

NAMIBIA

CEDAW A/52/38/Rev.1 (Part II) (1997)

69. The Committee considered the initial report of Namibia (CEDAW/C/NAM/1) at its 336th, 337th and 342nd meetings, on 8 and 11 July 1997 (see CEDAW/C/SR.336, 337 and 342).

70. The report was introduced by the Director-General of Namibia's Department of Women Affairs in the Office of the President. She recounted that Namibia had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, without reservations, on 23 November 1992, within two years of gaining its independence. The Convention had served as a complement to a Constitution designed to promote the rights of women.

71. The Department of Women Affairs had been established shortly after independence in 1990. Its aim was to ensure the integration of women into the overall development process, to guide policy formulation, to monitor its implementation and to see that the gender component was always taken into account. The Department actively publicized the Convention and encouraged women to assert their rights. The representative explained that all government policies and programmes in Namibia would be guided by a more integrated gender policy to be finalized in 1997.

72. She explained that Namibia's initial report described nine gender-sectoral committees comprising representatives of governmental and non-governmental organizations who were consulted in the implementation of national programmes to ensure that all government policies and programmes were gender-sensitive.

73. The initial report, which had been submitted to the Secretariat in 1996, covered the period from 1992 to 1995. The representative summarized the report and supplied further information up to 1997, thereby giving an up-to-date summary of the situation in Namibia. She highlighted the Married Persons Equality Act, which had been passed since the submission of the report, and which provided for equality between spouses in financial transactions, marital property and guardianship of children.

74. The Committee was informed that the Department of Women Affairs was in the process of formulating a national gender policy, and that the Law Reform and Development Commission had responsibility for guiding law reform, which would remove all existing legal discrimination against women. Violence against women and children had emerged as one of the greatest challenges to the advancement of women in Namibia, and was perceived to be a widespread and serious problem despite a lack of current statistical information. Legislation was currently being enacted to address violence against women. Reports of rape and attempted rape were increasing annually, and there were calls for law reform in that area, as the current law remained discriminatory in some areas and was considered ineffective.

75. Religious beliefs, cultural practices and remaining inequities under general and customary laws were factors that continued to allow men to dominate women in the family context. Sexual stereotyping of women as mothers had led to difficulties for many women in choosing career paths other than motherhood. Regional gender workshops organized by the Government were being used

to combat sexual stereotyping.

76. The representative stated that there had been a slight improvement in the proportion of women in political positions, and that the impact of women in parliament would be strengthened by the Parliamentary Women's Caucus. She emphasized that the implementation of affirmative action would serve to attract the participation of more women in politics. Women still tended to be under-represented in senior positions in both government and the private sector. Namibia's first woman judge had been appointed since the initial report was completed, and the post of Ombudsman was occupied by a woman.

77. The Namibian Constitution guaranteed the right of education to all persons, and education was compulsory up to 16 years of age. Female enrolment had increased at every age level, and there had been a corresponding improvement in female literacy among younger age groups. Teenage pregnancy, which was common, was the biggest challenge to female educational advancement. It was a major factor in the school drop-out rate for girls.

78. Sex discrimination and sexual harassment in the labour sector were forbidden by the 1992 Labour Act. Equal pay for equal work was a mandate of the Act, although women currently worked in occupations that tended to be associated with low levels of remuneration. Rural women were the largest demographic group in Namibia.

79. Namibia's fertility rate was one of the highest in the world and the Government continued to be committed to reducing that rate through public campaigns and expanded family planning services. Abortion was illegal, except in cases of incest and rape and for reasons of health of the mother or baby. Legal abortions and infanticide were significant problems in Namibia, but the law on abortion and sterilization was under discussion. There was also a high incidence of polygamy in some communities. HIV and AIDS were increasing at an alarming rate, especially among women, as a result of their low social and economic status.

80. Workshops to implement the Beijing Platform for Action were being held nationally, and community programmes were being developed. The Convention and the Platform for Action were seen as complementary and of equal importance, but she noted that the implementation of both was affected by a lack of funds. She reminded the Committee that Namibia had made a firm commitment at the Fourth World Conference on Women to pay special attention in four areas: education, training and the girl child; women and law; violence against women and children; and health.

81. The representative concluded by stating that Namibia had made great strides in improving the position of women, although it would take more time to transform Namibia into a truly gender-equal society. That was a realizable objective because of the willingness of Namibian women to have their voices heard, and the progressive realization of the guarantees in the Constitution and the Convention, and the promises of the Platform for Action.

Concluding comments of the Committee

Introduction

82. The Committee thanked the State party for its report, which was both well-structured and contained detailed information. It also complimented the Director-General of the Department of Women Affairs in the Office of the President for her lucid and frank presentation.

83. The Committee was satisfied with the detailed analysis given in the report, which presented a clear and frank picture of the situation of women in Namibia.

84. The Committee commended the Government of Namibia for the peaceful transition to an independent State and for demonstrating general respect for the human rights of all people in Namibia.

Positive aspects

85. The Committee commended the Government of Namibia for ratifying the Convention without reservations so soon after its successful and long struggle for independence.

86. The Committee noted with satisfaction that non-governmental organizations had been involved in the preparation of the report.

87. The establishment of the Department of Women Affairs and the recent upgrading of the Department to cabinet level were also commended by the Committee. The Committee noted with satisfaction the achievements of the Department.

88. The Committee noted with appreciation the establishment of the Law Reform and Development Commission and the legal measures that had been put in place following the ratification of the Convention. It noted that they had contributed to the impressive progress towards gender equality.

89. The Committee welcomed the Married Persons Equality Act and looked forward to the enactment of the proposed Children's Act.

90. The Committee noted with satisfaction the positive developments in the area of women in decision-making and, in particular, the appointment in December 1996 of a woman as the first Ombudsman.

91. The Committee commended Namibia for the establishment of women and child abuse centres.

92. The Committee welcomed the appointment of the first woman judge.

93. It commended the Government for focusing on affirmative action as a means of closing the gap in gender equality.

94. The Committee welcomed the establishment of nine gender-sectoral committees and commended the programme of sensitization of parliamentarians and public officers with respect to the Convention.

Factors and difficulties affecting the implementation of the Convention

95. The Committee noted that women in Namibia continued to face persistent discrimination which arose out of some traditional and customary laws.

96. The Committee also identified the general lack of knowledge relating to human and legal rights as an obstacle to the implementation of the Convention.

97. The Committee noted that poverty afflicted the majority of the Namibian population and a majority of the poor were women. It considered that women's poverty made it difficult for them to fulfil their aspirations as guaranteed by the Convention.

Principal areas of concern

98. The Committee expressed its concern that the report did not address the Committee's general recommendations.

99. The Committee identified as areas of concern the lack of a time-frame in the implementation of affirmative action programmes and also the lack of programmes to sustain the objectives and achievements of those programmes.

100. The Committee was concerned with the lack of human rights education, as well as education for legal literacy, and advocacy programmes to achieve de facto equality.

101. The Committee was greatly concerned about the prevalence of domestic violence and the persistence of certain traditional practices which reinforced stereotyped attitudes and strengthened discrimination against women.

102. The Committee expressed concern about the fact that despite new laws, women, in particular those in the rural areas, were unable to own land.

103. The Committee was concerned that the issue of maternity leave was dealt with under article 4 of the Convention as it was of the view that such a measure was not a measure of affirmative action.

104. The Committee noted with concern that the Married Persons Equality Act did not sufficiently address discrimination in the family.

105. The Committee expressed concern that the health of prostitutes was not taken into account and that, unlike other women, they did not have access to health care.

106. The Committee noted with serious concern the low level of participation of women in higher education and the high drop-out rate of girls from the formal education system.

107. The Committee also expressed concern with respect to the current inadequacy of the law on rape and other forms of violence against women.

108. The Committee was concerned that pregnant teenage women were punished by expulsion from school.

109. The Committee noted with concern the incidence of discrimination against women in the labour market.

110. The Committee was concerned about the prevalence of polygamous marriages and the non-registration of customary marriages.

111. The Committee was also concerned about the high number of illegal abortions in Namibia and the high rate of maternal mortality, and the fact that the inadequacy of the existing law on abortion contributed to the problem.

112. The Committee expressed dissatisfaction with the fact that although the Director-General of the Department of Women Affairs had been upgraded to cabinet level she did not have the right to vote in the Cabinet.

Suggestions and recommendations

113. The Committee requested the State party to ensure that the Committee's general recommendations were addressed in Namibia's next report to the Committee.

114. The Committee stressed that the implementation of affirmative action measures should have time-frames and should include educational and other programmes that would sustain the objectives and achievements of existing affirmative action programmes.

115. The Committee recommended the adoption of an integrated programme for the full implementation of the Convention.

116. The Committee recommended that the Government intensify educational and advocacy programmes to achieve de facto equality and design and implement programmes that would redefine the roles of women and men in the family.

117. The Committee recommended that the Government introduce, at all levels, more educational programmes on human rights and legal literacy for women.

118. The Committee recommended that the Department of Women Affairs ensure that research was done to identify the customary laws that contravened the letter and spirit of the Convention and that attempts be made to replace those laws.

119. The Committee recommended that the Government ensure the effective monitoring of the implementation of all affirmative action policies and programmes.

120. The Committee recommended that the Government take immediate action to combat domestic violence. That should include such legal measures as amending the law on rape and extending it to include marital rape. The Committee also recommended that the State courts have sole jurisdiction

in cases of sexual violence, and that victims be given better privacy and protection during court proceedings.

121. The Committee emphasized the importance of measures such as improving the economic empowerment of women, to reduce their dependence on men and their vulnerability to domestic violence. The Committee also recommended that the Government introduce awareness-raising programmes for health professionals, the police and the judiciary to improve their understanding of the problem that violence posed for women.

122. The Committee recommended that the Government introduce measures and programmes, including affirmative action, to increase women's participation at all levels of the judiciary.

123. The Committee suggested that the Government should endeavour to bring about legal change with regard to land ownership by women, especially in rural areas.

124. Recalling its recommendations contained in general recommendation 21 in this regard, the Committee urged the Government to address the issue of polygamous marriages. The Department of Women Affairs should introduce an intensive programme to discourage polygamy.

125. The Committee recommended that the Government ensure, as soon as feasible, the registration of all customary marriages, so as to ensure that women could enjoy all rights that accrued as a result of marriage.

126. While the Committee recognized the need to sustain traditional courts, it urged the Government to ensure that those courts comply with the principles of the Convention in all respects.

127. The Committee recommended that the Government of Namibia adopt the necessary measures to review the laws containing punitive measures against women who had undergone illegal abortions.

128. The Committee recommended that the Government continue its collaboration with non-governmental organizations in implementing the Convention and reporting under it.

129. The Committee strongly urged the State party to encourage political parties in Namibia to encourage the participation of women and to take all appropriate measures in that regard.

130. The Committee requested the Government to address in its next report the concerns included in the present comments and to provide information on the implementation of the Committee's general recommendations.

131. The Committee requested the wide dissemination in Namibia of these concluding comments so as to make Namibians aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard.