

Namibia

MINIMAL ADVANCEMENT

In 2013, Namibia made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government eliminated the requirement that parents contribute to primary school development funds and slightly increased the number of labor inspectors employed. However, children in Namibia continue to engage in child labor in agriculture and in the worst forms of child labor in commercial sexual exploitation. Gaps remain in existing laws regarding child prostitution and the use of children for illicit activities; the draft Child Care and Protection Bill and hazardous list are still pending approval; and resources for enforcement are insufficient. In addition, the number of labor law inspections decreased during the year.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Namibia are engaged in child labor in agriculture, and in the worst forms of child labor in commercial sexual exploitation.(1-5) The most recent Child Activities Survey is from 2005.(2, 5) Table 1 provides key indicators on children’s work and education in Namibia. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children’s Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|-------------|
| Working (% and population) | 5-14 yrs. | Unavailable |
| Attending School (%) | 5-14 yrs. | Unavailable |
| Combining Work and School (%) | 7-14 yrs. | Unavailable |
| Primary Completion Rate (%) | | 85.4 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(6)

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

| Sector/Industry | Activity |
|---|---|
| Agriculture | Tending and herding livestock, including cattle, sheep,* and goats* (3, 5, 7, 8) |
| | De-bushing, plowing, planting, weeding, protecting crops against birds, and harvesting (3) |
| Services | Domestic service (4, 8, 9) |
| | Taking care of children (3, 10, 11) |
| | Working in informal bars called <i>shebeens</i> , activities unknown (5) |
| | Vending, including on the street (11, 12) |
| Categorical Worst Forms of Child Labor‡ | Street work, activities unknown (13) |
| | Commercial sexual exploitation sometimes as a result of human trafficking (5, 8, 11, 13) |
| | Work in agriculture, cattle herding, and domestic service as a result of trafficking (8, 11, 13, 14) |
| | Forced labor in agriculture and domestic service (8) |
| | Used by adults to commit crimes, including drug trafficking, residential break-ins, and cattle theft (4, 8) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.




‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

Child labor in Namibia takes place mainly in agriculture on communal farms in the northern part of the country. Livestock herding is conducted primarily by boys.(5) Girls perform the majority of domestic work.(4, 13) Girls, and to a lesser extent boys, are engaged in commercial sexual exploitation.(4, 13) Although evidence is limited, it is reported that girls from Angola, Zambia, and Zimbabwe are commercially sexually exploited within the country.(4, 14) Children orphaned as a result of HIV/AIDS and children from the marginalized San ethnic group are particularly vulnerable to all types of exploitation.(13, 15)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Namibia has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | ✓ |
| ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
| UN CRC Optional Protocol on Armed Conflict | ✓ |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  Palermo Protocol on Trafficking in Persons | ✓ |

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Minimum Age for Work | Yes | 14 | Chapter 2, Article 3 (3) of the Labor Act (16) |
| Minimum Age for Hazardous Work | Yes | 18 | Chapter 2, Article 3 (4) of the Labor Act (16) |
| List of Hazardous Occupations Prohibited for Children | No | | |
| Prohibition of Forced Labor | Yes | | Article 9 of the Constitution; Chapter 2, Article 4 of the Labor Act (16, 17) |
| Prohibition of Child Trafficking | Yes | | Section 15 of the Prevention of Organized Crime Act (4, 18, 19) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Combating of Immoral Practices Act Amendment Act of 2000; Children's Act of 1960 (9, 20) |
| Prohibition of Using Children in Illicit Activities | No | | |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 18 | Chapter 9 of the Namibian Defense Force Personnel Policies (4, 13, 21) |
| Compulsory Education Age | Yes | 16 | Article 20, Constitution (17) |
| Free Public Education | Yes | | Article 20, Constitution (17) |

* No conscription or no standing military.

There continue to be gaps in Namibia's legal framework. The previously drafted list of hazardous activities for children was not taken up for review and approval by the Minister of Labor and Social Welfare (MLSW) during the reporting period.(22) The Combating of Immoral Practices Act and the Children's Act of 1960 prohibit parents, guardians, or those possessing custody of a child from offering the child for prostitution but do not fully prohibit the use, procurement, or offering of all children under the age of 18 for prostitution or pornography.(9, 20) While the

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Government, in collaboration with civil society, has drafted a Child Care and Protection Bill to specifically address child trafficking and other crimes including prostitution, pornography, and the use of children for illicit activities, the Bill has yet to be brought before Parliament.(4, 5, 9)

Article 20 of the Constitution mandates free compulsory education until the completion of primary education or attainment of age 16, whichever comes first.(17) Although free education is guaranteed by the Constitution, the Education Act of 2001 authorizes schools to establish school development funds to be paid by parents.(23) In 2013, the Ministry of Education (MOE) abolished the requirement that parents contribute to their child's school development fund. This requirement had previously been a barrier to some children's ability to attend school.(15, 24)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|--|
| Ministry of Labor and Social Welfare (MLSW) | Enforce child labor laws and investigate allegations of child labor law violations, including forced labor. Responsible for cases involving trafficking and commercial sexual exploitation of children.(4, 5, 25) Work with the Ministry of Safety and Security (MSS); Ministry of Gender, Equality, and Child Welfare (MGECW); Namibia Central Intelligence Service; and the Ministry of Education (MOE) on child labor matters.(4, 5) Lead these ministries in joint inspection teams.(4, 5, 25) |
| Ministry of Safety and Security (MSS) | Enforce criminal laws and conduct site visits with labor inspectors in case a criminal case needs to be opened.(4, 5) Enforced by Namibian Police, particularly its 16 Women and Child Protection Units (WACPU) and Criminal Investigations Division.(4, 26) |
| Ministry of Gender, Equality, and Child Welfare (MGECW) | Lead all anti-trafficking efforts and coordinate closely with the Namibian Police's WACPU.(4, 5) Responsible for cases involving trafficking and commercial sexual exploitation of children.(4, 25) Remove children from child labor situations during inspections and bring to a regional WACPU to receive assistance from MGECW social workers or to an MGECW shelter, six of which exist throughout the country.(4) |
| Joint Child Labor Inspection Committee | Coordinate activities to enforce child labor laws. Led by MLSW and comprised of MLSW, MSS, and MGECW officials.(5) Refer children identified during labor inspections or investigations to MGECW social workers or to an MGECW-operated shelter for care.(5) |

Labor law enforcement agencies in Namibia took actions to combat child labor, including its worst forms. However, research found no evidence that criminal law enforcement agencies took such actions.

Labor Law Enforcement

In 2013, the Labor Inspectorate employed approximately 73 labor inspectors, an increase of 33 inspectors from the previous reporting period. All inspectors received child labor training during the year.(5) In-country stakeholders report that the number of inspectors is not sufficient to cover the entire country, especially remote rural areas.(5) The MLSW conducted 1,981 labor inspections, approximately 1,000 fewer inspections than were conducted in the previous reporting period. Inspections were conducted in agriculture, retail sales, security, domestic employment, and fishing and construction.(5) No child labor violations were identified during the inspections.(5)

Inspections are carried out in all areas where work is performed.(27) However, inspectors sometimes have difficulty gaining access to large communal and family-owned commercial farms and to private households.(15, 25) NGOs report that the difficulty accessing private and small rural farms makes addressing child labor challenging.(5, 15)

Criminal Law Enforcement

Research found no evidence that criminal law enforcement agencies in Namibia took actions to combat child labor in 2013. No information is available on the number of investigators responsible for enforcing criminal laws on the worst forms of child labor or the number of investigations conducted. There were no prosecutions or convictions for child labor violations.(5)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Research found no evidence that the Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms.

Currently, worst forms of child labor issues are handled by the MLSW, in conjunction with the Ministry of Home Affairs and Immigration, Namibian Police, MGECW, and MOE. The ministries coordinate their efforts through the regional WACPU that house police, social workers, legal advisors, and health workers, and regional Child Care and Protection Forums led by local councils, with participation from civil society.(4)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Namibia has established policies related to child labor, including its worst forms (Table 6).

Table 6. Policies Related to Child Labor

| Policy | Description |
|--|--|
| Education for All National Plan (2001–2015)* | Focuses on providing all children, including the most vulnerable, with relevant and quality education.(28) |
| Decent Work Country Program (2010–2014) | Outlines strategies for promoting decent work in Namibia. Prioritizes employment promotion, enhanced social protections, and strengthening social dialogue and tripartism. Includes elimination of forced labor and child labor as an outcome.(29) |
| National Agenda for Children (2012–2016)* | Guides the Government in advancing and protecting children's rights.(11, 30) |
| National Development Plan Four (2012/2013–2016/2017) | Outlines goals and priority areas for national development. Includes child protection and trafficking concerns.(5, 31) |
| National Plan of Action on Gender-Based Violence (2012–2016) | Lays out plan for reducing incidence of gender-based violence and improving the country's understanding and response. Includes child protection and trafficking concerns.(4, 5, 32) |
| National Protection Referral Network*† | Outlines flow of services for children experiencing any form of abuse.(26) |

* The impact of this policy on child labor does not appear to have been studied.

† Policy was launched during the reporting period.

In 2013, the Government did not establish any policies in relation to child labor.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Namibia funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 7. Social Programs to Address Child Labor

| Program | Description |
|---|---|
| Global Action Program on Child Labor Issues | USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the <i>Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016</i> established by the Hague Global Child Labor Conference in 2010.(33) Aims to build the capacity of the national Government and develop strategic policies to address the elimination of child labor and strengthen legal protections and social service delivery for child domestic workers.(33) |
| Social Protection System*‡ | MGECW-run, comprehensive, social protection system that includes grants for orphans and children in foster care and child maintenance grants for children whose parents have died, are on pension, or are in prison. Child welfare grants administered by MGECW.(4, 34) |
| Namibian School Feeding Program*‡ | Government program providing mid-morning meal to about 270,000 school children throughout the country.(26) |
| National Youth Service*‡ | Government program offering training in civic education, national voluntary service, and job skills to unemployed youth, some of whom have never attended school.(26) |
| Birth Registration and Documentation* | UNICEF and Government-sponsored efforts to register births and issue birth certificates, including through mobile birth registration.(5, 15) |
| Hotline*‡ | Government-run, toll-free hotline operated by Namibian Police for reporting crimes, including child trafficking.(35) |

Table 7. Social Programs to Address Child Labor (cont)

| Program | Description |
|--------------------------------|---|
| Shelters and victim services*‡ | Six government-established shelters for women and children to assist victims of sexual assault, gender-based violence, trafficking, and worst forms of child labor.(4, 36) Includes three Government-run "one-stop-shops" for victim protection that provide lodging, medical, and psychosocial care for victims. Also provides subsidies and funding to NGOs that assist victims of trafficking.(37) |

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Namibia.

Although the Government of Namibia provides assistance to vulnerable children and services to some victims of child labor, research found no evidence of programs to assist children in agriculture, commercial sexual exploitation, and domestic service.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Namibia (Table 8).

Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Laws | Pass the Child Care and Protection Bill to comprehensively address child trafficking, child prostitution, and the use of children in illicit activities. | 2012 – 2013 |
| | Finalize and adopt the list of hazardous work activities. | 2012 – 2013 |
| Enforcement | Provide appropriate levels of adequately trained personnel to enforce labor laws. | 2012 – 2013 |
| | Make information publicly available on the number of criminal investigators and investigations related to child labor violations. | 2012 – 2013 |
| Coordination | Establish a coordinating mechanism for efforts to combat the worst forms of child labor. | 2012 – 2013 |
| Government Policies | Assess the impact of existing development, education, and child protection policies on addressing child labor. | 2013 |
| Social Programs | Conduct research on child labor in the country. | 2013 |
| | Develop programs to prevent children's involvement in the worst forms of child labor, including agriculture, commercial sexual exploitation, and domestic service. | 2009 – 2013 |
| | Assess the impact that existing child assistance programs may have on addressing child labor. | 2011 – 2013 |

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