

Namibia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Namibia collaborated with ILO-IPEC and UNICEF to issue the *Namibia Child Activities Survey 1999* in December 2000.¹⁷⁴⁰ The government is currently revamping a national labor law to improve child labor enforcement.¹⁷⁴¹ The Labor Advisory Council, a tripartite board comprised of representatives from the government, unions, and the private sector, sponsored a series of workshops in 2001 to raise awareness on child labor regulations among employers.¹⁷⁴² The Ministry of Health and Social Services is implementing a street children program that places street children in shelters and vocational training programs and registers the parents of street children in income-generating programs.¹⁷⁴³

In the 1999-2000 fiscal year, the government built 691 new school facilities. The Ministry of Basic Education, Sport and Culture has introduced a number of programs to improve access to basic education for children from marginalized groups, such as community-based curricula, mobile schools, and school meal programs.¹⁷⁴⁴

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Namibia Ministry of Labor, in cooperation with ILO-IPEC, estimated that 16.3 percent of children between the ages of 6 and 18 in Namibia were working.¹⁷⁴⁵ The majority of children lives in rural areas and work in occupations requiring

¹⁷⁴⁰ Government of Namibia, Ministry of Labour, *Namibia Child Activities Survey 1999: Report of Analysis* (Windhoek: Ministry of Labour, December 2000) [hereinafter *Namibia Child Activities Survey 1999*] at <http://www.ilo.org/public/english/standards/ipec/simpoc/namibia/report/namibia.pdf> on 1/29/02.

¹⁷⁴¹ U.S. Embassy–Windhoek, unclassified telegram no. 1890, September 2001 [hereinafter unclassified telegram 1890].

¹⁷⁴² *Ibid.*

¹⁷⁴³ ILO, *The Effective Abolition of Child Labour*, review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, GB.280/3/2 (Geneva: ILO, March 2001) [hereinafter *The Effective Abolition of Child Labour*], 321.

¹⁷⁴⁴ Government of the Republic of Namibia, “Ministry of Basic Education, Sport and Culture,” at <http://www.op.gov.na> on 12/7/01.

¹⁷⁴⁵ The survey found that 72,405 children between 6 and 18 were working in 1999. The labor force participation rates of boys and girls were similar: 15.4 percent of girls and 17.2 percent of boys. See *Namibia Child Activities Survey 1999*, 34.

minimal skill or education.¹⁷⁴⁶ Children tend livestock, and work on commercial farms and in the communal agriculture and fishing sectors.¹⁷⁴⁷ Children also work in the informal sector.¹⁷⁴⁸

Education is compulsory for 10 years between the ages of 6 and 16.¹⁷⁴⁹ The Constitution directs the government to provide free primary education; however, families must pay fees for uniforms, books, hostels, and school improvements.¹⁷⁵⁰ In 1997, the gross primary enrollment rate was 130.6 percent, and the net primary enrollment rate was 91.2 percent.¹⁷⁵¹ According to the Ministry of Labor's child labor survey, 80 percent of working children between the ages of 6 and 18 continue to attend school while they are employed.¹⁷⁵²

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years, stipulates that children under the age of 15 may not be employed in any industrial undertaking or mine, and prohibits children under the age of 16 from working underground.¹⁷⁵³ The Labor Act also places an extensive set of restrictions on the employment of children 14 to 15 years of age, and children under 18 years are prohibited from performing night work.¹⁷⁵⁴

The Constitution states that children—defined as persons under the age of 16—are entitled to be protected from economic exploitation and prohibits the employment of children in work that is hazardous, interferes with their education, or is harmful to their health or physical, mental, spiritual, moral, or social development.¹⁷⁵⁵ The Constitution also prohibits the employment of children under the age of 14 in any factory or mine except under regulated conditions.¹⁷⁵⁶ The

¹⁷⁴⁶ *Namibia Child Activities Survey 1999* at 38.

¹⁷⁴⁷ Unclassified telegram 1890. See also *Namibia Child Activities Survey 1999* at 38.

¹⁷⁴⁸ *Country Reports on Human Rights Practices for 2000—Namibia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=666>.

¹⁷⁴⁹ UNESCO, Institute for Statistics, “Statistics: National Education Systems,” at <http://unesco.state.unesco.org> on 11/21/01. See also Article 20(2)-(3) of the Constitution of the Republic of Namibia [hereinafter *Constitution of Namibia*], at www.uni-wuerzburg.de/law/wa00000_.html on 12/7/01.

¹⁷⁵⁰ Constitution of Namibia at Article 20(1) on 12/7/01. See also *Country Reports 2000* at Section 5.

¹⁷⁵¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁷⁵² *Namibia Child Activities Survey 1999* at 37.

¹⁷⁵³ Labour Act 1992, Section 42, as cited in *Namibia Child Activities Survey 1999* at 22.

¹⁷⁵⁴ *The Effective Abolition of Child Labour*, 320.

¹⁷⁵⁵ Constitution of the Republic of Namibia at Article 15(2) on 12/7/01.

¹⁷⁵⁶ *Ibid.* at Article 15(3).

Constitution prohibits slavery and forced labor.¹⁷⁵⁷ The 1960 Children's Act criminalizes the sexual exploitation of children under 18 years of age.¹⁷⁵⁸ The 1980 Combating of Immoral Practices Act also protects girls under the age of 16 from being solicited for immoral acts.¹⁷⁵⁹

The Ministry of Labor is responsible for enforcing the Labor Act and conducts inspections to monitor compliance with labor laws.¹⁷⁶⁰ Labor inspectors at the Ministry of Labor are not trained specifically in child labor issues,¹⁷⁶¹ and inspectors sometimes have problems gaining access to large, family-owned, commercial farms to investigate possible violations.¹⁷⁶² As of March 2001, the Ministry of Labor had employed 24 labor inspectors.¹⁷⁶³ The government can use criminal penalties and court orders to enforce child labor laws.¹⁷⁶⁴

Namibia ratified ILO Convention 138 and ILO Convention 182 on November 15, 2000.¹⁷⁶⁵

¹⁷⁵⁷ *Ibid.* at Article 9.

¹⁷⁵⁸ *Country Reports 2000* at Section 6d.

¹⁷⁵⁹ Combating of Immoral Practices Act, Act No. 21, 1980, Section 13(2) and 14(1)(a)-(c) [document on file].

¹⁷⁶⁰ *The Effective Abolition of Child Labour* at 321.

¹⁷⁶¹ Unclassified telegram 1890.

¹⁷⁶² *Country Reports 2000* at Section 6c.

¹⁷⁶³ *The Effective Abolition of Child Labour* at 322.

¹⁷⁶⁴ *Country Reports 2000* at Section 6d.

¹⁷⁶⁵ ILO, ILOLEX database, International Labour Standards at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/30/01.

NOTE: Hard copies of all Web citations are on file.