

Namibia

In 2011, Namibia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government increased inspections, including for child labor violations, in agriculture. It also augmented social programs to assist children, including school feeding programs. However, gaps remain in existing laws regarding child prostitution and the use of children for illicit activities. There are also gaps in resources for enforcement and in programs for the large proportion of children working in domestic service. Children are engaged in the worst forms of child labor in Namibia, primarily in and dangerous forms of agriculture.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		83.9

Sources:

Primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Namibia, primarily in domestic service and dangerous forms of agriculture.(3-5) Children herd cattle, sheep and goats in Namibia, which puts them at risk of disease and injury.(6-9) Children's work in agriculture may involve unsafe activities such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.(10) Children in Namibia also are engaged in fishing, where they are at risk of drowning.(5, 6, 10)

Children working as domestic servants work long hours for little to no pay, and are exposed to physical, psychological and sexual abuse.(11)

Children perform dangerous work in charcoal production in Namibia. In addition, they unload goods, including chemicals, for truck drivers.(6, 12-14) Children are also coerced by adults to commit crimes such as drug trafficking.(13-16)

Boys and girls as young as age 12 are engaged in prostitution. A variety of children, including street children, engage in



prostitution in the capital, coastal towns and along main transport routes.(13, 16-19)

Namibia is a source, destination and transit country for trafficked children. Children are trafficked within and to Namibia for many purposes, including domestic service, commercial sexual exploitation, agricultural labor, cattle herding and charcoal production.(6, 16, 17, 20-26)

Access to education is a critical component in preventing the economic exploitation of children. Access to schooling in Namibia is inhibited by indirect costs such as uniforms, books and boarding expenses.(27) Another factor affecting access to education in Namibia is the lack of birth registration.(27, 28) Unable to prove citizenship, many unregistered Namibian children lose access to school.(27, 28) The Government of Namibia has made notable efforts to make sure children are appropriately documented.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for work at 14, and the minimum age for some hazardous work at 16.(16, 29, 30) The Constitution sets the minimum age for hazardous work at 16, and prohibits children from employment that would interfere with their education or is likely to harm their physical health or mental, spiritual, moral, or social development. The Government also maintains a list of hazardous work prohibited to children.(30) The Labor Act specifically prohibits children under age 18 from working in any mine, industrial, or construction setting and from engaging in night work, unless authorized by the Minister of Labor.(4, 29, 31) However, the Minister of Labor can identify special tasks in which children

may enter hazardous work at age 16. Namibia's minimum age for hazardous work is unclear and appears to allow hazardous work during the day and outside of mining, industrial or construction settings to begin at age 16, which is under the age established by international standards. In addition, the Labor Act applies only to contractual work. As a result, the Act does not apply to children who are self-employed, or to children who do not receive payment for their work.(4, 19)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution prohibits the economic exploitation of children.(31)

The Constitution and the Labor Act prohibit slavery and forced labor, and they provide penalties for violators.(29) The Prevention of Organized Crime Act of 2004 prohibits and provides penalties for domestic and international trafficking in persons and for the recruitment, harboring, transportation, transfer and receipt of persons for the purposes of commercial sexual exploitation and forced labor.(20) In an effort to address the issues that Namibian children face, the Government, with civil society support, has drafted the Child Care and Protection Bill, which specifically addresses child trafficking. It has been approved by the Cabinet, but has yet to be adopted by the National Assembly.(32-35)

The Combating of Immoral Practices Act, as amended in 2000, and the Children's Act of 1960, prohibits parents, guardians or those holding custody of a child from offering the child for prostitution.(3) However, the law does not prohibit other persons from doing so.(3, 25, 36) Additionally,

the law does not prohibit the recruitment, use or sale of a child in prostitution or benefiting from the proceeds of child prostitution.(25, 36) The Child Care and Protection Bill, once adopted, however, will protect children in these areas.(31, 37)

Research found no evidence of a law penalizing adults for using children in illicit activities, such as drug trafficking.

Namibia does not have military conscription, and the Namibian Defense Force Personnel Policies set the minimum age for voluntary military service at age 18.(38)

The Constitution mandates free and compulsory education for all children, beginning at age 7 and until they have completed primary school or reached the age of 16, whichever is sooner.(16, 31, 37) Although free education is guaranteed in the Constitution, the Education Act of 2001 authorizes schools to establish funds for school development to be paid by parents.(16) School fees may impede access to education for vulnerable children.

Institutional Mechanisms for Coordination and Enforcement

In 2009, the Government established a tripartite (workers, employers and the Government) Participatory Advisory Committee on Child Labor (PACC) to share information on child labor and coordinate government responses to it. The PACC includes several government ministries, businesses, trade unions and international organizations; it is supposed to meet on a monthly basis.(4, 12) The Government also has an inter-ministerial group that coordinates its responses to trafficking issues. The group includes the police, the Office of the Prosecutor General and the Ministry of Gender Equality and Child Welfare (MGECW), the Ministry of Home Affairs and Immigration (MHAI) and the Ministry of Finance.(12)

The Ministry of Labor and Social Welfare (MLSW) is responsible for enforcing child labor laws and investigating allegations of child labor law violations, including those involving forced labor.(6) As in previous years, the MLSW Labor Inspectorate coordinated the enforcement of labor laws and worked with a variety of government agencies, including the Ministry of Safety and Security (police), regional councils, the Ministry of Education (MoE), the MGECW and the Central Intelligence Service, to carry out joint inspections.(4, 6) Although the Labor Act applies only to contractual work, inspections are reportedly carried out in all areas where work is performed, regardless of the presence of a contractual working arrangement.(16)

The Labor Inspectorate employed 40 labor inspectors. Although none of the labor inspectors were specialized in child labor, they all received training on the issue and were expected to inspect for child labor when conducting routine inspections.(4) Although the Labor Inspectorate's budget is unknown, the MLSW lacks the vehicles and personnel necessary to conduct frequent inspections.(6)

In 2011, the MLSW intensified labor investigations, which all included looking for child labor violations. Additionally, the MLSW led three investigations that specifically targeted alleged child labor violations by three organizations accused of compelling 40 European juveniles to perform agricultural labor.(17) During the time period when inspections were conducted, as many as 120 children from 78 farms in the Otjozondjupa Region were abandoned on the side of the road by farmers.(8) The Prime Minister's Office took the lead on pushing for the investigation of the case, but reached no conclusive results. Although the MLSW team recommends prosecuting the case in its final report, that was done during the reporting period. However, the Namibian Government helped the children return to their families and enroll in school.

The MGECW and the Namibian Police's Woman and Child Protection Unit play roles in protecting children from the worst forms of child labor, including trafficking and commercial sexual exploitation. The MGECW leads an inter-ministerial working group on trafficking in persons and is responsible for counseling. The Woman and Child Protection Unit is responsible for any criminal case involving women or children, including the worst forms of child labor.(12, 20) The Woman and Child Protection Unit employs 102 officers in 15 units around the country. The MGECW employs 62 social workers throughout the country to provide counseling and referral services to victims of trafficking; it has also established safe housing for survivors.(6, 12, 20) The MLSW led an inter-ministerial investigation team, which included the MGECW and the Woman and Child Protection Unit, on the European juvenile case mentioned above. However, no additional investigations or prosecutions for worst forms of child labor had occurred during the reporting period and there have been no child trafficking-related prosecutions or convictions as of the writing of this report.(4, 7)

Government Policies on the Worst Forms of Child Labor

The National Action Plan to Eliminate Child Labor in Namibia (2008-2012) contains a number of specific action steps to address cross-cutting child labor issues.(16) The Government of Namibia currently participates in a USDOL-

funded project that aims to support the implementation of this National Action Plan.(17, 39, 40) The National Development Plan (2007-2012) includes as its objectives to harmonize all laws and policies on child labor, to ensure that existing child labor laws are enforced and to expand the scope of inspections to include agriculture, domestic service and the informal economy.(12, 17, 19) Child labor concerns are also included in the National Policy on Orphans and Vulnerable Children (OVC), the National Gender Policy (1997), the Education for All National Plan (2001-2015), The Decent Work Country Program (2010-2014) and the Education and Training Sector Improvement Program (2006-2011).(3, 17, 36, 41-43)

In 2011, the Government of Namibia established as part of its poverty reduction efforts a 3-year job creation plan, called the Targeted Intervention Program for Employment and Economic Growth (TIPEEG). The impact of this policy on the worst forms of child labor is unknown.

A multi-stakeholder group led by the MGECW began drafting a national action plan on trafficking and gender-based violence. The plan was not completed during the reporting period.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Namibia maintains a comprehensive Government-funded social protection system that includes grants for orphans and children in foster care, as well as child maintenance grants for children whose parents have died, are on pension or are in prison.(17) Child welfare grants are administered by the MGECW. As of 2010, the program was servicing 114,000 child welfare beneficiaries.(17)

During the year, the MoE increased school feeding programs and carried out large-scale awareness-raising campaigns on the importance of enrolling children in school, regardless of whether school fees were paid. It also conducted door-to-door surveys in order to register out-of-school children.(17) The Ministry of Youth, National Service, Sport, and Culture implemented a skills training program for children who have never attended school; and the MGECW and the Ministry of Home Affairs and Immigration collaborated to provide birth certificates in support of children receiving welfare grants and gaining access to schools.(17)

The Government, in coordination with UNICEF, has opened 21 hospital-based birth registration facilities and 22 sub-regional offices in rural areas.(7, 27) The impact of the above programs on the worst forms of child labor is unknown. Conduct research on the impact of the grants, school feeding and birth registration efforts on the worst forms of child labor.

The Government runs a toll-free hotline, operated by the Namibian police, for reporting crimes, including child trafficking.(12) The Government also renovated five women and children centers to assist victims of sexual assault, gender-based violence, trafficking and the worst forms of child labor.(20, 27) In addition, Namibia runs three “one-stop-shops” for victim protection. These facilities provide lodging and medical and psychosocial care for victims.(7) The Government also provides subsidies and funding to NGOs that assist victims of trafficking.(7)

Namibia continued to participate in the 4-year, \$4.7 million, USDOL-funded regional project to support the implementation of national child labor action plans. The project has helped the Government of Namibia to

mainstream child labor issues into legislative and policy frameworks.(17, 39, 40) It also aims to withdraw and prevent children in South Africa, Botswana and Namibia from engaging in exploitative labor.(14, 17, 39) In Namibia, the project will withdraw and prevent 2,100 children from entering the worst forms of child labor, particularly those engaged in hazardous work in agriculture and those involved in commercial sexual exploitation, with a special focus on children affected by HIV/AIDS.(17)

While the Government implements programs to combat the worst forms of child labor, its efforts do not target sectors in which some children work, such as domestic service, and existing programs in agriculture do not appear to be sufficient to address the problem.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Namibia:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure that the standard minimum age for hazardous work is 18.	2009, 2010, 2011
	Apply the Labor Act to children who are self-employed and those who do not receive payment for their work.	2011
	Seek swift passage of the revisions to the Child Care and Protection Bill to better address child trafficking and child prostitution	2009, 2010, 2011
	Establish a law penalizing adults for using children in illicit activities, such as drug trafficking.	2009, 2010, 2011
	Modify the Education Act to ensure all education is truly free, as mandated by the Constitution.	2010, 2011
Coordination and Enforcement	Provide appropriate levels of personnel and vehicles to the Labor Inspectorate to carry out regular enforcement.	2011
	Review the case of the alleged use of children for forced labor in agriculture to determine if it should be prosecuted.	2011
Policies	Research the impact of the Targeted Intervention Program for Employment and Economic Growth on child labor	2011
	Finish drafting and adopt the national action plan on trafficking and gender-based violence.	2010, 2011
Social Programs	Expand and improve programs to prevent children’s involvement in the worst forms of child labor, including by developing appropriate social protection programs for the withdrawal and prevention of children working in domestic service.	2009, 2010, 2011
	Assess the impact that existing programs may have on addressing child labor.	2011

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