

**Economic and Social Council**Distr.: General
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Committee on Economic, Social and Cultural Rights**List of issues in relation to the initial report of Namibia*****I. General information**

1. In view of the information provided in the common core document of the State party (HRI/CORE/NAM/2014) and the provisions of articles 95 and 144 of the Constitution of Namibia, please clarify whether citizens may directly invoke the articles of the Covenant in court proceedings and if there are any cases where those articles have been directly invoked. Please indicate the measures taken to raise awareness among the judiciary, including staff of the traditional courts, lawyers and the general public, about the rights under the Covenant.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)**Article 1 (2) – Right to freely dispose of natural wealth and resources**

2. Please indicate whether indigenous peoples have been awarded adequate compensation for any traditional lands and resources that were confiscated, taken, occupied, used or damaged. Please also provide information on specific steps taken to ensure that all administrative or legal measures and decisions that directly or indirectly affect indigenous peoples, including the implementation of investment projects that involve the granting of exploitation contracts, are subject to a process aimed at obtaining their prior, free and informed consent.

Article 2 (1) – Obligation to take steps to the maximum of available resources

3. Please provide annual comparative statistical data for the past five years showing the percentage of gross domestic product and State budget allocated for the implementation of the rights under the Covenant, in particular in the areas of health, nutrition, education and housing.

* Adopted by the pre-sessional working group at its fifty-sixth session (12-16 October 2015).



Article 2 (2) – Non-discrimination

4. Please indicate whether the State party intends to adopt comprehensive anti-discrimination legislation. Please also indicate what measures have been taken to combat and prevent discrimination against indigenous peoples, persons with albinism, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, in particular with respect to the right to education, health, employment and housing.

Article 3 – Equal rights of men and women

5. Please describe the measures taken to increase the representation of women in power-sharing and decision-making positions; address traditional stereotypes that are impediments to the equal participation of women in political, economic, social and cultural life; and address occupational segregation by sex.

6. Please provide information on the measures taken to increase women's access to land, in practice, including updated information on the implementation of the Communal Land Reform Act No. 5 of 2002. Please also indicate the steps taken to prohibit the application of the provisions of customary law that have a discriminatory impact on women and girls.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – Right to work

7. Please provide updated information on unemployment in the State party, disaggregated by sex, age and geographic location. Please also provide information on the measures taken to combat unemployment among the groups most vulnerable to unemployment, including women, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and young people. Please also report on the impact of measures aimed at reducing unemployment, including additional information on the projects mentioned in paragraph 154 of the report (E/C.12/NAM/1),¹ and the budget allocated to them.

8. Please specify the measures in place to reduce the extent of the informal economy and to guarantee access by persons working in the informal economy to basic services and social protection.

Article 7 – Right to just and favourable conditions of work

9. Please indicate if any measures are being contemplated to introduce a national minimum wage and to raise existing minimum wages in the agricultural, construction and security sectors. Please also provide additional information about the “unpaid” sector referred to in paragraph 145 of the report and on the measures adopted to gradually eliminate that sector.

¹ Unless otherwise indicated, paragraph numbers refer to the initial report of Namibia.

10. Please provide information on the rights of mine workers and comment on reports that mine workers are frequently subjected to labour rights violations. In particular, please provide information on the rights of uranium mine workers and comment on research reports concerning the Rössing Uranium mine, according to which mine workers and persons in the surrounding communities inhale dust and radon gas, which exposes them to alpha radiation. Please also comment on reports that miners at Rössing Uranium are not made aware of the health risks of their work nor of their own personal health status. Please specify the steps taken by the State party to increase the protection of uranium mine workers.

11. With reference to paragraph 172 of the report, please provide details regarding the difficulties encountered in terms of the application of occupational health and safety regulations in the agriculture and maritime sectors and on the measures taken to address those difficulties.

Article 8 – Trade union rights

12. In view of the information provided in paragraph 193 of the report, please indicate whether the State party has taken any steps towards developing a definition of “essential services” in the context of the right to strike. Please also clarify whether those essential services include education, particularly in the context of reports that several striking teachers were arrested in Oshakati in 2013. Please also provide updated information on the situation of those teachers.

Article 9 – Right to social security

13. Please indicate the measures taken to implement a set of basic social security guarantees to ensure universal access to essential health services and basic income security. With reference to paragraph 213 of the report, please provide updated information on the establishment of the Medical Care scheme, the Retirement Pension Fund and the Development Fund. Please also provide additional information on the intended strengthening of private arrangements to supplement social security schemes that was mentioned in paragraph 211 of the report.

Article 10 – Protection of the family, mothers and children

14. Please indicate the measures taken to effectively combat domestic violence, including rape and murder committed by intimate partners, and provide information on the implementation of the Combating Domestic Violence Act. With reference to paragraph 128 of the report, please also indicate the steps taken to provide State-funded shelters and to facilitate access to them, in particular in rural areas.

15. Please provide updated data on the prevalence of child labour and the measures taken to vigorously combat child labour, especially in its worst forms. In that regard, please provide updated information on the status of the child care and protection bill.

16. Please specify if any measures are being contemplated to ban polygamy and indicate the permissible grounds for dissolving a marriage. Please also indicate the steps taken to prevent early marriages and in that context, please provide updated information on the status of the recognition of customary marriages bill.

17. With reference to paragraph 28 of the report, please detail the measures taken to eliminate discrimination against widows and their children in relation to inheritance.

Article 11 – Right to an adequate standard of living

18. Please furnish updated statistical data on the extent of poverty in the State party, disaggregated by age, sex, ethnic or national origin, and rural and urban areas. Please also indicate the outcome of the measures taken to reduce poverty, in particular the National Poverty Alleviation Strategy Policy, and clarify if other measures are being planned to reduce poverty. Please also indicate what specific support is provided to child-headed households.

19. In view of the information provided in paragraph 44 of the report, please indicate the measures taken to provide for a more equitable distribution of land and resources among the State party's population. Please comment on reports that access to land is subject to an arduous and lengthy process.

20. Please provide updated information on the measures taken to promote food security and to combat under- and malnutrition, in particular among children. In that regard, please indicate the measures taken to combat the occurrence of noma (*cancrum oris*).

21. Please provide updated information on the planned amendment to the Communal Land Reform Act. Please also provide updated information on the steps taken for water conservation, in particular in view of reports that the State party is facing further desertification. Please further indicate the measures taken to increase access to water by the population, including with regard to reducing the distances to drinking-water sources.

22. Please indicate the measures taken to eliminate the population's exposure to toxic substances and emissions associated with mining and to ensure implementation of the "polluter pays" principle in respect of the mining sector.

23. In view of the large number of informal settlements, please provide updated information on forced evictions and on the measures taken to increase social housing. Please also provide information on the impact of housing subsidies and indicate whether the State party intends to increase housing subsidies.

Article 12 – Right to physical and mental health

24. Please indicate the measures taken to combat harmful traditional practices against women and girls, including female genital mutilation, as well as so-called sexual initiation practices. Please indicate whether these practices are explicitly criminalized and whether there have been prosecutions in respect thereof. Please also indicate the measures taken to raise awareness among the general public that such practices violate girls' and women's dignity and have severe consequences for their physical and mental health and that the so-called sexual initiation practices should be qualified as forms of rape, incest and assault.

25. Please indicate the measures taken to improve the quality of health-care services and to increase the number of skilled health professionals. Please also provide updated information on the measures taken to reduce HIV infection rates and increase access to antiretroviral therapy, as well as on the measures taken to prevent mother-to-child HIV transmission.

26. Please provide information on the measures taken to reduce maternal, infant and child mortality. Please also indicate whether the State party has taken any measures towards easing restrictions on and facilitating access to safe abortions, as well as to increase access to sexual and reproductive health services. Furthermore, please indicate the steps taken to finalize the draft reproductive health policy.

Articles 13 and 14 – Right to education

27. Please indicate the measures taken to ensure access to free and compulsory formal basic education through implementation of the provisions of the Constitution, and please provide data on primary school attendance, disaggregated by sex, race, disability and geographic location. With reference to paragraphs 387 to 389 of the report, please indicate the impact of the measures taken to improve access to education for marginalized children. Please provide statistical data on the number of children enrolled in public and in private schools, disaggregated by sex and geographic location.

28. With reference to paragraphs 366, 369 and 371 of the report, please indicate whether the school curriculum includes instruction on equal rights of women and men and promotes gender equality.

Article 15 – Cultural rights

29. Please indicate the measures taken to recognize the cultural diversity of the State party's population and to promote the enjoyment of the cultural identity and languages of all communities. Please explain if any steps have been taken to protect intellectual property rights arising from traditional arts and economic practices, including in respect of "traditional" farmers.

30. Please provide information on measures taken to enable disadvantaged individuals and groups to benefit from access to the Internet. Please also indicate if and how the Internet is used as a vehicle to preserve and promote the cultural diversity of the State party.
