



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant  
Comit  Africano de Peritos os Direitos e Bem-Estar da Crian a  
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



**ACERWC**  
African Committee of Experts on  
the Rights and Welfare of the Child

**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS BY THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD ON  
THE REPUBLIC OF NAMIBIA PERIODIC REPORT ON THE STATUS OF  
IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE  
OF THE CHILD**

**ORIGINAL- ENGLISH**

**January 2025**

## **I INTRODUCTION**

1. The African Committee of Experts on the Rights and Welfare of the Child (Committee) received the first Periodic Report of the Republic of Namibia regarding the status of implementation of the African Charter on the Rights and Welfare of the Child (Charter) in the State Party. The report was submitted by the State Party in accordance with its obligation under article 43 of the Charter, and it was considered at the 44<sup>th</sup> Ordinary Session of the Committee, which was held from 02 to 12 October 2024 in Maseru, Kingdom of Lesotho.
2. The Committee congratulates the State Party on its submission of the Periodic Report and the constructive dialogue held between the Committee and the State Party delegation, headed by H. E. Mrs. Doreen Sioka, Minister of Gender Equality, Poverty Eradication, and Social Welfare. The dialogue enabled the Committee to understand the progress achieved and challenges in implementing the Charter in the State Party, and thus following from the engagement, the Committee has developed the subsequent Concluding Observations and Recommendations. The Committee envisages that the implementation of these recommendations will assist the State Party to enhance the promotion and protection of children's rights, ensuring that the Charter is realised in the Republic of Namibia.

## **II PROGRESS IN IMPLEMENTING THE CHARTER**

3. The Committee welcomes the measures that the Republic of Namibia has undertaken in implementing the Charter and the prior recommendations of the Committee. In particular, the Committee welcomes:
  - a. The Adoption of the Child Care and Protection Act (CCPA).
  - b. The establishment of the National Advisory Council on Children.
  - c. The National Plan of Action on Violence against Children 2021-2025.
  - d. The enactment of the Domestic Violence Bill, the Witness Protection Bill, and the Child Justice Bill into law.
  - e. The collaboration with CSOs and other intergovernmental organisations in implementing the Charter.

## **III AREAS OF CONCERN AND RECOMMENDATIONS**

### **A General Measures of Implementation**

#### **Legislative measures**

4. The Committee welcomes that the State Party has undertaken legislative measures to enhance the protection of children's rights, including the adoption of the Domestic Violence Act which expands the definition of a 'domestic relationship' to include parent-child relationships. However, the Committee notes that there are legislative instruments affecting children, which have not been finalised. This includes the Recognition of Customary Marriage Bill, the Torture Bill, and the Child Justice Bill.
5. Although noting that the criminal justice system can be utilised to secure justice for child victims of corporal punishment, the Committee notes with concern that

the State Party has not taken legislative measures to explicitly prohibit corporal punishment in all settings including in the home. This is noted considering section 228 of the CCPA does not expressly prohibit the administration of corporal punishment by non-state actors, and in private settings including the home.

6. The Committee appreciates that the State Party has undertaken a mid-term review of the National Agenda for Children 2018-2022. While aware that this National Agenda for Children was extended, the Committee notes with concern the delays in developing a new agenda for children beyond 2022. The Committee also notes with concern the delays in finalising the policy on child labour and domestic work.
7. Therefore, to ensure that legislation concerning children is consistent with the Charter, and is utilised to enhance children's welfare, the Committee recommends that the State Party:
  - a. Enacts and ensures the enforcement of the Recognition of Customary Marriage Bill, the Torture Bill, and the Child Justice Bill.
  - b. Adopts laws to expressly criminalise corporal punishment in all settings and impose criminal sanctions.
  - c. Develops a new national action plan for children, guided by the Charter, Agenda 2040, and other international child rights instruments.
  - d. Expedites the finalisation and adoption of the policy on child labour and domestic work, ensuring that it aligns with regional and international frameworks to effectively protect children from economic exploitation.

### **Institutional measures**

8. The Committee welcomes that the State Party has set up the National Advisory Council on Children, which has a mandate including the designing of child protection programs and monitoring the implementation of the CCPA. However, the Committee notes with concern the delays in operationalising the Children's Fund under the CCPA, which is supposed to be utilised in funding child protection activities undertaken by the Children's Advocate and the National Advisory Council on Children (Advisory Council).
9. The Committee further appreciates that various government mechanisms have been created in the State Party to focus on children's rights, including the Children's Advocate, the Advisory Council, the Ministry of Gender Equality, Poverty Eradication and Social Welfare, and the Special Director on Child Care and Protection. However, the Committee expresses concern that the mandates of the stakeholders appear to be duplicated, particularly in the monitoring of the CCPA, which could lead to deadlocks in decision-making and programming on child protection issues, thus hindering progress for children.
10. Therefore, to ensure better coordination and effective institutions for children, the Committee recommends that the State Party:
  - a. Accelerates the process to operationalise the Children's Fund to enable the child protection stakeholders who rely on the fund to effectively carry out their mandates.

- b. Reviews duplicated mandates to enable streamlined work and optimisation of resources for child protection.

### **Budgetary measures**

11. The Committee welcomes the prioritisation of sectors that work with children when allocating the national budget, and that the data provided in the Periodic Report reflects that the budget to the children's sector is sustained, at times increased.
12. To ensure that children's services, programmes, and other measures to implement children's frameworks are well funded, the Committee recommends that the State Party:
  - a. Sustains the budget and regularly increases it in line with inflation and ensures strict accountability in the use of the children's budget.

### **Data collection measures**

13. The Committee noted from the engagements with the State Party that data, particularly concerning child protection issues, is being collected by various government departments and is provided to key stakeholders upon request. Additionally, the Committee appreciates that various stakeholders working directly with children, including teachers and social workers, are trained to populate databases with cases of child rights violations and to refer cases to relevant authorities. However, as reflected in the Periodic Report and the dialogue between the Committee and the State Party delegation, there remains a lack of a comprehensive data collection system for children, which would include data on all aspects of the Charter.
14. The Committee also noted the progress made in collecting data on treaty body recommendations to the State Party, including the capturing of information on a spreadsheet. However, the Committee notes with concern that the National Recommendation Tracking Database has not been operationalised due to funding and training limitations, and data concerning the implementation of recommendations given to the State Party has not been made public and has not yet been utilised to inform measures taken for children.
15. In this regard, the Committee:
  - a. Reiterates its previous recommendation that the State Party strengthens its National Statistics Agency and puts in place a comprehensive data collection system and that the State Party includes a disaggregated statistical dataset under all clusters in its next report to be submitted to the Committee.
  - b. Recommends that the State Party ensures the adequate funding and operationalisation of the National Recommendation Tracking Database. Furthermore, the Committee recommends that the State Party ensures that those responsible for treaty implementation and stakeholders working with children are continuously trained to interpret the database and incorporate the recommendations given into their work.
  - c. Additionally, the Committee recommends that the database be publicised on a national government website to enable all stakeholders to understand

the extent of progress and development areas, thus, enhancing collaboration for the benefit of children.

### **Dissemination of child rights information**

16. The Committee welcomes the measures undertaken to train officials and communities on the provisions of the CCPA and of the Charter. The Committee also commends that various provisions of the CCPA have been developed into child-friendly formats and translated into four local languages. Furthermore, the Committee notes that the State Party disseminates the Charter during celebrations of the Day of the African Child and on the Day of the Namibian Child and that plans have been developed to train children on their rights.
17. To sustain the momentum that the State Party has developed, the Committee recommends that the State Party:
  - a. Expands its efforts to achieve the translation of all substantive provisions of the Charter and the CCPA into all the local languages spoken in the State Party, ensuring that the translations are provided in child-friendly and disability formats.
  - b. Ensures that the plans to train children on child rights instruments are well coordinated and funded so that they are successfully implemented. Specifically, the Committee recommends that the State Party give special consideration to children in indigenous communities, rural areas, and refugee settlements, ensuring that they are reached by the training provided.

### **B Definition of a child**

18. The Committee welcomes that the CCPA expressly provides that the age of majority in the Republic of Namibia is 18, which is consistent with the Charter. However, the Committee is concerned that section 226 of the CCPA, read with the Marriage Act 25 of 1961, allows for instances where minors can consent to and contract marriages with the permission of the Minister Responsible for Home Affairs and their guardians.
19. Thus, to ensure that all legal frameworks are consistent with the Charter regarding the definition of a child, the Committee reiterates its prior recommendation that the State Party sets the minimum age of marriage at 18 in all circumstances in accordance with articles 2 and 21 of the African Children's Charter. In this regard, the Committee:
  - a. Recommends that the State Party repeals the legislative provisions that allow for minors to marry where there is consent from children themselves, their guardians and government officials.
  - b. Recommends that the State Party ensures that clear criminal sanctions for child marriage are imposed by law and enforced.

### **C General Principles of the Charter**

#### **Non-discrimination**

20. The Committee welcomes the efforts undertaken by the State Party to enhance the livelihood of marginalised communities. In particular, the Committee notes the Sector Policy on Inclusive Education and other measures taken to ensure that indigenous children have access to ECD and to schools. However, the Committee also notes from the Periodic Report that there is a lack of access to basic services for the San community and that the State Party is considering designing programs for the community which are adaptable to their lifestyles.
21. The Committee also welcomes the measures undertaken to initiate reforms on discriminatory old-era laws including the Divorce Law Amendment Ordinance of 1935, and the Native Administration Proclamation Act of 1928, which regulated marital property regimes according to race and have caused discrimination about customary marriages and inheritance. However, the Committee notes that the Uniform Matrimonial Property Bill and the Intestate Succession Bill have not yet been finalised and adopted into law, which Bills were developed to repeal the offensive and overtly racist old-era laws. Thus, the Committee is concerned that marginalised children remain affected by racially discriminatory inheritance regimes stemming from the continued application of old laws.
22. Therefore, to enhance inclusivity for indigenous children and to address the legacies of racially discriminatory laws from previous regimes, the Committee recommends that:
  - a. The State Party develops programs and policies that address the specific challenges faced by indigenous children, particularly children in the San community, to facilitate their enhanced access to basic services, and to ensure that they can participate on an equal footing with children from other people groups, in all aspects of life.
  - b. The State Party, in line with articles 3 and 26 of the Charter, sustains its efforts to reform laws concerning marital property and inheritance and finalises and adopts the Uniform Matrimonial Property Bill and the Intestate Succession Bill.

### **Best interests of the Child**

23. The Committee welcomes the legislative measures that the State Party has undertaken to ensure that the principle of the best interests of the child is protected in the law and that the factors to consider in determining the best interests of the child are expressed in the CCPA. However, the Committee notes that the State Party did not provide information as requested in the List of Issues, regarding how this principle is enforced in practice by all stakeholders who work with children. In this light and to ensure that the principle of the best interests of the child is realised by children, the Committee recommends that:
  - a. The State Party trains childcare workers and stakeholders on the principle of the best interests of the child and conducts awareness-raising campaigns to sensitise communities and children on this principle.
  - b. The State Party provides information in its next Periodic Report on how this principle is ensured in practice.

### **Life, survival, and development**

24. The Committee welcomes the measures undertaken by the State Party to address child mortality, including the Global Strategy for Women, Children and Adolescents' Health Strategy 2016-2030, and the Reproductive Maternal Newborn Child Adolescent Health Strategy. The Committee also appreciates the appointment of community health workers to conduct home visits to provide health education and services, and the expansion of the immunisation program to include outreaches to grassroots communities to increase vaccination coverage. Furthermore, the Committee welcomes the data provided by the State Party which reflects that the immunisation coverage has increased to 99.78% in 2022/2023, recovering from a decline in 2019/2020.
25. The Committee appreciates the measures undertaken by the State Party to encourage exclusive breastfeeding through the Baby Friendly Hospital Initiative. The Committee also notes that the State Party is developing a Breastfeeding Code Act to regulate businesses that market alternative feeding products that are not suitable for children. The Committee further notes that the State Party has decriminalised baby dumping in instances where a child is abandoned in a safe place, undertaken awareness-raising measures on alternatives to baby dumping, collected data on baby dumping and established mechanisms for childcare for victims of baby dumping.
26. However, the Committee notes that the data collected regarding baby dumping was not included in the Periodic Report. The Committee also expresses concern that the rate of breastfeeding gradually declines between 2 and 5 months, given that breastfeeding initiatives are promoted in health facilities, but not sustained at the community level. Furthermore, the Committee is concerned about the increases in under-5 mortality and under-1 mortality in recent years, especially since 2020.
27. Therefore, to enhance the realisation of the principle of children's life, survival and development, the Committee recommends that:
  - a. The State Party implements the policies undertaken to improve maternal health and investigates and addresses the root causes behind the increases in child mortality.
  - b. The State Party fosters a supportive environment for mothers to enable exclusive breastfeeding, including extended paid maternity leave, flexible working hours, promotion of safe private places in the workplace for lactating mothers to pump milk, and promotion of breastfeeding-friendly facilities in public spaces.
  - c. The State Party adopts and enforces the Breastfeeding Code Act to protect children from unhealthy milk substitutes.

### **Child participation**

28. The Committee welcomes the report that the Children's Parliament in the State Party comprises children from different backgrounds, including indigenous children, children from rural areas, and children with disabilities. Additionally, the Committee notes that various stakeholders in the public and private sectors collaborate to ensure adequate funding to the Children's Parliament and appreciates that the inputs of children have been relied on in the formulation of policies, including in the development of the Learner Pregnancy Policy.

29. However, the Committee notes with concern that the plans to decentralise the Children's Parliament have not been finalised. Therefore, to enhance the participation of children outside urban areas in the Children's Parliament, the Committee recommends that the State Party finalise the plans to decentralise the Parliament and open branches in the regions.
30. While noting concern that the participation of children in the budgeting processes of the State Party is limited, the Committee welcomes the commitment of the State Party to improve children's participation in the budgeting process. To ensure the meaningful participation of children in the budgeting process, the Committee recommends that the State Party establishes frameworks to institutionalise children's participation in the formulation of the budget.

## **D Civil rights and freedoms**

### **Name and nationality**

31. The Committee noted that the State Party has conducted a birth registration campaign to reach people in all regions and that the birth registration has been fully digitalised as part of the e-National Population Registration System. The Committee further appreciates that the CCPA prohibits schools and hospitals from denying services based on lack of registration. However, the Committee notes with concern that comprehensive data on birth registration has not been collected since 2016, and from the 2016 dataset provided by the State Party, regional disparities are reflected in the rate of birth registration, with outlying regions such as Kavango East, Kavango West, and Zambezi having the lowest rates of children who have birth certificates. Additionally, although campaigns have been undertaken on birth registration, the Committee is concerned that cultural naming practices continue to delay the registration of birth.
32. The Committee welcomes the development of bills to address statelessness in the State Party, including the Civil Registration and Identification Bill and the Namibia Refugees (Recognition and Control) Amendment Bill, among others. However, the Committee notes with concern the delays in finalising the Bill on Statelessness which had already been drafted at the time of the submission of the Periodic Report.
33. Therefore, the Committee recommends that the State Party:
  - a. Continues in its birth registration campaigns and targets the regions with lower rates of registered children. Additionally, to address cultural naming practices that hinder birth registration, the Committee recommends that the State Party undertakes educational measures to sensitise communities on the importance of birth registration and develop new ways in consultation with communities, to register births before children are named so that births are registered immediately while cultural practices of the community are respected.
  - b. Adopts the relevant bills that address statelessness, to ensure that refugee and asylum children are documented.



### **Freedom of expression and association**

34. The Committee notes the measures undertaken by the State Party to realise children's rights to association and to freely express themselves, including through the law, and through debating clubs and the Child and Youth Advocacy Programs. However, the Committee is concerned by reports that marginalised children, particularly children from indigenous communities, find difficulties in voicing their opinions as it is considered taboo to express themselves and those who do take steps to voice their opinions are considered rebellious and thus face exclusion.
35. In this regard, the Committee recommends that the State Party:
- a. Undertakes awareness-raising campaigns on children's rights to expression and association, including incorporating these rights in the school curriculum to empower children. Additionally, the Committee recommends that the State Party devise policies to ensure the protection of children who choose to express themselves in various capacities.

### **Privacy**

36. The Committee welcomes the efforts of the State Party in collaboration with civil society actors, to establish the IWF portal which allows for the anonymous reporting of online child sexual abuse materials. Additionally, the Committee notes that the Constitution of the State Party protects the right to privacy, and the CCPA indirectly protects children's privacy by emphasising confidentiality when handling matters involving children. However, the Committee notes with concern that there is no specific law addressing children's right to privacy both in the online and offline space. Additionally, the Committee notes with concern the delays in adopting the Data Protection Bill and establishing the Data Protection Supervisory Authority thereunder, which will guide the protection of data concerning children online.
37. Therefore, to ensure that children's right to privacy is protected online and offline, the Committee recommends that the State Party:
- a. Adopts the Data Protection Bill establish the Supervisory Authority and establish comprehensive frameworks for privacy in the offline space.
  - b. Trains caregivers and other stakeholders who work with children on the importance of respecting children's privacy, and the importance of taking measures to protect children's privacy online.

### **Protection from Abuse and Torture**

38. The Committee notes the measures to raise awareness regarding corporal punishment, including the training of communities and disseminating information on the obligation to report violations. However, the Committee is concerned that the State Party collects data on child abuse in general, and indicators have not been developed to collect specific information on corporal punishment in the home and institutions. Additionally, from the data provided in the Periodic Report, the Committee noted a higher likelihood for male children to be victims of assault with intent to cause grievous bodily harm.

39. Therefore, to ensure that children are protected from corporal punishment and inhumane treatment in all settings, the Committee recommends that the State Party:
- a. Ensures that corporal punishment is captured as a separate crime so that decision-makers can know the accurate prevalence rate and undertake evidence-based interventions.
  - b. Develop and implement policies that address the added vulnerability of boy children to being victims of corporal punishment or assault.
  - c. Undertakes awareness-raising including through media programmes to sensitise communities on the dangers of corporal punishment and encourages behavioural change among adults.
  - d. Establishes child-friendly and anonymous complaint mechanisms for children in schools and communities, to enable children to easily report corporal punishment when it occurs.

## **E Family environment and alternative care**

### **Protection of the family**

40. The Committee welcomes that the State Party recognises the duty of parents to maintain their children and provides for childcare arrangements in instances where parents get divorced. The Committee also notes that there is a paid maternity leave for mothers, and the Ministry of Labour has proposed the inclusion of maternity leave benefits for adoptive parents. However, the Committee notes concern that there is no provision for paternity leave, which would allow fathers to also contribute to the care of young children.
41. Therefore, the Committee recommends that:
- a. In line with Article 18 of the Charter which grants equal responsibilities to both parents, the State Party provides paid paternity leave and implements the proposal of the Ministry of Labour to create leave for adoptive parents.
42. The Committee further notes that no information was provided regarding the implementation of paragraph 28 of the prior Concluding Observations and Recommendations to the State Party — relating to creating initiatives that enable parents to play an integral role in their children’s learning. In this light, the Committee recommends that the State Party takes measures to enhance parental involvement and support in children’s learning, and to provide information on progress in the next Periodic Report.

### **Parental care and protection**

43. The Committee welcomes that the CCPA provides for custody arrangements in cases of separation of parents, and further that the policy of the State Party prefers family-based care for children. In instances where institutionalisation happens, the Committee notes that the State Party subsidises residential care facilities and monitors them for compliance with the Minimum Standards for care facilities. However, the Committee notes with concern that the data provided shows a significantly higher number of children in residential facilities in the urban region of Khomas, indicating a lower rate of children staying with their parents in urbanised settings. Additionally, the Committee notes with concern

that the Namibian Children's Home remains the only government-run residential facility for children and that there are unregistered children's homes operated by private actors.

44. In this light, the Committee recommends that the State Party:
- a. Undertakes family-strengthening measures to ensure that as many children as possible can live with their families and take measures to de-institutionalise children already living in residential care facilities. The State Party may target urbanised areas in its measures, raising awareness of the benefits of children remaining with their families.
  - b. Ensures that all child residential care facilities operating in the State Party are adequately licensed to care for children.

### **Parental responsibility**

45. The Committee welcomes the measures undertaken to support families in providing for their children, including in the provision of various forms of grants for children, and recently introducing the vulnerable child grant to cover children who would not have qualified for the prior grants offered. The Committee also notes that the coverage of the various support grants stands at 78% of all the children who qualify. Despite this, the Committee is concerned by reports which, although acknowledging the funding invested into children's welfare and pro-poor policies adopted by the State Party, point out that almost half of the children in the State Party live in multi-dimensional poverty. Additionally, the reports point out that the children who are disproportionately affected by poverty include those in rural areas and urban informal areas, children with disabilities, and those in child-headed households.
46. Therefore, to enhance the effectiveness of measures taken to support caregivers in fulfilling their roles toward children, the Committee recommends that:
- a. The State Party assesses the socio-economic conditions and welfare of children in all the regions, to identify gaps and inform targeted interventions to ensure that pro-poor policies are effectively addressing the needs of the most vulnerable children.
  - b. The State Party continues to raise grants in accordance with objective assessments of the amount needed to care for the basic needs of children, and in line with inflation.
  - c. The State Party creates more employment opportunities to benefit caregivers, enabling them to meet their children's needs.

### **Adoption**

47. The Committee welcomes the report that the State Party has acceded to the Hague Convention on inter-country adoption in 2015 and that legislative measures for adoption and inter-country adoption are undertaken through the CCPA. The Committee also welcomes the creation of the Central Authority to administer adoptions locally and at the inter-country level. However, the Committee notes that the State Party has not yet entered into bilateral agreements with other countries about adoption, and thus in practice is not concluding any inter-country adoptions. In this regard, the Committee

recommends that the State Party undertake all measures necessary to enable inter-country adoptions for those who wish to undertake such adoptions, including through undertaking bilateral agreements.

## **F Health and Welfare**

48. The Committee welcomes the adoption of policies such as the Global Strategy for Women, Children, and Adolescents' Health 2016-2030, the Reproductive Maternal Newborn Child Adolescent Health and Nutrition Strategy (RMNCAH & NUT), and the Newborn Action Plan: Ending Preventable Maternal Mortality by 2035. The Committee also welcomes the data provided by the State Party on immunisation coverage, and on infant and under 5 mortalities until 2023. The Committee congratulates the State Party on the near-universal rates of immunisation coverage, noting a recovery from a decline in coverage during 2019/2020.
49. The Committee also welcomes the report that the State Party has adopted a roadmap for reducing HIV transmission and plans to incorporate Anti-Retroviral Therapy into the immunisation schedule to reach remote areas. The Committee notes also from the dataset that there has been an increase in the number of women attending health institutions during the prenatal phase. Furthermore, the Committee welcomes the report that the Vitamin A supplementation coverage is at 86%.
50. Furthermore, regarding the provision of appropriate water and sanitation facilities for children, the Committee commends the development of the National Sanitation and Hygiene Strategy 2022-2027 to coordinate the implementation of sanitation services. The Committee also welcomes the report that there is a 95% rate of access to water in rural communities and a 95% access rate throughout the whole country.
51. However, the Committee is concerned that there has been a significant increase in maternal mortality rates in the 2022/2023 year, with under-5 mortality has increased from 19.2 to 23.2 per 1000 live births, and the under-1 mortality rate has increased from 14.5 to 17.1 per 1000 live births, in a year. The Committee also noted a gradual decrease in the number of expectant mothers receiving Anti-Retroviral Therapy during pre-natal care since 2021, while the proportion of children born with HIV showed an increase in 2022/2023. Additionally, the Committee is concerned by reports which indicate that there remain rural-urban disparities in access to healthcare and that indigenous communities tend to prefer traditional medications and giving birth at home, and thus are often not well-equipped to prevent mother-to-child transmission of HIV.
52. Additionally, the Committee is concerned that the rate of stunting is 24%. Although recognising that the State Party took campaigning measures to boost immunisation during the COVID-19 pandemic, the Committee also notes with concern that essential children's health services were impacted during the pandemic, resulting in significant increases in cases of child wasting, malaria, and neonatal deaths.
53. The Committee notes with concern the issue of young children who die by suicide, which is caused by bullying, school results, issues in relationships with

parents and intimate partners, chronic illnesses, mental health challenges, and substance abuse. The Committee noted from dialogue with the State Party, that measures have been taken including the development of a National Action Plan on the Prevention of Suicide, which is at an advanced stage, and a community guide to train communities on suicide. However, no information has been provided on the status of the implementation of the Mental Health Policy.

54. Therefore, to ensure that all children enjoy the highest standard of health, the Committee recommends that the State Party:
- a. Ensures to review all health policies and assess them for effectiveness, before new policies are developed, thus enabling stakeholders to appreciate the progress made and areas of development.
  - b. Ensures the implementation of newly adopted health policies, paying special attention to maternal and child health. In this light, the State Party is encouraged to collaborate with civil society actors to ensure that mothers and young children in remote areas are reached by the health initiatives undertaken.
  - c. Investigate and address the root causes behind the increases in child mortality and provide nutritional support and education to expectant and lactating mothers to address child malnutrition and stunting.
  - d. Strengthens measures to reduce mother-to-child transmissions of HIV, including raising awareness on pre-natal care services and initiating healthcare initiatives that accommodate the lifestyles of indigenous groups.
  - e. Draws lessons from the impact of COVID-19 on the healthcare system and works to develop strategies to ensure the adaptability of the healthcare system and the continuation of services during crises.
  - f. Adopts and implements the National Action Plan on the Prevention of Suicide and implements the Mental Health Policy to address the root causes of suicide among children. Additionally, the Committee recommends that the State Party integrate mental health services into schools and community programs to enhance the accessibility of these services.

## **G Education and Leisure**

### **Education**

55. The Committee welcomes the measures undertaken by the State Party to ensure free and compulsory education for children between 5 to 18 years, through the Basic Education Act of 2020. The Committee also welcomes the report that the State Party has adopted the Basic Education Act 2020 which removes the School Development Fund, as previously recommended by the Committee. The Committee also notes that the Ministry of Education also provides grants for all learners in schools, which allows for the procurement of stationery. Additionally, the Committee welcomes that the policies of the State Party foster mother-tongue learning in the early years of schooling.
56. The Committee also welcomes the measures undertaken by the State Party to reduce dropouts, including the implementation of the Policy for the Prevention and Management of Learner Pregnancy which aims to enhance the ability of pregnant learners, the national advocacy campaigns on issues of learner

pregnancy and implementation of the Integrated School Health Program, and the School Safety Framework. The Committee welcomes the measures taken by the State Party to absorb pre-primary schools in the primary education sector, and measures to monitor the compliance of ECD institutions with the ECD standards. Furthermore, the Committee appreciates that the learner pregnancy policy is currently being reviewed and that regarding bullying, teachers have been trained to address cases to social workers and to populate a database on cases of bullying.

57. However, the Committee remains concerned that the Basic Education Regulations of 2023 still provide for a voluntary school development fund to which parents can contribute. The Committee is also concerned with reports which indicate that there are still infrastructural challenges, particularly in indigenous schools, and the development of mother-tongue education materials is often hindered by financial constraints.
58. The Committee notes with concern that there has been a delay in integrating ECD into the Ministry of Education, which process was already underway during the Committee's follow-up mission to the State Party in 2021. Additionally, the Committee notes with concern that ECD centres remain community or individually owned, and the government subsidises less than half of the ECD educators countrywide (1260 of the 2916 educators).
59. From the report, the Committee noted that the major causes of dropouts were teachers' attitudes, distance, discipline, parental demand, and pregnancy. Additionally, the Committee is concerned about the high number of dropouts at 17 152 learners.
60. To further enhance the realisation of the right to education, the Committee:
  - a. Reiterates its prior recommendation that the State Party reduce dropout rates, especially in secondary education by removing indirect costs, which include school uniforms. Additionally, the Committee recommends that the State Party develops policies focusing on creating a positive school environment to address issues of teachers' attitudes, school discipline and bullying, which lead to dropouts.
  - b. Recommends that the State Party enhances its investment in the development of mother tongue learning materials including indigenous languages, to ensure that children can better grasp educational foundations by learning in their home language.
  - c. Recommends that the State Party finalise the plans to integrate ECD into the Ministry of Education. Additionally, the Committee recommends that the State Party increase the investment in ECD by subsidising more educators and providing them with training to enhance the quality of ECD services.
  - d. Recommends that the State Party ensures that all schools have appropriate infrastructure to ensure that children learn with dignity and take measures to equip schools with ICTs so that children's learning can enable them to keep up with ongoing technological advancements in education.

## **Leisure**

61. The Committee commends the measures to ensure the right to play in public spaces and schools, including the incorporation of physical education into the school curriculum and equipping schools with sports fields. Regarding the family space, the Committee welcomes that the State Party is making plans to roll out a national parenting program to sensitise parents on the importance of play and allowing children to participate in leisure activities within the home. In this light, the Committee encourages the State Party to accelerate the implementation of the parenting program to ensure that the children's right to leisure is realised.

## **H Special protection measures**

### **Children with disabilities**

62. The Committee welcomes the measures undertaken by the State Party to enhance access to schools by children with disabilities (CWDs), including the adoption of the Washington Group Questionnaire to gather data on learners with disabilities, the adoption of the Sector Policy on Inclusive Education, and the building of Resource Schools. The Committee also notes that the Washington Group Questionnaire highlighted negative attitudes towards learners with disabilities and that training and capacity-building have been conducted to address this, including at the community level.

63. The Committee further appreciates the updated data on CWDs in schools, disaggregated by disability. However, the Committee notes that information was not provided on the effectiveness of the policies adopted for CWDs, particularly in reducing the number of CWDs who are not in school. This is a concern particularly considering the 2013 Demographic Health Survey referenced in the Periodic Report, which reflected that most CWDs were not attending any school or ECD institutions and that CWDs in the rural areas were more affected. In this regard, the Committee will appreciate further information in the next Periodic Report, on the proportion of CWDs who are not in school or ECD facilities, and the reasons for this.

64. To enhance the implementation of the rights of CWDs, the Committee recommends that:

- a. The State Party strengthens its policies for screening and early identification of disabilities, so that appropriate care measures are taken and so that family members are supported in the care for CWDs.
- b. The State Party continues in its awareness-raising measures in schools and in communities to successfully end negative attitudes against CWDs.
- c. The State Party collects data on the proportion of CWDs who are not attending any educational institution and undertakes measures to assist the children to catch up in schooling and in training for employment.

### **Children in situations of economic exploitation**

65. The Committee welcomes the measures undertaken to prohibit child labour, including conducting more labour inspections in the informal sector and reactivating the Inter-Ministerial Committee on Child Labour. However, the Committee notes that information was not provided on the findings of inspections

in the informal sector, which is relevant to assess progress from the Committee's findings during the follow-up visit — which indicated that children were more likely to be exploited for labour in the rural areas and the informal sector.

66. In this regard, the Committee aligns itself with the recommendations of the UN Committee on the Rights of the Child and further recommends that the State Party:
- a. Amends the Labour Act to raise the minimum age of employment to the level of the age of completing compulsory education and the minimum age of employment in hazardous work to 18 years.
  - b. Ensures the enforcement of policies adopted regarding child labour, specifically tackling issues faced by children working in the informal sector.
  - c. Refers to Resolution 21/2024 on the regulation of the informal sector to ensure enhanced protection of children's rights developed by the Committee to guide the development and implementation of comprehensive measures addressing child labour in this sector.

### **Refugee children, children seeking asylum, and internally displaced children**

67. The Committee commends the State Party for the provision of basic services for refugee children in the Osire Refugee Camp and the Katima Mulilo Reception Area. The Committee further appreciates that the State Party appoints social workers who work with the specific needs of refugee children coming from situations of armed conflict. However, the Committee notes with concern that children whose entry point to the country is far from the capital and the reception centre, are likely to face limitations in accessing the benefits afforded to refugees and asylum seekers. Additionally, the Committee notes with concern that data concerning refugee and asylum-seeking children is not being captured.
68. Therefore, the Committee recommends that:
- a. The State Party ensures that all refugee children who are not living in the refugee camp or the refugee reception centre, have access to basic services.
  - b. The State Party collects data on the living situation of refugee and asylum-seeking children.

### **Children of incarcerated caregivers**

69. The Committee welcomes the measures undertaken to provide necessities and leisure facilities for children living with incarcerated caregivers, and that expectant mothers are kept in separate facilities from other inmates. However, the Committee is concerned that the only facility suitable to hold parents with children is the Windhoek Female Correctional Facility in the Khomas region. Thus, the Committee is concerned that mothers incarcerated outside the Khomas region might be held in conditions unsuitable for their children.
70. In this regard, the Committee refers to its General Comment 1 on Children of Incarcerated and Imprisoned Parents and Primary Caregivers, which emphasises that non-custodial sentences should always be considered first when sentencing caregivers of young children. In this light, the Committee recommends that the State Party:



- a. Considers reviewing its penal laws to incorporate caregiving responsibility as a factor during sentencing processes, and to incorporate alternative and non-custodial forms of sentence for caregivers of young children.
- b. Invest in suitable quarters for incarcerated female caregivers outside the Khomas region.

### **Children in situations of sexual exploitation**

71. The Committee welcomes the measures undertaken to establish GBVP Units within the Namibian Police, to address issues of violence against children. Additionally, the Committee commends the undertaking of awareness-raising campaigns and outreaches, and the provision of social workers and GBV shelters to care for victims of sexual exploitation. However, the Committee notes that information was not provided on the effectiveness of the measures taken, and specific measures addressing family members who sexually abuse children, as the Committee found during its visit to the State Party, that sexual violence was mainly perpetrated by family members and was under-reported due to stigma and fear.
72. In this regard, the Committee recommends that the State Party undertakes specific measures to address the prevalence of sexual violence in families, including awareness-raising campaigns to address stigma, training children to report violations by family members, and reviewing legislation to consider proximity with a child victim as an aggravating factor in sentencing rape.
73. Additionally, the Committee recommends that the State Party incorporates topics of gender-based violence in the school curriculum to empower children to spot and report sexual violence and collect data on sexual violence to find out its root causes and undertake appropriate interventions.

### **Children in situations of drug use**

74. The Committee welcomes that the Liquor Act and CCPA prohibit the sale of drugs and the use of children in the production of alcoholic substances. While noting the progress in the EERC Children Centre for the rehabilitation of children who consume drugs, the Committee notes that there has been a delay in finalising the construction of the facility, as the process was already underway during the Committee's follow-up visit to the State Party in 2021.
75. In this regard, the Committee recommends that the State Party ensures the enforcement of its laws prohibiting the sale of substances to children and accelerates the construction of the EERC Children Centre. Furthermore, the Committee encourages the State Party to develop and implement community-based prevention programs to raise awareness among children, families, and communities about the risks of substance abuse and the availability of support services.

### **Children in situations of sale, trafficking, and abduction**

76. The Committee commends the State Party's establishment of the National Committee on Trafficking in Persons, and the undertaking of cross-border initiatives with neighbouring countries to enhance border surveillance to prevent

trafficking. The Committee also welcomes the data provided on child trafficking cases, wherein the Committee notes that the main causes of child trafficking are domestic labour and sexual exploitation.

77. Therefore, the Committee recommends that the State Party tightens its labour inspections and laws on sexual exploitation to enable the detection of trafficked children, reform the domestic labour market to ensure better protection for children and enhance its anti-trafficking policies and initiatives to target the main causes of trafficking.

### **Children in street situations**

78. The Committee commends the State Party for investigating the cause of the increase in the number of children in street situations between 2019-2021, and for taking measures to address the issue including through food parcels; reuniting children with families; and allocating the Farm Kaukurus in the Omaheke Region to serve as a rehabilitation and detention centre for children in conflict situations, and children in conflict with the law.
79. The Committee encourages the State Party to continue in its measures toward rehabilitating children in street situations and ensure that children outside the Omaheke Region can also benefit from similar services to those provided at Farm Kaukurus.

### **Harmful traditional practices**

80. The Committee welcomes that the State Party undertook a formative study on child marriages and that there are plans to develop a National Strategy to End Child Marriages. The Committee further appreciates that the State Party has facilitated dialogues on how to promote the practice of customary initiation rites such as Olufuko and Tijramue while ensuring that they are consistent with the other child rights instruments. However, the Committee notes from the data up to 2016, provided in the Periodic Report, that there was a high number of child marriages, and that girls in the rural areas are more affected.
81. In this regard, therefore, the Committee recommends that the State Party accelerate the development and enforcement of the National Strategy to End Child Marriages, ensuring that it considers the unique vulnerability faced by girls in rural areas. Additionally, the Committee recommends that the State Party continues the dialogue on aligning customary initiation practices with children's rights norms and develops and implements laws and policies to address child rights violations that occur in the carrying out of these initiation practices.
82. Furthermore, the Committee notes with concern the delays in finalising the Recognition of Customary Marriage Bill, which regulates customary marriages to bring them in line with the Constitution of the State Party. Therefore, the Committee recommends that the State Party finalise and adopt the Recognition of Customary Marriage Bill, ensuring therein that the marriage or betrothal of children under customary practices is expressly prohibited. In line with the Committee's General Comment on Ending Child Marriage which specified that the minimum age of marriage must be 18 and that no exceptions can be granted on grounds of customary, religious, traditional or sub-national laws; the

Committee recommends that the State Party develop the final law on the recognition of customary marriages to expressly prohibit grounds of traditional and religious practices from being used to perpetrate child marriage.

83. The Committee also recommends that the State Party trains communities regarding the consequences of child marriage and on the available reporting mechanisms when children face risk or have become victims of child marriage.

### **Children in conflict with the law**

84. The Committee noted from the data provided in the Periodic Report that boy children are more prone to being in conflict with the law in the State Party and appreciates that the State Party will focus on developing specific early interventions and preventions in this regard.
85. The Committee encourages the State Party to continue in the implementation of these programs to enable the identification and addressing of the root causes that make boy children more likely to violate the law.

### **Responsibilities of the Child**

86. The Committee welcomes the measures taken to raise awareness of the responsibilities of the child, and the inclusion of this principle in the school curriculum. The Committee encourages the State Party to train parents and caregivers on the responsibility of the child, to ensure that this provision is exercised without children being given undue amounts of responsibility.

### **I Conclusion**

87. The Committee expresses its appreciation for the constructive dialogue with the State Party and welcomes all the efforts undertaken so far to implement the Charter and to provide data on the current situation of children in the Republic of Namibia.
88. The Committee wishes to conduct a follow-up mission within the next two years to monitor the implementation of the current concluding observations and recommendations, and it is the hope of The Committee to be received in this regard by the State Party. The Committee further invites the State Party to submit its next Periodic Report by January 2028, detailing measures undertaken to implement the current Concluding Observations and Recommendations and to implement the Charter.
89. The Committee wishes to renew to the State Party the assurances of its highest consideration.