



# Freedom in the World 2018

## Namibia *Profile*

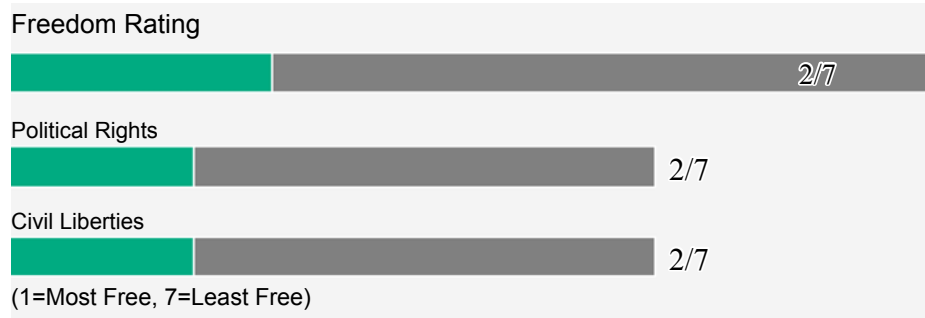
**FREEDOM STATUS:**  
**FREE**



### Freedom in the World

#### Scores

#### Quick Facts



Aggregate Score: 77/100 (0=Least Free, 100=Most Free)

## Overview:

Namibia is a multiparty democracy, though the ruling party, SWAPO, has been in power since independence in 1990. Protections for civil liberties are generally robust. Minority ethnic groups accuse government of favoring the majority Ovambo in allocating services. Nomadic San people suffer from poverty and marginalization. Other human rights concerns include the criminalization of same-sex sexual relations under colonial-era laws, and discrimination against women under customary law and other traditional societal practices.

# Key Developments in 2017:



- The Whistleblower Protection Act and Witness Protection Act were signed into law in October. Parliament passed the Combatting of Trafficking in Persons Bill in December, though it had not yet been signed into law at year's end.
- Descendants of the Herero and Nama people filed a lawsuit in January against Germany seeking damages for colonial-era genocide. The case remained open at year's end.
- The government, after a long delay, released a list of beneficiaries of a controversial land resettlement program. The list showed that most beneficiaries were from the central and southern regions. The ruling party rejected activists' demands for parliamentary debate of the program.

## Political Rights and Civil Liberties:

### POLITICAL RIGHTS:

# 30 / 40

## A. ELECTORAL PROCESS: 10 / 12



### **A1. Was the current head of government or other chief national authority elected through free and fair elections?**

4 / 4

The president is both chief of state and head of government, and is directly elected for up to two five-year terms. In the 2014 election, Hage Geingob defeated numerous rivals for the presidency, winning 87 percent of the vote. The polls were deemed competitive and credible by election observers, though some logistical glitches with electronic voting machines were reported.

### **A2. Were the current national legislative representatives elected through free and fair elections? 3 /**

4

The Third Constitutional Amendment, approved ahead of the 2014 polls, altered the composition of the legislature. Under it, the National Council is now comprised of 42 seats (from 26), with members appointed by regional councils for six-year terms, and 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 nonvoting members to the National Assembly.

The 2014 polls were deemed competitive and credible by election observers, though some logistical glitches with electronic voting machines were reported. 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. While voters intimidation was not reported, opposition parties had some difficulty achieving visibility due to the dominance of SWAPO, which some observers said was reinforced by provisions of the the Third Constitutional Amendment.



**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4**

The 2014 polls were the first held under the Third Constitutional Amendment, which increased the number of members in Namibia's bicameral legislature by 40 percent. SWAPO was criticized for rushing passage of the new law, which was seen to be in its favor given its dominant position in politics, in advance of the elections. However, the electoral framework is otherwise robust and well implemented.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political parties may form and operate freely. However, candidate registration fees can place an undue burden on smaller parties with limited resources. In 2015, ahead of

regional elections, opposition parties claimed it would have cost them nearly N\$300,000 (US\$21,500) to run candidates in all of the country's 121 constituencies.



**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

Opposition parties may freely compete in elections and generally do not encounter intimidation or harassment during election campaigns. However, in practice the opposition is weak and fragmented, and does not pose any significant threat to SWAPO's political dominance.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4**

People are generally able to express their political choices without undue influence from actors that are not democratically accountable. However, the continued domination of SWAPO—an ideologically diverse “big tent” party whose energies are often consumed by intraparty disputes—limits voters' ability to directly express a preference for particular policies.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

The constitution guarantees political rights for all, and the government makes efforts to uphold these rights. Namibia has

made great strides in increasing women's representation in Parliament; women now hold 48 of 104 seats in the National Assembly, making it more likely that women's interests and voices are robustly represented in the political sphere. Election monitors also noted that ahead of the 2014 polls, some parties voluntarily undertook efforts to increase women's political participation. Nevertheless, societal attitudes can discourage women from running for political office.



Almost all of the country's ethnic groups are represented in parliament and in senior political positions. However, members of the ethnic San have faced societal and practical restrictions on their political rights. The government only in 2017 addressed a widespread lack of identification for San from Okakoko village and Eenhana (the capital of Ohangwena Region); they were issued national IDs in January and September respectively, making future voting procedures easier.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community face societal discrimination that hampers their ability to openly advocate for their interests.

## C. FUNCTIONING OF GOVERNMENT:

### 9 / 12

#### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Namibia has a fully functioning system of democracy with a government and a national legislature that freely execute

duties and determine policies. However, 2014 reforms increased executive power, including by permitting new president-appointed members of parliament and limits on the National Council's power to review certain bills. The reforms also granted the president power to appoint the head of the intelligence agency.



## **C2. Are safeguards against official corruption strong and effective? 3 / 4**

Namibia has a sound legal framework for combating corruption. In April 2017, reforms to procurement procedures came into force. In October, President Hage Geingob signed into law the Whistleblower Protection Act and Witness Protection Act. However, anticorruption laws are inconsistently enforced. The Anti-Corruption Commission (ACC) stands accused of moving slowly on cases involving high public figures, and its director general is accused of dropping investigations that could have significant political ramifications. In 2017, the ACC dropped investigations into allegedly high legal fees paid by the government on a genocide case, alleged underpricing practices of Namib Desert Diamonds (Namdia), and corruption linked to a N\$3 billion (US\$230 million) mass housing program. The alleged looting of almost N\$175 million (US\$13.5 million) by the Small and Medium Enterprises Bank (SME Bank), dominated headlines in 2017; the bank was taken over by the government and provisionally closed during the year, following revelations of mismanagement. Additionally, the president's Chinese business partner and friend *Jack Huang* was arrested in February (and released within days on bail) in connection with

a N\$3.5 billion (US\$270 million) tax fraud case, to be heard in 2018.



### **C3. Does the government operate with openness and transparency? 3 / 4**

Namibia does not yet have a full institutional culture of transparency and openness. The country lacks access-to-information laws, and accessing information from many public agencies remains a challenge in practice. There is not frequent disclosure of private interests by public representatives. A veil of secrecy exists over the extractive industry, military spending, State House upgrades, and state security infrastructure.

Amid allegations that certain ethnic groups were favored in a government land resettlement program, the government for months ignored pleas for the release of a list of resettlement beneficiaries. The list, finally disclosed in October, appeared to show bias toward central and southern beneficiaries. The ruling party rejected activists' demands for parliamentary debate of the program.

## **CIVIL LIBERTIES: 47 / 60**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16**

#### **D1. Are there free and independent media? 3 / 4**



Namibia's constitution guarantees media freedom and freedom of expression. In practice, journalists face few legal restrictions on their operations and may generally work without risking their personal safety. While self-censorship is common in state media, private media remains critical of government. State officials have frequently spoken harshly about the media, and observers have characterized such remarks by President Geingob and his information minister in particular as intended to intimidate journalists. A 2017 cabinet decision prioritized state-owned over independent media for state information dissemination and advertising.



**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Although religious freedom is generally respected in practice, two incidents in 2017 raised questions about authorities' commitment to upholding it. In June, police ordered the bishop of Jesus Christ Ministry (JCM) in Windhoek to close his church for disturbing peace and fomenting division in the local community. Also during the year, a Pentecostal church in the village of Oshatowa was shut down, in a disproportionate response to infractions including performing baptisms in a pool set aside for drinking water and occupying land illegally; it too was accused of fomenting division in local communities. A court convicted its leaders on several charges, but the church was able to resume operations after an intervention by a Christian rights activist.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is guaranteed by law and generally respected in practice.



**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4**

Freedom of expression is guaranteed in law and generally observed in practice. Social media is increasingly used to express political dissent. In February 2017, Namibia's vice president called for regulations allowing censorship of social media messages deemed to threaten Namibia's future, though no such regulation was implemented at year's end.

The 2009 Communications Act allows the government to conduct surveillance on various forms of communication without a warrant.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is guaranteed in law and is usually observed in practice, but can be restricted in situations of national emergency. In 2017, however, there were some cases of nonviolent interference by authorities in peaceful protest activities. In January, the police stopped a planned march in Walvis Bay by landless dwellers calling for affordable housing and termination of allegedly corrupt local government councilors. In December, police blocked an unannounced march to State House (the administrative capital building) by

some 350 former Koevoet and South West Africa Territorial Force (SWATF) soldiers seeking war veteran status.



**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Human rights groups generally operate without interference, though government leaders sometimes use public platforms to attack civil society. In March 2017, the president derisively labeled some civil society activists as “failed politicians.”

**E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Constitutionally guaranteed union rights are respected and observed in practice, though 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.

## **F. RULE OF LAW: 11 / 16**

**F1. Is there an independent judiciary? 3 / 4**

The constitution provides for an independent judiciary. In practice, the separation of powers is observed and judges are not frequently subject to undue influence. The establishment of the Office of the Judiciary separate from the Ministry of Justice in late 2015 affords the former administrative and financial independence. However, the judiciary is underresourced. Judges are appointed by the president upon the recommendation of the Judicial Service Commission, a

body whose composition the president has some influence over.



**F2. Does due process prevail in civil and criminal matters? 3 / 4**

Namibia's Constitution protects the rule of law and fair trial rights. However, equal access to justice is obstructed by many factors, including economic and geographic barriers, a shortage of public defenders, and delays and backlogs that can last up to a decade.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4**

Namibia is free from war and insurgencies. However, police brutality is a problem. Police abuses were reported during land disputes in Walvis Bay in May 2017, and Grootfontein in February. Inmates accused wardens of assault at Windhoek and Oluno correctional facilities during the year; officials from the Ombudsman's office went to investigate some of these cases. Namibia currently lacks an antitorture law.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

While the Constitution guarantees the right to equality and prohibits discrimination, challenges remain. In 2016, the Muzokumwe Volunteer Organisation petitioned the government to address discrimination against two Kavango regions. San leaders maintain that San people remain oppressed and marginalized. Same-sex sexual relations remain

criminalized (though the prohibition is not enforced) and women face discrimination under customary law and traditional societal practices.



Descendants of the Herero and Nama people filed a lawsuit in January 2017 against Germany, seeking damages for colonial-era genocide; the case remained open at year's end.

## G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement is a constitutionally guaranteed right generally observed in practice. However, in October 2017, the Helao Nafidi town council passed a resolution that placed restrictions on the free movement of Angolan and other non-Namibian traders.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4**

Private property rights are guaranteed in law and the constitution prohibits expropriation without compensation. There are no legal barriers to women's access to land. However, customary norms regarding inheritance procedures and property rights limit women. The Helao Nafidi town council restrictions implemented in 2017 mandate that non-

Namibian traders may only engage in business three days a week.



Land rights remain a contentious issue, and a government land resettlement program faced intense public scrutiny and allegations that certain groups are favored.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Not all groups enjoy social freedoms. LGBT people face harassment, discrimination and attacks. Same-sex marriages are not recognized and many churches have indicated their nonwillingness to recognize or perform them, though the state ombudsman in 2016 expressed support for the legalization of same-sex marriage. Gender-based violence is high. Forced and child marriages do happen, although government does not keep official statistics on them.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

The constitution outlaws slavery or servitude. However, forced child labor is rife in the agricultural sector and in people's homes. Human trafficking is a challenge, and Namibia still lacks minimum standards required to confront it. In December 2017, Namibia finally passed an antitrafficking law, which was awaiting the president's signature at year's end.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**



**Full Methodology**

Sign up for our newsletter

**SIGN UP**

Follow us

[Subscribe](#) [Donate](#) [Events](#) [Contact Us](#) [Careers](#) [Privacy Policy](#)

© 2018 Freedom House