



General Assembly

Distr.: General
22 May 2013

English only

Human Rights Council

Twenty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona

Addendum

**Mission to Namibia: comments by the State on the report of the Special
Rapporteur***

* Reproduced as received.

Namibian Government's response to the report of the United Nations Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, on her visit to Namibia from 1 to 8 October 2012

Introduction

1. The Government of the Republic of Namibia wishes to thank the Special Rapporteur on Extreme Poverty and Human Rights for the country visit in October 2012. We appreciate the views exchanged by the Special Rapporteur during her meeting with various Government officials and communities.
2. The Government of Namibia acknowledges that most of the shortcomings identified in the Report are not new. These shortcomings have been acknowledged by the Government of Namibia in various official documents, including those cited in the Report of the UN Special Rapporteur. In this response the Government wishes to correct some factual errors and to highlight the context and interventions by Government to address the concerns raised by the Special Rapporteur in her Report.
3. Namibia's commitments to human rights and to improve the welfare of its citizens are best expressed in the Constitution of Namibia which recognises the protection of Fundamental Human Rights and Freedoms and the promotion of the Welfare of all People. The Namibian Government has made significant progress since Independence to fulfil these constitutional obligations, which needs to be acknowledged.

Discussion

4. The following are the Government's responses to the areas of concern and recommendations as observed by the UN Special Rapporteur in her Report:

Poor monitoring and implementation of development programmes and policies

5. The Government of the Republic of Namibia shares, to an extent, the views of the Special Rapporteur about the poor monitoring and implementation of development programmes and policies, but we would like to contextualize this and explain what is in place in terms of monitoring and evaluation. Since Independence, the Government of the Republic of Namibia (GRN) had in place various mechanisms to monitor the implementation of development programmes and policies. The Government has been monitoring capital projects contained in the National Development Plans via Capital Budget Execution Reports and Quarterly feedback Reports to Cabinet on policy implementation by respective Offices, Ministries and Agencies (O/M/As). Apart from the aforementioned, there are also other measures to strengthen the existing monitoring and evaluation system of the Government that includes: Accountability reports and Audit Report by ministries to the Ministry of Finance and Office of the Auditor General. Furthermore, Government, through the National Planning Commission has introduced a Computerized National Integrated Monitoring and Reporting Evaluation System (NIMRES) to track progress of National Development Programmes and Projects. O/M/As are required to submit progress reports on the implementation of the Fourth National Development Plans (NDP4) to NPC, who then submits bi-annual Reports to Cabinet to

provide progress on the execution of development programmes. There is also a recently established dedicated Monitoring & Evaluation Department at NPC to strengthen the monitoring and evaluation of the implementation of programmes in the National Development Plan. The Government envisages increasing the number of monitoring and evaluation departments in all Ministries in order to enable feedback.

Slow decentralization process impeding the benefits of economic growth not reaching the poor

6. Decentralization takes place in different forms, starting from the transfer of responsibilities to the stage of full devolution whereby both responsibilities and financial means are evolved from central to peripheral level. GRN acknowledges that decentralization have benefits such as increased levels of community participation indecision making at central level, increased accountability and resources at local level.

7. The Namibian Government is made up of three tiers, namely: Central, Regional and Local Government. The Constitution of the Republic of Namibia, Article 102 provides for the establishment of the structures of Regional and Local Government. The establishment of regional and local government has decentralized most formerly centralized functions under central Government in order to bring services and decision making processes closer to people.

(a) A policy on Decentralization under the Ministry of Regional, Local Government Housing and Rural Development (Decentralization Enabling Act no.33 of 2000) was adopted to facilitate the process.

(b) OMAs are sensitized on the Process of decentralization and so far some ministries have already decentralized their functions including, Ministry of Health and Social Services, Ministry of Education, Ministry of Regional and Local Government, Housing and Rural Development, and Ministry of Works and Transport (partly).

(c) Furthermore the Government has a policy and strategy on rural development that provides a framework for raising the level of development in rural areas.

Situation of extreme poverty

8. Poverty is still an obstacle for the enjoyment of human rights by many Namibians and the Government is firmly committed to remove this obstacle. In the 2003/2004 survey Namibia introduced a paradigm shift from the conventional food consumption ratio as an indicator of poverty to the cost of basic needs approach. Thus in the 2009/2010 survey poverty is measured by this approach. Each household is classified as poor or severely poor based on their cost of basic needs compared to the poverty lines. Out of all households in Namibia, close to 19% are classified as poor and 10% as severely poor. In 2003/2004 the corresponding percentages were 28 and 14. This means that poverty in Namibia has decreased significantly since 2003/2004. The poverty levels have fallen from 30% to 22% for female headed households and 26% to 18% for male headed households respectively. However, female households continue to suffer more from poverty compared to their male counterparts.

9. Comparison between urban and rural poverty has also shown a decline trend. The number of households in rural areas classified as relatively poor declined from 38% in 2003/04 to 27% in 2009/10, while those classified as extreme poverty declined from 19% to 14% during similar period. Households in urban areas classified as relative poor declined from 12% in 2003/04 to 10% in 2009/10, while those classified as extremely poor declined

from 6% to 4% respectively. Furthermore Government continues to invest more in efforts to transform the rural economy especially in the modernization of agriculture, tourism and income generating opportunities in rural areas. This will result in improving the living conditions of rural people by creating more job opportunities, making rural economy more resilient and reducing the migration of people to urban areas in search for better living conditions.

10. Apart from analyzing poverty from a quantitative perspective, the Namibian Government also analyses poverty from a qualitative approach through consultation. A Participatory Poverty Assessment (PPA) was conducted during the period 2003 and 2006 in all thirteen regions of the country in order to engage poor and vulnerable people in defining and analysing poverty from their own perspectives. The PPA findings provide pointers for policy action and programmes that is responsive to people's needs. The findings underline that people look for less isolation and better access to affordable services in many areas, including health, education, agricultural extension, water supply and sanitation.

11. The PPAs also revealed that – apart from improvements required in the area of service delivery- people call for better employment and income generating opportunities. Employment creation is a first priority for poverty reduction, for it curtails alcohol abuse, thereby reducing domestic violence and other types of crime committed by poor people in desperation. Infrastructure development is also seen as an important factor as it reduces the isolation of communities and increases their access to markets, employment and service centres. Finally, in order to address poverty the communities identified the importance of addressing food insecurity and environmental degradation, as well as evaluating the impact of the HIV/AIDS pandemic on livelihoods.

12. Several Programmes have been put in place by the Government to improve the situation of poor people and marginalized groups, such as: old age grants, disability grants; orphan and vulnerable children (OVC) grants and war veterans grants; introduction of Anti-Retroviral Drugs to citizens affected by HIV/AIDS for which coverage currently stands at 82% for adults and 75% for children; exemption from user fees for the marginalised and vulnerable people in accessing education and health; free food distribution to the marginalized and vulnerable people, cash and food for work to poor people who are able to work; subsidies for agriculture services in terms of seeds, fertilizers and ploughing services/providing draught power animals; small grants from the Regional Council to fund income generating activities at community level such as vegetable gardens, poultry farming, brick making, tailoring and leather works projects, among others.

Inequality and social exclusion

13. Namibia inherited a dual economy with challenges of low economic growth and a high rate of poverty hence the gini-coefficient was high at 0.7 (1993/4), but has since declined to 0.6 (2003/4) and 0.59 (2009/10). The Government acknowledges that the gap between the “have” and “have nots” is still high and has introduced interventions and policies to promote equitable access and opportunities to generate income in order to bridge the gap between the rich and the poor.

14. The Government has the following in place to address the high levels of inequality and social exclusion:

(a) Policies and programme to reduce the high level of inequality namely; Affirmative action policy (MLSW), Black Economic Empowerment and San and other ethnic minorities development programmes (OPM)

(b) National Gender policy, National Gender Plan of Action, Gender Budgeting Initiatives and income generating programme (MGEWCW),

(c) The Education sector developed a National Policy on Inclusive Education as a medium to attaining an accessible, equitable and sound education for all especially the educationally marginalized children through efficiency, democracy and solid advocacy for lifelong learning.

Groups particularly vulnerable to poverty

15. Article 10 of the Constitution of the Republic of Namibia states that no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. In this regard, and as highlighted in the sections contained in this report, the services provided by Government are for all those in need of them. However, due to factors such as poverty, high inequality inherited at independence, long distances from places of service, some are not able to access services as readily as others, and the Government continues to increase its efforts to bridge the gap.

16. In her report, the Special Rapporteur highlights several groups that are particularly vulnerable to poverty and social exclusion. The Government fails to understand why the Special Rapporteur would point out sex workers as particularly vulnerable, while not providing an analysis on truthfully vulnerable groups such as the San, Ovahimba that constitute a much larger portion of the population that is in need. Working as sex worker does not translate into living in extreme poverty and social exclusion. Being a sex worker is not a visible attribute on any person, and no one can tell just by looking at an individual, that that individual is a sex worker.

17. Moreover, sex work is illegal in Namibia. As discussed in various part of this response, the Government has put in place various measures to address poverty, including providing employment opportunities. Those who participate in sex work should abide by the laws of the Republic of Namibia and take advantage of the opportunities the Government provides. The Special Rapporteur's support and promotion of illegal activity is not seen as a productive way to fight poverty and to help the vulnerable.

18. Therefore, if sex workers feel "discouraged" from accessing public services, as described by the Special Rapporteur, it may be their own perception, because they realize and know that what they are doing in private in carrying out sex work, is illegal. Government services are offered to the public without discrimination to anyone.

Right to food

19. The Government through the Ministry of Agriculture, Water and Forestry is committed to ensure that Namibia is food secure. At the current moment, Namibia imports most of its food products and other products in order to meet the deficit as the country does not produce sufficient food. Generally speaking, Namibia is only food secure when it imports food, but if anything is to happen to its neighboring country such as South Africa where we mostly import from, Namibia will be left food insecure. Despite this factor, the Government has the following in place to ensure that those experiencing food shortages have access to food and that efforts that are aimed to make the country to be food self sufficient are intensified.

20. The Government has the following in place:

(a) Programmes to ensure that Namibia is food self- sufficient include Green Scheme Policy, Dry land Crop Production Programme, National Reserve Facilities Programme and Fresh Produce Business Hub Programme.

(b) Relief food programme

- (c) Social grants (OVC, old age/disability, war veterans) that enable people to access food.
- (d) School Feeding Programme.

Right to education

21. Article 20 of the Namibian Constitution states that “Primary Education shall be compulsory and the state shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining state schools at which primary education will be provided free of charge.” In line with this provision the Government has, since independence, provided affordable primary education and as of January 2013, primary education will be offered for free to all children, starting in phases. Government has availed N\$50 Million to start this process.

22. The Government has established mobile schools for ethnic minority groups such as the San and Ovahimba who live nomadic lives. Furthermore primary education is provided to refugee children at Osire Refugee Camp.

23. Namibia has observed huge progress in the increase in net enrollment for primary education (Grade 1-7, age group 7-13 yrs). Current indicators of net and gross enrolment ratios show that Namibia is likely to meet the 100 per cent target of the MDG 2. The Net Enrollment ratio currently stands at 99.8%. When disaggregated, net enrollment for females stood at 101.3%, while male net enrollment stood at 98.4 %. The Gross Enrollment Ratio currently stood at 124.4%. When disaggregated, Gross Enrollment Ratio for females stood at 122.5% while for males stood at 126.3%. Notable progress has also been made in the introduction of pre-primary education. During the year 2012, Namibia has 684 pre-primary classes country wide with 15,000 learners of which 41% are orphans and vulnerable children.

24. The increase in enrolment in primary education is mainly attributable to Government interventions and policies such as: Education and Training Sector Improvement Programme (ETSIP) which is a pro-poor, 15 years strategic Government plan to improve the education and training sector. The Programme cost N\$2.4 billion for the first five years (2006-2010). There has also been nationwide improvement of physical facilities at schools and mobile schools. The school feeding programmes continue to show an increase in the number of nutritious meals provided daily, which are made available primarily for needy primary school learners who are orphans, children from ethnic minorities, neglected children, abused and to children of parents earning a low income. This is a strategic move to improve the attendance and retention rate of learners. The enrolment rate is expected to increase during this year 2013 due to the introduction of free primary education. All these efforts show how the Government is committed to improve access to and quality education for children from poor families who mostly live in remote rural areas.

25. In the response to the recommendation contained in the Report for Government to increase efforts to ensure quality education, through the more efficient use of resources, standardization measures, monitoring of results and sensitizing teachers to the particular education needs of vulnerable groups, the Government through the Ministry of Education has the following in place:

- (a) The Namibia Students Financial Assistant Fund provides loans to needy students as a means of ensuring access to institutions of higher education. Additionally, scholarships and bursaries are also offered by private sector and development partners.
- (b) The Education Act of 2001, Act 16 of 2001 in its current form allows for exemptions of contribution to School Development Fund and Hostel Fees.

(c) Ministry of Education has through its Education Sector Improvement Programme (ETSIP) embarked on focused initiatives to improve quality through policy formulation and implementation frameworks, such as continuous professional development for teachers, diversified curriculum and intensified teaching and learning material resource provision.

(d) This programme also instituted national Standardized Achievement Tests at Primary School, the first of its kind in Southern Africa, which serves as a diagnostic tool to create awareness amongst teachers and embark on targeted interventions to improve their own skills and teaching to improve learner achievement in literacy, numeracy and science.

(e) The policy for Orphans and Vulnerable Children as well as the register of Orphans and Vulnerable Children enables the ministry to respond to the needs of OVC. Within the given norms Life Skills Teachers provide the guidance and counseling support service the OVC required. These teachers were given specialized in-service training.

26. With regard to the recommendation in the Report that Government must ensure that the lack of birth certificates by children is not an impediment to access basic public services such as education, the Government through the Ministry of Education has the following in place:

(a) Ministry of Education allows schools to use other forms of identity such as a church baptismal card, a letter by the Traditional Authority or any other recognized authority for enrolment at school. Secondly, Ministry of Education is part of the reach-out project initiated by Ministry of Home Affairs and Immigration.

(b) Ministry of Education has appointed full-time Life Skills Teachers and Teachers Counselors at school level supported by the division on counseling in the Ministry as an effort of providing psycho-social support to learners at school.

Right to health

27. The Government of Namibia is committed to ensure that every resident in the territory of the country has access to health. The Government has reiterated its commitment that under no circumstances a person should be turned away from health facilities due to non-payment. There could be some isolated incidences, however the nation has been sensitized to report any such occurrence to the Ministry of Health and Social Services for investigation and action.

28. The Government has intensified its efforts to ensure that the public has access to health.

29. This has been measured by the following:

(a) The Government has expanded the provision of health care by building more health facilities and equipped them with qualified health personnel and equipment. This also includes provision of mobile clinics to some remote rural areas where there are no physical health facilities.

(b) The ministry is using the approach of Primary Health Care whereby the preventive and promotive services are free to all. Outreach services by the public sector are also free to all. Overall the cost of the health services (94%) are carried by the Government while household out of pocket cost is about 6%.

(c) For example, during 2010/11, 2011/12 and 2012/13 financial years, the Government has spent N\$2,916,453,000 on construction and renovation of primary health care clinics and health centers, district and referral hospitals.

(d) The Government has expanded the provision of Anti Retroviral Drugs to people with advanced HIV infection which currently stands at 82% for adults

(e) The HIV prevalence rate among population aged 15-24 years has reduced from 14% to 10.6%.

(f) Namibia has remarkably managed to bring down the malaria mortality rate per 100,000 population from 30 in 2009 to 2.1 in 2010 and 1.6 during 2011. The incidence of malaria per 1000 population has also declined from 38.6 to 6.7 in 2010 and 2011 respectively.

(g) The Ministry of Health and Social Services and the Ministry of Home Affairs have offices at some of the health facilities for the registration of children to receive birth certificates at the facility level.

Maternal mortality

30. The Government of the Republic of Namibia through the Ministry of Health and Social Services monitors the progress on maternal mortality through the Demographic Health Survey (DHS). To put this into context, the last DHS was carried out during the year 2006/7. Since the last DHS was conducted, changes in the figures might have occurred. The Ministry of Health and Social Services is busy to put in place logistics for the preparation of the next DHS for the period 2012/2013.

31. Given the available data at our disposal, the Government acknowledges that the maternal mortality ratio that has increased from 225 deaths per 100,000 live births in 1992 to 449 deaths per 100,000 live births in 2006/7 which is unacceptable. Since then the Government has prioritized maternal mortality as matter of urgency by providing increased maternal healthcare services and a more equitable distribution of trained staff between urban and rural areas, amongst others.

32. The following are some of the major interventions and policies in place geared toward the reduction of maternal mortality in Namibia:

(a) Road map for acceleration of reduction in maternal and neonatal mortality and revision of scope of practice for the health profession-Nurses and Mid-wives.

(b) Increase in capacity building (Establishment of Namibia School of Medicine and other regional nursing training centers)

(c) Information awareness campaign on Health issues.

(d) Prevention of Mother to Child transmission (PMCT) currently stands at 92%.

(e) Increased access to Anti Retroviral Drug which currently stood at: adults 82%, children 75%. HIV/AIDS was one of the major factors contributing to the high maternal mortality in the country.

(f) The reduction in the malaria mortality rate is an achievement as the incidence of malaria was also one of the contributing factors for high maternal mortality among expecting mothers.

(g) The Policy guide line on reproductive health has been revised in order to create more awareness among couples to make informed decision about reproductive health and births.

(h) Guidelines for completing the Maternal and Peri/Neonatal death review are in place and maternal audit committees are in place in national, regional and district levels to review and assist the quality of services provided to the pregnant women

- (i) Approximately 150 midwives and medical officers working in maternity wards underwent refresher training on life saving skills in order to improve the quality of care.
- (k) Decline in new HIV cases amongst pregnant women attending ANC. (8% of women who tested HIV were positive in 2011/2012 compared to 18% 2009/2010)
- (l) National Demographic health survey will be conducted in 2013 to determine the maternal and child mortality rate.

Access to national identification documents

33. The Government has measures in place to ensure that people especially children who do not have national documents are not denied access to services such as education and health. There are some isolated cases of people not having national documents especially in areas near the borders with other neighbouring countries. This is caused mainly by the people themselves as they want to have dual citizenship which is not allowed under Namibian law. However, the Government is intensifying its efforts to ensure that people who do not have national documents obtain them.

(a) The Government through the Ministry of Home Affairs and Immigration has increased its outreach programme to register people that are in remote areas and who find it difficult to come to registration centres in urban areas. The Ministry carries out information awareness campaigns through radios and media to inform the nation on the importance of having national documents.

(b) The Ministry also works together with relevant stakeholders to issue national documents. For example, in collaboration with the Ministry of Health and Social Services, children are issued birth certificates shortly after birth at designated health facilities.

(c) Ministry of Education is part of the reach-out project initiated by Ministry of Home Affairs and Immigration.

Right to an adequate standard of living, particularly access to land and affordable housing

34. The Republic of Namibia acknowledged that land access is problematic in Namibia. However it must be understood within the context that Namibia has inherited large inequalities in terms of access to land. The Government has introduced various measures to address the issue of land inequalities through the Ministry of Lands and Resettlement, strategic policies and programmes.

(a) The Land issue has been a priority for the Government since Independence, when a national land conference was held which culminated into the introduction of the Resettlement Programme to address inequality in land allocation.

(b) Over the past 22 years, the Government has spent N\$ 645 million to acquire farms for resettlement, and so far 5000 households have been resettled on 311 farms.

(c) Government allocates N\$50 million annually to the Resettlement Programme as per Cabinet directive.

(d) The Communal land registration project which helps to identify and secure existing land rights in the northern communal areas under the terms of Communal Land Reform Act of 2002 Act, prescribes reallocation of land to a spouse or dependents upon the death of the land rights holder. This Act therefore secures land tenure for women.

Access to land in urban areas

35. Access to land in urban areas is also one of the problematic areas in Namibia. Land in urban areas has become so expensive to the extent that ordinary Namibians cannot afford to purchase it. However, the Government has introduced policies and interventions to address this in order to ensure and promote access to land in urban areas:

(a) The Flexible Land Tenure Act 2012 promulgated in June 2012 – provides for alternative forms of land title that are simpler and cheaper to administer than existing forms of land title. The Act makes provision for the security of title for persons of lower income housing or persons living in informal settlements. Land right Offices are proposed to be located in proximity with communities for easy access and quick delivery of land.

(b) Work is ongoing for the New Urban and Regional Planning Bill which aims to decentralize urban planning and land use management and to simplify legislation on zoning, subdivision and consolidation of urban land.

Affordable housing

36. The high cost of housing is a result of the scarcity of land especially in the urban areas. However, the following factors and interventions should be taken into consideration:

(a) Namibia imports most of its products used in its production of goods and services and the provision of housing in Namibia is therefore a costly exercise.

(b) Factors fuelling the high cost of housing are the cost of materials, servicing of the land, and labour. Namibia specifically has a limited number of surveyors to service the land.

(c) Government injected around N\$500 Million and N\$470 million in 2011/2012 and 2012/2013 respectively to the Ministry of Regional and Local Government, Housing and Rural Development (MRLGHRD) under the Targeted Intervention Programme for Employment and Economic Growth (TIPEEG) to service the land including the informal settlements.

(d) The Trust and Equity Fund for Regional/Local authority receives N\$6 Million annually

(e) The Build Together Project and Shack Dwellers Association aims to provide low cost housing for the lower income groups.

(f) The Ministry of Education has allocated 130 million to building houses for teachers in remote rural schools as an intervention to attract and retain qualified teachers.

Forceful evictions from land and informal settlements

37. The Government has initiated laws that prevent individuals from grabbing land illegally both in urban and rural areas. There are procedures that individuals have to follow in order to acquire land. The aim is to prevent anarchy in the acquisition of land.

38. Since independence, there has been a mushrooming of informal settlements especially in the outskirts of urban areas. The Government has been allocating funds to the Ministry of Regional, Local Government, Housing and Rural Development to service the land in the informal areas. There are many good examples throughout the country where places that were informal settlements have since been formalized. There have been only a few cases of eviction of persons from land in cases where they have occupied it illegally.

There has not been any case where the Government has evicted persons from the land that they have acquired legally; neither their spouses nor children left by their parents have been evicted from land. The Government has enacted laws and policies to prevent families or relatives from evicting spouses or children from the land that the former land right holders occupied before with them.

Unemployment

39. The Government acknowledges the fact that unemployment is high in the country and more needs to be done to generate more job opportunities especially among the youth. According to the Namibia Labour Force Survey Report 2008, the unemployment rate stood at 51.2% (broader definition) and 37.6% (strict definition). During the Labour Force Survey 2004, the unemployment rate was 51.2% (broader definition) and 37.6% (strict definition). When calculating unemployment figures, Namibia abides by international principles as set out by International Labour Organisation (ILO) that allow employment of persons of 15 years and above, while the Namibia Constitution allows employment of persons from 18 years and above. Going by the Namibia Constitution, the figures of unemployment for 2008 could have been lower at about 49%.

40. Since 2008, the Government continued to increase its efforts to provide more job opportunities to the population, and according to the Namibia 2011 Population and Housing Census the unemployment in Namibia now stands at 37% as opposed to the 51.2% unemployment rate from the 2008 Namibia Labour Force Survey. As is evident by these figures, the Government's efforts to reduce poverty and raise the standard of living for its citizens remain a priority.

41. Furthermore, when the high unemployment figure was released in 2008, the Government commissioned an Employment Summit in September 2010 with all relevant stakeholders to deliberate on the matter and find an amicable solution to solve the unemployment crisis in the country. The Summit culminated into the concept of the 'Targeted Intervention Program for Employment and Economic Growth' (TIPEEG) to address the situation of unemployment in the country.

(a) The Targeted Intervention Programme for Employment and Economic Growth (TIPEEG) was identified as a Government short term intervention to address the high rate of unemployment in Namibia. The programme has been designed through a consultative approach whereby all relevant stakeholders were invited and designed a common course towards reducing the high rate of unemployment in the country.

(b) Implementation of TIPEEG focuses on areas that have potential to stimulate economic growth and create employment namely: Agriculture, Tourism, Public Works, Transport and Logistics, Housing and Sanitation. During the first year of TIPEEG implementation 2011/2012 an expenditure of N\$4.8 billion out of an allocation of N\$5.5 billion was spent which translated in an execution rate of 87%. A total of 26,292 job opportunities were created (7,803 are permanent while 18,489 are temporary).

(c) During 2012/13 financial year, the allocation was N\$4.02 billion and by November 2012 an amount of N\$2.2 billion was spent accounting for 55% execution rate and 8,571 jobs created so far.

(d) Even though there are high levels of skill deficits in Namibia, TIPEEG has benefitted the unskilled labour force through skills transfers and improving income at households level.

(e) TIPEEG has had spill- over effects such as increasing community savings to start community projects which improve the welfare of communities.

(f) Other interventions complementing efforts of TIPEEG is the newly launched Small Medium Enterprise (SME) Bank to empower local people and micro loans via the Micro Finance Bank

(g) Notwithstanding the above, the Government will continue to address problems facing TIPEEG such as skills deficits that prevent local people at periphery level from benefitting fully from the TIPEEG activities such as tenders.

Economic growth and employment opportunities

(a) The Government has acknowledged that the previous steady economic growth at 3% for the past NDP3 has not created much needed employment opportunities. That is why during the formulation of NDP4 the Government observed that it is worthwhile to focus on only a few goals rather than to focus on more goals like in the case of NDP3 which had 21 goals. The NDP 4 currently focuses on three goals namely: Increased Income Equality, Creating Employment and High and Sustainable Economic Growth.

(b) However, cognizance should be taken of the fact that the Namibian economy depends mostly on export of raw materials and less on value additions in the country. Lack of value addition in the country deprives Namibia to create more employment opportunities. Despite steady economic growth, the 2008 global economic and financial meltdown affected the mining sector which normally contributes significantly to GDP growth and this led to the rise in unemployment in the country through retrenchment of the labour force particularly in the labour intensive industries such as mining.

(c) During the NDP4 period, the target for annual average economic growth is set at 6%. This may be possible as the focus is more on productive sectors that have the potential to generate high economic growth while at the same time creating much needed job opportunities.

Reform of family laws

42. Article 14 of the Namibian Constitution states that:

“Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. **The family is the natural and fundamental group unit of society and is entitled to protection by society and the State**”.

43. In addition to the constitutional provision the Divorce Act makes it difficult to institute divorce actions on the grounds other than the four grounds recognized in the Act. In Namibia marriages are solemnized by a marriage officer in the magistrate court and by a Pastor or Priest of various churches, but in order to protect the family, divorce can only be instituted and be granted by the High Court.

44. As stated under Article 16 of Namibia’s first Country Report under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – in Namibia the concept of “family” goes far beyond the nuclear family to include grandparents, aunts, uncles, cousins as well as in-laws..

Civil and customary marriages

45. Namibia has slightly over 28 % of the population aged 15 years and above who are either married under civil or traditional laws. Only 19% are married under civil law. Those who never married constitute the highest proportion, which is 56%. 7% of the population is made up of couples on consensual unions, in other words, they consider themselves married but have not formalized the union either legally or traditionally. The proportion of the widowed and divorced/separated population is close to 7%.

46. Article 14 of the Namibian Constitution provide that marriage shall be entered into only with the free and full consent of the intending spouse between a men and women of full age without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status. However, civil marriages in Namibia are contracted by the Marriage Act No 25 of 1961 and are further regulated by the Married Persons Equality Act, Act 1 of 1996. Both men and women of 18 years and older, have the right and are allowed by law to marry and found a family. The most important aspect of the Act was the abolition of the common law rule that the husbands had marital power over their wives. The effect of the changes was that married women became fully emancipated, with the right to enter into contractual agreements, own property, act as directors of companies and bind themselves as surety. Customary laws do not set a minimum age for marriage, but marriage generally does not take place before puberty, or before the attainment of an acceptable level of social maturity. Family consent is generally required for a customary marriage to take place. In most communities the consent of both the intending spouses is generally necessary as well. A customary law marriage involves a series of negotiations between two families and creates rights and responsibilities between all family members. Customary law marriages never enjoyed legal recognition prior to Independence, primarily because of their polygamous nature.

47. Despite the retention of customary law under Article 66 of the Namibian Constitution, the legal status of customary marriages remains dubious, because customary law marriages do not enjoy legal recognition. The Law Reform and Development Commission (LRDC) has recommended an enactment of legislation on the recognition of customary law marriages. To this extent a report was published by the LRDC in the form of Project 7. The recommendations contained in that report remain intact for consideration by Cabinet. The report is readily available. There is a draft Bill in place called: The Recognition of Customary Law Marriages Bill. This Bill if enacted will provide for the full legal recognition of marriages concluded under the customary law applicable and will specify the requirements for such marriages. It will further provide for the registration of such marriages as well as the matrimonial property consequences of such marriages. This Bill is also aligned to Article 10 of the Namibian Constitution to ensure that it is non-discriminatory in nature.

Equality in family law and protection from exploitation and violence

48. The Married Persons Equality Act No 1 of 1996 has been identified as a milestone in the area of family law. This legislation removes discrimination against married women in the context of civil marriages. The Act abolished the marital power of the husband under common law. The married woman can also enter into a legal contract without the consent of the husband. In addition, the Law Reform and Development Commission (LRDC) is tasked to review existing legislation which is unconstitutional and discriminatory in nature. Currently the existing laws applicable to succession and estates are discriminatory in nature and needs urgent reform. In this regard, the LRDC has embarked upon a project reforming the law in this area. This is called Project 6 and a report on the project has already been

submitted to Cabinet with various recommendations. A copy of this report is readily available. The project proposes the total deletion of all discriminatory laws and the replacement thereof with uniform laws which recognize customary practices which are not in conflict with the Constitution of Namibia. Article 10 of the Namibian Constitution remains the guiding principle for this reform of law. A draft Intestate Succession Bill is also in place and will be tabled within the near future.

49. The Maintenance Act No 9 of 2003 stipulates that parents have a legal duty to maintain their children. Both parents are responsible for the support of their children regardless of whether the children were born inside or outside of wedlock and whether or not the parents are subject to any other system of customary law which may not recognize one or both parents' liability to the child. This new Act is important because it provides relief for women who are most often left as the sole caregivers to children. Under the previous Maintenance Act of 1963, it was far more difficult for women to obtain a maintenance order against an unemployed father, even if the man held substantial quantity in livestock and other property. However, under the new Maintenance Act, the petitioning parent can be paid maintenance in kind such as with goats or cattle.

50. Under Namibian law children are regarded as minors until the age of 21 when they become majors and are entitled to enter into legally binding contracts. However, children above the age of 7 years may be assisted by their legal guardian to enter into legally binding contracts. In terms of the Combating of Rape Act, Act 7 of 2000 girls under the age of 16 and boys under the age of 14 years cannot consent to sexual intercourse. A minor may attain the majority status if he or she is emancipated. The Law also prohibits employing a child of 14 years old and below.

51. The media described the year 1999 as the year of gender based violence which prompted law reform. Women's groups were set up to lobby the Government for law reform in the area of violence against women. This resulted in the enactment of the Combating of Rape Act No 8 of 2000, and the Combating of Domestic Violence Act of 2003. Recent research indicates that more than one-fifth of all violent crime reported to the Police is domestic violence. Since then policemen and women are receiving human rights training in gender and violence. 15 Women and Child Protection Units offices across the country offer special assistance in violence cases. NGO's and other civil society groups provide shelter facilities to which Government authorities refer victims of domestic violence. The Namibian Police Women and Child Protection Unit have also implemented a referral agreement with a local NGO that offers counseling to victims of trauma.

Additional legal and other measures in place safeguarding the wellbeing of the family

52. Maintenance Act, Act No 9 of 2003, the Act placed a legal duty on parents to maintain their children. The Act also applies to all the persons who have a legal duty to maintain another person regardless of the nature of the relationship.

53. Article 12 (1) (f) of the Namibian Constitution, protects individuals from being compelled to give testimony in court of law against themselves or their spouses.

54. The Criminal Procedure Act, Act No 51 of 1977 (CPA) also protect spouses from testifying in criminal cases against their spouses.

55. MVA Fund Act, Act No 10 of 2007 which replaced the old Act of 1991 and 2001: The new Act re-defines the purpose of the Fund from a fault based system in which negligence had to be proven before a claimant could get compensated; to a 'no fault' based

system where the focus has shifted to a system geared towards providing a social security safety net for individuals and families involved in motor vehicle accidents.

56. Government Institution Pension Fund (GIPF). The Fund was created to manage and payout the pension and other benefits of the public service employees. The rules of the Fund require that every employee should nominate his or dependent(s) as beneficiaries in case of his or her death.

The Government's position on the Basic Income Grant (BIG) Project

57. The Government has taken note of discussions on the BIG. The Government's stance to this project is that the introduction of this grant is not affordable, given the meager resources at the Government's disposal. The Government addresses extreme poverty through various grants such as social and disability pensions, war veteran grants, allowances for orphans and vulnerable children grants and subsidies to assist needy people e.g exempting the poor from paying user fees to access health, primary education and subsidies for agricultural services. However, should the BIG be seen as a priority by Government, then there is a need to abolish these existing grants and subsidies to make the savings necessary for the introduction of the Basic Income Grant.

58. The Government is more favourable to the discussions on the Basic Poor Household grant that is proposed to target poor households instead of a universal basic income grant that targets everyone whether one is rich or poor.

Conclusion

59. While certain premises in the Report could have taken the current reality of Namibia into account, we appreciate the analysis and recommendations of the Special Rapporteur. The Government will give them serious consideration and where applicable, use them to inform the process of review and reformulation of relevant policies and programmes. The Government of the Republic of Namibia remains committed to the efforts to alleviate extreme poverty through various development activities, following a multi-sectoral approach as well as through targeted social policies and welcomes a continuing exchange of views with the Special Rapporteur on Extreme Poverty and Human Rights and other UN mechanisms in the future.

60. However, the Government of the Republic of Namibia would also like in future for the Special Rapporteur to triangulate information provided to her by the informants. In some instance, generalization of an isolated case to a Namibia situation as if it is the norm in the country distorts the facts.
