

Namibia - Human Rights Scorecard ¹

Namibia, officially known as the Republic of Namibia, is a constitutional multiparty democracy. The most significant human rights problems currently facing Namibia include the slow judicial procedures which results in long pretrial detentions; violence and discrimination against women and children; corruption with government officials; discrimination against minorities and indigenous people; attempts to reduce media freedom; and a lack of access to government information.

Official language: English, although less than 1% of the people in Namibia speak English as their native language. Other languages heard in Namibia include Afrikaans, Khoekhoe, German, Herero, Oshiwambo, Rukwangali, Setswana, Silozi.

Ethnic groups: 49.5% Ovambo, 9.2% Kavango, 8% coloured, 7% Herero, 7% Damara, 7% Namibian whites, 4.7% Nama, 3.5% Lozi (Caprivian), 3% San., 0.6% Tswana, 0.5% others.

Government: Unitary semi-presidential republic

- President: Hage Geingob
- Vice-President: Nickey Iyambo
- Prime Minister: Saara Kuugongelwa-Amadhila

Death penalty: Abolitionist for all crimes

Population: 2.3 million

Life expectancy: 64.8 years

Under-5 mortality: 49.8 per 1000

Adult literacy: 76.5 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.628 – Medium Human Development ³

According to the UNDP, Namibians enjoyed a gross national income per capita of \$9417.80, and could expect to have on average 11.3 years of schooling. However, other countries with comparable gross national income per capita tend to have a higher HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There are no reports of unlawful or arbitrary killing by the government or its agents.

Freedom from disappearance



Respected ⁵

There are no reports of politically-motivated disappearances in Namibia.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Respected ⁶

The constitution prohibits cruel and inhuman punishment, and there are few complaints of abuse by police. However, the law does not define what torture is or even classify it as a separate crime.

Freedom from arbitrary arrest or detention



Respected⁷

The laws prohibit arbitrary arrest and detention, and the government generally respects these prohibitions.

Freedom from denial of fair public trial



Respected⁸

The constitution guarantees an independent judiciary and citizens in rural areas generally enjoy fair and public trials. Nonetheless, the constitution controls and defines the cases that these local courts can handle due to a lack of resources.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

The Namibian constitution protects privacy, and Namibian law enforcement generally respects the law.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 15.15, Rank: 17 / 180 – Mostly free, diverse and independent¹¹

Laws in Namibia guarantee freedom of speech and press, and such laws are generally respected. Namibia's functioning democratic political system gives strong importance to an independent press.

Freedom from academic censorship



Partially respected¹²

Namibian laws make it illegal to conduct research, without authorization from the government-appointed National Commission on Research, Science, and Technology. However, "research" is vaguely defined in the regulations, which makes it difficult to respect them.

Freedom of peaceful assembly and association



Partially Respected¹³

The constitution protects the right to free assembly, and law enforcement generally respects the law. However, some government institutions of higher learning have banned activities by political organizations on their campuses.

Freedom of religion



Respected¹⁴

The constitution forbids religious discrimination and guarantees freedom of belief and the right to practice, profess, and promote any religion.

Freedom of movement



Respected¹⁵

The Namibian constitution provides freedom of internal movement, emigration, foreign travel and repatriation, and the government generally respects these rights.

Protection of refugees and stateless persons



Respected¹⁶

The law enables the granting of asylum or refugee status. The government cooperates with UNHCR in providing assistance and protection to refugees, asylum seekers and stateless persons.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



2 / 7 – Free¹⁹

The constitution guarantees free speech, freedom of assembly and association, and freedom of movement. The government usually respects these rights and freedoms, and works with organizations to ensure the protection of civil liberties.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



2 / 7 – Free²¹

The elections in Namibia are overall considered free and fair. Nevertheless, corruption remains an important problem in the country.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 52%, Rank: 53 / 176 – Some corruption²³

Although laws call for criminal penalties for corruption by officials, the government does not implement them effectively, and some abuses go unpunished. There is no law allowing public access to government information, but the government provides information when requested.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

Domestic and international human rights groups usually operate without government intervention. Namibian officials cooperate with human rights investigations and respond to human rights issues when such problems are publicized.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed – Limited dangers to minorities²⁶

According to Minority Rights Group International, Namibia does not have any minorities which face an immediate sectarian threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 72.2%, Rank: 40 / 142 – Somewhat unequal rights²⁸

The constitution provides the same legal status and rights for men and women but women are disfavoured under Namibian family law. In addition, women face economic discrimination and are often victims of domestic violence.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 74.5%, Rank: 93 / 165 – Somewhat protected³⁰

Child abuse is a serious problem in Namibia. Nevertheless, the government has implemented programs to address such abuse and seeks to provide services to victims.

Rights of persons with disabilities



Respected³¹

The law prohibits discrimination against disabled persons in employment, health care, education and other state services. The government requires all new buildings to be accessible to all, although older buildings are not obliged to comply with this regulation.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected³²

The constitution protects rights of minorities, but some forms of societal, racial and ethnic discrimination still exist within Namibian society.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{33 34}

Laws prohibit sexual discrimination but not discrimination based on sexual orientation. Members of the LGBT community frequently face harassment in public services. However, the Namibian ombudsman publicly supports the legalization of same-sex marriage.

Section 8: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³⁵

The law provides for the right to form and join unions, engage in strikes, and bargain collectively. However, workers in "essential services" like police forces, the military, or workers in public health have limited labour rights and cannot go on strike or join unions.

Freedom from forced or compulsory labour



Partially respected³⁶

Laws prohibit all form of forced or compulsory labour. However, the government fails to deter forced labour due to lack of resources, insufficient inspections, inadequate remediation strategies and insufficient penalties.

Freedom from forced labour for children, and a minimum age of employment



Partially Respected?³⁷

Namibian laws set the minimum working age at 14. The government encourages parents to send their children to school, and works with NGOs to help victims of child labour. However, child labour continues to be a problem, since most children work in farms owned by their family.

Right to acceptable conditions of work



Respected³⁸

The standard legal work week is 45 hours with a minimum of 36 consecutive hours of rest for the weekend. Workers cannot do more than 10 hours of overtime and are entitled between 20 to 24 days of annual leave. Migrants have the same rights as citizens.

Right to employment



17.7% - Extreme unemployment³⁹

Although the unemployment rate has been decreasing since a decade, it is still very high.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Namibia" UNDP, based on 2014 or the most recent year available. Accessed Jan. 8, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2016 Namibia." U.S Department of State. January 1, 2016. Accessed March 10, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed March 13, 2017. <http://rsf.org/index2014/en-index2014.php>.

¹² "Country Reports on Human Rights Practices for 2015 Namibia." U.S Department of State. January 1, 2015. Accessed March 13, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Namibia." World Report 2014: Namibia. January 1, 2014. Accessed March 13, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Namibia>.

¹⁴ "Namibia." International Religious Freedom Report for 2013. January 1, 2013. Accessed March 13, 2017.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Namibia." World Report 2014: Namibia. January 1, 2014. Accessed March 13, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Namibia>.

¹⁶ "Namibia." World Report 2014: Namibia. January 1, 2014. Accessed March 13, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Namibia>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed March 13, 2017

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Namibia." Freedom in the World 2014: Namibia. January 1, 2014. Accessed March 13, 2017. <https://freedomhouse.org/report/freedom-world/2014/Namibia-0#.VIIIHZGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed March 13, 2017

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ "Namibia." Freedom in the World 2014: Namibia. January 1, 2014. Accessed March 13, 2017. <https://freedomhouse.org/report/freedom-world/2014/Namibia-0#.VIIIHZGG9e8>.

²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Namibia." Corruption by Country. January 1, 2014. Accessed March 13, 2017. <http://www.transparency.org/country#BHR>.

²⁴ "Country Reports on Human Rights Practices for 2015 Namibia." U.S Department of State. January 1, 2015. Accessed March 13, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

²⁶ "Namibia." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed March 13, 2017. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Namibia." World Economic Forum. January 1, 2014. Accessed March 13, 2017. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed March 13, 2017. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2015 Namibia." U.S Department of State. January 1, 2015. Accessed March 13, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed March 13, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2015 Namibia." U.S Department of State. January 1, 2015. Accessed March 13, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed March 13, 2017. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.