
HUMAN TRAFFICKING IN NAMIBIA: CHALLENGES AND OPPORTUNITIES FOR THE PARLIAMENT AND GOVERNMENT

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Introduction

Namibia – the least densely populated country in the world after Mongolia – until recently, people trafficking was not seen as an issue. A report published by the UN in 2006¹ Namibia², was not a country with high levels of reported people trafficked out. In contrast, many people were trafficked from and through West African countries. Although a baseline assessment conducted by the Ministry of Gender Equality and Child Welfare in June 2009³ indicated human trafficking as a growing challenge, the trafficking numbers identified were far below the global TIP baseline.

However, in less than a decade, the situation in Namibia has been reversed. It now recurrently appears on all international human trafficking rankings including the UNODC Global Trafficking Report 2018,⁴ which identifies Namibia as a source, transit and destination country. The Global Slavery Index ranks Namibia 102 out of 167 countries.⁵ Further, while the prevalence of people trafficking is only 3.3, it is increasing alarmingly fast. While the numbers are low, the proportions are high in a country with a small population.⁶ According to a 2018 report, '62% of trafficking victims in Southern Africa between 2010 and 2016 were Namibians'.⁷

Similar to trends across Southern Africa, the majority of victims are trafficked into forced labour. However, now, almost 30% of people are being trafficked for sexual exploitation, and most of these victims being women, many young girls. While most people traffickers are male, female offenders are also reported, and most are Namibian nationals.

To respond to these challenges, Namibia passed new laws against human trafficking in 2018, which criminalised human trafficking and providing protection for victims of trafficking. As such, Namibia has made significant progress in combatting human trafficking. In addition to the new legislation,⁸ the government has established a 'National Referral Mechanism (NRM) to help find and then support trafficked people' and is developing a manual for police and prosecutors.⁹

This briefing paper provides an outline of the challenges of human trafficking in Namibia and explores the opportunities available for parliamentarians and the government to countertrafficking. This paper has benefited from information gathered during CPA UK's visit to Namibia in April 2019.

Trafficking in Persons in Namibia: Current Trends

With around 8,000 victims of trafficking, numbers in Namibia are much lower than in other countries in Africa.¹⁰ However, there are two points of concern. Firstly, the prevalence rate of 3.3 in a country of 2.5 million is relatively high compared to other states with a similar population; secondly, the number of people being trafficked is rapidly growing at an alarming rate. Namibia is now recognised as a source and destination of trafficked people, mainly women and children. Namibian children are subjected to forced labour in agriculture, cattle herding, and domestic service, as well as to sex trafficking to Windhoek and Walvis Bay. A 2015 media report alleged that 'foreign sex tourists from southern Africa and Europe exploit child sex trafficking victims'.¹¹

Trafficking into Namibia includes children from Angola trafficked mainly for sex and forced labour – the latter also include 'street vending in Windhoek and other cities as well as into fishing and cattle herding'.¹² The Namibian Police Force (NAMPOL) identified 21 percent of the victims of trafficking – a vast majority being children – in Namibia as Angolans mostly exploited in the domestic labour sector. Victims are also forced in the charcoal production, construction and fishing industries.¹³ In addition to Angola, children and women are also trafficked into Namibia from Zambia and Zimbabwe for prostitution to cater to the demands from the tourists from southern Africa and Europe. Namibia is also used as a transit country for trafficking from South Africa towards Angola and Zambia.

Poverty, unemployment, low levels of education and family instability make people vulnerable to trafficking. Trafficking has increased to supply increasing demands for cheap labour and the thriving commercial sex industry.¹⁴ 'Poor border control, lack of surveillance and screening equipment, lack of trained personnel, and weaknesses in the birth and identity registration system' have made it harder to fight the rise of human trafficking.¹⁵ Moreover, it has been suggested that as 'Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities, in some instances, these children are exploited in forced labour'.¹⁶

There is a regional variation of trafficking activity with a large number of people being trafficked from regions closer to Namibia's borders. The two regions with the highest rate of trafficking cases are Kavango and Zambezi, both have boundaries with Botswana,

Zimbabwe, Zambia and Angola. The Karas region, is used to transit people to and from South Africa; and people are being trafficked in small boats, by sea from Walvis Bay in West Namibia.

Legal Framework in Namibia to Counter Trafficking in Persons

In December 2017, the Parliament of Namibia passed the Combatting of Trafficking in Persons Act, which received the President's assent in early 2018. This was Namibia's first step to address the issue of human trafficking. The Combatting of Trafficking in Persons Act 2018 includes separate chapters on detailing human trafficking offences; protection of and assistance to victims of trafficking; and enforcement provisions. The Act also contains a separate chapter on child trafficking.¹⁷ This new legislation is critical, as it provides a comprehensive approach to human trafficking with clarity on offences, enforcement, and protection and assistance of victims.

Namibia has signed and ratified most of the international conventions that prohibit the trafficking of people. In 2003, it ratified the United Nations Convention against Transnational Organised Crime and the additional Protocol to Prevent, Suppress and Punish Trafficking in Humans, especially women and children. Nationally, the country had in place the Prevention of Organised Crime (POCA) Act no.29 of 2004, which criminalises Trafficking in Persons.

While the international community has commended the efforts of the Namibian government to prevent and counter people trafficking, these efforts are not sufficient to adequately counter the grave challenge of human trafficking. A recent report published by the US State Department states that 'the government did not meet the minimum standards in several key areas. For example, the government has not convicted any traffickers for the second consecutive year (after the adoption of the Combatting of Trafficking in Persons Act; did not refer all identified victims to care, and continued to lack formal procedures for victim identification and referral.'¹⁸

During CPA UK's visit to Namibia in April 2019, the delegation met with the Ombudsman, John Walters, who highlighted that the process to convict people traffickers and to provide victims with the necessary support, is slow. Victims and civil societies representing victims have asked the Office of the Ombudsman for their help, but the Ombudsman's Office has limited capacity and, some victims are left without support.

Following an assessment in 2018, the US State Department placed Namibia into its Tier 3 watchlist country of human trafficking, downgrading it from the Tier 2 watchlist. However, they later decided to grant a waiver for one more year, placing back Namibia in the Tier 2 category. The reason for this exemption was the Namibian Government's written plan to rigorously implement the Combating of Trafficking in Persons Act, ensuring that significant efforts are made to '(comply) with the minimum standards for the elimination of trafficking.'¹⁹

Challenges for the Government

The biggest challenge for the Namibian Government is raising awareness about the Combatting of Trafficking in Persons Act. The Act is new, and implementation agencies are not aware of its powers. As the legislation affects almost all government departments, employees need the training to understand and implement the law.

The Ministry of Gender Equality and Child Welfare has organised some workshops for government employees and members of the public to inform them of the causes of trafficking in Namibia and how it can be prevented. It also presented 'concrete information and tools that can lead to appropriate responses to trafficking cases and (assist) in its prevention'. The Ministry further aims to raise awareness to prevent 'the public from falling prey to traffickers and by (encouraging) them to report or refer potential cases of trafficking to the police or law enforcement officials.'²⁰ The Ministry has established a website for more information on human trafficking, and a dedicated line has been set up to provide advice and counselling to victims.²¹ The ministry has also collaborated with the International Organisation for Migration (IOM) to organise more training programmes for government employees and the public. It is developing a training manual on trafficking for law enforcement agencies, mainly police and prosecutors, which will include a Pocket Manual on Trafficking in Persons for frontline police officers.²²

In addition to training programmes and awareness-raising, the government also needs to adopt a three-pronged PPP strategy – Prosecution, Prevention and Protection. As highlighted above, the government has not prosecuted a single case since the adoption of the Combatting of Trafficking in Persons Act. Low levels of prosecution or no prosecutions discourage trafficked victims to come out. Their trust in the system and the judiciary will only be strengthened after they have witnessed the perpetrators of the crime getting

prosecuted.

The government should also 'adopt and implement the draft national mechanism to identify victims and refer them to care, as well as increase funding and efforts to provide care to trafficking victims.' Increased effort to 'investigate, prosecute, and convict traffickers' is required.²³ Finally, it is essential to link different agencies by establishing inter-agency working groups, particularly in border regions like the Zambezi. This will improve policy coordination and effective sharing and analysis of the information at the regional level. Equally, law-enforcement agencies should coordinate with relevant stakeholders to ensure that they are aware of their work and gather information from the grassroots level.

Challenges for the Parliament of Namibia

The National Assembly currently has eight parliamentary standing committees, and the National Council has seven. The relevant committees which have the remit over the Combatting of Trafficking in Persons Act are:

- The National Assembly Committee on Gender Equality, Social Development and Family Affairs;
- The National Assembly Committee on Constitutional and Legal Affairs;
- The National Council Committee on Security, Constitutional and Legal Affairs;
- The National Council Committee on Gender, Youth and Information Communication Technology.

These committees can play a vital role in curbing human trafficking by investigating and gathering evidence of human trafficking and reporting to the government, which could benefit from the first-hand information collated by these committees. Committees in Namibia travel across the length and breadth of the country to collect evidence, and any member of the public can come and give evidence. This platform could well be used by the victims of trafficking who would otherwise not get an opportunity to share their experience.

However, parliamentary committees in Namibia face significant challenges with regards to effective committee inquiries. Firstly, due to the overwhelming majority of the ruling party, most committee members, who belong to the SWAPO, are reluctant to question ministers who come from the same party. This means that the committees are less likely to scrutinise the

government's work efficiently, and legislation and policies would be quickly passed without taking the concerns of the opposition into account. Likewise, there is less appetite for producing critical reports. Secondly, ministers are often reluctant to attend evidence sessions. They usually send their permanent secretary to attend committee meetings, undermining the role of Standing Committees (for more details, please see a 2017 CPA UK report on Namibia [here](#)).

Finally, chairs in a developed parliament play a significant role in maximising the effectiveness of committees. Not only they are responsible for providing support and direction to committee staff, but they are also the committee's public face. They must ensure that all committee members are working together to achieve common objectives. However, in Namibia this is often not the case. Several committee chairs lack technical skills to manage committee business effectively, and some committee chairs rarely organise committee meetings (for more details, please see a 2019 CPA UK report on Namibia [here](#)).

Conclusion

While human trafficking cases in Namibia are relatively low, the sharp rise year-on-year does indicate an alarming trend. The good news is that both the government and parliament recognise this problem and are ready to take measures to counter it. The Combatting of Trafficking in Persons Act enacted in 2018 has given enforcement agencies the legal means to control human trafficking. However, they need to be fully aware of these legal tools to ensure they take sufficient action. They also require a series of training to understand their legal remit better to implement the Act. The Government also needs to ensure that all government employees are fully aware of the Act, including provisions which are not explicitly mentioned in the legislation.

Meanwhile, the parliament has to ensure that the Act is effectively implemented. Firstly, it needs to make some cultural changes, which includes members questioning ministers from their party as well as working with the members of the opposition. Secondly, the concerned committee should initiate discussions on potential issues they need to investigate human trafficking. Committee members should wait for people to be fully aware of the Act, which will take a long time; they could start investigating the prevalence of human trafficking in border areas, inviting members of the public from the area to give evidence. The concerned committees should visit the border areas extensively, and compile reports which could be of enormous

value to the government.

Finally, the parliament can conduct post-legislative scrutiny after a few years, as this will help them evaluate whether and to what extent the Combatting of Trafficking in Persons Act has achieved its intended purpose and how it is working in practice. Only a coordinated effort by all branches of the government, parliament and judiciary will ensure that Namibia is free from the widespread disease, which is called human trafficking.

End Notes

¹ Trafficking in Persons: Global Patterns, United Nations Office on Drugs and Crime (UNODC), April 2006 https://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf, last accessed on 26 July 2019.

² Non-inclusion of a country does not necessarily mean the exclusion of human trafficking. Namibia was a case of non-availability of enough data. However, there is a certain correlation to suggest that human trafficking in Namibia was not significant enough to attract the attention of the enforcement agencies.

³ A Baseline Assessment of Human Trafficking in Namibia: A Nationally Representative Qualitative Assessment, Ministry of Gender Equality and Child Welfare, June 2009, <https://npc.gov.na/documents/33866/111977/>

⁴ Global Report on Trafficking In Persons 2018, United Nations Office on Drugs and Crime (UNODC), p.18 https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf, last accessed on 26 July 2019.

⁵ Global Slavery Index Country Data – Namibia, <https://www.globalslaveryindex.org/2018/data/country-data/namibia/>, last accessed on 26 July 2019.

⁶ Global Slavery Index Regional Data – Africa, <https://www.globalslaveryindex.org/2018/findings/regional-analysis/africa/>, last accessed on 26 July 2019.

⁷ News and Events, United Nations, http://www.un.org.na/home_htm_files/Training%20Manual%20on%20Trafficking%20in%20Persons%20for%20law%20enforcement%20in%20development%20stages.pdf, last accessed on 26 July 2019.

⁸ Combating of Trafficking in Persons Act 1 of 2018, Government of Namibia, https://laws.parliament.na/cms_documents/combating-of-trafficking-in-persons-e3173c796e.pdf, last accessed on 26 July 2019.

⁹ United States Department of State, 2018 Trafficking in Persons Report - Namibia, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0ac3a.html>, last accessed 26 July 2019.

¹⁰ Note 5.

¹¹ United States Department of State, 2018 Trafficking in Persons Report - Namibia, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0ac3a.html>,

last accessed 26 July 2019.

¹² Ibid.

¹³ Trafficking in Persons in the SADC Region: A Statistical Report 2014- 2016, United Nations Office on Drugs and Crime (UNODC), 2016, https://www.unodc.org/documents/southernafrica//Stories/EN_-_TIP_Statistical_Report.pdf, last accessed 26 July 2019.

¹⁴ Poverty linked to human trafficking in Namibia, New Era Live, 7 September 2018, <https://neweralive.na/posts/poverty-linked-to-human-trafficking-in-namibia>, last accessed 26 July 2019.

¹⁵ Ibid.

¹⁶ Note 11.

¹⁷ Note 8.

¹⁸ Note 11.

¹⁹ Note 11.

²⁰ Trafficking In Persons Campaign Awareness, Ministry of Gender Equality and Child Welfare, <http://www.mgecw.gov.na/trafficking-in-persons-awareness-campaign>, last accessed 26 July 2019.

²¹ For guidance or counselling, the ministry has a toll-free number where victims can contact them by calling or messaging.

²² Note 7.

²³ Note 11.

CPA UK Delegation to Namibia

A CPA UK delegation visited Windhoek between 11 and 16 April 2019. The delegation included:

- Lord Purvis of Tweed, *Member, House of Lords, UK Parliament – Delegation leader*
- Kenneth Gibson MSP, *Member of the Scottish Parliament*
- Maureen Watt MSP, *Member of the Scottish Parliament*
- Jennifer Burch, *Senior Clerk, House of Commons, UK Parliament*
- Yashasvi Chandra, *Africa Regional Manager, CPA branch of UK Parliament*
- Umamah Basit, *Programme Officer, CPA branch of UK Parliament*

Meetings

The CPA UK Delegation met with the following dignitaries:

- Hon. Prof. Peter Katjavivi, Speaker of the National Assembly
- John Walters, Ombudsman of Namibia
- Hon. Dr Albert Kawana, Attorney-General
- Hon. Doreen Sioka, Minister of Gender Equality and Child Welfare
- Hon. Franz Kapofi, Minister of Home Affairs and Immigration
- Hon. Sakeus Shanghala, Minister of Justice
- Members of the Committee on Constitutional and Legal Affairs
- Members of the Committee on Gender Equality, Social Development and Family Affairs
- H.E. Jana Hybaskova, EU Ambassador to Namibia
- H.E. Kate Airey, British High Commissioner to Namibia
- The staff of Konrad Adenauer Stiftung (KAS)

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About CPA UK

The international Commonwealth Parliamentary Association (CPA) is the professional association of all Commonwealth parliamentarians, an active network of over 17,000 parliamentarians from 185 national, state, provincial and territorial parliaments and legislatures.

The Commonwealth Parliamentary Association UK Branch (CPA UK) is one of the largest and most active branches in the CPA community and delivers a unique annual programme both in Westminster and overseas. Overseen by the Houses of Parliament and governed by an Executive Committee of cross-party bicameral parliamentarians, CPA UK undertakes international parliamentary outreach on behalf of the UK Parliament and the wider CPA.

With a specific focus on parliamentary diplomacy and parliamentary strengthening activities, CPA UK seeks to foster co-operation and understanding between parliaments, promote good parliamentary practice and advance parliamentary democracy through a variety of international outreach activities and multilateral programmes. Its work is divided into three regions, which include national, regional and provincial legislatures and the legislatures of Overseas Territories:

Americas, Caribbean, and Europe

Africa

Asia- Pacific

Working closely with parliamentarians and parliamentary officials, CPA UK focuses its bilateral and multilateral outreach activities on a number of areas, including parliamentary practice and procedure, and themes including human rights, public financial scrutiny, sustainable development, equal access to political and economic empowerment and democratic strengthening through election observation.

CPA UK continues to work in partnership with a multitude of national and international organisations for mutual benefit; including the Commonwealth Secretariat, World Bank, UNDP, UNEP, OAS and many others. CPA UK has, and continues to work alongside the UK Government. Over the last five years, CPA UK has leveraged close to £3 million of government funds to achieve its strategic aims in strengthening parliamentary democracy across the Commonwealth.

A world map with a light grey background. Countries that are members of the Commonwealth are highlighted in a dark purple color. These include Canada, the United Kingdom, India, Australia, and several countries in Africa and the Caribbean.

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