

In 2014, Namibia made a minimal advancement in efforts to eliminate the worst forms of child labor. During the year, the Government established an Inter-Ministerial Committee on Child Labor to coordinate efforts between several ministries to combat the worst forms of child labor. In addition, the Ministry of Gender, Equality, and Child Welfare (MGEWCW) increased the number of shelters from six to eight for women and children to assist victims of sexual assault, gender-based violence, human trafficking, and the worst forms of child labor. In December, the Child Care and Protection Bill was passed by the National Assembly and reviewed by the National Council; the bill is awaiting signature by the President and placement in the gazette. However, children in Namibia are engaged in child labor, including in herding livestock, and in the worst forms of child labor, including in commercial sexual exploitation. Gaps remain in existing laws regarding child prostitution and the use of children for illicit activities, the number of labor law inspectors decreased during the year, and resources for enforcement were insufficient.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Namibia are engaged in child labor, including in herding livestock. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(1-5) The most recent Child Activities Survey is from 2005.(3, 6) 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.(7)
Data were unavailable from Understanding Children’s Work Project’s analysis, 2014.(8)

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* (1-5)
	Farming, including clearing land, plowing, planting, weeding, protecting crops against birds, and harvesting* (1)
	Domestic work (4, 5, 9, 10)
Services	Taking care of children* (1, 11, 12)
	Working in bars called <i>shebeens</i> *(13)
	Street work,* including selling candies,* fruits,* handicrafts,* and cell phone air time vouchers* (13, 14)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Commercial sexual exploitation sometimes as a result of human trafficking* (3, 4, 12, 13)
	Forced labor in agriculture, cattle herding, and domestic work, each sometimes as a result of human trafficking* (4, 12, 13, 15)
	Used in illicit activities, including drug trafficking, residential break-ins, and cattle theft* (4, 9)

* 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.(3) Girls perform the majority of domestic work.(9, 13) Girls, and to a lesser extent boys, are engaged in commercial sexual exploitation.(9, 13) It is believed that girls from Angola, Zambia, and Zimbabwe are commercially sexually exploited within the country.(9, 15) Children from these countries are also used for livestock herding and domestic service.(14) Children orphaned as a result of HIV/AIDS and children from the marginalized San ethnic group are particularly vulnerable to labor exploitation.(13, 16, 17) Under Article 25 of the Education Act, a school board with majority vote from parents could establish a school development fund that would be used to improve educational activities and develop school facilities.(18) However, the Ministry of Education determined that school development funds (school registration fees) became a barrier for children to access primary education and therefore instructed school boards in 2013 to not charge school registration fees. The Ministry of Education continued its efforts to ensure that schools were not charging school registration fees throughout the year.(16, 30)

II. LEGAL FRAMEWORK FOR 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 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(2) of the Labor Act (19)
Minimum Age for Hazardous Work	Yes	18	Article 15 of the Constitution; Chapter 2, Article 3(4) of the Labor Act (19, 20)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Chapter 2, Articles 3(3)(d) and 4 of the Labor Act (19, 21)
Prohibition of Forced Labor	Yes		Article 9 of the Constitution; Chapter 2, Article 4 of the Labor Act (19, 20)
Prohibition of Child Trafficking	Yes		Section 15 of the Prevention of Organized Crime Act (9, 20, 22, 23)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 2 of the Combating of Immoral Practices Act Amendment Act (24)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
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 (9, 13, 25)
Compulsory Education Age	Yes	16	Article 20 of the Constitution (20)
Free Public Education	Yes		Article 20 of the Constitution (20)

* No conscription (25)

The Namibian Constitution states that children, under age 16, should not be required to “perform work that is likely to be hazardous” but the Labor Act states that children between 16-18 years may perform hazardous work subject to approval by the Minister of Labor and Social Welfare (MLSW) and restrictions outlined in Articles 3(c) and 3 (d) of the Labor Act. (19, 20) Under Articles 3(c) and 3(d) of the Labor Act, children are prohibited from hazardous work including underground work, mining, construction, demolition, manufacturing, electrical work, installation of machinery, and night work. However, the law does not prohibit hazardous work in the agriculture sector where children as young as 10 years old in the Caprivi, Kavango, Oshikoto and Ohangwena regions have been found working on average 11 hours a day as herd boys, field de-bushers, weeders, ploughers, weeders, and harvesters.(19, 26, 27) The MLSW reported that it drafted additional hazardous work prohibitions, but these have not been approved.(14, 28) The Government has not yet developed regulations to determine light work activities and the conditions for such work that may be permitted for young persons between the ages of 12 and 14.(21) Under the Prevention of Organized Crime Act, the penalty for human trafficking is a fine of N\$1,000,000 or to imprisonment not exceeding 50 years.(23)

The Combating of Immoral Practices Act criminalizes sexual acts with children under the age of 16, and perpetrators are liable for a fine not exceeding approximately \$3,330 or to imprisonment for a period not exceeding 10 years or both.(24) However, the law does not address the use, procuring, or offering of children under 18 years for the purposes of prostitution.(29) The law prohibits parents or guardians from offering or procuring children for prostitution but does not prohibit other persons other than parents or guardians.(29) The Combating of Immoral Practices Act does not establish a minimum penalty for crimes involving child prostitution and pornography.

The Government, in collaboration with civil society, drafted a Child Care and Protection Bill to address child trafficking and other crimes, including prostitution, pornography, and the use of children for illicit activities.(3, 9, 10) In December, Namibia’s omnibus Child Care and Protection Bill was passed by the National Assembly and reviewed by the National Council; the bill awaits the President’s signature and placement in the gazette for the bill to enter into force.

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 violations, including forced labor. Responsible for cases involving human trafficking and commercial sexual exploitation of children.(3, 9, 31) Work with the Ministry of Safety and Security (MSS); Ministry of Gender, Equality, and Child Welfare (MGECW); Namibia Central Intelligence Service; and Ministry of Education (MOE) on child labor matters.(3, 9) Lead these ministries in joint inspection teams.(3, 9, 31)
Ministry of Safety and Security (MSS)	Enforce criminal laws and conduct site visits with labor inspectors.(3, 9) The MSS through the Namibian Police handles enforcement.(9, 32)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Ministry of Gender, Equality, and Child Welfare (MGECW)	Responsible for cases involving human trafficking and commercial sexual exploitation of children.(9, 31) Collaborate with the Namibian Police's Women and Child Protection Units (WACPU) to address child labor issues.(3, 9) Remove children from child labor situations during inspections and take them to a regional WACPU to receive assistance from MGECW social workers or to an MGECW shelter, eight of which exist throughout the country.(9, 14)
Joint Child Labor Inspection Committee	Coordinate activities to enforce child labor laws. Committee includes the Ministry of Labor and Social Welfare (MLSW), Ministry of Safety and Security (MSS) and the Ministry of Gender Equality and Child Welfare (MGECW).(3) Refer children identified during labor inspections to MGECW social workers or to an MGECW-operated shelter for care.(3)

Law enforcement agencies in Namibia took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Ministry of Labor and Social Welfare (MLSW) employed approximately 67 labor inspectors, a decrease of 6 inspectors, and added 21 occupational health and safety inspectors during the year. All inspectors received child labor training during the year.(28) All inspectors received child labor training during the reporting period; however, an independent labor consultant found the number of inspectors was inadequate to effectively enforce child labor laws. Research found no information on the funding level, the types of referral mechanisms, the total number of inspections conducted, or the areas in which inspections were carried out.(28) MLSW officials stated that the labor inspectors struggled with insufficient office space and lack of transportation; labor inspectors are not assigned vehicles to carry out inspections. During the reporting period no child labor violations were found; therefore no penalties or citations were issued.(28)

Access to private and small farms, large communal farms, family-owned commercial farms, and private households is difficult.(16, 28, 31) NGOs report that the difficulty accessing such locations makes assessing and addressing child labor challenging.(3, 16, 28)

Criminal Law Enforcement

No information is available on the number of investigators responsible for enforcing criminal laws on the worst forms of child labor, the number of investigations conducted, the availability of referral mechanisms, or the number of trainings received by child labor criminal enforcement agents. During the year, there were no prosecutions or convictions for child labor violations.(28) However, the Government has a toll-free hotline operated by Namibian Police for reporting crimes, including child trafficking.(38)

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

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Inter-Ministerial Committee on Child Labor*	Coordinate Government policies and efforts to combat child labor. The committee consists of officials from the Ministry of Education (MOE), Ministry of Gender Equality and Child Welfare (MGECW), Ministry of Safety and Security (MSS), as well as the Office of the Ombudsman.(28) The Committee has yet to meet.(28)
Women and Child Protection Units	Coordinate the efforts of ministries, including Ministry of Labor and Social Welfare (MLSW), Ministry of Home Affairs and Immigration, Namibian Police, MGECW, and MOE that handle the worst forms of child labor. In addition, all these ministries participate in MLSW-led inspection teams that investigate labor violations in the country.(9)
Child Care and Protection Forums	Serve as a development and coordination forum to address child protection issues and services within the country and includes regional councils, MGECW social workers, government agencies, NGOs, community leaders, churches, and other local-level stakeholders.(9)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

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 7).

Table 7. Policies Related to Child Labor

Policy	Description
Decent Work Country Program (2010-2014)	Outlines strategies for promoting decent work in Namibia. Prioritizes employment promotion, and enhanced social protections, and strengthening social dialogue and tripartism. Includes elimination of forced labor and child labor as an outcome.(33)
National Development Plan IV (2012/2013-2016/2017)	Outlines goals and priority areas for national development. Includes child protection and trafficking concerns.(3, 34)
National Plan of Action on Gender-Based Violence (2012-2016)	Lays out a plan for reducing incidences of gender-based violence and improving the country's understanding and response. Includes child protection and trafficking concerns.(3, 9, 35)
National Protection Referral Network*	Outlines how services should be provided to children experiencing any form of abuse.(32)
Education for All National Plan of Action (2002-2015)*	Focuses on providing all children, including the most vulnerable, with relevant and quality education.(36)
National Agenda for Children (2012-2016)*	Guides the Government in advancing and protecting children's rights.(12, 37)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Namibia funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Global Action Plan on Child Labor Issues	USDOL-funded and 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> project established by the Hague Global Child Labor Conference in 2010.(38) 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.(38)
Social Protection System*‡	MGECSW-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.(9, 39)
Namibian School Feeding Program*‡	Government program providing mid-morning meals to about 270,000 school children throughout the country.(32)
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.(32)
Birth Registration and Documentation*	UNICEF and Government-sponsored efforts to register births and issue birth certificates, including through mobile birth registration.(16)
Shelters and victim services*‡	Eight Government-established shelters for women and children that assist victims of sexual assault, gender-based violence, and the worst forms of child labor.(9, 40) In addition, there are three Women and Child Protection Units that serve as a "one-stop-shop" for victim protection that provide lodging, medical, and psychosocial care for victims. Also, provides subsidies and funding to NGOs that assist victims of trafficking.(41)

* 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 working in agriculture, commercial sexual exploitation, or domestic work.

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 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish hazardous work prohibitions for children in the agriculture sector.	2014
	Determine the types of light work activities permitted for children between the ages of 12 and 14 to facilitate enforcement of child labor laws.	2014
	Ensure the Child Care and Protection Bill is entered into force to comprehensively address child trafficking, child prostitution, and the use of children in illicit activities.	2012-2014
	Ensure that all persons are penalized for procuring and offering a child for prostitution.	2014
	Establish minimum penalties to adequately penalize perpetrators who violate prohibitions against the use of children for commercial sexual exploitation as outlined in the Combating of Immoral Practices Act and the Children's Act.	2014
Enforcement	Make information publicly available on the Ministry of Labor and Social Welfare's funding level, the total number of inspections conducted, areas inspected, and the types of referral mechanisms available for child labor issues.	2014
	Ensure the number of labor inspectors is sufficient to cover the workforce.	2014
	Ensure that sufficient resources such as office space and transportation are available for labor inspectors to facilitate enforcement of child labor laws.	2014
	Ensure that labor inspectors can access large communal and family-owned commercial farms to conduct labor investigations.	2014
	Make information publicly available on the number of criminal investigators and investigations related to child labor violations.	2012 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2013 – 2014
Social Programs	Conduct research on the prevalence of child labor to inform the development of policies and social programs to address child labor in that sector.	2013 – 2014
	Institute programs to address child labor in agriculture, commercial sexual exploitation, and domestic work.	2009 – 2014
	Assess the impact that existing child assistance programs may have on addressing child labor.	2011 – 2014

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