



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

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### Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Namibia

1. The Committee considered the combined second and third periodic report of Namibia (CEDAW/C/NAM/2-3) at its 759th and 760th meetings, on 17 January 2007 (see CEDAW/C/SR.759 and 760). The Committee's list of issues and questions is contained in CEDAW/C/NAM/Q/3 and Namibia's responses are contained in CEDAW/C/NAM/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it did not refer to the Committee's general recommendations. The Committee also expresses its appreciation for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Namibia. It takes note of the written replies to the list of issues and questions raised by the pre-session working group and the oral responses to the questions posed by the Committee, while regretting that they insufficiently addressed the Committee's questions.

3. The Committee commends the State party on its high-level delegation, headed by the Minister of Gender Equality and Child Welfare, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

4. The Committee notes with satisfaction that the report includes reference to the implementation of the Beijing Platform for Action.

5. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

6. The Committee commends the State party for its early ratification, in May 2000, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.



**Positive aspects**

7. The Committee commends the State party on the range of recent legal reforms and policies aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the Married Persons Equality Act (Act No. 1 of 1996), which abolishes the marital power of the husband that was previously applied in civil marriages, the Affirmative Action (Employment) Act (Act No. 29 of 1998), which encourages the participation of women in the formal workforce, the Combating of Rape Act (Act No. 8 of 2000), which provides protection to victims of rape and sexual abuse and prescribes stiffer sentences for perpetrators, the Communal Land Reform Act (Act No. 5 of 2002), which provides for equal opportunities for men and women to apply for and be granted land rights in communal areas, the Maintenance Act (Act No. 9 of 2003), which confers equal rights and obligations on spouses with respect to the support of their children, and the Domestic Violence Act (Act No. 4 of 2004), which provides for protection measures in domestic violence cases. It also welcomes the 1997 National Gender Policy, which outlines the framework and sets out principles for the implementation and coordination of activities on gender equality.

8. The Committee notes with appreciation that, in 2000, the Department of Women Affairs was upgraded to a full-fledged Ministry of Gender Equality and Child Welfare.

**Principal areas of concern and recommendations**

**9. While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

10. The Committee regrets that the report does not contain information on mechanisms in place to monitor the impact of laws, policies and programmes aimed at promoting women's empowerment and gender equality. The Committee also regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age and by urban and rural areas, which makes it difficult to assess over time the progress and trends in the actual situation of women and in their enjoyment of human rights in all areas covered by the Convention. The Committee is further concerned that no information was provided on measures taken on the results of the strengths, weaknesses, opportunities and threats (SWOT) analysis carried out in 2001 to identify the nature and level of the existing capacity for the effective use of the gender mainstreaming strategy in the State party.

**11. The Committee calls upon the State party to enhance its collection of data in all areas covered by the Convention, disaggregated by sex as well as by ethnicity, age and by urban and rural areas, as applicable, in order to assess the actual situation of women and their enjoyment of human rights and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and programmes and to**

**evaluate progress achieved towards realization of women's de facto equality. It encourages the State party to use those data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis. The Committee further calls upon the State party to take steps to implement the results of the SWOT analysis in order to ensure the effective and systematic use of the gender mainstreaming strategy in the State party's programmes and policies.**

12. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that referred to the Convention.

**13. The Committee calls upon the State party to take measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations and to implement programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women as well as non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.**

14. While welcoming the adoption of the Affirmative Action (Employment) Act (Act No. 29 of 1998), to encourage the participation of women in the workforce, and the Local Authority Act (Act No. 23 of 1992), to ensure higher representation of women in the decision-making process, the Committee is concerned that these temporary special measures are limited to the areas of employment and women's political representation at the local level.

**15. The Committee recommends that the State party use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all appropriate areas of political, economic, social and cultural life so as to accelerate the achievement of women's de facto equality with men.**

16. The Committee expresses concern about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society. The Committee is also concerned that the Traditional Authorities Act (Act No. 25 of 2000), which gives traditional authorities the right to supervise and ensure the observance of customary law, may have a negative impact on women in cases where such laws perpetuate the use of customs and cultural and traditional practices that are harmful to and discriminate against women.

**17. The Committee calls upon the State party to take measures to bring about change in the widely accepted stereotypical roles of men and women. Such efforts should include comprehensive awareness-raising and educational campaigns that address women and men and girls and boys, with a view to eliminating the stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the**

**Convention. The Committee urges the State party to monitor carefully the impact of these measures and to report on the results achieved in its next periodic report. The Committee also calls on the State party to study the impact of the implementation of the Traditional Authorities Act (Act No. 25 of 2000) and the Community Courts Act (October 2003) so as to ensure that customs and cultural and traditional practices that are harmful to and discriminate against women are discontinued.**

18. While noting the various legal and other initiatives taken by the State party to address violence against women, the Committee is concerned that violence against women remains a serious problem. The Committee is also concerned that no statistical data and information are provided to measure the impact and effectiveness of the State party's legal and policy measures aimed at preventing and redressing violence against women.

**19. The Committee calls upon the State party to take steps to fully implement and enforce laws on violence against women and to ensure that women victims of violence are able to benefit from the existing legislative framework. It also calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that the State party put in place an effective data collection system on all forms of violence against women and to provide statistical data and information in its next report on the number of cases of violence reported to the police and other relevant authorities, as well as on the number of convictions. It further calls upon the State party to establish a monitoring and evaluation mechanism in order to regularly assess the impact and effectiveness of relevant laws, their enforcement, as well as of programmes aimed at preventing and redressing violence against women.**

20. The Committee regrets that insufficient information was provided in the report on the issue of trafficking in women and girls.

**21. The Committee requests the State party to carry out a study in order to assess the prevalence of trafficking in women and girls in the country and to include in its next periodic report a comprehensive assessment of the extent of trafficking and its root causes and measures taken to eliminate the vulnerability of women and girls to trafficking. Such information should be disaggregated by age and geographical areas and should also include information on the impact of measures taken and of results achieved.**

22. The Committee expresses concern about the high dropout rates of girls from formal education. The Committee is also concerned that the provision contained in the Policy on Pregnancy among Learners requiring that girls who become pregnant should be allowed to return to normal schooling only after spending at least one year with the baby could act as a deterrent for girls to resume their studies after childbirth. The Committee regrets that insufficient statistical data and information were provided on girls' education.

**23. The Committee recommends that the State party implement measures to retain girls in school and monitor the impact of the Policy on Pregnancy among Learners on the rate at which girls return to school after childbirth. The Committee requests that the State party give high priority to the implementation of its programme on population and family life education. The**

**Committee calls on the State party to include, in its next report, statistical data disaggregated by sex, ethnicity and region, as well as information on girls' education, providing analysis of trends over time and progress towards the achievement of goals.**

24. The Committee expresses its concern about the lack of access of women to adequate health-care services, including to sexual and reproductive health services. It remains concerned at the widespread use of unsafe illegal abortions, with consequent risks on women's life and health. The Committee is also concerned about the steady increase in the number of HIV/AIDS infected women, who account for 53 per cent of all reported new HIV cases. The Committee further expresses its concern over the increasing rate of maternal mortality and the fact that reliable data on this subject is not available.

25. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It also recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children, as well as access to safe abortion in accordance with domestic legislation. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. The Committee also calls upon the State party to ensure that its National Strategic Plan (MTP III) 2004-2009 is effectively implemented and its results monitored and that the socio-economic factors that contribute to HIV infection among women are properly addressed. The Committee urges the State party to improve women's access to maternal health services, including antenatal, post-natal, obstetric and delivery services. It encourages the State party to take steps to ensure accurate recording of maternal deaths and to obtain assistance for this from the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the World Health Organization (WHO).**

26. The Committee is concerned about the situation of women in rural areas, especially women from ethnic minorities, who often lack access to health, education, decision-making processes and the means and opportunities for economic survival, as well as about women's underrepresentation in the regional councils.

27. **The Committee recommends that the State party pay special attention to the situation of rural women of all ethnic groups, in compliance with article 14 of the Convention, to ensure that rural women have access to education, health services and credit facilities and land and that they participate fully in decision-making processes, especially in the regional councils. The Committee also urges the State party to disseminate information on the Communal Land Reform Act (Act No. 5 of 2002) and to ensure that mechanisms are in place to monitor implementation of the Act.**

28. While welcoming the passage of the Married Persons Equality Act (Act No. 1 of 1996), which gives wives and husbands in both civil and customary marriages equal power of guardianship in respect of children, the Committee is concerned that this law does not address the gender inequalities in customary marriages regarding

property. The Committee is also concerned that Namibian law does not require the registration of customary marriages. The Committee is further concerned that early marriage continues in spite of the fact that the Married Persons Equality Act fixes the legal age of marriage at 18 years for both boys and girls.

**29. The Committee calls upon the State party to review the Married Persons Equality Act (Act No. 1 of 1996), with a view to eliminating discrimination against women in customary marriages related to property rights in order to bring such rights in customary marriages into line with those in civil marriages. The Committee also calls upon the State party to take all necessary steps, including the process of consulting traditional leaders, women and civil society organizations, in order to draft a bill on the registration of customary marriages. The Committee recommends that the State party take steps to ensure that the legal age of marriage is respected.**

**30. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**31. The Committee urges the State party, in its implementation of its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**32. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

**33. The Committee notes that the adherence of States to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Namibia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

**34. The Committee requests the wide dissemination in Namibia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

35. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in December 2005, and its fifth periodic report, due in December 2009, in a combined report in 2009.

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