



ANALYSIS OF THE:

**GENERAL HUMAN SECURITY  
SITUATION IN NAMIBIA 2009**

by Phil ya Nangoloh

**THIS ANALYSIS READS BEST WITH THE FULL REPORT**

**“We will only work together and cooperate with those foreigners who are respecting us and those who do not can pack and go or they will face bullets in their heads.”**

Former Namibian President Sam Nujoma  
Helao Nafidi, Ohangwena Region, May 23 2009

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## I. INTRODUCTION

1. In terms of the preambular paragraph 5(5) of the Namibian Constitution (NC), the Republic of Namibia was established on March 21 1990, primarily in order to “secure to all its inhabitants, justice, liberty, equality and solidarity”, while NC defines Namibia *inter alia* as a State “founded upon the principles of democracy, the rule of law and justice for everyone”.<sup>1</sup> In its preambular paragraph 1, NC reaffirms the fact that “the recognition of the inherent dignity and of the equal and inalienable rights of everyone is *sine qua non* for the maintenance of freedom, justice and peace”, while, in terms of NC, the aforesaid “rights are most effectively maintained and protected when a society is democratic”.<sup>2</sup> Article 5 obligates Legislative, Judicial and Executive organs of the Government to respect, protect and realize all the fundamental human rights and freedoms enunciated under Chapter 3 of NC.
2. Both NC and international human rights law (applicable to Namibia in terms of Articles 95(d), 96(d), 143, 144 and 145 of the Constitution) require the Government of Namibia (GoN) to institute effective legislative, judicial, administrative and other measures to give effect to the rights recognized therein.
3. Moreover, under the UPR mechanism of the newly refurbished 47-member UN Human Rights Council, every UN Member State is under the inescapable obligation to declare what measures it has taken to improve the human rights situation in its territory, with the view to overcome challenges to the enjoyment of human rights.
4. Hence, the purpose of the *Namibia Human Rights Report 2009* is to assess whether or not, or to what extent GoN has or has not complied with its obligations under both NC and applicable international human rights law during the period between October 31 2008 and December 10 2009. We reaffirm the doctrine that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and, further, that all human rights must be treated in a fair and equal manner, on the same footing and with the

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<sup>1</sup>Article 1(1) of NC

<sup>2</sup>Preambular paragraph 3 of NC

same emphasis at all times. We, therefore, also strongly believe in the principle that, in order to promote sustainable human development, equal attention and urgent consideration should be given to the respect, protection and implementation of all human rights, be they civil and political rights (CPRs) or cultural, economic, environmental and social rights (ESCRs).

5. This qualitative and quantitative monitoring and evaluation is made possible through our systematic gathering and analysis of information on the civil, cultural, economic, environmental and political as well as the social security situation in the country during the period between October 31 2008 and December 10 2009. In this comprehensive assessment of the general human situation in the country, we relied heavily on the relevant provisions of both NC and international human rights and humanitarian law applicable in the country, which we have used as the yardsticks.
6. In other words, this assessment is not a blanket, simplistic and or even arbitrary comparison between the human security situations in Namibia, on the one hand, and in, for example, President Robert Mugabe's Zimbabwe, on the other!
7. This report looks at seven major categories of human rights, expressed in terms of human securities, viz. the right to economic (and this include food (and water), education, work and social) security, health security, environmental security and adequate housing security as well as the right of everyone to personal, political and community security.

## **II. ANALYSIS: GENERAL HUMAN SECURITY SITUATION 2009**

8. As during the previous periods of reporting, the general human security situation in Namibia continued to deteriorate unabatedly during the period under review.
9. Freedom from want remained a nightmare for most Namibians as their right to economic, health, environmental and adequate housing security remained fatally threatened by a horde of seemingly insurmountable socio-economic woes. The incessantly rising levels of

hunger, poverty, glaring inequities and inequalities, alcohol and drug abuse (ADA), proliferation of both communicable and incommunicable diseases, infant and maternal mortalities, unemployment and environmental degradation as well as severe inadequacy of housing have doubled or even tripled, as the period under review ended.

10. With regard to the realm of freedom from fear, a multitude of civil and political factors has similarly replicated unabatedly, lethally threatening the right to personal, political and community security of the inhabitants of the country. Chronic menaces to the right to freedom from fear have constantly assumed Zimbabwean ZANU-PF proportions and they include: the rising levels of political intolerance and violence; systematic discrimination against women and other vulnerable sectors of society; racism, racial discrimination, xenophobia, homophobia and related intolerance; weak democratic institutions; perfunctory periodic elections with predictable results; non-existent or erratic observance of the rule of law as well as separation of powers; corruption (which includes both political and judicial corruption); lack of effective public participation in the formulation and implementation of decision making policy; and chronic lack of political accountability; as well as the rapidly contracting space for especially autonomous Civil Society actors.
11. As the period under consideration drew to the end, a whole paraphernalia of crimes(which manifested itself through *inter alia* armed robbery, murder per se, abortion, baby dumping, infanticide, suicide, rape, gender-based violence, societal violence and burgeoning human trafficking) also gravely threatened the right to personal security of Namibian inhabitants.

#### **A. STATE OF ECONOMIC SECURITY**

12. As indicated in paragraph 9, *supra*, the overall cultural, economic, environmental, and social security situation in the country deteriorated unabatedly during the period under review. Ordinary citizens remained constantly exposed to the very same or even worse socio-economic woes as during the previous periods of reporting over the last 19 years. As the period under review ended, several specific socio-economic factors threatened several specific rights to human security, including:

## **1. RIGHT ECONOMIC SECURITY**

- 13.** The right to “economic security” requires GoN to ensure regular basic income for all its citizens, resulting either from remunerative work or from publicly financed safety nets. The right to economic security presupposes the enjoyment of the following basic human rights to security, namely:

### **1.1. Right to Food Security**

- 14.** The right to food (and water) security requires GoN to ensure that all Namibians at all times have both physical and economic access to basic food. Hence, the right to food security entails having access to sufficient, safe and nutritious food that meets the dietary needs for an active and healthy life. The right to adequate food (and water) is recognized in both NC and several international treaties.<sup>3</sup> As a State Party to ICESCR, Namibia is required to take immediate and urgent steps to realize the fundamental right to freedom from hunger and malnutrition<sup>4</sup>, as well as the right of everyone to an adequate and continuously improving standard of living.<sup>5</sup>
- 15.** However, the right to food (and water) security remained a nightmare for the overwhelming majority of the country’s impoverished population. The country’s population is subjected to extreme poverty (35 percent) and poverty (56 percent). This then means that slightly more than 90 percent or 1 900 000, out of the country’s population of 2.1 million, had no physical and or economic access to adequate food, as the period under reporting ended!
- 16.** Also, between 400 000 and 700 000 inhabitants of the northwestern, northern and northeastern regions of the country faced hunger after heavy floods destroyed their croplands. The nation is told that the damage caused by heavy rains stood at close to

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<sup>3</sup>Article 95 (j) of NC

<sup>4</sup>Article 11 (2) of ICESCR

<sup>5</sup>Articles 11(1) and 11 (2) of ICESCR

USD20 [i.e. N\$140] million at today's exchange rate with the ensuing food insecurity estimated at around USD130 [i.e. N\$900] million.<sup>6</sup>

17. It must be stressed that Namibia has been described as both a lower middle income nation and as a “rich country with poor people”.<sup>7</sup> With a GDP *per capita* income ranging between USD1 800 [i.e. N\$12 600] and USD 6 400 [i.e. N\$44 800] and a Gini-coefficient ranging between 0.6 and 0.7, the country has earned itself a villainous name as a world's worst [non]distributor of income among its population.<sup>8</sup> Hence, we warn that, unless something is done, and quickly so, to narrow the income gap between a small minority---which lives in absolute opulence, while the vast majority remains poor, hungry, destitute and desperate---the country might well be sitting on a powder keg!
18. Subjecting people to chronic poverty is a crime against humanity as this violates *inter alia* their right to dignity!

## 1.2. Right to Education

19. The right to education is one of the vital elements of the right to economic security. Education is a basic human right guaranteed in both national and international law.<sup>9</sup>The right to education is an indispensable means of realizing most other fundamental human rights. As an empowering right, education is the primary vehicle by which socio-economically marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in the socio-economic and cultural development of their communities.
20. Furthermore, education---whether public or private, formal or non-formal---must be directed towards the development of: (1) human dignity; (2) enabling everyone to actively participate effectively in the conduct of public affairs in a free society; and (3) promoting

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<sup>6</sup>“Food aid for flood regions”, *New Era online*, October 28 2009

<sup>7</sup>“Wage gap is growing, warns LaRRI”, *The Namibian online*, November 13 2009

<sup>8</sup>[http://www.undp.org/poverty/projects\\_namibia.shtml](http://www.undp.org/poverty/projects_namibia.shtml), and [http://www.usaid.gov/locations/sub-saharan\\_africa/countries/namibia](http://www.usaid.gov/locations/sub-saharan_africa/countries/namibia)

[http://www.namibian.com.na/index.php?id=28&tx\\_ttnews%5Btt\\_news%5D=33853&no\\_cache=1/](http://www.namibian.com.na/index.php?id=28&tx_ttnews%5Btt_news%5D=33853&no_cache=1/)

<sup>9</sup>Article 20 of NC and Articles 13 and 14 of ICESCR

understanding among all racial groups in the country.<sup>10</sup> Education also plays a vital role in empowering women and safeguarding children and social minorities from exploitative and hazardous labor as well as from human trafficking. Education also plays a vital role in the promotion of human rights and democracy, protecting the environment, and controlling population growth.

- 21.** GoN is also obligated to use the maximum (and NOT the minimum) of its available resources to provide available, accessible, acceptable and adaptable education in all its forms and at all levels by ensuring that by 2015, Namibian children everywhere, boys and girls alike, will be able to complete a full course of qualitative primary schooling.<sup>11</sup> GoN is also under the urgent obligation to promote gender equality and empower women by eliminating gender disparity in primary and secondary education as well as at all levels of education no later than 2015. Moreover, MDG 3 is to be achieved by *inter alia* increasing the ratio of girls to boys in primary, secondary and tertiary education, by qualitatively improving the ratio of women to men between the ages of 15 and 24 years.<sup>12</sup>
- 22.** However, during the period under review, the country's primary (including pre-primary), secondary and tertiary education system continued to experience virtually the same old or even worse problems, which had characterized it during the previous periods of reporting over the last 19 years.
- 23.** This is despite the fact that MoE has been receiving the largest budgetary allocation since the country's independence some 20 years ago. So, where has all the money gone?
- 24.** Moreover, speaking in his private capacity as an ordinary citizen on January 16 2009, Prime Minister Nahas Angula correctly noted that, during the period under review, only 17 percent of the some 40 000 Grade 12 candidates could qualify for admission at South African universities. Prime Minister Angula added that at this level, the final examination results showed constant decrease in performance since 2005. As for the Grade 10 level,

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<sup>10</sup>Article 13 (1) of ICESCR and Article 26(2) of UDHR

<sup>11</sup>Article 13(2) of ICESCR

<sup>12</sup>Target 4, indicator 9 of MDG 3

Angula warned that, although more candidates have qualified for admission to Grade 11 in 2008 than in 2007, only a few would actually secure admission to Grade 11 in the 2009 school year. This is due to severe shortage of classrooms!<sup>13</sup>

- 25.** In so far as the right to education for the country's OVC population was concerned, there was even less for which to celebrate. GoN indicators show that slight progress has been achieved because the planned activities have either been partially achieved or they have totally failed and, further, that the National Education Sector Policy for OVC had yet to be finalized and published.<sup>14</sup> As the period under consideration ended, there were 250 000 OVCs in the country of whom only some 182 000 were enrolled in school.<sup>15</sup>
- 26.** Hence, NSHR deems it unlikely that, under the prevailing socio-economic conditions, GoN is capable of achieving qualitative universal primary education by 2015.<sup>16</sup>

### **1.3. Right to Work**

- 27.** The right to work is also an indispensable element of the right to economic security and, in terms of NC and international law, GoN has undertaken to take legislative, judicial, administrative and other steps, with the view to achieve, progressively, the full realization of the right to work.
- 28.** Moreover, in accordance with the principles of State responsibility, GoN has the obligation to achieve full realization of the right to work by *inter alia* making provision for technical and vocational guidance and training programs as well as policies to achieve full and productive employment under conditions safeguarding fundamental political and economic

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<sup>13</sup>“2008 Education Outcomes Balance Sheet - by Citizen Nahas Angula”, *New Era online*, January 16 2009

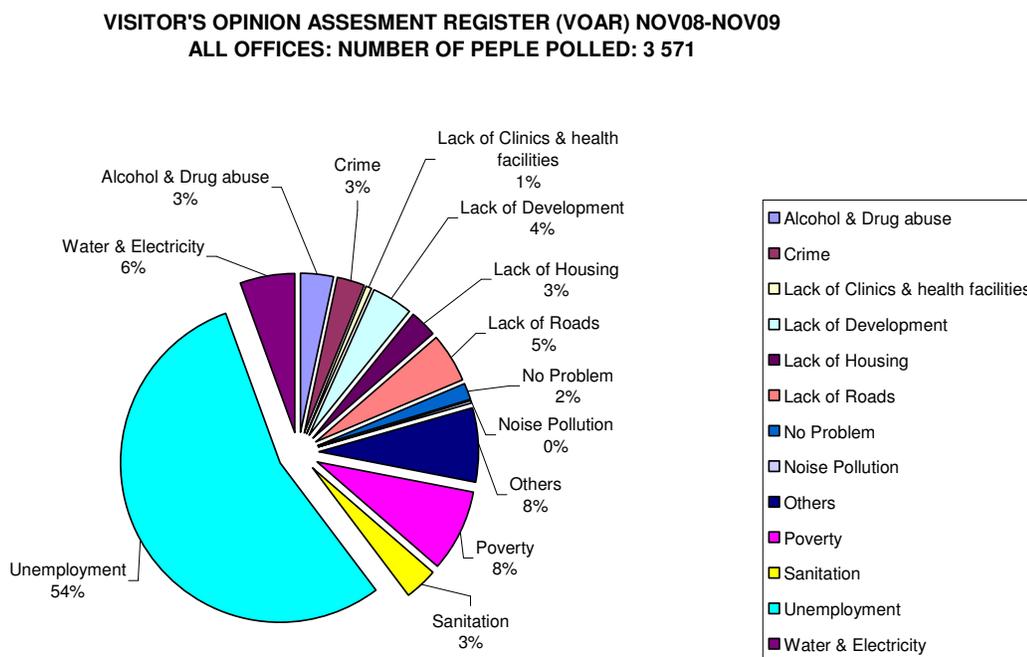
<sup>14</sup>“Introduction to OVC Education”, National Plan of Action 200-2010 for Orphans and Vulnerable Children in Namibia, Annual Progress and Monitoring Report for 1 April 2007 and 31 March 2008, Directorate of Child Welfare, MGECW, p. 10-13

<sup>15</sup>“Current OVC Situation”, Introduction, National Plan of Action 200-2010 for Orphans and Vulnerable Children in Namibia, Annual Progress and Monitoring Report for 1 April 2007 and 31 March 2008, Directorate of Child Welfare, MGECW, p.1

<sup>16</sup>As required under MDG 2 and MDG 3

freedoms and rights.<sup>17</sup> Furthermore, in terms of MDG 3, GoN is even more under the urgent obligation to increase the share of women in wage employment in the non-agricultural sector.<sup>18</sup>

**29.** In practice, however, during the period under reporting, Namibia remained one of the rogue countries with the highest unemployment rates in the world. GoN figures showed that close to 37 percent of the workforce was unemployed, as the period under reviewed ended, with only one third said to be formally employed.<sup>19</sup> Nonetheless, unofficial figures, which are more realistic and accurate than the official ones, suggest that the country’s real unemployment rate could be as high as 60 percent. For example, unemployment remained unusually high among women (close to 60 percent), while the joblessness rate among those between the ages of 15 and 34 years was as high as 80 percent.



**Fig.1.3: Combined VOAR Pie**

<sup>17</sup>Articles 2, 7 and 8 of ICESCR

<sup>18</sup>Target 4, indicator 11 of MDG 3

<sup>19</sup>“Namibia Suicide Statistics Worrisome”, *New Era online*, Friday, May 16 2008

- 30.** The results of a VOAR survey, which we have conducted during the period under review, show that Namibia’s average unemployment rate is more than 50 percent [(*vide* Fig.1.3: Combined VOAR Pie, *supra*, as well as individual VOAR figures on pages 34 to 39 or paragraphs 112 to 114, *infra*)].

#### **1.4. Right to Social Security**

- 31.** Both NC and ICESCR guarantee the right of everyone to social security, including social insurance.<sup>20</sup> This right is non-derogable even in times of severe economic constraints. In particular, vulnerable members of society should be protected through the adoption of *inter alia* relatively low-cost targeted programs, such as social assistance, the prevention of diseases and provision of medical care as well as of food, water, housing, employment, training, education and promotion of culture.
- 32.** In terms of MDG4 and MDG 5, GoN is under the unfailing obligation to reduce the under-five and maternal mortality ratios by two-thirds by the year 2015.<sup>21</sup>
- 33.** However, the realization of the right to social security also remained a pipe dream for most citizens during the period under review. The overwhelming majority of the country’s population faced grave social security threats, such as poverty, hunger, ignorance, destitution and diseases as well as natural disasters. As the period under reporting ended, the country continued to face the same or worse “triple threat”, as per UNICEF, characterized by the HIV-AIDS pandemic, food insecurity and lack of government capacity as it did, for example, during 2006.<sup>22</sup>
- 34.** GoN claims that 90 percent of pregnant women have access to antenatal care, while another 80 percent supposedly delivered at health facilities assisted by trained health personnel. However, the reality on the ground shows that some 80 Namibian women die every year from pregnancy related complications and the country’s maternal mortality rate has almost

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<sup>20</sup>Article 95 of NC and Articles 9 and 10 of ICESCR

<sup>21</sup>Targets 5 (indicators 13-15) and 6(indicators 15-16) of MDG 4 and MDG 5

<sup>22</sup>“NAMIBIA: Joblessness, poverty challenge progress, report”, *IRINNews online*, October 16 2006

doubled in six years, from 271 deaths per 100 000 live births in 2000 to 449 deaths per 100 000 live births in 2006.<sup>23</sup> The country's child mortality rate has also increased over the same period, from 62 per 1 000 live births to 69 per 1 000 live births. Similarly, the infant mortality rate has also shot up, from 38 per 1 000 live births to 46 per 1 000 live births over the same period.<sup>24</sup> As the period under review ended, there were no indicia to suggest that this situation has improved.

## **2. RIGHT TO HEALTH SECURITY**

- 35.** The right to health security refers to the minimum protection of citizens from infectious and parasitic diseases as well as unhealthy lifestyles. In terms of international law, the right of everyone to enjoy the highest attainable standard of physical and mental health is closely related to and dependent upon the realization of many other human rights. These include the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy and access to information, as well as the freedoms of expression and opinion, association, assembly, movement and religion.<sup>25</sup>
- 36.** GoN is also under the international obligation to reduce child mortality rates by two-thirds and to improve maternal health by three-quarters by 2015, as well as to halt and begin to reverse the spread of deadly communicable and incommunicable pathologies, such as HIV-AIDS, TB and malaria.<sup>26</sup>
- 37.** GoN is also duty-bound to respect, protect, and fulfill the right of every citizen to health security.<sup>27</sup> This includes the right of all citizens to enjoy the highest attainable standard of physical and mental health.<sup>28</sup>
- 38.** Furthermore, the right to health embraces a wide range of socio-economic factors, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe

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<sup>23</sup>“New Strategy Could Reduce Maternal Mortality”. *New Era online*, March 2 2009

<sup>24</sup>“Maternal Death Rate Shoots Up”, *New Era online*, January 29 2008

<sup>25</sup>CESCR General Comment no.14(3) of 2000

<sup>26</sup>Targets 5-6, indicators 13-20, MDG 4-6

<sup>27</sup>Article 95 of NC

<sup>28</sup>Article 98(1) of NC

and healthy working conditions, and a healthy environment<sup>29</sup> as well as other underlying determinants of health, such as access to health-related education and information. This includes sexual and reproductive health.<sup>30</sup>

- 39.** However, despite receiving the second largest budgetary allocation annually, MoHSS remained unable to meet its health goals mainly because of the critical shortage of medical staff, lack of adequate medical equipment and essential drugs, frequent electricity blackouts and water shortages as well as chronic lice, rodent and cockroach infestation in most of the country's aging public health institutions.<sup>31</sup> As the period being reviewed ended, several preventable infections and parasitic diseases such as HIV-AIDS, TB and malaria, dramatically undermined the right of citizens to health security and to the enjoyment of the highest attainable standard of mental and physical, as well as sexual and reproductive, health.

### **3. RIGHT TO ENVIRONMENTAL SECURITY**

- 40.** The right to environmental security and sustainability aims to protect people from the short-and long-term ravages of nature as well as from the deterioration of the natural environment.
- 41.** The right to environmental security, economic security and social security are interdependent and mutually reinforcing components of sustainable development.<sup>32</sup> GoN has the responsibility and duty to promote and maintain the welfare of everyone in the country by *inter alia* adopting policies aimed at the maintenance of ecosystems, essential ecological processes and biodiversity of the country.<sup>33</sup> This includes measures against dumping and processing of uranium and other toxic waste.<sup>34</sup>

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<sup>29</sup>Article 12 (2) of ICESCR

<sup>30</sup>CESCR General Comment no.14(11) of 2000

<sup>31</sup>"Hospital still a rubbish dump", *The Namibian online*, Tuesday, October 10 2006

<sup>32</sup>Agenda 21, Habitat II

<sup>33</sup>Articles 95(1) and 91(c) of NC and Article 12 (1) (b) of ICESCR

<sup>34</sup>Articles 95(1) and 91(c) of NC and Article 12 (1) (b) of ICESCR

- 42.** MDG 7 calls on GoN to *inter alia* integrate the principles of sustainable human development into its domestic policies and programs. Specifically, GoN is under the strict obligation to reverse the loss of environmental resources, reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss and halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation as well as to achieve a significant improvement in the lives of slum dwellers by 2020.<sup>35</sup>
- 43.** As the period under review ended, desertification, uranium mining and climate change were the three biggest threats to environmental security in the country.

#### **4. RIGHT TO ADEQUATE HOUSING SECURITY**

- 44.** The right to housing security--- which is based upon the right to adequate standard of living as enunciated in UDHR<sup>36</sup>---is provided for in ICESCR<sup>37</sup>, ICERD<sup>38</sup>, CEDAW<sup>39</sup> and CRC<sup>40</sup> as well as Habitat II's Agenda 21. As a State Party to ICESCR, GoN has an obligation to guarantee the right of everyone to an adequate standard of living for himself or herself and his or her family. This includes the basic human rights to adequate food (and water), clothing and housing, and to the continuous improvement of living conditions.<sup>41</sup>
- 45.** However, during the period under review, gross inadequacy of housing continued to affect the daily lives and welfare of hundreds of thousands of citizens in the country. This scheme of things was aggravated by the ever-expanding urban squalor, marked by ever-mushrooming shanty towns in and around all of the country's urban centers.
- 46.** The biggest threats to human security in the country's urban centers included growing abject poverty, unemployment, spreading of homelessness and mushrooming of squatter

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<sup>35</sup>Target 9 and indicators 25-29 of MDG 7

<sup>36</sup>Article 25(1) of UDHR

<sup>37</sup>Article 11(1) of ICESCR

<sup>38</sup>Article 28 of ICERD

<sup>39</sup>Article 14 of CEDAW

<sup>40</sup>Article 27 of CRC

<sup>41</sup>Article 11(1) of ICESCR and CESCR General Comment 4 of December 13 1991

settlements, escalating crime rate, ADA, environmental degradation, escalating conflict over land and other natural resources, forced evictions and insecure land tenure, raising traffic congestion, increasing pollution, inadequate water supply and sanitation as well as uncoordinated urban development.

47. Under international law, GoN was supposed to use the maximum (and NOT the minimum) of its available resources to improve the human rights situation in its territory.
48. The exclusion of the ESCRs from Chapter 3 of NC *ipso facto* demonstrates the haphazard and perfunctory manner in which GoN handles the human rights discourse. The non-inclusion of ESCRs under Chapter 3 of NC denies aggrieved Namibians of the right to effective remedy, which is guaranteed under Articles 18 and 25(2) of NC. This scheme of things also grossly violates the doctrine that all human rights are indivisible, interdependent, interrelated and mutually reinforcing. As we have said in paragraph 4, *supra*, all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis at all times and that, in order to promote sustainable human development, equal attention and urgent consideration should be given to the respect, protection and implementation of all human rights, be they civil and political rights (CPRs) or be they cultural, economic, environmental and social rights (ESCRs).
49. Moreover, we can reveal in this regard that Namibia persistently and blatantly violated its obligation under Articles 16 and 17 of ICESCR by having failed to submit its periodic accountability reports to the United Nations. As the period under review ended, GoN's First, Second and Third periodic reports--which were due on June 30 1997, June 30 2002 and June 30 2007, respectively--remained pending.<sup>42</sup>

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<sup>42</sup><http://www2.ohchr.org/english/bodies/docs/RRH.pdf> and <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=120.5#120.5>

## B. STATE OF CIVIL AND POLITICAL SECURITY

- 50.** NC is the Supreme Law of Namibia--and NOT the Swapo Party 2004 Election Manifesto--in accordance with which the country must be governed.<sup>43</sup>NC says that nobody is above the law<sup>44</sup>and, further, that “all power shall vest in the people of Namibia, who shall exercise their sovereignty through the democratic institutions of the State”.<sup>45</sup>NC also recognizes the fact that the inherent dignity and the equal and inalienable rights of every Namibian resident “are most effectively maintained and protected in a democratic society, operating under a sovereign constitution and an independent judiciary, in which the executive branch is accountable to the legislative branch of government.<sup>46</sup>NC also recognizes the fact that the inherent dignity and the equal and inalienable rights of every Namibian resident is *sine qua non* for freedom, justice and peace.<sup>47</sup>
- 51.** Moreover, as already pointed out under paragraph 1 hereof, the principal reason for the existence of the Republic of Namibia is to secure to “all our citizens justice, liberty, equality and fraternity”<sup>48</sup>, while the country is defined *inter alia* as “a State founded upon the principles of democracy, the rule of law and justice for all”.<sup>49</sup>NC also makes provision for a ***Bill of Fundamental Human Rights Freedoms***<sup>50</sup> which is consistent with UDHR and permanently entrenched therein.<sup>51</sup> NC also makes provision for the establishment of the Office of the Ombudsman with wide-ranging powers to *inter alia* “investigate complaints concerning alleged or apparent instances of violations of fundamental rights and freedoms, abuse of power, unfair, harsh insensitive or discourteous treatment of an inhabitant of Namibia by an official in the employ of any organ of Government (whether central or local), manifest injustice, or corruption or conduct by such an official which would properly be regarded as unlawful, oppressive or unfair in a democratic society”.<sup>52</sup>

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<sup>43</sup>Paragraph 6, Preamble and Article 1(6), read with Articles 30, 32(1), 38, 55 and 71 of NC as well as Schedules 1 and 2 of NC

<sup>44</sup>Article 10 of NC

<sup>45</sup>Article 1(2) of NC

<sup>46</sup>Paragraph 3, Preamble to NC

<sup>47</sup>Paragraph 1, Preamble of NC

<sup>48</sup>paragraph 5(5), Preamble of NC

<sup>49</sup>Article 1(1), Constitution of NC

<sup>50</sup>Chapter 3 of NC

<sup>51</sup>paragraph 5 of Principles for a Constitution of an Independent Namibia

<sup>52</sup>Article 91 (a) of NC

- 52.** Furthermore, Namibian Parliament has ratified most international human rights treaties on civil and political rights. These treaties also oblige GoN to adopt legislative, judicial, administrative and other measures to give effect to such rights. Some of these treaties are bilateral<sup>53</sup> and others are multilateral<sup>54</sup> cooperation partnerships on development assistance which prioritize *inter alia* democracy, the rule of law, good governance and respect for internationally recognized human rights and fundamental freedoms for both individuals and communities.<sup>55</sup>
- 53.** Nonetheless, and as indicated in paragraph 10, *supra*, the deterioration in the country's overall personal, political and community security situation intensified even further as a host of threats remained pervasive during the period under consideration. This deterioration resulted from several socio-political and cultural factors and manifested itself in terms of various incidents and or situations, in virtually all areas of freedom from fear. As the period under review ended, several such grave incidents and or situations (which are commissions and omissions) have occurred, threatening a whole spectrum of civil and political securities, including:

### **1. RIGHT TO PERSONAL SECURITY**

- 54.** The right to personal security refers to the protection of individuals from physical violence, whether originating from State violence (i.e. "official" violence) or from violent individuals (i.e. "unofficial" violence). During the period under reporting, one of the greatest threats to the right to personal security in Namibia was the non-politically motivated physical violence, stemming from crime and societal discrimination. "Physical violence" refers to the intentional use of physical force or power, threatened or actual, against oneself, another

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<sup>53</sup>"Human rights, democracy, indigenous people and democracy", Annex 13: Policy Coherence for Development-More Detailed Considerations", Republic of Namibia-European Community: Country Strategy Paper on National Indicative Program for the period 2008-2013, p.39

<sup>54</sup>"Africa-EU Partnership on Democracy and Human Rights", Communication to the Council and the European Parliament: One year after Lisbon: The Africa-EU partnership at work", Brussels 17.10.2008, p.4

<sup>55</sup>Article 9 of ACP-EU Cotonou Agreement and Articles 4 and 6 of African Charter on Democracy, Elections and Governance

person, or against a group or a community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.<sup>56</sup>

- 55.** Altogether 10 grave crime-related unofficial (i.e. third party) threats to personal security have been recorded during the period under reporting. These included murder *per se*, abortion, baby-dumping, infanticide, suicide, rape, gender-based violence, societal violence and human trafficking as well as armed robbery.

## **2. RIGHT TO POLITICAL SECURITY**

- 56.** The right to political security refers to a situation whereby individual citizens and or their organizations freely enjoy basic civil and political rights as guaranteed under both national and international human rights instruments. The enjoyment of the right to political security is dependent on the active exercise by the citizenry of a whole range of freedoms, including freedoms of expression and opinion, association, peaceful assembly and movement as well as the freedoms of thought, conscience, belief and religion. The right to political security is also pegged on the existence of a free, independent and pluralistic media.
- 57.** However, a total of 178 [162]<sup>57</sup> serious new threats to political security and other manifest (actual or inchoate) human rights violations have been recorded during the period under consideration, including:

### **2.1. SUMMARY EXECUTIONS**

- 58.** “Summary, arbitrary or extra-judicial executions” refers to actual or tentative politically motivated deprivation of life directed against any individuals on political, racial, national, ethnic, cultural, religious, gender or other grounds. The term also applies to incitement to violence and other forms of hate expression including veiled or overt threats of killing as well as all other politically motivated endangerment of the right to life and security of

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<sup>56</sup>“Landscapes of violence”, *Sister Namibia Magazine*, March 2008, p.16-17

<sup>57</sup>The figures between square brackets refer to the total number of incidents and or situations during the previous period of reporting.

person. Furthermore, “summary, arbitrary or extrajudicial executions” applies to any and all propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to hostility or violence.

- 59.** Altogether 10 [12] fresh incidents and or situations of summary executions have been recorded during the period being reviewed. It is significant to point out that 50 percent of all these incidents and or situations constitute propaganda for war and or advocacy of hatred or violence attributed to former Namibian President Dr. Sam Nujoma alone. Persons or groups acting in the name or defense of the ruling Swapo Party *per se* accounted for an additional 3 incidents or situations, or 30 percent of the total.

## **2.2. ‘OFFICIAL’ KILLINGS**

- 60.** “Official” killings refers to actual or threatened non-politically motivated incidents or situations of killing, resulting from the use of excessive force by law implementation officials or any other persons acting in an official capacity.
- 61.** A total of 8 [8] new discrete incidents and or situations of “official” killings has been monitored. Of the total, NamPol members accounted for 3 incidents, while Windhoek’s CityPol perpetrated another 4 or 50 percent of the total.

## **2.3. TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT**

- 62.** “Torture or other cruel, inhuman or degrading treatment or punishment” (TCIDT) refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity.

- 63.** A total of 7 [5] discrete incidents and situations of TCIDT has been recorded and NamPol members accounted for 3 incidents and or situations.

#### **2.4. ARBITRARY DEPRIVATION OF LIBERTY**

- 64.** “Arbitrary deprivation of liberty” refers to short or prolonged deprivation of the right to freedom of movement or ability to do something freely, when such deprivation, for one reason or another, is contrary to the relevant provisions laid down in the law. Hence, “arbitrary deprivation of liberty” includes any arrest, apprehension, detention, custody, incarceration and or imprisonment of persons carried out by or on behalf of administrative GoN bodies or officials or organized groups or private persons acting in the name of GoN or with the support, directly or indirectly, or consent or acquiescence of GoN.
- 65.** A total of 7 [6] specific incidents and situations of arbitrary deprivation of liberty have been monitored and NamPol members accounted for 5 incidents, or more than 70 percent of the total.

#### **2.5. ABUSE OF POWER & EXILE**

- 66.** “Abuse of power” herein refers to active punitive acts or omissions to act by a person or a group of persons in a position of power or trust, resulting in harm, including physical or mental injury, economic loss or any other substantial impairment of basic human rights. “Abuse of power” also includes acts of Police brutality, grabbing, beating, shoving, slapping, kicking, pulling, shaking and threatening as well as denial of medical treatment as a form of punishment.
- 67.** During the period under reporting a total of 15 [7] incidents and situations of abuse of power and exile have been recorded. NamPol members committed 8 of the 15 incidents or situations. This is 53 percent of the total.

## **2.6. ENFORCED DISAPPEARANCE**

- 68.** “Enforced disappearance of persons” herein means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
- 69.** While previous cases of enforced disappearance remained unresolved, a total of 4 [10] new situations of enforced disappearance have been recorded.

## **2.7. RIGHT TO PRIVACY SECURITY**

- 70.** Both NC and ICCPR prohibit arbitrary interference with the privacy, family, home, or correspondence of citizens “save as in accordance with law and as is necessary in a democratic society in the interest of national security, public safety or economic well-being of the country, for the protection of health, morals, for the prevention of disorder or crime or for the protection of the rights and freedoms of others”.<sup>58</sup>
- 71.** However, during the period under reporting one (1) violation has occurred. This was Parliament’s enactment of the so-called *Spy Bill*, as the *Communications Act 2009* (Act 8 of 2009) is also notoriously known. The *Spy Bill inter alia* allows NCIS agents to monitor e-mails and Internet usage as well as the interception of telephone calls and cell phone text messages. The *Spy Bill* also makes provision for the establishment of interception centers as well as cooperation between these centers and telecommunication service providers.

## **2.8. THREATS TO THE RULE OF LAW**

- 72.** “Respect for the rule of law” herein refers to a situation when and or where GoN officials uphold written laws or any other established rules. This is also the case where such laws

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<sup>58</sup>Article 13 of NC and Article 17 of ICCPR

and rules were applied equally and consistently in respect of everyone and or where the courts provide the reasons based upon the law for their decisions and, further, that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedural steps and due process. It must be stressed that since 2005 the country is, for all intents and purposes, being ruled in accordance with the Swapo Party 2004 Election Manifesto, instead of NC!

- 73.** In its most basic form, respect for the rule of law is rooted in the doctrine that *nemo est supra legis* (i.e. no one is above the law).
- 74.** “Respect for the rule of law” also refers to a situation that excludes all undue, improper interference or influences, corrupt acts or abuse of position as well as any other impairment of virtue, moral principles or rectitude in the course of the administration of justice. NC strictly prohibits undue, improper interference or influences, corrupt acts or abuse of position as well as any other impairment of virtue, moral principles or rectitude in the course of the administration of justice.<sup>59</sup>
- 75.** Altogether 33 [17] fresh active and passive violations of the rule of law--which included 18 [5] incidents of corruption and 15 [12] violations of the right to a fair public trial--have been recorded.

## **2.9. DISCRIMINATION**

- 76.** “Discrimination” refers to any politically-motivated distinction, exclusion, restriction or preference based on any grounds such as race, color, sex, sexual orientation, age, language, religion, political or other opinion, national or social origin, property, birth or other status when such preference has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.<sup>60</sup>

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<sup>59</sup>Article 78(3) of NC

<sup>60</sup>Articles 2(1) and 26 of ICCPR

77. NC and ICCPR expressly provide for the right of everyone to equality before the law and to non-discrimination.<sup>61</sup> ICCPR prohibits any propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether such propaganda or advocacy has aims which are internal or external to the State concerned.<sup>62</sup>

78. A total of 13 [10] new active and passive incidents of racism, racial discrimination, sexual discrimination, societal discrimination, homophobia and related intolerance have been recorded. Of the total, 3 incidents were aimed at ethnic Kwanyamas, while ethnic whites were victims of another 4 incidents and half of these were attributed to hate speech by President Nujoma. More than 50 percent of the incidents were committed in the name or defense of the ruling Swapo Party.

## **2.10. FUNDAMENTAL FREEDOMS**

79. NC and ICCPR as well as several other relevant international human rights instruments, to which GoN is a State Party, guarantee all the fundamental freedoms for everyone in the country.<sup>63</sup> These freedoms include the freedoms of opinion and expression, association, assembly, movement and religion:

### **2.10.1. FREEDOM OF EXPRESSION AND OPINION**

80. “Freedom of opinion and expression” refers to the right of everyone to hold opinions without interference. This includes the freedom of everyone to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his or her choice as enunciated in NC and ICCPR.<sup>64</sup> The right to freedom of opinion and expression includes the press freedoms.

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<sup>61</sup>Article 10 of NC and Articles 2 and 26 of ICCPR

<sup>62</sup>Article 20 (2) of ICCPR read with CCPR General Comment No.11

<sup>63</sup>Articles 17, 21 and 95(k) of NC as well as Article 19 and 25 of ICCPR

<sup>64</sup>Article 21(1)(a) of NC and Articles 19 and 25 of ICCPR as well as CCPR General Comment No 10 of 1983

- 81.** Therefore, for the purpose of this Report, “attacks on the freedom of opinion and expression” refers to any and all politically motivated situations or inchoate or actual acts aimed at individuals *ad hominem* or organizations exercising the right to freedom of opinion and expression, when such situations have been created by, and or such acts are coming from GoN or ruling party officials, when such situations or acts are calculated to limit and or are likely to limit or, altogether, suppress the exercise of the right to freedom of opinion and expression. The term “attacks on the freedom of opinion and expression” also includes any and all other active or passive commissions aimed at suppressing or, altogether, preventing certain information from becoming public knowledge or impairing the right of the public to know.
- 82.** The use of explicit or veiled smear tactics or engagement in character assassination, fighting words or hate expression as well as abusive, defamatory and inflammatory language against real and or perceived GoN or ruling Swapo Party critics are classic examples of attacks on the freedom of opinion and expression. The term also includes any and all other forms of intolerance as well as any propaganda for war and or advocacy of violence aimed at individuals or groups exercising the right to freedom of expression and opinion as contemplated under NC and ICCPR.<sup>65</sup>
- 83.** A total 37 [37] new incidents and situations of attacks of the freedom of expression and opinion have been recorded. The ruling Swapo Party accounted for altogether 21 incidents or 56 percent of all the attacks on the freedom of expression and opinion, while *The Namibian* and its veteran Editor Gwen Lister, freelance investigative journalist John Grobler, *Informanté* Editor Max Hamata, human rights kingpin Phil ya Nangoloh, as well as renown Nordic-based Namibian academic Henning Melber, received the lion’s share of the attacks.

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<sup>65</sup>Article 21(1)(a) of NC and Article 19 of ICCPR as well as CCPR General Comment No 10 of 1983

### **2.10.2. FREEDOM OF ASSOCIATION**

- 84.** “Freedom of association” refers to the right to form or join any associations of their choice in order to engage in peaceful political activities to influence the policy and or composition of the Government as well as to actively participate in the conduct of public affairs.<sup>66</sup> This right is guaranteed even during a state of emergency, national defense or martial law.<sup>67</sup>
- 85.** Hence, the term “attacks on the freedom of association” includes political intolerance and any forms of propaganda for war and or advocacy of violence or the use of physical violence against individuals or groups exercising the right to freedom of association.
- 86.** Altogether 27 [40] new incidents or situations which flagrantly threatened the right to freedom of association have been recorded. Of the total, persons and or groups singing praises for former Namibian President Sam Nujoma accounted for the lion’s share or close to 89 percent of all the incidents or situations!

### **2.10.3. FREEDOM OF ASSEMBLY**

- 87.** NC and other human rights laws provide for the right of everyone to freedom of peaceable assembly.<sup>68</sup>
- 88.** However, a total of 5 [4] new incidents and or situations amounting to manifest denial of this fundamental freedom occurred during the period under consideration. Of the total, persons or groups singing praises for former President Nujoma accounted for 3 incidents and or situations, or 60 percent of all incidents and or situations.

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<sup>66</sup> Articles 17 and 21(1)(e) of NC and Articles 19 and 25 of ICCPR as well as CCPR General Comment No 10 of 1983

<sup>67</sup> Article 24(3) of NC

<sup>68</sup> Articles 21(1) (d) and 20(1) and 22 of NC, UDHR and ICCPR, respectively

#### **2.10.4. FREEDOM OF MOVEMENT**

- 89.** “Freedom of movement” refers to the right of every citizen or resident, without distinction of any kind, such as race, color, sex, sexual orientation, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status, to move freely in the country or to leave and return to the country as guaranteed under NC, UDHR and ICCPR.<sup>69</sup>
- 90.** A total of 9 [4] incidents or situations which grossly threatened the right to freedom of movement have been recorded. Persons or groups singing praises for former President Nujoma committed all of the incidents and or situations. This means 100 percent of the total.

#### **2.10.5. FREEDOM OF RELIGION**

- 91.** Both NC and ICCPR guarantee the right of everyone to freedom of thought, conscience and religion.<sup>70</sup> This basic freedom may not be suspended even during a state of emergency, national defense or martial law.
- 92.** A total of 2 [0] incidents which threatened the right to freedom of religion have been recorded. President Nujoma personally committed all of them!

### **3. RIGHT TO COMMUNITY SECURITY**

- 93.** “Community security” refers to the protection of minority and or other traditional communities from sectarian and ethnic violence. Both NC<sup>71</sup> and ICCPR<sup>72</sup> as well as several other international human rights treaties which GoN has ratified, such as the Rome Statute of the ICC and the UN anti-Genocide Convention of 1948, guarantee the protection of especially communities against sectarian and or racial violence.

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<sup>69</sup>Article 21(1)(g),(h) and (i) of NC and Article 13 of UDHR and Article 12 of ICCPR

<sup>70</sup>Articles 19 and 21(1)(b) and (c) of NC as well as Article 18 of ICCPR

<sup>71</sup>Articles 10, 19 and 66 of NC

<sup>72</sup>Articles 2, 18 and 27 of ICCPR

94. Furthermore, ICCPR strictly prohibits any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
95. Altogether 7 new incidents or situations threatening the right to community security (3 were aimed at ethnic Kwanyamas and another 4 were directed at ethnic whites) have been recorded.

### III. MAJOR CONCLUDING OBSERVATIONS 2009

96. During the period under reporting, altogether 202 serious violations of both NC and international law principles have been recorded. These include 7 threats to human security in the realm of cultural, economic, environmental and social rights, 10 third-party violations of personal security and 178 manifest threats to political as well as 7 menaces to community security.
97. GoN is paying lip service to the human rights and democracy agenda in that, although Parliament has ratified virtually all major international human rights treaties (albeit with several reservations and or glaring omissions in many cases), no practical implementation of these treaties has taken place.
98. Furthermore, although the *Geneva Principles for a Constitution of an Independent Namibia* of July 12 1982 stipulate that NC shall contain a Declaration of Fundamental Rights “consistent with the provisions of Universal Declaration of Human Rights”<sup>73</sup>, the present *Bill of Fundamental Human Rights Freedoms* (i.e. Chapter 3 of NC) excludes all the cultural, economic, environmental and social rights, with the exception of Articles 19 and 20 of NC. Hence, there are no remedies, let alone effective ones, in Namibia for persons aggrieved by the violations of ESCRs. Nonetheless, in terms of UDHR and other international human rights instruments applicable in the country, all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and, further,

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<sup>73</sup> paragraph 5 of Principles for a Constitution of an Independent Namibia

that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis at all times.

- 99.** The Constitutional doctrine of the separation of powers is being systematically disregarded, with specific reference to the separation of powers between the Executive and Legislative Branches of GoN.
- 100.** Since 2005, the country is being ruled by the Swapo Party from *Party House* and in terms of Swapo Party's 2004 Election Manifesto, instead of State House as contemplated under Article 27 of NC. Prior to 2005, Namibia was ruled from State House for a good 15 years by former Namibian President Sam Nujoma as a personal property and or his fiefdom.
- 101.** As demonstrated in this periodic and other NSHR thematic reports, the dramatic escalation of political intolerance and other election-related violence as well as other forms of violations of the *Electoral Act 1992* (Act 24 of 1992), as amended, strongly suggest that the electoral process, which ended on December 4 2009, was neither free nor fair, let a alone being transparent and credible.
- 102.** Moreover, the aforesaid threats to the right to personal, political and community security in the country have constantly assumed Zimbabwean ZANU-PF proportions, especially since 2007.

#### **IV. NSHR ACTIVITY IMPACT INDICATORS 2009**

- 103.** In addition to its general human rights proactive human rights monitoring operations referred to under Chapter II, *supra*, we also carried out several other human rights activities in support of democratization. These included gathering and dissemination of human rights information, advocacy and mobilization of public opinions that are central to our mission statement. In order to monitor and evaluate the impact of these services, NSHR has developed its own impact monitoring tools and indicators, including:

## 1. VISITORS' REGISTER DATABASE (VRD)

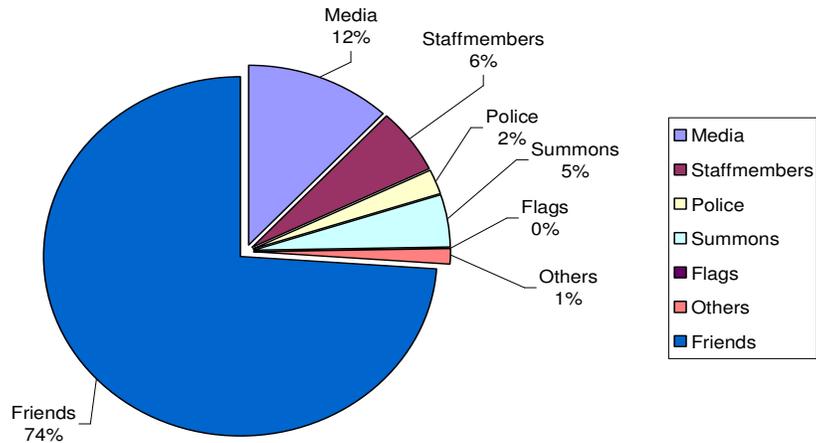
**104.** VRD is a counter which tracks the number of people visiting NSHR offices during the period under consideration as well as the reason given for the visit and who referred the visitor to NSHR. During the period under consideration, a total of 13 447 people visited *in personam* the Organization's Head Office in Windhoek and the six RMOs in the Caprivi, Hardap, Kavango, Kunene, Ohangwena and Oshana regions of the country [*vide* Fig.1.1 Combined VRD Reference Table, *infra*]. Another slightly more than 4 800 citizens and non-citizens alike phoned NSHR offices nationally for legal and other advice about their rights and responsibilities[*(vide* Fig.2.1. Combined Office PCD Table and Fig.2.2. Combined Office PCD Pie, *infra*)].

OFFICES	MEDIA	FRIENDS	STAFF MEMBERS	SUMMONS	POLICE	FLAGS	OTHERS	TOTAL
HEAD OFFICE	768	2 693	199	191	16	2	141	4 010
CAPRIVI RMO	389	551	90	0	0	0	1	1 031
EENHANA CEAC	29	1 223	245	137	225	9	4	1 872
MARIENTAL RMO	36	2 296	24	122	2	4	0	2 484
OSHAKATI RMO	139	685	103	137	42	0	24	1 130
OPUWO RMO	6	1 738	21	31	1	0	10	1 807
RUNDU RMO	237	746	107	19	3	0	1	1 113
<b>TOTAL</b>	<b>1 604</b>	<b>9 932</b>	<b>789</b>	<b>637</b>	<b>289</b>	<b>15</b>	<b>181</b>	<b>13 447</b>

Fig.1.1. Combined VRD Reference Table

**105.** From F.1.1, *supra*, and Fig.1.2, *infra*, it becomes clear that the slightly more than 9 900 or 74 percent of all those who visited NSHR offices countrywide said their “friends” informed them about the services that the Organization renders to the general public. Slightly more than 1 600, close to 800 and 640 visitors said they learned about the Organization from the media, staff members and summons, respectively. An additional 290 visitors said that NamPol had referred them.

**COMBINED VRD REFERENCE NOVEMBER 2008-NOVEMBER 2009**  
**ALL OFFICES: TOTAL NUMBER OF PEOPLE POLLED: 13 447**



**Fig. 1.2: Combined VRD Reference Pie**

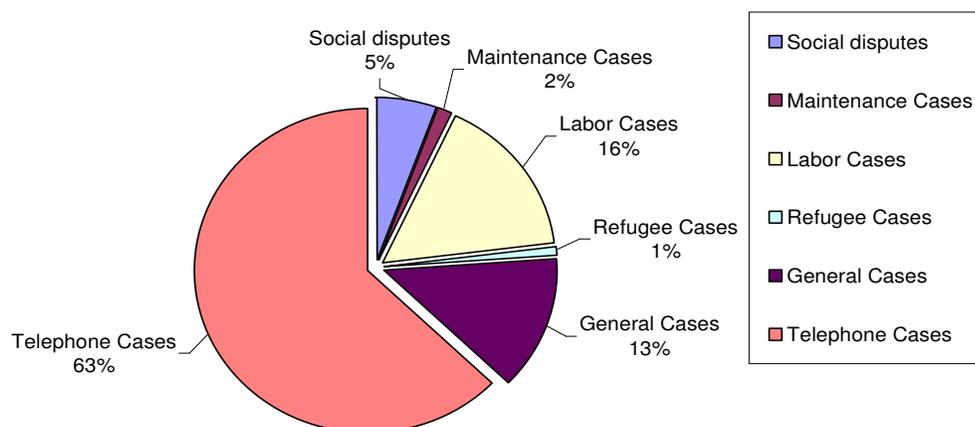
**2. PARALEGAL CASE DATABASE (PCD)**

OFFICE	SOCIAL DISPUTES	MTNC CASES	LABOR CASES	REFUGEE CASES	GENERAL CASES	TOTAL CASES	PHONE CASES	GRAND TOTAL
HEAD OFFICE	74	41	573	60	330	1 078	3 245	4 323
CAPRIVI RMO	0	32	45	0	314	391	0	391
EENHANA CEAC	52	13	81	0	141	287	206	493
MARIENTAL RMO	4	8	403	0	49	464	230	694
OPUWO RMO	180	1	64	0	92	337	107	444
OSHAKATI RMO	108	16	57	0	53	234	908	1 142
RUNDU RMO	3	8	11	0	49	71	135	206
<b>TOTAL</b>	<b>421</b>	<b>119</b>	<b>1 234</b>	<b>60</b>	<b>1 028</b>	<b>2 862</b>	<b>4 831</b>	<b>7 693</b>

**Fig. 2.1: Combined Office PCD Table**

**106.** PCD database records the number of complaints brought to NSHR’s attention by alleged victims of human rights abuses and other members of the general public during the period being reviewed.

**COMBINED PCD CASES FROM NOVEMBER 2008-NOVEMBER 2009  
ALL OFFICES: CASES HANDLED: 2 862**



**Fig.2.2. Combined Office PCD Pie**

**107.** From PCD figures [(*vide* Fig: 2.1. Combined Office PCD Table, *supra*, and Fig 2.3 Combined PCD Achievement Table, *infra*)], it is clear that slightly more than 2 862 [3 354] aggrieved persons who visited NSHR offices countrywide complained about social (i.e. interpersonal) disputes, child maintenance (MTNC), labor disputes and refugee problems as well as general grievances. Another 4 831 [4 312] citizens and non-citizens alike, or 63 percent of the total, phoned the Organization countrywide for legal and other advices about their rights and responsibilities [(*vide* also Fig.2.1 Combined Office PCD Table and Fig.2.2. Combined Office PCD Pie, *supra*)].

NATURE OF CASES	CASES RESOLVED	CASES UNRESOLVED	TOTAL NUMBER OF CASES
Social Disputes	276	145	421
Maintenance	98	21	119
Labor Cases	840	394	1 234
Refugee Cases	60	0	60
General Cases	730	298	1 028
<b>Total</b>	<b>2 004</b>	<b>858</b>	<b>2 862</b>

**Fig 2.3: Combined PCD Achievement Table**

### 3. PUBLICATIONS DISTRIBUTION DATABASE (PDD)

**108.** With regard to the promotion and consolidation of democracy, respect for human rights and good governance (DHRGG), NSHR has developed this PDD tool to record the number of civic education series distributed and their contents disseminated over the period being considered. NSHR’s civic education and other awareness-creation activities, such as crash courses, workshops, voter education programs and radio phone-in programs as well as letters to the editor play a major role in the increase in *inter alia* informed and active citizens’ participation in the conduct of public affairs as envisaged under of NC.<sup>74</sup>

OFFICE	AFRIKAANS	ENGLISH	HERERO	OSHIWAMBO	SILOZI	RUKWANGALI	TOTAL
HEAD OFFICE	689	939	0	238	31	181	<b>2 078</b>
CAPRIVI RMO	0	35	0	2	956	1	<b>994</b>
EENHANA CEAC	0	77	0	341	0	0	<b>418</b>
MARIENTAL RMO	1 611	604	1	301	60	443	<b>3 020</b>
OPUWO RMO	378	287	0	352	57	1	<b>975</b>
OSHAKATI RMO	0	549	20	728	0	0	<b>1 297</b>
RUNDU RMO	58	196	0	0	88	2 505	<b>2 847</b>
<b>TOTAL</b>	<b>2 736</b>	<b>2 687</b>	<b>21</b>	<b>1 962</b>	<b>1 192</b>	<b>3 131</b>	<b>11 629</b>

Fig.3.1: Office PDD Indicator Table

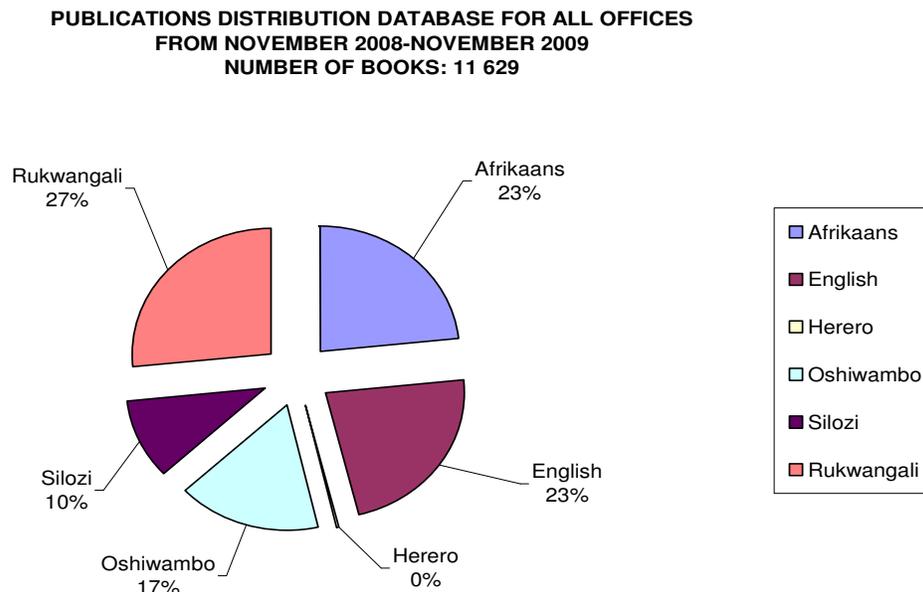
**109.** According to PDD, a total of 11 629 civic education publications have been distributed (and their contents disseminated) countrywide during the period being reviewed [*vide* Fig.3.1: Combined PDD Indicator Table, *supra*].

**110.** With 3 131 or 27 percent of the total, Rukwangali-speakers received the largest quantity of the civic education materials distributed, followed by Afrikaans, English, Oshiwambo and siLozi-speakers, who received 2 731, 2 687, 1 962 and 1 192 MRTP civic education series,

<sup>74</sup>Articles 17, 21 and 95(k) of NC

respectively [(*vide* Fig.3.1 Combined PDD Table *supra* and Fig 3.2 Combined PDD Pie *infra*)].

**111.** With a total of 3 020 or close to 26 percent of all the materials, the Mariental RMO had distributed (and disseminated) the largest number of MRTP civic education series. This is followed by the Rundu RMO and Head Office, with 2 847 and 2 078 materials, respectively. From Fig.3.1 above it is clear that only the Mariental RMO has rendered services to speakers of all the six languages in which the civic education materials have been produced and or were available.



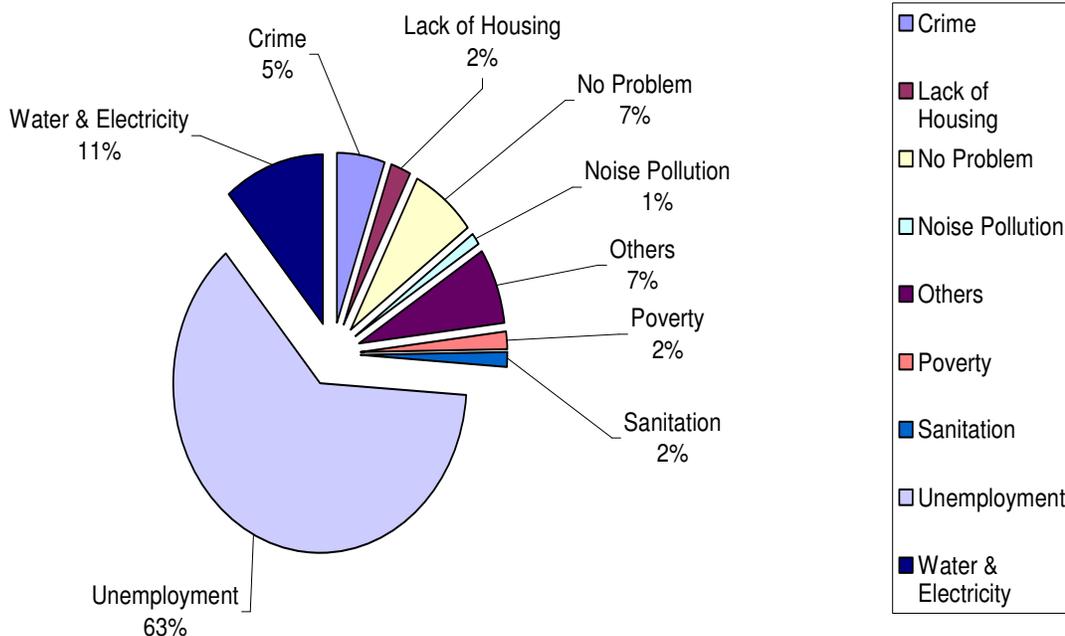
**Fig.3.2. Combined Office PDD Pie**

#### **4. VISITORS' OPINION ASSESSMENT REGISTER (VOAR) DATABASE**

**112.** This impact monitoring and evaluation tool assesses the opinions of visitors to NSHR offices about especially the socio-economic problems plaguing them in their respective areas of residence. During the period under consideration, VOAR indicators show that with 74 percent, Oshakati RMO [(*vide* Fig.4.7, *infra*)] has recorded the highest unemployment rate in the country, followed by the Head Office (see Fig.4.1, *infra*), Eenhana CEAC

(Fig.4.3, *infra*) and the Mariental RMO (Fig.4.4., *infra*) with 63, 60 and 58 percent, respectively. Rundu RMO [see Fig.4.7, *infra*] recorded the highest poverty rate (35 percent), followed by Opuwo RMO, Eenhana CEAC, Mariental RMO and Oshakati RMO, with 25, 15, 12 and 11 percent, respectively. Surprisingly, the Caprivi RMO [see Fig.4.2, *infra*] recorded no poverty rate!

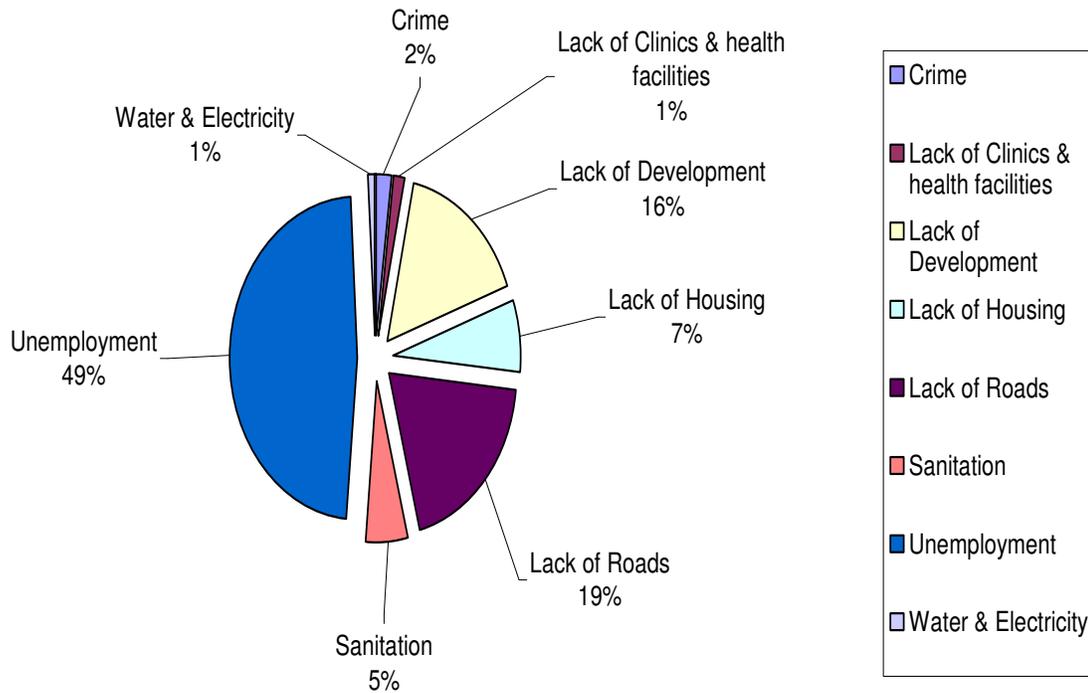
**VISITOR'S OPINION ASSESMENT REGISTER (VOAR)  
FROM NOVEMBER 2008-NOVEMBER 2009  
HEAD OFFICE: NUMBER OF PEOPLE POLLED: 656**



**Fig.4.1: Head Office**

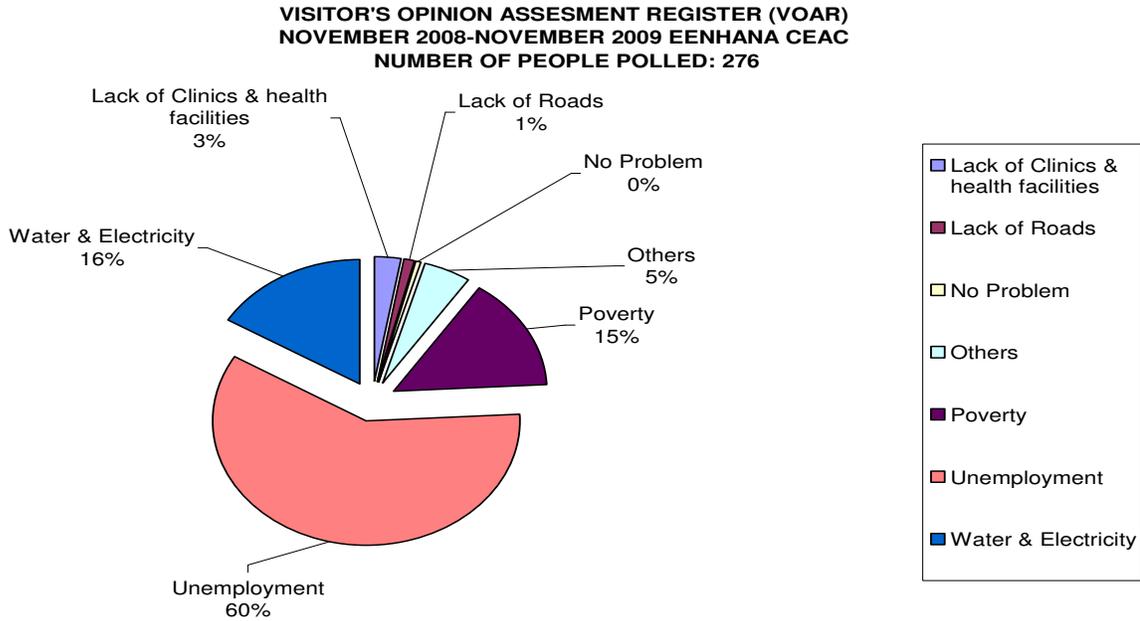
**113.** After the unemployment rate of 41 percent, the lack of water and electricity was the biggest threat to human security recorded by the Opuwo RMO [*vide* Fig.4.5, *infra*], while rated at 10 percent, ADA was the third biggest problem at the Mariental RMO after unemployment (at 58 percent) and poverty (rated at 12 percent).

**VISITOR'S OPINION ASSESMENT REGISTER (VOAR)  
NOVEMBER 2008-NOVEMBER 2009  
CAPRIVI RMO: NUMBER OF PEOPLE POLLED: 945**

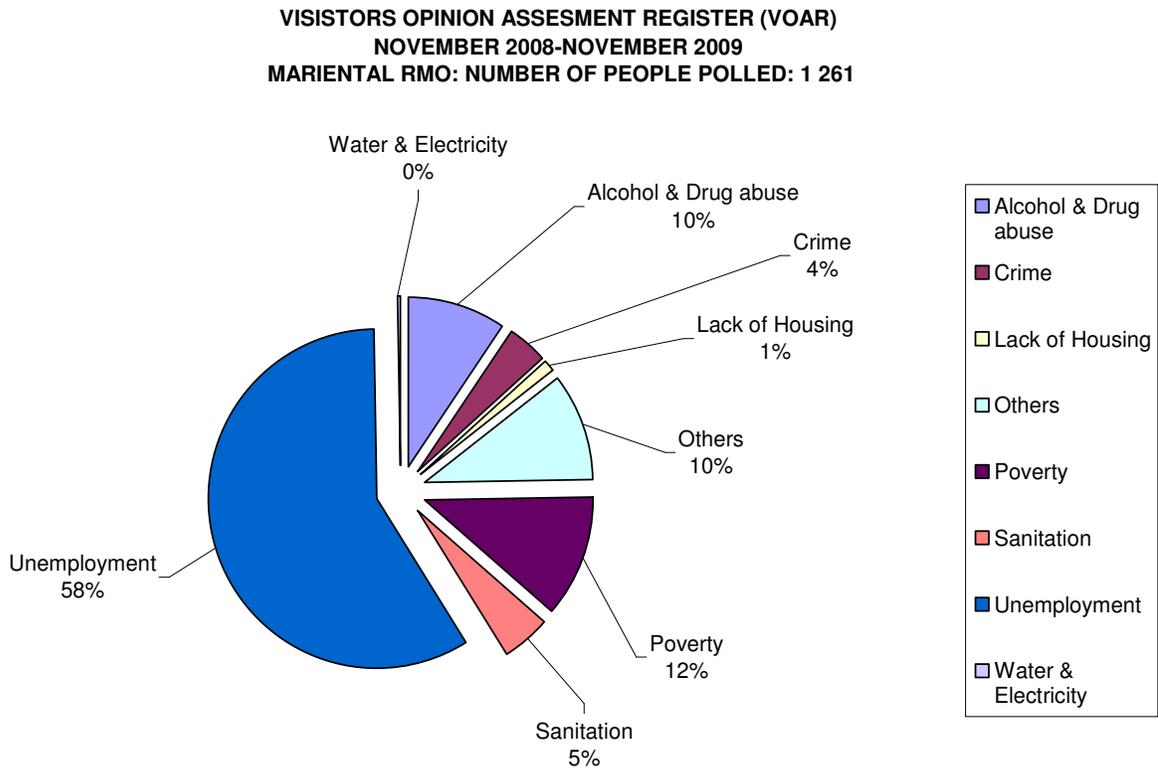


**Fig.4.2: Caprivi RMO**

**114.** With regard to the shortage of water and electricity, Opuwo RMO (i.e. Kunene Region) had the highest percentage (26 percent), followed by Eenhana CEAC (i.e. Ohangwena Region), Rundu RMO (i.e. Kavango Region) and Oshakati RMO (Oshana, Oshikoto and Omusati Regions) with 16, 11 and 5 percent, respectively.

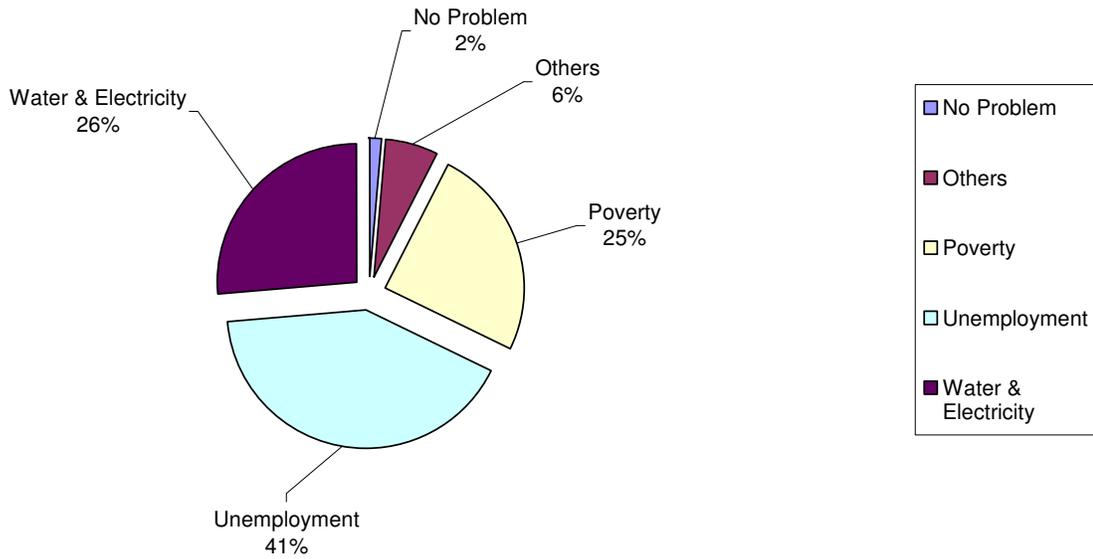


**Fig.4.3: Eenhana CEAC**



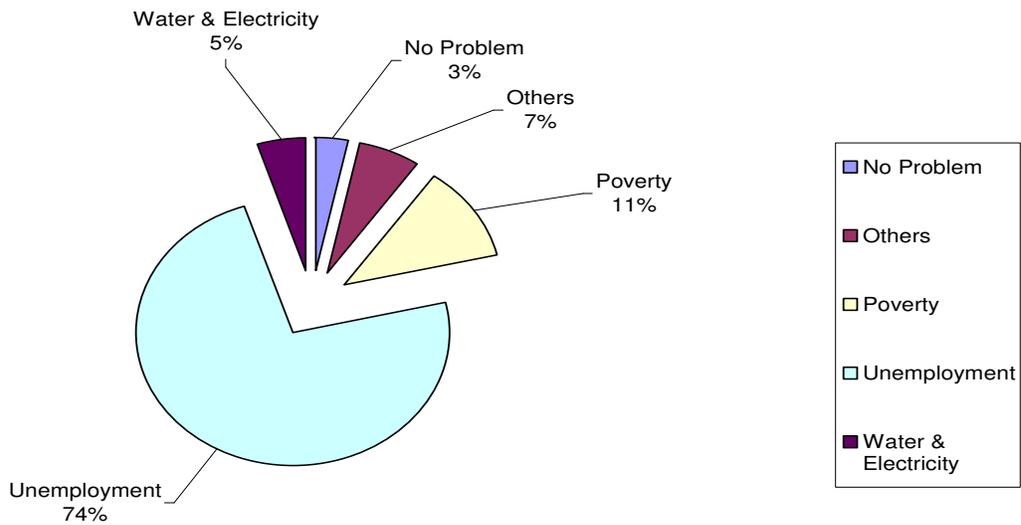
**Fig.4.4: Mariental RMO**

**VISITOR'S OPINION ASSESMENT REGISTER (VOAR)  
 NOVEMBER 2008-NOVEMBER 2009  
 OPUWO RMO: NUMBER OF PEOPLE POLLED: 198**



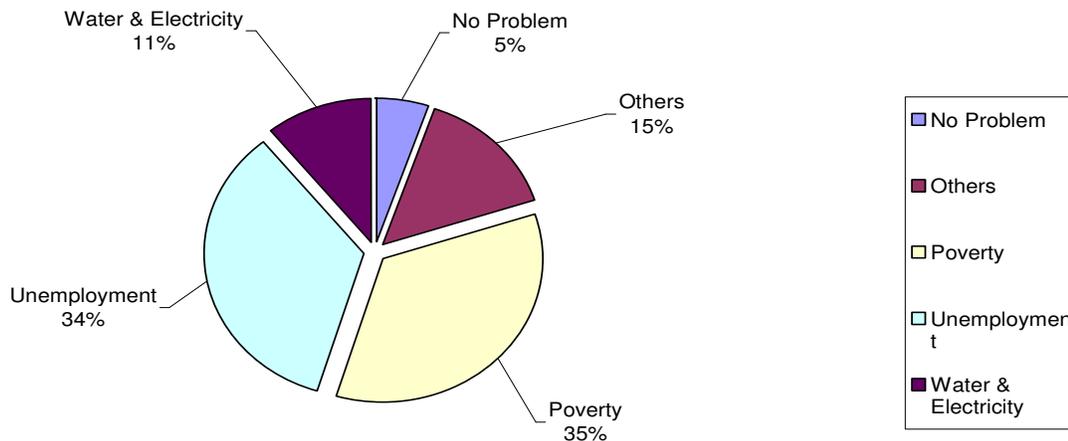
**Fig.4.5: Opuwo RMO**

**VISITOR'S OPINION ASSESMENT REGISTER (VOAR)  
 NOVEMBER 2008-NOVEMBER 2009  
 OSHAKATI RMO: NUMBER OF PEOPLE POLLED: 61**



**Fig.4.6: Oshakati RMO**

**VISITOR'S OPINION ASSESMENT REGISTER (VOAR)  
NOVEMBER2008-NOVEMBER 2009  
RUNDU RMO: NUMBER OF PEOPLE POLLED:174**



**Fig.4.7: Rundu RMO**

## V. MONITORING AND EVALUATION OF OWN PERFORMANCE

**115.** NSHR’s effectiveness can be attested to by mostly the statistics of the Combined Office VRD Reference Pie (see Fig. 1.2., *supra*). Almost three quarters (i.e. 74 percent) of the more than 13 000 people who visited NSHR’s offices during the period under review said that they learned about the services that the Organization renders to the general public from “friends”, while only 12 percent learned about it in the “media”. This clearly demonstrates the effectiveness and efficiency as well as the extent to which the Organization is quantitatively and qualitatively reaching its target groups!

**116.** In addition, the Organization is well known both nationally and internationally as “a unique fearless and relentless Civil Society leader” in the field of democracy, human rights and good governance. Browsing the worldwide web and entering, for example, “human rights in Namibia” will certainly testify to this fact. Moreover, NSHR’s Website Visitor Database (WVD) statistics show that, on average, close to 360 000 page views have been performed

on the Organization's website, [www.nshr.org.na](http://www.nshr.org.na), every year. This means that on average 980 pages views are being performed on a daily basis for 365 days.

**117.** Furthermore, the effectiveness and formidability of NSHR has been tested by time and this is empirically attested to by the unprecedented hostility with which certain people in the ruling Swapo Party have been targeting the Organization over the years, a process which has been stepped up since 2007. NSHR has been subjected to scapegoating, smear campaigns, name-calling and even death threats, as well as economic and financial sanctions through *inter alia* boycotting of its businesses.<sup>75</sup> The Swapo Party sees NSHR as a ghost behind every bush, in that the Organization is automatically-associated with, and is being scapegoated for, virtually all and any critical and or dissenting voices in the country. These sustained vitriolic attacks on NSHR and its leaders as well as on other real or perceived government critics can be readily verified through the editorial and current affairs pages of the ruling Swapo Party's official print mouthpiece, *Namibia Today*, and through its websites, [www.swapoparty.org](http://www.swapoparty.org), and, [www.spyl.org](http://www.spyl.org).

**118.** No other Civil Society organization in the country is feared the most by the self-serving ruling elite than NSHR. This means that we must be doing what is good for the chronically impoverished Namibian nation!

**END**

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<sup>75</sup><http://www.nshr.org.na/index.php?module=News&func=display&sid=911&theme=Printer>