

Namibia

Women, Business and the Law 2022 (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Windhoek). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Namibia scores 86.3 out of 100**. The overall score for Namibia is higher than the regional average observed across Sub-Saharan Africa (71.5). Within the Sub-Saharan Africa region, the maximum score observed is 89.4 (Mauritius).

Namibia - Scores for Women, Business and the Law 2022



Relative Strengths

When it comes to laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, gender differences in property and inheritance, and laws affecting the size of a woman's pension, Namibia gets a perfect score.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women's work after having children, and constraints on women starting and running a business, Namibia could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Namibia is on the indicator measuring laws affecting women's work after having children (the WBL2022 Parenthood indicator). To improve on the Parenthood indicator, Namibia may wish to consider making paid leave of at least 14 weeks available to mothers, making paid leave available to fathers, and making paid parental leave available.

Recent Reforms

No reforms were observed during the past year (October 2nd, 2020 – October 1st, 2021).



Further data details for Namibia are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/namibia/2022>



| | QUESTION | ANSWER | LEGAL BASIS |
|------------------|--|--------|---|
| Mobility | Can a woman choose where to live in the same way as a man? | Yes | Married Persons Equality Act, Art. 12 |
| | Can a woman travel outside her home in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman apply for a passport in the same way as a man? | No | Passport application procedures |
| | Can a woman travel outside the country in the same way as a man? | Yes | No restrictions could be located |
| Workplace | Can a woman get a job in the same way as a man? | Yes | Married Persons Equality Act, Arts. 2 and 7(5) |
| | Does the law prohibit discrimination in employment based on gender? | Yes | Labor Act, Art. 5 |
| | Is there legislation on sexual harassment in employment? | Yes | Labour Act, 2007, Sec. 5(7)-(10) |
| | Are there criminal penalties or civil remedies for sexual harassment in employment? | Yes | <i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> Labour Act, 2007, Secs. 5(7)-(10) |
| Pay | Does the law mandate equal remuneration for work of equal value? | Yes | Labor Act, Art. 5 |
| | Can a woman work at night in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman work in a job deemed dangerous in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman work in an industrial job in the same way as a man? | Yes | No restrictions could be located |
| Marriage | Is there no legal provision that requires a married woman to obey her husband? | Yes | No applicable provisions could be located |
| | Can a woman be head of household in the same way as a man? | Yes | Married Persons Equality Act, Art. 3(b) |
| | Is there legislation specifically addressing domestic violence? | Yes | Combating of Domestic Violence Act, 2003 |
| | Can a woman obtain a judgment of divorce in the same way as a man? | Yes | Constitution of Namibia, Art. 14(1); Divorce Laws Amendment Ordinance, Sec. 1 |
| Parenthood | Does a woman have the same rights to remarry as a man? | Yes | Constitution of Namibia, Art. 14(1); Divorce Laws Amendment Ordinance, Sec. 3 |
| | Is paid leave of at least 14 weeks available to mothers? | No | Labor Act, Art. 26 |
| | Does the government pay 100% of maternity leave benefits? | Yes | Labor Act, Art. 26(3)-(4) |
| | Is paid leave available to fathers? | No | No applicable provisions could be located |
| | Is there paid parental leave? | No | No applicable provisions could be located |
| Entrepreneurship | Is dismissal of pregnant workers prohibited? | Yes | Labor Act, Art. 5 |
| | Does the law prohibit discrimination in access to credit based on gender? | No | No applicable provisions could be located |
| | Can a woman sign a contract in the same way as a man? | Yes | Married Persons Equality Act, Art. 3(a) |
| | Can a woman register a business in the same way as a man? | Yes | Married Persons Equality Act, Arts. 2 and 3 |
| Assets | Can a woman open a bank account in the same way as man? | Yes | Married Persons Equality Act, Arts. 2 and 3 |
| | Do men and women have equal ownership rights to immovable property? | Yes | Married Persons Equality Act, Arts. 3 and 5 |
| | Do sons and daughters have equal rights to inherit assets from their parents? | Yes | Intestate Succession Ordinance, Sec. 1 |
| | Do female and male surviving spouses have equal rights to inherit assets? | Yes | Intestate Succession Ordinance, Sec. 1 |
| | Does the law grant spouses equal administrative authority over assets during marriage? | Yes | Married Persons Equality Act, Arts. 2, 5, and 7 |
| Pension | Does the law provide for the valuation of nonmonetary contributions? | Yes | Married Persons Equality Act, Arts. 2, 5, and 7 |
| | Is the age at which men and women can retire with full pension benefits the same? | Yes | Women: National Pensions Act, Secs. 1-2. Men: National Pensions Act, Secs. 1-2 |
| | Is the age at which men and women can retire with partial pension benefits the same? | Yes | Women: No applicable provisions could be located. Men: No applicable provisions could be located |
| | Is the mandatory retirement age for men and women the same? | Yes | Women: No applicable provisions could be located. Men: No applicable provisions could be located |
| | Are periods of absence due to childcare accounted for in pension benefits? | Yes | National Pensions Act |