



UNITED NATIONS

Convention on the Rights of the Child



The embodiment of the untold hardships and narrative on the situation of the Rights of Indigenous Children and Local Communities

ABSTRACT

This alternative report by CEDA provides an overview of the current situation regarding the rights of children in Namibia, focusing on key areas such as education, health, protection from violence, and participation including an analysis of the implementation of the CRC in Namibia, highlighting the gaps and challenges in the realization of children's rights

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Committee on the Rights of the Child

**Alternative Reporting to the Government of the Republic of
Namibia combined 4th to the 6th periodic report number
CRC/C/NAM/4-6 on the Situation of the Rights of
Indigenous Children and Local Communities**

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CEDA.24-CRC/A/2024-01

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A. Reporting Organisation

1. Community Empowerment and Development Association (CEDA) is a grassroots, member-based welfare organisation fully registered since 3 August 2006 in terms of Section 19, of Act 12 of 1979 with the MOHSS and advocates through a human rights based approach for the realisation of the protection of children's rights as prescribed in the United Nations Conventions on the Rights of the Child (UNCRC) and other international human rights instruments. Since Namibia ratified the UNCRC in October 1990 and the State party signed the African Charter on the Rights and Welfare of the Child (ACRWC) in 1999 and ratified it in 2004, our advocacy efforts are based on such treaties, protocols, legislation, policies and programmes.
2. Ms. Haraseb is the co-founder of CEDA since August 2006 and has served as the Executive Director of CEDA for an extensive period of time, and throughout her career, has consistently demonstrated an unwavering commitment to the promotion and protection of Indigenous Peoples' rights, particularly focusing on the rights of Indigenous women, girl child and children.
3. CEDA acknowledges and appreciates that Namibia is committed to the realisation of the protection of children's rights as prescribed in the UNCRC and ACRWC, we wish to submit an alternative report to the combined report submitted on 30 June 2023 by the state party as the 4th to 6th periodic report as per Article 44 of UNCRC.

B. Background Information

4. The United Nations Convention on the Rights of the Child (CRC) is an international human rights treaty that sets out the civil, political, economic, social, health, and cultural rights of children. Namibia ratified the CRC in 1990, committing to protect and promote the rights of its children.
5. Namibia has made significant strides in advancing the rights of children since gaining independence in 1990. However, several challenges persist, hindering the full realization of children's rights in the country.
6. This alternative report provides an overview of the current situation regarding the rights of children in Namibia, focusing on key areas such as education, health, protection from violence, and participation including an analysis of the implementation of the CRC in Namibia, highlighting the gaps and challenges in the realization of children's rights.
7. The report contains suggested questions and recommendations on the strategies and interventions undertaken by the State party in its efforts to promote and protect children's rights and welfare in the country from the period 2007 to 2019 and extends to the period from 2020 to 2024. The preparation of the report involved several meetings and desktop research, primary and secondary sources and consultations with key stakeholders such as government ministries, civil society organisations and children themselves.

C. Observations and Concerns Related to State Report

8. In 2012, the Special Rapporteur on the rights of indigenous peoples (then James Anaya) was invited to Namibia, and the resulting report, *The Situation of Indigenous Peoples in Namibia (2013)*, provides a comprehensive overview of indigenous peoples' issues in the country, and specific recommendations for Government and other stakeholders. The majority of these recommendations including those affecting indigenous children have not been taken up by Government or other stakeholders

C.1 Child Marriages

9. Child marriages are prohibited in the Namibian constitution but several traditional initiation ceremonies that celebrate womanhood appear to promote them.
10. There are still indigenous and local communities, such as the San and Ovahimba, that promote child marriages as part of their cultural practices. CEDA participated in a stakeholders meeting during March 2024 that convened various Indigenous communities, including the San, Nama, Ovahimba, and Ovahimba, where this issue was a major concern. It was alarming to discover that early marriage could be arranged for unborn babies in some Indigenous cultures. During discussions weighing the pros and cons of this issue, the meeting unequivocally condemned such practices and emphasized the urgent need for community awareness.
11. In some instances, it was observed that certain San parents marry off their daughters due to financial constraints, exchanging them for money to adult men. Additionally troubling is the fact that some 12-year-old girls have given birth, highlighting the gravity of the situation.

C.2 Health:

12. Although Namibia has made progress in reducing child mortality rates and improving access to healthcare services, challenges remain in ensuring universal access to quality healthcare for all children.
13. Issues such as malnutrition, HIV-AIDS, and limited access to clean water and sanitation continue to impact children's health outcomes, particularly in rural areas.
14. Indigenous children face significant risks, particularly concerning healthcare. Indigenous communities traditionally often distrust modern hospitals and medications, relying instead on their historical use of medicinal plants without issue. Some parents fear that hospitals administer harmful injections, leading to a lack of trust in medical facilities. While awareness about HIV-AIDS, and other Sexually Transmitted Disease (STDs) is increasing at the community level, the San community still needs extensive education for parents and children to maintain a healthy lifestyle effectively.
15. Many infected young mothers lack understanding about preventing transmission to their unborn babies. Some still opt for traditional home births, which can heighten the risk of infecting newborns during the delivery process. Additionally, food security poses a major challenge in San and Indigenous communities, with many relying on government drought relief programs. This dependency often results in inadequate nutrition, especially in eastern Namibia, as families struggle to provide balanced diets. The issue of food sovereignty also arises, as families can only afford to feed their children what is available to them.

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C.3 Education:

16. Access to quality education remains a concern in Namibia, particularly in rural and marginalized communities.
17. While primary education is free and compulsory, barriers such as poverty, long distances to schools, and inadequate infrastructure persist. Additionally, disparities in the quality of education between urban and rural areas exacerbate inequality.
18. Moreover, disparities in educational quality between urban and rural areas contribute to widening inequality, particularly for Indigenous children. One significant challenge is the use of dominant languages in teaching, which sidelines mother tongue education. Many Indigenous languages lack development for inclusion in school curricula, with San languages facing the threat of extinction due to limited speakers available for further development.
19. Financial constraints impede material development by educational writers, exacerbating the loss of Indigenous languages among children. Bullying remains prevalent in schools, especially when children speak their mother tongues, further alienating them. Additionally, the predominance of teachers from other tribes inhibits effective communication in local languages, leading to psychological issues like depression.
20. Infrastructure challenges persist in Indigenous schools, with communities often unable to maintain government-provided structures. While primary school uniforms may sometimes be overlooked for Indigenous children, high schools enforce stricter uniform policies, leading to dropout rates as students return to resettlement farms, often undertaking perilous journeys of 100 to 120 kilometers on foot alongside their parents.

C.4 Child Labour:

21. Child labour remains a significant issue in Namibia, particularly in sectors such as agriculture, domestic work, and informal urban economies.
22. Poverty, lack of educational opportunities, and inadequate enforcement of labour laws contribute to the prevalence of child labour, depriving children of their right to education, leisure, and a safe environment.
23. Child labour remains a concerning issue within Indigenous communities, with many children being employed. Parents often feel compelled to send their young daughters into urban areas for domestic work, while boys typically start working on farms where their parents are employed. Gathering statistics on this matter proves challenging, as accessing private land to address such issues is difficult. This situation poses risks for both the workers and their families, as it could jeopardize their employment.

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C.5 Protection from Violence:

24. Children in Namibia are vulnerable to various forms of violence, including physical, sexual, and emotional abuse, as well as neglect.
25. Despite efforts to strengthen child protection laws and services, gaps in implementation and enforcement persist.
26. Cultural norms, poverty, and inadequate social support systems contribute to the perpetuation of violence against children.
27. In many instances, Indigenous children lack protection both from their parents and dominant members of the communities. Rape cases often go unreported, as victims are intimidated by authorities or perpetrators who bribe their way out of accountability. Cultural norms of shyness among children further compound this issue, leading many to suffer in silence. In some cases, involving church leaders can provide guidance and counselling to these children. However, addressing such sensitive matters requires a wealth of wisdom and knowledge to encourage victims to come forward.
28. Indigenous communities are already marginalized, making it even more challenging for children when their rights are violated. While efforts are made to raise awareness within these communities, similar attention is needed for officials and members of dominant tribes to respect and protect Indigenous rights as citizens of the country. In the last month of March 2024, San boys who were collecting firewood along the roadside were brutally injured by the farm owner. Reportedly, the boys were placed in the meat cold storage room and subjected to severe beatings. This case is currently in court, with the perpetrators currently out on bail. However, due to the financial constraints within the communities, pursuing civil cases to seek damages remains challenging. It's important to note that violence is not isolated to Indigenous communities; it continues to occur across the country.

C.6 Participation

29. While efforts have been made to promote children's participation in decision-making processes, there is still room for improvement.
30. Indigenous children, especially those from marginalized communities, often lack opportunities to voice their opinions and participate in matters that affect them directly. Ensuring meaningful participation requires creating safe spaces for children to express themselves and actively involving them in policy development and implementation.
31. In Indigenous communities, it is considered taboo for children to voice concerns about matters affecting them. Traditionally, children and women are excluded from decision-making circles. However, in some empowered Indigenous communities, a few children seize such opportunities. Unfortunately, their actions are often misunderstood by traditional authorities, leading to them being labelled as rebellious. Consequently, they may face exclusion from community development initiatives as a result.

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C.7 Conclusions

32. In conclusion, while Namibia has made commendable efforts to advance the rights of children, significant challenges persist. Addressing these challenges requires a multi-faceted approach that involves government action, civil society engagement, and community participation.
33. Prioritizing investments in education, healthcare, child protection, and poverty alleviation is essential to ensuring that all children in Namibia can enjoy their rights and reach their full potential.
34. CEDA recommends that the Government prioritize empowering the Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPEWSW), particularly the Office of the Deputy Minister for Marginalized Communities, by providing additional staff in the regions alongside the Development Planners with a specific focus on Indigenous children and women. This can be achieved by employing Indigenous individuals who have a targeted focus on addressing the needs of these communities. It is crucial to ensure adequate staffing, as having too few responsible individuals can result in their voices being overshadowed by others
35. Non-governmental organizations face limitations in funding, and even when they offer assistance to communities, it is often constrained by numerous conditions attached to the funds. Consequently, we are seeking to collaborate closely with the government to achieve meaningful progress. The Working Group of Indigenous Minorities in Southern Africa (WIMSA) has played a crucial role in advocating for Indigenous peoples' rights and development initiatives since its establishment in 1996 but had to scale down operations in 2018 due to lack of core funding. This includes establishing early learning centers, providing indigenous teacher training, supporting students, and advocating for the recognition of San Traditional authorities.
36. However, due to donor withdrawals, particularly with Namibia being considered a middle-income country, many of these efforts are currently neglected. In light of this, we urge the Government of Namibia to enhance their ongoing efforts in supporting the well-being of Indigenous communities and their children. This entails increasing attention and resources directed towards addressing the unique challenges faced by these communities.
- 37.

D. Recommendations from the Universal Periodic Review

38. In terms of children's rights, Namibia is committed to promoting and protecting the rights of the children as per the African Charter on the Rights and Welfare of the Child, as well as the United Nations Convention on the Rights of the Child. The State Party submitted its first report covering the period of 2004-2012 in 2014, which was a combination of the initial report and the second period reports. The report highlighted the progress made towards the promotion, care and protection of children's rights in Namibia

39. The third, fourth, and fifth periodic reports on the African Charter on the Rights and Welfare of the Child were submitted by Namibia in March 2022. The report is the evidence to the commitment the country has made to fulfil the rights of children as preserved in the Namibian Constitution. The report contains strategies and interventions undertaken by Namibia for the benefit of children from 2013 to 2021. The preparation of the report included several meetings and consultations between the key stakeholders and children themselves

40. The report covers various aspects of children's rights, including data on family environment and alternative care, residential child care facilities, services and programs rendering assistance to parents and legal guardians, the number of children in domestic and inter-country adoption, and the protection of children in most vulnerable situations

41. In terms of challenges, Namibia faces several challenges in protecting children's rights, including rape, a lack of adequate health facilities, a lack of education, child labour, sexual abuse, HIV/AIDS, and a lack of facilities for children with disabilities. The protection of children's rights in Namibia: Law and policy article highlights these challenges and the need for adequate legal and policy frameworks to address them

E. Suggested Questions to the State Party

42. The CRC is one of the first international human rights treaties to address explicitly the situation of indigenous children. While all the provisions of the Convention apply to these children, Article 30 specifically addresses their reality:

“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origins exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”

43. In summary, whilst Namibia is committed to promoting and protecting the rights of children and indigenous peoples, as evidenced by its ratification of several international and regional treaties and conventions. However, challenges remain, including the need to address discrimination, poverty, lack of access to education and health facilities,
44. How does the State party ensure the participation of marginalized communities in decisions that affect them.
45. What concrete steps did the Government and related stakeholders took to implement the recommendations of the Special Rapporteur on the rights of indigenous peoples and other human rights mechanisms to ensure the realization of the rights of children and indigenous peoples in Namibia.

F. Recommendations from NGO for consideration by Committee

46. Strengthen efforts to improve access to quality education, particularly in rural and marginalized communities.
47. Invest in healthcare infrastructure and services to ensure universal access to quality healthcare for all children.
48. Enhance child protection mechanisms, including strengthening laws and increasing resources for child protection services.
49. Address the root causes of child labor through poverty alleviation measures and enforcement of labor laws.
50. Promote children's participation in decision-making processes at all levels, ensuring their voices are heard and valued.
51. Conduct regular monitoring and evaluation of progress in implementing children's rights to identify gaps and areas for improvement.

G. Annexures



Figure 1 : Indigenous People and Local Communities Stakeholder Meeting held 26 - 28 March 2024