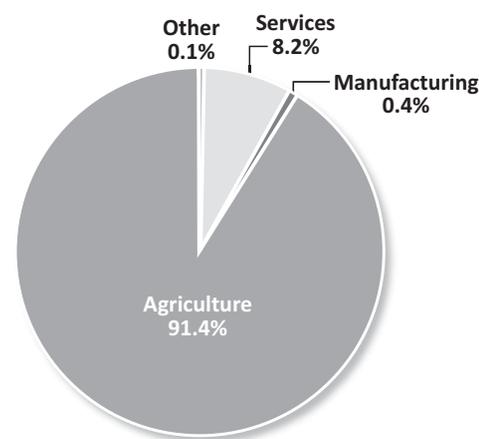


Namibia

The Government of Namibia conducted targeted investigations of child labor in the agriculture sector. However, children continue to be exploited as domestic servants and work in harmful conditions in agriculture. Significant gaps remain in the legal framework to protect children against the worst forms of child labor and social programs do not sufficiently address the needs of children working as domestic servants or in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working children	6-14 yrs.	14.7%
School attendance	6-14 yrs.	91.6%
Combining Work and School	7-14 yrs	13.8%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Namibia,³⁵⁴⁸ with approximately half of all working children being exploited as domestic servants.³⁵⁴⁹ Such children may collect firewood and water, walking long distances and carrying heavy loads.³⁵⁵⁰ Reports indicate that some children are vulnerable to being overworked and may suffer physical and sexual abuse by their employers.³⁵⁵¹ Children also work in agriculture, which may involve risky activities such as dangerous machinery and tools, heavy loads, and harmful pesticides.³⁵⁵² Children raise livestock and herd cattle in isolated areas. Children also produce charcoal, repair motor-vehicles, and unload goods for truck drivers, including chemicals.³⁵⁵³

Children as young as 12, including street children, are exploited in prostitution in the capital, coastal towns, and along main transport routes.³⁵⁵⁴ Children are also coerced by adults to commit crimes, including theft and property crimes.³⁵⁵⁵

Namibia is a source, destination, and transit country for trafficked children. A 2009 qualitative assessment of human trafficking in Namibia conducted by the Ministry of Gender Equality and Child Welfare identified only a small number of child trafficking victims.³⁵⁵⁶ However, it was beyond the scope of the assessment to account for all trafficking victims in Namibia. Although evidence is limited, there is reason to believe that children are trafficked for many purposes, including domestic service, commercial sexual exploitation, agricultural labor, cattle herding, and charcoal production.³⁵⁵⁷ Children are also trafficked to South Africa and possibly Angola for commercial sexual exploitation.³⁵⁵⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for work at 14.³⁵⁵⁹ The Constitution sets the minimum age for hazardous work at 15 and prohibits children from employment that is likely to harm their physical health or mental, spiritual, moral, or social development; or

would interfere with their education.³⁵⁶⁰ The Labor Act also prohibits children age 14 and 15 from working in any mine, industrial, or construction setting, and from engaging in night work, unless authorized by the Minister of Labor.³⁵⁶¹ However, the law does not specify other hazardous occupations and activities in which children should not be employed such as domestic service. In addition, there are no specified penalties against employers of child laborers, and as authorized by the Labor Act, the Minister of Labor can identify special tasks in which children may enter hazardous work at age 14.³⁵⁶²

The Constitution and Labor Act prohibit slavery and forced labor and provide penalties for violators of those provisions.³⁵⁶³ The Prevention of Organized Crime Act of 2004 prohibits both domestic and international trafficking in persons and the recruitment, harboring, transportation, transfer, and receipt of persons for the purposes of commercial sexual exploitation and forced labor.³⁵⁶⁴ The Government recently launched a public consultation on the Child Care and Protection Bill to address child trafficking, but the bill has yet to be adopted by the National Assembly.³⁵⁶⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

The Combating of Immoral Practices Act, as amended in 2000, prohibits parents or guardians from offering their female child for prostitution.³⁵⁶⁶ This law

prohibits parents or guardians, but not other persons, from offering a child for prostitution. It also does not prohibit the recruitment, use, or sale of a child in prostitution, or benefiting from the proceeds of child prostitution.³⁵⁶⁷

According to the ILO, there are no laws in Namibia which prohibit the use of children in the sale, production, and transport of drugs.³⁵⁶⁸ Namibia's ratification of the CRC Optional Protocol on Armed Conflict prohibited conscription into the armed forces and set the minimum age for voluntary military service at age 18.³⁵⁶⁹

Institutional Mechanisms for Coordination and Enforcement

In 2005, the Government established the Participatory Advisory Committee on Child Labor (PACC) to coordinate information on child labor. The PACC includes several government ministries, businesses, organized labor, and international organizations and is supposed to meet on a monthly basis.³⁵⁷⁰ In practice, the PACC meets irregularly and shares information only on an ad-hoc basis.³⁵⁷¹

The Ministry of Labor and Social Welfare's Labor Inspectorate enforces child labor laws and tracks cases of the worst forms of child labor.³⁵⁷² The Labor Inspectorate has 36 labor inspectors who are trained to identify the worst forms of child labor. Two inspectors dedicated solely to child labor inspections are based in Windhoek.³⁵⁷³ During the reporting period, the Inspectorate identified 111 instances of child labor by conducting random, three-week long inspections in the agriculture sector.³⁵⁷⁴

In 2009, the Inspectorate's budget was \$65,000 to cover all operating costs, including child labor and forced labor inspections. At the time of reporting, Inspectorate officials claimed the budget was inadequate and that they lacked the necessary resources for a more expansive labor inspection regime.³⁵⁷⁵

In 2009, the President of Namibia made public statements denouncing the use of children for labor on communal land and called on the Government ministries to collaborate in investigations of practices of child labor in eight of Namibia's 13 regions.³⁵⁷⁶ To

assist law enforcement officials and investigators in this effort, the ILO with support from the Government conducted training workshops on child labor in six of Namibia's 13 regions.³⁵⁷⁷

The Ministry of Gender Equality and Child Welfare (MGECW) and the Woman and Child Protection Unit, an inter-ministerial organization operating within the Ministry of Safety and Security (but effectively run by the police), are respectively responsible for therapeutic counseling and enforcement of criminal laws regarding the worst forms of child labor, including trafficking and commercial sexual exploitation. The MGECW employs 49 social workers throughout the country to provide counseling and referral services to victims of trafficking.³⁵⁷⁸ The Woman and Child Protection Unit employs 89 officers who are available to investigate possible trafficking cases and assist victims of sexual assault.³⁵⁷⁹ The Namibian Government spent \$10,000 on other direct efforts to combat child trafficking in 2009.³⁵⁸⁰ To date, there have been no prosecutions or convictions for violations of trafficking laws in Namibia.³⁵⁸¹

Government Policies on the Worst Forms of Child Labor

The National Development Plan (2007-2012) has as one of its objectives: to harmonize all laws and policies on child labor, ensure that existing child labor laws are enforced, and expand the scope of inspections to include agriculture, domestic service, and the informal economy.³⁵⁸² Child labor concerns are also included in: the National Policy on Orphans and Vulnerable Children (OVC), the National Gender Policy (1997), the Education for All National Plan (2001-2015), and the Education and Training Sector Improvement Program (2006-2011).³⁵⁸³

In addition, the Government currently participates in a USDOL-funded project that has as one of its objectives, the creation of a stand-alone national action plan targeted specifically on the worst forms of child labor.³⁵⁸⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government recently placed a priority on anti-trafficking interventions, with most nationally sponsored initiatives in this realm. For instance, the Ministry of Home Affairs and Immigration set up an office in the maternity ward at Katutura State Hospital to ensure that every child born receives a birth certificate in an attempt to combat the trafficking of children. Universal birth registration for children documents a child's existence, increases their chances to access education, and improves the likelihood of being found if trafficked.³⁵⁸⁵ The Government launched a toll-free hotline in 2009 that is operated by the Namibian police for reporting crimes, including child trafficking.³⁵⁸⁶ It also created a national database to record statistics on trafficking and child labor and conducted awareness-raising about gender-based violence and human trafficking.³⁵⁸⁷ In addition, the Government is currently rehabilitating 13 buildings to be used as shelters for victims of gender-based violence, trafficking, and the worst forms of child labor.³⁵⁸⁸

International-donor-funded anti-trafficking initiatives include the Government's Zero Tolerance Campaign for Gender Based Violence and Human Trafficking in partnership with USAID, which conducted a baseline study to assess the existence, extent, nature, and impact of human trafficking in Namibia.³⁵⁸⁹ The Government also participated in several regional conferences to combat the trafficking of children associated with the 2010 FIFA World Cup.³⁵⁹⁰

Additionally, the Government continued to participate in the 4-year, \$4.7 million, USDOL-funded regional project to support the implementation of national child labor action plans. This project aims to withdraw and prevent 8,400 children in Southern Africa from engaging in exploitive labor, particularly in agriculture and adult-coerced criminal activity.³⁵⁹¹

While the Government implements programs to combat the worst forms of child labor, its efforts do not sufficiently target areas where the majority of children work, such as domestic service and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Namibia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to include more specific language on the types of hazardous occupations and activities in which children should not be employed, and to set the minimum age for any such work at 18.
- Amend the Labor Act to provide sanctions against employers of child laborers and to prohibit the inclusion of children in hazardous work at age 14 with the Minister of Labor's permission.
- Amend the Combating of Immoral Practices Act to prohibit any person offering a child, including male children, for prostitution and from recruiting, using, selling, and benefiting from the proceeds of male and female child prostitution.
- Prohibit the use of children in the sale, production, and transport of drugs. Seek swift passage of the revisions to the Child Care and Protection Bill to better address child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Participatory Advisory Committee on Child Labor (PACC) meets on a regular basis to facilitate the exchange and dissemination of information on child labor and to improve the coordination of its work plan.
- Consider the adequacy of enforcement budgets for the Labor Inspectorate and to combat the trafficking of children.
- Expand labor inspection coverage to all geographic areas where the worst forms of child labor are prevalent.
- Provide training to the Ministry of Gender Equality and Child Welfare employees and the Police's Women and Child Protection Unit on the worst forms of child labor to improve the likelihood of successful prosecutions and conviction of offenders.

IN THE AREA OF POLICIES:

- Continue efforts to develop a national action plan targeted specifically at eliminating the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor, including by developing appropriate social protection programs for the withdrawal and prevention of children working in domestic service and agriculture.

³⁵⁴⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁵⁴⁹ Government of Namibia, *Namibia Child Activities Survey: Report of Analysis*, ISBN: 978-086976-787-0, Ministry of Labour and Social Welfare, 2005, 51, 62; available from [hard copy on file].

³⁵⁵⁰ *Ibid.*, 51.

³⁵⁵¹ ILO-IPEC, *Implementation Plan of the Programme Towards the Elimination of the Worst Forms of Child Labour in Namibia, 2004-2007*, Geneva, 2005, 6-7; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4511>. See also Government of Namibia, *Namibia Child Activities Survey*, 51, 62.

³⁵⁵² Government of Namibia, *Namibia Child Activities Survey*, 51, 62. See also U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 3.

³⁵⁵³ U.S. Embassy- Windhoek, *reporting*, February 05, 2010, section 1, para 2, section 2, para 3. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 8-9*. See also U.S. Embassy- Windhoek, *reporting, January 16, 2008*, para 3. See also U.S. Embassy- Windhoek, E-mail communication to USDOL official, June 21, 2010. See also

³⁵⁵⁴ ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Project Document, Geneva, September 25, 2008, 23. See also Africa News, "Namibia: Prostitution Rife in Oshikango", IRINnews.org, [online], April 8, 2008 [cited January 5, 2010]; available from <http://allafrica.com/stories/200804080585.html>. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 9*. See also Integrated Regional Information Networks, "Namibia: Underage sex-workers have few other options to survive", irinnews.org, [online], October 24, 2005 [cited July 28, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=56813>. See also Government of the Republic of Namibia, *National Plan of Action for Orphans and Vulnerable Children*, Windhoek, October 2007, 12-13; available from www.unicef.org/infobycountry/files/NPAforOVC-Vol1.pdf.

³⁵⁵⁵ Catharine Sasman, "Vulnerable Children at Risk of Exploitation", AllAfrica, [online], February 1, 2008 [cited January 5, 2010]; available from <http://allafrica.com/stories/200802010315.html>. See also Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 13. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 9*.

³⁵⁵⁶ U.S. Department of State, "Namibia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also Government of the Republic of Namibia, *A Baseline Assessment of Human Trafficking in Namibia, A Nationally Representative Qualitative Assessment*, Ministry of Gender Equality and Child Welfare, Windhoek, June, 2009, 11.

³⁵⁵⁷ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3. See also U.S. Embassy-Windhoek, *reporting*, February 12, 2009, para 4. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also Africa News, "Namibia 'Slavery' Threatens San", July 26, 2007 [cited January 05, 2010]; available from <http://allafrica.com/stories/200707260811.html>. See also Africa News, "Namibia: Human Trafficking Mirrors Society's Underbelly", allAfrica.com, [online], February 6, 2009 [cited December 31, 2009]; available from <http://allafrica.com/stories/printable/200902060690.html>. See also U.S. Department of State, "Trafficking in Persons Report-2010: Namibia." See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 11.

³⁵⁵⁸ U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 5. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3, 6. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23.

³⁵⁵⁹ Government of Namibia, *Labor Act* (December 31, 2007), 12; available from http://www.parliament.gov.na/acts_documents/81_3971_gov_notice_act_11.pdf.

³⁵⁶⁰ Government of Namibia, *Constitution* (February 1990), article 15; available from http://www.servat.unibe.ch/law/icl/wa00000_.html.

³⁵⁶¹ Government of Namibia, *Labor Act* 13-14.

³⁵⁶² ILO-IPEC, *TECL, Phase II, Project Document*, 28. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, Report for the WTO General Council Review of Trade Policies of the Five Countries of the Southern African Customs Union (SACU), Geneva, November 4-6, 2009, 17; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also Government of Namibia, *Constitution of the Republic of Namibia, 1990*, article 15.

³⁵⁶³ Government of Namibia, *Constitution of the Republic of Namibia, 1990*, article 9. See also Government of Namibia, *Labor Act* chapter 2, section 4.

³⁵⁶⁴ Government of Namibia, *Prevention of Organized Crime Act*, No. 289, (December 19, 2004), 8, 15; available from http://www.parliament.gov.na/acts_documents/228_act_29_of_2004.pdf. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 13.

³⁵⁶⁵ IPS- Inter Press Service, “Namibia: Behind the new child bill”, CRIN.org, [online], August 25, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20737&flag=news>. See also New Era, “Namibia: Child law under revision”, CRIN.org, [online], April 20, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20097&flag=news>. See also Clever Mapaire and Lena N Kangandjela, “Work in progress: The Child Care and Protection Act in Namibia,” in *Children’s Rights in Namibia*, ed. Oliver Ruppel, Windhoek: Konrad Adenauer Foundation, 2009, 135-136; available from http://www.kas.de/upload/auslandshomepages/namibia/children_Rights/Children_g.pdf.

³⁵⁶⁶ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 17. See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 43.

³⁵⁶⁷ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 17. See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 43.

³⁵⁶⁸ ILO Committee of Experts, *Individual Direct Request Worst Forms of Child Labour Convention, 1999 (No. 182) Namibia (ratification: 2000) Submitted: 2008* [online] 2008 [cited December 29, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21886&chapter=9&query=%28Namibia%29+%40ref&highlight=&querytype=bool&context=0>.

³⁵⁶⁹ Coalition to Stop the Use of Child Soldiers, “Namibia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=147>.

³⁵⁷⁰ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2c, para 2. See also U.S. Department of State, “Namibia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report (TPR) - South Africa, Botswana & Namibia, September 2009, August 28, 2009, 5; available from [hard copy on file].

³⁵⁷¹ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2c.2, 2d.1.

³⁵⁷² *Ibid.*, section 2c, para 1.

³⁵⁷³ *Ibid.*, section 2c, para 1, 5.

³⁵⁷⁴ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3. U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2c, para 6, 10. See also Government of Namibia, *Child Labour Inspection (Investigative) Report in the Agricultural Sector (Commercial and Communal Areas)*, August 18, 2009, 3; available from [hard copy on file].

³⁵⁷⁵ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2c.4. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 23. See also U.S. Embassy - Windhoek, E-mail communication to USDOL official, November 17, 2010.

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³⁵⁷⁷ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2b, para 14.

³⁵⁷⁸ *Ibid.*, section 2d, para 1. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 2, 9. See also U.S. Embassy - Windhoek, E-mail communication, November 17, 2010.

³⁵⁷⁹ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 9. See also UNODC, *Global Report on Trafficking in Persons*, Global Report, February 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2d, para 1.

³⁵⁸⁰ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2d.1, 2. See also U.S. Embassy - Windhoek, E-mail communication, November 17, 2010.

³⁵⁸¹ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, section 2b, para 11, U.S. Embassy- Windhoek, *reporting, February 05, 2010*. See also Chemonics International Inc, *Anti-Trafficking Technical Assistance*, Nineteenth Quarterly Progress Report April 1, 2009 - June 30, 2009, United States Agency for International Development (USAID), July 31, 2009, 1, 5; available from http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/ATTO_19th_Quarterly_Report_July09.pdf.

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³⁵⁸³ ILO-IPEC, *TECL, Phase II, Project Document*, 21, 25, 27. See also Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 7. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 18. See also ILO Committee of Experts, *Individual Direct Request C182: Namibia*. See also Government of Namibia, *Education and Training Sector Improvement Program (ETSIP): Phase I (2006-2011)*, February, 2007, 6; available from <http://planipolis.iiep.unesco.org/upload/Namibia/Namibia%20ETSIP%202007.pdf>. See also Elizabeth Terry, “The need for a coordinated approach to facilitate access to education: A key finding of the research into child labour in Namibia” (paper presented at the RECLISA Southern African regional child labour conference, Windhoek, July, 2006), 3.

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³⁵⁸⁷ *Ibid.*

³⁵⁸⁸ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 24, 31.

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³⁵⁹¹ ILO-IPEC, *TECL, Phase II, Project Document*, i, 2-3, 5, 85. See also Shejavali, “Namibia receives funding to eliminate child labour”. See also U.S. Embassy-Windhoek, *reporting, February 12, 2009*, para 7.