



UNIVERSAL PERIODIC REVIEW (UPR) 4TH CYCLE SHADOW REPORT

Presented by Churches and Civil Society Organizations in Namibia
Under the auspices of LWF, DfSD-ELCRN, and CCN

Organizations Submitting and Purpose of the Report

Organizations sponsoring the Submission

Report being presented under the auspices of the Lutheran World Federation by the Desk for Social Development of the Evangelical Lutheran Church in the Republic of Namibia (DfSD–ELCRN) in partnership with the Council of Churches in Namibia(CCN)

Purpose of the Submission

- Assess Namibia's human rights record
- Highlight implementation gaps
- Provide actionable recommendations

1. Independence of the Office of the Ombudsman

Recommendation from 3rd Cycle:

“Strengthen the mandate of the Ombudsman so that he operates in accordance with the Paris Principles” (France)

Situation and Implementation Progress:

- Namibia lacks a dedicated Human Rights Commission; the Ombudsman fulfills this role without a clear policy or legal mandate.
- For 34 years, the office has lacked full administrative and budgetary independence, with procurement managed by the Ministry of Justice.
- The Ombudsman Bill (2024), tabled in Feb 2025, aimed to establish the institution as a separate agency with its own budget and Executive Director.
- The Bill was withdrawn for further consultations; the Ombudsman Act of 1990 remains in force but needs urgent replacement to align with Paris Principles.

New Recommendations for 4th Cycle:

- Enact and immediately operationalize the Ombudsman Bill to guarantee legal mandate and independence.
- Allocate adequate resources and capacities to ensure the Office fully meets its mandate to promote and protect human rights.

2. Legal Status of ESC Rights in Namibia

Recommendation from 3rd Cycle:

“Continue the exerted efforts to guarantee to all citizens the enjoyment of economic and social rights...” (Libya)

Situation and Implementation Progress:

- Fundamental rights in Chapter 3 of the Constitution are enforceable, but most Economic, Social and Cultural (ESC) rights are not guaranteed as 'rights per se'.
- ESC rights are currently relegated to 'Directive Principles of State Policy' under Article 95, making them policy aspirations rather than enforceable law.
- There has been a lack of constitutional movement to upgrade these protections despite ongoing advocacy from Civil Society.
- The absence of enforceability limits the ability of the judiciary to protect the socio-economic welfare of the most vulnerable citizens.

New Recommendations for 4th Cycle:

- Strengthen the Constitution with an AMENDMENT to guarantee ESC rights as fully enforceable and broaden the Ombudsman's mandate.
- Expedite the ratification of the 'Optional Protocol to the International Covenant on Economic, Social and Cultural Rights'.

3. Good Governance and Anti-Corruption

Recommendation from 3rd Cycle:

“Prioritize fighting corruption by enacting an access-to-information law, fully implementing whistleblower protections...” (USA)

Situation and Implementation Progress:

- The Access to Information Act was passed in 2022 but remains un-operationalized three years later, hindering democratic participation and transparency.
- The Whistleblower Protection Act (2017) is likewise not yet operational due to cited policy, infrastructural, and budgetary delays.
- While the Witness Protection Act was operationalized in Sept 2023, the gap in whistleblower protection leaves citizens at risk.
- The Anti-Corruption Commission (ACC) budget for 2025/26 increased by 9.96%, but remains inadequate to combat sophisticated corruption schemes.

New Recommendations for 4th Cycle:

- Provide adequate budget allocation to the ACC to enable investigation and prosecution of growing corruption cases.
- Operationalize the Whistleblower Protection Act (2017) and the Access to Information Act (2022) as a matter of extreme urgency.

4. Poverty, Inequality and Unemployment

Recommendation from 3rd Cycle:

“Continue its efforts to eradicate extreme poverty” (Islamic Republic of Iran)

Situation and Implementation Progress:

- Namibia has a Gini coefficient of 0.57, placing it among the top three most unequal countries globally.
- The Social Protection Policy approved in 2023 remains inadequate, excluding significant numbers of citizens from basic safety nets.
- Universal Health Coverage (UHC) framework was approved in Feb 2025, but implementation and funding mechanisms are still being developed.
- The National Pension Fund (NPF) and National Medical Benefit Fund (BMBF) have been delayed for nearly 30 years despite being legally enacted.

New Recommendations for 4th Cycle:

- Allocate adequate resources for the implementation of the Social Protection Policy.
- Introduce a Basic Income Grant (BIG) to ensure a livelihood for those excluded from existing grant schemes.
- Rollout the Universal Health Coverage Policy Framework by allocating adequate funding and infrastructure.

5. Right to Adequate Housing

Recommendation from 3rd Cycle:

“Give top priority to tackling the shortage of affordable housing with access to water, electricity and sanitation” (Turkey)

Situation and Implementation Progress:

- Over 40% of the total population and 80% of urban residents live in informal settlements with little access to services or land rights.
- The housing backlog is estimated at 300,000 units, while delivery fails to keep pace with annual demand.
- The Budget for housing increased from N\$50m to N\$700m for 2025/2026, targeting the National Housing Policy and Implementation Action Plan.
- Community-led initiatives like the Shack Dwellers Association continue to require expanded government subsidy support.

New Recommendations for 4th Cycle:

- Provide sufficient funding for upgrading Informal Settlements as envisaged in the National Policy on Housing (2023) Action Plan.
- Prioritize funding for Ultra Low-income and Low-Income citizens to ensure accessibility to serviced land.

6. Land Reform

Recommendation from 3rd Cycle:

“Establish policies and programmes to make land acquisition accessible and affordable for the most deprived” (Senegal)

Situation and Implementation Progress:

- 70.1% of freehold agricultural land remains in the hands of white Namibians and foreigners as of 2018.
- Progress on the 60 resolutions from the 2nd National Land Conference (2018) has been disappointingly slow.
- The Presidential Commission of Inquiry into Ancestral Land Rights report released in Jan 2021 has seen limited implementation.
- The Land Bill has been presented to Parliament but is not yet passed, leaving legal reform in a state of limbo.

New Recommendations for 4th Cycle:

- Allocate adequate budget for the urgent implementation of the 2nd National Land Conference resolutions and Ancestral Land recommendations.
- Urgently enact the Land Bill and operationalize its implementation to facilitate equitable distribution.

7. Restoring Dignity of Indigenous Minorities

Recommendation from 3rd Cycle:

“Allocate adequate resources to programmes promoting indigenous well-being...” (Canada)

Situation and Implementation Progress:

- Indigenous groups face systemic marginalization, dispossession of ancestral lands, and limited access to healthcare and education.
- The Office of the Prime Minister has been working on a White Paper for indigenous minorities for 10 years without completion.
- Recent resolutions from the Land Conference aim to prioritize disadvantaged communities, but government initiatives are yet to bear fruit.
- Climate change and development projects continue to threaten the traditional livelihoods and cultural survival of these groups.

New Recommendations for 4th Cycle:

- Ensure that the legally guaranteed rights of indigenous minorities are de facto guaranteed.
- Allocate resources to target discrimination in health and education systems and implement the White Paper with free, prior, and informed consent.

THANK YOU