

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-third session
Geneva, 28 July – 15 August 2008

**QUESTIONS PUT BY THE RAPPOREUR
IN CONNECTION WITH THE CONSIDERATION OF
THE EIGHTH TO TWELTH PERIODIC REPORTS OF NAMIBIA
(CERD/C/NAM/12)**

Population

1. Please provide information on the socio-economic status of the different ethnic groups and on the geographic location of the different language groups in the State party. Are the data on the composition of the different language groups, as provided in the State report, regularly updated (State Report, CERD/C/NAM/12, paras. 11-16)?

Article 1

2. Please indicate whether the State party intends to align the definition of racial discrimination in Article 1 of the Racial Discrimination Prohibition Act of 1991 with the definition provided in article 1 of the Convention (State Report, CERD/C/NAM/12, paras. 146-149).

Article 2

3. Please indicate whether the Law Reform and Development Commission is still in the process of reviewing the Namibian legislation, with a view to the elimination of all discriminatory laws, including those amounting to indirect discrimination (previous concluding observations, CERD/C/304/Add.16, paras. 11 and 18; State report, CERD/C/NAM/12, para. 299).
4. Please indicate whether there are any special measures programs in addition to those listed in the State report, and whether the communities which benefit from such programs were consulted in the development process (State Report, CERD/C/NAM/12, paras. 69-143). Does the San Development Plan of 2005 apply to only those San communities that are officially recognized under the Traditional Authorities Act (previous concluding observations, CERD/C/304/Add.16, para. 15; State Report, CERD/C/NAM/12, paras. 67-68, 110-145)?
5. What measures are being taken in order to accelerate the process under the Affirmative Action (Employment) Act of 1998, and how does the State party ensure that its provisions are enforced in practice (State Report, CERD/C/NAM/12, para. 173)?

6. Please indicate whether the State party has adopted any measures to facilitate the establishment and activities of non-governmental organizations combating racial discrimination.

Article 3

7. Have the measures taken by the State party to enforce the prohibition of the ideology and practice of apartheid been effective (State Report, CERD/C/NAM/12, paras. 147, 157, 385-387)? What bodies are responsible for overseeing the implementation of relevant legislation?
8. Please indicate the measures taken to accelerate the process of desegregation in education in order to achieve equal access to education for all (previous concluding observations, CERD/C/304/Add.16, para. 16).

Article 4

9. Please provide information on steps taken to give effect to article 4 of the Convention. In particular, please indicate whether the State party has taken effective measures to ensure that verbal attacks on minority groups by Government officials or other actors are being sanctioned.

Article 5

10. Please provide further information on cases in which refugees and asylum-seekers were denied the right to access to courts and the right to identity documents (State Report, CERD/C/NAM/12, paras. 237, 239).
11. Please indicate whether the scope of the Traditional Authorities Act (TAA) includes all indigenous groups, including the San and Damara communities.
12. How does the State party implement its policy of acquiring land for the purpose of “resettling those who needed land” in practice, and how are the beneficiaries designated? Please indicate how the State party ensures that land rights are granted on a non-discriminatory basis (State Report, CERD/C/NAM/12, paras. 76, 276, 283-294). Please also indicate the process followed in cases in which owners contest expropriation measures (State Report, CERD/C/NAM/12, para. 290-294).
13. Please indicate the measures taken to ensure that indigenous groups are not dispossessed of their traditional lands in connection with the establishment of game reserves and national parks. Have those communities whose lands have been taken received redress in any form?
14. Please provide information on measures taken by the State party to repudiate discriminatory provisions in laws dating back to colonial times as well as discriminatory native customary laws and practices on personal status, including on inheritance, in particular in light of the Committee’s general recommendation No. XXV (2000) on gender-related dimensions of racial discrimination (previous

concluding observations, CERD/C/304/Add.16, para. 20; State Report, CERD/C/NAM/12, paras. 295-332).

15. Please provide information on the enjoyment of economic, social, and cultural rights by members of vulnerable and marginalized groups, including indigenous communities, in practice (previous concluding observations, CERD/C/304/Add.16, paras. 12, 15 and 19; State Report, CERD/C/NAM/12, paras. 342-367).
16. What measures are being taken in order to halt the trend of the increasing inequality in economic development between the different language groups?
17. Please provide information about the steps taken against the high incidence of rape of San women by members of other communities, including steps to combat negative stereotypes.
18. What legislative, administrative, judicial, and other measures are undertaken by the State party to ensure equal representation of all ethnic and language groups in regional and national government and public authorities, besides those mentioned in the report (State Report, CERD/C/NAM/12, para. 131)?

Article 6

19. Does the State party intend to strengthen the mandate and the financial means of the Office of the Ombudsman, especially with regard to its monitoring functions (State Report, CERD/C/NAM/12, paras. 377-378)? Please explain the low number of cases cited in the report and indicate if any other cases concerning racial discrimination have been filed with the Ombudsman office since the submission of the report (State Report, CERD/C/NAM/12, paras. 51-55). What further avenues for redress are available to victims of racial discrimination?

Article 7

20. What measures are being taken by the State party relating to awareness-raising on the subject of racial discrimination? Is the office of the Ombudsman involved in such awareness raising programs? Do the school curricula include compulsory human rights education, and if so, what is its content (previous concluding observations, CERD/C/304/Add.16, para. 18; State report, CERD/C/NAM/12, para. 317)?
21. Please provide more detailed information on the dissemination of the Convention in the State party.

Article 14

22. Please indicate whether the State party envisages making the declaration under article 14 of the Convention for the Committee to receive individual complaints.