

# Namibia

**77**  
/100

FREE

|                         |               |
|-------------------------|---------------|
| <u>Political Rights</u> | <b>31</b> /40 |
| <u>Civil Liberties</u>  | <b>46</b> /60 |

## LAST YEAR'S SCORE &amp; STATUS

**75** /100    **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Namibia is a multiparty democracy, though the ruling party, the South West Africa People's Organisation (SWAPO), has been in power since independence. Protections for civil liberties are generally robust. Minority ethnic groups accuse the government of favoring the majority Ovambo in allocating services. The nomadic San people suffer from poverty and marginalization. Other human rights concerns include police brutality, the criminalization of same-sex sexual relations, and discrimination against women.

## Key Developments in 2019

- In October, the judiciary controversially blocked online access to court documents, which should have been available to the public, regarding the 2015 Kora Awards corruption saga. The documents were later made public, and an oversight committee claimed the judiciary's initial suppression of the documents was "inadvertent."
- In November, six former cabinet ministers and officials were arrested on corruption, fraud, and tax evasion charges. Allegedly colluding with an Icelandic fishing company to grant them preferential access to fishing in Namibia's waters, the former officials and ministers of the "Fishrot Six" scandal were implicated in what was considered one of the largest corruption cases in Namibia's modern history.
- In November, SWAPO presidential candidate Hage Geingob was reelected. Support for SWAPO candidates declined in the concurrent legislative elections, though they still won 65.5 percent of the vote.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**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 November 2019 elections, Hage Geingob of SWAPO won the presidential race, receiving 56.3 percent of the vote; down from the 87 percent he won in the 2014 general elections. While international election observers deemed polls peaceful and credible, concerns were raised about the lack of verifiable paper trail for the results, long waits to vote, and delays in the counting and release of election results.

**A2** 0-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

**4/4**

The National Council, the upper chamber of the bicameral parliament, is comprised of 42 seats, with members appointed by regional councils for six-year terms. The lower house, the National Assembly, has 96 seats filled by popular election for five-year terms using party-list proportional representation. International election observers considered the 2019 polls as competitive and credible, though some logistical glitches with electronic voting machines were reported, and concerns were raised about other aspects of the electoral process.

SWAPO's dominant position was challenged during the November 2019 elections. It lost its two-thirds majority in the 96-member chamber, winning 63 seats instead of its previous 77, with 65.5 percent of the vote down from 80 percent in the 2014 elections. Opposition parties performed well, including the newly formed Landless People's Movement, which received 4 seats. The main opposition party, Popular Democratic Movement (PDM), received the second most votes and claimed 16 seats.

*Score Change: The score improved from 3 to 4 because November's general elections, some irregularities notwithstanding, were considered generally free and credible, and the results were accepted by stakeholders and the public.*

**A3** 0-4 pts

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| <b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b> | <b>3/4</b> |
|--|------------|

The electoral framework is robust and generally well implemented. The controversy around use of electronic machines dominated the 2019 elections, with some party leaders expressing doubt about the integrity of the election results due to the lack of verifiable paper trail for the results. The courts dismissed a legal challenge on their use. The 2019 election results were declared free and fair by the Commonwealth Observer Group and the South African Development Community (SADC), although they raised concerns over other aspects of the electoral process.

# **B. Political Pluralism and Participation**

**B1** 0-4 pts

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|--|------------|
| <b>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?</b> | <b>3/4</b> |
|--|------------|

Political parties may form and operate freely. Registration requirements are not onerous and there were no time limits for parties wishing to register and participate in the 2019 general elections. However, candidate registration fees and campaign financing can place an undue burden on smaller parties with limited resources. Political parties with seats in Parliament receive funding annually from the government based on the number of seats they hold, which disproportionately benefits SWAPO due to its electoral dominance. Small opposition parties lack financial capacity and many do not have a broad membership base in all regions, making it difficult to mobilize electoral support.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**3/4**

Opposition parties may freely compete in elections and generally do not encounter intimidation or harassment during election campaigns. In practice the opposition is weak and fragmented, and SWAPO's significant financial advantage over opposition parties further consolidates its control of the political system, making it difficult for rival parties to compete effectively in elections. Despite these challenges, opposition parties gained several seats in the 2019 elections, dislodging SWAPO from the two-thirds majority it held since 2014. Eleven of the fifteen political parties registered for the National Assembly elections secured seats in parliament.

*Score Change: The score improved from 2 to 3 because the current opposition parties increased their share of legislative seats in the November elections.*

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**3/4**

People are generally able to express their political choices without undue influence from external actors, including the church and traditional leaders. However, the continued domination of SWAPO—an ideologically diverse party whose energies are often consumed by intraparty disputes—limits voters' ability to directly express a preference for particular policies.

**B4** 0-4 pts

**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 currently hold 48 of 104 seats in the National Assembly. Nevertheless, women are often discouraged from running for political office. Election observer missions commended Namibia on the inclusion of youth and women in party lists and as contesting candidates.

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 restrictions on their political rights due to widespread discrimination and marginalization. LGBT+ people face discrimination that hampers their ability to openly advocate for their interests.

## C. Functioning of Government

**C1** 0-4 pts

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|--|------------|
| <b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b> | <b>3/4</b> |
|--|------------|

Namibia has a 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 adding members of parliament who are appointed by the president and by limiting the National Council's power to review certain bills. The growing presence of China and its close relationship with the country's political elites continue to raise questions about possible Chinese influence on the country's governance.

**C2** 0-4 pts

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|---|------------|
| <b>Are safeguards against official corruption strong and effective?</b> | <b>3/4</b> |
|---|------------|

Namibia has a sound legal framework for combating corruption. However, concerns remain that anticorruption laws are inconsistently enforced, and difficulties in accessing information held by government departments present barriers to gathering evidence. Light sentences on high profile cases and low prosecution and conviction rates undermine the work of the Anti-Corruption Commission. After a September report from the head of the anticorruption body detailed a shortage of technical skills and resources necessary to fight corruption in the public service and the public procurement system, integrity officers were appointed in government ministries and regional offices.

In July 2019, a Namibian court convicted and sentenced the former Minister of Education, Arts, and Culture for abusing her position to a fine of N\$50,000 (US\$3,540) or six months in jail.

In November 2019, six former cabinet ministers and officials were arrested on corruption, fraud, and tax evasion charges. Allegedly colluding with Icelandic fishing company to give them preferential access to fishing in Namibia’s waters, the “Fishrot Six” ministers were implicated in one of the largest corruption scandals in Namibia’s history.

**C3** 0-4 pts

|  |            |
|--|------------|
| <b>Does the government operate with openness and transparency?</b> | <b>2/4</b> |
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Namibia lacks access to information laws despite government promises to finalize this legislation. The country further lacks an institutional culture of openness and transparency. Proactive disclosure of public information and state contracts is limited and clouded in secrecy. There is also no frequent disclosure of private interests by public representatives. A veil of secrecy exists over the extractive industry, military spending, statehouse upgrades, state security infrastructure, and private funding of political parties. In October 2019 the judiciary blocked public access to documents relating to the state recovery of N\$23 million (US\$1.66 million) paid to a friend of the president in the fraudulent Kora Awards, an event that never happened. The

documents were later made public ostensibly after the case was brought to the Judicial Services Commission, which claimed that the concealment was “inadvertent.”

# Civil Liberties

## D. Freedom of Expression and Belief

**D1** 0-4 pts

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|---------------------------------------|-----|
| 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 and may generally work without risking their personal safety. While self-censorship is common in state media, private media remains critical of the government. In a landmark victory for media freedom, the Supreme Court in April 2019 upheld a 2018 high court judgment which rejected Namibia’s Central Intelligence Services request to ban the *Patriot* newspaper from publishing a story revealing improper use of public funds.

However, challenges remain. The absence of information laws obstructs investigative journalism. In June 2019, the SWAPO Youth League secretary threatened to monitor the work of state-owned media critical of the ruling party. In October, the Namibian Broadcasting Corporation reportedly defied an instruction from the ruling party to rerun coverage of their rally, manipulating and augmenting how large the crowd looked. In September, the defense minister warned citizens and journalists not to record videos of the soldiers and police.

**D2** 0-4 pts

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|--|-----|
| Are individuals free to practice and express their religious faith or nonbelief in public and private? | 4/4 |
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Religious freedom is generally respected in practice.

**D3** 0-4 pts

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|---|------------|
| <b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b> | <b>4/4</b> |
|---|------------|

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

**D4** 0-4 pts

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|---|------------|
| <b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b> | <b>3/4</b> |
|---|------------|

Freedom of expression is guaranteed in law and generally observed in practice. Social media is increasingly used to express political dissent, although the majority of citizens see need to avoid criticizing the government. In January 2019, Minister of Information and Communication Technology (MICT) Stanley Simataa warned citizens against insulting leaders. In June, members of SWAPO tabled a motion in Parliament calling for the regulation of social media to address perceived abuses, including insults of political leaders. The government has reportedly acquired significant capabilities to conduct surveillance of citizens on various forms of communication. However, the legal framework for doing so remains questionable.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

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|--------------------------------------|------------|
| <b>Is there freedom of assembly?</b> | <b>3/4</b> |
|--------------------------------------|------------|

Freedom of assembly is guaranteed in law and is usually observed in practice but can be restricted during a national emergency. Unlike in the past, the majority of peaceful protests in 2019 proceeded without major incidents. However, in January 2019 young people from Keetmanshoop claimed police used excessive force during their protest against discriminatory employment practices in the local governor's office. In February, residents of Karasburg organized a protest march against police brutality in their area.

**E2** 0-4 pts

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|--|------------|
| <b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</b> | <b>4/4</b> |
|--|------------|

Human rights groups generally operate without interference, though government leaders sometimes use public platforms to attack civil society.

**E3** 0-4 pts

|   |            |
|---|------------|
| <b>Is there freedom for trade unions and similar professional or labor organizations?</b> | <b>4/4</b> |
|---|------------|

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. Union membership has declined in recent years, with 25 percent of the labor force unionized.

## **F. Rule of Law**

**F1** 0-4 pts

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|---|------------|
| <b>Is there an independent judiciary?</b> | <b>3/4</b> |
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By law and 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 in late 2015 affords the system administrative and financial independence. However, the judiciary lacks adequate resources, announcing in May 2019 it needed an additional N\$64.2 million (US\$4.55 million) to clear case backlogs and implement new legislation. Judges are appointed by the president upon the recommendation of the Judicial Service Commission, a body whose composition the president has some influence over. The court's initial decision in October 2019 to block online public access to court papers implicating the president and justice minister in the Kora Awards fraud case, has raised questions about the judiciary's integrity.

**F2** 0-4 pts

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|--|------------|
| <b>Does due process prevail in civil and criminal matters?</b> | <b>3/4</b> |
|--|------------|

Namibia's constitution protects the rule of law and the right to a fair trial. However, equal access to justice is obstructed by many factors, including economic and geographic barriers, a shortage of public defenders, lack of resources, and delays and backlogs in the court system that can last up to a decade. In September, reports exposed that the absence of a magistrate at the Oshakati Regional Court had delayed the finalization of many important court cases dating back to 2005. The reported assaults and killings of civilians during Operation Kalahari Desert and its predecessor Operation Hornkranz raise questions regarding the right to a fair trial, despite government claims that these incidences were not deliberate.

**F3** 0-4 pts

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|---|------------|
| <b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b> | <b>3/4</b> |
|---|------------|

Namibia is free from war and insurgencies. However, police brutality is a problem, as well as abuse of suspects in custody. In January 2019, young people from Keetmanshoop claimed the police used unnecessary force during a protest at the

local governor's office against preferential employment in government agencies at the expense of unemployed youth in the area. During Operation Kalahari Desert in 2019—a joint crime prevention effort of the police and the army—the Legal Assistance Centre (LAC) reported a dozen cases of police brutality. In June, a Zimbabwean taxi driver was killed by a member of Kalahari Desert Operation while fleeing a roadblock. In September, another civilian was killed by a soldier for recording a police raid on his personal device. That same month, the People's Litigation Centre lodged a complaint with the International Criminal Court (ICC) regarding the increase in violence against civilians.

**F4** 0-4 pts

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|--|------------|
| <b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b> | <b>2/4</b> |
|--|------------|

While the constitution guarantees the right to equality and prohibits discrimination, challenges remain. The San people face widespread societal discrimination and marginalization and are without access to land. In June 2019, San communities from the Omakeke Region complained of being sidelined by government's developmental programs and criticized the Division for Marginalized Communities (DMC) for failing to address their needs. They further condemned the group's resettlement program for denying them rights to land ownership.

Same-sex sexual relations remain criminalized (though the prohibition is not enforced) and women face widespread discrimination. Increased government support and NGO educational programs about the condition of people living with albinism, who are targeted by ritual killings, has helped improve their living experiences, although challenges still remain.

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

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**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. In October 2019, the government announced the scrapping of reentry visa requirements for holders of permanent residence permits who have not lived outside the country for two consecutive years if they want to enter or reside in Namibia. The illegal fencing of communal land and its impact on freedom of movement and access to resources found in communal areas remained a challenge. In October 2019, villagers in Suni, a town in the Kavango West Region, reported fears of losing access to their land following planned fencing without their consent. The joint crime operation between the police and the army has also impacted freedom of movement.

**G2** 0-4 pts

**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 largely respected in practice. The constitution prohibits expropriation without compensation. There are no legal barriers to women's access to land. However, customs regarding inheritance procedures and property rights limit women.

Land rights remain a contentious and unresolved issue. The Commission of Inquiry into Ancestral Land Rights and Restitution, an outcome of the Second National Land Conference which took place in October 2018, seeks to address this complex topic.

**G3** 0-4 pts

**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 unwillingness to recognize or perform them. Legal challenges from people in same-sex partnerships exist in the courts, seeking either residency permits or recognition of their marriages. Sodomy laws exist though there have been no recent convictions. Rates of gender-based violence and rape are high. Forced and child marriages occur; approximately 7 percent of girls are married before turning 18.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**2/4**

The constitution outlaws slavery and servitude, however Namibia lacks minimum standards required to fully address human trafficking. Forced child labor is rife in the agricultural sector and in people's homes. In 2019 the National Referral Mechanism (NRM), Standard Operating Procedures (SOPs), and the National Plan of Action on Gender-Based Violence took effect, all to combat human trafficking. In August 2019, there were about 20 cases before the courts and 15 cases subject to police investigation. In July, a woman was convicted for trafficking a 15-year-old girl. In spite of these positive developments, the 2018 Combating of Trafficking in Persons Act is still pending. The inadequate funding of organizations fighting this scourge poses further challenges.



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*Country Facts*

Global Freedom Score

**77/100** Free

*Other Years*

|      |
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| 2019 |
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