



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
38TH SESSION**

**STATUS OF HUMAN RIGHTS IN NAMIBIA
FOR THE 38TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

**Status of Human Rights in Namibia
for the 38th Session of the
Universal Periodic Review**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ hold Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to provide an update on the steps Namibia has taken to combat human trafficking for the 38th Session of the Universal Periodic Review (UPR).

Background

2. Namibia is a south African country with a population of approximately 2.6 million people¹. The country is largely Christian, with an estimated 80% to 90% of the population practicing some form of Christianity². The remaining population practice an assortment of indigenous religions.

3. Namibia's previous UPR review was held on 24 January 2016. As a result of the review, Namibia received a total of 218 recommendations, out of which "Namibia accepted 189 and took note of the rest"³. Out of the 5 recommendations regarding trafficking in persons, Namibia accepted all the recommendations. Numerous countries recommended that Namibia "[i]ntensify efforts in the area of prevention and fight against human trafficking in particular girls and children in situations of vulnerability"⁴. As a result of these recommendations, Namibia has taken great strides to combat human trafficking by creating and passing an anti-trafficking law.

Legal Framework & Efforts to Combat Human Trafficking

4. Article 9 of the Constitution of Namibia explicitly states that "No persons shall be held in slavery or servitude" and "No persons shall be required to perform forced labour". Namibia is also a party to the Universal Declaration of Human Rights (UDHR) which states in article 4 that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms"⁵.

5. While these protections exist, Namibia serves as a source, transit and destination country for human trafficking⁶. Thus, traffickers exploit Namibian citizens for trafficking abroad, use Namibia as a route to transport victims to different countries within Africa, as well as bring foreign victims to Namibia for use in sexual exploitation and forced labour.

6. In recognition of the problem of and in an effort to end human trafficking, the Namibian government passed the Combatting of Trafficking in Persons Act of 2018. The purpose of this act is:

To give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to criminalise trafficking in persons and related offences; to protect and assist victims of trafficking in persons, especially women and children; to provide for the

coordinated implementation and administration of this Act; and to provide for incidental matters⁷.

7. Under the Trafficking in Persons Act of 2018, not only are the actions of those who traffic persons criminalised, but also the actions of those aid traffickers in transporting, hiding, or recruiting victims. Furthermore, this law goes a step further and also provides aid and assistance to the victims of this heinous crime. Under this law:

1. A person commits an offence of trafficking in persons if he or she intentionally recruits, transports, delivers, transfers, harbours, sells, exchanges, leases or receives a person by means of –
 - (a) threat;
 - (b) use of force or other forms of coercion;
 - (c) abduction;
 - (d) fraud;
 - (e) deception;
 - (f) kidnapping;
 - (g) abuse of power or abuse of position of vulnerability; or
 - (h) giving or receiving of payments or benefits to obtain the consent of a person who has control over another person⁸.

8. Perhaps most importantly, the law does more than criminalising and punishing human traffickers. It provides much needed aid and assistance the victims.

- (1) The Minister may designate a person or an organisation to provide appropriate services to victims of trafficking.
- (2) The services referred to in subsection (1), includes –
 - (a) providing the victim of trafficking with housing;
 - (b) counselling the victim of trafficking;
 - (c) providing the victim of trafficking with information regarding his or her legal rights in a language that he or she understands;
 - (d) providing safety to the victim of trafficking.
- (3) The services referred to in subsection (2) –
 - (a) may be provided to a person who is on reasonable grounds suspected to be a victim of trafficking; and
 - (b) must be provided to a victim of trafficking irrespective of the nationality of the victim⁹.

9. In March of 2019, the Ministry of Gender Equality and Child Welfare worked with the National Coordination Body with help from UN Migration Agency in order to launch the National Referral Mechanism and Standard Operating Procedures for the purpose of identifying, protecting, and referring victims of human trafficking¹⁰. Adopting procedures for identifying victims is extremely important in the fight against human trafficking.

Human Trafficking in Namibia

10. The Namibian government has ramped up its efforts to enforce the law as well as investigate cases of human trafficking.

11. In September of 2018, police rescued a 14-year-old girl who was being held against her will. Police arrested two individuals and charged them with kidnapping, human trafficking and rape¹¹.

12. For example, in 2019, Namibia investigated nine new trafficking cases and arrested 31 individuals¹². Out of these cases, 20 individuals were arrested for labour trafficking and 11 for sex trafficking¹³. In August of 2019 a 36-year-old Namibian man was arrested for smuggling two minors, a boy and a girl, from the Democratic Republic of Congo into Namibia¹⁴. The man was arrested at a border crossing when he was attempting to enter Namibia from Zambia. At the border, his truck was searched by customs officials where they found two minors hidden inside the truck¹⁵.

13. Arrests of human traffickers continued in 2020. For example, in September of 2020, Namibian police arrested Simon Andjamba for trafficking four boys from Angola to Namibia for use in cheap labour¹⁶. His trial is set to begin 28 October 2020¹⁷.

14. These are a few examples of the successful raids and arrests of human traffickers conducted by the Namibia police.

Conclusion

15. Within the past two years, Namibia has taken great strides to combat human trafficking. The ECLJ applauds Namibia's efforts, and encourages Namibia to continue these efforts to hold traffickers accountable, as well as provide aid for the victims.

¹ *Namibia*, THE WORLD FACTBOOK (30 Sept. 2020), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/wa.html>.

² *Id.*

³ *Database of Recommendations – Namibia*, UPR-INFO, https://www.upr-info.org/database/index.php?limit=0&f_SUR=9&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly (last visited July 6, 2020).

⁴ UPR of Namibia – Second Cycle – Thematic List of Recommendation - A/HRC/32/4/Add.1 – Para. 32.

⁵ Universal Declaration of Human Rights art. 9, available at https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

⁶ *Children, Women's Safety in Jeopardy Over Rife Human Trafficking in Namibia*, KATAKATA (10 Aug. 2019), available at <https://katakata.org/children-womens-safety-in-jeopardy-over-rife-human-trafficking-in-namibia/>.

⁷ *Combating of Trafficking in Persons Act 1 of 2018*, REPUBLIC OF NAMIBIA, available at https://laws.parliament.na/cms_documents/combating-of-trafficking-in-persons--63572e8e99.pdf.

⁸ *Combating of Trafficking in Persons Act 1 of 2018*, REPUBLIC OF NAMIBIA, available at https://www.iom.int/news/namibia-ready-combat-trafficking-persons.https://laws.parliament.na/cms_documents/combating-of-trafficking-in-persons--63572e8e99.pdf.

⁹ *Id.* art. 13.

¹⁰ Namibia Ready to Combat Trafficking in Persons, IOM (1 April 2019), *available at* <https://www.iom.int/news/namibia-ready-combat-trafficking-persons>.

¹¹ *Two Arrested for Human Trafficking*, THE NAMIBIAN (25 Sept. 2018), *available at* <https://www.namibian.com.na/181710/archive-read/Two-arrested-for-human-trafficking>

¹² *Namibia's Human Trafficking Response Improves*, THE NAMIBIAN (29 June 2020), *available at* <https://www.namibian.com.na/202127/archive-read/Namibias-human-trafficking-response-improves>

¹³ *Id.*

¹⁴ *Namibia: Man Nabbed on Human Trafficking Charges*, ALL AFRICA (29 Aug. 2020), *Available at* <https://allafrica.com/stories/201908290152.html>.

¹⁵ *Id.*

¹⁶ *Andjamba in Court for Human Trafficking*, THE NAMIBIAN (25 Sept. 2020), *available at* <https://www.namibian.com.na/95072/read/Andjamba-in-court-for-human-trafficking>.

¹⁷ *Id.*