

PRESENTATION TO THE UNITED NATIONS Human Rights Council

UNIVERSAL PERIODIC REVIEW (UPR) -4th Cycle - PRE-SESSIONS ON NAMIBIA – 11 FEBRUARY 2026

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This presentation by the Desk for Social Development of ELCRN (DfSD-ELCRN), supported by the Council of Churches in Namibia (CCN), focuses on **land reform, housing, health, social protection, indigenous minorities, the status of the Ombudsman Office, access to information and whistle-blower protection, as well as the legal status of socio-economic and cultural rights.**

1. Independence, Capacity, and Mandate of the Office of the Ombudsman

- Namibia does not have a Human Rights Commission; however, the Office of the Ombudsman has been fulfilling the mandate of promoting and protecting human rights, albeit without a sufficiently clear policy and legal framework. The forthcoming Ombudsman Bill is expected to provide a clearer mandate in this regard.
- For the past 34 years, the Office of the Ombudsman has operated as an independent institution, although its budget and procurement have been administered by the Ministry of Justice. The Government has resolved to enhance the independence of the Ombudsman, in line with Article 89 of the Namibian Constitution and the Paris Principles on National Human Rights Institutions, through the drafting of a new Bill.
- The Ombudsman was accredited as an **A-status institution in 2019** by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), confirming compliance with the Paris Principles, with the understanding that the Ombudsman Act 7 of 1990 would be amended to fully incorporate these principles.
- In this regard, the **Ombudsman Bill, 2024**, was drafted and tabled in February 2025 but was withdrawn for further consultations. The Bill aims, inter alia, to establish the institution as a separate government agency with its own budget allocated by Parliament. Once enacted, the Bill will principally de-link the Office of the Ombudsman from the Ministry of Justice and provide for its own Executive Director as accounting officer and administrator, responsible for staff recruitment under the Public Service Act, 1995, in consultation with the Ombudsman.

Recommendations to the Government of the Republic of Namibia

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

2. Legal Status of Economic, Social, and Cultural Rights in Namibia

The fundamental rights and freedoms guaranteed in Chapter 3 of the Namibian Constitution are fully enforceable by the superior courts. Regrettably, most internationally recognized economic, social, and cultural rights are not guaranteed as enforceable rights in the Constitution. Instead, they are relegated to policy aspirations in the form of **unenforceable Directive Principles of State Policy** under Article 95 of the Constitution.

Recommendations to the Government of the Republic of Namibia

- Amend the Constitution to guarantee economic, social, and cultural rights as fully enforceable rights and broaden the mandate of the Ombudsman to include their protection.
- As recommended in the previous UPR, expedite ratification of the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**.

3. Promotion of Good Governance and Prevention of Corruption

- Namibia enacted the **Access to Information Act, 2022**, which has been passed by Parliament but has yet to be operationalized three years later. Operationalization will enable citizens to access information necessary for informed decision-making, democratic participation, transparency, accountability, and improved public trust.
- After a delay of more than five years, the **Witness Protection Act, 2017 (Act No. 11 of 2017)** was operationalized on **1 September 2023**, following the commencement notice published in the Government Gazette of 31 August 2023. However, the **Whistleblower Protection Act, 2017 (Act No. 10 of 2017)** has still not been operationalized, reportedly due to unresolved policy, infrastructural, and budgetary considerations.
- Although there has been a slight increase in the budget allocation for the Anti-Corruption Commission (ACC), the allocation remains inadequate to equip the institution with sufficient resources to combat increasingly sophisticated corruption schemes. The 2025/2026 financial year allocation represents an increase of **9.96%** compared to the 2024/2025 allocation.

Recommendations to the Government of the Republic of Namibia

- Provide adequate budget allocations to the ACC to enable effective investigation and prosecution of corruption cases.
 - Operationalize the **Whistle-blower Protection Act, 2017**.
 - Urgently operationalize the **Access to Information Act, 2022**.
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4. Poverty, Inequality, and Unemployment – Towards Comprehensive Social Protection

- Namibia faces severe challenges of high unemployment, inequality, and multidimensional poverty, driven by historical economic structures, low education levels, and resource disparities. These challenges are exacerbated by poor performance in key sectors, climate-related pressures, and limited access to essential services such as healthcare, education, and housing.
- With a **Gini coefficient of 0.57**, Namibia ranks among the three countries with the highest levels of income inequality globally.
- The COVID-19 pandemic pushed many citizens into precarious economic conditions from which recovery remains uncertain.
- The Government has undertaken steps to strengthen the social protection system, notably increasing the universal old-age pension and launching a **Social Protection Policy**. However, the policy remains weak and excludes significant numbers of citizens from basic social protection.
- Namibia's **Universal Health Coverage (UHC) Policy Framework** was approved by Cabinet in February 2025, aiming to ensure access to quality healthcare services without financial hardship.
- The Government launched a **National Youth Development Fund** in September 2025 with an initial capital investment of **N\$270 million**, which is welcomed.
- The Social Security Commission (SSC) continues expanding the social insurance system. However, operationalization of the **National Pension Fund (NPF)** and the **National Medical Benefit Fund (NMBF)** has been delayed for nearly 30 years.

Recommendations to the Government of the Republic of Namibia

- Allocate adequate resources for urgent implementation of the Social Protection Policy.
- Introduce a **Basic Income Grant** to ensure a minimum livelihood for citizens excluded from existing social grant schemes.
- Roll out the Universal Health Coverage Policy Framework with adequate funding and infrastructure.

5. Right to Adequate Housing

- More than **40% of Namibia's total population**, and approximately **80% of the urban population**, live in informal settlements with limited access to basic services and no secure land tenure.
- Limited supply and accessibility of serviced urban land have led to rising land and housing prices, making housing unaffordable for many, especially ultra-low- and low-income groups.
- Namibia currently has about **283 informal settlements**, and the housing backlog is estimated at **300,000 units**, with delivery not meeting annual demand.

- In 2023, Cabinet approved the **revised National Housing Policy and Implementation Action Plan**, which includes accelerated interventions for upgrading informal settlements. Budget allocation increased from **N\$50 million** in previous years to **N\$700 million** in the 2025/2026 financial year.
- The Government subsidizes organizations building low-cost housing, including the Shack Dwellers Association.

Recommendations to the Government of the Republic of Namibia

- Provide sufficient funding for upgrading informal settlements as envisaged in the National Housing Policy (2023).
 - Prioritize funding for ultra-low- and low-income citizens.
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6. Land Reform

- The Namibia Statistics Agency (2018) reported that white Namibians and foreigners own **27 million hectares (70.1%)** of the country's **39 million hectares** of freehold agricultural land.
- The **Second National Land Conference (2018)** adopted **60 resolutions** following a review of land reform since independence, but implementation progress has been slow.
- In 2019, a **Presidential Commission of Inquiry into Ancestral Land Rights and Restitution** was appointed, and its report was released in January 2021.
- Implementation of both the conference resolutions and the commission's recommendations has been disappointingly slow.

Recommendations to the Government of the Republic of Namibia

- Allocate adequate budget and resources for urgent implementation of the conference resolutions and commission recommendations.
 - Urgently enact the Land Bill and operationalize its implementation.
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7. Restoring the Dignity of Indigenous Minorities

- Indigenous groups in Namibia continue to face dispossession of ancestral lands, discrimination, poverty, and limited access to healthcare and education. Climate change and development projects further threaten their livelihoods and cultural survival.
- Two resolutions of the 2018 Second National Land Conference address indigenous land challenges:
 - Developing a policy to prioritize disadvantaged communities in land reform programs.
 - Reviewing and harmonizing legal instruments related to disadvantaged communities. Progress in these initiatives remains limited.

- The Office of the Prime Minister, in conjunction with the Office of the Ombudsman, has been working for nearly ten years on a **White Paper on Indigenous Minorities**.

Recommendations to the Government of the Republic of Namibia

- Ensure that legally guaranteed rights of indigenous minorities are also realized **in practice**.
- Allocate adequate resources to programmes promoting the wellbeing of indigenous minorities and addressing discrimination in healthcare and education systems.
- Finalize and effectively implement the White Paper on Indigenous Minorities, ensuring **free, prior, and informed consent** in all relevant processes.