

Universal Periodic Review
(24th session, January-February 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Namibia

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	06/04/2000 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	19/09/2007 Ratification			Right to take part in cultural life
Convention on the	29/11/2006			Right to take part in

Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification			cultural life
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II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework:

1. The right to education is enshrined within the **Constitution of 1990 of Namibia¹, last amended in 2010²**, in **Article 20**, which grants the right to education to its pupils. It is stated that: “(1) All persons shall have the right to education. (2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining state schools at which primary education will be provided free of charge. (3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorized by Act of Parliament on grounds of health or other considerations pertaining to the public interest. (4) All persons shall have the right, at their own expense, to establish and to maintain private schools, or colleges or other institutions of tertiary education; provided that: a) such schools, colleges or institutions of tertiary education are registered with a Government department in accordance with any law authorizing and regulating such registration; b) the standards maintained by such schools, colleges or institutions of tertiary

¹ http://www.gov.na/documents/10181/14134/Namibia_Constitution.pdf/37b70b76-c15c-45d4-9095-b25d8b8aa0fb, <http://www.unesco.org/education/edurights/media/docs/2f564e2757ef8e5a54778ee18ff937536985c732.pdf>, Accessed on 13/02/1015

² http://www.gov.na/documents/10181/14134/Government_Gazette_7_May_2010.pdf/7afdc09d-1f53-4486-a97c-50beb3fe2c24, <http://www.unesco.org/education/edurights/media/docs/502e330236a18c87422cca532bf6f42120ea9526.pdf>, Accessed on 13/02/2015

education are not inferior to the standards maintained in comparable schools, colleges or institutions of tertiary education funded by the State; c) no restrictions of whatever nature are imposed with respect to the admission of pupils based on race, colour or creed; d) no restrictions of whatever nature are imposed with respect to the recruitment of staff based on race or colour.”

2. Furthermore, **Article 15** declares that: “(2) Children are entitled to be protected from economic exploitation and shall not be employed or required to perform work that is likely to be hazardous or to interfere with their education [...]”

3. Regarding languages, **Article 3** points out that even though “the official language of Namibia shall be English, [...] nothing contained in this Constitution shall prohibit the use of any other language as a medium of instruction in private schools or in schools financed or subsidized by the State, subject to compliance with such requirements as may be imposed by law, to ensure proficiency in the official language, or for pedagogic reasons.”

4. **Article 10** provides that “(1) All persons shall be equal before the law. (2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”

5. **Article 23 as amended in 2010**³ sets out provisions regarding Affirmative Action and states that “(2) nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the defence force, the police force and the correctional service. (3) In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.”

1.2. Legislative Framework:

³ http://www.gov.na/documents/10181/14134/Government_Gazette_7_May_2010.pdf/7afdc09d-1f53-4486-a97c-50beb3fe2c24,

<http://www.unesco.org/education/edurights/media/docs/502e330236a18c87422cca532bf6f42120ea9526.pdf>,
Accessed on 13/02/2015

6. “The **Education Act No. 16**⁴ was [...] promulgated in December 2001. The primary objectives of the Act are to: provide for an accessible, equitable, qualitative and democratic national education service; provide for the establishment of the National Advisory Council on Education, the National Examination Assessment and Certification Board, Regional Education Forums, School Boards and the Education Development Fund; establish state and private schools and hostels; establish the Code of Conduct for the teaching profession; and establish the Teaching Service Committee.”⁵

7. It provides for free primary education. However, some fees can be determined for education other than primary. **Article 38** states: “(1) All tuition provided for primary and special education in state schools, including all school books, educational materials and other related requisites, must be provided free of charge to learners until the seventh grade, or until the age of 16 years, whichever occurs first. (2) A learner to whom education, other than primary education, is provided in any state school, centre or class or the person responsible for such learner's education, must pay such fees as the Minister may determine. (3) Any learner to whom boarding is provided in any hostel managed, controlled and maintained by the State, or the person responsible for such learner's maintenance, must pay such boarding fees as the Minister may determine. (4) Different tuition, boarding or other fees may be determined [...]”

8. **Article 53** provides for compulsory school attendance, by stating that “school attendance is compulsory for every child from the beginning of the year in which the child attains the age of seven years, until a) the day the child completes primary education before reaching the age of 16 years; or b) the last school day of the year in which the child reaches the age of 16 years.”

9. “The University of Namibia was established by the **Act No. 18 of 1992**⁶, which also provides for the administration and control of its affairs.”⁷

10. “The **Higher Education Act No. 26 of 2003**⁸ regulates higher education, provides for the establishment of a National Council for Higher Education, provides for the registration of private higher education institutions and for funding of public higher education institutions.”⁹

⁴ <http://www.unesco.org/education/edurights/media/docs/241504d10180425f8ad28cd2bf570fea027415d6.pdf>, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/82565/90512/F1722308076/NAM82565.pdf>, Accessed on 13/02/2015

⁵ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 3, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

⁶ <http://www.unesco.org/education/edurights/media/docs/09f28c0d0ef93c65a153336c05084daafd34b95c.pdf>, Accessed on 13/02/2015

⁷ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

11. “The **Teachers’ Education Colleges Act No. 25 of 2003**¹⁰ regulates the education and training of teachers, and provides for: the establishment, functions and composition of the Advisory Council of Teachers’ Education and Training; the establishment, closure and governance of teachers’ education colleges; the establishment and administration of Teachers’ Education and Training Funds; the appointment of committees to investigate and monitor teachers’ education colleges. It repeals the National Education Act No. 30 of 1980 in so far as it applies to teachers’ education colleges.”¹¹

12. “The **National Disability Council Act No. 26 of 2004**¹² establishes the Council and provides for the functions, powers and composition of the Council. Among other functions, the Council (set up in 2008) has to monitor the implementation of the National Policy on Disability. Each ministry/office/agency would have to account to the Council on progress made with regard to addressing disability rights and issues, in addition to working towards an inclusive society at all levels.”¹³

13. “The **Vocational Education and Training Act No. 1 of 2008** provides for the establishment of the Namibia Training Authority and the National Training Fund.”¹⁴

1.3. Policy Framework:

i) General information

14. “The Strategic Plan of the Ministry of Education provides the strategic direction and frameworks during the period namely, 2012 – 2017 in order to achieve the Ministry’s vision,

⁸ <http://www.unesco.org/education/edurights/media/docs/c742a099cecb233a354f914bb5465aef98bcf20b.pdf>, Accessed on 13/02/2015

⁹ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

¹⁰ <http://www.unesco.org/education/edurights/media/docs/5e351f1af9ffabd06faff0ee2bfef7f63989afc.pdf>, Accessed on 13/02/2015

¹¹ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

¹² <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70099/94825/F5747482/NAM70099.pdf>, <http://www.unesco.org/education/edurights/media/docs/a9bd5b676d4dc2a04a38882d4bf7c7e84d239c1b.pdf>, Accessed on 13/02/2015

¹³ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

¹⁴ IBE, World Data on Education, 7th ed., 2010-2011, Namibia, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Namibia.pdf, Accessed on 13/02/2015

mission and strategic objectives.”¹⁵ “The Ministry of Education identified five Strategic Themes in which the Ministry must excel. These Strategic Themes are the “pillars of excellence.” They will be operationalized through the development of strategic objectives that describes specific things that the Ministry of Education must achieve to realise the vision, live up to the mission and deliver value to the customer/stakeholders. [...] [The strategic themes and strategic objectives are the following:]

- Teaching & Learning
 - Provide accessible and equitable quality inclusive education.
 - Improve supervision of teaching and learning.
 - Ensure quality relevant learning content.
 - Create a conducive environment for teaching & learning.
 - Build educators’ skills and competencies.
- Leadership & Management
 - Enhance information & knowledge management.
 - Enhance management of the decentralization function.
 - Improve organizational performance.
 - Enhance HIV prevention including Wellness.
 - Improve ICT provision and usage.
 - Strengthen management skills and competencies.
 - Attract, deploy & retain skilled workforce.
 - Ensure prudent financial management & adequate and fair allocation of resources
- Infrastructure
 - Improve maintenance of infrastructure & Ensure modern and reliable physical infrastructure
- Regulatory Framework
 - Ensure compliance to regulatory framework.
 - Ensure responsive regulatory framework.
- Stakeholder Relations
 - Maximize benefits from strategic partnerships.
 - Increase collaboration with local, regional & international partners.
 - Strengthen and manage relations with key internal & external stakeholders.”¹⁶

¹⁵ Ministry of Education of Namibia, Strategic Plan – 2012-2017, p. iv,
[http://www.moe.gov.na/files/downloads/826_Ministry%20of%20Education%20Strategic%20Plan%202012-17%20\(2\).pdf](http://www.moe.gov.na/files/downloads/826_Ministry%20of%20Education%20Strategic%20Plan%202012-17%20(2).pdf),
<http://www.unesco.org/education/edurights/media/docs/787bff32451e90a0a3629091f306868c39972f1e.pdf>,
 Accessed on 13/02/2015

¹⁶ Ministry of Education of Namibia, Strategic Plan – 2012-2017, pp. 8-9,
[http://www.moe.gov.na/files/downloads/826_Ministry%20of%20Education%20Strategic%20Plan%202012-17%20\(2\).pdf](http://www.moe.gov.na/files/downloads/826_Ministry%20of%20Education%20Strategic%20Plan%202012-17%20(2).pdf),
<http://www.unesco.org/education/edurights/media/docs/787bff32451e90a0a3629091f306868c39972f1e.pdf>,
 Accessed on 13/02/2015

15. “In line with the two key challenges [(of the Namibia’s Fourth National Development Plan in Education)], strategies and actions in the education system will be designed around improving quality and addressing the mismatch between the demand for and supply of skills. With regard to general quality improvement, the strategies and activities to be pursued will include –

- improved learning standards and curricular development
- teacher development
- improved availability of textbooks and materials
- improved stringent learner assessment
- improved hard and soft infrastructure, and improved alignment between market demand and institutional supply by ensuring that curricula are de-signed with input from employers.

One key aspect across all levels of education is the quality of skills in those who are engaged in the business of transferring knowledge. To this end, stringent standards for teachers should be set and adherence to them monitored. Furthermore, in order to attract educators of a high standard to the profession, it is critical to address negative perceptions that there are those whose poor achievements, especially in science subjects, use the teaching profession as a fallback position. Therefore, there is a need to improve the career prospects for educators whose standards are consistently high. Such enhancements will provide the required incentive for educators to remain in the profession. Furthermore, the entry requirements for teacher training courses should be more stringent to ensure that teaching standards are kept high by new entrants to the profession, and that becoming a teacher is not a career of last resort.

One of the key focus areas under the NDP4, as indicated by DO2, will be a significant increase in the percentage of children that meet the entry requirement for VET and other tertiary institutions. In this regard, elements of the strategic focus will include –

- increasing the availability of opportunities and places in senior secondary education
- improving the conditions of service for teachers as well as the quality of the education they need to provide in the secondary phase, and
- improving the availability of secondary education textbooks and other teaching and learning materials.

Regarding the alignment of demand and supply, based on the Human Resources Development Plan, key areas of skills shortages will be identified and targeted for development over the next five years, with specific strategies that will include the following components:

- Linking VET as well as technical education in general to envisaged priority areas, starting off with tourism, logistics, mining, and manufacturing
- Increasing the provision of opportunities for VET and technical education, targeting the entire country, but impoverished areas in particular
- Introducing competency-based education and training
- Upgrading educator qualifications and expand throughputs of students undertaking studies to become educators.

- Providing adequate equipment and infrastructure for VET centres, and
- Certifying acquired skills in the informal sector.¹⁷

16. “Regarding pre-primary education, the strategy will be built around the following components:

- Increased availability of pre-primary and primary education
- Increased focus on quality, particularly as regards numeracy and literacy,
- Improved efficiency in the use of resources, focusing on value for money.¹⁸

ii) Inclusive Education

17. “Namibia has paid a high level of attention to education since independence, and has established important policies regarding mother-tongue and culturally appropriate education. However, the Government should increase efforts to address the troubling educational situation of, in particular, San and Himba groups, whose members continue to lag behind in educational attainment relative to other groups.”¹⁹

18. “As already indicated, a significant barrier that impedes San and Himba children from gaining access to education is the discrimination they face in schools, both from other students and from teachers. The National Policy Options for Educationally Marginalised Children acknowledges the pervasive discriminatory attitudes of the general student population and teachers as a major factor contributing to why marginalized children drop out of school or are reluctant to attend. The Special Rapporteur heard almost uniformly that discrimination, teasing and negative stereotyping of San children characterize their educational experiences. Himba people with whom the Special Rapporteur met voiced similar concerns, adding also that their children were forced to change their traditional haircuts and dress at schools.

19. Extreme poverty makes it difficult for San children in particular to attend and stay in school. Despite the fact that the Constitution requires that primary education be provided free of charge, the Education Act (Act No. 16 of 2001) allows for schools, on an individual basis, to charge fees towards a “school development fund” that goes towards maintenance of facilities and to “improve educational, sport and cultural activities”. While there is an exemption for students who cannot afford to pay the fee, the Special Rapporteur heard that San students are routinely turned away from schools for not paying development fund fees. San children are also more likely than other children to leave school to seek employment due to the extreme poverty they face. [...]

¹⁷ Republic of Namibia, Namibia’s Fourth National Development Plan (NDP_4) – 2012/13 to 2016/17, 2012, pp. 48-49, http://www.npc.gov.na/?wpfb_dl=37, Accessed on 13/02/2015

¹⁸ Republic of Namibia, Namibia’s Fourth National Development Plan (NDP_4) – 2012/13 to 2016/17, 2012, p. 50, http://www.npc.gov.na/?wpfb_dl=37, Accessed on 13/02/2015

¹⁹ Human Rights Council, Report of the Special Rapporteur on the rights of indigenous people, James Anaya, 2013, p. 2, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/151/05/PDF/G1315105.pdf?OpenElement>, Accessed on 13/02/2015

20. The Special Rapporteur heard alarming reports that San girls have suffered sexual abuse by teachers. He was also informed that principals and teachers have turned away teenage mothers who wished to return to school after their children had reached a certain age.”²⁰

21. “A National Conference on Education was held from 27 June – 1 July 2011 to discuss the many challenges in the education sector under the theme “Collective Delivery of the Education Promise; Improving the Education and training System for Quality learning Outcomes and Quality of Life”. The Conference aimed to provide a platform for the public and key stakeholders to scrutinize the current state of the education and training system in Namibia and develop strategies to address it. All recommendations made at the Conference were subsequently approved by Cabinet. Cabinet, inter alia gave a directive that free primary education must prevail in accordance with the provision of the Namibian Constitution. As from January 2013, free primary education, including for children belonging to ethnic minorities, will be rolled out in phases which will be completed in 3 years.”²¹

iii) Quality education

22. “Since independence, Namibia has achieved impressive results in primary school enrolment rates and is on track to achieve Millennium Development Goal 2 by 2015. Namibia is also to be commended for the significant and consistent levels of investment in the education sector since independence. Nonetheless, the Special Rapporteur is concerned that, despite the significant investment in education, the education system remains of poor quality and lags behind in international rankings. Investment has not translated into good quality education for all, a fundamental element of the right to education.

[...] Several factors, such as distance from schools in rural areas, lack of available and affordable transportation, and costs of uniform and materials, often impede access to education and contribute to significant dropout rates and low educational outcomes, particularly for the poorest and most marginalized children.”²²

iv) Financing of education

²⁰ Human Rights Council, Report of the Special Rapporteur on the rights of indigenous people, James Anaya, 2013, pp. 16-17, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/151/05/PDF/G1315105.pdf?OpenElement>, Accessed on 13/02/2015

²¹ Government of the Republic of Namibia, Mid-Term Progress Report on The Universal Periodic, 2013, pp. 9-10, http://www.upr-info.org/sites/default/files/document/namibia/session_10_-_january_2011/namibia_midterm_2013.pdf, Accessed on 13/02/2015

²² Human Rights Council, Report of the Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, Mission to Namibia (1 to 8 October 2012), 2013, p. 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/137/27/PDF/G1313727.pdf?OpenElement>, Accessed on 13/02/2015

23. “As of 1 January 2013, the Government abolished School Development Fees to ensure equality for all children, including the poor and those living in rural areas, in line with the Constitutional provision for free primary education.”²³

v) Gender equality

24. “In 2012, the National Plan of Action (NPA) on Gender-Based Violence was finalized. The NPA on GBV is a guide to the implementation of the National Gender Policy (2010-2020).”²⁴

2. COOPERATION:

25. Namibia is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

26. Namibia **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999),
- **Seventh Consultation** of Member States (covering the period 2000-2005)
- **Eighth Consultation** of Member States (covering the period 2006-2011).

27. Namibia **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

28. Namibia **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Namibia **did report** within the framework of the **Second Consultation** of Member States (2011).

29. Namibia is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

²³ Government of the Republic of Namibia, Mid-Term Progress Report on The Universal Periodic, 2013, p. 25, http://www.upr-info.org/sites/default/files/document/namibia/session_10_-_january_2011/namibia_midterm_2013.pdf, Accessed on 13/02/2015

²⁴ Government of the Republic of Namibia, Mid-Term Progress Report on The Universal Periodic, 2013, p. 16, http://www.upr-info.org/sites/default/files/document/namibia/session_10_-_january_2011/namibia_midterm_2013.pdf, Accessed on 13/02/2015

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

30. Freedom of expression is enshrined in Article 21 of the Namibian Constitution and includes freedom of press and other media.²⁵ It can be restricted if required in the interest of sovereignty and integrity of Namibia, national security, public order etc.²⁶

31. Defamation is a criminal offense according to the Article 63 e of the 2003 Competition Act. It can be punished by both fines and a prison term of up to one year.²⁷

32. There is no Freedom of Information legislation in Namibia.²⁸

2. MEDIA SELF-REGULATION

33. The Editor's Forum in Namibia, the Namibian association of media workers, has passed a Code of Ethics in 2007; a media ombudsman was appointed in 2009 to implement it. The Editor's Forum aims to establish a self-regulatory process, to become a forum for complaints against the media, and to encourage its adherents to follow the Code of Ethics.²⁹

3. SAFETY OF JOURNALISTS

34. UNESCO recorded no killings of journalists so far. Journalists operate in a safe environment.

III. RECOMMENDATIONS

35. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

²⁵ See the Constitution of Namibia on the government's website: <http://www.orusovo.com/namcon/>.

²⁶ See Article 21, paragraph B and article 22: <http://www.orusovo.com/namcon/>.

²⁷ See the Competition Act on the website of WIPO: http://www.wipo.int/wipolex/en/text.jsp?file_id=223255.

²⁸ See the report by the World Bank from 2011: <https://www.agidata.org/pam/Profile.aspx?c=141>.

²⁹ See the constitution of the Namibian Editor's Forum on the website of the Namibian Media Ombudsman: http://www.mediaombudsmannamibia.org/downloads/Constitution_Editors_Forum_of_Namibia.pdf.

36. In the Report of the Working Group on the Universal Periodic Review of 24 March 2011, various recommendations were made to Namibia.

37. The following recommendations enjoyed the support of Namibia:

- i. 96.23. **Continue its efforts in combating racial segregation and discrimination in various fields, particularly in education and continue the adoption of special measures in the context of the Durban Declaration and Programme of Action (Palestine);**
- ii. 96.44. **Implement standard procedures to identify victims and provide them with protection, conduct national anti-trafficking public awareness campaigns, and incorporate anti-human trafficking training into its police training curriculum (United States of America);**
- iii. 96.54. **Investigate reports of forced or coerced sterilization in HIV-positive women and that it takes steps to ensure women are educated about the effects of sterilization and options available to them (United Kingdom);**
- iv. 96.61. **Promote, in a comprehensive manner, sexual education, particularly of adolescents, with special attention to the prevention of early pregnancy and sexually transmitted diseases and HIV/AIDS (Mexico);**
- v. 96.67. **Ensure access to education, employment, health care and other basic services for the members of all ethnic communities, including the San and Himba communities (Slovenia);**
- vi. 96.68. **Continue its education policy, giving special emphasis to the education of young girls (Niger);**
- vii. 98.24. **Amend the labour law to address the inconsistency with regard to the minimum age to work and the school age for compulsory education, as well as more vigorously enforce the labour laws related to child labour (United States of America);**

38. The following recommendations enjoyed the support of Namibia which considers that they have already been implemented or are in the process of implementation:

- i. 97.6. **Continue to prioritize the education and health sectors in its development plans (Singapore);**

- ii. 97.12. **Consider continuing increasing allocation of more resources to the sectors of education, health and employment (Zimbabwe);**
- iii. 97.13. **Continue applying programmes and measures to improve the enjoyment of the right to education and the right to health, including addressing the HIV/AIDs pandemic (Cuba);**

39. Analysis:

Namibia adopted plans to further improve the quality of education, such as the strategic plan 2012-2017 of the Ministry of Education. It made efforts to promote the access to education for all abolishing the School Development Fees on the 1 January 2013. However, San and Himba communities continue to suffer discrimination in education. Furthermore, the Special Rapporteur on extreme poverty and human rights reported in 2013 that the education system remains of poor quality and investment has not translated into good quality education for all.

40. Specific Recommendations:

1. Namibia should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. Namibia should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
3. Namibia could be encouraged to continue its efforts on the access and quality of education for all, including for students from San and Himba communities and students from lower income family.
4. Namibia could be encouraged to further promote non-discrimination in education, especially adopting specific measures on the inclusion of San and Himba students.

Cultural rights

41. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage

(2003)³⁰ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Namibia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Namibia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

42. Namibia is encouraged to draft an encompassing freedom of information legislation following international standards.³¹

43. Namibia is furthermore recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.³²

Freedom of scientific research and the right to benefit from scientific progress and its applications

44. **Namibia**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and

³⁰ See UNESCO 2014. Namibia Periodic Report on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage: <http://www.unesco.org/culture/ich/doc/download.php?versionID=33222>

³¹ See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.

³² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Namibia** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Namibia** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.