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Namibia

Country Reports on Human Rights Practices - [2005](#)

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Namibia is a multiparty, multiracial democracy with a population of 2,030,000. On March 21, Hifikepunye Pohamba became the country's second democratically elected president; Pohamba was elected in November 2004 and replaced Sam Nujoma, the country's first president and leader of the ruling South West Africa People's Organization (SWAPO). International and domestic observers agreed the 2004 general elections, in which SWAPO won three-quarters of national assembly seats, were generally free and reflected the will of the electorate despite some irregularities. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in several areas. An extreme disparity in income levels of black citizens and white citizens and high unemployment in the black majority continued to pose serious challenges. The following human rights problems were reported:

- security force use of excessive force during arrests and detentions, which resulted in deaths and injuries
- arbitrary arrest, lengthy pretrial detention, and lengthy delays during trials
- government attempts to curb media and nongovernmental (NGO) criticism
- violence against women and children, including rape and child abuse
- discrimination against women, ethnic minorities, and indigenous people
- child labor

During the year local human rights groups noted fewer restrictions on the media and a decrease in abuses committed by security forces. The government also took steps to curb corruption.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed persons during the year.

On February 20, Police Constable "Kalisto" Muveve reportedly raped and murdered Hilda Tjitana and her grandmother, Albertina Tjitana. Police subsequently arrested Muveve, who was in detention awaiting trial at year's end.

On May 15, Detective Ferdinand Jacobs reportedly shot and killed Mervin Tseib, who allegedly attacked Jacobs with a knife during a separate arrest attempt in Keetmanshoop.

There were no developments in the 2004 killings by police of Francis Sikwai Musanza in July and Jeffrey Shalulu in December or the 2003 police beating of Alilo Ndungula, who subsequently died.

Unexploded ordnance resulted in one death and several injuries. Demining operations were completed during the year, and the country was declared "mine safe."

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits such practices, security forces sometimes beat or otherwise abused persons, including persons held in custody. Despite a police directive that prohibited the use of *sjamboks* (heavy leather whips), security forces continued to use them.

On January 26, Elihana Nghimwena claimed that police officers tortured him during a January 12 interrogation session; Nghimwena was arrested for theft on December 29 and released on January 21. No action had been taken against the police officers by year's end. Nghimwena subsequently filed a civil complaint against the police; his court case was scheduled for 2006.

Also on January 26, in the Nkarapamwe Township in Rundu, police officers Sheehama, Scott, and Mbekele reportedly detained and abused Pankratius Kawana for eight hours; Kawana was suspected of armed robbery. No action was taken against responsible police by year's end.

Unlike in previous years, there were no complaints of police harassment by members of the Mafwe ethnic group.

During the year the government took action against some security force members who abused persons in 2003. For example, a court martial was scheduled for March to try National Defense Force (NDF) members who harassed and beat Beau Pietersen and Hatani Mao Eichab for refusing to remove their earrings in 2003.

There were no developments in the 2003 case in which Special Field Forces (SFF) members allegedly assaulted George Petrus.

During the year media and human rights groups continued to report on ongoing civil court cases filed by individuals against the government as a result of alleged security force abuses during the 1999 secessionist attacks (see sections 1.d. and 1.e.). Approximately 120 of these civil cases were pending at year's end.

Unlike in previous years, there were no reports that paramilitary units abused persons. In February 2004 SFF members reportedly beat Theophillus Ambondo, allegedly for transporting maize meal in a government vehicle on the weekend.

There were reports of sexual misconduct by UN peacekeepers (see section 1.e.).

Mob violence occurred. On July 22, approximately 400 disgruntled employees attacked and injured two managers from the Aussenkehr Grape Farm. A wage dispute and problems with racism at the farm reportedly triggered the incident; no one was charged.

Prison and Detention Center Conditions

Conditions in prisons and military detention facilities were Spartan but generally met international standards. There were incidents of overcrowding and poor maintenance. Victims of abuse were able to pursue legal remedies. The Ministry of Safety and Security administered the country's prisons and jails and continued to work to improve conditions.

The government made efforts to separate juvenile offenders from adult criminals, but in many rural areas juveniles continued to be held with adults. There were several pilot programs that provided alternatives to incarceration for juvenile offenders, such as placing youths in homes.

The government continued to grant NGOs regular access to prisons and prisoners. The International Committee for the Red Cross (ICRC) requested and received prison access.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest or detention; however, at times security forces did not observe these prohibitions.

Role of the Police and Security Apparatus

The police, including the paramilitary SFF, supervised by the Ministry of Safety and Security, and the NDF, supervised by the Ministry of Defense, shared responsibility for internal security. The country's 10 thousand-member national police force (NAMPOL) is highly centralized with regional commands responsible to the inspector general of police, who reports to the minister of safety and security. Approximately half of NAMPOL's overall complement is assigned to the SFF, a paramilitary unit made up primarily of combatants from the former People's Liberation Army of Namibia; SFF members were assigned to guard duty, checkpoints, and the maintenance of public order. NAMPOL lacked the resources, training, and personnel to consistently deter or investigate street crime.

The police continued to make use of a human rights training course and a human rights training manual designed by the Legal Assistance Center (LAC). At times security force members accused of committing abuses were arrested and tried in military courts or the civilian criminal justice system; however, in other cases, the government did not take any action against those responsible for abuses.

Arrest and Detention

Persons arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention, but the government did not always respect these provisions in practice. Arrest warrants were not required in all cases, such as if a suspect was apprehended during the commission of a crime. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. In practice many accused persons in remote and rural areas were not represented by counsel, primarily due to the lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There is a functioning bail system, and the LAC reported that it generally was observed except in rural areas, where persons often were unaware of their legal rights.

On occasion authorities held detainees incommunicado. For example, on January 14, immigration officials at the Hosea Kutako International Airport arrested 14-year-old Nadine Coleman on charges of being an illegal immigrant; Coleman had both her Namibian passport and birth certificate in her possession. Coleman was held without access to counsel or her family for a week.

Under a state of emergency, the constitution permits detention without trial, although the names of detainees must be published in the government's gazette within 14 days, and an advisory board appointed by the president must review their cases.

During the 1999 state of emergency declared in response to Caprivi Liberation Army (CLA) attacks in Katima Mulilo, security forces detained several hundred suspected CLA members and sympathizers, most of whom were released after two weeks. Trial proceedings began in 2003 in Grootfontein and were moved during the year to Windhoek, where they resumed. At year's end there were 120 suspects who remained in detention in Windhoek, some of whom filed civil suits alleging abuses by security forces (see section 1.c.).

The 12 refugees who were arrested on related charges of high treason after being forcibly returned from Botswana and Zambia in 2002 and 2003 remained in detention at year's end. Their trial was again delayed due to lack of legal representation for all the accused, but it started on September 19 and was ongoing at year's end.

Citizens who were arrested arbitrarily used civil suits as legal recourse in many cases.

A trial must take place within "a reasonable time," or the accused must be released; however, lengthy pretrial detention was a problem. The lack of qualified magistrates and other court officials and the high cost of legal aid resulted in a serious backlog of criminal cases, which often translated into delays of up to one year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Some of those awaiting trial were incarcerated in the same conditions as those of convicted criminals. Human rights organizations have criticized lengthy pretrial detentions.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and while the government generally respected this provision, the court system at times was inefficient.

The formal court system has 3 levels: 30 magistrates' courts; the high court; and the Supreme Court. The latter also served as a court of appeals and as a constitutional review court.

Most rural citizens first encountered the legal system through the traditional courts, which dealt with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system. The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the constitution.

Trial Procedures

The constitution provides for the right to a fair trial with a presumption of innocence until proven guilty, but this right was limited somewhat in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system (see section 1.d.). The law provides for public trials, but not juries. Defendants are presumed innocent, can confront witnesses, and have the right of appeal.

During the year procedural issues continued to dominate the high treason trials of detainees arrested in connection with the 1999 attacks on government institutions at Katima Mulilo (see section 1.d.).

The Law Society withdrew a 2004 case of contempt of court against Deputy Minister of Environment and Tourism Ilonga and SWAPO Party Youth League Secretary Kapia, who had criticized a judge for ordering the release of 13 detainees.

In response to a UN investigation into sexual misconduct by peacekeeping troops in Liberia, the government recalled three Namibian peacekeepers and launched its own inquiry.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search; government authorities generally respected these rights in practice. Violations were subject to legal action.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and while the government generally respected these rights, high-level government officials sometimes responded to criticism of the government and ruling party with verbal abuse. The government intimidated journalists into practicing self-censorship.

There were four daily national newspapers, three of which were independent, and two weekly newspapers, both of which were independent. The government contributed financially to the *New Era* newspaper and the *Namibia Press Agency*, both parastatals. The ruling SWAPO party owned one publication, *Namibia Today*. Reporters for independent newspapers continued to criticize the government openly and did not engage in self-censorship.

The government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. NBC television and nine radio services that broadcast in English and indigenous languages were the most widely heard and influential media in the country. During the year there were reports of government influence on NBC operations and editorial content as well as self-censorship by the staff. Two new independent radio stations were established during the year, bring the number of private radio stations to 11. There were two private television stations and a private cable and satellite television service that broadcast international news and entertainment programs. The ruling SWAPO party owned 51 percent of this cable service.

Government departments continued to be precluded from using state funds to advertise in *The Namibian* newspaper because of the newspaper's critical coverage of the president and the government. Political parties, including the ruling SWAPO party, advertised in *The Namibian*.

During the year former Minister of Information Nangolo Mbumba reprimanded the media for publishing a letter that criticized former President Nujoma, and a former deputy minister called for a boycott of all local media that criticized the government. There were, however, fewer incidents of such criticism than in previous years.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

There is a very small Jewish community; there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally enforced these rights in practice.

The constitution prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 convention/1967 protocol.

At year's end the population at the Osire Refugee Camp was approximately seven thousand. Approximately five thousand of this population was from Angola; the remaining refugees were from the Democratic Republic of the Congo, Burundi, Rwanda, and other African countries. The government generally did not permit refugees and asylum seekers to work or live outside the Osire refugee camp. Education through grade 10 was available to all refugees at the camp, and the government facilitated further secondary education for students with financial sponsorship at schools outside the camp. Some tension with local farmers persisted; farmers accused some refugees of stealing firewood, and refugees claimed they were not paid for informal labor.

The government continued to maintain strict control over civilian access to the Osire refugee camp; however, the ICRC, the UNHCR, and the UNHCR's NGO partners had regular and unrestricted access to the camp.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Presidential and parliamentary elections were held in November 2004. SWAPO candidate Hifikepunye Pohamba was elected president with 76.4 percent of the vote; SWAPO won 55 of 72 elected national assembly seats. International and domestic observers characterized both elections as free and reflecting the will of the electorate despite some irregularities. Observers criticized the inefficient vote tabulation system and the unequal access to media coverage and campaign financing. In the National Assembly, 6 opposition parties won a total of 17 seats. The inauguration of President-elect Pohamba and the National Assembly took place in March.

During the year opposition parties challenged the results of the 2004 parliamentary elections, which resulted in a court-ordered recount. The recount produced the same parliamentary seats for all parties but failed to allay some opposition concerns regarding irregularities. The Republican Party subsequently launched another court challenge of the recount, which was pending before the high court at year's end.

Women held 20 seats in the 78-seat National Assembly. There was a women's caucus in parliament that reviewed legislation for gender sensitivity. There were 5 female ministers, including the attorney general, and 6 female deputy ministers among the 45 ministerial and deputy ministerial positions. The deputy prime minister was a woman.

Historic economic and educational disadvantages limited the participation of the indigenous San ethnic group in politics; however, a member of the San community represented the SWAPO party in the National Assembly. Virtually all of the country's other ethnic minorities were represented in parliament and in senior positions in the cabinet. Members of smaller ethnic groups held the offices of deputy prime minister and speaker of the National Assembly.

Government Corruption and Transparency

The law prohibits corruption; however, it was a problem. Government institutions--including the Office of the Ombudsman and the Office of the Auditor-General--were in place to combat public corruption. In his March 21 inaugural address, President Pohamba said the government would address graft "with a sledgehammer," and on June 9, he urged the heads of all state-owned enterprises to take action against corruption or face the legal consequences. In October the government also established an anticorruption commission.

During the year the government took action against corrupt officials. In September former deputy minister Paulus Kapia resigned due to allegations of corruption; SWAPO subsequently forced him to relinquish his parliamentary seat. In December the government dismissed and brought charges of misappropriation against the director of the state-run NBC. Also in December several members of the Walvis Bay Town Council were suspended for alleged corruption.

There were notable cases of malfeasance in several of the country's parastatals. Reports of corruption in the Social Security Commission, the Offshore Development Company, the passport division of the Ministry of Home Affairs, and the Government Institute Pension Fund received widespread media coverage.

No laws provided for public access to government information, but the government generally provided such access in practice.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials continued to publicly disapprove of NGO criticism of the ruling party and government policies. NGOs continued to criticize government policies freely.

During the year representatives of international human rights organizations visited the country.

There was an autonomous ombudsman, with whom the government cooperated; he was considered effective in addressing some corruption and human rights issues.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid"; however, the government did not effectively enforce these prohibitions.

Women

Domestic violence against women, including beating and rape, was widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. Domestic violence is against the law, and the law defines rape in broad terms and allows for the prosecution of spousal rape. The penalties for rape ranged from 5 years' to 45 years' imprisonment, and the government

enforced the law. Numerous rapists were prosecuted during the year. In some magistrate's courts, there were special courtrooms to protect vulnerable witnesses from open testimony; the courtrooms featured a cubicle made of one-way glass and child-friendly waiting rooms.

There were 15 Women and child protection units staffed with police officers trained to assist victims of sexual assault. During the year the People's Education, Assistance, and Counseling for Empowerment Center and other NGOs continued to provide training to these units. The media continued to report on rape and domestic violence.

The law does not prohibit prostitution, and it occurred.

The law prohibits sexual harassment; however, it was a problem.

The law prohibits discrimination against women, including employment discrimination; however, men dominated positions in upper management. The Ministry of Labor and Social Welfare and the Employment Equity Commission, which reports to the minister of labor, were responsible for problems involving discrimination in employment; however, neither was effective due to the backlog of cases. The law prohibits discriminatory practices against women married under civil law, but women who married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed.

The Ministry of Gender Equality and Child Welfare was responsible for advocating for women's rights. The Ministry of Justice's Law Reform and Development Commission advocated for women's rights in legislation, such as the Maintenance Act.

Children

The law enumerates children's rights, including those in the area of education and health, and the government dedicated approximately 23 percent of its budget for education and 11 percent for health care. However, resource constraints and untrained support staff resulted in inadequate attention to child welfare.

Although the constitution provides children with the right to primary and junior secondary education (grades 1 to 10), the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on students' families and precluded some children from attending school. Education was compulsory until the age of 16. Approximately 95 percent of students attended school until the 7th grade; approximately 89 percent attended school until the 10th grade. In general, more girls than boys were enrolled in secondary schools. Many San children did not attend school.

Corporal punishment of children is illegal; however, the practice was common in rural areas and received widespread media coverage during the year. In October 2004 in Katutura Township, a sixth grade teacher beat two students with a metal pipe after a classmate accused them of stealing her cell phone. The mother of 13-year-old Kapurunje Uirab filed legal action. On August 31, the high court ruled in favor of Uirab and ordered the teacher and the Ministry of Education to pay \$5,500 (NAD 35 thousand).

During the year the government took several steps to provide medical care and other assistance to the approximately 100 thousand HIV/AIDS orphans and other vulnerable children. For example, the government reduced or eliminated school fees and provided social grants.

Child abuse was a serious problem, and authorities vigorously prosecuted crimes against children, particularly rape and incest. During the year supreme court judge of appeal Pio Teek was charged with rape and forced to resign; the trial was ongoing at year's end. The law protects children under 18 years of age by criminalizing sexual exploitation, child pornography, and child prostitution. The age of sexual consent was 16 years. During the year the government continued to provide training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children worked actively to reduce the trauma suffered by abused children.

Child prostitution occurred, and parents as well as perpetrators were liable in such cases. The growing number of HIV/AIDS orphans increased the vulnerability of children to sexual abuse and exploitation.

Numerous children orphaned by HIV/AIDS engaged in prostitution.

Child labor was a problem (see section 6.d.).

Trafficking in Persons

The law specifically prohibits trafficking in persons, and there were no reports of persons being trafficked to, from, or within the country; however, child prostitution occurred. The law also prohibits slavery, kidnapping, and forced labor, including forced prostitution, child labor, and alien smuggling. Traffickers were subject to fines of up to \$166 thousand (NAD 1 million) or up to 50 years' imprisonment.

Child prostitution occurred (see section 5, children).

Persons with Disabilities

While discrimination on the basis of disability is not addressed in the constitution, the law prohibits discrimination against persons with disabilities in employment. Enforcement in this area was ineffective. Societal discrimination also persisted. The government does not legally require special access to public buildings for persons with disabilities, and some ministries remained inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem. Disability issues continued to receive greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

National/Racial/Ethnic Minorities

Despite constitutional prohibitions, societal, racial, and ethnic discrimination persisted. Many nonwhites continued to complain that the government was not moving quickly enough to provide education, health, housing, employment, and access to land. Some citizens continued to accuse the government of providing more development assistance and professional opportunities to the majority Ovambo ethnic group. There also were reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners.

Indigenous People

The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. By law, all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, the San and other indigenous citizens have been unable to exercise these rights fully as a result of minimal access to education, limited economic opportunities, and their relative isolation. The government took measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to education. Despite these measures, many San children did not attend school. In February 2004 the LAC filed charges on behalf of 18 members of the San community against more than 20 communal farmers who allegedly beat them after accusing the San of stock theft; the case was pending at year's end. NGOs reported a decrease in complaints that the San were unable to obtain proper identification documents; however, problems continued due to lack of birth records and lack of government officials with the necessary language skills.

The government has authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference. This authority was controversial because of the local leaders' influence on local events, including local police powers. In some cases the government withheld recognition from genuine traditional leaders for political reasons. For example, the government recognized traditional leaders from the Mafwe community, reportedly because the leaders were close to SWAPO; however, the government has not recognized leaders of the Khwe in West Caprivi.

Other Societal Abuses and Discrimination

The unimplemented 2004 Labor Act did not specifically enumerate homosexuals as a group protected from employment discrimination, and such discrimination occurred. During the year senior government officials continued to make disparaging public remarks about homosexuals. For example, on September 27, Deputy Minister for Home Affairs and Immigration Mushelenga said that homosexuals were a "slap in the face of African culture." Her remarks sparked wide criticism in the media and by human rights groups.

Section 6 Worker Rights

a. The Right of Association

The constitution provides for the freedom to form and join trade unions, and workers exercised this right in practice. Farm workers and domestic servants working on rural and remote farms often did not know their rights, and unions experienced obstacles in attempting to organize these workers. As a result, farm workers reportedly suffered abuse by employers. They also had poor access to health care. During the year the government continued efforts to train labor inspectors and educate workers on their rights.

The law provides a process for employer recognition of trade unions and protection for members and organizers. The law specifically protects both union organizers and striking workers from employer retaliation; however, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays in such cases.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides employees with the right to bargain individually or collectively and to recognize the exclusive collective bargaining power of the union when a majority of the workers were members of that union; workers exercised these rights in practice. Collective bargaining was not practiced widely outside the mining and construction industries, which had centralized, industry-wide bargaining. Almost all collective bargaining was at the workplace and company level. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

Except for workers providing essential services such as jobs related to public health and safety, workers have the right to strike once conciliation procedures are exhausted and 48-hour notice has been given to the employer and labor commissioner. Legal strikes were conducted during the year. Under the law, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The law protects workers engaged in legal strikes from unfair dismissal.

There are export processing zones (EPZs) at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs, and unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there continued to be media reports that farm workers (including some children on communal farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large communal and family-owned commercial farms to investigate possible labor code violations.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, child labor continued to be a problem. Criminal penalties and court orders were available to the government to enforce child labor laws, but such action involved a complicated legal procedure. Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and in certain sectors such as mining and construction. The minimum age was inconsistent with the age for completing education requirements (see section 5). Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas.

Child prostitution occurred (see section 5).

The government took steps to end child labor abuses. On September 28, the government launched a National Initiative to Eliminate Exploitative Forms of Child Labor. The initiative is designed to determine the extent of child labor in the country and to eliminate the worst forms of child labor. During the year the Ministry of Labor continued to hire additional inspectors and to monitor abuses with International Labor Organization representatives, who visited the country during the year. The government also continued to work with NGOs to assist the victims of child labor.

e. Acceptable Conditions of Work

There was no statutory minimum wage law, but the mining, construction, and agricultural sectors set basic levels of pay through collective bargaining. Average wages for unskilled workers did not provide a decent standard of living for a worker and family, especially since the average wage earner supported the extended family. Wage levels for the less educated majority remained very low.

The standard legal workweek is 45 hours and required at least one 36-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 workdays of annual leave per year, at least 30 workdays of sick leave over a three-year period, and 3 months of maternity leave paid in part by the Social Security Commission. The Ministry of Labor did not always enforce these provisions.

The government mandates occupational health and safety standards, and the Labor Act empowers the president to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently, but the Ministry of Labor lacked an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice.

The law accords the same rights to legal foreign workers as to citizens.

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