

Human Rights Issues in Namibia¹
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“It is one thing to have a good constitution and laws, but quite another to implement and honor them.” - Namibian diplomat Ambassador Tuliameni Kalomoh, Special Advisor to the Deputy Prime Minister and Minister of International Relations and Cooperation

The country of Namibia gained its independence from South Africa in 1990. This broke the chains of apartheid that the country had endured since 1920 under South African rule.

Since independence, Namibia has made some important strides in protecting the human rights of its citizens. Namibia is a party to the International Criminal Court and is also a member of the African Union, which includes the African Commission on Human and Peoples’ Rights. These memberships provide the country with an array of options for seeking justice for human rights abuses at the international level. Namibia also acceded to many UN human rights conventions and treaties,

- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social, and Cultural Rights;
- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the Convention on the Elimination of all forms of Discrimination Against Women and its additional protocol;
- the Convention Against Torture;
- the Convention of the Rights of the Child; and
- the Convention on the Rights of Persons with Disabilities.

While these commitments are important steps in ensuring basic human rights for all Namibians, the country has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the International Convention for the Protection of All Persons from Enforced Disappearance, and the country continues to struggle to enact and enforce laws that adequately fulfill the commitments made to human rights.

Since its independence almost thirty years ago, Namibia’s government has been run by the SWAPO political party. In the most recent elections, SWAPO party members took 77 of the 96 seats in the country’s National Assembly, with the next closest political party receiving just 5 seats. Additionally, SWAPO took 40 of the country’s National Council’s 42 seats and 112 of 121 regional council seats.² SWAPO consists mainly of people from the country’s largest tribe, the Ovambo. The party played an integral part in Namibia’s fight for independence, but since that time has failed to respond adequately to the needs of the minority groups in the country.

¹ <http://www.claiminghumanrights.org/namibia.html>

² <https://freedomhouse.org/report/freedom-world/2016/Namibia>

Racial Inequalities

Huge economic disparities remain between black and white residents, a remnant of apartheid that has not been overcome. A large population of black Namibians cannot afford to live in the city centers. They are forced to live in expansive shanty-towns that they refer to as “locations” on the outskirts of the cities. Many of these dwellings have corrugated tin roofs, in a hot climate, and the walls are made of whatever materials can be found. Additionally, rural Namibians suffer a severe lack of infrastructure services such as basic needs of running water, hospitals, and adequate school facilities.

Foreign aid in significant amounts comes from Germany. This money is sometimes viewed as pseudo-reparations for the genocide that Germany perpetrated against the Nama and Herero in 1904. The aid is officially meant for building institutions like hospitals, schools, and other kinds of resource centers in rural minority-dwelling areas and/or for those groups historically disadvantaged as a result of German and South African discriminatory policies. The aid money is given to the government, which is ruled by the majority Ovambo population; in practice, this means that the aid rarely serves the intended population.

LGBTQ Rights in Namibia³

In June 2016, the United Nations Human Rights Council passed a resolution to protect and promote the rights of LGBTQ individuals. Namibia was one of six countries to abstain from voting on the resolution. The country’s silence on the topic is telling. This is a country where ‘sodomy’ in any context is prohibited by law. Reports of “corrective rape” of lesbians⁴ frequently surface. Citizens state that the police forces do not take complaints of harassment and abuse of LGBTQ individuals seriously.



Because of archaic laws and limited access to affordable, quality healthcare, Namibians struggle with the HIV/AIDS epidemic.⁵ The country remains among the ten countries in the world with the highest prevalence of HIV/AIDS. Nearly 19% of Namibians live with the disease, the majority of whom are between the ages of 15 and 49 years old. HIV/AIDS poses a particularly serious threat to young girls, as they comprise 73% of new infections in children age 15-19 and 63% of new infections in young adults age 20-24⁶. Namibia

does not have a law that expressly prohibits female genital mutilation, and forced sterilization is not an uncommon practice in attempts to stem the spread of HIV/AIDS.

³ <http://www.namibian.com.na/152902/archive-read/Namibia-and-Human-Rights>

⁴ <https://freedomhouse.org/report/freedom-world/2016/Namibia>

⁵ <http://www.unaids.org/en/regionscountries/countries/namibia>

⁶ http://www.who.int/profiles_information/index.php/Namibia:Analytical_summary_-_HIV/AIDS

Women's Rights in Namibia

Women in Namibia have traditionally suffered discrimination and exclusion from full participation in the political, socio-economic, and cultural life of the country. The root cause for this inequality has been the low status of women and girls and negative cultural perceptions of gender roles. Some of the main issues are inequitable access to resources, the low participation of women at all levels of decision-making, and a lack of women's socio-economic empowerment. These issues are heightened by the impacts of HIV/AIDS, gender-based violence, and the high levels of food insecurity and income poverty among females, especially in women-headed households.⁷

According to a UN report⁸, women and girls across the country are under siege – in their homes, at school and hostels, on the streets and in places of work. It would appear that no female (even an infant or an elderly pensioner) is safe from sexual assault, intimate partner abuse or murder, domestic violence, threat or harassment. It is estimated that only 20% of gender-based violence cases are being reported. Surveys show that many men still view their partners as their property, and men believe they have every right to use violence to gain obedience. Though domestic violence is well protected in terms of legislation, it is still a “hidden” subject.

Understanding the underlying causes of male violence in Namibian society is critical. Studies point to a sense of male insecurity and to scars of trauma and past violence, which in turn are dealt out on those who are physically weaker. A recent UNICEF study shows that young men and boys drink alcohol mainly to gain confidence and feel “grown up,” which attests to the insecurity and to documented linkages of gender-based violence with alcohol.⁹

Conclusion

In general, the issues most important to minority groups are downplayed as secondary to the desires of the majority Ovambo population, to the small population of white residents, or the issues are ignored altogether, as with violence against women. However, “There is no law against hope,” it is said, and the Namibians do have a lot to be hopeful about. Despite challenges on many fronts, they remain positive and optimistic for their future. They are not so far removed from their past that they have forgotten what it was like to endure the brutal genocide under the Germans and then apartheid under the South Africans. It is hoped that the legal system will continue to make significant progress through enforcement of recent progressive human rights legislation.¹⁰

⁷ <http://www.na.undp.org/content/namibia/en/home/ourwork/womenempowerment/overview.html>

⁸ https://www.unicef.org/namibia/UNICEFNam_SOWC_2007_suppl_final_draft_women_and_girls.pdf

⁹ Ibid.

¹⁰ E. g., Combating of Domestic Violence Act, the Combating of Rape Act and the Children's Act