



Republic of Namibia

Office of the Vice-President

NATIONAL POLICY ON DISABILITY 2025

Implementation Period 2025 - 2035



CUSTODIAN OF THE POLICY:

Office of the Vice-President



FOREWORD

Namibia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007 and the Protocol to the African Charter on the Rights of Persons with Disabilities. These International instruments and the Namibian Constitution place a duty on the State to protect and promote the rights of and, as a result, improve the lives of persons with disabilities in all spheres of life.

Namibia's commitment to the promotion, protection, and fulfilment of the rights of persons with disabilities is evidenced by, amongst other things, the adoption of policies and enactment of legislation focused on the wider inclusion and protection of the rights of persons with disabilities.

In pursuit of this legal obligation, Namibia promulgated the National Disability Council, 2006 (Act No. 26 of 2004). This Act established the National Disability Council with the mandate to monitor the implementation of the National Policy on Disabilities through the issuance of the Disability Annual Monitoring Report (DARMT).

Whilst the legal and policy frameworks and the associated institutional architecture, such as the Disability Council established, has gone a long way in advancing disability inclusion in the Country, it is evident that persons with disabilities remain the most marginalised members of society and a lot more is yet to be done to enhance its efficiency the existing legal and policy frameworks to achieve adequate disability streamlining, inclusion and accommodation.

Data from the 2023 National Population and Housing Census underscores that persons with disabilities face multiple disadvantages and inequalities in various domains. The Census found that 4.4 percent of Namibia's population, approximately 108,992 individuals, live with some form of functional disability, with prevalence rates higher in rural areas (5.8%) compared to urban areas (3.2%). Regions such as Omaheke (6.1%) and Kunene (5.8%) recorded the highest disability prevalence. These statistical findings are further substantiated by the Situational Analysis conducted in preparation for this Policy, which highlights persistent physical barriers (such as the lack of ramps, elevators, or accessible toilets), communication barriers (such as the absence of sign language interpreters or Braille materials), attitudinal barriers (including stigma and discrimination), and institutional barriers (such as inadequate laws, policies, or services that effectively address disability inclusion).

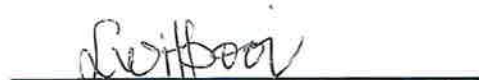
The first Disability policy was adopted 28 years ago,¹ and was subsequently included as an Annexure to the National Disability Council Act, 2004 (Act No. 26 of 2004). There have since been several changes that warrant the review of the Policy, to enhance institutional efficiency and functionality of the Division for Disability and Marginalised Communities, now hosted in the Office of the Vice President. Moreover, to ensure visibility of disability inclusion spending through the introduction of disaggregated disability budget lines, in particular the development budget, as well as to address current disability accommodating infrastructure and other accessibility gaps, as well as to strengthen the data collection, monitoring and evaluation of the disability policy and legal framework through enforcing compulsory reporting contemplated under the National Disability Council, 2006.

The 2025-2030 National Policy on Disability was drafted in response to these challenges. Through this Policy, the Government aims to extend maximum inclusion, protection, and promotion of the rights of persons with disabilities corresponding to the constitutional guarantees and Namibia's national, regional, and international obligations.

The drafting of this Policy and Strategy, is a call to action to all Stakeholders most particularly the new administration to enhance the protection, inclusion and accommodation of the rights of persons with disabilities by addressing the contemporary barriers faced persons with disability, as well as the shortcomings of 1997 Policy that must be braced by all Namibians.

It is our duty as the Government to work in collaboration with persons with disabilities and their families, and with relevant organisations in the civil society, private sector, and development community to address the special needs of our people with disabilities.

This policy, therefore, denotes our collective pledge to ensure that persons with disabilities participate in our social, political, and economic development processes.



Her Excellency, Lucia Witbooi

The Vice-President of the Republic of Namibia

¹ 1997.

2. EXECUTIVE SUMMARY

Namibia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Protocol to the African Charter on the Rights of Persons with Disabilities. These treaties mandate States Parties to adopt legislative and administrative measures to promote and protect the rights of persons with disabilities, including their social, political, and economic rights. By virtue of Article 144 of the Constitution, these treaties are binding and thus form part of the law of Namibia. The obligations under these treaties have been domesticated through the promulgation of the National Disability Council Act, 2006 (Act No. 26 of 2004).

The Constitution of Namibia guarantees all persons, including persons with disabilities, several fundamental human rights. The Government has taken various strides to improve the living conditions of persons with disabilities and to advance the interests and rights as provided for in Article 95 of the Constitution to persons with disabilities. This was evidenced by the African Disability Alliance (“ADA”), which awarded Namibia Ambassadorial Status for its programs and policies promoting disability inclusion. The proposals contained in this policy do not infer the absence of the initiatives but rather serve as an extension, coordination and enhancement of public services and facilities already available to persons with disabilities.

However, despite the fact that various pieces of legislation have been enacted with the aim of ensuring wider inclusion and protection for persons with disabilities, and significant strides in this regard have been made over the years, much more is yet to be done. It is imperative that specific targeted policy and legal interventions be made to better protect, promote, and fulfil the rights of persons with disabilities in Namibia. Additionally, it has become imperative to devise strategies to implement these interventions and to monitor and evaluate the effectiveness of these measures to ensure that the policy achieves its intended objective(s), and that appropriate corrective action is taken in instances where it is not.

This policy focuses on various models of disability, with particular emphasis placed on the human rights model. It also addresses disability from a developmental perspective. It sets out the guiding principles underpinning the policy, particularly the principle of inclusion and the commitment to leaving no one behind. It identifies the special target groups, key areas, and strategies for the implementation of the Policy.

The Policy clearly enumerates the vision, mission, and aims of the Policy, against the constitutional, legislative, and binding international legal frameworks applicable to persons with disabilities.

3. BACKGROUND

The Government of the Republic of Namibia is committed to the protection, fulfilment, and promotion of the rights of persons with disabilities. This is evidenced by, amongst other things, the fact that it played an active role in the drafting of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol (the Optional Protocol to the Convention on the Rights of Persons with Disabilities). On 4 December 2007, just a day after the International Day of Persons with Disabilities, which is commemorated on 3 December, Namibia ratified the UNCRPD and its Optional Protocol. Namibia is among the first ten countries in the world and one of the first three countries in Africa to ratify the UNCRPD.

This commitment is further illustrated by the progressive enactment of legislation that protects and promotes the rights of persons with disabilities.²

Despite the above strides, the 2011 Disability Report based on the 2011 National Population and Housing Census (published 2016) indicates that “the estimated number of persons with disabilities in Namibia has increased from 42,932 in 1991 to 85,567 in 2001 and 98,413 in 2011.” The report also notes that there were more females (51,125) than males (48,288) with disabilities in Namibia. Resultantly, the Namibia Statistics Agency identified the increase in the number of persons with disabilities in Namibia as “a national health concern.” More recent data from the 2023 Population and Housing Census show a continued focus on disability, with prevalence estimated at approximately 4.4 % of the population, more common in rural areas (5.8 %) than in urban settings (3.2 %), translating to around 133,000 persons with disabilities across the country. The growing number and prevalence of disabilities in Namibia continue to pose important public health and inclusion challenges.

Against this background, the Government is compelled to adopt the 2025 National Policy on Disability with the hope that the new Policy will strengthen the implement of existing disability focused policy and legislation, programmes to ensure wider protection, fulfilment and promotion of the rights of persons with disabilities in compliance with Namibia’s national, regional and international obligations.

² See the [Repository on Disability Rights in Africa - Namibia: Updated Country Report](#). Available at <[Repository on Disability Rights in Africa - Namibia: Updated Country Report](#)>.

4. INTRODUCTION

Namibia has a clear development vision to alleviate poverty and improve the living standards of its people, developing appropriate legal and policy interventions relating to persons with disability is a designated objective and focus groups in enabling the Government to achieve this developmental goal.

Vision 2030 envisages a prosperous and Industrialised Namibia, developed by its human resources, enjoying peace, harmony, and political stability.

Moreover, it is the Government's strategic objective is to ensure unity, peace, inclusiveness, and prosperity for all Namibians. Its consideration of the needs of persons with disability is underscored by the fact that the Swapo Party's 2025-2030 election manifesto was made available in Braille.³ This Manifesto further highlights the Government's vision to include persons with disabilities in the mainstream of society by designing programmes and projects to increase access to basic services and commodities, especially for people with disabilities and the destitute.

4.1 DEFINITION AND MODELS OF DISABILITIES

The importance of definitions is more than a matter of semantics since they can influence the way in which persons with disabilities are viewed by society and by themselves. They also influence the type of provision made to meet the needs of persons with disabilities.

There are several delineations of what constitutes a disability and or who should be considered a person with disability in various previous policy frameworks and existing Legislation. It is the policy position that in line with the definition of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, persons with disabilities must be defined to *"include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"*.

³ <https://neweralive.na/swapos-manifesto-printed-in-braille>; <Namibia: Swapo's Manifesto Printed in Braille - allAfrica.com>; <Swapo's manifesto printed in Braille – New Era>.

Having participated in drafting the UNCRPD and being one of the first ten countries in the world to have ratified this Treaty, the Government of Namibia values respect for human rights, particularly human dignity, and non-discrimination.

There are different models of disability, and they include:

- the moral and/or religious model (under this model, disability is understood as an act of God);
- the medical model (disability is viewed as a disease);
- the economic model (proponents of this model view disability as a challenge to productivity);
- the cultural model (which takes disability as a cultural issue);
- the human rights model (supporters of this model view disability as a human rights issue);
- the identity model (proponents of this model argue that disability is an identity);
- the social model (proponents of this model understand disability as a socially constructed phenomenon);
- and
- the charity model (which approaches disability as victimhood).

This Policy is informed by and applies a blend of the various models, but emphasises the human rights model.

4.2 DISABILITY AS A HUMAN RIGHTS ISSUE

In the past, disability was regarded as an issue with the responsibility of “caring” for people with disabilities falling on the family. Intervention was channelled through welfare institutions with little or no commitment to addressing disability in other areas of government and private sectors’ responsibilities, for example, access to health care, education, training, employment, service delivery, sport and recreation and public transport. The dependency which is at the centre of the welfare model has disempowered persons with disabilities, isolated, segregated, undermined their dignity, and marginalised them from mainstream society.

The adoption of the UN Convention on the Rights of Persons with Disabilities in 2006 paved the way for a human rights-based approach to addressing disability. The human rights and developmental model focus on creating equal opportunities and putting persons with disabilities on equal footing with others in society on account of their inherent self-worth. The principle of equal rights implies that the needs of every individual are of equal importance, and that those needs must be made the basis when planning and making policies. Furthermore, all resources must be employed in such a way as to ensure that every individual has equal opportunity to participate.

This model posits that persons with disabilities must assume wider inclusion and protection as a fundamental human right. Furthermore, they should receive the support they need within the ordinary structures of society in areas such as education, health, employment, and social services.

4.3 DISABILITY AS A DEVELOPMENTAL ISSUE

Persons with disabilities are an integral part of society. Consequently, they are key stakeholders in the development of society. The exclusion of persons with disabilities from development programmes can lead to serious economic consequences for society. Disability-inclusive development is an essential condition for a sustainable future. Data from the Namibia Statistics Agency show that persons with disabilities participate in different economic activities, such as legislators and senior government officials, professionals, technicians, service workers and craft and related trading. The report shows that “the majority of persons with disabilities were skilled agriculture and fishery workers with 42.5 percent, followed by elementary occupations 14.6 percent,” and that “the least occupied was that of the armed forces with 2.3 percent.”

Unlike the Millennium Development Goals (MDGs), which made no reference to disability, the Sustainable Development Goals (SDGs) have explicitly recognised the need to include disability as part of the sustainable development agenda. Thus, reference to disability is made in different parts of the SDGs about education, growth and employment, inequality, accessibility of human settlements, as well as data collection and the monitoring of the SDGs. The implementation of the SDGs envisages that persons with disabilities must become productive members of their communities, contributing to sustainable economic development.

5. RATIONALE

Namibia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Protocol to the African Charter on the Rights of Persons with Disabilities. These treaties mandate State Parties to adopt legislative, administrative, and judicial measures to promote and protect the rights of persons with disabilities.

Despite the enactment of various legislative instruments aimed at ensuring broader inclusion and the protection of persons with disabilities, and the notable progress achieved over the years, significant gaps remain in policy implementation, institutional coordination, and inclusive service delivery. The Namibia Statistics Agency has identified the growing number of persons with disabilities as a national concern, with implications across sectors, particularly health, education, employment, and infrastructure.

A key motivation for the development of this 2025 National Policy on Disability is the recognition of the shortcomings of the 1997 Policy, which has not been able to effectively respond to the changing social, economic, and legal landscape. The 1997 Policy lacked a robust implementation framework, had limited mechanisms for accountability, and did not adequately address intersectionality, accessibility standards, or data-driven planning. These weaknesses have contributed to continued marginalisation and poor socio-economic outcomes for persons with disabilities.

The Situational Analysis conducted in preparation for this Policy revealed that many of the challenges faced by persons with disabilities stem from inadequate policy enforcement, fragmented institutional responsibility, and the absence of disability-responsive budgeting and planning. Key findings highlighted persistent barriers such as inaccessible public infrastructure, limited access to inclusive education and health services, underrepresentation in employment, and minimal participation in decision-making processes.

Therefore, this Policy seeks to address the mischief caused by the ineffective application of prior disability frameworks and to respond directly to the lived realities and challenges identified through evidence-based analysis. It aims to advance disability inclusion through a coherent, actionable, and rights-based policy aligned with Namibia's constitutional principles and international obligations.

6. ALIGNMENT

From a continental and regional perspective, United Nations 2030 Agenda and the Sustainable Development Goals, which is aimed at securing a future of prosperity and peace for people and planet, leaving no one behind, moreover the Policy is further aligned with Africa Union's Agenda 2063; as well as the SADC Regional Indicative Strategic Development Plan (RISDP) 2020–2030 and Vision 2050.

From a national perspective, this Policy is aligned to the Constitution of the Republic of Namibia, Vision 2030, and the Sixth National Development Plan (NDP6), as well as the SWAPO Party Manifesto Programme (SPMP) 2025-2030 Implementation Plan.⁴

⁴ The Sixth National Development Plan (NDP6) is a final “leg” in the journey towards realizing Vision 2030 and translating the V2030 objectives. The NDP6 will cover the financial years 2025/26 to 2030/31.

The Policy is overtly informed and is a response to Namibia's obligations under the United Nations Convention on the Rights of Persons with Disability and the African Disability Protocol⁵ as well as other complementary Regional and International Treaties binding in Namibia.

In addition to the above, this policy is aligned to, informed by and in promotion of the Laws set out hereto below:

NATIONAL LAWS

6.1 THE CONSTITUTION

The Constitution is the supreme law of Namibia and accords all persons, including persons with disability, several fundamental human rights and freedoms⁶ which demands the adoption of laws to strengthen the realisation of these fundamental rights and freedoms for persons with disability, by either adopting policy and legal frameworks, as well as administrative, judicial measures, with special consideration to protecting and promoting the rights and interests of persons with disability.

Article 5 of the Constitution enjoins the *Executive, Legislature, Judiciary, and all organs of the Government and its agencies and, where applicable to them, by all natural and legal persons* to respect and uphold the fundamental rights and freedoms entrenched under Chapter 3 of the Constitution.

Moreover, chapter 11 of the Namibian Constitution encodes the States commitment to the primary *Principles of State Policy* enumerated under Article 95 that stipulates the state shall actively promote and maintain the welfare of the people by adopting policies that are aimed at *inter alia*, the implementation of the principle of non-discrimination particularly in respect of women, the protection of labour rights, fair and reasonable access to public facilities and resources, well as the maintenance of an acceptable level of nutrition and a decent standard of living and the enjoyment of social and cultural opportunities, the provision of social amenities and benefits, and equal access to justice and legal aid with due regard to the resources of the State, the ability to influence Government policies and the protection of the environment.

⁵ Available at <[The African Disability Protocol: Enhancing Disability Rights Protection in Africa — African Law Matters](#)>.

⁶ Chapter 3 of the Constitution.

6.2 NATIONAL DISABILITY COUNCIL ACT

The National Disability Council Act, 2004 (Act No. 26 of 2004) establishes the National Disability Council of Namibia (NDCN/ Council) that is mandated to implement the National Disability Policy and to make recommendations for law reform and development of issues relating to persons with disability. Council is *inter alia* mandated to gather information and receive annual reports from OMAS regarding issues relating to persons with disability and to report the findings from these reports to the National Assembly.

6.3 CHILD CARE AND PROTECTION ACT

The Child Care and Protection Act, 2015 (Act No. 3 of 2015) extends protection to children, and it affirms the fundamental principle of the United Nations Convention on the Rights of the Child (CRC)⁷; namely that in all matters concerning the care, protection and well-being of a child arising under any proceedings, actions and decisions by an organ of state in any matter concerning a child or children in general, the *best interests of the child concerned are the paramount consideration*.⁸ It expressly incorporates the fact that a child with a disability is one of the paramount factors in determining the best interest of a child in a given circumstance.

Section 4 of this Act also requires that children with disability must be accorded the right to participate in matters concerning them and due consideration should be accorded in respect of any child who may experience barriers to participation for any reason, including disability.⁹ It is a general principle under this Act that children must be protected from direct or indirect discrimination on the grounds of *inter alia* disability.¹⁰ Furthermore, this Act stipulates that all proceedings, actions or decisions in matters concerning a child must adequately respond to any special needs that the child may have as a result of a disability or chronic illness.

In order to ensure that the perspectives of children with disabilities receive national consideration in policy and legal framework of the country, the Child Care and Protection Act, 2015 provides for the appointment of the Chairperson of the National Disability Council established under the National Disability Council Act, 2004 (Act No. 26 of 2004) as a statutory member of the National Advisory Council on Children.¹¹

⁷ Article 2 of the CRC.

⁸ Section 3 of the Child Care and Protection Act, 2015.

⁹ Section 4 of the Child Care and Protection Act, 2015.

¹⁰ Section 5 of the Child Care and Protection Act, 2015.

¹¹ Established in terms of Section 11 of the Child Care and Protection Act, 2015

Most especially, the Act sets out the processes and procedures to deal with children in need of protective services (vulnerable children, which invariably includes children with disability) and contains a number of provisions to cater for children with disabilities.¹² In the same spirit the Act provides that an superintendent of a hospital or the regional director of a clinic or an acting superintendent or regional director and in the case of a private hospital or clinic an equivalent official, may consent to a medical intervention in respect of or a surgical operation on a child if the intervention or operation is necessary to preserve the life of the child or to save the child from serious or lasting physical harm or disability.

Section 241 of the Child Care and Protection Act, 2015, sets out the requirements and procedure for applying for disability grants for children with disability. It provides that the disability grant may be extended in addition to any other welfare grants (State maintenance grant) and is payable until the child becomes eligible for a disability pension in terms of the National Pensions Act, 1992 (Act No. 10 of 1992).

6.4 BASIC EDUCATION ACT

In amplification of the right to education guaranteed under Article 20 of the Constitution, the Basic Education Act, 2020 (Act No. 3 of 2020) extends the right to education, proscribes any conduct and practice that deprives persons of the right to education on account of, amongst others, disability and criminalises this conduct.¹³ The Minister is thus authorised to approve that a learner receives education and instructions at a school conducted at home and known as home schooling, if a situation relating to health or disability exists that prevents the learner from attending or fully benefiting from regular school attendance.

Section 12 is dedicated to learners with disabilities and special needs; to this end, it provides that the Minister responsible for basic education must ensure that the basic education curriculum is inclusive and disability sensitive and that adequately trained human resources and adequate instructional resources are catered for at the school level. The Minister is further mandated to provide for a separate vote for the funding of education for learners with disabilities to cater for inclusive education and resource schools in accordance with the decentralisation policy; and where it is reasonably possible, establish specialised centres of resources which support schools in the implementation of the policy on inclusive education addressing the specific needs of learners with disabilities and special needs in education.

¹² Section 145 (3) (n).

¹³ Section 6 read with Section 7 of the Basic Education Act, 2020.

The Act further provides that the Minister must consult with the Ministers responsible for disability, amongst others, in the process of developing the national policy framework on basic education that must incorporate a policy on integrated early childhood education.¹⁴

Similarly, the Minister is authorised to set minimum standards for schools and hostels for school infrastructure for schools and hostels which must accommodate learners that has special needs arising from physical, medical, sensory, learning, emotional or behavioural difficulties which require provision which is additional to, or different from, that generally required by learners of the same age in schools other than resource schools; and to include infrastructure that is disability friendly and gender sensitive or responsive. As a quality assurance measure, the Act empowers quality assurance officers to visit State schools and centres for education, to assess the implementation and effectiveness and efficiency of any programme of education which have been devised in respect of individual learners who have a disability or special educational needs.¹⁵

In order to ensure that the concerns and needs of pupils with disability are adequately considered the Act provides that the regional education forum established under Section 96 of the Basic Education Act, 2020 should include three persons representing persons with disabilities, nominated by the National Disability Council established by the National Disability Council Act, 2004 (Act No. 26 of 2004). In the same vein, the Act also requires that the National Examination, Assessment and Certification Board must comprise one person representing persons with disabilities nominated by the National Disability Council established by the National Disability Council Act, 2004 (Act No. 26 of 2004).

Section 114 of the Act further prohibits discrimination against persons on account of, among others, disability in the recruitment, promotion, transfer, and termination of teachers.

6.5 NAMIBIAN QUALIFICATIONS AUTHORITY ACT

The NQA is a public enterprise that is responsible for quality assurance in higher education and training in Namibia. Some of the NQA's statutory functions include accrediting training providers, evaluating qualifications and managing the National Qualifications Framework (NQF) of Namibia.

¹⁴ Section 4 and 14 of the Basic Education Act, 2020.

¹⁵ Section 34 of the Basic Education Act, 2020.

The Regulations under the Namibian Qualifications Authority Act, 1996 (Act No. 29 of 1996) expressly stipulate accommodating the needs of persons with disabilities in all buildings, facilities, and resources, as an accreditation requirement, for the Accreditation of Persons, Institutions and Organisations, Learning facilities.

6.6 AFFIRMATIVE ACTION (EMPLOYMENT) ACT

Pursuant to Article 23 of the Constitution, which authorises Parliament to enact laws that will directly and indirectly provide advancement of persons that has been socially, economically, or educationally disadvantaged by past discriminatory laws and policies.

For this reason, the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998) designates suitably qualified persons with disabilities as the category of persons who must enjoy preference in recruitment decisions by private and public Employers to achieve equal opportunity and representation in employment in accordance with Article 10 and Article 23. This Act defines affirmative action as action measures designed to ensure that persons in designated groups enjoy equal employment opportunities at all levels of employment and are equitably represented in the workforce of a relevant employer. It also regards making reasonable efforts in the workplace to accommodate, physically or otherwise, persons with disabilities as an affirmative action measure.

The Employment Equity Commission is mandated to monitor and evaluate the implementation of the affirmative action policy and law through appropriate affirmative action plans.

6.7 PUBLIC ENTERPRISES ACT

The Public Enterprises Act, 2019 (Act No. 1 of 2019) provides for the efficient governance of public enterprises, the monitoring of their performance, and provides for the restructuring of public enterprises. It provides that when contemplating restructuring Minister must consider the inclusion of schemes aimed at achieving empowerment objectives through increasing private sector participation, and in particular for the empowerment of persons who have been disadvantaged by past discriminatory laws and practices that were applied before the date of Namibia's independence, which includes persons with disabilities.

6.8 NATIONAL PENSIONS ACT

National Pensions Act, 1992 (Act No. 10 of 1992), defines a “disabled person as any person who is, owing to any physical or any mental disability, incapable to obtain from any employment or the practising of any

profession or trade, or from the rendering of any service, the means needed to enable him or her to adequately provide for his or her own maintenance, and has attained the age of 16 years”.

Section 2 of the Act authorise the Minister in consultation with the Minister of Finance, to pay out of moneys appropriated by law for such purpose, to aged, blind and disabled persons basic state pensions, blind persons’ pensions and disability pensions, respectively; to any person to whom such pension is paid, additional and supplementary allowances; and to or on behalf of any person to whom such pension is paid who is in such a physical or mental condition that he or she needs to be cared for, an attendant’s allowance.

6.9 WORKMAN'S COMPENSATION ACT

The Workman’s (Employees) Compensation Act, 1941 (Act 30 of 1941) renders it compulsory for Employers employing at least one person to register with the Social Security Commission of Namibia. Following registration, employers are required to contribute a specific percentage of gross payroll, in line with the industry classification.

The Act classifies injuries sustained in four (4) categories, namely: permanent total incapacity, permanent partial incapacity, temporary incapacity, and fatal injury leading to the death of a worker.

Subject to a number of rules, it provides that in case of Permanent Total Disability (more than 30% disability), an employee is entitled to up to 75% of the insured worker’s last monthly earnings before the disability began. In the case of permanent partial disability (for an assessed disability of 30%), a lump sum of up to 15 times the insured worker’s last monthly earnings are paid. In the case of Temporary Disability, 75% of the insured worker’s average monthly wage is paid up to 12 months. The benefit may be extended for up to 6 months. After 18 months, the Social Security Commission must decide either to extend the temporary disability benefit or initiate permanent disability pension.

In case of death, survivor benefits are paid to the spouse and orphans. ¹⁶The maximum survivor benefit is 100% of the permanent disability pension the deceased person received or was entitled to receive. The

¹⁶ The spouse pension is 40% of the permanent disability the deceased person received or was entitled to receive. The orphan’s pension is 20% of the permanent disability pension the deceased person received or was entitled to receive. The orphan’s pension is available until the child reaches the age of 18 years. However, the orphan pension ceases even before 18 years if the child marries before turning 18.

funeral grant is also paid as a lump sum amount. There is also provision for a lump sum death benefit, which is generally twice the deceased worker's earnings at the time of death.

6.10 SOCIAL SECURITY ACT

The Social Security Act, 1994 (Act No. 34 of 1994) establishes the Social Security Commission of Namibia (SSC) who is mandated to inquire into and advise the Minister of Justice and Labour Relations on matters relating to social security in Namibia, including the administration of any fund or scheme including the Workman's Compensation Act, 1941 whether established by this Act or any other law, and the determination of contributions and benefits.

Employers must register with the SSC, this registration renders them eligible for membership the Maternity Leave, Sick Leave and Death Benefit Fund; the National Medical Benefit Fund, except if he or she is a member of any other medical fund or scheme approved by the Minister on recommendation of the Commission; or the National Pension Fund, except if he or she is a member of any other pension fund or scheme approved by the Minister on recommendation of the Commission.

It, in essence, offers employees a social security safety net in the case of maternity, sickness, death and at retirement. This Act makes provision that pension benefits payable in respect of the retirement, permanent disability, or death of members are to be as prescribed.

The Act also established a Development Fund, which provides funding for training schemes for disadvantaged, unemployed persons and has a dedicated disability assistance focus as well.

6.11 MOTOR VEHICLE ACCIDENT FUND ACT

The Motor Vehicle Accident Fund Act 2007 (Act No. 10 of 2007) was promulgated to respond to physical disabilities caused by motor vehicle accidents. The Motor Vehicle Accident Fund (MVA) Act provides for the establishment, administration, and management of the Motor Vehicle Accident Fund as an administrative body that provides assistance and benefits to persons injured in motor vehicle accidents, playing an important role in the health and rehabilitation of people with disabilities.

6.12 COMMUNAL LAND REFORM ACT

Communal Land Reform Act, 2002 (Act No. 5 of 2002) in terms of the Regulations promulgated under this Act, persons with disabilities are given a higher score when applying for and being allocated leaseholds.¹⁷ Regulation 23C(4) lists the factors considered during the evaluation with the point scoring system for infrastructure development support, that members of recognised marginalised groups, such as people with disabilities, score two points. Regulation 23G (3) requires Traditional Authorities to use factors and an associated point scoring system when evaluating and recommending applications for members of recognised marginalised groups, such with disabilities.

6.13 ELECTORAL ACT

Electoral Act, 2014 (Act No. 5 of 2014) Schedule 2 of this Act contains the Bill of Fundamental Voters' Rights and Duties that accords every Namibian voter the right to receive and cast a ballot paper in a polling booth constructed in a manner possible for physically disabled voters.¹⁸

In promotion of this right, Section 89 and 91 provide that the Electoral Commission of Namibia must for in the determination of polling stations for any election, consider the convenience to and accessibility by people with disabilities. In a similar vein, Section 103 mandates that Presiding Officers assist voters who are incapacitated by blindness or other physical disability.

6.14 LABOUR ACT

Section 5(1)(e) of the Labour Act, 2007 (Act No. 15 of 2007) sets out a definition of a person with disability and prohibits direct or indirect discrimination based on any degree of physical or mental disability in employment. In this regard, Section 5 (4) (a) sanctions the affirmation of racially disadvantaged persons, women, or persons with disabilities in employment decisions and mandates equality in their representation in the workforce of an employer.

6.15 CRIMINAL PROCEDURE ACT

Chapter 13 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) (CPA) deals with the: Capacity of an Accused to Understand Proceedings: Mental Illness and Criminal Responsibility Sections 77, 78 and 79 of

¹⁷ Regulation 23C and 23G.

¹⁸ Section 89(2)(g), 91(1)(b), 103(1)(a) of the Electoral Act, 2014.

the CPA provide for procedures relating to the management of court processes and custody of remand detainees where mental illness affects the criminal proceedings.

6.16 ABORTION AND STERILIZATION ACT

Notwithstanding the fact that abortion is illegal in Namibia, Section 3(1) of the Abortion and Sterilization Act, 1975 (Act No. 2 of 1975) authorise abortion in instances when there is a risk that the child will be born with a *physical or 'mental defect; seriously handicapped'* or when the mother is unable to handle parental responsibilities as a result of a *mental disability*.

6.17 MAINTENANCE ACT

Section 16 (4) of the Maintenance Act, 2003 (Act No. 9 of 2003) sets out guidance to Presiding Officers when issuing maintenance orders, it mandates them to, where the beneficiary has disabilities, consider, among others, the:

- (a) the extent of the disability;
- (b) the life expectancy of the beneficiary;
- (c) the period that the beneficiary would, in all likelihood, require maintenance; and
- (d) the costs of medical and other care incurred by the beneficiary as a result of the disability.

6.18 NAMIBIA SPORT ACT

Section 4 (1) (d) of the Namibia Sport Act, 2003 (Act No. 12 of 2003) encourages the appointment of a person nominated by the national umbrella sports body for people with disabilities to the Namibian National Sports Commission.

6.19 NATIONAL YOUTH COUNCIL ACT

It is a particular function of the National Youth Council to advocate for rights and opportunities for the youth with disabilities under Section 3 of the National Youth Council Act, 2009 (Act No. 3 of 2009). In the same vein, this Act mandates that the National Federation of Persons with Disabilities must also nominate a person to serve on the National Youth Service Board, which is the decision-making body of the National Youth Service.

INTERNATIONAL LAWS

6.20 CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

In 2006, the United Nations adopted the Convention on the Rights of Persons with Disabilities (UNCRPD).¹⁹ The Convention adopts a human rights-based approach to addressing the challenges faced by persons with disabilities. It commits State parties to develop and carry out policies, laws, and administrative measures for securing the rights recognised in the Convention and to abolish laws, regulations, customs, and practices that constitute discrimination.²⁰

The CRPD is founded on the notion of equality and provides that persons with disabilities will enjoy rights on an equal basis with other persons. The CRPD is premised on the fundamental principle of reasonable accommodation, legal capacity, and autonomy of persons with disability. This Treaty aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, and to promote respect for their inherent dignity.²¹ It binds States to ensure the equal rights and advancement of women and girls with disabilities²² and protect children with disabilities.²³

With regard to education, the Convention calls for equal access to primary and secondary education, vocational training, adult education, and lifelong learning. It also obligates States to keep measures in place and ensure that pupils receive their education in the most appropriate modes of communication from teachers who are fluent in sign language and Braille.²⁴

Article 25 of the CRPD furthermore binds State Parties to ensure that persons with disabilities have the right to the highest attainable standard of health without discrimination based on disability. The Convention

¹⁹ The Convention on the Rights of Persons with Disabilities and its Optional Protocol ([A/RES/61/106](#)) was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007.

²⁰ Article 4 of the CRPD.

²¹ Countries must protect the physical and mental integrity of persons with disabilities, just as for everyone else (Article 17), guarantee freedom from torture and from cruel, inhuman, or degrading treatment or punishment, and prohibit medical or scientific experiments without the consent of the person concerned (Article 15).

Laws and administrative measures must guarantee freedom from exploitation, violence, and abuse. In case of abuse, States shall promote the recovery, rehabilitation and reintegration of the victim and investigate the abuse (Article 16). Persons with disabilities are not to be subjected to arbitrary or illegal interference with their privacy, family, home, correspondence, or communication. The privacy of their personal, health and rehabilitation information are to be protected like that of others (Article 22).

²² Article 6 of the CRPD.

²³ Article 7 of the CRPD.

²⁴ Article 24 of the CRPD.

also mandates States to enable persons with disabilities to attain maximum independence and to strengthen their ability to provide comprehensive rehabilitation services in the areas of health, employment, and education.²⁵

The CRPD requires a shift from traditional ways of looking at disability as individual impairment to a focus on State obligations to creating enabling environments that promote inclusiveness and accommodate all human beings in their diversity. State parties to the Convention commit to combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities.²⁶

To this end, the CRPD advances that the policy and legal framework must enable persons with disability to live independently, to be included in the community, to choose where and with whom to live and to have access to in-home, residential and community support services.²⁷ It envisages that personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance.²⁸ Countries further undertake to ensure that persons with disability have equal rights to own and inherit property, to control their financial affairs and to have equal access to bank loans, credit and mortgages.²⁹ State Parties are enjoined to recognise the right to an adequate standard of living and social protection; this includes public housing, services and assistance for disability-related needs, as well as assistance with disability-related expenses in case of poverty.³⁰

It also recognise the right of persons with disabilities shall have the equal opportunity to experience parenthood, to marry and to found a family, to decide on the number and spacing of children, to have access to reproductive and family planning education and means, and to enjoy equal rights and responsibilities regarding guardianship, wardship, trusteeship and adoption of children Discrimination relating to marriage, family and personal relations shall be eliminated.³¹

²⁵ Article 27 of the CRPD.

²⁶ Article 8 of CRPD.

²⁷ Article 19 of the CRPD.

²⁸ Article 20 of the CRPD.

²⁹ Article 12 of the CRPD.

³⁰ Article 28 of the CRPD.

³¹ Article 23 of the CRPD.

Discrimination relating to marriage, family and personal relations shall be eliminated. Persons with disabilities shall have the equal opportunity to experience parenthood, to marry and to find a family, to decide on the number and spacing of children, to have access to reproductive and family planning education and means, and to enjoy equal rights and responsibilities regarding guardianship, ward ship, trusteeship and adoption of children.³²

The CRPD also binds State Parties to promote access to information by providing information intended for the general public in accessible formats and technologies, by facilitating the use of braille, sign language and other forms of communication and by encouraging the media and Internet providers to make online information available in accessible formats.³³ The Convention place an obligation on Member States to ensure equal participation in political and public life, including the right to vote, to stand for elections and to hold office.³⁴

Countries are to ensure equal participation in political and public life, including the right to vote, to stand for elections and to hold office (Article 29).

The Convention further commits States to promote participation in cultural life, recreation, leisure and sport by ensuring provision of television programmes, films, theatre and cultural material in accessible formats, by making theatres, museums, cinemas and libraries accessible, and by guaranteeing that persons with disabilities have the opportunity to develop and utilise their creative potential not only for their own benefit, but also for the enrichment of society. They are also to ensure their participation in mainstream and disability-specific sports (Article 30).

Article 13 also guarantees the right to access to justice FOR all persons with disabilities.

The Convention mandates States to designate a focal point in the government and create a national mechanism to promote and monitor implementation to ensure the implementation and monitoring of the Convention on a domestic level.³⁵ On an international level, the Committee on the Rights of Persons with

³² Article 23 of the CRPD.

³³ Article 21 of the CRPD.

³⁴ Article 29 of the CRPD.

³⁵ Article 33 of the CRPD.

Disabilities³⁶ will monitor the implementation of the Convention and serve as the mandatory recipient of periodic implementation reports from State Parties.³⁷

In order to support the efforts by developing Countries in implementing the CRPD, the Convention makes provision for developmental assistance to developing countries.³⁸

In order to ensure that State Parties are held accountable for their obligations under the CRPD, Article 18 under the Optional Protocol allows individuals and groups to petition the Committee, provided national recourse procedures have been exhausted.

6.21 THE PROTOCOL TO THE AFRICAN CHARTER ON THE RIGHTS OF PERSONS WITH DISABILITIES

The Protocol to the African Charter on the Rights of Persons with Disabilities (African Disability Protocol) is a substantive supplementary document drafted under Article 66 of the African Charter on Human and Peoples' Rights (African Charter) and complements the CRPD and aims to cater for the unmet needs of Africans with disabilities and to fill the contextual gap under the CRPD³⁹

In this regard, Article 11(1) of the Protocol requires States to modify, outlaw, criminalise or campaign against cultural practices, attitudes based on tradition, culture, religion, superstition, or other reasons, which negatively affect the human rights and fundamental freedoms of persons with disabilities. It contains Articles addressing issues such as ritual killings, the role of the family, caregivers, and community (article 25); and also includes marginalised groups such as persons with albinism.

Its overall purpose of the Protocol is to ensure the full and effective participation and inclusion of persons with disabilities in society.

7. GUIDING PRINCIPLES

In implementing this policy, Namibia must be guided by the following principles:

³⁶ The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts which monitors implementation of the Convention by the States parties.

³⁷ Articles 34 to 39 of the CRPD.

³⁸ Article 32 of the CRPD.

³⁹ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (**African Disability Protocol**) was adopted on 28 January 2018 and entered into force on 5 July 2024. Namibia ratified this Protocol in June 2023.

- a) Respect for and protection of inherent and fundamental rights and freedoms of persons living with disability;
- b) Equality and non-discrimination;
- c) Individual autonomy and self-governance, and independence of persons;
- d) Full and effective participation, representation, and inclusion in decision-making processes relating to persons with disability;
- e) Accessibility: to achieve maximum accessibility for persons with disability, take measures to Identify and eliminate barriers to accessibility, including those relating to physical environments, transportation, information, and communications. In line with this principle, implementers must embrace the:

Universal access Universal access (UA): principle that refers to the removal of cultural, physical, social, and other barriers that prevent people (including people with disabilities) from entering, using, or benefiting from the various systems in a society that are available to other citizens and residents; and

Universal design Universal design (UD): principle that holds that the design of products, environments, programmes, and services contemplated in this policy must be implemented in ways that make these facilities usable by all persons to the greatest extent possible without the need for adaptation or specialised design by the user. All assistive technologies that some individuals, including people with disabilities, may require should meet the principles of UD, a valuable means of achieving UA;

- f) Respect for the evolving capacities of children with disabilities and to preserve their identities;
- g) Consideration of the best interests of the child in all decisions relating to children with disability;
- h) Reasonable accommodation: respect for difference and acceptance of persons with disabilities,

as part of human diversity and humanity, it is necessary to make appropriate modifications and adjustments, not imposing a disproportionate or undue burden, where needed, to ensure persons with disabilities enjoy or exercise on an equal basis with others all human rights and fundamental freedoms;

- i) Access to Information: to make information available in formats accessible to persons with disability;
- j) Family care and community support: the family is the best safety net for a person with a disability to live, grow and enjoy their fundamental human rights and freedoms;
- k) Sector-specific Guidance and Implementation: notwithstanding the fact that the human rights enshrined in the CRPD are interrelated, interdependent and indivisible; sector-specific disability interventions must be employed where necessary to ensure the inclusion and full enjoyment of human rights by persons with disabilities;
- l) Disability-inclusive development: including disability-sensitive measures in the design, implementation, monitoring and evaluation of all development policies and programmes employing the twin-track approach at social, political, and economic structures;
- m) Cooperation and Coordination: the successful realisation of the objectives of this Policy hinges on effective coordination, cooperation amongst national and international stakeholders; and
- n) Progressive realisation: owing to available resources, competing national interests, and constitutional imperatives, the objectives and aspirations expressed in this Policy will only be realised progressively.

8. POLICY DIRECTION

8.1 THE VISION

A socially just, accessible, and inclusive country, in which the human rights, belonging, contribution, potential and diversity of all people with disabilities are recognised, respected, and celebrated.

To create a human rights-based, inclusive, and barrier-free society in which persons with disabilities are empowered to contribute to the development process of their communities and Namibia on an equal basis with others.

8.2 THE MISSION

To offer forward-thinking strategic direction for the Government, its partners, and stakeholders to ensure a human rights-centric disability-inclusive agenda for Namibia.

8.3 THE GOAL (S)

The primary goal of this Policy is to accelerate the recognition of the fundamental rights and freedoms of persons with disabilities, to improve their equality and quality of life by increasing their inclusion and participation in socio-cultural, civil and economic processes and opportunities and providing an enabling environment through a strong legal framework and strengthened partnerships and collaboration to foster disability-inclusive development in accordance with the Constitution, UNCRPD and the AU Protocol on the Rights of Persons with Disabilities and in alignment all other complementary domestic policy and legislative framework.

9. POLICY OBJECTIVES AND STRATEGIES

The critical objectives of this Policy and the Strategies that will be employed to achieve them are set out below:

Objective 1: To further enhance full accessibility for persons with disabilities to all public and private infrastructure, services, ICT and live independently, being included in the community and have personal mobility.

Strategy 1: Facilitate the Development, Accreditation, and Implementation of the national disability accessibility standard(s) on infrastructure.

Although Namibia ratified the UNCRPD, national accessibility standards are still lacking. To ensure full access to spaces, services, and information, Namibia must align with the UNCRPD's principles of universal design and inclusion.

Objective 2: To further fast-track the repeal of all discriminatory laws, abolish all discriminatory practices, ensure the legal rights of persons with disabilities shall be protected, including being free from discrimination, abuse and exploitation and eliminate discrimination and inequality for Persons with disability and access to justice and legal protection.

Strategy 1: Enactment of the Person with Disabilities Bill.

Namibia's laws offer general protection for persons with disabilities, but key gaps remain. Enacting the Persons with Disabilities Bill is crucial to ensure comprehensive legal protection and foster inclusive, disability-sensitive systems.

Objective 3: To sustainably provide funding support to adopt policies and programs to improve the living conditions of persons with disabilities. This will include providing social security for persons with disabilities and poverty reduction for persons with disabilities.

Strategy 1: Establish the mechanism to strengthen existing and additional funding protocols.

Strategy 2: Coordinate social and economic strategies to empower persons with disability; and

Strategy 3: Ensure adequate housing and sanitation for persons with disabilities;

Strategy 4: Provide intensive training to caretakers/givers on the rights of persons with disabilities and the use of the disability grants and incentives.

Namibia has increased the disability grant and included persons with disabilities in the Affirmative Action Act, but gaps remain in housing, social security, and economic inclusion. Increasing disability-centric funding and strengthening support services can help improve their quality of life.

Objective 4: To enhance the Disaster Management Programme by giving special attention to the vulnerability of persons with disabilities during disasters and other emergencies.

Strategy 1: Review National Disability Natural Disaster Plan/ Strategy.

Namibia has a disaster framework but lacks disability-specific strategies and accessible plans. Reviewing the strategy to include these measures will ensure better inclusion and protection.

Objective 5: To further enhance the right to education to ensure that learners and students with disabilities have equal access to quality basic and higher education.

Strategy 1: Strengthen the implementation of the National Sector Policy on Inclusive Education and provide funding to learners with disabilities; and

Strategy 2: Regulate reasonable Resource School fees for learners with disabilities.

Namibia has promoted inclusive education through the 2013 policy, grants, and hostel fee exemptions. To improve progress, implementation should be strengthened, and resource school fees regulated.

Objective 6: To strengthen the prioritisation of inclusive adult education and literacy improvement for persons with disabilities, with a focus on eliminating illiteracy, particularly among individuals with mental disabilities and learning difficulties, as a means to promote equal opportunities and independence.

Strategy 1: Review the National Policy on Adult Education and Lifelong Learning.

Namibia's policies support inclusive adult education, but gaps remain for persons with mental disabilities and learning difficulties. Reviewing the adult education policy can improve literacy and inclusion for these groups.

Objective 7: To enhance the productivity of persons with disabilities by ensuring that all vocational training programmes and facilities are integrated and accessible, in line with the Vocational Education and Training Act 1 of 2008, as an alternative pathway to formal education.

Strategy 1: Review Vocational Education and Training Act 1 of 2008.

Namibia has a strong vocational training framework, but the current Act lacks clear provisions on accessibility for persons with disabilities. Reviewing it to include inclusive measures will ensure equal access and improve employability for persons with disabilities.

Objective 8: To continue strengthening equal employment opportunities for persons with disabilities in the labour market, while improving sheltered employment for those unable to meet competitive job demands, through the creation of jobs and the promotion of fair, non-discriminatory labour practices.

Strategy 1: Enhancing Employment Opportunities for Persons with Disabilities in Namibia.

Namibia has laws promoting inclusive employment, but persons with disabilities still face barriers to securing and retaining jobs. To improve this, inclusive employment opportunities should be enhanced.

Objective 9: To continue promoting all cultural, religious, recreational, sports and political activities that are inclusive to persons with disabilities by guaranteeing Social Integration and environmental sustainability for the benefit of persons with disability.

Strategy 1: Coordinate, improve and implement the disability accessibility standards and other social welfare programs.

Namibia has promoted disability inclusion through public awareness and government representation, but barriers remain in social and cultural participation. Coordinating and implementing accessibility standards and social programmes can help ensure full inclusion of persons with disabilities in all areas of community life.

Objective 10: To continue advancing disability inclusion by providing training and sensitisation to personnel and integrating comprehensive disability-related content into the curricula of professionals such as health workers, teachers, social workers, and community personnel, to reduce discrimination and improve inclusive public service delivery.

Strategy 1: Establish inclusive training curricula and enhance personnel training on disability issues to foster a more inclusive environment for individuals with disabilities.

Namibia has introduced disability awareness and training efforts, but coverage remains limited. Establishing inclusive training curricula and expanding sensitisation will help reduce discrimination and improve inclusive public services for persons with disabilities.

Objective 11: To strengthen data collection and research on persons with disabilities by obtaining comprehensive, evidence-based information on their social, economic, and living conditions, to inform inclusive planning and development efforts.

Strategy 1: Strengthen Disability Annual Monitoring and Reporting; and

Strategy 2: Conduct a needs assessment for disability data.

Namibia has improved disability data collection through surveys, digital tools, and the 2023 Census. Strengthening annual monitoring and conducting a data needs assessment will ensure reliable, disaggregated data to guide inclusive planning and services.

Objective 12: To continue to promote the general health and full participation of persons with disabilities in family life by protecting the right to personal integrity and ensuring that the laws do not discriminate against persons with disabilities concerning sexuality and parenthood.

Strategy 1: Create a Sexual and Reproductive Health Strategy for persons with disabilities that addresses their needs and improves access to inclusive healthcare services; and

Strategy 2: Improve Accessibility of General Healthcare Services.

Namibia has updated health policies and held dialogues on sexual and reproductive health for persons with disabilities. However, stigma and inaccessible services remain barriers. A dedicated strategy and improved healthcare access will support dignity, autonomy, and inclusion.

Objective 13: To continue strengthening support for Organisations of and for Persons with Disabilities (OPDs), recognising their critical role in advocacy, service evaluation, awareness-raising, and identifying the needs of persons with disabilities.

Strategy 1: Provide Capacity Building and funding for OPDs.

Namibia has supported OPDs through training and policy involvement, though funding is still limited. Continued capacity building and sustainable funding will strengthen their role in advocacy, awareness, and advancing disability rights.

Objective 14: To continue promoting international co-operation and international compliance by considering all relevant conventions, treaties, protocols, and agreements pertaining to disability and rehabilitation of persons with disabilities, which shall be studied to ratify and accede to such agreements eventually.

Strategy 1: Align national frameworks with the CRPD and ensure timely reporting to strengthen international cooperation and promote the rights of persons with disabilities; and

Strategy 2: International cooperation and compliance by participating in peer reviews and increasing international funding for people with disabilities.

Namibia ratified the CRPD, is aligning national laws, and submitted its first report in 2020. Ongoing global partnerships and regular reporting will strengthen inclusion and secure international support for persons with disabilities.

Objective 15: To continue improving the lives of persons with mental and/or intellectual disability by developing strategies and interventions that address the needs for Health care, which includes mental health, innovative thinking, and integrated learning for persons with disabilities.

Strategy 1: Improve the lives of persons with mental and/or intellectual disabilities by facilitating the finalisation and implementation of the Mental Health Bill and enhancing support systems.

Namibia provides psychiatric services and has a Mental Health Policy, but outdated laws and limited support remain issues. Finalising the Mental Health Bill and expanding community care will improve support and rights for people with mental and intellectual disabilities.

10. STRATEGIC TARGET GROUPS

Although disability affects all persons in a society, including persons without disabilities, who are often caretakers, educators, employers, service providers, etc. However, the following groups of persons are designated as strategic target groups under the Policy, on account of the fact that the persons in these groups are invariably disproportionately affected and face peculiar needs and challenges. The government will adopt, intensify, and prioritise interventions in respect of the strategic target groups over the implementation period.

10.1 Women with Disabilities

In light of the 2025/2011 Namibia Census Statistics, it was found that females (51,125), compared to males (48,288), live with disabilities in Namibia. In many areas, women in general and women with disabilities in particular have continued to experience discriminatory practices and are subjected to cultural, social, political, and economic disadvantages. This has impeded their access to, for example, education, healthcare, training, and employment. While the government is committed to realising gender equality by inter alia acceding to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Bangul Charter) and has adopted a myriad laws policies and other measures to address discrimination against women, women with disabilities are yet to enjoy the full benefit of thereof and continues to live on margins of society, deprived of socio-economic opportunities and enjoyment of their fundamental human rights. Therefore, the Government commits that women with disabilities must be accorded prioritised support and protection.

10.2 Children and Young Persons with Disabilities

In the same vein, data from the Namibia Statistics Agency Population and Housing Census Report shows that “children with disabilities aged 0-4 that are not attending Early Childhood Development programs has increased from 3,359 (2001) to 5,135 (2011)” and that school there was decrease from 30.4 percent (2001) to 28.9 percent (2011) of “children aged 5 years and above that never attended school. It is therefore critical that the Government adopts measures to intensify responses to the needs of children and young persons with disabilities.

Based on the fundamental principles under the international to children's rights law, more particularly the Convention on the Rights of the Child, Namibia undertook to ensure that children and young persons with disabilities enjoy their fundamental rights on equal basis with others and that children and young persons with disabilities are visible and integrated into. Additionally, the State is obligated to respect the evolving capacities of children and young persons with disabilities, as well as the right to preserve their identity. The State is also under a duty to adhere to adopt policies, legislation and interventions that are within the best interests of the children and young persons with disabilities.

While there exist policies and programmes towards ensuring the development and well-being of children and young persons, children and young persons with disabilities are often excluded. There is thus an obligation to engage all efforts to ensure that children with disabilities have equal opportunities, primarily equal access to education (including Early Childhood Education), sports and recreation, and receive support and protection to enable them to actualise themselves and to fully participate and contribute in all spheres of life.

10.3 Elderly Persons with Disabilities

Data from the Namibia Statistic Agency Population and Housing Census Report also informs that *"there is a high incidences of disabilities amongst persons 65 years and older"* To this end, the State must ensure that elderly persons with disabilities remain integrated and are provided with support and specialised care to enable them to continue participating within their communities. Given that disability increases with age, the Government shall ensure that elderly persons with disabilities enjoy access to essential services, such as health, transportation, housing, social protection, and the built environment, based on the internationally recognised principles of independence, participation, care, self-fulfilment, and dignity.

10.4 Persons with severe Intellectual and/or Mental Disabilities

Persons with severe intellectual and/or mental disabilities also face serious challenges in society. It is reported that persons with intellectual and/or mental disabilities are twice as likely to encounter stigma and discriminatory practices. In addition, they are susceptible to abuses and other human rights violations, including forced or coercive treatment and unjustified institutionalisation.

Consequently, the Government will strengthen the protection and promote the human rights of persons with severe intellectual and/or mental disabilities, including fully informed and supported decision-making. In line with international practice and current draft law, the Government commits, through provisions in the

Mental Health Bill now under review, to gradually move away from institutionalisation of persons with severe intellectual or mental disabilities. Instead, it will prioritise community-based care, supported living arrangements, inclusive housing, family-based support systems, halfway houses, day-care centres, and primary healthcare integration. These alternatives are guided by utmost respect for their rights and dignity. To facilitate this shift, the Mental Health Bill includes measures to regulate and license community facilities, de-emphasise restrictive interventions, and ensure support for caregivers and practitioners assisting individuals with severe intellectual and/or mental disabilities.

10.5 Persons with disabilities living in Rural Areas

Data from the Namibia Statistics Agency Census Report further reflects that in persons with disabilities in rural areas are invariably disproportionately disadvantaged, owing to the peculiar socio-economic challenges faced by persons living in rural areas that is exacerbated in respect of persons with disabilities in rural areas. For example, on the issue of education, data show that “proportion of persons with disabilities without any formal education was higher in rural areas (82.3%) than in urban areas (17.7%).” The Government undertakes to ensure that people with disabilities in rural areas are included and prioritised in all the national, regional, local and constituency development programmes and interventions. The Policy further calls for regional and constituency platforms to incorporate and accord preference to persons with disability in all issues in their programmes and activities.

10.6 War veterans with disabilities

There is a similar recognition that the Government must expand and also recognise implementation programmes for the rehabilitation and reintegration of war veterans with disabilities.

10.7 Refugees with disabilities

The Policy will moreover, in collaboration with all the relevant Ministries, as well as the United Nations High Commissioner for Refugees and other relevant refugee agencies and organisations to ensure and fortify respect for the rights of refugees with disabilities and to also ensure, based on the principle of equal opportunities that refugees with disabilities are integrated into general socio-economic development programmes. This Policy envisages wider inclusion and protection of Refugees with disabilities shall not be sidelined, especially during the implementation of national and international humanitarian intervention.

10.8 Inmates with disabilities

The Policy further turns special focus to the special needs, rehabilitation, and reintegration of inmates with disabilities in all correctional centres across the country. Additionally, Government commits to ensure the promotion and protection of the rights of inmates with disabilities, including access to support and facilities that will enable them to live a dignified life whilst serving their sentences particularly protection from any form of abuse from fellow inmates or correctional services authorities, as well as in preparation for reintegration afterwards.

10.9 Indigenous minority persons with disabilities

Another group that will enjoy specialised consideration are persons with disabilities among the indigenous minority peoples whose participation is hampered by several peculiar challenges. The Government shall ensure that programmes and policies developed will address the specific needs of persons with disabilities among the indigenous minority population in conjunction with all relevant stakeholders, to enable them to access the services and the support they need to participate fully in society at large and their own communities.

11. STRATEGIC FOCUS AREAS

Whilst this Policy must be applied broadly and is aimed at extending comprehensive and wide-ranging protection, promotion and actualisation of the rights and interests of persons with disability, special attention must be paid to the following key strategic areas to achieve the Policy objectives:

11.1 Accessibility

One of the greatest challenges persons with disabilities encounter relates to difficulty in accessing public or private buildings and facilities. Inability of persons with disabilities to access social services and institutions perpetuates discrimination, undermines their right to dignity and the enforcement of their rights under the applicable legal and policy framework.

The Policy underscores the acceleration of the development of mandatory national construction/ compliance standards and guidelines to make the physical environment accessible to all persons with disabilities, which will be compulsory for building compliance requirements.

This will include all public buildings and essential service facilities designated under the National Disability Council Act, 2004 (Act No. 26 of 2004), for example, transport, health, education, telecommunication, sport, and recreation facilities.

This further underscore the need to continuously sensitise and educate architects, construction engineers, their professional regulatory bodies and building construction compliance authorities that are involved in the design and construction of the buildings and structures, and to advocate for the inclusion of the same in their training curricula to promote accessibility to essential services by persons with disabilities.

11.2 Non-discrimination and Equality

Despite the guarantee of equality under Article 10 of the Namibian Constitution and the myriad of legislations and international laws, persons with disabilities face unique prejudice and discrimination daily that unfairly excludes them from participating in socioeconomic and political spheres of life equally.

Discriminatory practices against persons with disabilities not only undermine their right to dignity⁴⁰ and self-worth, but it may also exacerbate their living conditions.

The principles of non-discrimination and equality are well recognised in Namibia. The government aims to put measures in place to alleviate prejudice, unfair exclusion, and discrimination. Measures must be put in place to address discriminatory practices against persons with disabilities and ensure respect for their fundamental rights and freedoms. The government commits to removing all barriers that hamper the enjoyment of the guarantee of equality for persons with disabilities.

11.3 Poverty

While extreme poverty is generally a serious concern in the country, the poverty rate among persons with disabilities in many communities is exacerbated. Moreover, families of persons with disability and persons with disability invariably incur additional costs (of living) to accommodate the disability, which consideration should be incorporated into informing policies and programmes. Additionally, due to discriminatory practices, persons with disabilities are often denied the opportunities to engage in productive activities and participate in socioeconomic activities. These contribute to an astronomical poverty rate

⁴⁰ Article 8 of the Constitution.

among persons with disabilities. Poverty, in turn, undermines the realisation of the human rights of persons with disabilities.

Notwithstanding the fact that, the Government has established different types of social welfare protection mechanisms, which includes amongst others a disability grants for citizens in an effort to address the poverty in Namibia, the Government shall continue to adopt policies and programmes to improve the living and economic participation of conditions of persons with disabilities, as part of its commitments to eradicate poverty and social inequality under the SDGs and AU Agenda 2060. This will include actively promoting educational and maximising employment opportunities and other economic participation for persons with disabilities. In accordance with Namibia's obligations under the UNCRPD and other international human rights instruments, the Government is committed to ensuring that persons with disabilities enjoy the right to an adequate standard of living for themselves and their families, including adequate food, clothing, and housing.

11.4 Natural Disaster

Notwithstanding the fact that there has been renewed commitment at the international level to ensure disaster risk reduction rather than disaster response, many Government agencies still fail to incorporate persons with disabilities into disaster management policy, programmes, and responses. This has resulted in severe inequalities in access to immediate response, as well as long-term recovery resources for people who have disabilities prior to the disaster and those who acquire a disability as a result of the disaster. Resultantly, persons with disabilities are more often than not disproportionately affected by natural disasters compared to other members of society. Mindful that the CRPD obligates States to ensure that special attention is given to the needs of persons with disabilities during natural disasters, conflict, or humanitarian emergencies.

The Government shall ensure that its Disaster Management Programme accords special consideration to the inimitable vulnerability of persons with disabilities during [national] disasters and other emergencies.

Furthermore, the Government shall ensure that the voices and participation of persons with disabilities are recognised in disaster management planning, policies, and programmes to reduce the negative impacts of disasters and humanitarian emergencies on persons with disabilities. This will also go a long way in ensuring the effectiveness of the government's response to disaster management.

The Government shall commit to exploring innovative and assistive emerging technologies as a form of early warning systems and navigation applications to save the lives of persons with disabilities.

11.5 Education and Training

Article 20 of the Namibian Constitution guarantees the right to education for all. In line with the principles of free and compulsory basic education, and to ensure equitable, inclusive, quality education and lifelong learning, the Government reaffirms its commitment under the Basic Education Act, 2020 (Act No. 3 of 2020). In collaboration with all relevant stakeholders, the Government will give effect to Section 12 of the Act by strengthening the capacity of the education system to include and respond to learners with disabilities, who often have special educational needs.

To ensure these commitments translate into practice, the Government shall provide assessment, early intervention, and specialised services for learners with special needs within the regular education system. Recognising that inclusive education depends on competent and well-prepared educators, the Government will work closely with the Namibia Qualifications Authority (NQA), established under the Qualifications Authority Act, 1996 (Act No. 29 of 1996), and all training institutions. This collaboration will ensure that curricula for educators at all levels include the skills, competencies, and expertise necessary to deliver quality inclusive education. Where needed, learners with disabilities and their families will also receive additional support services to ensure meaningful participation and development.

Recognising that education is a fundamental human right and a foundation for a more just society, the principle of equitable and inclusive quality education shall guide all educational policies and practices. These efforts are in line with Namibia's obligations under international and regional instruments, including the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and other international agreements binding on Namibia.

In addition, the Government will promote lifelong learning opportunities for persons with disabilities, including those in rural areas and those deprived of their liberty due to intellectual disabilities. This will include basic skills training (such as literacy and numeracy) and specialised education, while also addressing the unique needs of elderly persons with disabilities, who shall be actively encouraged to participate in lifelong learning programmes.

In line with the objectives of the Vocational Education and Training Act, 2008 (Act No. 1 of 2008) to promote access, equity, and quality in vocational education and training, the Government will expand access and improve accessibility for persons with disabilities. Vocational education, training, and rehabilitation services will support persons with disabilities in obtaining or retaining employment, advancing in their careers, and integrating or reintegrating into society. Equal attention will be given to the development of services in both rural and urban areas, and accreditation criteria mandating the accessibility of training facilities and resources shall be strictly enforced.

11.6 Health

The right to the highest attainable standard of health, including reproductive health care, is a fundamental right recognised at international law.⁴¹ In order to ensure the realisation of this right, the Government shall ensure that persons with disabilities are guaranteed access to health care services that allow for the full enjoyment of their human rights.

As implored under Article 95 of the Namibian Constitution Government shall engage its best endeavours to grant persons with disabilities fair and reasonable access to healthcare services, including sexual and

⁴¹ The human right to health is recognized in numerous international instruments. Article 25.1 of the Universal Declaration of Human Rights affirms: "Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services." The International Covenant on Economic, Social and Cultural Rights provides the most comprehensive article on the right to health in international human rights law. In accordance with article 12.1 of the Covenant, States parties recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health", while article 12.2 enumerates, by way of illustration, a number of "steps to be taken by the States parties ... to achieve the full realization of this right". Additionally, the right to health is recognized, inter alia, in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, in articles 11.1 (f) and 12 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and in article 24 of the Convention on the Rights of the Child of 1989. Several regional human rights instruments also recognize the right to health, such as the European Social Charter of 1961 as revised (art. 11), the African Charter on Human and Peoples' Rights of 1981 (art. 16) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988 (art. 10). Similarly, the right to health has been proclaimed by the Commission on Human Rights,² as well as in the Vienna Declaration and Programme of Action of 1993 and other international instruments.

reproductive health services, that are respectful and dignified, and extend due recognition to their fundamental human right to Privacy⁴² and Non-discrimination⁴³. The government will thus ensure that persons with disabilities enjoy access to preventive, rehabilitative, therapeutic, and orthopaedic services within their communities that are dignified and focused on facilitating independent living.

Mindful that disability is caused by an interplay of congenial and non-congenial factors that can be controlled and managed if detected early. In light of this, the Government shall strive towards early identification, prevention, and management of disabilities. In this regard, the Government will engage with communities and mobilise resources with a view to the extent possible, strengthening prevention, promoting early intervention, as well as managing and treating disabilities at personal, family and community levels. Furthermore, the Government shall ensure the development and supply of support services and gradually dedicate funding for the procurement of, amongst others, assistive devices for persons with disabilities to minimise the consequences of the disability and to increase their level of independence. In addition, the government shall ensure that medical rehabilitative programmes include the provision and supply of appropriate prostheses, orthoses, technical aids, eyeglasses, hearing aids and other relevant goods and services.

11.7 Employment

Notwithstanding the Labour Act, 2007 (Act No. 15 of 2007) that embeds the government employment policy of equal opportunity for all its citizens and the fact that persons with disability are listed as a designated group, enjoying preference under the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998)⁴⁴, the latest labour force report, based on the 2023 Population and Housing Census, shows that people with disabilities make up just 2.3% of Namibia's 46.2% labour force. This means that out of 546,805 employed Namibians, only 12,508 are people with disabilities. The government has ensured the increment of persons with disabilities in employment by 5%, and this reflects that real progress has been made to ensure persons with disabilities are considered in the employment initiatives.

The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol without reservation in 2007. Article 2 includes "denial of reasonable accommodation" as discrimination based on disability. Article 5, dealing with "Equality and non-discrimination", requires States Parties to take all appropriate

⁴² Article 13 of the Constitution.

⁴³ Article 10 of the Constitution

⁴⁴ Section 18 of the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998).

steps to ensure that reasonable accommodation is provided to promote equality and eliminate discrimination. Article 27, focusing on “Work and employment”, requires States Parties to, among several measures, ensure that reasonable accommodation is provided to persons with disabilities in the workplace. Against this backdrop, the Government remains committed to widening the scope of persons with disability to access opportunities for productive and gainful employment and economic activity that provides a living wage, ensuring the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities. This will include the identification and elimination of employment barriers and making reasonable accommodations for the limitations of persons with disabilities.

Additionally, the Government will encourage public and private sector employers to adopt and strengthen workflow and processes to accommodate persons with disability, to perform work with the assistance of and to invest in technical aids and assistive devices to enable maximal participation of persons with disability in decent jobs.

Therefore, the government will ensure full implementation of legislation extending preference to persons with disability to ensure that labour-related legislation does not discriminate against persons with disabilities and those obstacles to their economic participation are removed.

To permit the fullest possible vocational integration of people with disabilities, whatever the origin, nature, and degree of their disability, and thereby promote their social integration and personal fulfilment, measures shall be taken to enable them to work, whenever possible, in an ordinary working environment as salaried employees.

11.8 Sheltered Employment

Sheltered employment refers to structured work opportunities provided in a supportive and adapted environment for persons with disabilities who, due to the nature or severity of their disability, are not yet able to obtain, retain, or cope with the demands of employment in the open or competitive labour market.

The Government shall ensure that sheltered employment is made available through the establishment of sheltered workshops and work centres, where individuals are engaged in productive tasks within a protected setting. These facilities shall not only provide meaningful work but also focus on developing the skills, confidence, and independence of workers, with the aim of preparing them, where possible, for eventual integration into the open labour market.

Sheltered employment shall be subject to the supervision of competent authorities to ensure that it adheres to standards of dignity, safety, and inclusion. Workers with disabilities in these settings shall enjoy clear contractual status, reflecting their rights to fair remuneration, access to personal support services, and opportunities for personal and professional development. The employment relationship shall mirror that of any formal employer-employee arrangement, with appropriate legal protections and labour standards.

Sheltered employment is intended as a supportive and empowering form of economic participation, not as a substitute for inclusion in the open labour market, but as a complementary measure that recognises the diversity of support needs among persons with disabilities.

11.9 Social Integration and the Environment

11.9.1 Sign Language

Recalling Article 3 (2) of the Namibian Constitution that sanctions the use of any other language as a medium of instruction in private and public schools, subject to requirements that may be imposed under a relevant Law. Similarly, Article 3 (3) thereof authorises the use of a language other than English for legislative, administrative, and judicial purposes if such is spoken by a substantial component of the population.

Government is thus committed to expanding the use and proficiency in sign language.

In order to encourage and strengthen communication between deaf and hearing people, including engagement with electronic information systems and commit to paying special attention to the need for information to be availed in a format accessible to persons with disability.

In quest of this aim, the Government shall ensure that interpreter services by qualified sign language interpretations and other appropriate disability accessible formats are available for legislative, administrative, and judicial purposes, to facilitate appropriate communication with and amongst people with disabilities.

11.9.2 Braille

To facilitate access to information in accordance with the spirit and purport of the Access to Information Act, 2022 (Act No. 8 of 2022) ⁴⁵ subject to the Government shall engage concerted effort to ensure that information available to the general public for legislative, administrative and judicial purposes is also converted into Braille or in large print and other formats responsive to the needs of persons with disability.

11.9.3 Culture, Religion, Recreation and Sports

Recognising the talents, abilities and potential of people with disabilities, the Government shall encourage, support, and promote that persons with disabilities have reasonable access and make reasonable accommodations for persons with disability to attend and participate in cultural, religious, recreational and sports programmes, events and activities nationally, regionally and internationally.

The Government further enjoin all ecclesiastical authorities to make their facilities, services, and activities accessible to all persons with disabilities.

Despite the wide-ranging achievements of inclusion of persons with disability in sport through initiatives such as the Special Olympics Namibia,⁴⁶ which provides year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities. Those activities give them continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship. The government shall ensure that public sports, recreation facilities and events are made accessible to persons with disabilities. The Government shall initiate and support the development and integration of sports for persons with disabilities within the national sports development programme and ensure that Disability Sport in Namibia is prioritised.

11.9.4 Social Welfare

The Government shall expand the social welfare allowances and grants and commits to gradually increasing these allowances to assist persons with disability and their primary caretakers/ assistants, where justified, to live a decent standard of living in accordance with applicable laws.

⁴⁵ Section 1, 36 and 44 of the Access to Information Act.

⁴⁶ There is also a national committee in **Namibia**- the **Special Olympics Namibia** (SON), founded in 1998 - which works to strengthen the participation of young people and adults with mental disabilities and their social involvement through sport.

The Government shall enforce occupational health and safety regulations to ensure that workers, including those with disabilities, are adequately protected and rehabilitated to prevent permanent disability.

11.9.5 Housing

The Government shall ensure that the national housing policy and relevant policy and legal framework, public housing schemes and initiatives make provision for prioritised access to housing for persons with disabilities, in the planning and development phases, subject to necessary reasonable accommodations.

11.9.6 Transport, Traffic and Road Safety

In order to enable persons with disability to give expression to their fundamental right to liberty and the freedom *to move freely through Namibia*, as provided for under Articles 7 and 21 (1) (g) of the Constitution Government commits to develop a policy on public transport of all modes of transport that will ensure access to transportation for persons with disabilities without discrimination and unreasonable inconvenience.

To this end, the Government shall ensure that public transport authorities pay special consideration to the transportation needs of persons with disability and plan, design, or adapt the various public transport schemes and infrastructure, including traffic infrastructure, which are responsive to the needs of persons with disabilities across Namibia. Additionally, the Government shall ensure that the policy on road and traffic safety is developed and that citizens receive continuous education to prevent road accidents that may contribute to disability and ensure rehabilitation to prevent permanent disability by those involved in road accidents.

11.9.7 Social, Economic and Legal Protection

In order to develop personal autonomy and economic independence, persons with disabilities shall have the right to receive social security to ensure that they live a decent standard of living. The exercise of basic legal rights of persons with disabilities shall be protected and promoted to the fullest extent possible. The Government and all key stakeholders must strengthen awareness on the economic independence of persons with disabilities through the Nationhood and similar national campaigns.

In cases where persons with disabilities are partially or unable to administer their own affairs and or property, they shall be provided with appropriate assistance through the Namibia Disability Council, and

where necessary, include legal representation by a legal guardian or court-appointed curator⁴⁷ or legal representative in accordance with the relevant applicable Laws.⁴⁸

11.9.8 Training of Personnel

Comprehensive information about the various needs of all persons with disabilities shall be included in the training *curricula* of strategic professions for example, health workers, social workers, teachers, community workers, judicial officers, police and correctional services staffs, architects, engineers to ensure the realisation of the objectives of this Policy and complementing domestic and international Laws.

11.9.9 Information, Statistics and Research

In pursuance of Section 15 to 17 of the National Disability Council Act, 2004 (Act No 26 of 2004) which among others authorise the National Disability Council to gather information enumerated under Section 15 (Council may gather information) and further mandates the Executive Directors of all OMAS to submit a Report to Council within 90 days after the end of the financial year regarding persons with disability. Council further mandated to conduct campaigns to raise public awareness concerning any matter relating to persons with disability and to furnish the Minister responsible for disability affairs with an annual report setting out *inter alia* the reports received from OMAs and the Council's comments thereto, which the Minister in turn must lay before the National Assembly within 28 days following receipt thereof.

Measures shall be put in place to enforce the abovementioned obligations of the National Disability Council Act, 2004 (Act No 26 of 2004) to ensure that information relating to persons with disability is accurately captured and annotated, and that statutory reports are submitted within the required timelines, to enable policy makers to make data informed decisions, regarding persons with disability and to monitor and evaluate the implementation of this Policy and relevant legislation for purposes of deciding on appropriate interventions.

⁴⁷ A curator is a natural person, who can be a trusted relative of the patient or someone of a legal nature and background who is independent and able to make decisions in the interest of the patient.

⁴⁸ There are three types of curators for which a person can apply:

Curator ad litem, which is a curator that is appointed to litigate on behalf of the patient during legal proceedings;

Curator ad personae, which is a curator that is appointed to oversee the patient's daily living needs; and

Curator Bonis, which is a curator that is appointed to protect the patient's property and financial interests.

The government commits to liaise with the National Statistics Agency and all other relevant stakeholders to include issues relating to persons with disability during national census and other enumeration exercises, and to present their findings in a disability desegregated fashion.

The government will also encourage research regarding the prevention of disabilities, the nature and prevalence of causes, types, frequencies, and treatment of disabilities in a Namibian context.

11.9.10 Family Life and Personal Integrity

Persons with disabilities enjoy the family right espoused under Article 14 of the Constitution. It is a fundamental principle of this Policy that the family is the best safety net for a person with a disability to live, grow and enjoy their fundamental human rights and freedoms. Government shall therefore promote the full participation of persons with disabilities in family life and protect the free and voluntary consent to sex, marriage, and parenthood. Furthermore, a person with disability should not unreasonably be deprived of family life and/or to live with their family.

In order to promote their right to personal integrity, Government shall particularly put measures in place to limit the risk of abuse and violence of persons with disability within the family, community and in institutions and to hold perpetrators accountable who do so in the same vein, the State shall ensure that adequate counselling and support services are provided for those who become victims of violence or abuse.

11.9.11 Effective Participation and Representation

The Government shall ensure that persons with disabilities are extended a reasonable opportunity to meaningfully participate and or be represented in the inception, design, discussion, implementation, monitoring of legislation, policies and programmes that affect them. The National Disability Council is mandated to facilitate and coordinate the effective and meaningful representation of persons with disabilities in consultation with the relevant stakeholders, including organisations for and of persons with disabilities.

Additionally, the Government should strengthen the Council in their obligation under Section 4 of the National Disability Council Act, 2004 to make representations on behalf of any person with a disability before any organ of the State, or provide or procure legal assistance for any persons with disabilities, if the matter in question relates to the rights of, or the integration of persons with disabilities in society.

12. IMPLEMENTATION FRAMEWORK

This is a national policy and as such, it will be implemented through a sector-wide and multi-sectoral approach. The Government shall adopt a **twin-track** approach in the development, implementation and monitoring of the disability policy and legal framework and related programmes and activities. This entails mainstreaming disability into every sector and institution in society, while at the same time engaging mainstreamed efforts led by the National Disability Council.

An annual work plan and budget aligned to the IAP shall be drawn up and will serve as the primary reference documents for the purpose of implementing and monitoring the achievement of results over a particular financial year. Based on the reports submitted in terms of the National Disability Council Act, 2004, annual reviews should be conducted in the fourth quarter of the financial year or shortly after, to assess progress made against this National Policy for Persons with Disabilities and to review the annual plan for the following year. The reports should include updated information, and a narrative summary of results achieved against this National Policy and its Implementation Plan, as well as lessons learnt and the way forward.

Due to the nature of mainstreaming disability into all government functions and programmes, it is important to note that all Government Offices, Ministries and Agencies play a key role in the implementation of this Policy in relation to their particular mandates.

In a similar fashion the private sector plays an equally important role in ensuring that the Policy objectives are attained, the private sector is particularly implored to engage their best efforts to respect and promote, widen the scope of protection and promote the fundamental rights and freedoms of persons with disability as mandated under Article 5 of the Namibian Constitution. Additionally, the private sector is called upon to collaborate with and support the Government to achieve disability-inclusive development, especially to develop disability focused corporate social responsibility initiatives.

Government commits to strengthening the monitoring and implementation of the Constitution, mandating Laws and this Policy through the National Disability Council, which will cooperate with both the public and private sector to ensure that the policy environment is conducive to expanding the protection and promoting the rights, interests and legitimate expectations of persons with disabilities.

13. INSTITUTIONAL FRAMEWORK

The key institutions that will take the lead to coordinate and implement this Policy are:

Office of the Vice President: Division of Disability Affairs

The Marginalised and Disability functions will be placed in the Office of the Vice President to improve national coordination. The Division for Marginalised and Disability Affairs has been vested in the Office of the President: Office of the Vice President. This Division is mandated to strengthen the implementation of the National Disability Council Act, 2004 and other regional and international instruments that relate to disability and exercises superintendent oversight regarding disability affairs in Namibia.

Office of the Prime Minister

Article 36 of the Namibian Constitution specifies that the Prime Minister leads government business in Parliament, coordinates Cabinet activities, and advises and assists the President in executing government functions. The Public Service Act, 1995 (Act No. 13 of 1995) further assigns the Prime Minister overall responsibility for the management and efficiency of the Public Service, including ICT within the service.

The National Disability Council will work closely with the Office of the Vice-President, the Office of the Prime Minister and the Inter-Agency committee to coordinate government initiatives and programmes and the database for persons with disabilities.

National Disability Council of Namibia

The National Disability Council of Namibia is established in terms of the National Disability Council Act of 2004, (Act No. 26 of 2004), in broad terms the mandate of the Council is to ensure the promotion of the general welfare of persons with disabilities, more specifically its objectives as outlined in Section 3 of the Act includes among others, to monitor the implementation of the National Policy on Disability.

Employment Equity Commission

The Employment Equity Commission is responsible for implementing, monitoring, and enforcing Namibia's Affirmative Action policy, which promotes equality and representation of designated groups, including women and persons with disability of persons in the workforce within both the public and private sectors, and to hold Employers accountable for non-compliance. The Employment Equity Commission must equally ensure that all categories of employment within the workforce of every relevant employer

reflect the equitable representation of all designated groups, including persons with disabilities, in accordance with national employment equity targets and the intersectionality of these groups.

Public Service Commission

The Public Service Commission, as defined by the Constitution and the Public Service Commission Act, is mandated to advise the President and Government on matters relating to the public service, inclusive of advising on appointments, disciplinary control, remuneration, and retirement benefits. The Public Service Commission also performs functions assigned to it by the Act of Parliament and advises the President on appointments to offices in terms of the Constitution or other laws.⁴⁹ The Public Service Commission plays a pivotal role in ensuring that public services are inclusive and advance the interests of persons with disability, noting that the Government is the largest employer in the country.

Ministry of Justice and Labour Relations

Office of the Labour Commissioner is an alternative dispute resolution mechanism (outside the formal court system) mandated to facilitate a cost-effective and less formal mechanism for resolving labour disputes, including discrimination based on disability, sex or sexual harassment, etc, within the workplace.

The Ministry equally plays a crucial role in the criminal justice system and ensuring persons with disabilities enjoy equal protection of and access to their right to justice.

Ministry of Defence and Veterans Affairs

The Ministry is responsible for the well-being of war veterans, and as per this policy, war veterans are listed and considered a special target group. The Ministry forms part of the Inter-Agency Committee to ensure that Regional Coordinators assist and facilitate in the identification of war veterans with severe disabilities to benefit under this policy.

Office of the Ombudsman/ Ombudsman

The overall function of the Ombudsman is to promote and protect the human rights and freedoms of all persons (including persons with disabilities) in Namibia. The Ombudsman is inter alia responsible for *‘investigating, alleged or apparent instances of violations of fundamental human rights and freedoms,*

⁴⁹https://www.google.com/search?q=Public+Service+Commission+of+Namibia+Mandate&rlz=1C1GCEA_enNA1105NA1105&oq=Public+Service+Commission+of+Namibia+Mandate&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIB CjE0OTA3ajBqMTWoAgiwAgHxBdvstd8NAp-h&sourceid=chrome&ie=UTF-8.

*abuse of power, unfair, harsh, insensitive and discourteous treatment of an inhabitant of Namibia, failure to achieve a balanced structure or equal access in the recruitment processes and to misappropriation of public monies.*⁵⁰ The Ombudsman is further empowered to conduct independent and impartial investigations and resolve complaints by taking corrective action, as appropriate in particular circumstances, as well as to raise public awareness.

Organisations of and for Persons with Disabilities

As guaranteed under Article 21 (1) (e), the Government recognise the right of persons with disability to form, join and be represented by organisations advancing their common interest be at national, regional and local levels, as well as their role in identifying needs, evaluating services, advocating change and raising awareness.

To this end, the government shall continue to encourage and support the formation and strengthening of such organisations, given the vital role they play. In addition, the government shall encourage the meaningful participation of these organisations in decision-making with regard to policy and programmes relating to persons with disability.

14. RESOURCE MOBILISATION

The Government shall ensure that dedicated disaggregated funding is budgeted for and progressively allocated to comprehensively cater for all disability related programmes and services during each financial year.⁵¹ The Ministry of Finance shall designate a particular budget line, and OMAS shall budget and allocate funding for reasonable accommodation and other measures to implement this Policy and complementary Laws.

One of the greatest challenges militating against the realisation of the policy objectives as per the situation analysis is attributable to relates to the lack of adequate funding. Consequently, the Government shall make all reasonable efforts to strengthen existing funding modalities in accordance with due process and adherence to relevant law and policy. This Government shall provide financial assistance for certain areas or activities/projects necessary for empowering persons with disabilities, which are not covered under the budget that the government allocates to the relevant ministries. Similarly, the funding mechanisms will be

⁵⁰ Article 91 of the Constitution.

⁵¹ Article 126 of the Constitution.

used to support the activities of the National Disability Council and organisations or associations of/for persons with disabilities.

As part of its commitment to funding disability-related activities, the Government shall establish and impose a disability levy on employers and employees and allocate a fishing quota in accordance with relevant applicable Legislation.

Government shall require public procurement processes to give special attention to the needs of persons with disabilities by including the requirement that public entities require suppliers to include adherence to the UD and UA principles in their bidding requirements for the supply of goods and services under the Public Procurement Act, 2015.

Consideration will also be afforded to secure additional funding avenues for the implementation of this national policy, including seeking technical and financial support from relevant development partners and agencies.

15. ADVOCACY

The effective implementation of the National Policy on Disability and the IAP hinges on a comprehensive understanding of the Namibian Constitution and relevant complementary Laws, the international and regional instruments relating to persons with disability binding on Namibia, this Policy, and the IAP.

The Office of the Vice President, in cooperation with relevant public and private institutions, shall sensitise key stakeholders using print, electronic media, and targeted outreach programs on national and international matters relating to persons with disability.

As a continuous advocacy measure, the Disability Day will be celebrated on 10 June every year.

As contemplated Government shall support the Council to effectively execute its mandate in terms of Section 16 of the National Disability Council Act, 2004, *to provide information and raise awareness on issues relating to persons with disability.*

Efforts shall be engaged in line with the principles of this Policy and in collaboration with relevant stakeholders to ensure that persons with disabilities and, where necessary, their families and/caregivers are

educated on their fundamental human rights and freedoms, duties, diagnosis, medical records, and available services and programmes pertaining to their disability, as well as those services which are generally available to the general public.

Special consideration must be accorded to ensure that the information is accessible to all persons with disabilities. In formats responsive to their particular needs.

16. CO-ORDINATION

In order to ensure that the rights and issues of persons with disabilities are given the priority and visibility, the Government shall establish an inter-agency technical committee under the Office of the Vice- President, that shall primarily be responsible to advice the Vice-President within the scope of her superintendence power over the Council accorded in terms of the Constitution⁵², the National Disability Council Act, 2004, any other relevant Law, as well as any other matter relating to persons with disability, including coordinating the activities and issues relating to persons with disabilities, as stipulated in this policy.

All stakeholders dealing with rights or issues of persons with disabilities, including organisations for persons with disabilities, relevant international agencies, and professional bodies, will also be represented on this body.

The Office of the Vice President, Division of Disability Affairs, will serve as Secretariat to the Inter-Agency Technical Committee.

17. INTERNATIONAL CO-OPERATION

In compliance with its obligations under Article 32 of the UNCRPD, the State recognises the importance of international cooperation and its promotion, in support of national efforts for the realisation of the purpose and objectives of the Convention.

With due consideration to the right sovereignty and full and effective participation of persons with disability, the Government reaffirms its commitment to effectively cooperate with international, regional organisations and civil society involved in disability issues to:

⁵² Articles 40 and 41 of the Constitution.

- a) facilitate and support capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- b) facilitate cooperation in research and access to scientific and technical knowledge; providing, as appropriate, technical and economic assistance, including facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

Concerted efforts will be made to recommend the adoption or ratification of international law instruments relating to persons with disability that align with the Namibian Constitution.

18. MONITORING AND EVALUATION

In accordance with Section 3 of the National Disability Council Act, 2004, the National Disability Council of Namibia, is mandated to monitor and evaluate the implementation of the National Policy on Disability as per their establishing Act, under the superintendence of the Office of the Vice- President, to whom the disability portfolio has been assigned.

The **Disability Division: Office of the Vice President** shall serve as the national focal point for disability affairs for Namibia will be responsible for facilitating the implementation of this Policy and its Implementation Plan, through collaboration with other Ministries, Government Agencies, Non-Governmental Organisations (NGOs), Private Sector Organisations (PSO), and Development Partners.

Moreover, the Government, through the National Disability Council, shall ensure that the Policy is implemented in accordance with the milestones and key performance indicators enumerated in the National Disability Policy Monitoring and Evaluation Plan.

In order to bolster the monitoring and evaluation of this Policy the Council must ensure that OMAS comply with Section 17 of the National Disability Council Act, 2004 which mandates the Executive Directors of all OMAS to furnish Council with a report concerning the implementation of the National Disability Policy within 90 days after the end of the financial year, annually; and must prepare and present the Annual Disability Report to the authority that exercises legislative accountability for the Council, who must in turn transmit the Report to the National Assembly with the timelines contemplated under Section 21 of the National Disability Council Act, 2004.

More generally, in order to ensure the coherent implementation of this Policy, the National Disability Council should be consulted in respect of all matters, including the reform and development of legislation and policies relating to or that are likely to affect persons with disabilities in Namibia.

Moreover, the National Planning Commission will (in collaboration with all ministries) also scrutinise all the different ministries' plans and programmes to ensure that they include the needs of people with disabilities before acknowledging and approving them.

19. IMPLEMENTATION ACTION PLAN

The 2025-2030 Implementation Action Plan ("IAP") annexed to this Policy sets out key indicators related to the policy objectives, strategies, activities, and outputs of this policy and indicates timelines and targets, budget estimates and responsible entities, including state and non-state implementers.

The goals and strategies to be implemented to attain set policy goals by different responsible bodies in the short, medium, and long term/during the period of the plan. Short term refers to a period of one year, medium term includes activities that should be implemented within three years, and long term refers to activities that may extend until the end of the planning period, beginning from the approval of the Policy & IAP.

The IAP depicts the implementation strategies over a five (5) year period, segregated by financial year. The policy objectives and strategies that will be implemented by the responsible body or bodies within the stipulated timeline for implementation of the strategies and the performance indicators are outlined in the IAP.

The IAP will be subject to review annually, across a 5-year duration of this policy or sooner, as might prove necessary in light of the annual Disability Reports, with due consideration to the progressive nature of the realisation of disability inclusion as outlined in this Policy.

20. POLICY GOVERNANCE

The Policy is approved by Cabinet on 08 July 2025 and repeals and replaces the National Policy on Disability of 1997.

21. CONCLUSION

Namibia has ratified Regional and International human rights instruments that directly or indirectly provide for the rights of people with disabilities. Such instruments, therefore, place several obligations to give effect to the statutory provisions, which include enacting relevant legislation and policies.

Such legislation and policies should speak to the current and future circumstances that persons with disabilities may face. In this case, the policy will therefore help develop a basis of understanding of the environment in which such legislation and programmes are developed in the best interest of persons with disabilities.

This policy provides a common reference point for the planning process and prioritises actions and solutions to problems faced by persons with disabilities. Namibia has made significant strides in recognising and addressing the rights of persons with disabilities. However, a comprehensive policy was developed to ensure the protection of the rights and interests of persons with disabilities.

This Policy shall be reviewed in 2028. Such review shall be done after due consultation with relevant stakeholders, including persons with disabilities or organisations representing their interests.

/END.

ANNEXURES

- a. Legal Review Report: National, Regional, and International Developments on the Rights of Persons with Disabilities, The Namibian Context, June 2024, published by the National Disability Council of Namibia.
- b. Situational analysis on the National Policy on Disability for Persons with Disabilities in Namibia.
- c. Resource Folder: Consultative workshop reports and attendance registers.

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