

Namibia 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Namibia during the year.

Significant human rights issues included credible reports of: serious government corruption; extensive gender-based violence, including domestic violence, and child, early, and forced marriage; laws criminalizing same-sex sexual conduct between male adults (although enforcement was rare); reports of violence against members of the lesbian, gay, bisexual, transgender, queer, or intersex community; and minimal advancement in addressing the worst forms of child labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

In contrast with 2022, there were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

Prison conditions were adequate, but police holding cells, where accused persons were held prior to trial, were harsh and life threatening due to gross overcrowding, food shortages, physical abuse, and inadequate sanitary conditions.

Abusive Physical Conditions: In its *Ombudsman Annual Report for 2022*, the Office of the Ombudsman confirmed satisfactory conditions in prisons, which were managed by the Namibian Correction Service (NCS).

Nevertheless, the report documented severe overcrowding in holding cells managed by the Namibian Police Force (NAMPOL), with some holding cells exceeding capacity by nearly 500 percent.

There were documented complaints at prisons of food shortages, unhygienic

food preparatory facilities, lack of basic access to health care, male and female detainees sometimes held in the same cells, broken toilets, and lack of basic sanitation. In 2022, several detention facilities, including in the Katatura neighborhood of Windhoek, were deemed uninhabitable and closed. Some accused persons seen as vulnerable to abuse in holding cells, such as ministers or other prominent individuals, were held by NCS prior to trial at the request of NAMPOL.

On May 24, a detainee charged with murder was awarded damages for abusive treatment while held during his detention in an NCS prison facility.

Administration: Authorities conducted investigations of credible allegations of mistreatment. Representatives of the Office of the Ombudsman, an independent authority, routinely visited prisons and holding cells, and provided detailed reports on conditions and complaints. The Office of the Ombudsman reported NCS and NAMPOL were cooperative.

Independent Monitoring: The government granted local and international nongovernmental organizations (NGOs) access to prisons and prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements; however, there was a case during the year in which two

activists were arrested and detained for more than six months on unsubstantiated charges of malicious damage to property and incitement to commit public violence related to their organization of a peaceful protest regarding youth unemployment. The magistrate found the accused activists not guilty on all charges.

Arrest Procedures and Treatment of Detainees

Arrest warrants were not required in all cases, including when authorities apprehended a suspect while committing a crime. Authorities had to inform detained persons of the reason for their arrest, and police generally informed detainees promptly of the charges against them. Authorities had to arraign arrested persons within 48 hours of their detention. The government did not always meet this requirement, especially in remote rural areas.

The constitution provided for detention without trial during a state of emergency and the publication of the names of detainees in the government's gazette within 14 days of their apprehension. An advisory board appointed by the president on the recommendation of the Judicial Service Commission (the constitutional body that recommended judges to the president for appointment) had to review cases within one month of detention and every three months thereafter. The advisory board had the power to order the release of anyone detained without trial during an emergency.

There was a functioning bail system but not all detainees qualified for bail. Individuals had to have a residential address to qualify, but many defendants did not have access to housing, or lived in informal settlements without recognized addresses. In addition, many detainees could not afford bail. Bail was also granted at a judge's discretion. An individual detained on a minor charge alleged his bail request was deferred for an unreasonable amount of time. In another case, a political activist was denied bail on questionable grounds for what were alleged to be political reasons.

The constitution stipulated accused persons were entitled to prompt access to defense by legal counsel of their choice or one provided by the state, and authorities respected this right.

Pretrial Detention: Delays between arrest and trial could last for years.

According to the Office of the Prosecutor General, however, pretrial detention did not exceed the maximum sentence for conviction of an alleged crime. A shortage of qualified magistrates and other court officials, the inability of many defendants to afford bail, the lack of a plea-bargaining system, slow or incomplete police investigations, and procedural postponements resulted in a large backlog in prosecuting criminal cases. Additionally, there were lengthy delays in criminal appeals.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, and the government

generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There was one credible report of incarcerated political detainees. On March 21, the government arrested two organizers of a peaceful protest and held them for six months. Their detention was perceived by members of civil society and the legal community to be motivated by the protesters' political opinions (see section 1.d.).

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions, and there were no reports the

government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system generally combined to promote freedom of expression, including for media members.

On September 29, the managing editor of the state-owned newspaper *New Era* was suspended following the publication of a series of articles critical of the judiciary. Government officials denied any involvement, but the suspension was widely regarded by civil society and the press as a result of government influence at the state-owned media entity.

Libel/Slander Laws: Defamation was a criminal offense punishable if convicted by imprisonment, fines, or both. Prison sentences were rare and most of those convicted were fined. There were no reports authorities used libel or slander laws to restrict public discussion or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

NAMPOL at times denied reasonable requests citing national security grounds. On May 31, NAMPOL's inspector general denied a permit for a protest against gay marriage, stating the "intended peaceful demonstration might cause feelings of hostility."

On March 21, the country's independence day, a group of protesters planned to demonstrate regarding the problem of youth unemployment in Windhoek. On March 17, NAMPOL rejected the group's application to hold the demonstration, citing a lack of resources. The group filed for an emergency court injunction to overrule NAMPOL's decision, which the court denied. On March 21, as the protest organizers assembled demonstrators, they were arrested and charged with inciting public violence and malicious damage to property. Following six months' detention, a court found them not guilty, and they were released (see section 1.d.).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees.

Freedom of Movement: The government did not permit all refugees to move freely within the country. The government issued identification cards and exit permits allowing refugees to leave the government Osire refugee

settlement to travel to specified locations for defined periods. Refugees without exit permits were required to remain in the Osire settlement. The government maintained strict control over public access to the settlement but provided regular, unrestricted access to UNHCR, the International Organization for Migration, and UNHCR's NGO partners.

Access to Basic Services: The government restricted refugees and asylum seekers from pursuing opportunities for self-sufficiency at a time when international support for the refugee settlement was dwindling. Education, health care, food, water, and child protection services offered at the settlement were below national and international standards.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

Persons unregistered by the government living in tribal and traditional communities were de facto stateless. The government had citizenship policies in place and provided opportunities for these persons to register to confirm their citizenship. The Ministry of Home Affairs, Immigration, Safety and Security estimated 141,000 stateless persons lived in the country. The ministry and a foreign government development assistance agency conducted a civil registration outreach campaign to assist stateless tribal

and other persons native to the country.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials; however, the government did not implement the law effectively. There were isolated reports of government corruption.

Corruption: The Anti-Corruption Commission (ACC), an independent agency, was responsible for investigating all reported cases of corruption. The ACC facilitated multiple arrests of government employees during the year. On October 9, NAMPOL, in partnership with the ACC, arrested six government employees in the Zambezi Region suspected of the theft of four

million Namibian dollars (\$250,000). Additionally, on October 3, the ACC facilitated the arrest of two Karasburg Town councilors and the town's acting chief executive officer on charges of corruption. Nevertheless, arrest of senior government officials allegedly complicit in corruption was rare, feeding the public and media perception of a lack of ACC influence or inclination to investigate senior officials.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups. The government tolerated NGO reports provided to the United Nations that highlighted matters not raised by the government or that pointed out misleading government statements. The Office of the Ombudsman, local human rights

NGOs, and the ACC reported NAMPOL cooperated and assisted in human rights investigations.

Government Human Rights Bodies: There was an autonomous ombudsman with whom government agencies cooperated. Observers considered the ombudsman effective in identifying human rights abuses, including denial of the right to a fair trial. The ombudsman lacked an enforcement mandate or other means to correct abuses, however.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women and men, including spousal rape. The law defines rape as the commission of any sexual act under coercive circumstances. The courts tried numerous cases of rape during the year. The government generally enforced court sentences of those convicted, which ranged between five to 45 years' imprisonment.

Factors hampering rape prosecutions included limited police capacity and the withdrawal of allegations by survivors after filing charges. Survivors often withdrew charges because they received compensation from the accused; succumbed to family pressure, shame, or threats; or became discouraged by the length of time involved in prosecuting a case.

Gender-based violence, particularly domestic violence, was a widespread problem. The government and media focused national attention on the issue. The president and first lady spoke out publicly against gender-based violence; the Office of the First Lady actively promoted awareness of the problem and remedies in every region. Civil society groups petitioned for the establishment of a register of convicted sexual offenders, a review of sentencing laws for conviction of sexual offenses and other gender-based violence (including killings), hastening the investigation of all reported sexual offenses, institution of armed neighborhood patrols, and an evaluation of school practices regarding survivor shaming. The matter remained under debate in parliament at year's end.

The law prohibited domestic violence. Penalties for conviction of domestic violence, including physical abuse, sexual abuse, economic abuse, intimidation, harassment, and serious emotional, verbal, or psychological abuse, ranged from a token fine for simple offenses to sentences of 10 years' imprisonment, a substantial fine, or both for assault with intent to cause grievous bodily harm.

The law provided procedural safeguards such as protection orders for gender-based violence survivors. When authorities received reports of domestic violence, protection units such as the NAMPOL Gender-based violence division intervened. Primarily in urban areas, such units were staffed with police officers, social workers, legal advisors, and medical

personnel trained to assist survivors of sexual assault. Some magistrates' courts provided special courtrooms with a cubicle constructed of one-way glass and child-friendly waiting rooms to protect vulnerable witnesses from open testimony. The Ministry of Gender Equality, Poverty Eradication and Social Welfare operated shelters; however, due to staffing and funding shortfalls, the shelters operated only on an as-needed basis with social workers coordinating with volunteers to place survivors and provide them with food and other services.

The Windhoek Magistrate's Court operated a gender-based violence survivor-friendly lower court. The Ministry of Gender Equality, Poverty Eradication and Child Welfare convened quarterly, and include Human Rights Cluster meetings with stakeholders in government and civil society. Police continued implementation of the gender-based violence *National Action Plan* to improve responsiveness, expedite investigations, and promote collaborative and consultative interventions with stakeholders.

Discrimination: Civil law prohibited gender-based discrimination, including discrimination regarding employment, divorce, education, housing, and business and property ownership. The government generally enforced the law effectively. Women experienced some discrimination in employment and persistent discrimination in access to credit, salary level, owning and managing businesses, education, and housing. Some elements of customary family law provided for different treatment of women. Civil law granted

maternity leave to mothers but not paternity leave to fathers. The law based marital property solely on the domicile of the husband at the time of the marriage and set grounds for divorce and divorce procedures differently for men and women. The law protected a widow's right to remain on the land of her deceased husband, even if she remarried. Although courts ruled widows inherit their deceased husband's property, traditional community leaders sometimes confiscated the property.

The law prohibited discrimination in employment and occupation based on race, sex, religion, political opinion, national origin, citizenship, pregnancy, family responsibility, disability, age, language, and social status, but not on sexual orientation or gender identity. The law required equal pay for equal work. Refugees and legal immigrants with work permits enjoyed the same legal protections, wages, and working conditions as citizens.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Emergency contraception was not available. Access to postabortion care was very limited because by law abortion could only be performed under strict medical supervision in cases of rape, incest, and when the life of the mother was in danger.

Gender-based violence investigation units present at most state hospitals provided forensic examinations to survivors of sexual violence, including

prompt access to medication to prevent HIV, hepatitis B, and other diseases. Rape exams were only performed by doctors at government-run hospitals. Women in rural communities often needed to travel some distance to receive such an exam.

According to the World Health Organization, the maternal mortality rate was 215 per 100,000 live births. A general lack of access to effective health care, including the treatment of eclampsia, resulted in prolonged labor complications and contributed to the high rate of maternal mortality.

According to the *World Bank Gender Portal*, the adolescent birth rate was 65 per 1,000 girls, and UNICEF reported 15 percent of women ages 20-24 became pregnant before age 18. Factors contributing to early pregnancy included youth unemployment, early marriage, and gender-based violence.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law provided for equal treatment regardless of race, color, ethnic origin, sex, religion, creed or social or economic status. The government enforced the law effectively. Reported cases of racial discrimination were investigated and prosecuted in the courts. According to the Office of the Prosecutor-General, there were seven reported cases of racial discrimination from 2020 to year's end.

By law all traditional communities participated without discrimination in decisions affecting their lands, cultures, traditions, and allocation of natural

resources. Nevertheless, due to their nomadic lifestyle, the San, the country's earliest known inhabitants, were unable to exercise these rights effectively because of minimal access to education, limited economic opportunities, and their relative isolation. Some San had difficulty obtaining a government identification card because they lacked birth certificates or other identification. Government identification cards were required to access government social programs and to register to vote. A lack of access to police, prosecutors, and courts prevented San women from reporting and seeking GBV protection.

Indigenous lands were effectively demarcated but poorly managed. Many San community members lived on conservancy (communal) lands but were unable to prevent members of larger ethnic groups from using and exploiting those lands. Some San claimed regional officials failed to remove members of other ethnic groups from San lands.

Children

Child Abuse: Child abuse was a serious problem, and perpetrators of crimes against children were prosecuted, particularly for rape and incest. By law the penalties for conviction of child abuse included a substantial fine, up to 10 years' imprisonment, or both. The Ministry of Gender Equality, Poverty Eradication and Social Welfare social workers dealt with cases of child abuse and referred cases to a network of NGO counterparts as needed due to

capacity constraints. It also conducted public awareness campaigns aimed at preventing child abuse and raised awareness of services available to survivors.

Child, Early, and Forced Marriage: The law prohibited civil marriage for both boys and girls younger than age 18; however, illegal child marriages, including those of girls younger than age 15, were common, especially in rural areas.

Sexual Exploitation of Children: The law criminalized the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law prohibited child pornography or other forms of online child sexual exploitation and abuse. The minimum legal age for consensual sex was 16.

The government enforced the law; perpetrators accused of the sexual exploitation of children were routinely charged and prosecuted. The penalties for conviction of commercial sexual exploitation of a child (including through pornography) were a substantial fine, up to 30 years' imprisonment, or both. The law had special provisions to protect vulnerable witnesses, including individuals younger than age 18 or who were survivors of a sexual offense.

Infanticide, Including Infanticide of Children with Disabilities: Media reported cases in which parents, usually young mothers, abandoned their newborns, sometimes leading to the newborn's death. The government

enforced prohibitions against this practice by investigating cases and prosecuting individuals charged with infanticide.

Antisemitism

There was a Jewish community of fewer than 100 persons in the country, most of whom lived in Windhoek. There were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalized consensual same-sex sexual conduct between adult males but did not address penalties for conviction. There were no records or reports of enforcement of the law in recent years.

Violence and Harassment: Police or other government agents did not incite or perpetrate violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals or those reporting such abuse. Government officials confirmed reports of police responding with apathy towards

LGBTQI+ victims of assault, however. Members of civil society reported that assaults on LGBTQI+ persons increased following the National Assembly's passage on July 11 and 19 of two bills criminalizing same-sex marriage and excluding same-sex spouses from receiving immigration status. Instances of violence were underreported due to fear of harassment or discrimination.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. In general, LGBTQI+ couples and their families were not recognized, nor were they granted rights equal to other persons; however, on May 16, the Supreme Court ruled same-sex couples whose marriages were concluded legally abroad had certain immigration and residency rights. On June 27, the Ministry of Home Affairs, Immigration, Safety, and Security circulated a memorandum mandating that staff comply with the ruling.

LGBTQI+ persons encountered discrimination in education, employment, health care, and housing. A 2022 study stated some gender-nonconforming students were bullied or isolated in schools.

Availability of Legal Gender Recognition: Legal gender recognition was available only to individuals who had undergone gender-affirming surgery.

Involuntary or Coercive Medical or Psychological Practices: According to NGOs and LGBTQI+ community members, there were instances of “corrective” rape targeting LGBTQI+ individuals. Under the Combating of

Rape Act, any sexual act committed under coercive circumstances was illegal, and the law provided for protection of victims. The *2022 Ombudsman Annual Report* noted officials participated in a regional workshop on eradicating conversion therapy practices in Africa.

There were no reports of medically unnecessary normalization surgeries performed on children or nonconsenting adults.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

In general, LGBTQI+ persons and organizations enjoyed freedom of expression, association, and were not restricted from holding events.

Persons with Disabilities

Persons with disabilities often did not have equal access to education, health services, public buildings, and transportation on an equal basis with others. The government did not provide information and communication on disability concerns in accessible formats.

The constitution protected the rights of “all members of the human family,” which was interpreted by domestic legal experts to prohibit discrimination against persons with disabilities. The law prohibited discrimination against persons with physical and mental disabilities. The law prohibited discrimination in any employment decision based on several factors, including any “degree of physical or mental disability.” It made an exception in the case of a person with a disability unable to perform the duties or

functions of the job in question. The government did not enforce these laws effectively, and societal discrimination persisted.

By law official action was required to investigate and punish those accused of committing violence or abuse against persons with disabilities; authorities did so effectively.

The government required the construction of government buildings to include ramps and other features facilitating access to persons with physical disabilities. The government, however, did not mandate retrofitting or other measures to provide such access to already constructed public buildings.

Children with disabilities attended mainstream schools. Blind and deaf children had the option to attend specialized schools. The law did not restrict the rights of persons with disabilities to vote and otherwise participate in civic affairs, but a lack of access to public venues hindered the ability of persons with disabilities to participate in civic life.

The government National Policy on Disability provided for equalization of opportunities for persons with disabilities by removing barriers to full participation in all areas to allow them to obtain a quality of life equal to that of other citizens.

Other Societal Violence or Discrimination

The law prohibited discrimination based on HIV status, and according to the Namibian Employers' Federation, discrimination based on HIV status was not a major problem in the workplace.

Societal discrimination and stigmatization against persons with HIV remained a problem. Some jobs in the civilian sector required a pre-employment test for HIV; however, there were no reports of civilian employment discrimination specifically based on HIV or AIDS status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination. The law provided the labor commissioner with authority to terminate a trade union's registration in the event of continued noncompliance with the obligations of a registered trade union.

Certain sectors, such as police, military, and corrections officers, were not prohibited from forming and joining unions but the procedures for handling disputes and complaints between employers and unionized workers defined

in the Labour Act of 1993 did not apply to them. For example, if police were to unionize, existing laws would limit the efficacy of their organization. These sectors were not unionized.

Except for workers providing designated essential services, such as in public health and safety, workers could strike once mandatory conciliation procedures lasting 30 days were exhausted and 48 hours' advance notice was given to the employer and the labor commissioner. Workers could take strike actions only in disputes involving specific worker interests, such as pay raises.

The law provided employees with the right to bargain individually or collectively and provided for recognition of the exclusive collective bargaining power of a union when more than half of workers were members of that union. Employers had no obligation to bargain with minority unions. The law covered all formal-sector workers, including migrants, nonessential public-sector workers, domestic workers, and those in export-processing zones. The law on collective bargaining did not cover the informal sector.

The government effectively enforced applicable labor law in the formal sector, but penalties were rarely applied against violators due to lack of capacity. Inspection was insufficient to enforce compliance in the informal sector. Aside from mediation efforts, the government was not directly involved in union activities. The government and employers generally respected freedom of association, and workers exercised this right. There

were no reports of employers interfering in union activities.

Collective bargaining was practiced widely in the mining, construction, agriculture, and public sectors. Almost all collective bargaining was at the workplace and company level. In July, workers at the grain processing plant NamibMills organized a strike to demand higher wages, and the employer opened negotiations almost immediately.

Employers could apply to the Ministry of Labour, Industrial Relations, and Employment Creation (Ministry of Labour) for an exemption from certain provisions, such as overtime pay or working hours, if they were able to prove workers' rights were protected, but very few employers chose this option.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The Ministry of Labour issued minimum wage regulations for various sectors. There was no national minimum wage law applied across all sectors. Unions and employers negotiated industry-specific minimum wages under Ministry of Labour mediation. All sector-specific minimum wage rates were applied nationally and were above the poverty line.

The standard legal workweek was 45 hours, with at least 36 consecutive hours of rest between workweeks. By law an employer could not require more than 10 hours' overtime work per week and was required to pay premium pay for overtime work. The law mandated 20 workdays of annual leave per year for those working a five-day workweek and 24 workdays of annual leave per year for those working a six-day workweek. The law also required employees receive paid time off for government holidays, five days of compassionate leave per year, at least 30 workdays of sick leave during a three-year period, and three months of maternity leave paid by the employer and the Social Security Commission.

Occupational Safety and Health: The Ministry of Labour mandated occupational safety and health (OSH) standards, and the law empowered authorities to enforce these standards through unannounced inspections

and criminal prosecution. The law required employers to provide for the health, safety, and welfare of their employees; the responsibility for identifying unsafe situations remained with OSH experts and not the worker. The law covered all employers and employees in the country, including the informal sector and individuals placed by a private employment agency (labor hire), except independent contractors and members of the Namibian Defence Force, the Namibia Central Intelligence Service, the Namibian Correctional Service, and police. By law employees had the right to remove themselves from dangerous work situations, and authorities effectively protected employees in such situations. There was an adequate number of labor inspectors to enforce compliance. These inspectors had the authority to make unannounced inspections and initiate sanctions.

The Namibian Employers' Federation reported the most prominent offenses concerning employee rights and working conditions were in the informal sector, including for domestic workers, street hawkers, and employees in the common informal bars known as *shebeens*.

Wage, Hour, and OSH Enforcement: The government enforced wage, hour, and safety standards laws in the formal sector but did not effectively enforce labor law in the informal sector. Penalties were commensurate with those for similar violations. Penalties were sometimes applied in the formal sector but rarely applied in the informal sector. Inspections occurred proactively, in response to complaints, and at random. Due to the ministry's

resource constraints in vehicles, budget, and personnel, as well as difficulty in gaining access to some large communal and commercial farms and private households, labor inspectors sometimes found it difficult to investigate possible violations. Workers in the construction, agriculture, and mining sectors sometimes faced hazardous working conditions.

Media reported foreign firms failed to pay sector-established minimum wages and benefits in certain industries, respect work-hour regulations for Sundays and public holidays, and adhere to laws on hiring and firing. Additionally, they ignored OSH standards, for example, by requiring construction workers to sleep on site.

The informal sector accounted for an estimated 57 percent of workers. Although the law applied to informal sector workers, it was seldom enforced.