

Discrimination against Women

Acceded: 23 November 1992.

Namibia's second periodic report was due 23 December 1997.

Namibia's initial report (CEDAW/C/NAM/1) was considered by the Committee at its July 1997 session. The report prepared by the government is detailed and contains information on, *inter alia*: social, economic, political and legal structures; constitutional provisions related to women; the scope of discrimination; the protection of women against discrimination; discrimination by public authorities and institutions; steps to eliminate discrimination by any person, organization or enterprise; and repeal of national Penal provisions which discriminated against women. Sections dealing with specific provisions of the Convention include commentary on, for example: rape and other sexual offences; domestic and other forms of violence against women; women and child abuse centres; the General Sectoral Committee on Violence against Women; affirmative action in various sectors; sex role stereotyping; prostitution and trafficking in women; women in political and public life — including the Parliament, law enforcement, the administration of justice, the media, trade unions, the churches and NGOs; provisions in law related to nationality, education, labour development, health care, and economic and social life; legal capacity and domicile; and marriage and family relations.

The Committee's concluding observations and comments (CEDAW/C/1997/II/L.1/Add.2) noted that women in Namibia continue to face persistent discrimination which arose out of some traditional and customary laws. The general lack of knowledge relating to human and legal rights was also identified as an obstacle to the implementation of the Convention. The Committee also noted that the majority of people living in poverty are women living in a country where most of the population is poor. The Committee considered that women's poverty made it difficult for them to fulfil their aspirations as guaranteed by the Convention.

The Committee commended the government for ratifying the Convention without reservations so soon after achieving independence and noted with satisfaction that non-governmental organizations had been involved in the preparation and in the presentation of the report. The Committee also commended: the establishment of the Department of Women Affairs and the upgrading of the Department to cabinet level; the establishment of the Law Reform and Development Commission; the legal measures that had been put in place following ratification of the Convention and the subsequent progress made towards gender equality; the adoption of the Married Persons Equality Act; the proposed enactment of the Children's Act; the appointment in December 1996 of a woman as the first Ombudsperson; the establishment of women and child abuse centres; the appointment of the first woman judge; the government's focus on affirmative action as a means of closing the gap in gender equality; and, the establishment of nine gender-sectoral committees and the programme of sensitization of parliamentarians and public officers with respect to the Convention.

The areas of concern identified by the Committee included: the lack of a time-frame in the implementation of affirmative action programmes; the lack of programmes to

sustain the objectives and achievements of these programmes; the lack of human rights education, as well as education for legal literacy, and advocacy programmes to achieve de facto equality; the prevalence of domestic violence and the persistence of certain traditional practices which reinforce stereotypical attitudes and strengthen discrimination against women; the fact that, despite new laws, women, and in particular those in the rural areas, are unable to own land; the decision of the government to deal with maternity leave under article 4 of the Convention (affirmative action) since, in the Committee's view, the granting of maternity leave is not a measure of affirmative action; the failure of the Married Person's Equality Act sufficiently to address discrimination in the family; that the health of prostitutes is not taken into account and that, unlike other women, they do not have access to health care; the low level of participation of women in higher education and the high drop-out rate of girls from the formal education system; the present inadequacy of the law on rape and other forms of violence against women; the fact that pregnant teenage girls are punished by expulsion from school; the incidence of discrimination against women in the labour market; the prevalence of polygamous marriages and the non-registration of customary marriages; the high number of illegal abortions, the high rate of maternal mortality and the fact that the inadequacy of the existing law on abortion contributed to this problem; and, the fact that although the position of the Director-General of the Department of Women Affairs had been upgraded to cabinet level, she did not have the right to vote in the Cabinet.

The Committee recommended that the government:

- ▶ establish time frames for the implementation of affirmative action measures and include in them educational and other programmes that will sustain the objectives and achievements of existing affirmative action programmes;
- ▶ adopt an integrated programme for the full implementation of the Convention;
- ▶ intensify educational and advocacy programmes to achieve de facto equality;
- ▶ design and implement programmes that redefine the roles of women and men in the family;
- ▶ introduce, at all levels, more educational programmes on human rights and legal literacy for women;
- ▶ ensure through the Department of Women Affairs that research is done to identify the customary laws that contravene the letter and spirit of the Convention;
- ▶ take steps to replace such customary laws;
- ▶ ensure the effective monitoring of the implementation of all affirmative action policies and programmes;
- ▶ take immediate action to combat domestic violence, including through legal measures such as amending the law on rape and extending it to include marital rape;
- ▶ assign to the state courts sole jurisdiction in cases of sexual violence;
- ▶ ensure that victims of violence are given better privacy and protection during court proceedings;