

RESPONSES TO QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE CONSIDERATION OF THE EIGHTH TO TWELTH PERIODIC REPORTS OF NAMIBIA (CERD/CINAMJ12)

1. Information on the Socio – Economic Status of different ethnic groups

Information to be provided at a later stage

2. Aligning of the definition of Racial Discrimination in article 1<sup>o</sup> of the Act to that of the Convention

3. Law Reform and Development Commission – reviewing discriminatory legislations, and the repudiation of discriminatory provisions in laws dating back to colonial times

Prior to the independence of Namibia, we had various systems which dealt with the administration of deceased estates. One system was based on the Common Law (Roman-Dutch) as amplified by the *Intestate Succession Ordinance, 1946 (Ordinance 12 of 1946)*; The Other system was based on the *Administration of Estates (Rehoboth Gebiet) Proclamation 36 of 1941*; The third system was based on the various African Customary Laws as amplified by the *Native Administration Proclamation 1928 (Proclamation 15 of 1928)*.

These systems were largely based on racial distinctions, as the first system largely applied to the estates of white people, the second one applying to the Baster people and the last one applying to the black people. The problem was that there was discrimination against black people who died intestate as their estates would be reported to the Magistrates Office and not to the Master of the High Court. The Master of the High Court has effective systems of supervising the estates whereas the Magistrates did not supervise the estates at all.

There is a need to harmonize the systems to avoid any system based on racial distinctions. It is however very difficult to impose any system on a person as we are dealing with personal law here. To impose the systems based on the Roman-Dutch law on a person who has an African Customary Law basis as mode of life is difficult and may be unacceptable. Extensive and thorough consultation is necessary and that is why the reform of the administration of Estates was delayed.

Amendments were effected by the *Estates and Succession Amendment Act 2005 (Act No. 15 of 2005)* to remove the racial basis on which the distinctions were made for the estates. This Act repeals the discriminatory provisions of the *Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928)* as well as the *Administration of Estates (Rehoboth Gebiet) Proclamation, 1941 (Proclamation No 36 of 1941)*.

The effect of this Act is that racial distinction will not play a role in the administration of the Intestate Estates. The Act further provides that small estates (estates below N\$100 000) will be reported to the Magistrates Offices. It is still possible to apply the rules of the African customary law, within the

confines of the Namibian Constitution, to the Intestate Estates of the black people who led a life based on the customary law. The same applies to the estates of Baster people.

The Law Reform & Development Commission has been seized with this matter and a report with recommendations will be forwarded to the Minister of Justice, by the end of August 2008, for further action. The Law Reform & Development Commission has consulted broadly on this matter. Traditional authorities, the Law Society of Namibia, Magistrates, University of Namibia are some of the stake holders who have been consulted in this process. The major difficulties of having a single system are occasioned by the differences in the customary law rules and the common law rules.

The Customary law rules are mainly based on the male relatives of a deceased inheriting to the exclusion of the surviving spouse and children of the deceased. The system based on the common law read with the *Intestate Succession Ordinance (12 of 1946)* provides for the surviving spouse and the descendants of the deceased to inherit the estate. There are various options to be considered, which emerged during the consultations.

#### Option 1 - TWO PATHS

The customary law estates will be dealt with in accordance with various African customs provided it complies with the Namibian Constitution and does not discriminate against women and children. The other estates will follow the common law rules as amplified by *Ordinance 12 of 1946*.

#### Option 2 - ONE PATH FOR ALL

All the Intestate estates should go to the surviving spouses and children. This will be in line with *Ordinance 12 of 1946*. The downside of this approach is that the customary laws rules are largely overruled and might not be accepted by those living a customary mode of life.

#### Option 3 - COMPROMISE APPROACH

The intestate estate must be divided and a fixed percentage be given to the surviving spouse and children and the other percentage be given to the customary heirs.

These options will be considered at a higher political level before the parliament can enact a specific law.

#### **4. Special measures for certain communities:**

Yes additional programs have been taken to accelerate the integration of the San people into the mainstream of our economy. It is indeed the Government's policy that all decisions must involve communities concerned through our participatory decision making process. The San Development Program of 2005 involved all of our most marginalized people of our country regardless of their background and this included their Traditional Authorities regardless of whether they are recognized or not. It is very important to point out that most of our San

Traditional Authorities are recognized by government. It is government policy that all people of Namibia should be involved in development of their communities and that they should be consulted accordingly. Furthermore, the San Development Program was recently extended to include the community of Ovahimba (Ovatue) in the Kunene Region. The aim was to resettle them in new villages as some of them have been living in the mountains for most of their lives.

#### **5. Measures taken to accelerate the process of Affirmative Action**

More information will be provided at a later stage.

#### **6. Measures to facilitate the establishment of NGOs**

During December 2005 Government adopted the Government of the Republic of Namibia Civic Organisations Partnership Policy. The overall goal of the policy is for the Government, in consultation with civil society to create a "Working Partnership", a partnership that works for the entire country, its citizens and their civic organisations and for the Government.

Indeed Vision 2030 see the Partnership policy as the means of ensuring that civic organisations are an integral part of policy and decisions making and implementation on issues affecting the nation.

Government agencies such as the Electoral Commission, the Office of the Ombudsman, the Anti-Corruption Commission, and Councils, the Social Security Commission, the Women and Child Protection Centres, Law Enforcement agencies etc established by Acts of Parliament, all have a history of collaborating with individual citizens, groups of citizen and civic organisations. Together with civil society they ensure good governance, promotion and protection of human rights, stability and social security.

NGO's and civil society organisations whose interests are the promotion and protection of human rights and freedoms take a holistic approach to the issues of human rights. There is no NGO that deals exclusively with the Combating of racial discrimination or the Combating of Violence against women and children, etc.

#### **7. Measures taken to enforce the prohibition of the ideology and practice of apartheid**

These measures are the passing of the Prohibition of Racial Discrimination Act.

#### **8. Measures to ensure equal access to education by all**

Schools in Namibia have all been desegregated in line with the constitution of the country and the Education Act, 2001 (Act 16 of 2001). The different classification of schools belonging to different racial groups has all but disappeared. All Government Schools are now open to all Namibians regardless of race, colour,

repealed in whole section 83 of the laws that dealt with various Education Ordinances, Proclamation and Acts for specific racial groups from Ordinance 27 Of 1962 through to the National Education Amendment Act, 88 (Act 12 of 1988).

**9. Measures taken to give full effect to the provisions of article 4 of the Convention and those taken to deal with the verbal attacks on minority groups**

Information on this issue will be provided ~~at a later stage~~

**10. Further information on cases in which refugees and asylum seekers were denied the right to access to courts**

The rights of Namibians, non-Namibians, including refugees and asylum seekers are provided under chapter 3 of the Namibian Constitution, particularly articles 10, 11 and 12. In Namibia refugees and asylum seekers are given the same treatment like Namibian nationals when it comes to access to court. They have the same rights of access to court and their rights as litigants are observed through fair trial processes.

**11. Does the Traditional Authorities Act include all indigenous groups, including the San and Damara communities?**

The Traditional Authorities Act, Act 25 of 2000 includes all indigenous groups. The government has recognized about 42 Traditional Authorities in terms of sections 2, 5 and 6 of the Act. These also include the San and the Damara ethnic groups.

Five (5) Damara ethnic groups have been recognized and additional two (2) are in the process of being recognized. Three (3) San ethnic groups have been recognized and two (2) have been recommended for recognition.

**Recognised Damara Traditional Authorities:**

!Gobanin	-	Omaheke Region
/Khomanin	-	Khomas Region
Tsoaxudaman	-	Erongo Region
!Oe#gan	-	Erongo Region
!Gaiodaman	-	Kunene Region

**Damara Traditional Communities in the process of recognition:**

Aodaman	-	Kunene Region
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### Recognised San Traditional Authorities:

Ju/'hoan	-	Otjozondjupa Region
!Kung	-	Otjozondjupa Region
Hai-//om	-	Kunene Region

### San Traditional Communities recommended for recognition

!Xoo	-	Omaheke Region
#Kao-//-Aesi	-	Omaheke Region

### 12. Land Acquisition for resettlement purposes

In order to address the question of *land reform effectively* the government established the Ministry of Lands and Resettlement (MLR). Since its inception the ministry had firmly dealt with land redistribution.

Land redistribution means the distribution of land afresh because it was distributed before in a different manner using different modes and different beneficiaries. There are policies and directives that give guidance on how land should be distributed, namely,

- Agricultural (Commercial) Land Reform Act
- National Land Policy
- Resettlement Policy
- Communal Land Reform Act.

Land reform is a process in terms of which land is acquired through the systems of:

- Willing Buyer - Willing Seller or
- Through expropriation where the state feels the land is suitable for resettlement purposes.

The processes right from the acquisition to resettlement are made in terms of transparent and democratic means;

#### a) Willing Buyer – Willing Seller process

Before a farm is purchased, the landowner offers it for sale to the government. After the land had been offered, the offer has to be assessed to determine its suitability for resettlement purpose, and the report will be discussed by the Land Acquisition Committee. If the farm is found to be suitable for resettlement, government valuers and the landowner enter into negotiations for a price mutually agreeable to both parties. If the farm is found to be unsuitable for resettlement purpose, a WAIVER CERTIFICATE will be issued to the land owner. In event that the farm is to be

However if there was no price agreement reached at the end of negotiations the parties can take the matter to the Lands Tribunal. This body is established under the Act for the purposes of arbitration. The Land Reform Advisory Commission was established to advise the Minister of Lands and Resettlement on matters related to land reform and the resettlement programme. It is composed of different people drawn from different institutions and by virtue of their experiences and varying expertise.

**b) Land Expropriation Process:**

According to Article 14 (1) of the Agricultural (Commercial) Land Reform Act the Minister of lands and Resettlement may, after consulting with the Land Reform Advisory Commission (Article 3), decide to expropriate any farm identified as suitable for resettlement.

The Minister will have to serve the owner with a letter of intent or representation with the intention to negotiate the sale of his or her property.

In the event that no agreement is reached, the Minister will have to serve the owner with an expropriation notice, which must include a clear and full description of the property in question, the date of expropriation and the date upon which the state will take possession of the property (Article 20 (2) which should not be more than six months after the date of notification of expropriation.

Upon receipt of the expropriation notice, the owner is required to prepare and submit a claim for compensation to the Minister of Lands and Resettlement, who represents the acquiring authority under Article 22(1) (b). Where an amount of compensation is already offered in the expropriation notice the owner who receives the notice may formally state to the Minister whether or not he or she accepts the expropriation and the amount offered as compensation (Article 22 (1) (a). This must be done within 60 days of the date from which the expropriation notice was served (Article 22 (1).

The expropriation notice will be followed by an inspection and valuation of the property. A counter-offer to the owner's claim for compensation is possible, should the Minister deem the owner's claim for compensation to be excessive (Article 23).

If the owner does not accept the Minister's offer, the Minister has to inform the owner that he or she has 90 days from the date of notice to make an application to the Lands Tribunal in terms of Article 27 of the Agricultural (Commercial) Land Reform Act for the determination of compensation (Article 23 (4) (a).

If no agreement can be reached between the Minister and the owner, the Land Tribunal will determine the compensation to be paid for the expropriated property (Article 27 (1).

In Addition the land owner can still request for a review through the court by lodging his or her case with the Supreme Court.

**c) Resettlement**

Resettlement in Namibia is defined as a voluntary movement of individuals or families, from a place or area due to poor social conditions, to an area or place designated by the government, where land and other social amenities of life can be provided. The objective of the resettlement programs in Namibia is to distribute or allocate land to previously disadvantaged landless citizens on which they can derive a

After the farm has been acquired, advertisements are gazzeted, farm units are always advertised in print media country wide for landless people to apply through the prescribed form. By analyzing the applications for resettlement and judging the applicants on the basis of their economic status, government classified the categories of settlers as follows;

- i) People who have neither land, income nor livestock;
- ii) People who have neither land nor income but few livestock;
- iii) People who have no land but have income or are livestock owners, but still need land to be resettled on with their families and to graze their livestock

Group members targeted in the resettlement programme within the Ministry of Lands and Resettlement are:

- a) San Communities;
- b) Ex Soldiers;
- c) Returnees;
- d) Displaced persons;
- e) People with disabilities and
- f) People from overcrowded communal areas.

Various committees represent a wide spectrum of the community interests. There are Regional Resettlement Committees chaired by the Regional Government and the LRAC. It is therefore after the application of an individual had been considered by the Regional Resettlement Committee that it is referred to the Land Reform Advisory Committee for recommendation for approval by the Minister of Lands and Resettlement.

### **Land Rights:**

A total of five tenure systems are being implemented in Namibia, namely,

1. Freehold tenure
2. Customary land tenure
3. Leasehold tenure
4. Grazing rights
5. Flexible land tenure
6. State ownership

**Freehold Tenure** refers to the rights of individual groups or companies to own land in Namibia. These rights are registered under the Deeds Office of the Government. All Namibians have equal rights to purchase land, be it commercial farms or residential plots.

**Customary land tenure** is the traditional tenure rights allocated by Traditional Authorities in Communal areas for residential and farming purposes. This tenure right is for life and is inheritable and transferable. Communal Lands Boards were established throughout the country and are entrusted to administer communal land as per provision of the Act. The Boards are also entrusted to keep records of all land allocated by both the Traditional Authorities and Communal Land Boards, i. e. all allocated land are surveyed and registered with

making it impossible for land rights to be granted on customary land. Community consultations are always done before a new customary land right is allocated.

**Leasehold tenure** rights are rights of individuals, groups or companies to rent state land for different purposes approved by the rightful owner. This implies that the lesser rents a piece to the lessee for business purposes. The maximum period of rights of leaseholds in Namibia is 99 years. Rights of Leaseholds are also granted through a number of structures, namely, Communal Land Boards, Traditional Authorities and or the Office of the Honorable Minister. Communal Land Boards cannot allocate rights of leaseholds without the consent of Traditional Authorities while Traditional Authorities also engage in wide consultations with communities and other stakeholders.

The Minister responsible for lands may designate by notice in the Government Gazette, in respect of the communal area of each traditional community, an area which the board may grant rights of leaseholds for agricultural purposes. These areas cannot be allocated for any other purposes except for agricultural activities. However, any person may also be allocated land for agricultural purposes outside designated areas by the Minister of Lands and Resettlement.

**Grazing rights** are rights of lawful residents on a particular area for the grazing of their livestock: i.e., an automatic right for all lawful residents. However, residents of other areas may be granted rights if available in a specific area by the traditional authorities in case of drought or other natural disasters. This implies that in communal areas, individual persons may not apply and be allocated grazing rights but graze communally in the commonage with all other lawful residents. The administration and management of grazing land is the responsibility of Traditional Authorities and Communal Lands Boards. The Act made provisions for the appointment of Appeal Tribunals whereby aggrieved persons may appeal to the Minister of Lands and Resettlement for the appointment of competent persons to resolve the disputes. This practice also makes the land allocation process fair enough as applicants have the right to appeal if not satisfied with the decisions of Land Boards and Traditional Authorities.

### **13. Prevention of dispossession of indigenous groups from their traditional land**

Most of Namibia's protected areas were proclaimed before Namibia's Independence in 1990 and have been maintained as island of conservation separated from surrounding people, their land uses and local economies.

In 1996, the Ministry of Environment and Tourism (MET) introduced legislation that gave conditional use rights over wildlife to communities in communal areas that formed a management unit called a conservancy. Since then many local communities have embraced this opportunity to manage their own wildlife and tourism activities, and communal area conservancies are now found in nearly all regions of the country.

The conservancy approach has proven effective as a conservation strategy as can be seen by the increase in wildlife in many of our country's communal areas. It has also proven effective as a rural development strategy, generating income for local communities, bringing new jobs, and providing new skills and expertise.

Therefore, since Namibia's independence no indigenous groups were ever dispossessed of their traditional land in connection with the establishment of game reserves/game parks and national parks. However, the government through the Ministry of



enhanced, improved and promoted the protected areas.

The Protected areas Neighbour and Resident People Policy is in its final draft. The government through the Ministry of Lands and Resettlement will continue to provide opportunities for economic betterment and involvement of stakeholders in the management of protected areas. The Ministry will also give preference to people who were removed from their land in order to establish protected areas and those who voluntarily provide land to MET for the establishment of protected areas.

To mention but a few examples,

- a) The Ministry of Environment and Tourism has empowered some communities through the allocation of two trophy hunting concessions in the Bwabwata National Park to the KweiSan people which eventually led to the establishment of the trust fund,
- b) The allocation of the tourism concession to the Geiriku Traditional Authority to set up two resort camps at Kaudum and Sikereti in the Khaudum Game Park;
- c) The allocation of the Hobatere tourism concession to the Soni - Sorri and Ehirovipuka conservacies and the purchase of farms for the Hai-!dom San people on the western part of Etosha and so far Farm Seringkop #454 and Farm Koppies #457 have been purchased while the farms E!domdo #449 and Oberland #455 is still pending.
- d) The Ministry is also in the process to acquire farms for the Hai-!dom San people on the Eastern part of Etosha near Oshivelo. The Topnaar, Nama speaking people are residing in the Namib Naukluft Park and received a tourism concession in the form of 4x4 Uri adventure trail where some of the profit is paid into the !Oinin trust fund for the benefit of the community.

#### **14. Measures to repudiate discriminatory provisions in colonial laws**

In addition to what has already been said under the Succession and Administration of Estates paragraph supra, The Namibian Constitution has a number of provisions aimed at dealing with past discriminations. For instance, see articles 8,10,14,23,66, and 95. These articles created an enabling environment for promulgation of gender responsive legislations such as:

*i) Local Authorities Act No. 6 of 1992;*

This legislation provides among others that all party lists for elections should include a specified number of women candidates depending on the size of the council. As a result the proportion of women in local government is higher than the regional and national levels.

*ii) Agricultural (Commercial) Reform Act No. 6 of 1995*

The legislation focuses on those who were previously disadvantaged. It also addresses issues of expropriation and redistribution of the land.

*iii) Married Persons Equality Act No. 1 of 1996*

This act abolishes the marital power which previously gave husbands power over their wives in decision making. It emphasizes that both spouses must agree on all important financial transactions involving their joint property. It also says that both parents have an equal guardianship over the minor children born of the marriage.

This act aims to achieve equal opportunity in employment in accordance with articles 10 and 23 of the Namibian Constitution. It also addresses discriminatory laws and practices of the past through appropriate affirmative action plan for three designated groups being;

- *Persons with disabilities;*
- *Women*
- *Persons from racially disadvantaged groups.*

v) *Combating of Rape Act No.8 of 2000*

This Legislation provides for a wide definition of rape in terms of which a husband can also be found, if proven as required, guilty of raping his wife and vice versa. It also has provisions that ensures protection of the complainant in these type of cases.

vi) *Traditional Authorities Act No.25 of 2000*

This act places a duty on traditional authorities to promote affirmative action amongst the members of their communities more so promotes and encourages women to take part in position of leadership.

vii) *Communal Land Reform Act No. 5 of 2002*

The legislation governs the allocation of communal land. It also provides that widows have a right to remain on communal land allocated to their husbands in the event of death.

ix) *Combating of Domestic Violence Act No. 4 of 2003*

This act gives extensive definitions to domestic violence including physical, sexual, economic, verbal, emotional, psychological, intimidation and harassment. It also provides for the issuing of protection orders and police warnings in domestic violence matters. It gives police specific duties in domestic violence matters including the duty to help a complainant to access to medical treatment and be able to collect their personal belongings from the communal home.

x) *Maintenance Act No. 9 of 2003*

It provides for a duty by both parents to maintain their children. It also sets out the rules and procedures for holding enquiries for the enforcement of maintenance orders.

xi) *Labour Act No. 11 of 2007*

Although not yet in force this legislation replaces the Labour Act of 2004. It makes more benefits for maternity cases and outlaws discrimination in the workplace on the basis of pregnancy and HIV and AIDS.

xii) *Children Status Act No. 6 of 2006*

This act addresses issues of discrimination among children in that it recognizes children on the same level regardless of whether they are born in or outside wedlock. It also gives equal legal rights over children to both parents and not only the mother as was in the past.

#### **Rights by Vulnerable Groups**

In the marginalized communities, efforts have been undertaken to ensure that children in these communities access education by providing educational services closer to their homes. Satellite schools have been established in the Tsumkwe area to accommodate the San Speaking Namibians. Instruction for the first 3 years of education is in Ju/hoasi, their local language with English as a subject. After Grade 3, English becomes the medium of instruction with their mother tongue as a subject throughout their schooling. Tsumkwe now has a radio station broadcasting in Ju/hoasi whose orthography is being expanded to include Junior and senior Secondary levels.

Mobile Schools have been introduced for the Ovahimba Community to ensure that schools move with the community as they are nomadic and always in search of better grazing for their animals. This has helped in ensuring that learners are kept in schools all the time. Other measures include relaxation of entry requirements for those seeking to enter Education and Training Colleges as well as a quota system for learners from marginalized communities into vocational and other tertiary programmes.

#### **16. Measures taken to halt the trend of the increasing inequality in economic development**

~~This information will be provided to the Committee in due course.~~

#### **17. Measures taken against the high rape incidence of San women by members of other communities**

~~Information on this issue will be provided at a later stage.~~

#### **18. Legislative, administrative, judicial measures to ensure equal representation in national**

Chapter 7 and 8 of the Namibian Constitution makes provision for the establishment of the National Assembly and National Council respectively, while chapter 12 of the Namibian Constitution makes provision for the establishment of Regional and Local government. In accordance with article 102 (2) of the Namibian Constitution, Regional and Local authorities boundaries are geographically delineated without any reference to race, colour, ethnic origin of the inhabitants of such areas. This ensures the integration of ethnic groups which were previously segregated by the apartheid regime. Members of Regional Council and local authorities are democratically elected from these regions and local authorities. Through this arrangement each individual who qualifies has the right to become a member of a regional council or Local Authority regardless of his / her race, colour or ethnic origin.

Furthermore, article 10 of the Constitution prevents any form of discrimination on

while article 17 (2) guarantees the right of every citizen to be elected to public office.

### **19. Intentions to strengthen the mandate and financial resources of the Ombudsman**

Besides its head quarters in the capital city, the Office of the Ombudsman also has two regional offices; one in the south of the country and another in the north. During 2007 Cabinet approved the enlargement of the staff component of the Office of the Ombudsman. Posts for three additional investigators and an Office administrator were created for each regional office. In line with its policy of decentralization, Government intends to establish more regional offices in other regions of the country.

The Ombudsman is in the process of establishing a human rights unit in his Office, dealing specifically with human rights education and awareness raising campaigns. The vacant post of legal officer in the Office of the Ombudsman will be filled and the Ombudsman intends to use the appointee as human rights education officer.

The 2008/2009 budget of the Office of the Ombudsman has been increased with 28, 7% and will further increase with 3, 55% in the 2009/2010 financial year. The Ombudsman is independent, and he decides how to spend his budget in line with prescribed treasury instructions. The Constitution prohibits any interference with the Ombudsman in the exercise of his functions.

It is difficult to explain the low number of complaints of racial discrimination reported to the Office of the Ombudsman. An obvious reason may be that practices of racial discrimination do not exist in Namibia another reason may be a lack of knowledge of what constitute racial discrimination and where to report incidents of racial discrimination. However, citizens are aware of the Racial Discrimination Prohibition Act and that it is a criminal offence to discriminate against another person. The Office of the Ombudsman received one complaint of racial discrimination during April 2008 which is still under investigation.

A further avenue for redress is provided for the Article (25) (2) of the Constitutions, which provides as follows:

**“Aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or protect such a right or freedom, and may approach the Ombudsman to provide them with such legal assistance or advise as they require, and the Ombudsman shall have the discretion in response thereto to provide such legal or other assistance as he or she may consider expedient”.**

### **20. Measures on the awareness raising of racial discrimination**

The low number of racial discrimination complaints is a matter of concern for the Ombudsman, therefore, he thought it expedient to conduct public hearings throughout the country in order to establish the true state of affairs in Namibia as it relates to racism/racial discrimination, also to give citizen who may for whatever reason not have had the opportunity to report such incidents, a platform to do so now. The second purpose of the public hearing is to raise awareness on the subject

discrimination. The hearings will also culminate in a special report, which will be submitted to the Speaker of the National Assembly for tabling in the National Assembly.

## **21. Details on the dissemination of the Convention**

With regard the school curricula, indeed human rights education is part of the teaching and learning programmes in Namibia. Given our historical background of racial discrimination, segregation under Apartheid rules and war of liberation, it is imperative that human rights form a cornerstone of the education process. Namibia through its education programmes believes that never again shall a nation be subjected to such dehumanizing conditions as was done through the Apartheid System. In order for this not to reoccur again, it is necessary that we embrace the values and uphold human rights principles at all times. Whereas at primary level, the subject is taught as Civics Education, at Upper Primary and Secondary levels, it taught as Education for Human and Democracy in Namibia. The programme covers the following areas:

### **Unit One: Violence, Conflict and Peace**

Rules and Laws

Violence

Conflict Resolution

### **Unit Two: Namibian History and Independence**

Tribal Conflicts in Namibia

Namibia under South African Rule

The Struggle for Independence

Solution for Namibia

The Independence of Namibia

### **Unit Three: Multi-Culturalism and Education for Human Rights and Democracy**

Knowledge, Values, Skills, and Attitudes to be developed

Ethnic Groups in Namibia

What is Culture?

Understanding Culture

Unity in Diversity

#### **Unit Four: Potentially Vulnerable Groups**

The African Charter on Human and Peoples' Right (1986)

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1979)

Convention on the Rights of the Child (CRC, 1989)

Inequality

Culture and traditional Practices

Discriminatory Laws

People with Disabilities

Minorities

What are Minorities?

The Rights of Minorities

People Living with AIDS or HIV

Senior Citizens

#### **Unit Five: Economic and Labour Rights**

The Contract Labour System

The Labour Act (of 1992)

The Rights of Workers and Employees

The Right to Work

The Right to Associate

The right to Collective Bargaining

The Rights to Withhold Labour

The Right to Protection

The Right to Development

The Right to Fair Labour Practice

Dismissals- Fair and Unfair

When Dismissals are Unfair

Economic Rights

### Unit Six: Environmental Rights and Sustainable Development

Factors which Contribute to the Violation of Environmental Rights and Sustainable Development:

The Risk to Human Health and the Natural Environment

Sanitary Water Management

In addition to these topics covered in the curriculum, a Toolkit was developed for teachers containing International Conventions and Declaration. Equally a CD Rom was developed to supplement the Teacher's Guide as well as providing numerous other examples of Human Rights Education in the sub-region and beyond.

#### 22. Possible declaration under article 14 of the Convention for the Committee to receive individual complaints.

No mandate to respond on this question for the moment. It is something that the government would have to consider and then come back to the committee. A possible response could be given during the next periodic report.