

Namibia

Country:

[Namibia](#)

Year:

2016

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

77

Freedom Rating:

2.0

Overview:

The ruling South West Africa People's Organization (SWAPO) posted a dominant performance in the November 2015 regional and municipal elections. Regional legislatures subsequently appointed representatives to Namibia's upper house of parliament, the National Council, leaving SWAPO with 40 of 42 seats in that body. Despite the government's stated commitment to gender equality in national politics, only 10 of the National Council seats went to women. Of 121 regional councillorships, only 16 percent were held by women following the polls.

In 2015, Namibia experienced one of the worst droughts in recent history. A government assessment, released in October, found that more than half a million people were likely to be reliant on food aid through March 2016.

Political Rights and Civil Liberties:

Political Rights: 30 / 40 [Key]

A. Electoral Process: 10 / 12

In 2014, the Third Constitutional Amendment was passed, increasing the number of members in Namibia's bicameral legislature by 40 percent. The amendment also introduced the post of vice president and granted the ruling party the ability to appoint regional governors. The upper house, the National Council, is now comprised of 42 seats (from 26), with members appointed by regional councils for five-year terms. The National Assembly is comprised of 96 seats (from 72), filled by popular election for five-year terms using party-list proportional representation. The new amendment also allows the president to appoint 8 additional nonvoting members to the National

Assembly. The president, who is directly elected for a five-year term (and eligible for a second term) appoints the prime minister and cabinet.

The 2014 National Assembly and presidential elections were considered free and fair despite some controversy surrounding the electronic voting systems. SWAPO won 80 percent of the vote, giving it 77 National Assembly seats. The closest opposition, the Democratic Turnhalle Alliance of Namibia (DTA), won 4.8 percent of the vote for 5 seats, and eight additional parties won the remaining seats. Then prime minister Hage Geingob defeated numerous rivals for the presidency, winning 87 percent of the vote.

SWAPO dominated regional and municipal elections held in November 2015. After regional legislatures appointed representatives to the National Council, SWAPO held 40 of 42 seats in that body; it had voluntarily offered the remaining two seats to the DTA and the National Unity Democratic Organization (Nudo). Following the 2015 elections, SWAPO held 112 of 121 regional council seats and controlled 54 of 57 local authorities. There were no reports of serious electoral violations in 2015.

Before the 2014 elections, SWAPO initiated a “zebra” system, in which the party committed to including one man and one woman as minister and deputy in each ministry, and to strive to make the National Assembly 50 percent female. Currently, 41 percent of National Assembly representatives are women.

B. Political Pluralism and Participation: 11 / 16

SWAPO has dominated the political landscape since Namibia gained independence in 1990. Namibia’s weak opposition parties include the Rally for Democracy and Progress (RDP), the DTA, Nudo, and the United Democratic Front (UDF).

Signaling greater political inclusion, Geingob—who is from the minority Damara community—is the first Namibian president who does not hail from the Oshiwambo-speaking majority.

President Geingob appointed a number of DTA leaders to advisory posts in the new government under a stated policy of inclusivity. Critics have suggested that the policy is instead intended to cement the strength of SWAPO and further weaken the opposition.

C. Functioning of Government: 9 / 12

Corruption remains a problem and investigations of major cases proceed slowly. The Anti-Corruption Commission has considerable autonomy, reporting only to the National Assembly, though it lacks prosecutorial authority. While corruption cases are regular topics in the media, prosecutors are often hampered by lack of evidence. SWAPO’s dominance of the political space has resulted in a conflation between party and state, somewhat hampering anticorruption efforts.

Officials have been accused of inventing large-scale infrastructure projects including the Neckartal dam, office complexes, and railway and road extensions in order to enrich themselves through kickbacks. Separately, the first president following Namibia’s independence, Sam Nujoma, has allegedly received a house worth more than N\$20 million (US\$1.3 million) paid for with state funds. The state also recently presented former president Hifikepunye Pohamba a retirement house valued at over N\$35 million (US\$2.3 million).

Namibia was ranked 45 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index, and 5 out of 54 countries evaluated in the 2015 Ibrahim Index of African Governance.

There is no access to information law in Namibia, despite government pledges to introduce the law and a strong civil society campaign backing it. The government often errs on the side of secrecy and confidentiality in matters of governance. The 2014 constitutional amendments were passed without public consultation; Geingob stated that the mandate for the changes was given when SWAPO won the 2009 elections.

Civil Liberties: 47 / 60 (+1)

D. Freedom of Expression and Belief: 14 / 16

The constitution guarantees free speech and the Namibian media generally enjoys an open environment. Many private publications and websites are critical of the government. However, government and party leaders at times issue harsh criticism and even threats against the independent press, usually in the wake of unflattering stories. While many insist that the state-owned Namibian Broadcasting Corporation (NBC) is free to criticize the government, concerns have arisen about excessive government influence over its programming and personnel.

The 2009 Communications Act allows the government to monitor telephone calls, e-mail, and internet usage without a warrant. Use of the internet is not restricted; however, infrastructure limits penetration to about 15 percent.

Freedom of religion is guaranteed and respected in practice. The government has in the past been accused of pressuring academics to withhold criticism of SWAPO, but there were no such reports in 2015.

E. Associational and Organizational Rights: 12 / 12

Freedoms of assembly and association are guaranteed by law and permitted in practice, except in situations of national emergency. Human rights groups generally operate without interference, though government ministers have, in the past, threatened and harassed non-governmental organizations and their leadership.

Constitutionally guaranteed union rights are respected. However, essential public-sector workers do not have the right to strike. Collective bargaining is not widely practiced outside the mining, construction, agriculture, and public-service industries. The main umbrella union, the National Union of Namibian Workers, is affiliated with SWAPO and plays a role in selecting party leaders.

F. Rule of Law: 11 / 16

The constitution provides for an independent judiciary, and the separation of powers is observed in practice. Access to justice, however, is obstructed by economic and geographic barriers, a shortage of public defenders, and delays and backlogs that can last up to a decade. Traditional courts in rural areas have often ignored constitutional procedures, although legislation to create greater uniformity in traditional court operations and better connect them to the formal judicial system was

implemented in 2009. The 2014 constitutional amendment provided for the creation of tribunals to investigate misconduct of judges and the prosecutor general.

Allegations of police brutality persist. The trial of three police officers accused of killing a 17-year-old in 2013 had yet to open by the year's end. Conditions in prisons are improving, though overcrowding in certain facilities remains a problem.

Secessionist fighting in Namibia's Caprivi region between 1998 and 1999 led some 2,400 refugees to flee to neighboring Botswana. Treason trials for more than 100 alleged secessionists began in 2003. The case against the last of those defendants was settled in the High Court in 2015, with 35 people acquitted and 30 found guilty of treason and other crimes. Those convicted received prison sentences of between 10 and 18 years.

Minority ethnic groups have claimed that the government favors the majority Ovambo—which dominates SWAPO—in allocating funding and services. The nomadic San people of Namibia are among the poorest and most marginalized groups in the country. Attempts to allow equal rights to the San indigenous group are progressing gradually. The government continues to drag its feet in addressing illegal grazing and fences on San land.

A colonial-era law that criminalizes sodomy remains in place, though there were no recorded prosecutions under it in 2015. LGBT (lesbian, gay, bisexual, and transgender) individuals continue to face harassment and other forms of discrimination. There have been reports of “corrective rape” of lesbian women.

G. Personal Autonomy and Individual Rights: 10 / 16 (+1)

The government respects constitutionally guaranteed rights to freedom of movement, foreign travel, emigration, and repatriation. The small white minority owns just under half of Namibia's arable land, and redistribution of property has been slow despite efforts to accelerate the process. In July 2015, frustrated young people belonging to the radical Affirmative Repositioning movement (AR) called on citizens to embark on land grabs; with Namibia's youth unemployment rate hovering at around 40 percent, the movement's members argue that the government has failed them in its inability to make affordable land available. In recent years, several leading members of the SWAPO's youth wing have been expelled from the party in connection with the AR movement. Separately, in September 2015, lawmakers introduced a bill to restrict foreign ownership of land in Namibia's settlement areas, or land that regional councils designate for future development, often as a preliminary step before its incorporation into a local authority. The constitution protects the right to freely conduct business activities. In practice, corruption can hamper such activities, and women face employment discrimination.

Women also continue to face discrimination in customary law and other traditional societal practices. While the Namibian Supreme Court in 2014 upheld a ruling against health-care workers who had coerced three HIV-positive women to undergo sterilization, human rights advocates have criticized the government for failing to implement policies aimed at ending the practice of sterilizing women living with HIV/AIDS without their informed consent. There are no legal barriers to women's access to land in Namibia. However, in practice women's access is limited due to customary norms regarding inheritance procedures and property rights, and there is limited implementation and awareness of existing laws and rights.

Violence against women is widespread, and rights groups have criticized the government's failure to enforce the country's progressive domestic violence laws. More than 500 rapes were reported in the first six months of 2015, and many more go unreported. Rape cases typically see few convictions.

According to the U.S. State Department's 2015 *Trafficking in Persons Report*, Namibia remains a source, transit, and destination country for human trafficking for forced labor and prostitution. The report criticized authorities for failing to live up to previous pledges to address the problem.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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