



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

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

**List of issues and questions with regard to the consideration
of the periodic reports**

Namibia

The pre-session working group examined the combined second and third periodic report of Namibia (CEDAW/C/NAM/2-3).

Preparation of report

1. According to page 2 of the report, the process of finalizing the report to the Committee on the Elimination of Discrimination against Women was made possible by the effective partnership between government institutions, non-governmental organizations and private institutions. Please indicate which government departments were involved and the nature and extent of their participation, and if the report was adopted by the Government and presented to the National Assembly.

Constitution, legislation and national machinery for the advancement of women

2. The report indicates on page 9 that article 10 of the Namibian Constitution explicitly forbids sex discrimination. However, the report also indicates, on page 23, that sex discrimination under customary law continues to exist. Please indicate what measures are being taken to eliminate sex discrimination in customary law. In particular, indicate what is the status of the draft Community Courts Bill aimed at regulating the jurisdiction and powers of traditional tribunals to conform to the provisions of the Constitution.

3. The report states on page 28 that “no instances have been discovered in which government assistance has been sought or offered to combat instances of discrimination against women”. It also notes, on page 19, that, in order to address the lack of public knowledge about human rights and the law, the “Ministry of Woman and Child Welfare is currently busy conducting legal literacy workshops in

the various regions”. Please provide details on these legal literacy workshops, including the number of women that have participated in them.

4. According to page 26 of the report, the Gender Commission “shall be the legal body to reinforce the implementation of the [National Gender Policy]. However, this body is still non-existent because of the absence of an enabling Act”. What priority is being given to the enactment of the enabling act? What is the time frame envisaged for the establishment of the Gender Commission?

5. The report states on page 26 that, as part of designing a Gender Management System, a strengths, weaknesses, opportunities and threats analysis was undertaken, which revealed a number of bottlenecks that continue to pose challenges to the process of gender mainstreaming. What steps are being taken to eliminate these bottlenecks? What efforts are being made by the Government to ensure that there is adequate allocation of both human and financial resources for the implementation of the National Gender Policy?

6. Has the National Gender Plan of Action (1998-2003) been reviewed? What were the challenges and successes recorded in the implementation of the Plan of Action?

7. The report notes on page 27 that “there is limited gender disaggregated data and access, and therefore gender analysis cannot be actively done”. Please indicate how the Government intends to remedy this situation and initiate a process of systematic collection of sex-disaggregated data in all areas of the Convention for use in analysis and impact assessment of measures taken.

Discriminatory practices and stereotypes

8. The report states on page 11 that “it is commonly known that men still dominate women and this is reinforced by religious beliefs, cultural practices and remaining inequities under both general and customary laws”. Please provide information on the measures that have been taken or are planned in order to combat discriminatory practices and stereotypes which place obstacles to women’s advancement, and how the Government monitors the impact of such measures. In responding to this question, please give particular attention on initiatives taken or anticipated for rural areas.

Violence against women

9. According to page 30 of the report, “Each year about (600) cases of rape and 150 cases of attempted rape are reported to the Namibian Police. Experts believe that only about one out of every 20 rapes that take place is reported to the police”. What measures have been taken to improve women’s access to justice, including measures to encourage reporting to the police by women who have been raped? What structures are in place to assist victims of rape?

10. The report describes on page 32 four cases of men who have raped girls which have been dealt with under the Combating of Rape Act (Act 8 of 2000). Are these the only cases of prosecutions undertaken under the Combating of Rape Act?

11. Please indicate how many cases have been brought to court and prosecuted under the Domestic Violence Act (Act 13 of 2003) since its entry into force, as well as the results of those cases and the number of women victims who have been compensated for violations under the Act.

12. According to page 32 of the report, “power relations, unemployment and substance abuse rank among the contributing factors to domestic violence”. What steps have been taken to address domestic violence, including its causes and contributing factors?

Exploitation of prostitution and trafficking

13. The Committee, in the concluding comments on the examination of the initial report of Namibia in 1997, 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. Please indicate the steps taken to ensure that women prostitutes have access to health care. Please also indicate the measures carried out to provide rehabilitation and support for the social reintegration of women who wish to leave prostitution.

14. According to page 41 of the report, “Although there is no evidence that trafficking is a widespread phenomenon in Namibia, there has been at least one case involving the transport of young Namibian women to South Africa for the purpose of sexual exploitation”. Does the Government intend to carry out a study in order to assess the prevalence of trafficking in women and girls in the country?

Participation in political and public life

15. According to page 43 of the report, women represent 44 per cent of local councillors, whereas they only represent 6.9 per cent of regional councillors and 22.1 per cent in Parliament. The report indicates that this may be due to the fact that affirmative action has been applied in the local councils and not in the regional councils or in Parliament. Does the Government intend to make use of temporary special measures in accordance with article 4.1 of the Convention and the Committee’s general recommendation 25, to achieve equal participation of women and men at the regional-council level and in Parliament?

16. What measures have been taken or planned to increase the participation of women at the senior management level in public service, currently standing at 24.1 per cent, as reported on page 11 of the report?

Education

17. In its concluding comments on the previous report of Namibia, the Committee noted with serious concern the high dropout rate of girls from the formal education system. What is the current dropout rate of girls and boys from the formal education system?

18. According to page 52 of the report, “pregnancy amongst learners is one of the social problems which prevents girls from continuing with their education”. The report highlights a number of measures which will be needed in order to implement the Policy on Pregnancy amongst Learners, adopted in 1997, as a way to support girls who become pregnant. Please indicate what is the status of the implementation of such measures and how they are contributing to enhanced school attendance and completion by pregnant girls and young mothers.

Employment

19. What steps has the Government taken, or planned, to reduce the unemployment rate among women, currently standing at 40 per cent, as reported on page 56 of the report, and what is the impact of such measures?

20. According to page 66 of the report, the Ministry of Woman and Child Welfare “supports women’s projects countrywide with seed money and training in business management, and aims to increase exposure of small businesses to new markets and methodologies of production”. Please indicate how many women have benefited from these projects, compared with the overall number of women who run small businesses.

21. Please indicate how national development plans or poverty reduction strategies that are in place in the country, including those aimed at achieving the Millennium Development Goals, integrate a gender perspective and contribute to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Health

22. In its concluding comments on the previous report of Namibia, the Committee expressed concern 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. The report indicates on page 29 that the Ministry of Health proposed a draft law on abortion in 1996 but it was withdrawn in 1999 because a majority of Namibians were not in favour of the law. Are there any new efforts being undertaken to change the Abortion and Sterilization Act (Act 2 of 1975), which makes it a crime for a woman to seek an abortion, or terminate her own pregnancy, except in very narrow circumstances? Please also provide information on activities that have been planned to sensitize the community on the dangers of illegal abortion.

23. In view of the high rate of HIV infections among women (53 per cent, as reported on page 62 of the report), has the Government included a gender perspective in the strategic operational plan on HIV/AIDS developed by the Ministry of Basic Education, Sports and Culture and the Ministry of Higher Education in 2001?

24. According to page 12 of the report, the health services that specifically affect women, such as screening for breast and cervical cancer, are the least available. How does the Government intend to address this situation with a view to improving women’s access to these types of health services?

Rural women

25. According to pages 67 and 68 of the report of the Communal Land Reform Act (Act No. 5 of 2002) provides for traditional authorities to “promote affirmative action amongst the members of the community”, particularly “by promoting women to positions of leadership”. In view of the fact that the Act does not contain a specific monitoring or enforcement mechanism, what measures, including awareness-raising measures, have been taken, or are envisaged to ensure that rural women are promoted to positions of leadership in traditional authorities?

Marriage and family relations

26. Does legislation grant women the right to property and inheritance on an equal basis with men? Please provide details.
 27. What is the status of the consultations between the Ministry of Justice and traditional leaders in the regions on the formulation of a bill on the registration of customary marriages, as referred to on page 68 of the report?
 28. What steps are being taken to discourage polygamous marriages?
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