



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

Distr.: General  
17 November 2014

Original: English

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## Committee on the Elimination of Discrimination against Women

Sixty-first session

2-24 July 2015

Item 4 of the provisional agenda\*

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

### List of issues and questions in relation to the combined fourth and fifth periodic reports of Namibia

#### Legal status of the Convention and legal framework

1. Please provide additional examples of court cases or instances, if any, in which the national courts have used the Convention in interpreting the law in the State party. What steps have been taken to disseminate the concluding observations and recommendations of the Committee in the State party? What measures are envisaged to resolve inconsistencies between statutory law and customary law and tackle practices that discriminate against women and girls? What challenges does the plural legal system present to the enjoyment of rights by women in the State party?
2. Please provide an update on the progress made to adopt the following legislative measures: the Bill on the Recognition of Customary Marriages, which sets the minimum age for customary marriages at 18 years; the Child Care and Protection Bill, which also addresses the legal age of marriage, as well as harmful and cultural practices; the Procurement Bill, which makes provision for gender equality and the economic empowerment of women; the Marital Property Bill, which pertains to the division of marital property; and the Divorce Bill, which introduces a no-fault divorce regime in the event of the irretrievable breakdown of the marriage (CEDAW/C/NAM/4-5, sect. 2.1).<sup>1</sup>

#### Data collection

3. Please state the specific measures that have been adopted to tackle the problem of inadequate data disaggregation in order to fully understand the impact of legal

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\* CEDAW/C/61/1.

<sup>1</sup> Unless otherwise indicated, section numbers refer to the combined fourth and fifth periodic reports of the State party.



and policy measures aimed at addressing sex- and/or gender-based discrimination in the State party. Specifically, what measures have been taken to resolve inconsistencies in data sources and research methodologies?

#### **National machinery for the advancement of women**

4. It is indicated that the Gender Commission has been replaced by national and regional task forces (table 2). Please provide information on their mandates and budgetary resources. Please also indicate the coordination mechanisms in place so that women's organizations are involved in the planning, implementation and evaluation of gender policies and programmes. Please provide information on the impact of the gender-responsive budgeting exercise undertaken by the Ministry of Gender Equality and Child Welfare, the extent to which gender has been mainstreamed in all government structures, the role of civil society organizations in the advancement of women's rights and the coordination of the 48 gender focal points appointed by the Ministry (ibid.). Please also provide information on the progress made to implement the National Gender Policy (2010-2020).

#### **Access to justice**

5. Please provide information on measures taken to eliminate the multiple barriers faced by women in gaining access to justice, such as negative stereotypes, prejudices and attitudes towards women who are victims of gender-based violence, in particular on the part of law enforcement officials. Please provide further information on the measures being taken to increase the prosecution and conviction rates for sexual offences, especially rape, which are very low (sect. 3.1). Please also indicate the number of registered cases, investigations and prosecutions of violations of women's rights, in particular violence against women, in addition to the nature of the punishments imposed on perpetrators. What efforts are being made to improve the capacity and knowledge of the judiciary, the education sector, civil society and the general public regarding gender equality and women's rights? Please provide information on the measures being taken to tackle challenges associated with the cost of gaining access to justice and the need to ensure that legal aid is available and accessible to all indigent women.

#### **Temporary special measures**

6. It is indicated that the Employment Equity Commission tasked the Labour Resource and Research Institute to assess the impact of the Affirmative Action (Employment) Act (Act No. 29 of 1998) and that it reported that gender inequalities were still apparent at most workplaces (sect. 4.1). Please provide information on what kind of temporary special measures are envisaged and when they will be introduced in order to accelerate the achievement of de facto equality for women in all areas covered by the Convention, in particular in employment, decision-making positions and Parliament. What measures are in place to promote understanding of temporary special measures for the advancement of women and their implementation in the State party?

#### **Stereotypes and harmful practices**

7. It is indicated that traditional opinions about gender roles are often deeply entrenched and the Government must take care to ensure that efforts to combat

stereotypes continue (sect. 5.3). It is also indicated that a certain level of gender-based violence is tolerated and permitted in traditional culture (sect. 14.2). Please provide information on the specific measures that the State party envisages taking to eliminate the deep-rooted traditional stereotypical attitudes regarding the role of women in society and gender-based violence. In its previous concluding observations, the Committee expressed its concern over the impact of the Traditional Authorities Act (Act No. 25 of 2000), which gives traditional authorities the right to supervise and ensure the observance of customary law, some of which may have a negative impact on women (CEDAW/C/NAM/CO/3, para. 16). Please indicate whether the study to assess the impact of the implementation of the Traditional Authorities Act and the Community Courts Act (October 2003) has been conducted as recommended (ibid., para. 17). If it has been, what were its results?

8. Please explain the measures taken to eliminate the harmful cultural practices of widow inheritance, sexual initiation practices and child marriage in the State party. Please provide data on the prevalence of those practices and on the sanctions that have been imposed on the perpetrators.

### **Violence against women**

9. It is indicated that the number of reported rapes and attempted rapes per year has more than doubled since independence, even though the population has increased only by 39 per cent (sect. 3.1). Please provide information on the effectiveness of measures taken to combat violence against women, in particular rape and domestic violence. Specifically, please provide an update on the progress made on the proposals adopted at a special meeting of the Cabinet held on 20 February 2014 to tighten the requirements for bail in cases of gender-based violence, amend the Correctional Service Act (Act No. 9 of 2012) in order to deny parole to persons convicted of gender-based violence offences, introduce legislation that imposes longer prison sentences on persons convicted of gender-based violence offences, ensure that the school curricula contains information on the prevention of gender-based violence and ways to raise the awareness of young people of it, initiate a campaign on gender-based violence, fast-track the investigation and trial of gender-based violence cases and introduce a witness protection programme to protect witnesses who testify against persons accused of gender-based violence.

10. Please respond to reports that the high levels of violence in the State party, especially cases of rape and murder by intimate partners, are partly as a result of the weak implementation of laws, the poor coordination of gender-based violence programmes and the absence of earmarked funding to tackle gender-based violence. What measures have been taken to respond to violence targeting HIV-positive women and the attendant low-level reporting of such violence? Please provide information on the number of shelters available and their funding from the State party, protection orders issued and hotlines established. What measures have been taken to tackle the challenges faced in the implementation of the Combating of Domestic Violence Act (Act No. 4 of 2003)? Please also provide an update on progress made in revising the Combating of Rape Act (Act No. 8 of 2000) in the light of the recommendations for amendments being considered by the Law Reform and Development Commission (sect. 3.1).

**Trafficking and exploitation of prostitution**

11. It is indicated that the State party undertook a national baseline study on human trafficking in Namibia in 2009, which found that children were trafficked from neighbouring countries for purposes of labour and sexual exploitation, while adult women were mainly trafficked for sexual exploitation (sect. 6.2). It is also indicated that further research would be conducted towards the end of 2011 (sect. 6.4). Please provide an update, including the results, if further research has indeed been conducted. Please provide updated information on the number of prosecutions and convictions as well as the nature of sanctions imposed against perpetrators involved in trafficking in women and girls.

12. It is indicated that prostitution is illegal and that women engaged in prostitution in the State party are subjected to various forms of violence, which contributes to their vulnerability to HIV/AIDS (sect. 6.1). It is stated that studies conducted in the State party indicate that the root cause of prostitution is poverty and unemployment (sects. 6.1 and 6.4). Please state the measures taken to deal with the lack of funding affecting exit programmes for women in prostitution. Please provide information on specific measures in place to protect women engaged in prostitution against violence and HIV.

**Participation in political and public life**

13. It is indicated that the representation of women in the National Assembly, local government, the civil service and the judiciary is very low (sects. 7.1-7.3). It is also indicated that, although the representation of women in foreign missions shows gender parity at 50 per cent, most female representation is in supportive positions rather than ambassadors (sect. 8). Please provide information on the specific measures being taken to ensure equal representation of women in decision-making bodies, both in the public and private spheres of life, in particular in the National Assembly, local government, the civil service, international organizations and the judiciary.

**Nationality**

14. It is stated that the Ministry of Home Affairs and Immigration, in collaboration with the Ministry of Health and Social Services, launched a pilot birth registration project at the Katutura State Hospital in Windhoek in 2009 and that the State party plans to roll out the facility of issuing birth certificates to other hospitals (sect. 9.4). Please provide information on the progress made and challenges encountered in rolling out the project on birth registration. Please also provide data, disaggregated by sex and other factors, on children whose births have been registered in the State party since the project was rolled out.

**Education**

15. It is indicated that, in 2009, there were 1,735 cases of pregnancy-related dropout, of which 96 per cent were girls, and that pregnancy affects the retention of learners (sects. 10.1.1 and 10.8). Please provide information on the progress made in the implementation of the new policy for the prevention and management of "learner pregnancy", including the resources allocated therefor. What measures are being taken to tackle the high rate of adolescent pregnancy in the State party? It is also stated that parents are required to pay school development fees, but are entitled

to exemptions under certain conditions. At the same time, however, it is indicated that exemptions are not always consistently applied and/or that parents are not aware of how to gain access to them (sect. 10.1.2). Please state the specific measures taken to ensure the consistent application of those exemptions and to raise awareness among parents of how to benefit from them.

### **Employment**

16. It is indicated that the rate of unemployment among women is significantly higher than that among men and that women are concentrated in jobs in private households and the wholesale and retail sectors, among others (sect. 11.1). Please provide information on the specific measures taken to improve the employment of women in the State party. To what extent has the Affirmative Action (Employment) Act been used in this regard? What were its results? Please provide information on the full range of measures taken to address occupational segregation between men and women in employment.

### **Health**

17. It is indicated that, although access to maternal health care has increased in the State party, the maternal mortality rate has also risen (sect. 12.3.1). Please provide information on the strategies and programmes in place to deal with the increased levels of maternal mortality. According to information before the Committee, complications associated with abortion are the second most important cause (20.7 per cent) of maternal mortality. What measures have been taken to streamline the complex and onerous administrative procedures for obtaining approval for abortion, which disproportionately affect poor women? Please also explain the measures being taken to deal with the problems associated with illegal abortion, infanticide and baby-dumping.

18. According to information before the Committee, the problem of forced/coerced sterilization of women, in particular targeting HIV-positive women, is rampant in the State party. Please explain the specific measures that have been put in place to ensure that medical practitioners obtain full and informed consent from all women, regardless of their HIV status, before conducting sterilization procedures. Please explain the steps that the State party has taken to investigate and provide redress to women who are victims of coerced sterilization. Please also provide data, disaggregated by sex and other factors, on the number of HIV-positive persons in the State party. What measures are envisaged to address the prevalence of HIV infection of people, in particular women, in their thirties (sects. 12.6 and 12.7)? What progress has been made to accelerate the gains achieved regarding the prevention of mother-to-child transmission of HIV since the launch of a national elimination plan on that subject in 2012 (sect. 12.6)? Please provide information on the status of the draft bill on mental health, which is to replace the currently outdated legislation (*ibid.*).

### **Rural women**

19. Please respond to reports that the Communal Land Reform Act (Act No. 5 of 2002), which is intended to increase women's access to communal land by repealing the discriminatory customary practice that prevented widows from remaining on communal land allocated to their deceased husbands, has had limited impact in rural

areas. Please explain the measures being taken to tackle the challenges affecting the implementation of the Act in rural areas. Please also state the measures being taken to combat the practice of property-grabbing. What measures have been put in place to enhance the participation of rural women, in particular San indigenous women, in developing policies and legislation in areas that affect their rights? Please provide information on existing programmes aimed at ensuring that San women have access to health care, employment, education and agricultural land.

**Amendment to article 20 (1) of the Convention**

20. Please indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

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