

Joint Submission for Namibia's 4th Cycle Universal Periodic (UPR) Review to the 52nd session  
of the UPR on the Situation of Indigenous People in Namibia

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Joint UPR Submission by  
*Indigenous Communities for Self-Determination (ICSD) and Land is Life*

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## 1. Introduction

**1.1** This report is jointly submitted by *Land is Life*, a global coalition of Indigenous Peoples that works to advance the self-determination and collective rights of Indigenous Peoples in the world's seven socio-cultural regions since 1992, and the Indigenous Communities for Self-Determination (ICSD), a Namibian organization, established in June 2025 under the leadership of Simson Kepembe, an Indigenous leader from the San community, dedicated to supporting the San people through advocacy, education, and cultural preservation. This submission draws on first-hand information provided and collected with the San Communities, complemented by further research and analysis carried out by ICSD and Land is Life. It highlights key human rights challenges affecting the San and other Indigenous Peoples in Namibia, and examines Namibia's compliance with recommendations received during the 3rd UPR cycle concerning the rights of Indigenous Peoples.

**1.2** Namibia is home to several Indigenous Peoples, such as the San, Ovattjimba, Ovatué, Ovahimba, Hail/Om and Nama. Altogether, they represent around 8% of the total Namibian population<sup>1</sup>. This report will focus principally on the human rights situation of the San peoples in Namibia, with reference to the circumstances of other Indigenous Peoples in the country. The San population in Namibia is estimated at between 28,000 and 35,000 individuals, accounting for just over one percent of the national population. They encompass a diverse range of ethno-linguistic groups, giving rise to a rich variety of distinct San languages.<sup>2</sup> Predominantly located in the Otjozondjupa, Caprivi, Ohangwena and Oshikoto regions, they spread unevenly across the northern and eastern parts of the country.<sup>3</sup> As will be further detailed in Section 2, Indigenous Peoples are not formally recognized in Namibia, which exacerbates their exclusion from policies and protections afforded to other groups. The San Peoples remain the most marginalized in Namibia.<sup>4</sup> Having been progressively displaced from their lands without adequate compensation and deprived of their traditional hunting and gathering way of life, they report disproportionately low average income, life expectancy, and literacy rates. They have borne the brunt of Namibia's worsening poverty, while facing widespread systemic and societal discrimination.<sup>5</sup>

**1.3** During the Third cycle of the UPR in 2021, Namibia received several recommendations related to Indigenous People's rights. In the sections below our assessment demonstrates that the Namibian State has failed to effectively or fully implement said recommendations. We accordingly draw

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<sup>1</sup> IWGIA. *The Indigenous World 2025: Namibia*, <https://iwgia.org/en/namibia/5634-iw-2025-namibia.html>

<sup>2</sup> Minority Rights Group. *San in Namibia*, <https://minorityrights.org/communities/san/>

<sup>3</sup> UNESCO. *San Living Cultural Landscape*, <https://whc.unesco.org/en/tentativelists>

<sup>4</sup> Minority Rights Group International. *World Directory of Minorities and Indigenous Peoples – Namibia: San*, 2008, <https://www.refworld.org/reference/countryrep/mrgi/2008>

<sup>5</sup> Ibid.

specific, measurable and result-oriented recommendations aimed at ensuring the full recognition and protection of the rights of Indigenous Peoples in Namibia.

## **2. Assessment of Treaty Ratification and Lack of Legal Recognition of Indigenous Peoples' Rights in Namibia's Frameworks**

**2.1** During the previous UPR cycle, Namibia noted recommendation 138.10, which called for the ratification of either the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) or the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169).

**2.2** To date, Namibia has not ratified either of these conventions. This lack of ratification, particularly of ILO Convention No. 169 is concerning and it leaves significant gaps in the protection of Indigenous Peoples' rights. The Convention establishes two fundamental principles: the right of Indigenous Peoples to maintain and strengthen their cultures, ways of life, and institutions, and their right to effectively participate in decisions that affect them. These principles are the foundation for interpreting all provisions of the Convention, including the guarantee of Indigenous Peoples' right to determine their own development priorities, especially when projects may affect their lives, beliefs, institutions, spiritual well-being, or their lands and resources.

**2.3** Furthermore, Convention No. 169 provides for Free, Prior and Informed Consent (FPIC) as a procedural safeguard regulating the relationship between States, companies, and Indigenous Peoples in the context of development and extractive projects. Ratifying the Convention would therefore require Namibia to harmonize national legislation with these standards, to ensure respect for Indigenous Peoples' collective rights, and to report periodically to the ILO supervisory bodies on its implementation in law and practice. The absence of such commitments leaves Indigenous Peoples in Namibia without critical protections and effective remedies.

**2.4** Namibia also noted recommendation 138.279, which urged the formal recognition of Indigenous Peoples' rights in the Constitution to safeguard their specific needs, as well as recommendation 138.273, which called for the inclusion of such rights under the Traditional Authorities Act (No. 25 of 2000) and the development of national legislation for their protection. While the Namibian Constitution prohibits discrimination on the basis of ethnic or tribal affiliation,<sup>6</sup> it still does not explicitly recognize the rights of Indigenous Peoples, leaving them absent from the country's constitutional framework.

**2.5** This lack of recognition is also linked to recommendations 138.275 and 138.276 concerning the implementation of the White Paper on Indigenous Rights drafted by the Namibian Office of

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<sup>6</sup> IWGIA. *The Indigenous World 2025: Namibia* <https://iwgia.org/en/namibia/5634-iw-2025-namibia.html>

the Ombudsman which has likewise neither been adopted nor implemented. Although Namibia supported these two recommendations, they remain unfulfilled. Furthermore, no explicit recognition of Indigenous rights has been incorporated into the Traditional Authorities Act. To date, Peoples such as the San, Ovahimba, and Ovahimba continue to be officially referred to merely as ‘marginalized communities’ rather than as Indigenous Peoples. This lack of domestic provisions undermines the creation of stronger safeguards to address the particular needs of Indigenous Peoples, especially in the context of land expropriation and contributes to the erasure of their historical presence, cultural distinctiveness, and collective rights.<sup>7</sup>.

### 3. Structural and Systemic Discrimination

**3.1** Indigenous Peoples in Namibia continue to experience structural and systemic forms of discrimination that affect nearly every aspect of their lives. Despite the State’s support for several recommendations during the Third UPR cycle aimed at addressing racial, linguistic, and social inequalities, progress has been limited. Discrimination manifests in healthcare, education, political participation, the labour market, and in access to natural resources and traditional knowledge, reinforcing entrenched patterns of marginalization, poverty, and exclusion. The following subsections provide an overview of the most pressing challenges, illustrating how systemic barriers, societal prejudice, and exploitative practices such as biopiracy combine to perpetuate inequality for the San and other Indigenous Peoples in Namibia.

**3.2** Namibia supported recommendation 138.86 to adopt effective measures to combat de facto racial discrimination against Indigenous Peoples and persons living with HIV, as well as recommendation 138.274 to adequately allocate resources to promote Indigenous Peoples’ well-being and address **discrimination in the healthcare system**. However, Tuberculosis, HIV and Malaria remain prevalent in Indigenous Peoples communities, particularly for the San people.<sup>8</sup> Structural factors, including entrenched poverty, unemployment, and geographical isolation contribute significantly to their poor health outcomes as will be further detailed below.

**3.2.2** In addition, **discrimination linked to the San People’s ethnic and linguistic background**, further deters them from seeking medical services. Amnesty International documented cases of verbal and physical abuse, denial of treatment, preferential treatment for patients from other ethnic groups, and the absence of medical personnel able to communicate in San languages.<sup>9</sup> Addressing these forms of racial and linguistic discrimination is essential for Namibia to promote Indigenous Peoples’ well-being and to combat de facto discrimination in practice.

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<sup>7</sup> Ibid.

<sup>8</sup> Legal Assistance Center. *Scraping the Pot, Chapter 17*, [https://www.lac.org.na/projects/lead/Pdf/scraping\\_three\\_chap17.pdf](https://www.lac.org.na/projects/lead/Pdf/scraping_three_chap17.pdf)

<sup>9</sup> Amnesty International Namibia. *Discrimination Deprives Indigenous San People of the Right to Health as TB Poses Serious Risk to Their Lives*, October 2021, <https://www.amnesty.org/en/latest/news/2021>

**3.3** Namibia noted recommendation 138.90 to take effective measures to ensure equal opportunities for minority groups, including for the political participation of Indigenous Peoples, but some factors remain unaccounted for. Indigenous Peoples, particularly the San, continue to experience worryingly **low levels of political participation**. This is evident not only in their limited representation at the national, regional, and local levels, but also in the insufficient inclusion of Indigenous Peoples' knowledge and perspectives in the design and implementation of projects in which they are key stakeholders.<sup>10</sup>

**3.3.1** Among the San alone, more than seven languages are spoken. ICSD noted that the **2023 Namibian Census** revealed discrimination against minority ethnolinguistic groups. In Tsumkwe, only seven census candidates fluent in the local Indigenous language were chosen from a longer list, sparking youth protests over alleged committee interference.<sup>11</sup> As a result, the census underrepresented the city's linguistic diversity, with implications for political representation and participation.

**3.3.2** Additionally, ICSD has raised concerns about the **limited involvement of Indigenous Peoples in the design and implementation of projects led by international organizations**. For example, it noted that UNESCO's support for Namibia's National Action Plan<sup>12</sup> to safeguard Indigenous Peoples' languages required assistance in translating Indigenous Peoples' knowledge into local languages.<sup>13</sup> However, this effort, undertaken as part of UNESCO's broader International Decade of Indigenous Languages initiative, did not place Indigenous Peoples at the forefront. As a result, key information was sometimes missed or translated into the wrong San language, considering that the San Peoples speak more than seven distinct languages.

**3.4** Namibia also noted recommendation 138.312 to ensure the right to a free and compulsory education for Indigenous children, and recommendation 138.274 to address **the discrimination faced in the education system**. Civil society organizations, including the Women Leadership Centre and the Office of the Ombudsman, as well as firsthand testimonies gathered by ICSD, have consistently reported that San languages are not taught in schools, whereas other mother tongue languages are. According to ICSD, the State argues that since only an aggregated total of 6% of the population speaks them, the investment is not justified.

**3.4.1** This **linguistic discrimination** is intertwined with broader patterns of ethnic discrimination faced by Indigenous Peoples from Namibia. For instance, the Namibia-based Women Leadership Center gathered first-hand insights from San girls, who reported that few San children receive

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<sup>10</sup> Ombudsman Namibia. *Guide to Indigenous Peoples' Rights in Namibia*, <https://ombudsman.org.na/wp-content/uploads/2022>

<sup>11</sup> NBC Digital News. *Tsumkwe Youth Protests over Census Candidate Lists*, YouTube, <https://www.youtube.com/watch?v=ojhMrGVF5Bw>

<sup>12</sup> Namibia. *National Action Plan for the International Decade of Indigenous Languages*, <https://namibia-idil.org/>

<sup>13</sup> UNESCO. *UNESCO Strengthens Collaboration with Ministry of Environment, Forestry and Tourism in Namibia*, 24 August 2025, <https://www.unesco.org/en/articles/unesco-strengthens-collaboration>

mother-tongue education, and that in some schools they are not even allowed to speak their mother tongue on school grounds.<sup>14</sup> Additionally, textbooks tend to overlook San history and culture and fail to accommodate San knowledge, which undermines San children's perception of themselves as full-rights members of Namibian society from an early age.

**3.4.2** This de facto discrimination is exacerbated by additional factors. For one, **schools are often located far away from San villages**, and many San parents cannot afford transportation or housing costs, making secondary and tertiary education largely inaccessible.<sup>15</sup>

**3.4.3 San girls face yet another barrier:** they are not allowed to return to school after giving birth, despite the 2001 Policy for the Management of Learner Pregnancy adopted by the Ministry of Education. Given that **adolescent pregnancy** rates are high among San girls (as further discussed in Section 5), this reality further complicates their access to education.<sup>16</sup>

**3.4.4** Finally, structural constraints such as the **substantially low literacy rates of San parents** are associated with lower school attendance among their children, limited use of contraception, economic dependence on husbands, and a higher tendency toward early marriage for their children. These factors snowball into a vicious cycle that prevents de facto access to free and compulsory education for San children. The **Covid-19 lockdown** also caused many students to drop out of school and never return.<sup>17</sup>

**3.5** We now address the **de facto discrimination faced by San people in the labour market, which manifests in broader patterns of exploitation**. Namibia supported recommendation 138.280 to ensure that the legally guaranteed rights of ethnic minorities are effectively upheld to eliminate such discrimination.

**3.5.1** Achieving progress requires addressing **prevailing normative perceptions of San people within Namibian society**. As Indigenous Peoples came into contact with urbanized societies, modern economies, and the concept of formal employment, access to formal work became essential for meaningful participation in the labour market. However, literacy rates substantially below the national average, combined with the lack of recognition and protection of traditional occupations such as hunting and gathering, confine many San people to informal employment and persistent poverty.<sup>18</sup>

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<sup>14</sup> Women Leadership Centre, Namibia. *The Situation of Indigenous San Young Women in Namibia: An Alternative Report to the CEDAW Committee*, 15 February 2021, [https://www.wlc-namibia.org/images/pdfs/san-women/WLC\\_Namibia\\_-\\_San\\_Women\\_Report\\_to\\_CEDAW\\_Committee\\_1.pdf](https://www.wlc-namibia.org/images/pdfs/san-women/WLC_Namibia_-_San_Women_Report_to_CEDAW_Committee_1.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Women Leadership Centre, Namibia. *The Situation of Indigenous San Young Women in Namibia: An Alternative Report to the CEDAW Committee*, 15 February 2021, [https://www.wlc-namibia.org/images/pdfs/san-women/WLC\\_Namibia\\_-\\_San\\_Women\\_Report\\_to\\_CEDAW\\_Committee\\_1.pdf](https://www.wlc-namibia.org/images/pdfs/san-women/WLC_Namibia_-_San_Women_Report_to_CEDAW_Committee_1.pdf)

<sup>18</sup> Ibid.

**3.5.2** The Women Leadership Center report gathered testimonies according to which San people are negatively stereotyped by other Namibians, and they are called “kwangala” which means “those who have nothing”<sup>19</sup> and pejoratively referred to as “the Bushmen” due to their hunting and gathering lifestyle. They are **perceived as lazy, beggars, and dependent on others.**

**3.5.3** Cases of biopiracy affecting the San people increased in the 1990s, when foreign pharmaceutical companies obtained patents on the active principles of the Hoodia plant through the South African company CSIR, without Free, Prior and Informed consent or benefit sharing. San representatives only became aware of these practices in the 2000s and successfully advocated for compensation, resulting in a benefit-sharing agreement that provides milestone and royalty payments.<sup>20</sup>

**3.5.4** As a State Party to the International Treaty on Plant Genetic Resources for Food and Agriculture (2001)<sup>21</sup> and the Nagoya Protocol on Access and Benefit Sharing<sup>22</sup> (2014), Namibia adopted the Access to Biological and Genetic Resources and Associated Traditional Knowledge Act 2 of 2017, incorporating these international obligations into domestic law. Concerns persist, however, regarding weak enforcement of the Act and the unequal distribution of benefits, with middlemen and exporters receiving disproportionate gains compared to local Indigenous harvesters.<sup>23</sup>

**3.5.4** Finally, concerns **over cultural exploitation** were raised by ICSDD. Visual and audio material of San cultural heritage, such as dances and music, has been commercialized by Western companies and individuals in international markets **without fair compensation or recognition of intellectual property rights.** Additional concerns involve the lack of **publicity rights for San people**, particularly regarding foreign photographers and tourists<sup>24</sup>. In May 2025, a British tourist was arrested for the sexual exploitation of San minors after authorities found more than 1,500 illicit photographs<sup>25</sup>. To date, no domestic legal protections exist against this form of exploitation.

## **4. Land and Resource Rights**

**4.1** Namibia supported recommendation 138.161, which called for the establishment of policies and programmes to make land acquisition accessible and affordable for the most deprived groups.

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<sup>19</sup> Ibid.

<sup>20</sup> DW. *Biopiracy: Exploiting Communities and Nature*, October 2023, <https://www.dw.com/>.

<sup>21</sup> Food and Agriculture Organization. *International Treaty on Plant Genetic Resources for Food and Agriculture*, <https://faolex.fao.org/treaty/docs/tre000005E.pdf>

<sup>22</sup> Convention on Biological Diversity. *Nagoya Protocol on Access and Benefit-sharing*, <https://www.cbd.int/abs/default.shtml>

<sup>23</sup> Chinsembu, Wana W., and Kazhila C. Chinsembu. “‘Poisoned Chalice’: Law on Access to Biological and Genetic Resources and Associated Traditional Knowledge in Namibia.” *Justice Training Centre, University of Namibia and University of Namibia*, 2025.

<sup>24</sup> Natucate. *The San Today: Struggling Culture at Risk*, December 2022, <https://www.natucate.com/en/blog/nature/challenges-faced-by-san-today-struggling-culture-at-risk>.

<sup>25</sup> New Era. *British Tourist Arrested in Grashoek Living Museum in Tsumkwe West*, <https://neweralive.na/british-tourists-camera>

Additionally, as previously noted, it took note of recommendation 138.279, which urged Namibia to comprehensively address **the issue of land expropriation** through the formal recognition of Indigenous Peoples' rights in the Constitution.

**4.1.2** This matter requires particular attention in the case of **the San people, who face unique challenges as a hunting and gathering society**. Over the past centuries, they have been increasingly marginalized by the expansion of agricultural industrialization in Namibia, making secure access to land essential for sustaining their traditional mode of subsistence.<sup>26</sup> The absence of land rights further exacerbates the struggles they face in preserving their way of life.

**4.1.3** The magnitude of this issue is illustrated by testimony from ICSD Founder, Simson Kapembe, who recounted the murder of retired policeman Peter Nepunda, allegedly speared to death by 26-year-old Mario Prata on 15 September 2022. The incident occurred in Omatako, in the Tsumkwe area, within a fenced-off zone where Mario and his father, Kungja Prata, were collecting devil's claw. After his arrest, Mario Prata stated that he acted in self-defense, explaining that their entry into privatized land had led to the assault of both San men, during which Kungja Prata was brutally beaten.

**4.1.4** According to ICSD, it is common for San people to be denied access to bushland where they traditionally gather essential subsistence supplies such as monkey oranges, berries, bush potatoes, and mangetti nuts. Our research further supports the account that the fenced zone was one of many illegal conservancies,<sup>27</sup> where barriers are unilaterally erected to privatize and exploit the land, preventing the San from accessing the fruits that constitute their primary source of survival. Therefore, land expropriation through the privatization of conservancy areas—self-governing entities recognized by the Ministry of Environment, Forestry and Tourism—disproportionately affects the San people. This issue must be understood within broader patterns of societal and systemic marginalization, while also taking into account their particular subsistence needs.

**4.2** FPIC is internationally recognized as a right and is regulated in international instruments such as ILO Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). As noted in sections 2.2 and 2.3, Namibia has not ratified ILO Convention No. 169, resulting in multiple activities and interventions being carried out without consideration of these standards and without accountability. While Namibia has not ratified Convention No. 169, the State's respect for and protection of Indigenous Peoples' rights should nonetheless be consistent with these international standards. Some examples will be detailed below.

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<sup>26</sup> Legal Assistance Center. *An Introduction to the Regional Assessment of the Status of the San in Southern Africa*, April 2001, <https://www.lac.org.na/projects/lead/Pdf/sanintro.pdf>

<sup>27</sup> Informanté. *Illegal Fencing of San Conservancy Led to Retired Cop Murder, Eyewitness Claims*, September 2022, <https://informante.web.na/?p=326324>

**4.2.1** The Canadian oil and gas company ReconAfrica has been granted licences by the Namibian State to drill the Kavango Rift Basin in the Kalahari Desert of northeastern Namibia, within the territory of the San People. The company claims to be committed to “minimal disturbance of habitat in line with international standards and implementing environmental and social best practices in project areas.”<sup>28</sup> However, ICSD and the San People have raised strong concerns about the lack of adequate consultation and consent, as well as the unintended effects of drilling on Indigenous Peoples’ lands, water sources, and access to critical resources, which are essential for their livelihoods and cultural survival.

**4.2.2** For one, ICSD reported that the drilling activities are taking place in the Okavango basin, which provides critical water supplies for approximately a million people. Drilling activities imply noise pollution, which threatens to disrupt wildlife corridors and to fundamentally interfere in the established human-wildlife interactions.

**4.2.3** Additionally, given that approximately 95% of the residents of the Kavango region are farmers, both water contamination and noise pollution threaten to have macro-consequences that can affect their farming practices and by extent the entire range of means comprising their livelihood.

**4.2.5** Another concerning dimensions of ReconAfrica’s drilling activities are the unfulfilled promises of benefits to the community job creation.

## **5. Indigenous Women’s Rights and Access to Justice**

**5.1** Namibian Indigenous Women face systemic oppression both as women living in a patriarchal structure, and Indigenous Peoples living in a racist society. Their case requires to be understood from said intersectional perspective.

**5.2** A report by the Namibian-based Women Leadership Center gathered testimonies from young San women across the country, who described the multiple challenges they face. They pointed to persisting patriarchal structures that frame women primarily as childbearers and caretakers, reinforcing early marriage and high school dropout rates. These dynamics contribute to women’s economic dependency and increase their vulnerability to domestic violence and sexual abuse. The report also highlighted cases of sex trafficking, driven by harmful stereotypes that portray San girls as “good sex providers,” which in turn fuels disproportionately high rates of adolescent pregnancy and HIV/AIDS. Finally, San women and girls emphasized the lack of human rights education in their communities, which prevents them from recognizing and claiming their rights as

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<sup>28</sup> ReconAfrica. *Kavango West 1X Drilling Update*, September 2025, <https://www.reconafrika.com/news-media/news-releases/reconafrika-provides-kavango-west-1x-drilling-update>

individuals.<sup>29</sup> Therefore, the sources of Indigenous Women’s oppression in Namibia is multifaceted, and this report will only tackle a few.

**5.3** Namibia supported Recommendation 138.225 to **accelerate affirmative action policies that improve Indigenous women’s access to decent jobs**. However, even though the assessment of the Affirmative Action (Employment) Act 29 of 1998 names “women” as a designated group,<sup>30</sup> it overlooks the specific barriers faced by Indigenous Peoples such as the San, and by extension fails to address the distinct challenges of San women and girls, such as high school dropout rates or the social relegation to the private sphere and domestic work.

**5.4** Namibia also supported Recommendation 138.93 to strengthen measures to **combat violence against Indigenous women and girls**. However, according to the Women Leadership Center report, Indigenous San women experience widespread forms of violence, including domestic and sexual violence, as well as lateral violence within the private sphere, public spaces, and institutions, perpetrated by men, community members, or institutional actors. Most of them are de facto cases of discrimination, despite laws protecting them on paper.

**5.4.1** Indigenous women and girls living in rural areas face limited access to protection orders under the Combating of Domestic Violence Act of 2003, as such orders are issued exclusively by magistrate courts located in towns. Limited awareness of these protections further reduces the ability of women and girls to benefit from the Act’s provisions.<sup>31</sup>

**5.4.2** Linguistic barriers also contribute to the lack of institutional protections. As noted in section 3.4.1, the absence of San-speaking police officers makes it difficult to accurately report cases of violence, abuse, and rape, allowing perpetrators to evade accountability.

## **7. Our recommendations to the Namibian State**

7.1 The following measures and recommendations should be implemented with the effective and meaningful participation of Indigenous Peoples, in respect of their right to Free, Prior and Informed Consent (FPIC), and consistent with international human rights law.

### **7.2 Regarding Section 2. Assessment of Treaty Ratification and Lack of Legal Recognition of Indigenous Peoples’ Rights in Namibia’s Frameworks**

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<sup>29</sup> Women Leadership Centre, Namibia. *The Situation of Indigenous San Young Women in Namibia: An Alternative Report to the CEDAW Committee*, 15 February 2021, [https://www.wlc-namibia.org/images/pdfs/san-women/WLC\\_Namibia\\_-\\_San\\_Women\\_Report\\_to\\_CEDAW\\_Committee\\_1.pdf](https://www.wlc-namibia.org/images/pdfs/san-women/WLC_Namibia_-_San_Women_Report_to_CEDAW_Committee_1.pdf)

<sup>30</sup> Legal Assistance Center. *Affirmative Action (Employment) Act 29 of 1998*, September 1998, [https://www.lac.org.na/laws/annoSTAT/Affirmative%20Action%20\(Employment\)%20Act%2029%20of%201998.pdf](https://www.lac.org.na/laws/annoSTAT/Affirmative%20Action%20(Employment)%20Act%2029%20of%201998.pdf)

<sup>31</sup> Women Leadership Centre, Namibia. *The Situation of Indigenous San Young Women in Namibia: An Alternative Report to the CEDAW Committee*, 15 February 2021, [https://www.wlc-namibia.org/images/pdfs/san-women/WLC\\_Namibia\\_-\\_San\\_Women\\_Report\\_to\\_CEDAW\\_Committee\\_1.pdf](https://www.wlc-namibia.org/images/pdfs/san-women/WLC_Namibia_-_San_Women_Report_to_CEDAW_Committee_1.pdf)

7.2.1 Recognize Indigenous Peoples in the Namibian Constitution and other domestic legal frameworks, ensuring they are no longer classified merely as “marginalized communities” but as Indigenous Peoples, consistent with international standards.

7.2.2 Ratify the International Labour Organization’s Indigenous and Tribal Peoples Convention, 1989 (No. 169)

7.2.3 Adopt and implement the White Paper on Indigenous Rights drafted by the Office of the Ombudsman, ensuring its provisions are translated into binding legislation and aligned with international human rights obligations.

### **7.3 Regarding Section 3. Structural and Systemic Discrimination**

**7.3.1** Adopt a comprehensive national public policy on Indigenous Peoples’ rights that addresses systemic barriers in healthcare, education, political participation, labour markets, and access to natural resources.

**7.3.2 In healthcare:** Adopt targeted measures to combat systemic racial and linguistic discrimination, including mandatory anti-discrimination training for healthcare providers, sanctions for abusive practices, and the recruitment of San-speaking medical personnel.

**7.3.3 In political participation:** Guarantee the effective representation of Indigenous Peoples at all levels of decision-making, and institutionalize mechanisms for the inclusion of Indigenous knowledge and perspectives in policy and project design.

#### **7.3.3 In education:**

**7.4.3.1** Ensure equal access to education for Indigenous children, including mother-tongue instruction in San and other Indigenous Peoples’ languages, curricula reforms to include Indigenous knowledge, and enforcement of policies that guarantee adolescent mothers’ return to school.

**7.4.3.2** Improve structural conditions for school access, such as transportation support, expansion of secondary and tertiary opportunities in rural areas, and literacy programs for Indigenous parents.

**7.3.4 In labour markets:** Eliminate systemic barriers by recognizing and protecting traditional occupations of Indigenous Peoples, providing literacy and skills training for Indigenous youth, and implementing affirmative action policies that address Indigenous-specific exclusion.

#### **7.3.5 In natural resources and knowledge:**

**7.3.5.1** Strengthen enforcement of the Access to Biological and Genetic Resources and Associated Traditional Knowledge Act (2017), ensuring fair and transparent benefit-sharing mechanisms with Indigenous Peoples.

**7.3.5.2** Recognize and protect the intellectual and cultural property rights of Indigenous Peoples, including legal provisions against the unauthorized commercialization of their cultural heritage and stronger measures to prevent exploitation of Indigenous minors.

#### **7.4 Regarding Section 4. Land and Resource Rights**

**7.4.1** Ensure secure land tenure for Indigenous Peoples, particularly the San, by recognizing and titling their ancestral territories and preventing illegal conservancies and privatization practices that restrict their rights and access to traditional hunting and gathering areas.

**7.4.2** Ensure the full and effective implementation of Free, Prior and Informed Consent (FPIC), in line with international standards, for all projects affecting Indigenous Peoples' territories, including extractive industries and conservation initiatives.

**7.4.3** Suspend ReconAfrica's drilling activities in the Kavango region until meaningful consultation and consent processes are conducted with affected Indigenous Peoples, and ensure transparent assessment of environmental and social impacts.

**7.4.4** Support the development of sustainable livelihoods for Indigenous Peoples through training in resource management, eco-tourism, entrepreneurship, and livelihood diversification, while ensuring the integration of Indigenous Peoples' knowledge in development projects of their interest, carried out for their benefit, and with their Free, Prior and Informed Consent (FPIC).

#### **7.5 Regarding Section 5. Indigenous Women's Rights and Access to Justice**

**7.5.1** Adopt targeted measures to address the intersectional discrimination faced by Indigenous women and girls, ensuring that both gender and Indigenous identity are explicitly recognized in affirmative action, employment, and education policies.

**7.5.2** Strengthen access to justice for Indigenous women and girls, including by expanding magistrate courts or establishing mobile units in rural areas to issue protection orders under the Combating of Domestic Violence Act, and by ensuring the availability of San-speaking police officers and judicial personnel.

**7.5.3** Combat harmful stereotypes and practices that fuel early marriage, adolescent pregnancy, and trafficking of Indigenous girls, through awareness-raising campaigns and enforcement of existing laws.

**7.5.4** Ensure effective implementation of measures to combat violence against Indigenous women and girls, including training for law enforcement and service providers on gender- and culturally-sensitive approaches, and mechanisms to hold perpetrators accountable.

**7.5.5** Promote equal opportunities for Indigenous women and girls in education and employment, including measures to reduce school dropout rates, guarantee the return of adolescent mothers to school, and support access to decent jobs beyond domestic work.