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Human Rights Situation in the Republic of Namibia

1. Press Statement on the advocacy visit to the Republic of Namibia by the Special Rapporteur on freedom of Expression and Access to Information in Africa (<https://www.achpr.org/pressrelease/detail?id=437>)

From 16 to 20 September 2019, **Commissioner Lawrence Mute** undertook an advocacy visit to the Republic of Namibia, in his capacity as the Special Rapporteur on Freedom of Expression and Access to Information in Africa (Special Rapporteur), a special mechanism of the African Commission on Human and Peoples' Rights (the African Commission).

The Special Rapporteur was accompanied during this visit by a delegation consisting of Dr. Ololade Shyllon, a human rights lawyer and expert on access to information, Ms. Eva Heza, a legal officer from the African Commission's Secretariat, and Ms. Winfred Mbae, assistant and researcher.

The purpose of the advocacy visit was to promote the full exercise of Article 9 of the African Charter on Human and Peoples' Rights which enshrines the rights to freedom of expression and access to information. The visit, in particular, sought to provide technical support towards enactment of access to information legislation; and to encourage the use of access to information protocols during the forthcoming elections in Namibia.

During his visit, the Special Rapporteur and his delegation was granted audience with His Excellency Hage Geingob, President of the Republic of Namibia. Additionally, the Special Rapporteur held consultations with the Parliamentary Standing Committee on Information, Communications and Technology and Innovation, the Chairperson of the Law Reform and Development Commission, the Ombudsman, the Chief Executive Officer of the Electoral Commission of Namibia, the Media Ombudsman and

representatives from the Editors' Forum of Namibia. He also held consultations with representatives from civil society organizations and the media. Additionally, the Special Rapporteur gave a guest lecture at the Law Department of the University of Namibia, attended the launch of a report on 'fake news' and Elections in Namibia, and participated in radio and television events to raise awareness on Article 9 issues.

As part of his advocacy visit, the Special Rapporteur participated in a **Consultation on the draft revised Declaration on Principles of Freedom of Expression and Access to Information in Africa involving participants from six countries in Southern Africa**. This process is being undertaken pursuant to African Commission Resolutions which cumulatively call on the Special Rapporteur to revise and expand the **Declaration of Principles on Freedom of Expression in Africa** which was adopted by the African Commission in 2002.

The Special Rapporteur welcomes the continuing commitment by the Government of Namibia to enact an access to information legislation. This commitment was reaffirmed both by the President and the Parliamentary standing Committee. The Special Rapporteur also takes note of the keenness by civil society to ensure that Namibia enacts a law that complies fully with international standards on access to information, including those established in the African Commission's Model Law on Access to Information for Africa. The Special Rapporteur calls on the Government to publish or make public the Access to Information Bill at the earliest to enable Namibians to provide feedback on its contents. He indeed also looks forward to providing technical advice on the Bill's contents.

The Special Rapporteur also encourages the Electoral Commission of Namibia and other electoral stakeholders, including the media, political parties and civil society, to proactively provide relevant information to Namibia's electorate prior to, during and after the polls which are taking place later this year. The African Commission's Guidelines on Elections and Access to Information have invaluable protocols for guiding electoral stakeholders in this regard.

The Special Rapporteur thanks the Namibia Media Trust in collaboration with ACTION Namibia Coalition for hosting the visit.

He also thanks the Government and people of Namibia for the warm welcome accorded to him and his delegation during the advocacy visit.

Done in Windhoek, Namibia, 20 September 2019

2. Press release on the country visit of the Committee on the Protection of the Rights of Persons Living with HIV / AIDS, Persons at Risk, Vulnerable and Affected by HIV / AIDS (the Committee on HIV / AIDS) of the African Commission on Human and Peoples' Rights in the Republic of Namibia

The African Commission on Human and Peoples' Rights (the Commission), through its Committee on the Protection of the Rights of Persons Living with HIV/AIDS, Persons at Risk, Vulnerable to and Affected by the HIV / AIDS (the Committee on HIV/AIDS) visited the Republic of Namibia from 24 to 29 April 2017. The delegation consisted of:

- Honorable **Commissioner Soyata Maiga**, Vice-Chairperson of the African Commission on Human and Peoples' Rights and Chairperson of the Committee on HIV/AIDS (head of delegation);
- Honorable **Commissioner Lucy Asuabgor**, Special Rapporteur on the Rights of Women in Africa and member of the Committee on HIV/AIDS;
- Professor Ebenezer Durojaye, expert, member of the Committee
- Dr Agnes Apea Atim, expert, member of the Committee
- Ms Annabel Raw, partner of the Committee
- Dr. Aquilnado Mandlate, partner of the Committee;

The Delegation was assisted by a legal officer from the Secretariat of the African Commission.

This visit was undertaken in accordance with the mandate of the Committee which stipulates inter alia that it shall: request, receive, analyse and respond to reliable information on the status of the rights of people living with HIV and persons at risk received from States Parties, individuals, community-based organizations, non-governmental organisations (NGOs), specialized agencies and intergovernmental organizations; conduct fact-finding missions; call on States parties to respect, protect and fulfil the rights of people living with HIV and those at risk.

During the mission, the Delegation exchanged views with State actors at the highest level, structures, institutions, private bodies, non-governmental organizations; United Nations agencies working in the field, to ensure that National response to HIV include a human rights perspective in the elaboration of laws, plans, policies and programs relating to HIV.

The Delegation met with the Deputy Minister of International Relations and Cooperation, representatives of the Ministry of Justice, Ministry of Sports, Youth and

National Service, Ministry of Gender Equality and Welfare of the Child; Ministry of Poverty Eradication and Social Protection and the Ministry of Health and Social Services, the Law and Development Reform Commission and the Ombudsman of the Republic.

The Delegation also paid a courtesy visit to the Deputy Minister of Justice.

The Delegation had a working session with the national platform on the development and validation of the new National Strategic Framework on the fight against HIV/AIDS.

The Delegation met with the representatives of the United Nations system, the Law Society, the Legal Assistance Centre, a referenced NGO for legal assistance and civil society organizations working in the area of Gender, HIV and human rights issues.

The Delegation noted positive developments characterized by a clear political will and a real commitment to the treatment, management and prevention of HIV in Namibia.

As part of the progress made, the Delegation noted, among other things, the existence of various programs dedicated to the management of the HIV pandemic, including information and prevention programs, testing, access to ARVs, monitoring and patient's welfare through nutrition programs. The State's clear commitment to gender issues, the eradication of poverty, identified as causes of high HIV prevalence, as well as measures to address gender based violence, the inclusion of the representative of key populations and vulnerable groups in the elaboration of the new National Strategic Framework.

The Delegation welcomes the willingness of technical and financial partners and civil society organizations to support the Government's efforts in implementing programs and policies on HIV treatment, management and prevention.

The Delegation notes, however, the absence of a real legal framework to specifically address the fight against HIV; in spite of the existence of numerous policies dealing with the subject according to the fields of intervention (labour, public sector, private sector, defence forces); the maintenance of certain laws inherited from the colonial period which limit the full enjoyment of their rights as regards to access to health for key population and other vulnerable groups; the need for reforms to facilitate access to

justice for victims of human rights violations, including socio-economic rights violations and the need for disaggregation of data in the fight against HIV.

A detailed report of the mission will be produced later, but the Delegation is already encouraging the Government of Namibia to:

- continue efforts and initiatives aimed at improving the enjoyment and effective protection of human rights in the country, especially those of persons living with HIV; at risk and most vulnerable groups;
- accelerate the adoption of the new National Strategic Framework for the fight against HIV in line with regional and international human rights obligations;
- to reinforce the achievements, the actions in the fight against HIV, notably through a human rights-based approach, including inclusive participation of all stakeholders in particular key populations and vulnerable groups at all stages of the implementation of the National Strategic Framework.

The Delegation expresses its gratitude to the Government of the Republic of Namibia for the facilities made available to it during the visit and for the constructive dialogue with all stakeholders.

In particular, it expresses its profound gratitude to the Minister of Health and Social Services, which is the mainstay of the organization of the visit, and to its collaborators. The mission was closed with a media meeting and a press conference.

Windhoek, 28 April 2017