1. What forms of existing societal norms, practices/behaviours (cultural, social, traditional, or other) may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children?

In Namibia, there are different cultural groups that are still practising child marriages, whereby a child is married off to wealthy man for the food security of the whole family. Recently, The Namibian Newspaper sent a wave of shock to the Namibian public and child protection organisations when a Himba girl, 12 years old was married off to an old man in the name of culture. According to the 2013 Demographic and Health Survey, amongst women aged 20-49 at the time of the survey, almost 2% had been married by age 15 and almost 8% had been married by age 18[[1]](#footnote-1). These statistics are relevant inasmuch as they indicate that child marriage has affected, and likely continues to affect, a proportion of Namibian girls under the age of 18. The Child Care and Protection Act 3 of 2015, sets the minimum age of marriage at 18 for all marriages, thereby bringing the minimum age for customary marriage in line with that for civil marriage (s. 226[[2]](#footnote-2))

The Child Care and Protection Act protect children by giving layers of consent as follows: “ person may not give a child out in marriage or engagement if such child does not consent to the marriage or engagement or is below the minimum age for marriage; violating this rule is a crime in terms of the Child Care and Protection Act, punishable by a fine of up to N$50 000 or imprisonment for up to ten years, or both. (2) The consent of the Minister of Gender Equality and Child Welfare is required before any child (i.e., a person under the age of 18) can marry. (3) The consent of the parent or guardian is required before any person under age 21 can marry (even though the Child Care and Protection Act will lower the age of majority to 18)”.

The Lobola payment (Bride prize) debate in Namibia where a man is required to pay a significant amount of money, cattle, and other gifts in order to marry a wife customarily has been questioned by the UN Human Rights Committee according to the Namibian Newspaper of 08 April 2016. The Lobola was scrutinised, and it was recommended that it should be prohibited because it put women at risk of being beaten and mistreated[[3]](#footnote-3). This can also put a lot of girl children at risk of sale and sex exploitation across Namibian cultures.

1. How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?
   1. Please provide information on relevant legislation or policy on the implementation of integrating gender dimension in the prevention and eradication of sale and sexual exploitation of children, online and offline.

Namibia has the Combating of Trafficking in Persons Act 1 of 2018, which criminalises, trafficking or any exploiting and sale of children for whatever reason. This protects all genders and does not discriminate on gender identities. The Combating of Rape Act is gender-neutral and covers a wide range of sexual acts – including oral sex, anal sex, and genital stimulation. This means that it protects men, women, girls, and boys from all kinds of sexual abuse. The Combating of Immoral Practices Act provides additional protection for boys and girls under the age of 16 where there is sexual contact with someone more than three years older. The Child Care and Protection Act 3 of 2015 also criminalises any harm and exploitation of children, this can be offline or online harm is harm. All children despite their gender identities are protected under the Act and The Constitution under Article 10. The emphasis is on the child and not what they identify as. The National Plan of Action on Gender Based Violence (2018) also protects children from sexual, physical, psychological, and emotional violence.

* 1. What are the existing gaps and challenges in incorporating the gender dimension in legislations, policies, and practices?

The gaps that exist are that the Acts do not specify on the gender dimensions but cover the word ‘child’ or ‘children’. In many cases there will be mention of both males and females, but other gender identities are ‘left-out’ which can give room for discrimination and exclusion to happen.

1. Please provide contextual information on any existing good practices, policies or legislation tackling sale and sexual exploitation of children that include a gender dimension that considers different gender identities.

According to A Guide to Namibia’s Combating of Trafficking in Persons Act 1 of 2018 by Legal Assistance Centre 2018[[4]](#footnote-4), The Combating of the Trafficking in Persons 1 of 2018, has special considerations apply to persons under the age of 18 years. If the victim is a child, the crime takes

place as long as there is an action for the purpose of exploitation. The Combating of Trafficking in Persons Act also further protects children, If the victim is a child, the social worker must arrange an investigation to determine whether protective services are needed. (The term “protective services” covers a wide range of state interventions which can improve a child’s safety, security, or well-being.) This includes the sale and sexual exploitation of children which is criminalised in the Act. The Child Care and Protection Act 3 of 2015 prohibits any form of harm and exploitation of children. It is a gender-neutral law that does not discriminate but covers children regardless of gender identities.

Existing good practices emanate from the Ubuntu Philosophy whereby the community looks out for its own and protects their own children form any form of harm, sale, and any form of exploitation. Unaccompanied children are not left roaming in the streets as it is common practice for adults to ask where are you from and where is your parent? Some communities have organised themselves to set up Neighbourhood watches to counter any form of criminal activity in their communities.

1. What institutional, regional, and national legal frameworks are in place to integrate gender dimension in the prevention, prohibition, and protection of children from all forms of sale, sexual abuse, and exploitation?

Same legal framework as mentioned above.

1. What forms and manifestations do gender dimensions take in the context of the eradication and prevention of the sale and sexual exploitation of children, boys in particular, including online, and which ones are the most prevalent. Please provide information about the causes and manifestations of gender dimension, and how it affects the eradication and prevention of sale and sexual exploitation of children.
2. Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age-and child-sensitive manner.

LifeLine/ChildLine Namibia has been proactive in reaching out to children in a gender sensitive and disability responsive manner through the School and community outreach. Currently, LifeLine/ChildLine Namibia is concentrating on special schools which have children that are differently abled, physically, and mentally in a bid to protect them, reduce vulnerabilities by equipping them with information, proving psychosocial support and advocating for their rights against any form of harm and exploitation. LifeLine /ChildLine Namibia since 2008 has set up a radio station Uitani ChildLine Radio, where young people talk about what they want to talk about including sexuality, exploitation, GBV and many other topics. The Ministry of Education also put measures to keep children safe in schools. LifeLine/ChildLine Namibia in partnership with UNICEF, rolled out training in eight regions on Prevention of Sexual Exploitation and Abuse

to Educators in a bid to protect children in schools from any form of sexual exploitation and abuse.

**Namibia**’s **National Safe Schools Framework** was developed jointly by the Ministry of Education, Arts and Culture and UNICEF to strengthen the provision of healthy, supportive, and conducive teaching and learning in light of a worrisome level of violence in Namibian **schools,** this includes the risk of sexual exploitation.

1. What measures and safeguards can be put in place to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation, including examples of child-friendly, independent, timely and effective reporting and complaints mechanisms made available without discrimination in child-friendly spaces at community, national, and regional level.

Identification of needs begins with a good assessment; vulnerable groups of people are mostly at risk of sale and sexual exploitation. The following are suggestions to try and prevent, prohibit, and protect children from sale and sexual exploitation (The suggestions can be applied at community, regional and national level):

* Employment of adequate social workers to do comprehensive assessments on vulnerable children, and for provision of early intervention and preventative services.
* Multi-agency approach where all agencies dealing with vulnerable children work together to safeguard the welfare of children.
* Proper training of social workers and police on the procedures to take on any suspected cases of sale and sexual exploitation of children.
* Child-friendly informative campaigns on Child Online Safety because the online platforms have become the hunting ground for perpetrators of sexual exploitation and abuse, including human trafficking.
* Provision of financial support in educating vulnerable children.
* Advocating for gender sensitive pieces of legislation.
* Development of a child friendly reporting portal on websites such as LifeLine/ChildLine Namibia`s website.
* Provision of safe houses for survivors of sale and sexual exploitation
* Provision of continued psychosocial support to the survivors of sale and sexual exploitation

1. Please indicate any other areas of concern and provide any additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.

In Namibia, the area of concern is lack of safe houses for survivors of sale and sexual exploitation of children. This impedes the advocacy efforts, as we are unable to remove vulnerable children and victims of sale and sexual exploitation because there is nowhere to place them.

1. In what context do external environment factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. Do the vulnerabilities of the surrounding environment play a significant role in terms of rural/urban; war/conflict zones, different forms of migration, emergency contexts (e.g., natural & manmade disaster, climate change, COVID-19) and religious context.

External environmental factors like drought for consecutive years play a significant role in exacerbating the prevalence of sale and sexual exploitation of children especially in the rural area whereby most people survive on subsistence farming. In urban areas, children living in crowded, no income households such as informal settlements, might be susceptible to the sale and exploitation of children due to limited options of means to survive. Poverty has forced many people to do the unthinkable, worse still due to the Covid-19 pandemic restrictions, many families are unable to provide for their children, resources are shrinking and chances of getting employment are very slim. This has all led to children being at risk for sale and sexual exploitation. The Namibian Newspaper of the 7th of March 2021 reported that 297 schoolgirls fell pregnant in Oshana region of Namibia during the imposed lockdown in 2020[[5]](#footnote-5). No one knows whether they consented to sex or it was by rape and exploitation. This goes to show that the pandemic is exacerbating the risk of violence, harm, sale, and sexual exploitation.

1. Namibia Demographic and Health Survey 2013, Windhoek: Ministry of Health and Social Services and ICF International, 2014 p.1 [↑](#footnote-ref-1)
2. The Child Care and Protection Act 3 of 2015 (s,226)

   Namibia Demographic and Health Survey 2013, Windhoek: Ministry of Health and Social Services and ICF International, 2014 p.2 [↑](#footnote-ref-2)
3. The Namibian Newspaper of 8 April 2016 [↑](#footnote-ref-3)
4. A Guide to Namibia’s Combating of Trafficking in Persons Act 1 of 2018 by Legal Assistance Centre 2018 [↑](#footnote-ref-4)
5. The Namibian Newspaper of 7 March 2021 [↑](#footnote-ref-5)