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**The Politics of HIV/AIDS Policies  
in Namibia**

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prepared for the UNRISD Project on **Politics and Political Economy of HIV/AIDS**

DRAFT WORKING DOCUMENT  
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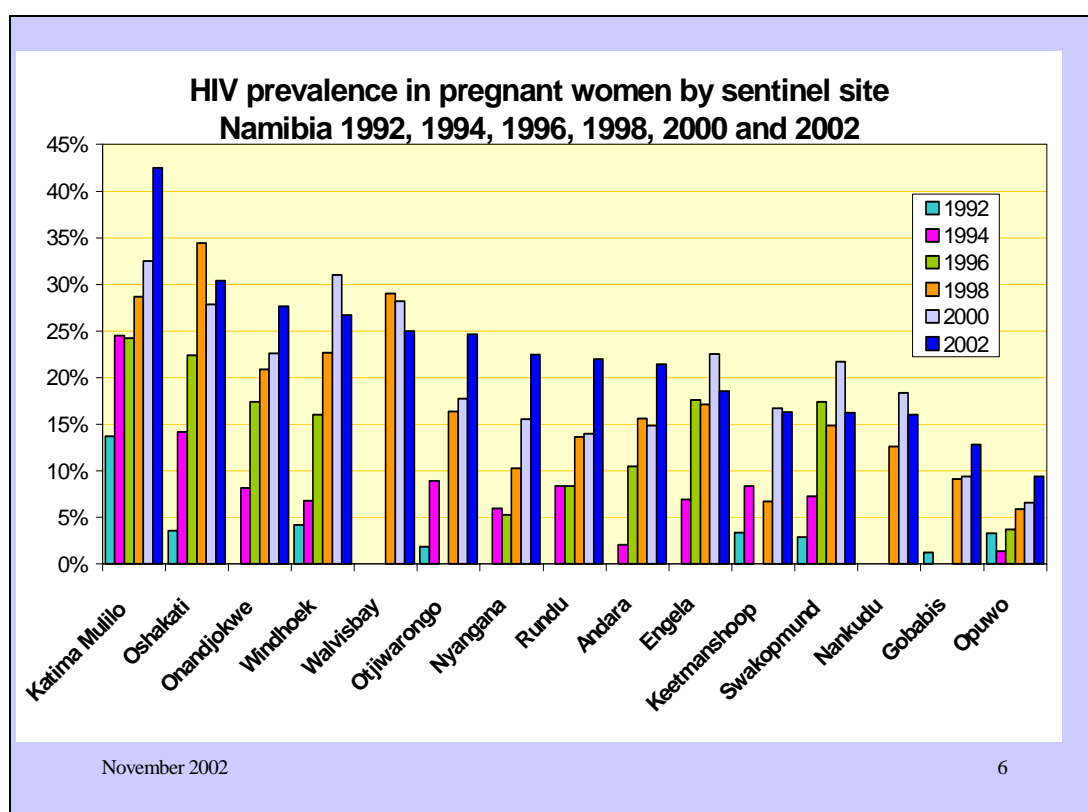
**Acronyms**

AIDS	Acquired Immune Deficiency Syndrome
ALU	AIDS Law Unit of the Legal Assistance Centre
ASO	AIDS Service Organization
CBO	Community-based Organization
HIV	Human Immunodeficiency Virus
MP	Member of Parliament
MTP	Medium Term Plan on HIV/AIDS
NACP	National AIDS Control Programme
NACOP	National AIDS Coordination Programme
NANASO	Namibian Network of AIDS Service Organisations
NGO	Non-governmental Organization
PLWHA	Person / People living with HIV and AIDS
UNAIDS	Joint United Nations Programme on HIV/AIDS
WHO	World Health Organization

## 1. Introduction

Namibia is one of the five countries in the world most affected by HIV/AIDS, with an adult prevalence of 23% (Ministry of Health and Social Services 2003). AIDS has already caused life expectancy at birth in Namibia to fall from 60 years in 1990 to 43 years in 2001 (National Planning Commission 2002). Women account for 55% of all reported new HIV cases and women are also diagnosed at an earlier age than men (Ministry of Health and Social Services 2002). As Figure 1 shows, HIV prevalence has steadily increased at most surveillance sites (Ministry of Health and Social Services 2003).

Figure 1: HIV Sero-survey 2002, Ministry of Health and Social Services



From early in the epidemic, there has been, at least on paper, recognition by decision and policy makers of the relationship between HIV/AIDS and human rights and the need for a

rights-based response. Namibian policies and laws relating to HIV/AIDS have recognised that people living with HIV/AIDS have constitutional rights to dignity, equality, privacy and freedom from discrimination. They also have recognized that the promotion and protection of human rights constitute an essential component in preventing the transmission of HIV and reducing the impact of HIV/AIDS. Nonetheless, the establishment of a fairly comprehensive policy framework designed to promote a non-discriminatory environment in respect of HIV/AIDS, in practice people living with HIV/AIDS in Namibia suffer widespread stigma, discrimination and other rights abuses.

This case study outlines the process of and the motivation behind HIV/AIDS policy development in Namibia. It identifies some of the factors that contribute to less than effective implementation of those policies. The development of two policies—one on discrimination, the other on education-- help illuminate factors that shaped the process and outcomes. Some of the key variables to emerge arise from several questions:

- Who initiated concern about the issues addressed by the policy and how did their political influence and understanding of the issues make a difference during implementation of the policy?
- How have relations and partnerships between government and civil society organisations influenced the development and implementation of national policies?
- To what extent have people living with HIV/AIDS been involved in the design and implementation of the national policies?

## **2. The Legal and Policy Framework**

The Constitution of the Republic of Namibia is the supreme law of the land and has shaped the legal and policy responses to HIV/AIDS. Chapter 3 of the Constitution ensures the

protection of the fundamental rights and freedoms of all persons in Namibia, including people living with HIV/AIDS. People living with HIV/AIDS in Namibia enjoy constitutional protection of their rights to dignity, equality, privacy and freedom from discrimination. Namibian policies and laws have recognised that the promotion and protection of human rights constitute an essential component in reducing vulnerability to HIV, preventing the transmission of HIV and mitigating the impact of HIV/AIDS.

Several HIV/AIDS policies and related guidelines and statements have been adopted in Namibia. These are summarized below.

### **National Policy on HIV/AIDS**

Namibia's HIV/AIDS policy was adopted in 1992. It emphasizes the provision of information and education to prevent HIV/AIDS, speaks about individual responsibility for sexual behaviors that will reduce risk of infection, outlaws discrimination on the basis of HIV/AIDS, and prohibits coercive control measures. The policy recognises that a broad based, inclusive response involves people living with HIV/AIDS. It states that "determination of an individual's status should not be a prerequisite of entry into work, continuation of work, promotion prospects or training opportunities." It states that as an employer, the Government of Namibia will not require HIV/AIDS tests as a requisite for employment and encourages other employers to adopt the same principle.

## **Guidelines for the Implementation of the National Code on HIV/AIDS and Employment and the Labour Act**

Adopted in 1998, these guidelines stress the importance of information, education and prevention programmes in the workplace and provide that these programmes “should be developed jointly by employers and employees and should be accessible to all at the workplace. Education on HIV/AIDS should, where possible, incorporate employee families.”

The guidelines outlaw discrimination on the basis of HIV status in the context of employment and provide that HIV tests should not be used as a basis for hiring. They provide that there should be no compulsory HIV testing for training or promotion and that HIV infected employees should work under normal conditions so long as they are fit to do so and if they can no longer do so, they should be offered alternative employment "without prejudice to their benefits." The guidelines offer workers protection from “stigmatisation and discrimination by co-workers, employers or clients.”

### **The Namibian HIV/AIDS Charter of Rights**

The Namibian HIV/AIDS Charter of Rights was developed through conference proceedings and a task force in 1999 and formally endorsed by the Minister of Health and Social Services in December 2000 and subsequently adopted by the Cabinet in 2002. It provides for equal protection of the law and equal access to public and private facilities and benefits for PLWHAs. The Charter has the status of a national policy.

## **National Policy on HIV/AIDS, Confidentiality, Notification, Reporting and Surveillance**

This national policy was adopted in 2002. The policy endorses the reduction of stigma and discrimination against people affected by HIV/AIDS, provides for an increase in social support services for people affected by HIV/AIDS and an increase in the public's access to prevention and care services, and encourages greater openness and commitment within personal relationships and within communities to address HIV/AIDS.

## **National Policy on HIV/AIDS for the Education Sector**

Adopted in 2003, this policy offers a framework for prevention, care and support and mitigation for both learners and employees in the education sector. The policy makes specific provision for addressing the particular needs of orphans and vulnerable children to access education services. It makes education on HIV/AIDS and sexuality an integral part of the school and higher education curricula.

## **National Strategic Plans**

All of these policies have been backed with strategic plans, management and coordination

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