



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
12 July 2022

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Namibia*

1. The Committee considered the sixth periodic report of Namibia (CEDAW/C/NAM/6) at its 1887th and 1888th meetings (CEDAW/C/SR.1887 and CEDAW/C/SR.1888), held on 17 June 2022. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/NAM/Q/6, and the responses of Namibia are contained in CEDAW/C/NAM/RQ/6.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/NAM/CO/4-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Gender Equality, Poverty Eradication and Social Welfare, Doreen Sioka, and included representatives of the Ministry of Education, Arts and Culture, the Ministry of Gender Equality, Poverty Eradication and Social Welfare, the Ministry of Justice, the Ministry of Labour, Industrial Relations and Employment Creation, and the Permanent Mission of Namibia to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's combined fourth and fifth periodic reports (CEDAW/C/NAM/4-5) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Combating of Trafficking in Persons Act (No. 1 of 2018);

* Adopted by the Committee at its eighty-second session (13 June–1 July 2022).



(b) Public Procurement Act (No. 15 of 2015), which entered into force in 2017 and provides preferential treatment for women-owned businesses in public procurement processes;

(c) Flexible Land Tenure Act (No. 4 of 2012), which came into force in 2018 and facilitates women's access to land.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National action plan on women and peace and security for the period 2019–2024;

(b) National plan of action on gender-based violence for the period 2019–2023;

(c) Domestic Wage Order and associated regulations of 2018, which set minimum wages for domestic workers and require employers to register domestic workers for social security benefits;

(d) National Development Plan 5 for the period 2017–2022;

(e) The introduction of free secondary education, in 2016;

(f) National plan of action for the implementation of the Committee's concluding observations on the combined fourth and fifth periodic reports of Namibia.

6. The Committee welcomes the fact that, in the period since the consideration of the combined fourth and fifth periodic reports, the State party has ratified the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization, both on 9 December 2020.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

Women's rights and gender equality in relation to the pandemic and recovery efforts

9. The Committee welcomes the adoption by the State party of response plans to address gender-based violence against women and girls during the coronavirus disease (COVID-19) pandemic and the continued issuance of protection orders during the pandemic (CEDAW/C/NAM/RQ/6, paras. 4 and 9). The Committee remains concerned, however, that women have been extremely affected by the pandemic, which has had a negative socioeconomic impact and driven up poverty rates, including among women employed in the informal economy. In particular, the Committee is concerned about the lack of information on measures taken to ensure that:

(a) Economic stimulus and relief packages specifically target households and businesses led by women, who were disproportionately affected by the pandemic (CEDAW/C/NAM/RQ/6, paras. 6–7);

(b) Women participate in high-level decision-making on COVID-19 response and recovery plans.

10. **In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party:**

(a) **Ensure that programmes and measures to mitigate the socioeconomic impact of the pandemic target all groups of women;**

(b) **Promote and facilitate the equal participation of women, including indigenous women and women with disabilities, in the State party's official national recovery programmes and related decision-making.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

11. The Committee welcomes the efforts undertaken by the State party to raise awareness among women about their rights, including by translating the Convention into local languages, and to disseminate the Committee's concluding observations and general recommendations to Members of Parliament and to the general public. However, the Committee notes with concern:

(a) The lack of information on capacity-building programmes for judges, prosecutors and lawyers;

(b) That the national database to track the implementation of recommendations by the Committee and other international human rights mechanisms has not yet been finalized.

12. **Recalling its previous recommendations (CEDAW/C/NAM/CO/4-5, para. 9), the Committee recommends that the State party:**

(a) **Provide systematic capacity-building to judges, prosecutors, lawyers, government officials, police officers and other law enforcement officials on the Convention, the Optional Protocol thereto and the Committee's general recommendations;**

(b) **Strengthen efforts to establish a national database, containing gender-disaggregated data, to track the implementation of the recommendations of the Committee.**

Legal status of the Convention and harmonization of laws

13. The Committee notes with concern the delays in finalizing the gender analysis of all customary laws undertaken by the Law Reform and Development Commission and in repealing the Native Administration Proclamation (1928), which discriminates against women in marriage (CEDAW/C/NAM/6, paras. 37 and 98).

14. The Committee recommends that the State party ensure the primacy of statutory law over customary law, which is enshrined in article 66 (1) of the Constitution, accelerate the review of all customary laws, and amend or repeal any laws that are incompatible with the Convention.

Definition of discrimination and legislative framework

15. The Committee notes the State party's efforts to adopt and amend legislation that has an impact on the enjoyment by women of their rights, such as the Combating of Rape Amendment Bill, the Combating of Domestic Violence Amendment Bill, the Marriage Bill, the Customary Marriages Bill, the Divorce Bill, the Maintenance Amendment Bill, the Uniform Matrimonial Property Bill, the Interstate Succession Bill, the Prohibition of Torture Bill and the Child Justice Bill (CEDAW/C/NAM/6, paras. 10–16). It also notes the adoption of the Repeal of Obsolete Laws Act (No. 21 of 2018). The Committee nevertheless notes with concern:

(a) The absence of a timeline to adopt the aforementioned bills;

(b) That article 10 of the Constitution continues to provide a limitative list of prohibited grounds of discrimination, which does not encompass discrimination based on marital status, and the absence of a comprehensive legal definition of discrimination in line with article 1 of the Convention.

16. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and the Committee's previous concluding observations (CEDAW/C/NAM/CO/4-5, para. 11), the Committee recommends that the State party:

(a) **Accelerate the adoption of all bills aimed at ensuring formal and substantive equality of women and men, and incorporate a gender-sensitive approach in all relevant legislation;**

(b) **Adopt a comprehensive legal definition to prohibit all forms of discrimination against women that covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with article 1 of the Convention, either by adopting other appropriate legislation and by including "marital and other statuses" among the prohibited grounds of discrimination in article 10 of the Constitution in line with article 1 of the Convention.**

Women's access to justice

17. The Committee welcomes the establishment of specialized courts to hear cases of gender-based violence (CEDAW/C/NAM/RQ/6, para. 17). However, it notes with concern:

(a) The insufficient increase in the qualifying amount for receiving legal aid that still excludes many women with modest income from eligibility (CEDAW/C/NAM/RQ/6, para. 14);

(b) The limited implementation of the Change Project that is aimed at supporting access to free legal aid (CEDAW/C/NAM/RQ/6, para. 15) and the lack of

information on further measures to increase access to justice for women, in particular women filing for divorce and bringing gender-based violence cases;

(c) That although rural and indigenous women receive information on access to the legal aid scheme, there are no specific measures in place to facilitate access to legal complaint mechanisms at the community level (CEDAW/C/NAM/RQ/6, para. 16).

18. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:

(a) **Enable women without sufficient means to claim their rights in legal proceedings in all areas of law;**

(b) **Increase funding for the State party's legal aid directorate in the Ministry of Justice and for the legal aid fund;**

(c) **Ensure that women, in particular rural and indigenous women and women filing for divorce or bringing gender-based violence cases, have effective access to justice in all parts of the State party.**

National machinery for the advancement of women

19. The Committee notes with concern:

(a) That the national gender policy (2010–2020) and the national human rights action plan (2015–2019) have not been renewed or extended;

(b) The lack of sex-disaggregated data that would enable adequate monitoring and evaluation of the implementation of the State party's policies and strategies to promote women's rights.

20. The Committee recommends that the State party:

(a) **Accelerate the adoption of an updated national gender policy and national human rights action plan, and ensure their effective implementation through adequate resource allocation and coordination mechanisms at the national and local levels;**

(b) **Define indicators for all gender equality objectives in national policies and strategies and strengthen the systematic collection of sex-disaggregated data.**

National human rights institution

21. The Committee notes that the Office of the Ombudsman of Namibia lacks a specific mandate to protect and promote women's rights.

22. The Committee recommends that the State party provide the Office of the Ombudsman with a specific mandate to promote and protect women's rights and to address complaints from women and girls in a confidential, gender-sensitive procedure.

Temporary special measures

23. The Committee welcomes the implementation of the Affirmative Action (Employment) Act (No. 29 of 1998) and of the Affirmative Action Policy on the participation of women in public life, as well as the measures taken to increase the representation by women in management positions and the introduction of a scorecard system to increase affirmative action at the workplace. The Committee is nevertheless concerned about the limited use of temporary special measures in other areas covered by the Convention, where groups of women are underrepresented or disadvantaged, such as:

- (a) The participation of women with disabilities in the workforce;
- (b) The representation of indigenous women in political and public life.

24. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures to accelerate substantive equality and eliminate intersecting forms of discrimination, such as:

- (a) Affirmative action for women with disabilities in the workforce, including improving the accessibility of physical spaces in both workplaces and educational facilities;**
- (b) Recruitment campaigns and substantive support mechanisms to encourage indigenous women to join the public service.**

Stereotypes and harmful practices

25. The Committee notes the State party's efforts to address discriminatory gender stereotypes and harmful practices, such as by conducting a study on child marriage, as well as awareness-raising campaigns targeting traditional leaders and men and boys. However, it notes with concern:

- (a) The prevalence of child marriage;
- (b) The persistence of discriminatory gender stereotypes and harmful practices, including child marriage, widow inheritance, sexual initiations and polygamy, in the State party.

26. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:

- (a) Address the root causes of child marriage, including by implementing the recommendations contained in its study on child marriage (CEDAW/C/NAM/RQ/6, para. 103);**
- (b) Initiate an in-depth participatory research study on those communities and the contexts in which of harmful practices, including polygamy, violent sexual initiation, grooming and cleansing, persist, continue to engage traditional leaders and communities in addressing gender stereotypes and harmful practices through awareness-raising programmes, particularly targeting men and boys, and develop a national strategy on the prevention of harmful practices.**

Gender-based violence against women

27. The Committee notes the adoption and implementation of the national plan of action on gender-based violence for the period 2019–2023, based on the recommendations made in the National Gender-Based Violence Baseline Study of 2017 (CEDAW/C/NAM/6, paras. 103 and 113). It also welcomes the establishment of gender-based violence protection units and of specialized courts, the existence of a gender-based violence helpline for adults and children and related awareness-raising campaigns. However, it notes with concern:

- (a) The delays in adopting the Combating of Rape Amendment Bill, the Combating of Domestic Violence Amendment Bill, the Sexual Exploitation Bill and the Harassment Bill;

(b) Reports on the high prevalence of intimate partner violence and other forms of gender-based violence against women, sometimes resulting in their death, including rape, sexual violence, sexual harassment and domestic violence, and the rise of gender-based violence against women during the COVID-19 pandemic, leading to public protests in 2020;

(c) That, in the National Gender-Based Violence Baseline Study of 2017, relationship factors, such as unequal power relations, alcohol abuse, child marriage and unemployment, were identified as the most important drivers of gender-based violence against women;

(d) The limited access for women, in particular rural and indigenous women and girls, to protection orders, reparations, shelters and psychosocial treatment and counselling.

28. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Adopt, without delay, the pending bills on gender-based violence, including on sexual violence;

(b) Implement the reforms announced by the State party in 2020 and assess their results, including in relation to the establishment of a sexual offenders registry, the review of sentences for sex offenders, amendments to national legislation to provide for ex officio prosecution in case of withdrawal of complaints about gender-based violence, the institution of gender-based violence protection units that are available 24 hours a day, seven days a week, the deployment of remote and mobile units to facilitate reporting, increased resource allocation to law enforcement agencies, and the inclusion of prevention of gender-based violence in curricula at all levels of education;

(c) Strengthen community support groups, male engagement programmes (CEDAW/C/NAM/6, paras. 114–115) and awareness-raising programmes, such as the national zero tolerance campaign entitled “Love is” (2015), and continue to provide capacity-building for health-care workers, police officers, professionals in the judiciary and civil society organizations in preventing and responding to cases of gender-based violence, supporting victims and protecting witnesses;

(d) Ensure that police officers trained in responding to gender-based violence are based at each police station, and ensure effective access to protection orders, reparations, shelters and psychosocial treatment and counselling for women and girls who are victims of gender-based violence in all parts of the State party.

Trafficking and exploitation of prostitution

29. The Committee notes the adoption of the Combating of Trafficking in Persons Act (No. 1 of 2018), the Baseline Study on Trafficking in Persons (CEDAW/C/NAM/6, para. 118) and the awareness-raising campaigns by the High-Profile Crime Investigation Division of the Namibian police. The Committee is nevertheless concerned about:

(a) Reports of trafficking in women and girls from, to and in transit through the State party;

(b) Underreporting and low prosecution rates in cases of trafficking in women and girls;

(c) The lack of victim support and shelters available to women and girls who are victims of trafficking;

(d) The absence of information on women in prostitution, particularly on support to women who wish to leave prostitution.

30. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

(a) **Finalize the national plan of action on trafficking in persons and allocate sufficient human, technical and financial resources for its implementation, including through cooperation with international organizations, and continue to provide capacity-building for law enforcement and immigration officers on the early identification of victims of trafficking and their referral to appropriate services;**

(b) **Intensify awareness-raising efforts aimed at encouraging reporting of trafficking in women and girls, especially in the tourism industry and through online recruitment, expedite prosecutions, and strengthen international, regional and bilateral cooperation with countries of origin, transit and destination;**

(c) **Continue to strengthen the national referral mechanism and its standard operating procedures, and provide women and girls who are victims of trafficking with access to shelters and medical, psychosocial and legal assistance;**

(d) **Analyse and address the root causes of prostitution and provide women and girls who wish to leave prostitution with exit programmes and alternative income-generating opportunities.**

Equal participation in political and public life

31. The Committee welcomes the measures taken by the State party to build the capacity of women in politics, including parliamentarians, local politicians and members of political parties, as reflected in the State party being ranked twelfth globally by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for the number of women in parliament and receiving the Gender Is My Agenda Campaign award in 2017 for its progress in promoting parity in decision-making positions. However, the Committee notes with concern:

(a) The continued underrepresentation of women in some areas of political and public life, particularly in the National Council, as well as in senior government positions, the foreign service, the public administration, the judiciary and in the Namibian Sports Commission;

(b) The lack of measures to ensure the equal representation of women and men candidates on electoral lists and the limited participation of indigenous women in political and public life.

32. Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:

(a) **Take measures to accelerate gender parity at the national and local levels of government, in particular in decision-making positions in the Cabinet, the judiciary, the public service, the foreign service and in sports commissions, and conduct awareness-raising campaigns and capacity-building to promote gender parity, positive masculinities and the participation of disadvantaged groups of women, including indigenous women and women with disabilities, in political and public life;**

(b) **Amend the Electoral Act to achieve gender parity and adopt temporary special measures, such as quotas, to increase the number of women candidates who are successful in regional elections, as well as the number of indigenous women elected to legislative bodies at all levels.**

Women and peace and security

33. The Committee notes with appreciation continuous efforts by Namibia and the important role it plays in promoting the inclusion of women in peace and security processes. It welcomes the adoption of a national action plan on women and peace and security for the period 2019–2024, and the launch of the Women, Peace and Security Centre. However, the Committee notes the lack of information on:

(a) The resources allocated to implement the national action plan on women and peace and security for the period 2019–2024;

(b) Mechanisms in place to ensure the effective participation of civil society in its implementation, monitoring and assessment.

34. **In line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, the Committee recommends that the State party:**

(a) **Ensure that adequate resources are allocated to implement the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security;**

(b) **Ensure that women’s rights organizations are effectively involved in the implementation, monitoring and assessment of the national action plan.**

Nationality

35. The Committee welcomes the establishment of an electronic birth registration system in all district hospitals (CEDAW/C/NAM/6, para. 51) and the decision of the Namibian High Court of 2021 recognizing a child of a Namibian parent born of surrogacy abroad as a Namibian citizen by descent. It is, however, concerned that:

(a) There is no legal framework regulating the citizenship of children born of surrogacy outside the State party;

(b) The State party has not ratified the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961;

(c) The number of unregistered births remains high, especially in rural areas;

(d) Women sometimes become victims of marriages of convenience with foreign men seeking to enter the State party.

36. **Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Adopt legal provisions providing for a child born to a Namibian parent of surrogacy abroad to acquire Namibian citizenship by descent;**

(b) **Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961;**

(c) **Continue to facilitate birth registration, including where mothers have no identity documents or when they are refugees or asylum-seekers, through the**

use of electronic birth registration systems, and strengthen efforts to deploy mobile civil registry units to issue birth certificates in rural and remote areas and in indigenous communities;

(d) Adopt the Marriage Bill and raise awareness to protect women in or at risk of marriages of convenience.

Education

37. The Committee welcomes the provision of free primary and secondary education, as well as of life skills lessons and age-appropriate education in sexual and reproductive health and rights in the State party. It also notes the dissemination of a career guidance booklet and engagement with girls to increase their interest in non-traditional fields of study. However, the Committee notes with concern:

(a) The lack of comprehensive education on sexual and reproductive health and rights for adolescents, including on responsible sexual behaviour, modern contraceptive use and prevention of sexually transmitted diseases, contributing to early pregnancy among school-age girls;

(b) The high dropout rate among pregnant girls and young mothers and the absence of information on the impact of programmes aimed at encouraging pregnant girls and young mothers to continue their education during and after pregnancy and on the availability of affordable childcare and livelihood support;

(c) Reported cases of corporal punishment and gender-based violence, discrimination and bullying in schools, particularly against indigenous girls;

(d) The underrepresentation of women and girls in non-traditional fields of study and career paths;

(e) The lack of hygiene products and sanitary facilities available to girls in school.

38. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote the importance of education for girls at all levels as a basis for their empowerment, and:

(a) **Ensure that all girls and boys in the State party have access to age-appropriate, evidence-based and scientifically accurate education on sexual and reproductive health and rights that covers responsible sexual behaviour, modern contraceptive use and prevention of sexually transmitted diseases and is free from discriminatory gender stereotypes;**

(b) **Strengthen the implementation, monitoring and evaluation of programmes in place to reduce school dropout due to early pregnancy and to promote re-entry into school of mothers after giving birth, and ensure that all pregnant girls and young mothers receive support that allows them to stay in school by providing free childcare facilities and livelihood support, including through the State party's scholarships and empowerment workshops, the Namibia Students Financial Assistance Fund and by implementing the sector policy on the prevention and management of learner pregnancy;**

(c) **Enforce the prohibition of corporal punishment enshrined in article 56 of the Education Act (No. 3 of 2020), and continue to implement capacity-building programmes on non-violent means of discipline under the National Safe Schools Framework (2018) and the awareness-raising programmes by the Ministry of Education, Arts and Culture;**

(d) **Promote participation by women and girls in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics and information and communications technology;**

(e) **Provide adequate sanitation facilities and free sanitary pads for girls in schools, including through the dignity project, and include age-appropriate training on menstrual management in school curricula.**

Employment

39. The Committee welcomes the measures taken to support women in starting businesses and to prevent sexual harassment, including by establishing the Tripartite Working Committee to implement the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization. However, the Committee notes with concern:

(a) The disproportionately high number of women who are unemployed;

(b) The continued vertical and horizontal segregation in the labour market;

(c) The widening gender pay gap;

(d) The fact that statistical data on sexual harassment in the workplace is limited to the cases lodged with the Office of the Labour Commissioner;

(e) The high proportion of women employed in the informal economy, and that the Social Security Act has not yet been amended to ensure maternity and social protection for women in the informal economy;

(f) The lack of information on the mechanisms in place to ensure that women domestic workers benefit from the employment conditions enshrined in the Domestic Wage Order of 2018.

40. **In line with target 8.5 of the Sustainable Development Goals on the promotion of full and productive employment and decent work for all women and men, the Committee recommends that the State party:**

(a) **Increase professional training for women and girls to reduce unemployment and ensure that the National Employment Service prioritize women as a target group;**

(b) **Address horizontal and vertical occupational segregation in the labour market, including by enforcing the Affirmative Action (Employment) Act (No. 29 of 1998) and the Affirmative Action (Employment) Amendment Act (No. 6 of 2007), strengthening the Employment Equity Commission, and increasing the availability of affordable childcare facilities;**

(c) **Ensure that the principle of equal pay for work of equal value is implemented, by (i) conducting regular labour inspections, (ii) applying gender-neutral analytical job classification and evaluation methods, (iii) conducting regular pay surveys, (iv) encouraging employers to publish a narrative with their gender pay gap data, with a view to better understanding the reasons behind the gender wage gap, and to take appropriate remedial measures, and (v) enforcing the principle of non-discrimination in remuneration of women and men enshrined in article 95 (a) of the Constitution;**

(d) **Enforce section 5 of the Labour Act (No. 11 of 2007) and take concrete measures to prevent sexual harassment in the workplace, including by specifically criminalizing sexual harassment, promoting codes of conduct at the workplace, raising awareness and providing legal assistance to victims;**

(e) **Increase the participation of women in the formal economy and ensure that women employed in the informal economy are covered by maternity and social protection;**

(f) **Increase the number of labour inspections by the Ministry of Labour, Industrial Relations and Employment Creation to ensure compliance with the Domestic Wage Order of 2018, in particular in rural areas and raise awareness on the complaint mechanism in place.**

Health

41. The Committee notes the progress reported in decreasing the mother-to-child transmission of HIV/AIDS and the high availability of HIV/AIDS test kits. However, the Committee notes with concern:

(a) The criminalization of abortion and the fact that exceptions are made only in cases of threat to the life of the pregnant woman or of the child, and in cases when the pregnancy is the result of rape;

(b) The decrease in the number of women who have access to antenatal care services and the increasing number of reported cases of abusive behaviour of health-care workers during labour and delivery;

(c) Women's limited access to safe abortion and post-abortion services;

(d) The low use of contraceptives despite their being available free of charge in all public health facilities (CEDAW/C/NAM/6, para. 157; CEDAW/C/NAM/RQ/6, para. 69);

(e) The limited access for women, including women with disabilities, indigenous women and lesbian, bisexual, transgender and intersex women, to sexual and reproductive health care;

(f) Reports indicating that the annual incidence of HIV/AIDS among adults aged 15 to 64 years and the rate of new infections are disproportionately high among women;

(g) The lack of information on the prevalence of forced sterilizations of HIV-positive women in the State party and that section 4 of the Abortion and Sterilization Act (No. 2 of 1975) allows for sterilization of women without their consent under certain conditions.

42. **The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party:**

(a) **Amend article 3 (1) of the Abortion and Sterilization Act (No. 2 of 1975) to decriminalize abortion in all cases and to legalize it, at a minimum, in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman, recognizing that the criminalization of abortion is a form of gender-based violence against women, in line with general recommendation No. 35 (2017) on gender-based violence against women;**

(b) **Investigate the recent decrease in the number of women receiving antenatal care, with a view to addressing its causes, and ensure respect for women's human rights and dignity in maternity care;**

(c) **Improve women's access to safe abortion and post-abortion services by addressing onerous administrative procedures for obtaining authorization and by engaging traditional leaders and civil society in campaigns to prevent stigma and discrimination against women and girls seeking safe abortion services;**

(d) **Increase access to quality family planning services and modern contraceptives for women of reproductive age, particularly women with limited income, and strengthen outreach services in rural areas by the Ministry of Health and Social Services;**

(e) **Ensure safe and appropriate access to sexual and reproductive health services free from discrimination, and disseminate information and clinical resource material to medical practitioners and to women, including women with disabilities, indigenous women and lesbian, bisexual, transgender and intersex women;**

(f) **Address the high prevalence of HIV/AIDS among women, implement the road map for the elimination of mother-to-child transmission of HIV and ensure access to free antiretroviral treatment;**

(g) **Conduct a study on forced sterilizations of HIV-positive women, and ensure that no sterilizations are performed without the free, prior and informed consent of the woman concerned.**

Economic empowerment

43. The Committee notes the Harambee Prosperity Plan II (2021–2025) and the National Development Plan 5 (2017–2022). It notes with concern, however:

(a) The high incidence of poverty in the State party, in particular in women-headed households;

(b) The limited access for women, in particular rural women, to bank loans and financial credit;

(c) The lack of entrepreneurship grants and training for women;

(d) The lack of information on the impact of the State party's efforts to expand the green economy on the economic empowerment of women.

44. **The Committee recommends that the State party:**

(a) **Take concrete measures to address poverty and ensure gender mainstreaming in its development plans;**

(b) **Ensure women's equal access to bank loans, mortgages and other forms of financial credit, such as low-interest loans without collateral and discounted loans through the Agricultural Bank of Namibia and the Development Bank of Namibia;**

(c) **Increase women's access to entrepreneurship grants, training and support provided, for instance, by the Ministry of Industrialization, Trade and SME Development and by the Community Conservancies, as well as under the Awome programme for decent work and economic security (2017–2020);**

(d) **Ensure that rural women participate in and benefit from the State party's green economy, such as the Community-Based Natural Resources Management Programme.**

Rural women

45. The Committee notes the quota for representation by women in Communal Land Boards in the Communal Land Reform Act (No. 5 of 2002) and that the Flexible Land Tenure Act (No. 4 of 2012) promotes women's access to land. However, the Committee remains concerned:

(a) At the lack of disaggregated statistical data on land ownership, including land ownership by women;

(b) That rural women have been disproportionately affected by the COVID-19 pandemic and lack access to basic services and social protection.

46. With reference to its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) **Increase women's access to land and their representation in related decision-making processes;**

(b) **Ensure rural women's access to social protection and basic services, such as health care, food, housing, electricity, mobile money-transfer systems, transportation, water and sanitation, including through food banks and assistance received from the Ministry of Land Reform and the Ministry of Poverty Eradication and Social Welfare.**

Women with disabilities

47. The Committee notes the National Agenda for Children, which ensures equal access to health care, education and support for children with disabilities (CEDAW/C/NAM/6, para. 23). However, the Committee remains concerned about:

(a) The barriers faced by women and girls with disabilities in receiving inclusive education;

(b) The high levels of unemployment among women with disabilities, their concentration in low-paid jobs, and the use of a medical approach to disability in section 5 (1) (e) of the Labour Act (No. 11 of 2007) and in section 18 (2) (b) of the Affirmative Action (Employment) Act (No. 29 of 1998);

(c) The difficulties faced by women with disabilities in obtaining access to food, housing and health-care services, including sexual and reproductive health services.

48. Recalling its general recommendation No. 18 (1991) on disabled women, the Committee recommends that the State party:

(a) **Fully implement the sector policy on inclusive education (2013), and ensure support to girls with disabilities in schools and the accessibility of school buildings, including hygiene facilities, and learning materials;**

(b) **Amend the Labour Act and the Affirmative Action (Employment) Act to include a rights-based model of disability and promote access to employment opportunities and leadership positions by women with disabilities;**

(c) **Monitor the distribution of the so-called "disability grant", social benefits and food aid, and design specific policies to increase affordable housing options and land ownership for women with disabilities, and ensure reasonable accommodation in health care.**

Indigenous women

49. The Committee notes that the Ministry of Land Reform provides seeds and ploughing services to the San community, which receives drought relief in the form of food and financial support for small-scale projects. Nevertheless, the Committee is concerned about reports that San women and girls continue to perform poorly in education and that they have limited access to employment and health services.

50. The Committee recommends that the State party implement measures to ensure that indigenous women and girls, including San women and girls, have

adequate access to education, employment, health care and economic empowerment services, in particular in rural areas.

Climate change and disaster risk reduction

51. The Committee is concerned about:

(a) The absence of information on the measures taken by the State party to ensure that climate change and energy policies, and specifically the policy on the extraction and export of oil and gas, take into account the differentiated and disproportionate impact of climate change and environmental degradation on women, especially rural and indigenous women;

(b) The insufficient measures taken to ensure that the authorization of oil and gas exploration and development in the Kavango region does not violate the rights of rural women and girls to have access to clean water, food and health care.

52. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) **Conduct environmental and human rights impact assessments in relation to oil and gas exploration activities in the State party, in particular their impact on women and girls, adopt appropriate mitigation and protections measures, and ensure the meaningful participation of women in consultations and decision-making processes in that context;**

(b) **Ensure that any decisions on oil and gas exploitation in the Kavango region are subject to the full, prior and informed consent of local communities, including women and girls.**

Marriage and family relations

53. The Committee notes that widows may inherit communal land from their deceased husbands under article 26 of the Communal Land Reform Act (No. 5 of 2002). However, it notes with concern:

(a) The delays in the adoption of the Marriage Bill, the Divorce Bill, the Uniform Matrimonial Property Bill and the Maintenance Amendment Bill;

(b) The absence of a minimum age of marriage for customary unions, that child marriage is only criminalized for girls under 16 years of age and that the term “full age” in article 14 (1) of the Constitution is not clearly defined;

(c) The statement by the State party that it “does not intend to abolish polygamy” and that it “does not consider it a harmful practice” (CEDAW/C/NAM/RQ/6, para. 26);

(d) Reports on the continued practice of depriving a widow of the property she shared with her husband, and the lack of information on the measures taken to ensure that women are not deprived of property after the dissolution of their marriage or union.

54. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) **Expedite the adoption of the pending bills to ensure gender equality in marriage and family relations;**

(b) Amend the Child Care and Protection Act (No. 3 of 2015) and the Marriage Act (No. 25 of 1961) to remove all exceptions to the minimum age of marriage of 18 years for women and men, clarify the meaning of “full age” in article 14 (1) of the Constitution, ensure that the minimum age of marriage of 18 years is applied to all marriages and unions in the State party, and support girls who are married by providing mechanisms to increase their access to education and vocational training and by providing information on sexual and reproductive health and rights;

(c) Encourage open and inclusive public debates in order to combat justifications of discriminatory practices in the name of culture and to develop consensus on impact of harmful practices, such as polygamy and child marriage, and continue the review of customary laws, jointly with traditional authorities and other stakeholders, to ensure that they are in conformity with the Convention;

(d) Inform women of their economic and property rights and provide legal assistance to women to claim those rights upon dissolution of a marriage or union.

Data collection and analysis

55. The Committee is concerned that disaggregated data is available in some, but not all areas of relevance to the realization of the rights of women, in particular regarding harmful practices, gender-based violence against women, trafficking, prostitution, sexual harassment in the workplace and government aid provided to women.

56. The Committee recommends that the State party strengthen its efforts to enhance the systematic collection, dissemination and analysis of data related to women’s rights, disaggregated by sex, age, ethnicity, religion, geographical location, disability and socioeconomic context, in all spheres.

Amendment to article 20 (1) of the Convention

57. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

58. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

59. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

60. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, to which it is not yet a party.

Follow-up to concluding observations

61. The Committee regrets the State party's failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its most recent concluding observations and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (b), 16 (a), 28 (d) and 54 (b) above.

Preparation of the next report

62. The Committee invites the State party to submit its seventh periodic report, which is due in July 2026. The report should be submitted on time and cover the entire period up to the time of its submission.

63. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ 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; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.