

UN CRC	Ratification Date	Care-Related Concluding Observations
CRC/C/NAM/CO/2-3	30 Sep 1990	<p>16 October 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2fCO%2f2-3&Lang=en</p> <p>IV. Main areas of concern and recommendations</p> <p>General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)</p> <p>Data collection</p> <p>18. While the Committee welcomes that the National Household Income and Expenditure Survey 2009/10 included for the first time a child poverty assessment, it is concerned about the absence of a comprehensive data collection system for the disaggregation and analysis of data on all children under the age of 18. The Committee also regrets the lack of information on the cases of violence against children, including corporal punishment and children with disabilities, disaggregated by sex, age, socioeconomic background, geographic location, and those attending and/or out of schools.</p> <p>19. The Committee encourages the State party to set up a comprehensive data collection system with the support of its partners and analyse the data collected on children as a basis for assessing progress achieved in the realization of children’s rights. The data collected should be disaggregated by, inter alia, age, sex, ethnicity, geographic location and socioeconomic background to facilitate analysis of the situation of all children, in particular those groups of children who are in need of special protection, such as girls, children with disabilities and those living in poverty. The Committee also recommends that the State party collect systematic data on cases of violence against children, in particular sexual violence and corporal punishment, including by requiring all schools, alternative care institutions and state structures to report all instances of violence against children.</p>

		<p>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>30. The Committee notes the efforts by the State party to address discrimination, including through the formulation of numerous policies and programs, such as the Education Sector Policy for Orphans and Vulnerable Children and the National Policy on HIV/AIDS for the Education Sector. Despite these efforts, the Committee is concerned about:</p> <ul style="list-style-type: none">(a) Human rights violations resulting from widespread discrimination against children from indigenous communities, in particular Ovahimba and San, children with disabilities, those living in poverty, children in street situations and refugee and migrant children;(b) Pervasive marginalization and discrimination against women and girls, including patriarchal attitudes and deep-rooted norms and customs that discriminate against girls and place severe restrictions on their human rights. Furthermore, the Committee is concerned about the customary laws and practices that discriminate against women and girls, including those relating to marriage and inheritance. <p>31. In the light of article 2 of the Convention, the Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Intensify measures, including timely implementation of relevant policies and strategic plans, to reduce poverty, prevent and combat discrimination in education, health and development, particularly for girls, indigenous children, children with disabilities and other groups of children in vulnerable situations;(b) Adopt all necessary measures to combat discrimination faced by women and girls under customary law, particularly in the areas of marriage and inheritance rights, including through efforts to prevent the application of such law in rural areas. In these efforts, the Committee calls upon the State party to ensure that girls, women, traditional leaders and civil society organizations are consulted throughout the process;
--	--	--

		<p>(c) Review all relevant civil laws to end legislative discrimination against women and girls. In particular, the State party should review the Married Persons Equality Act of 1996 to eliminate all discriminatory provisions, including those affecting marriage, land ownership and inheritance rights;</p> <p>(d) Include detailed information in its next report on measures adopted to prevent the application of customary law that discriminates against girls and women or has the effect of creating or perpetuating discrimination against girls.</p> <p>D. Violence against children (articles 19, 37 (a) and 39 of the Convention)</p> <p>Corporal Punishment</p> <p>38. The Committee notes that the Education Act (Act No. 16 of 2001) prohibits corporal punishment in schools, and that the Supreme Court ruling of 1991 ruled that corporal punishment is unlawful in school and as a sentence for crime. However, the Committee is gravely concerned about the information provided by the State party that:</p> <p>(a) The practice of corporal punishment remains widespread in all settings, including in schools;</p> <p>...</p> <p>(c) There is an absence of legislation that explicitly prohibits corporal punishment in the home, penal system and alternative care settings. In addition, the Committee deplores the fact that “reasonable chastisement” of a child is a common law defence to the crimes of corporal punishment.</p> <p>39. The Committee strongly calls upon the State party:</p> <p>(a) To pass, as a matter of priority, the Child Care and Protection Bill with a view to prohibiting corporal punishment under civil and customary law and in all settings, including in the home,</p>
--	--	---

		<p style="text-align: center;">in school and in alternative care settings;</p> <p>E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Family environment</p> <p>47. The Committee notes with appreciation that the State party provides disability, foster care and child maintenance grants and also notes that the Fourth National Development Plan (2012/13–2016/17) advocates for the gradual expansion of the grant system to include all children and additional measures to empower families to look after their children. However, the Committee is concerned that due to a shortage of social workers and community child workers, the measures do not yet reach all families and children that require them. In addition, the Committee is concerned about:</p> <ul style="list-style-type: none">(a) The fact that 28 per cent of Namibian children under the age of 18 are orphans and/or “vulnerable”, 34 per cent do not live with one of the parents, and only 26 per cent of all children live with both parents;(b) The unequal parental responsibilities in families and the high incidence of households headed by single mothers. <p>48. The Committee strongly recommends that the State party:</p> <ul style="list-style-type: none">(a) Expedite the expansion of the grant system and strengthen consultation with civil society organizations in the monitoring and review of the system to ensure increased access to grants for families, such as those living in poverty and those headed by single mothers;(b) Take additional measures to further increase the number of social workers and community child workers;(c) Develop parental education and awareness, for example by providing parents with support, including training in parental guidance, skills and joint parental responsibilities aimed at
--	--	--

		<p>changing practices and stereotypes regarding gender roles and parenting;</p> <p>(d) Take immediate measures to avoid the separation of children from the family environment by providing appropriate assistance and support services to parents and legal guardians in the performance of child-rearing responsibilities.</p> <p>Adoption</p> <p>49. The Committee is deeply concerned that domestic and intercountry adoptions take place unofficially through unauthorized private channels, and without any oversight by the State party. The Committee also notes with concern the absence of national legislation on intercountry adoptions. The Committee is concerned that in the absence of a legal framework and a specific body to monitor domestic and intercountry adoption, children are exposed to exploitation and child trafficking.</p> <p>50. The Committee recommends that the State party:</p> <p>(a) Urgently adopt a comprehensive law on domestic and intercountry adoption and ensure that it is in full compliance with the Convention and other international standards. In the meantime, the State party should take immediate measures to stop unofficial adoptions in order to prevent abusive practices, including the exploitation and trafficking of children;</p> <p>(b) Entrust the responsibility of monitoring and collecting data on domestic and intercountry adoption, including post-adoption monitoring, to a specific body, and ensure that the principle of the best interests of the child is always taken into consideration;</p> <p>(c) Expedite the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.</p> <p>F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p>
--	--	--

		<p>Adolescent health</p> <p>57. While welcoming various policies and initiatives undertaken by the State party to improve adolescent health, the Committee is extremely concerned at the high number of teenage pregnancies, including those as a result of rape, the high incidence of sexually transmitted infections and drug and alcohol abuse among adolescents. In particular, the Committee is concerned about:</p> <p>(a) The State party's punitive abortion law and various social and legal challenges, including long delays in accessing abortion services within the ambit of the current laws for pregnant girls. In this regard, the Committee notes with concern that such a restrictive abortion law has led adolescents to abandon their infants or terminate pregnancies under illegal and unsafe conditions, putting their lives and health at risk, which violates their rights to life, to freedom from discrimination, and to health;</p> <p>58. Referring to its general comment No. 4 (CRC/GC/2003/4, 2003), the Committee recommends that the State party:</p> <p>(a) Review and amend its legislation concerning abortion to prevent adolescents from resorting to clandestine and unsafe abortions and to reduce unwanted pregnancies, maternal mortality and the abandonment of infants;</p> <p>HIV/AIDS</p> <p>59. The Committee welcomes the progress of the State party in reducing HIV prevalence, achieving a high coverage of prevention of mother to child transmission of HIV and providing anti-retroviral therapy. However, the Committee is gravely concerned at:</p> <p>(a) The high prevalence of HIV/AIDS infections among children, in particular among adolescent girls;</p> <p>60. In the light of its general comment No. 3 (CRC/GC/2003/4, 2003), the Committee recommends that the State party:</p>
--	--	--

		<p>(a) Take legislative measures to ensure that all children, including girls under the age of 16, have free and confidential access to medical counsel and assistance with or without parental consent;</p> <p>...</p> <p>(c) Strengthen and enforce new policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes to strengthen the capacity of families and communities to care for such children;</p> <p>Children in street situations</p> <p>69. The Committee welcomes the State party's countrywide campaign to raise awareness of children in street situations and integrate them back into schools. The Committee, however, is concerned at reports that children in street situations are regularly subject to exploitation, abuse, discrimination and stigmatization, as well as to arrest and detention by police. In addition, the Committee is concerned at the institutionalization of children in street situations in the State party.</p> <p>70. The Committee recommends that the State party:</p> <p>(a) Develop a comprehensive strategy to protect children in street situations and reduce their number, including identifying the underlying causes, such as poverty, family violence, migration and the lack of access to education, with the aim of preventing and reducing this phenomenon. In this regard, the Committee calls upon the State party to pay special attention to the specific vulnerability of girls in street situations to sexual abuse, exploitation and early pregnancy;</p> <p>(b) Develop initiatives that offer effective alternatives to institutionalization and facilitate the reunification of children in street situations with their families, whenever feasible and appropriate, taking into account the best interests of the child. In this context, the Committee recommends that the State party develop programmes that support their long-term educational and developmental needs, including through psychological support where possible;</p>
--	--	--

		Country Report
		CRC/C/NAM/2-3 15 September 2011 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNAM%2f2-3&Lang=en
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	16 Apr 2002	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	16 Apr 2002	
ICCPR	Ratification Date	Care-Related Concluding Observations
	28 Nov 1994	
ICESCR	Ratification Date	Care-Related Concluding Observations
	N/A	
CEDAW	Ratification Date	Care-Related Concluding Observations
	26 May 2000	
CRPD	Ratification Date	Care-Related Concluding Observations
	4 Dec 2007	
UPR	Date of	Link to Page

	Consideration	
	31 Jan 2011	http://www.ohchr.org/EN/HRBodies/UPR/PAGES/NASession10.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	N/A	http://www.hcch.net/index_en.php?act=states.details&sid=114

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review