platform for children to express their views, raise awareness and advocate for their rights.
- The MEAC encourages the establishment of debating societies in schools to allow learners to engage on matters of academic, socio-economic and political importance.

The Namibian government has tabled and debated the Access to Information Bill, which once enacted will provide easy access to government information. However, most Government information and Acts of parliament are readily available online and in all the libraries across the country. Laws in Namibia are published in the Government Gazette upon promulgation, and members of the public may obtain a copy at the Ministry of Justice or at Parliament for a minimum fee. Furthermore, all Namibians including children are free to access social media networks such as Facebook, twitter among others.

c) Freedom of association (art. 8)

Article 21 of the Namibian Constitution guarantees fundamental freedoms including the freedom of thought, expression, association and peaceful assembly.

The Namibia National Students Organisation (NANSO) and the various university Students Representative Councils (SRCs) represent learners and students at schools and institutions of higher learning respectively. The student's organisations were established to organize, mobilize, and unite all learners and students of Namibia so as to enable them to participate fully in the social, cultural, economic and political life of the society. These organizations also strive for research-based reform and democratization of education in order for it to respond positively to the developmental needs of the Namibian society.

Students/Learners have the right to hold peaceful demonstrations and assembly provided they conform to existing laws to this effect.

d) Freedom of thought, conscience and religion (art. 9)

The government recognizes that the right to freedom of thought, conscience and religion is fundamental. Although it is estimated that about 90 % of Namibia population is Christian, followers of other religions, non-religious people, atheist are not persecuted or restricted to practice or express their beliefs. This extends to children. The subject religious studies are taught at primary schools. The said subject focusses on different religions and belief systems emphasizing on their commonalities than differences.

Moreover, Article 10 (2) provides that no person shall be discriminated on the ground of religion. This mean that all religions are recognized as a voluntary association and are at present not required to register with the government. Thus, children in Namibia have the freedom to associate with any religious association/affiliation they wish to join.

e) Protection of privacy (art. 10)

Privacy is recognized as an important human right and is enshrined in the Constitution of the Republic of Namibia in Article 13, which states that:

No persons shall be subject to interference with the privacy of their homes, correspondence or communication save as in accordance with law, and is necessary in a democratic society in the interests of national security, public safety, or the economic wellbeing of the country, for the protection of health morals, for the prevention of disorder or crime or for the protection or freedoms of others.

In addition, there is also probation on unauthorized searches of persons or homes of individuals unless it is justified. The country also has ratified the International Convent on Civil and Political Rights which also emphasize the importance of non- interference in the privacy of individuals whether at home, or also in terms of correspondence.

These legislative provisions are also extended to children and as a result their right to privacy is also protected. Court cases involving children whether in criminal or civil cases are held in camera, to ensure confidentiality and privacy. The CCPA also prohibits certain publications of details involving children in the media.

f) The right not to be subjected to torture (art. 16)

Namibia has outlawed corporal punishment by all state organs. The State party has made provision in the Child Care and Protection Act No 3 of 2015, to treat all cases of all corporal punishment as child abuse. Therefore, children are considered as children in need of protective care and social workers who attend to these cases are mandated to work with the police to open criminal cases against parents/

guardians or caregivers who use corporal punishment as a form of discipline. The State Party has established the Children's Advocate within the Office of the Ombudsman as a watchdog on all child protection issues including corporal punishment in all settings. In addition, the Child Care and Protection Act has made provision for children to report any form of abuse against their bodies/themselves to the nearest police station or social worker.

The Ministry of Gender Equality, Poverty Eradication and Social Welfare is in the process of popularizing the provision of the Child Care and Protection Act that speaks to mandatory reporting of child abuse cases to general public and also more specifically to children.

The Sector Policy on Inclusive Education also aims to alleviate acts of physical and psychological torture in the school setting.

The Education Sector through the School Safety Framework raise awareness on bullying in schools including cyberbullying.

17. Disaggregated data

a) Number of Refugee Children and seeking asylum who are registered after birth

The Government of Namibia through the Ministry of Home Affairs, Immigration, Safety and Security in partnership with UNHCR are in process to conduct a study on statelessness countrywide and Osire Refugee Settlement is one of the sampling population. The results of the study will reveal the number of statelessness children in Namibia as were as those who are risks of statelessness. Otherwise currently there is no data available.

b) Number of registration centres

The Ministry of Home Affairs have established birth registration centres in 14 regions and has registration facilities in 23 hospitals throughout the country.

Table 2: Children aged 0-5 by status of having a birth certificate and area

Area	Total	Yes: Namibian	Yes: Non-Namibia	No Birth Certificates
Urban	175 305	84.4	1.0	14.5
Rural	212 874	71.9	0.2	27.1
Total	388 178	77.6	0.5	21.4
//Kharas	13 924	95.4	0.0	4.6
Erongo	26 057	90.1	0.3	9.6
Hardap	15 603	83.9	0.0	16.1
Kavango West	26 316	58.1	0.2	41.0
Kavango East	15 468	44.9	0.0	54.9
Khomas	63 961	87.9	2.0	10.0
Kunene	21 522	83.0	0.0	16.4
Ohangwena	44 472	71.5	0.3	27.6
Omaheke	17 674	79.8	0.1	2.0
Omusati	37 896	74.9	0.1	1.3
Oshana	30 826	83.3	0.7	15.9
Oshikoto	30 427	71.6	0.1	27.4
Otjozondjupa	28 197	80.7	0.0	18.6
Zambezi	15 835	65.5	1.1	33.1

Source: Namibia Inter census Demographic Survey, 2016

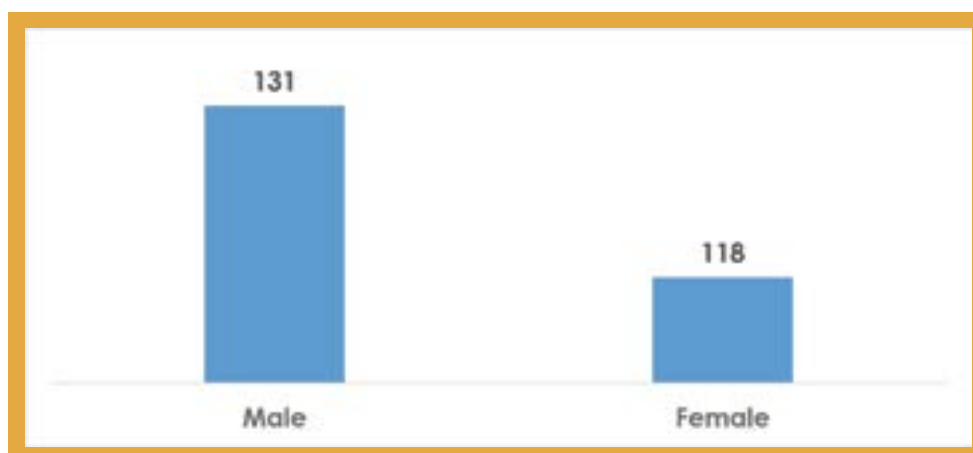
c) Number of Schools Equipped with ICT Infrastructure

There is a number 592 schools are equipped with ICT infrastructure country wide as of March 2020 (EMIS, 2019).

d) The number of children reported as victims of torture and other cruel, inhuman or degrading treatment or other form of punishment.

Namibia does not have a law that defines torture, the statistics reflected here were recorded by the Police as Assault with intent to cause Grievous Bodily Harm against children.

Figure 3: of Children Victims due to Torture, Cruelty, Ill Treatment and Neglect from September 2015 to August 2018



Source: The Namibian Police Statistics

e) Number of court cases instituted against alleged perpetrators of torture against children and results of these cases

The challenge in Namibia, is that there is no specific law on torture. Alleged cases of torture are prosecuted as Assault with intent to cause Grievous Bodily Harm. However, the Bill against Torture was tabled, debated in Parliament and referred back to the Ministry of Justice for further scrutiny.

f) Recognized Organizations Platforms for Children

The most recognised organizations platforms for children are three i.e children's parliament, junior town councils and school representatives at different schools in the country.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS (Arts. 11-12 and 14)

18. Education

a) Right to Education (art.11):

Article 20 of the Namibian Constitution guarantees the right to education. It makes primary education compulsory until it is completed or until the child turns 16, whichever comes first. Furthermore, the Education Act, 2020 governs education at public and private schools. There are different legislation that guide the establishment of tertiary institutions such as the University of Namibia Act, 1992 (Act No. 18 of 1992) and the Namibia University of Science and Technology Act, 2015 (Act No. 7 of 2015) respectively.

A child enters primary education in the year he/she turns six years for pre-primary education and turn seven years old for Grade 1. Primary education covers Grades 1 to 7, while full secondary education from Grade 8 to 12. However, learners may receive a Junior Secondary School Certificate after successful completion of the examinations at the end of Grade 10.

At the end of Grade 12, learners sit for the Namibia Senior Secondary Certificate which is offered at Ordinary and Higher levels. Curriculum development, educational research, and professional development of school teachers is organised by the National Institute for Educational Development (NIED).

Integrated Early Childhood Development (IECD) program was formed on 2016 advocacy, resulting in its inclusion as a sub-chapter in the 5th National Development Plan 2017/2018 -2021/2022. A framework for coordination among the key line ministries (MOHSS, MEAC and MGEPEWSW) was adopted at cabinet level. The #EarlyMotherMatter campaign was launched, reinforcing the partnership with the three-line ministries mentioned above as well as the Office of the First Lady.

This campaign convened a national conference to showcase the new framework, interventions and research on IECD in 2018. Further, a multi-year grant from the European Union was negotiated with the Government for ECD for 2018 onwards. In addition, the government subsidizes Integrated Early Childhood Development programmes in the country which includes capacity building for Edu-carers, subsidizing their monthly stipends, providing educational and building materials to centres in marginalised communities. Further, the government has made provision in the CCPA to regulate the operations of early childhood development centres.

The Government expenditure on education remains relatively high and is on average about 8.4% of the GDP of the national budget. During 2014/2015, the Ministry of Education received a budget of N\$ \$13.1 billion. (Approx. US\$ 102 104 0593.00) which is one of the highest in Africa. In 2013 the Government introduced free primary education in terms of Article 20 of the Namibian Constitution, whereas free secondary education was introduced in 2016.

The Government allocates relatively higher amount of resources to education and training compared to other social sectors (MOHSS and MGEPEWS). There is intra-institutional co-ordination, programming, prioritization, targeting and linkages from primary, secondary, tertiary and industrial in terms of development of physical infrastructure and bursary awards, technology experimentation and demonstration. The government has invested in the upgrade of under qualified teachers to improve the quality of education. The Government introduced free primary education in 2013 and free secondary education in 2016.

The Education and Training Sector Improvement Programme (ETSIP), it is a 15-year strategic plan (2006-2020) which was developed by the Ministry of Education, Arts and Culture within the context of vision 2030's national development goals. The aim is to address weaknesses by Namibian Government taking into consideration the World Bank study conducted in 2005 which highlighted the poor quality, untrained teachers, and unsatisfactory performance of learners. However, Ministries have an obligation to ensure that programs and training are provided to educators to enhance quality education.

The Ministry of Education, Arts and Culture received a financial support of N\$ 84 608 000.00 from the European Union (EU) under the 11th Education Sector Reform (EDF), based on the financial agreement number: FED/2016/037-760. The agreement was signed on 05 December 2016 and it is to be implemented until 05 December 2020.

The funding objectives are to:

- Ensure equitable, quality and inclusive primary education;
- Increase equitable and inclusive access to Pre-primary Education (PPE) facilities and /or services;
- Improve quality of teaching in PPE
- Increase quality of teaching in PPE

The N\$ 84 608 000.00 was broken down as follows that included Infrastructure Development, Continuous Professional Development (CPD), Learning Support Materials (LSM) Procurement and other related expenditures for instance (i.e) Special Education workshop for teachers teaching in Special Schools, and for the establishment of a special/resources unit for learners with visual impairments in one of the 14 regions.

The Government through the Ministry of Education, Arts and Culture in collaboration with other key stakeholders has implemented the Forum for African Women Educationalists in the country (FAWENA) project which aims to improve retention, integrate the vulnerable children, including the San children into the basic education system, with the special focus on the education of girls. 424248 learners benefited from school feeding program across the country.

Through the Sector policy on Inclusive Education, OVC policy and Educational marginalized policy MoEAC has ensure that all schools are inclusive, that all children with disabilities, marginalized and vulnerable are given right to Education in schools of their choice. For children with severe disabilities provision is made to enrol them in fully fledged special/Resource schools that can be school for the Deaf, Visual, and Intellectual and for learners with learning difficulty.

Since 2015, inclusive mainstream school has increase drastically as well as schools with learning support classes for children with different disabilities. Further, mobile schools are in place for the San, Ovahimba and Ovahimba learners' population that lives a Nomadic life. Namibia has adopted a "human rights-based model of disability mainstreaming and social integration and economic empowerment" as the best model for protecting and advancing the rights of persons with disabilities.

The National Policy on Disability of 1997 lists women, children and elderly people with disabilities as a special target group. However, there are still many challenges facing persons with disabilities particularly children in the country.

The 2013 Demographic and Health Survey indicates that about 87% of children with disabilities between the ages of 0-4 years have never attended early childhood development (ECD) programmes, whereas the proportion of children with disabilities aged 5 years and above that never attended school is also high, especially in the rural areas at 82.1%, and 17.9% in the urban areas. Despite the prevailing gaps highlighted above, significant progress to include and support persons with disabilities has been high on the agenda of Government for the last 10 years.

The empowerment of persons with disabilities has been articulated and outlined in numerous legal frameworks, including the Namibian Constitution, the National Disability Policy (1997), the National Disability Council Act (Act No 26 of 2004); the Sector Policy on Inclusive Education (2013) and the Child Care and Protection Act (Act No. 3 of 2015), and the National Development Plans, particularly the NDP5 for 2017/18-2021/22.

Namibia has also signed and ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities (UNCPRD), which is part of the Namibian laws in terms of Article 144 of the Namibian Constitution. In 2015, the Government established the Department of Disability Affairs in the Presidency to give prominence to the disability issues, tasked to also look into children disabilities in schools and those who are not attending school.

Article 10 provides that all persons are equal before the law, and shall not be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. In addition, respect for human dignity and freedom from discrimination are recognized within Chapter 3 of the Namibian Constitution as fundamental rights to be upheld by the executive, legislature, judiciary and all other organs of Government as well as by all natural and legal persons in Namibia. The abovementioned is the first constitutional protection and it is not only applicable to adults, but also to children. Thus, the use of corporal punishment is not permitted in Namibian schools.

The Namibian Supreme Court ruled that corporal punishment in schools is a violation of children's constitutional right to human dignity. Section 131 & 132 of the Child Care and Protection Act, 2015 (Act, no. 3 of 2015) provide for the mandatory reporting by all persons who have a "reasonable belief" that a child "may need protection. Punishment and any violence against children whether at School or at home are treated as a crime in Namibia.

Namibia has developed Safe Schools Framework (SSF) to promote the health, safety and wellbeing of learners and other school stakeholders in Namibia. The program is meant to assist the stakeholders of School Health and Safety in implementing safe practices and programmes in the schools. It further provides teachers and other school personnel with practical tools and ideas for improving safety levels in schools in a step-by-step manner and guides them on how to promote safe and supportive school communities.

The Namibia Safe School Safety Framework (NSSF) emphasizes that corporal punishment takes place at the school should lead to disciplinary actions against perpetrators, including loss of employment and follow-up with the police. In a case where corporal punishment is taking place in a learner's home. The school should address this with the parents, and the school should hold meetings with parents and wider community raising awareness about the negative impacts of corporal punishment.

The Ministry of Education, Arts and Culture has developed and implementing learner pregnancy policy. The goal of this policy is to improve the prevention and management of learner pregnancy in Namibia, with the ultimate aim of decreasing the number of learner pregnancies and increasing the number of learner-parents who complete their education.

b) Leisure, Recreational and Cultural Activities (art.12)

Physical education is officially part of the curriculum at primary school. Most schools if not all Government schools including the kinder gardens are built with sport fields and play grounds as a requirement from the Ministry of Education. There are play grounds in the residential areas and parks in most of the major towns.

The National Policy for School Health (2008) outlines a Comprehensive School Health Programme which includes health services, health education, nutrition and food services, quality physical education and recreational activities, a supportive school environment and collaboration with the surrounding community. The MoHSS in collaboration with MoEAC developed the Training of Trainers Manual on Integrated School Health.

c) Health and Welfare (art.14)

Maternal and neonatal health services in Namibia are provided through the reproductive health program as components of Primary Health Care. The Maternal and Newborn Health Program focuses on the following areas:

- Focused Antenatal Care
- Emergency Obstetric Care (along the continuum of pre-pregnancy care, antenatal care, intrapartum care and postpartum care)
- Neonatal care, including Essential Newborn Care
- Post abortion care
- Community Maternal and Newborn Care

Various management structures and initiatives have been established at the national and regional levels to coordinate these programmes including Maternal, New-born and Child Health Management Committee, Technical Working Groups, Maternal and Perinatal Death Review Committee (RMNCH) Score card and campaign for accelerated maternal mortality reduction. A Child Survival Strategy has also been developed and neonatal mortality rate, infant mortality rate and under-5 child mortality has all been on a declining trend over the last 5 years.

Namibia's healthcare system is a mixture of public and private financing. The public system provides services to the majority of the population and is predominantly funded through general taxation while the private health care system, which provides either comprehensive or partial health care coverage, is funded largely through employee and employer contributions. Namibia regularly spends approximately 7% of its national budget on health and social services, which is generally the next highest expenditure after education.

All Namibians have access to health facilities in the country. In addition, the Government has adopted a waiver fee policy for the vulnerable groups in the societies, this includes children, persons with disability and pregnant woman, to be exempted from paying health fees.

The MoHSS is the main implementer and provider of public health services with a four-tier system: outreach points to clinics and health centres, district hospitals and intermediate and referral hospitals. Faith-based organisations and civil societies also provide health services in the regions for the MoHSS on an outsourcing basis, whereas the private sector is sizeable, with 844 private health facilities registered with MOHSS.

Government of Namibia has introduced a number of interventions to this effect. The National Health Policy Framework for the Period 2010 – 2020 is in place. The Framework provides the overall orientation for health and health actions in Namibia. Furthermore, health problems in Namibia are in transition – infectious diseases are major contributors to the burden of disease as well as health problems related to pregnancy and delivery and infant and childhood – the health system in Namibia has to be able to respond to such changes and hence the emphasis on public health priority.

The Primary Health Care (PHC) approach has shown its value as the key principle in health system. The values of service delivery, universal coverage, leadership and public policy are therefore embedded in this policy framework. Key strategies implemented by the Nutrition programme include maternal, infant and young child nutrition, growth monitoring and nutrition promotion, including the Baby Friendly Hospital Initiative.

The Micronutrient programme focusses on vitamin A supplementation, salt iodization and iron/folate supplementation to reduce micronutrient deficiencies. Access to safe drinking water sources improved to 99% which means Namibia has meet the Millennium target for safe drinking water.

Various management structures and initiatives have been established at the national and regional levels to coordinate these programmes including Maternal, New-born and Child Health Management Committee, Technical Working Groups, Maternal and Perinatal Death Review Committee, RMNCH Score card and campaign for accelerated maternal mortality reduction.

Through these and other efforts the country has managed to reduce maternal mortality ratio to 385/100000 live births, though this is still far off the MDG5 target of 75% reduction. Antenatal services are available in all health facilities in the country and 87% of all births occur in the health facilities while 88% of births are attended by a skilled birth attendant. A high proportion of women are tested for HIV during pregnancy as 94% of the health facilities providing ANC provide PMTCT services. Pregnant women who test HIV positive are enrolled in the ART programme and PMTCT option B+ is available in all health districts.

ART coverage among HIV positive pregnant women is high. The proportion of HIV exposed infants provided ARVs according to national guidelines has risen to 91% which is close to the 95% target set for the elimination of maternal to child transmission of HIV. Accordingly, the MTCT rate has declined to 5% by 2013 and is expected to go down further.

The State Party has taken measures to ensure the meaningful participation of non-governmental organizations, local communities and beneficiary population in the planning and management of basic service programs for children through the National Agenda for Children (NAC). The NAC overall purpose is to ensure national efforts aimed at achieving child wellbeing outcomes as outlines in national as well as international and national development instruments.

The NAC seeks to promote, coordinate and strengthen structures and services designed to advance the wellbeing, care and protection of children. The instrument builds momentum for increased child participation in policy formulation and decision making on issues affecting them, while governments, CSOs and parents have role to play in ensuring that children's rights are met.

The implementation of NAC is coordinated by the Ministry of Gender Equality, Poverty Eradication and Social Welfare through the Permanent Task Force (PTF) for Children that brings together all service providers' i.e line ministries, CSOs, CBOs, FBOs dealing with children issues at national level and children themselves. The mechanisms are also cascaded down at regional and constituency level through Regional and Constituency Child Care Protection Forums.

The Forums meeting on quarterly basis to share their progress and good practices that are aligned with the strategies stipulated in the NAC. There are also other coordination mechanisms at different ministerial levels.

19. Literacy Rate of Children and Adults

a) Literacy rates of children

Table 3: Literacy rates of children

Gender	SACMEQ III				SACMEC IV			
	Reading Mean	SE	Mathematics Mean	SE	Reading Mean	SE	Mathematics Mean	SE
Boys	489.6	3.08	472.0	2.78	529.4	3.09	523.7	2.81
Girls	503.7	3.20	470.1	2.62	546.3	2.72	521.2	2.42
Boys	Acceptable Reading Skills				Acceptable Reading Skills			
	%	SE			%	SE		
Girls	57.4	1.41			80.2	1.03		
	64.9	1.55			87.1	0.75		

Source: (SACMEQ Report 2019)

The above table shows that both boys and girls have improved with more than 40 points in the mathematics and reading scores in 2013. The table further indicates that girls have reached the desired reading skills level with 87.1% as opposed to boys with 80.2 %, although both girls and boys have improved with 23 % between SACMEQ III and SACMEQ IV (Source: SACMEQ Report 2019).

b) Gross and Net Enrolment

Table 4: Gross and net enrolment

National	Total	754501
	Female	378928
	Male	375573

Source: EMIS, 2019

Table 6: Promotion, repetition and school-leaving rates in Grades 1 -11 between 2018 and 2019

School-leaving rates				Repetition rates			School-leaving rates		
Grade	Total	Females	Males	Total	Females	Males	Total	Females	Males
Average	77.7%	80.4%	75.1%	16.7%	14.7%	18.5%	5.6%	4.9%	6.3%
Grade 1	78.7%	82.2%	75.4%	19.7%	16.5%	22.7%	1.6%	1.3%	1.9%
Grade 2	84.7%	88.2%	81.3%	14.8%	11.5%	17.9%	0.5%	0.2%	0.7%
Grade 3	86.7%	90.0%	83.5%	13.4%	10.1%	16.4%	-0.1%	-0.1%	0.0%
Grade 4	75.4%	80.8%	70.3%	22.4%	17.6%	26.9%	2.2%	1.6%	2.7%
Grade 5	79.3%	82.8%	75.8%	18.3%	15.2%	21.4%	2.4%	2.0%	2.8%
Grade 6	82.3%	84.7%	79.9%	14.4%	12.5%	16.3%	3.3%	2.8%	3.8%
Grade 7	87.5%	89.4%	85.5%	9.2%	7.8%	10.6%	3.3%	2.8%	3.9%
Grade 8	66.7%	69.2%	64.2%	28.0%	26.2%	29.7%	5.3%	4.6%	6.1%
Grade 9	59.2%	60.4%	58.0%	39.3%	40.5%	38.0%	1.5%	-0.8%	4.0%
Grade 10	58.5%	60.1%	56.7%	0.9%	0.9%	0.9%	40.6%	39.0%	42.3%
Grade 11	96.1%	96.3%	95.8%	2.8%	3.0%	2.6%	1.1%	0.7%	1.6%

Source: EMIS, 2019

Table 7: Approximate numbers of people in Grades 1 - 12 who had left school between 2012 and 2018

School Phases	Grade	2012	2013	2014	2015	2016	2017	2018
Junior Primary	Grade 1	1,07	2,318	756	915	1,084	1,604	1,37
	Grade 2	-361	1,331	-203	379	-902	482	359
	Grade 3	146	743	-269	547	-413	899	-46
	Grade 4	155	743	-247	569	360	1,973	1,665
Senior Primary	Grade 5	1,579	2,242	2,174	2,337	1,335	1,918	1,605
	Grade 6	1,466	1,898	1,317	1,356	1,299	2,364	1,984
	Grade 7	1,956	2,338	1,353	838	1,673	3,009	1,776
Junior Secondary	Grade 8	5,548	6,591	5,837	5,233	5,282	5,968	3,181
	Grade 9	3,681	3,821	3,571	3,253	2,601	3,421	690
	Grade 10	11,191	10,802	10,65	11,914	10,863	12,337	18,424
Senior Primary	Grade 11	338	973	405	497	95	208	279
	Grade 12	19,006	19,276	18,93	20,07	20,968	21,945	23,377
	Total	45,775	53,076	44,27	47,908	44,245	56,128	54,664

Source: EMIS, 2019

Table 8: Total School Dropout by Gender by 2019

National	Total	13,375
	Female	6,604
	Male	6,771

Source: EMIS, 2019

A total of 13, 375 learners were counted, of whom 6, 604 (49.4%) are female and 6,771 or (50.6%) are male. According to the statistics from EMIS (2019), the major reason for female learner dropout was pregnancy, accounting for 23.3% of overall female dropout. This figure could well be higher if schools reliably reported on incidence of pregnancies. A reasonably large number of learners (1,118) dropped out because of the long distance between school and home, especially in Kavango East, Kavango West, Kunene and Khomas.

Dropout due to parents moving to another region may not actually be dropout because the learners might have resumed their schooling in another region. Nevertheless, 615 learners were reported to have left school in 2019 due to their parents' demand. A more robust system entailing individual learner tracking would render a more accurate figures of the school dropout rates in the country.

d) Learner-Teacher Ratio

Table 9: learner: teacher ratios from 2013 to 2019

Region	All schools and teachers						
	2013	2014	2015	2016	2017	2018	2019
National	24.5	24.3	24.1	24.1	24.1	24.1	24.5
Region							
//Kharas	23.3	23.2	23.1	23.0	22.9	22.9	22.9
Erongo	24.9	24.8	24.9	25.1	24.9	24.8	24.9
Hardap	24.9	24.3	24.6	24.4	24.8	24.9	25.0
Kavango East	-	27.4	27.6	28.4	28.8	29.2	29.2
Kavango West	27.3	25.8	25.6	26.5	25.9	25.8	25.8
Khomas	24.4	24.5	24.5	23.4	24.3	23.3	23.5
Kunene	23.4	23.2	22.9	23.3	23.5	24.8	24.7
Ohangwena	25.5	25.4	24.9	24.7	24.6	25.2	25.1
Omaheke	25.7	25.6	25.3	24.9	24.8	25.6	25.5
Omusati	23.1	22.8	22.4	23.2	22.2	22.9	23.1
Oshana	22.9	22.7	22.6	23.0	23.2	23.2	22.9
Oshikoto	24.6	24.1	23.6	22.8	22.8	23.4	23.0
Otjozondjupa	27.0	26.9	26.6	26.1	26.3	26.7	26.3
Zambezi	21.1	20.8	20.9	21.5	21.2	21.1	21.6

Source: EMIS, 2019

Table below illustrates schools staffed by the state and state-appointed teachers:

Table 10: Schools staffed by the State and State appointed Teachers from 2013 to 2019

Year	2013	2014	2015	2016	2017	2018	2019
National	25.5	24.9	24.7	24.1	26.0	25.2	25.4
Region							
//Kharas	25.6	24.8	24.7	22.5	25.6	23.7	23.4
Erongo	28.3	27.0	27.2	25.3	28.8	26.7	27.2
Hardap	25.5	24.7	25.1	24.9	26.3	25.7	25.8
Kavango East	-	28.1	28.2	28.9	30.7	30.0	30.4
Kavango West	27.9	26.3	25.4	26.3	26.0	25.9	26.2
Khomas	28.1	27.2	27.2	23.7	31.3	26.0	26.2
Kunene	23.5	23.4	23.3	23.4	24.1	24.8	24.7
Ohangwena	25.5	25.3	24.9	24.5	25.6	25.4	25.4
Omaheke	26.0	25.9	25.7	23.1	26.0	25.1	26.3
Omusati	23.3	22.8	22.5	23.0	22.9	22.9	23.2
Oshana	23.3	22.9	22.8	23.0	25.2	23.9	23.8
Oshikoto	25.2	24.4	23.9	22.3	24.0	23.2	23.1
Otjozondjupa	28.4	27.8	27.5	27.1	28.8	28.2	28.3
Zambezi	21.9	21.0	21.0	20.9	21.7	20.9	21.8

Source: EMIS, 2019

20. Data on ANC, children born with HIV, Immunization coverage; and under 5 mortality & under 1 mortality rate

20. Following table 11 summarises data on ANC, children born with HIV, Immunization coverage; and under 5 mortality & under 1 mortality rate from April 2014 to March 2020.

Financial Year	FP ANC 1 st visit	On ART at ANC	Percentage of Children born with HIV	Immunization Coverage	Under 5 Mortality per 1000 live births	Under 1 Mortality per 1000 live births
Apr 2014 to Mar 2015	78911	14436	No data	76.5%	24.2	17.5
Apr 2015 to Mar 2016	79919	14925	No data	81.7%	28.2	19.5
Apr 2016 to Mar 2017	84237	15937	No data	91.1%	25.7	18.6
Apr 2017 to Mar 2018	86125	15476	7.69%	92.8%	21.8	16.4
Apr 2018 to Mar 2019	86979	15137	1.69%	93.6%	23.3	17.3
Apr 2019 to Mar 2020	91982	15696	1.49%	73.6%	24.4	15.8

Source: Ministry of Health and Social Services

VIII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts.18-20 and 24)

21. Legislative, Judiciary and administrative relating to family environment and alternative care

a) Protection of the family (art. 18)

Article's emphasis is on parents' common responsibilities during marriage and following dissolution of marriage to ensure necessary protection of the child: Article 15(1) of the Namibian Constitution emphasises that children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents.

The parental duty to maintain children is recognised in the Namibian Constitution. Article 15(1) provides that children have a right to be cared for by their parents. The Maintenance Act, 2003(Act no.9 of 2003) recognises the right of a child to be cared for by both parents. The Maintenance Act was specifically passed to provide a legal basis of monitoring and ascertaining that parents, especially fathers take full responsibility for all their children.

However, in terms of common law and Namibian customs and tradition both parents have a legal and moral responsibility to contribute to the costs of raising their children. The Maintenance of a child is most often needed when the parents of a child live separately, and one parent fails to provide for the needs of the child. However, the law can also be used by a person who has charge of the day-to-day care of a child (the primary caretaker) to seek contributions for the child's maintenance from one or both parents.

In case of divorce, the husband and wife will eventually come to an agreement about issues such as dividing their property, deciding for custody and access to the children, and maintenance for the children and possibly for the financially weaker spouse. The court will accept such a parental agreement between the spouses only if it is sure that both spouses entered into the agreement freely, and that any arrangements for children are in the best interests of the child.

If the husband and wife cannot reach agreement on these issues, then the court will decide the issue of custody and access in the best interest of the children. Where parents agree on the custody, access and maintenance of children, the CCPA makes provision for such parents to develop a parenting plan which can be registered with the court and become enforceable by the law.

b) Parental care and protection (art.19)

Matters relating to separation from parents. The Child Care and Protection Act further provides one parent must be the primary custodian. If the parents cannot agree on who will do this, then the court must decide. The guiding principle will be the best interests of the child. The custodian is also the guardian. The guardian must consult the other parent on certain major decisions; for example, giving the child up for adoption or taking the child out of Namibia for longer than one year.

c) Parental responsibilities (art. 20)

The Child Care and Protection Act, 2015 (Act No.3 of 2015) provides for child support grants called "Child State Grants" for children in need of care and protection. It is a monthly support of N\$ 250 per child. There is also short-term emergency grants or assistance in kind, as well as residential child care facility grant to support children in need of nutrition, clothing and housing.

The State part wish to inform the committee that Residential Child Care Facilities are regarded as last resorts. The option of placing children in the family setup is preferred. However, the available facilities are monitored to ensure that they are meeting the Minimum Standards of RCCFs.

Further, those facilities are subsidised by the government on monthly basis. There are various day care facilities that provide care to children during working hours. Those places of care are registered with the Ministry of Gender Equality, Poverty Eradication and Social Welfare. Those facilities are also monitored on regular basis to ensure that they are adhering to the Minimum Standards for day care facilities. However, parents need to pay for those services.

d) Adoption (art. 24)

The CCPA and the Regulations thereto is a comprehensive law on adoption and Inter- country adoption. The provision on domestic and inter-country adoptions is found in Chapter 13 of the CCPA. Namibia acceded to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption in 2015.

The country established the Register for Adoptable Children and Adoptive Parents (RACAP) in 2013 to capture details of adoptable children, prospective foster and adoptive parents. Through this initiative the country conducts campaigns to recruit prospective foster and adoptive parents. The country has not yet entered into multilateral or bilateral arrangements or agreements with respect to adoption matters, as a result is not doing inter-country adoption except in cases of family adoptions with an inter-country element.

The State has established the Central Authority to administer adoptions either in-country or inter-country. The Children's Advocate and National Advisory Council provide overall monitoring of children's wellbeing and the implementation of the CCPA in the country.

Child Care and Protection Act is the first statute to recognise kinship care in Namibia. The parent and the care-giver can make a kinship care agreement about the child's care. Kinship care is culturally important in Namibia. Most children placed in foster care under the previous law are being cared by extended family members. Kinship care was introduced to remove barriers for extended family members to access important services such as grants for children in their care.

22. Data on family environment and alternative care

a) Children Separated from their parents as a result of court decisions

No data available

b) Residential Child Care Facilities

There is a number of sixteen (16) registered and four (4) unregistered Residential Child Care Facilities throughout the country. The table 11 below show numbers of children in RCCFs by region and sex:

Table 11: Number of children in Registered Residential Child Care Facilities by Region and Sex

Region	Females	Males	Total
Zambezi	36	38	74
Kavango East	8	7	15
Otjozondjupa	10	24	34
Oshikoto	38	28	66
Oshana	50	47	97
Kunene	7	9	16
//Kharas	9	5	14
Khomas	87	106	193
Erongo	28	37	65

Source: MGE CW Program report, 2019

c) Services and Programs Rendering Assistance to parents and Legal Guardians

Number of Services and programs aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. The current available services are related to financial assistance through child support grants program. The types of the child support grants offered to the parents or caregivers are maintenance, foster parent, vulnerable grants, and disability grant for children under 16 years.

Other Namibian's assistance includes the following a universal old age pension and a war veterans' grant and those who benefit from their diseased parents' estates. Social security measures such as the maternity benefits and retrenchment benefit once a registered employee loses employment. In addition to the above a Food Bank was established and rolled out in the country to benefit vulnerable families.

The following table 12 shows number of children on Child Support Grants program:

Table 12: Number of children on Child Support Grants by type by September 2020

REGION	MG	FP	SMG/16	VG	Total
Erongo	2684	280	300	7023	10287
Hardap	2765	680	230	7648	11323
//Kharas	2089	371	147	4363	6970
Kavango East	9413	1897	697	17650	29657
Kavango West	3832	694	257	10931	15714
Khomas	6318	461	884	13543	21206
Kunene	14104	564	295	12401	27364
Ohangwena	12815	820	1028	39940	54603
Erongo	28	37		65	

Source: Social Assistance Database_MGEPESW

M.G: Maintenance Grant

FP: Foster Parent Grant

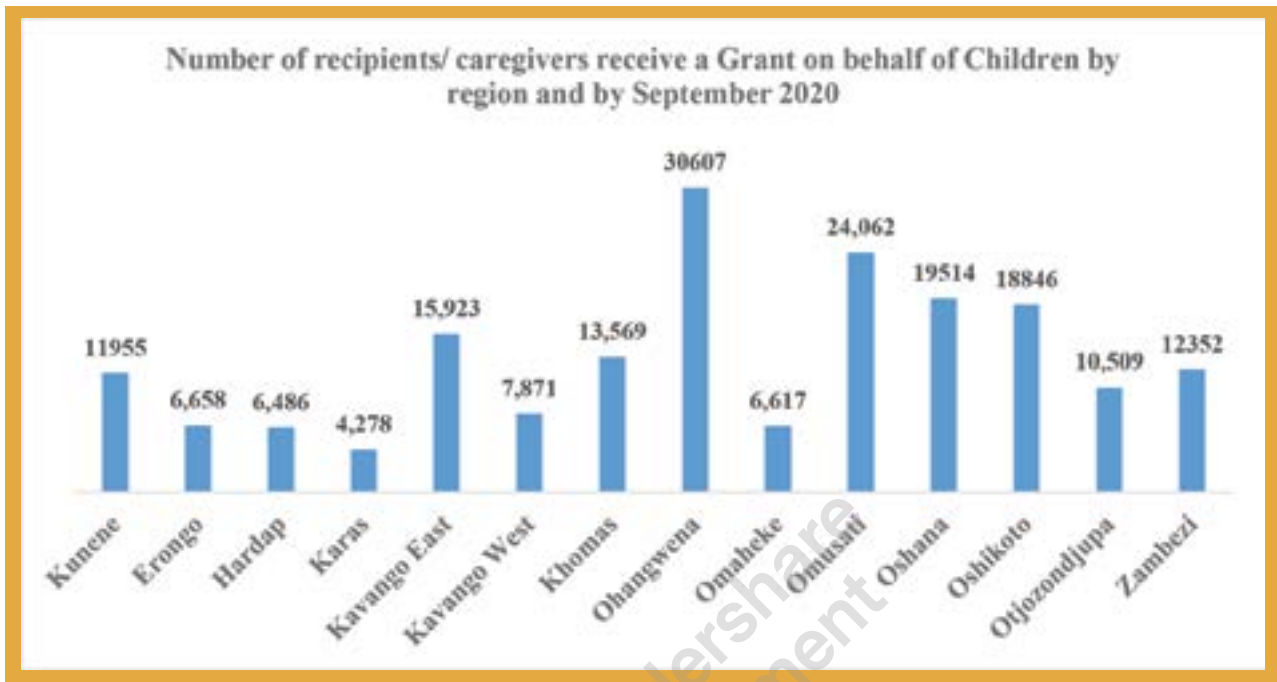
SMG/16: Disability Grant for children under 16

VG: Vulnerable Grant

Currently there is a coverage of 78% of children who are eligible

The following figure 4 shows the number of parents/caregivers who receive grants on behalf of eligible children:

Figure 4: Number of recipients/caregivers receive grants on behalf of children by region by September 2020

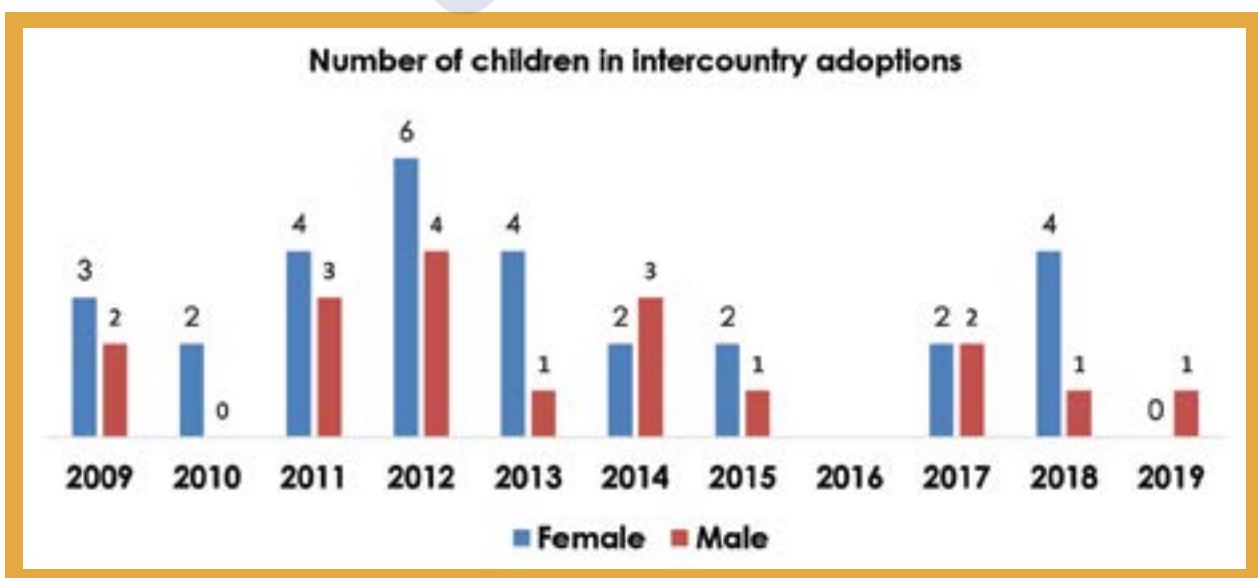


Source: Social Assistance Database_MGEPESW

e) Number of children in Domestic and inter-country adoption

The following table 13 and figure 5 presents the number of children in inter-country and domestic adoptions respectively:

Figure 5: Number of children in intercountry adoptions by sex from 2009 to 2019



Source: Ministry of Gender Equality and Child Welfare Program report, 2019

Table 13: Number of children in In-country Adoptions by Sex from 2007 to 2019

Year	Female	Male	Total
2007	61	45	106
2008	68	68	136
2009	36	20	56
2010	26	25	51
2011	27	31	58
2012	12	9	21
2013	33	31	64
2014	26	23	49
2015	44	43	87
2016	35	35	70
2017	45	39	84
2018	32	49	81
2019	27	18	45
Total	472	436	908

Source: Ministry of Gender Equality and Child Welfare Program report, 2019

IX. Protection of children in most Vulnerable Situation (arts.13, 22-23 and 25)

23. Special Measures in Respect to Children with Disabilities

a) Measures in Respect to Children with Disabilities

The following special measures were taken in respect to children with disabilities (art.13): Through the implementation of the Sector Policy on Inclusive Education, MoEAC has ensure that all schools are inclusive, that all children with disabilities can be enrolled in any mainstreamed school of their choice.

This has led to an increase of inclusive schools' country wide. MoEAC introduced Basic Pre-Vocational Skills Course BPVSC in 2012 with the pilot phase and official implementation in 2019 which caters for learners who have difficulties in learning and who have not performed well in the formal system due to the nature and the degree of their educational needs.

The Basic Pre-Vocational Skills Course aims at qualifying learners either as assistants to a specific job area or as a bridging course to further vocational courses. The training provides certification for job opportunities and self-employment in different trades.

Physical facilities and ICT accessibility has improved among schools catering for learners with disabilities for the past three years. The revised master building infrastructure plan is designed to ensure that all building is disability friendly to all children with different disabilities. Thus, ramps are found in all recently built schools infrastructure.

b) Measures for children in situations of economic exploitation (art 15)

The Ministry of Labour, Industrial Relations and Employment Creation continues to devise mechanism aimed at alleviating child labour. The Ministry has set a budget to recruit more labour inspectors across the country to enforce labour related laws as provided by Namibian Constitution under Article 15 and Section 3 of the Labour Act No. 11 of 2007.

The approved Integrated Labour Inspection form developed in line with the Labour Act, Act No. 11 of 2007, legally requires the labour inspectors to inspect and investigate child labour related activities during routine inspections at workplaces in all sectors of the Namibian Economy.

Regarding the Minimum age for admission to every employment. Section 3 of the Labour Act, No. 11 of 2007 prohibit employers in Namibia to employ or require or permit a child under the age of 16 years to work in any circumstances prohibited by law:

- Work is done underground or in a mine;
- Construction or demolition takes place;
- Goods are manufactured;
- Electricity is generated, transformed or distributed;
- Machinery installed or dismantled; or
- Any work-related activities take place that may place the child's health, safety, or physical, mental, spiritual, moral or social development at risk.

Appropriate regulation of hours and conditions of employment provided in Section 3 of the Labour Act, Act No. 11 of 2007 makes provision for the regulation of hours. It also states that no child may work in respect of any work between the hours of 20h00 and 07h00. The appropriate penalties or other sanctions for non-compliance are provided Section 3 (6) of the Labour Act provides for penalties or a fine against any person to employ, or require or permit, a child to work in any circumstances prohibited under this section and the person who is convicted of the offence is liable to a fine not exceeding N\$20 000.00 or imprisonment for a period not exceeding four years, or both fine and imprisonment.

There is no institutionalized mechanisms in place to collect data on children involved in child labour. However, the directorate labour services conduct inspections in different sectors and have joint operations with Ministry of Labour conduct a joint operation with other key ministries/agencies intended to eliminate child labour in the country. During the period 2017/2018 they were 5 cases of children under 15 years found in two (2) regions out of fourteen (14); and a joint operation was done with Ministry of Gender Equality, Poverty Eradication and Social Welfare and Home Affairs, Immigration and Safety Security charges were laid. So far in some sectors where workplace inspections conducted, there was no child labor detected, which was agriculture, hospitality, retail, domestic and construction sectors.

The Ministry of Ministry of Labor, Industrial Relations and Employment Creation has plans for continuous routine inspections, educational awareness campaigns in all sectors, community areas and communal farming.

c) Refugee Children, Children Seeking and Internally Displaced children (art. 23)

See response under recommendation no 39

d) Children in armed conflicts (art. 22)

Namibia has enjoyed relative peace and stability since independence, therefore there is no conflict or war in the country. In addition, under existing laws such as the Defence Act prohibits the employment of children (under 18 years) as soldiers.

e) Children of imprisoned mothers (art. 30)

See response under recommendation 42

f) Children in situation of sexual exploitation (art.27)

The following legislation are in place which criminalizes most of the sexual exploitation and sexual abuse of children:

- Child Care and Protection Act, 2015 (Act No.3 of 2015) makes provision for protective measures to be applied to children who have experienced any form of sexual exploitation, abuse and neglect. They are considered as children in need of protective services.
- Combating of Trafficking in Persons Act make provisions on the prevention, suppression and punishment of trafficking in persons with special measures focusing on children
- Criminal Procedures Amendment Act provides stricter measures for complainants to withdraw cases on Domestic Violence cases.

g) Children in situations of drug abuse (art. 28)

There is no information available

h) Children in situation of sale, trafficking and abduction (art. 29)

A national referral mechanism and standard operating procedures for the identification, protection and safe return of victims of trafficking has been developed and was approved by Cabinet in 2018. This mechanism enhances coordinated and efficient response to trafficking in persons in Namibia.

An inter-ministerial committee has been set up consisting of the Ministry of Labour Industrial Relations and Employment Creation, Ministry of Gender Equality, Poverty Eradication and Social Welfare; and the Ministry of Safety and Security to monitor reports on human trafficking and smuggling of migrants in Namibia.

The State Party also has launched a nationwide public awareness campaign that empowers every person to help end every real threat of human trafficking that includes child trafficking. The Combating in Persons Act, 2019 (Act No1 of 2019) was enacted and being implemented.

The State Party also conducted multi-sectoral trainings on Trafficking in Persons for service providers' i.e Social Workers, Magistrates, Prosecutors, Police Officers, Immigration and Custom Officials. The country passed the Combating of Trafficking in Persons Act of 2018 (Act, No.1 of 2018).

i) Children in street situations

The Ministry of Gender Equality, Poverty Eradication and Social Welfare developed a national strategy for children on the street. The strategy aims to protect children in street situations and reducing their number by identifying underlying causes such as poverty, family violence, and lack of access to education. Children living on the streets are considered as children in need of protective services.

The Child Care and Protection Act (CCPA) makes provisions for children living and working on the street streets by including them within the definition of children in need of protective services and, therefore, of the requirement for mandatory reporting by professionals for appropriate referral (S. 131(1)). It also specifies such children as having the right to shelter accompanied by the provision of basic services (S. 67(1)).

The government currently provides shelters and basic services for these children with the purposes of formally bringing children on the streets into the formal system of care and protection. The Ministry has a special program that specifically focus on family reunification and educational reintegration of children on the street. One such example is the After School Centre based in Windhoek.

Article 10 (2) provides that no person shall be discriminated on the ground of sex, race, colour, ethnic origin, religion or social or economic status and this article also applies to children.

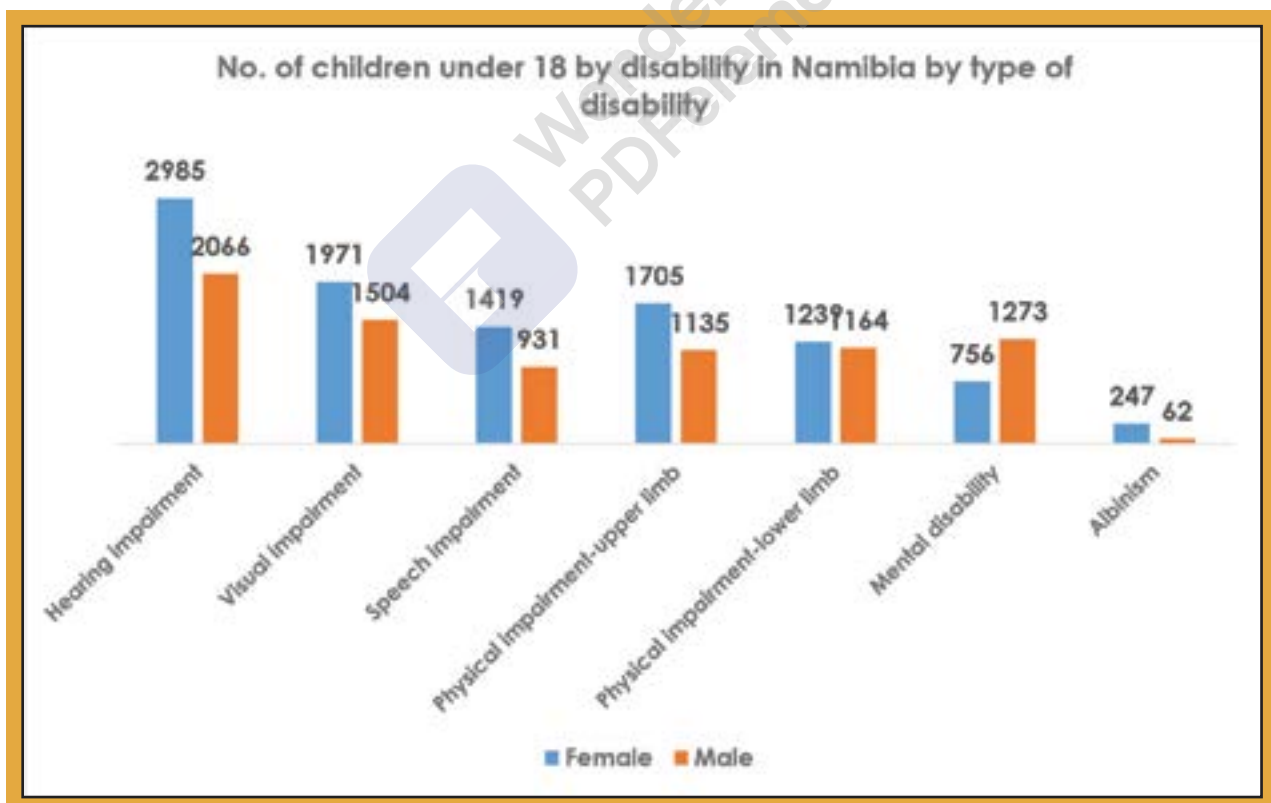
The Ministry has established the National Street Children Committee, and the Namibian Police and Windhoek City Police are represented at this committee and sensitized on how to deal with children found on the street. Social workers from the MGEPSW conduct Regular Street and cell visits to ensure the safety of children.

Recently the Ministry acquired a farm for that will be used as a rehabilitation centre for children living and working on the street, and the Ministry is now developing programs for rehabilitation, reconstruction and re-integration of those children.

24. Data on disability and refugee children

a) Number of children with Disability

Figure 6: Number of children with Disability in Namibia by type of disability



Source: NIDS, 2016

There is a number of 40 children with disabilities in Residential Child Care Facilities. However, their conditions are not specified.

b) Refugee Children, Children Seeking Asylum and Internally Displaced children (art. 23)

Table 14: Refugee Children and Children Asylum Seekers

No.	Country of Origin	Refugee Status	Asylum Seekers
1.	Burundi	131	27
2.	Cameroon	8	1
3.	Central African Republic	2	0
4.	Congo Republic	1	0
5.	Democratic Republic of Congo	1474	792
6.	Kenya	1	0
7.	Rwanda	32	9
8.	South Sudan	4	1
9.	Uganda	0	2
10.	Zimbabwe	19	11
	Total	1672	843

c) Number of children affected by armed conflict

Namibia has not experienced internal armed conflict. However, the country is hosting children who were affected by armed conflicts from neighbouring countries (See statistics on refugee children).

d) Children Living in Prison

Table 15: Number of children living in prison with their mother by date of birth, sex and mother's sentence period

Date of birth	Sex	Sentence period of the mother
13-12-2018	Male	12 months
12-04-2019	Male	10 months
12-06-2019	Female	12 months
18-06-2019	Female	5 years
13-07-2018	Male	22 months
24-09-2019	Female	12 months
30-09-2019	Female	18 months
10-02-2018	Female	17 years
24-03-2019	Male	4 years
05-10-2018	Female	2 months
15-08-2018	Male	12 months
24-10-2019	Male	3 years
10-12-2019	Female	2 years

Source: Ministry of Safety and Security, Correctional Services, 2019

e) Street children

Table 16: Number of children living and working on the street

Male	Female	Total	Age Range	Year	Place of Origin
20	1	21	05-21	2019	1 Witvlei, 5 Windhoek and 15 Gobabis,
25	5	30	08-21	2021	20 Gobabis, 7 Windhoek and 3 Witvlei

Source: MGEPSW program report, 2021

f) Trafficking

Table 17: Number of children in Trafficking cases

Male	Female	Nationality	Exploitation
2		Namibian	Unknown
4	2	Angolan	Domestic labour
	1	Angolan	Domestic Labour
2		Zambian	Domestic Labour
	1	Zambian	Unknown
2		Angolan	Domestic Labour
	1	Namibian	Sexual exploitation
	1	Namibian	Sexual exploitation
	6	Namibian	Sexual exploitation

Source: Namibian Police report, 2019

X Harmful practices (arts 1(3) and 21

25. Harmful Cultural Practices

a,b&c) The State Party recognizes that there have been isolated incidences of harmful cultural practices reported in the country. In combatting harmful cultural practices, the government has devised legal and policy framework mechanisms to this effect.

The Child Care and Protection Act, 2015 (Act No. 3 of 2015) contains provisions, which prevents harmful customary practices that affect children's rights including child marriage, early sexual activity and child bearing. As stated above, the State Party acknowledges the fact that early and forced marriages do exist in some isolated cases, however such marriages are against the law and once discovered the perpetrators are charged with contravening Section 226 of the CCPA.

Furthermore, the MGPESW conducted a formative study on child marriages. The purpose of this study was to describe the extent of child marriages in the country to inform the development of evidence-based policies, legal reform, resource mobilization and programming. The next step is to develop a strategy that will address child marriages and other harmful cultural practices.

e) The Namibian Constitution, Articles 14,19 and 66 protects the right to practice any cultures, language, tradition or religion, but only insofar as this does not impinge on the rights of others. The Namibian Constitution limits marriage to persons of "full age", and allows it only where it takes place with the full consent of the intending spouses.

The Child and Protection Act, 2015 (Act no.3 of 2015) also identifies child marriage as one of the harmful practices, and includes measures to prevent it. The current CCPA provides three layers of consent involved for a civil or customary marriage, depending on the age of the intending spouses:

Own consent for a marriage between persons of any age may take place only with the full and free consent of both parties. But, the CCPA prohibits marriage for a child under 18 years old. Forcing a child into a marriage against his or her will is a punishable crime; Ministerial consent of the Ministry of Home Affairs and Immigration for a child under the age of 18 is required before any child can marry; and Parental consent for a parent or a guardian is required before any person under age 21 can marry, unless that person has been previously married or emancipated by an order of court.

Children subjected to child marriages are considered as children in protective services in terms of the CCPA and are therefore assisted through case management processes by the Ministry responsible for children. Part of the assistance include integration into school and other additional protective services.

Number of Cases of children subjected to harmful cultural practices

Child Care and Protection identify only child marriage as harmful cultural practice. Thus, the data that is collected in the country focuses on child marriages. The Act gives power to the Minister responsible for children to identify other harmful cultural practices, and this process has just started. Therefore, the country does not collect data on other harmful cultural practices.

b) Disaggregated data on children in Child marriages

Table 18: Children aged below 18 years by marital status, sex and area

Area/Region	Female		Male	
	Married traditionally/ customary	Consensual union	Married traditionally / customary	Consensual union
Urban	0	175	0	90
Rural	407	489	0	98
Total	407	664	0	188

Source: Namibia Inter census Demographic Survey, 2016

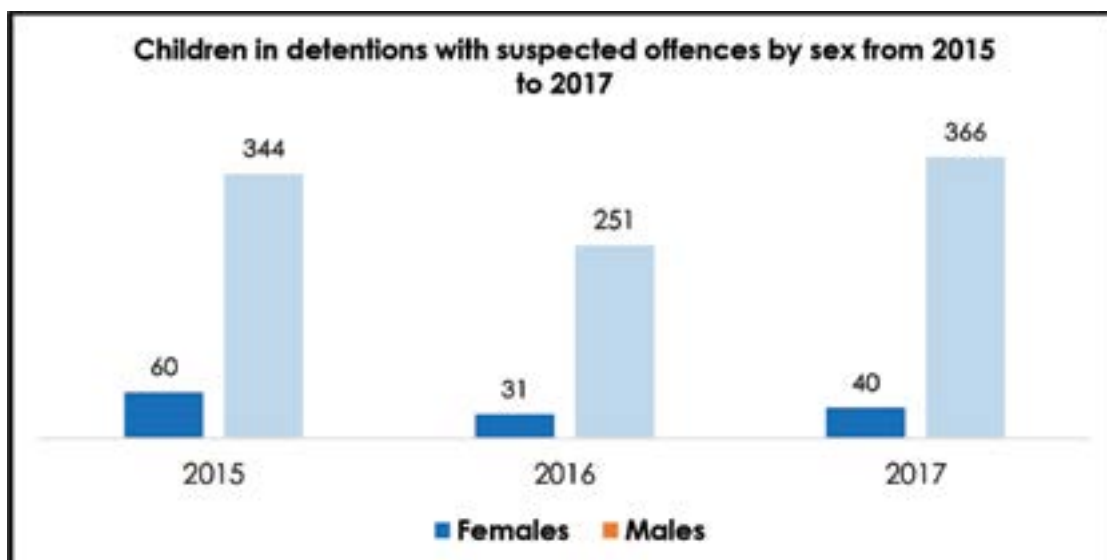
X Child Justice (art.17)

26. Measures taken for accused or guilty children

a - h) The Committee is referred to the response under recommendation 41

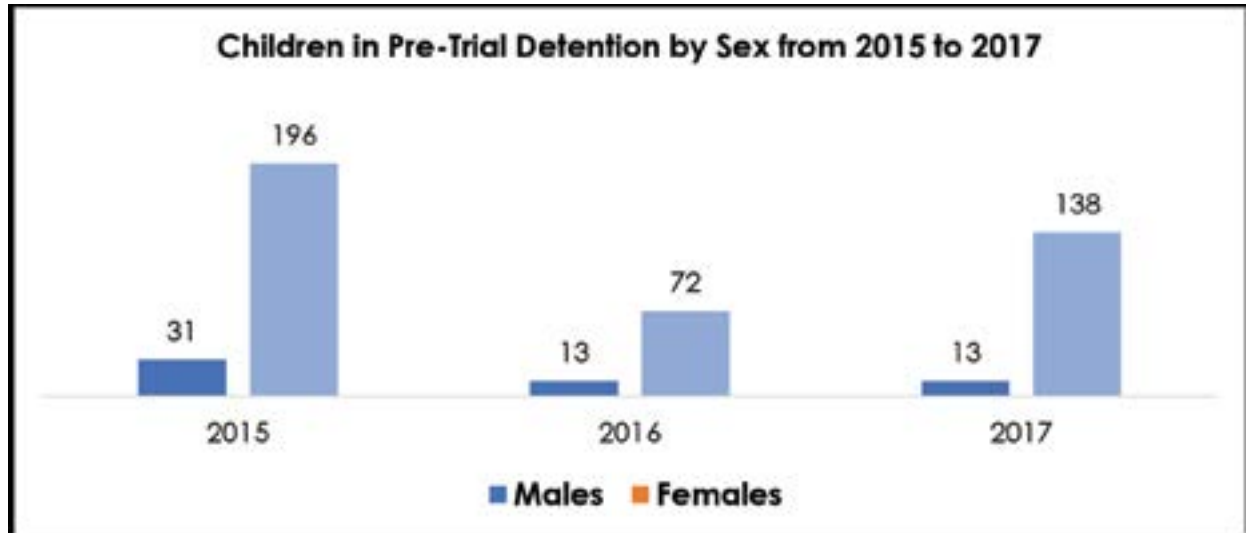
27. Data on the Child Justice

Figure 7: Children in detention with Suspected Offences by sex from 2015 to 2017



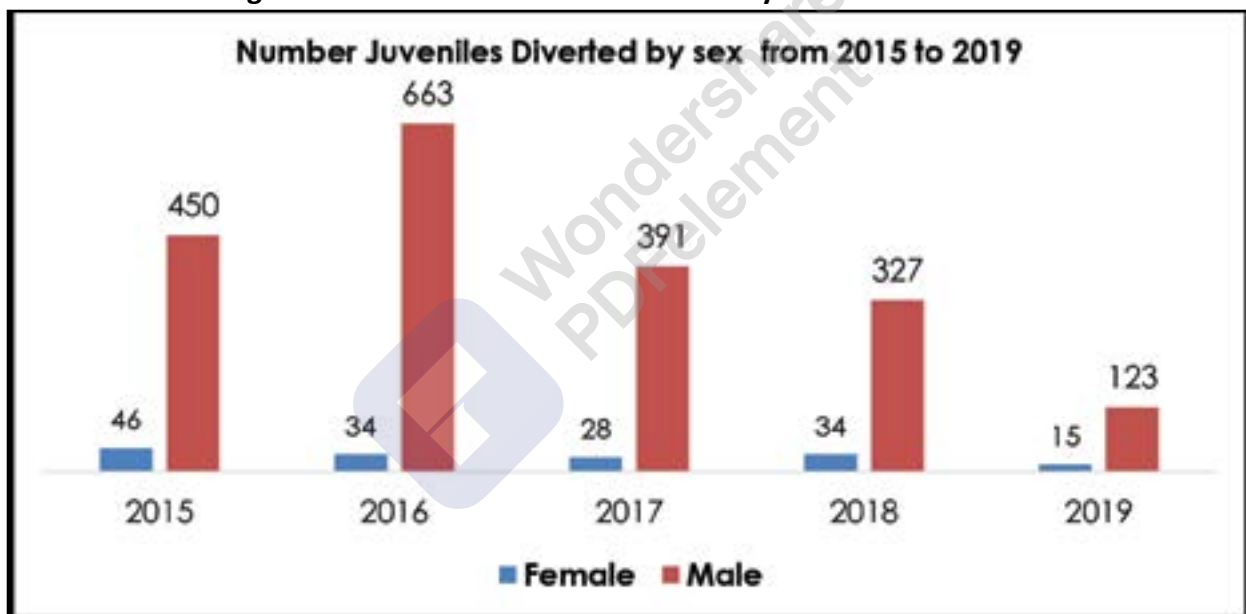
Source: Ministry of safety and Security-Correctional Services, 2018

Figure 8: Number of children in Pre-Trial Detention by Sex from 2015 to 2017



Source: Ministry of safety and Security-Correctional Services, 2018

Figure 9: Number of Juveniles diverted by sex from 2015 to 2019



Source: MGECW Program data [CWD DHIS2 database], 2019

XI Responsibilities of the child (art. 31)

a & b) Children's rights and Responsibilities

Children's rights and responsibilities education is done through schools' awareness program and during the commemoration and celebration for national and international days for children. Social Workers also conduct regular talk on the rights and responsibilities of the children.

c) Recognition of children's responsibilities under legal framework

The Child Care and Protection Act, 2015 (Act no. 3 of 2015) provides for children's duties and responsibilities under Section 8 (Act no.3 of 2015).

28. Fundamental Freedoms and freedom of thought, expression, association and peaceful assembly

a) Fundamental Freedoms

Article 21 of the Namibian Constitution guarantees fundamental freedoms including the freedom of thought, expression, association and peaceful assembly. The National Agenda for Children (2018-2022) provides for interventions on child participation. The Namibia National Students Organisation (NANSO) and the various university Students Representative Councils (SRCs) represent learners and students at schools and institutions of higher learning respectfully.

The student's organisations were established to organize, mobilize, and unite all learners and students of Namibia so as to enable them to participate fully in the social, cultural, economic and political life of the society. These organizations also strive for research-based reform and democratization of education in order for it to respond positively to the developmental needs of the Namibian society.

In 2012, the Government established a Children's Parliament. The primary goal of the Children's Parliament is to lobby or advise Government and its agencies responsible for law-making and their implementing machinery to fast track policies that would improve the rights and welfare of children and young persons in accordance with national legal instruments and international convention provisions. The Children's Parliament seat every two years.

Junior Town Councils are operational in certain towns and serves as an extension of the council managing the towns. These councillors are exposed to leadership and management, decision making and advocacy platforms that enhance their development and skills.

XII Challenges on the implementation of the ACRWC

- Birth and death registration still a problem for children born in the regions boarding with other countries
- Disaggregated data on children programming still a challenge
- Financial constraints on the establishment of children in conflict with law, street children
- Some programs and project intended for marginalize/indigenous tend to be universal to both Sun and Himba without taking into consideration that their life styles are different
- Absence of specific law on torture remain a challenge in combating some form of violence against children
- Budget constraints relating to child grants

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Databases

- Ministry of Gender Equality and Child Welfare Social Assistance (SAS) Database
- Ministry of Gender Equality and Child Welfare DHIS2 Database
- Ministry of Gender Equality and Child Welfare. Early Childhood Development (ECD) Database
- Ministry of Education. Education Management Information System (EMIS) Database



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