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*Human Rights in Human Development Co-operation:*  
*A Review on Whether the Icelandic International Development*  
*Agency Improves Human Rights in Namibia*

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*Faculty of Law and Social Science*

## **Declarations:**

- a)** I hereby declare that I am the sole author of this thesis and that it is the product of my own research.

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Valgerður Húnbogadóttir

- b)** It is hereby certified that in my judgment, this thesis fulfils the requirements for the degree of B.A. at the Faculty of Law and Social Sciences.

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## Abstract

Human Development Co-operation (HDC-op) has been a part of the international community for a few decades but not everyone agrees on what HDC-op is supposed to achieve. A group of people believes that HDC-op should aim at promoting human rights. Lately HDC-op has expanded and the projects are getting bigger. As a result HDC-op has been criticized and some even go as far as saying that it is useless while others say that it is very helpful.

Three projects run by the Icelandic International Human Development Agency (ICEIDA) in Namibia are examined from the legal point of view. Then the compatibility of selected ICEIDA development projects in Namibia with international human rights standards is considered to see to what extent the ICEIDA projects promote human rights and to evaluate whether and to what extent they might better promote these aims. In order to do that the projects are compared with the human rights section of the Namibian and the Icelandic constitutions as well as different treaties which these countries have ratified as well as the Millennium Development Goals (MDG).

## Ágrip

Þróunarsamvinna hefur verið hluti af alþjóðasamfélaginu síðustu áratuginu en ekki eru allir sammála um hverju hún á að áorka. Það er til sá hópur fólks sem vill meina að þróunarsamvinna eigi að miða að því að bæta mannréttindi. Síðustu ár hefur þróunarsamvinna sótt í sig veðrið og verkefnin orðin viðameiri. Í kjölfarið hefur þróunarsamvinna sætt mikilli gagnrýni og eru margir sem halda því fram að hún sé jafnvel gagnslaus á meðan aðrir halda því gram að hún sé afar gagnleg.

Þrjú ólík verkefni á vegum Þróunarsamvinnustofnunar Íslands (ÞSSI) eru skoðuð frá sjónarhorni lögfræðinnar. Mun það leiða í ljós hvað völd verkefni á vegum ÞSSI eigi sameiginlegt með alþjóðamannréttindum og að hvaða leiti þau bæta mannréttindi og komast að því hvort og hvað betur mætti fara. Til að skera úr um það eru verkefnin þrjú borin saman við stjórnarskrár Namibíu og Íslands, alþjóða samninga sem þessi lönd hafa undirritað og þúsaldarþróunarmarkmiðin (Millenium Development Goals).

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# 1 Introduction

Human Development Co-operation (HDC-op) is an interesting field of study that deals with economics, pedagogic and political science. However this thesis will show that the field of law is also closely connected to HDC-op. In this thesis I am going to find out which human rights laws should apply when it comes to HDC-op by the Icelandic International Development Agency (ICEIDA) in Namibia. The reason I chose ICEIDA and Namibia was only so that I could narrow the topic down. My goal is to find out what, if anything, ICEIDA has done to improve human rights in Namibia through its work. In order to reach this goal, I took all the Annual Reports of ICEIDA since 2000 and interviewed four individuals who have either worked for ICEIDA in Namibia or who have special skills when it comes to human rights and HDC-op. In order to narrow the topic down even more, I decided to write about three different projects resulting in three different topics: a project that concerns the rights of women, a project that concern the rights of children and a project that concerns people with disabilities. I then compared these three topics with the human rights laws of the Constitution of the Republic of Namibia, the Constitution of the Republic of Iceland, various international treaties and the Millennium Development Goals (MDGs). I am considering the compatibility of these three selected ICEIDA development projects in Namibia with international human rights standards and the MDGs to see to what extent the ICEIDA projects promote human rights and to evaluate whether and to what extent they might better promote these aims. In my conclusion I will have answered questions like: do human rights laws have anything to do with HDC-op, should human rights laws have anything to do with HDC-op and are the projects making progress to the Namibian society and if they do, which laws and which articles apply?

## 2 Human Rights

“Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments”.<sup>1</sup>

From the establishment of the United Nations (UN) in 1945 the international community has witnessed a great expansion in the recognition of the rights of all people and the acceptance of a human rights in dimension for the quest for international peace and security. In this short period of time, the United Nations has styled itself as protector of the internationally proclaimed rights of all.<sup>2</sup> Namibia and Iceland are both members of the UN.

According to the official website of the Office of the High Commissioner for Human Rights, Human rights are defined as follows:

“Rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”<sup>3</sup>

This definition of human rights will not be further analysed throughout this thesis since the argument is not “what are human rights” but which human rights law should apply when it comes to HDC-op.

## 3 Icelandic International Development Agency (ICEIDA)

ICEIDA is an organisation run by the Icelandic Ministry of Foreign Affairs. Iceland is a member state of the UN and therefore a party of the United Nations Charter (the Charter). In article 55 of the charter it says that the organisation, and therefore all parties, shall “promote higher standard of living, full employment, and conditions of economic and social progress and development” and “universal respect for human rights”. Through the next article, the 56th, “all member states pledge themselves to take joint and separate action in cooperation

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<sup>1</sup> Vienna Declaration and Programme of Action 1993

<sup>2</sup> Rhona K.M. Smith p. 1

<sup>3</sup> Office of the High Commissioner for Human Rights (OHCHR). “What are Human Rights?” [www.ochr.org](http://www.ochr.org)

with the Organization for the achievement of the purposes set forth in article 55.”<sup>4</sup> It is therefore obvious that ICEIDA should through its development cooperation aim at promoting human rights. I am going to find out whether ICEIDA promotes any of the purposes listed in article 55.

According to Gunnar Salvansson, head of publishing and public relations (PR) of ICEIDA, human development aid is a developing co-operation these days, meaning that a country in need of development aid approaches ICEIDA with ideas that ICEIDA and the receiving country then work on together. All the projects that ICEIDA works on are projects that were originally the ideas of the receiving country.<sup>5</sup> James H. Michel, the author of the article “A New Approach to Development” talks about a new strategy when it comes to HDC-op. He says that this new strategy “places stronger emphasis on the developing country itself as the starting point for cooperation efforts that reflect local circumstances, encourage local commitment and participation, and foster the strengthening of local capacities to manage development themselves, and with growing self-reliance.”<sup>6</sup>

All the ICEIDA projects that are temporarily in the hands of ICEIDA aim at aiding the second country, for the purpose of this study Namibia, to take over the control of the projects themselves. The human rights law of the second country therefore are the ones that ought to apply: in this case of study, the domestic human rights law of Namibia and applicable international Human Rights treaties. In addition to the Constitution of the Republic of Namibia I will also apply the international treaties, which both Namibia and Iceland have ratified, and at last the MDGs in order to find out ICEIDA's impact on human rights in Namibia.

## 4 Namibia

Namibia is located in southern Africa and shares its borders with Angola, Zambia, Botswana and South Africa. Of the population, 70% or 2.04 million people live in rural areas of this large country of 825.418 km<sup>2</sup>.<sup>7</sup> Namibia was ruled by South Africa from 1915 to 1990 and had its share of apartheid. Apartheid had a drastic influence on the native people of Namibia, especially on their education. The biggest challenge of the Namibian government since then has been to increase the level of education. The Constitution of the Republic of Namibia it

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<sup>4</sup> United Nations Charter. “The Charter of the United Nations.” [www.cirp.org](http://www.cirp.org)

<sup>5</sup> Gunnar Salvansson, 13 december 2007

<sup>6</sup> Michel. “A New Approach to Development” [www1.oecd.org](http://www1.oecd.org)

<sup>7</sup> *Namibia*. ICEIDA. Annual Report 2006. p 24

states that all persons shall have the right to education.<sup>8</sup> A major part of ICEIDAs work in Namibia concerns education. In each of the three following chapters on the projects, I will explain what human rights concerns are in Namibia by explaining why there is need for the following projects.

## **5 Choice of Law**

In order to find out whether ICEDAs projects in Namibia are promoting Human Rights, I will compare different sets of Human Rights Laws which Namibia and Iceland are parties. First of all I am going to examine the Constitution of the Republic Namibia, then the Constitution of the Republic of Iceland, then different sets of international laws and treaties and also the Millennium Development Goals (MDGs).

### ***5.1 The Constitution of the Republic of Namibia***

The Constitution of the Republic of Namibia looks really good on paper, but have the projects of ICEIDA for the past years has done anything to promote the rights contained within it? The human rights section of the Namibian Constitution is in chapter 3 and consists of 20 articles, articles 5 to 25. The focus will be on the following articles: article 10 on equality, article 15 on children's rights, article 19 on the right to culture, article 20 on the right to education, article 21 on freedom of expression and article 23 on apartheid.

Of course ICEIDA is not solely responsible for promoting human rights in Namibia and there is only so much an organisation in Iceland can do when it comes to promoting human rights. However a development organisation like ICEIDA can have a lot to say when it comes to the education of women and children as mentioned in articles 15 and 20. Also an organisation like ICEIDA can promote rights like the rights of minorities and help them to promote their language and culture as mentioned in article 19 because they are offering assistance and guidance to Namibia in these fields.

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<sup>8</sup> The Constitution of the Republic of Namibia



## ***5.2 The Constitution of the Republic of Iceland***

The human rights chapter of the Constitution of the Republic of Iceland is placed at the very end of the Constitution which consists of seven chapters. I will be applying relevant articles from the Constitution of the Republic of Iceland and compare it to the Constitution of the Republic of Namibia. The reason for applying the Constitution of the Republic of Iceland but not just the Namibian one is because ICEIDA is a part of the Icelandic government and a party of these projects.

In order to find out whether the projects promote human rights according to the Constitution of the Republic of Iceland I found all the articles that relate to the three projects. These articles are article 65 on equality, article 73 on freedom on expression, article 75 on freedom to choose occupation, and article 76 on necessary assistance by the government. Therefore these articles are the only ones that will be discussed from the Constitution.

## ***5.3 International Treaties***

Namibia and Iceland are member states of the United Nations. Namibia has been a member state of the UN since 1990 and Iceland since 1946.<sup>9</sup> Both of these countries became member states around the time they became independent.

Universally, human rights are often expressed and guaranteed by law in the forms of treaties and other sources of international law like for example customary law. International human rights law, like for example treaties obligate governments, who have ratified them, to act in certain ways or to refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups.<sup>10</sup> I will apply the following treaties which Namibia and Iceland have ratified: the Convention on the Rights of the Child (CRC) the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) treaties. How these treaties apply to the projects in Namibia and which articles are being applied is the main theme of this thesis. Also how the projects promote the rights included in the treaties and how the projects could do more when it comes to promoting the rights within them. These treaties should apply because

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<sup>9</sup> OHCHR. "Human Rights By Country". [www.ohchr.org](http://www.ohchr.org)

<sup>10</sup> OHCHR "What Are Human Rights". [www.ohchr.org](http://www.ohchr.org)

they are legally binding to both countries and therefore highly relevant in case of co-operation between the two countries. They are a form of human rights laws that both countries are obliged to obey. Constitutions of most of the countries in the world do not specify human rights as precisely as international treaties, what shall be human rights and what not. Therefore we have international treaties on this matter, and therefore I will be applying them to the three projects on women's rights, children's rights and rights of people with disabilities. On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. I will apply some articles of the UDHR but with less importance than the treaties above since it is not legally binding but has a strong moral force. "Moreover, it is arguable that many of the rights enunciated in the Charter are now so widely accepted that they form part of the general principles of law, although they may not have crystallized into customary international law. ...No state can avoid the impact of the impact of the Universal Declaration."<sup>11</sup>

#### ***5.4 The Millennium Development Goals (MDGs)***

The creation of the MDGs is a strategy which was adopted at the United Nations Assembly in September 2000. "The main objective of the MDGs is to ensure that by the year 2015 the number of people suffering from poverty and hunger will be no more than half of what it was in 1990."<sup>12</sup>

"In brief, the eight MDGs aim to: (1) eradicate extreme poverty and hunger; (2) achieve universal primary education; (3) promote gender equality and empower women; (4) reduce child mortality; (5) improve maternal health; (6) combat HIV/AIDS, malaria, and other diseases; (7) ensure environmental sustainability; and (8) develop a global partnership for development."<sup>13</sup>

The aim of improving education and gender equality harmonize with article 10 (on Equality and Freedom from Discrimination) and article 20 (on Education) of the Constitution of the Republic of Namibia.<sup>14</sup> All of these goals harmonize with other laws on human rights

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<sup>11</sup> Rhona K.M. Smith p. 36

<sup>12</sup> ICEIDA. "New Policy and Plan of Operation". [www.iceida.is](http://www.iceida.is)

<sup>13</sup> Philip Alston p. 756

<sup>14</sup> The Constitution of The Republic of Namibia

as well. The difference between the MDGs and International Human Rights Treaties is that the MDGs aim at improving human rights whereas the International Human Rights Laws are supposed to ensure humans the rights. We can look at International Human Rights Laws, as mentioned in the chapter above, as a cargo carried by a sailboat. In this scenario the MDGs is the harbour, and the projects, that will be discussed later, are the wind that will carry the boat towards the MDGs. The harbour is but the first destination. Once the boat reaches it, it must keep on sailing to another one even further away. What is being said here is that the MDGs do not offer a solution. They are only guidelines that might one day become something greater than they are today.

I interviewed Gudmundur Alfredsson, a professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at the University of Lund in Sweden, on this matter. According to Alfredsson MDGs are not laws but they might become customary international laws one day. However even if the MDGs are not laws, they are good guidelines when it comes to HDC-op. Like I said earlier, it is not enough to have a boat and cargo, a harbour, an endpoint, is also needed.

## **6 ICEIDA Social Projects**

There have been a lot of changes in the policies of ICEIDA and other Human Development agencies around the world during the last decades. When ICEIDA first started, their goal was to help countries with their fish industries. Today ICEIDA never starts a job on its own initiative. Whenever ICEIDA starts a new project, the receiving country must first come up with a project and then contact ICEIDA on its own initiative. Then the next step is a co-operation called human development co-operation. So the human development aid has changed to human development co-operation. The second country is no longer a passive receiving country but a party to a co-operation, a partner country. Then when ICEIDA has finished building up a project, the partner country can take over the project on its own and build up development within the country with the help of native people who have had the right kind of training.<sup>15</sup>

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<sup>15</sup> Gunnar Salvarsson, 13 december 2007.

## **6.1 About the social projects**

“ICEIDAs social sector programmes have two main components. The former focuses on providing financial assistance and technical support to local communities in establishing and running non-formal educational projects aimed at uplifting the community. The latter focuses on assisting local municipalities and regional authorities in constructing and running community centres.”<sup>16</sup>

After having read through the annual reports on the socials projects in Namibia and compared them with articles, treaties and general comments about human rights, I have decided to arrange the projects into a few categories along with the appropriate articles, treaties and general comments. The categories are:

1. Projects concerning women
2. Projects concerning children
3. Projects concerning people with disabilities

As can be seen, what these groups have all got in common is that they consist of people who have had to put up with social inequality. Michel believes that in order to have a successful development strategy a few key elements need to be integrated. They include investment in social development, especially education, primary health care and population activities; enhanced participation of all people, particularly women, and the reduction of social inequalities; and good governance and public management, democratic accountability, the protection of human rights and the rule of law.

Of course the three projects discussed below do not fit neatly into only one category although I have done so in order to simplify these complex projects. The women's project has also a lot to do with children's rights because it opened kindergartens in order to encourage more women to participate. The children's project is not really a children's project, but a literacy project which emphasises on children but at the same time there were many adult learners participated also. The project concerning people with disabilities is a project that evolves around deaf and hard of hearing children. What connects all of these projects together is that

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<sup>16</sup> *Nabibia*. ICEIDA. Annual Report 200.5 p. 42

they are all educational projects and their main purpose is to improve the education of different groups of people. Also the groups intersect with one another since the project concerning women also concerns children, the project concerning children also concerns women and men and at last the project concerning people with disabilities concerns children with disabilities. The three chapters below is a simplified form of categorisation. In reality the projects cannot be categorised as they are below because of their intersection with one another. This will be better explained later on.

How do these projects go with human rights law and which laws can be connected to them? And in the end, have they really improved the condition of these three groups?

## **7 Projects concerning women**

ICEIDA is a Human Development organisation that has been operating since the year 1981. Only recently ICEIDA started projects to improve women's condition in Namibia, but it has expanded significantly since 1992. It is important when development co-operation aims at promoting human development that they also have projects that focus on women's development. This is not done because of the believe that women are not humans, but because they have been such a disadvantaged group in Namibia, as I will discuss below. Due to this fact, there is a need for projects that evolve around women in order to raise their condition up to the same level as of men. The condition of women in Namibia is fairly good compared to other African countries but compared to a European country like Iceland it is not especially good. In 1997 the unemployment rate for men in Namibia was 28.6% and 40.4% for women.<sup>17</sup> These numbers tell us that at the time of this project, there was more need for projects concerning women than projects concerning both genders. Later the Lüderitz Literacy Project, discussed below, was open to both men and women as well as children and teenagers.

Women's double burden of work and childcare, as well as financial constraint, will limit women's time and opportunity to seek education. In many countries, tradition and social and cultural stereotypes discourages women from exercising their rights to education. I asked Sjöfn Vilhelmsdottir, a former project manager in Namibia, why there was such a great need for a project evolving only around women, in Namibia. Vilhelmsdottir answered that the

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<sup>17</sup> Herbert Jauch. "The Namibian labour market at a glance". [www.larri.com.na/](http://www.larri.com.na/)

reason why there was need for more educated women in Namibia was not so much because of tradition and social and socio-cultural stereotypes like in many Islamic countries. To understand the reason one must consider the history of Namibia. The Republic of Namibia became independent in 1990. In 1915 South Africa took control of Namibia. Therefore the South African apartheid affected the people of Namibia and their conditions kept getting worse from what it had been before South Africa took control.<sup>18</sup> “At independence illiteracy was recognised as one of the problems that had to be addressed in order to redress some of the inequities which education under apartheid had left behind.”<sup>19</sup> What was happening at the same time as the social projects for women started in Namibia was that a lot of women were moving from the rural areas to the cities. Many of these women had never had the opportunity to go to school and even if they had, the quality of the education was not good. The teachers in these schools were not qualified to teach basic courses like English and maths and therefore these women had none or almost no skills in these areas. This of course applied to the native schoolchildren, not the white. There was and still is a lot of unemployment in the cities since more and more people moved to the cities looking for employment. A lot of these women were single mothers, often to many children. The men had left them and did not feel the responsibility to support them. This problem was not serious until 1990 because before that time there was not freedom of movement. The problem of a high unemployment rate had not been a big problem before the independence since then people were not free to move to the cities as they are today.<sup>20</sup>

In this part of the thesis I will discuss the Help Yourself Project in Walvis Bay, a project that resembles the Lüderitz Literacy Project that I will discuss later. “The women who participate in the Help Yourself Project and the Lüderitz Literacy Project have very similar socio-economic backgrounds.”<sup>21</sup> I will discuss the Help Yourself Project from a women’s rights angle and the Lüderitz Literacy Project from a children’s rights angle. The difference between these two projects is that the Lüderitz Project was open to both men and women and also children and teenagers.

These two projects consisted of participant from the most disadvantaged population of Walvis Bay and Lüderitz. In her MA thesis, Vilhelmsdottir, came to the conclusion that 95 percent of the participants in the Lüderitz Literacy Projects and the Help Yourself Project in Walvis Bay,

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<sup>18</sup> Namibia – smárit ÞSSÍ, nr. 2

<sup>19</sup> M. Allyson Macdonald, “At Home We are Alone and Sad – An Evaluation of social projects in Namibia supported by ICEIDA 1999-2004”. [www.iceida.is](http://www.iceida.is) p. 29

<sup>20</sup> Sjöfn Vilhelmsdottir, 25 march 2008.

<sup>21</sup> Sjöfn Vilhelmsdottir p. 49

were of Owambo ethnicity and had moved to the city from the rural areas of northern Namibia. The remaining 5 percent were women of Damara ethnicity. The target group was single mothers and their ages ranged from 18 to 68 years but most of them were between 25 and 35 years old. 80 percent were single women and a great majority of them were single mothers. Some 42 percent of them lived in tin shacks, 27 percent lived in a single room and shared cooking, bathing and toilet with a number of families and 30 percent lived in single family houses. Usually the participants of the ICEIDA literacy classes were unemployed and had been looking for a job for some time.

All the respondents of Vilhelmsdóttir's survey, which can be found in her MA thesis, answered that they considered education for children and young people very important. They considered it to be the key to their children's future. They believed that education meant employment. Most of the participants said that they helped their children out with their homework, the rest answered that they did not have the appropriate education or knowledge to help out with their homework.

I also asked Vilhelmsdóttir whether they would have been able to offer these projects to the women if it had not been for the kindergartens which they set up for the learners children. She said that it would have been possible, but not as effective. When it comes to working with women in Namibia, we must not separate these two things: women and children. The children are their responsibility and therefore in order to work with the women, the children must also be looked after. It also showed, later on, that these children were better prepared when they started primary school.<sup>22</sup> It is therefore obvious that although it says in article 20 of the Constitution of The Republic of Namibia that "all persons shall have the right to education"<sup>23</sup> it has not been fulfilled. If it had, there would not be need for educational projects for women. It also says in article 26 of the UDHR that everyone has the right to education.<sup>24</sup> Furthermore it says in the second paragraph of article 10 of the Namibian Constitution that "no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status."<sup>25</sup> According to Vilhelmsdóttir the low quality education discussed above only applied to native Namibians of lower class.

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<sup>22</sup> Sjöfn Vilhelmsdóttir , 25 March 2008

<sup>23</sup> The Constitution on The Republic of Namibia

<sup>24</sup> The Universal Declaration of Human Rights

<sup>25</sup> The Constitution on The Republic of Namibia

The social projects started as financial support to a localized adult literacy project in 1993. It then grew into a programme with five main projects.

“The ICEIDAs social sector programmes have two components:

- The first component focuses on providing financial assistance and technical support to local communities in establishing and running non-formal educational projects aimed at uplifting the community.
- The second component focuses on assisting local municipalities and regional authorities in constructing and running community centres. ICEIDA believes that by concentrating on community-based educational projects and community facilities, it is able to reach out to the most disadvantaged group of the population.”<sup>26</sup>

### ***7.1 Training Centre/Help Yourself Project in Walvis Bay 1995 – 2004.***

“ICEIDA projects have contributed to increased literacy among women and the acquisition of functional knowledge in the broadest sense.”<sup>27</sup>

In 2001, the ICEIDA Training Centre/Help Yourself Project in Walvis Bay was donated to the Municipality of Walvis Bay. This project had been constructed by ICEIDA in 1997. This is the only ICEIDA project which evolves only around women. As I explained above a lot of Namibians had not received appropriate education. Therefore this “project’s main objective was to give unemployed women an opportunity to upgrade their education by attending literacy, English and AUPE (adult primary education) classes, and have practical skills training.”<sup>28</sup> The project is not that simple though, since its aim is to combine literacy classes with development education and practical skills. When it comes to practical skills, the project offers activities like for example needlework and cooking classes, business and child-care courses, gender training, and information sessions on health, social issues and human rights.<sup>29</sup> In order to make the education the best possible, the project did not aim at teaching through Icelandic methods, but seized the opportunities that were already in place. The best teaching approach was not decided before the project started. The approach must adjust to the learner’s strength and the learner’s weaknesses. The learners must be approached with care and not

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<sup>26</sup>Namibia. ICEIDA. Annual Report 2004. p. 46

<sup>27</sup> Allyson MacDonald. “At Home We are Alone and Sad – An Evaluation of social projects in Namibia supported by ICEIDA 1999-2004”. [www.iceida.is](http://www.iceida.is) p. 5

<sup>28</sup>Namibia. ICEIDA. Annual Report 2004 p. 46

<sup>29</sup> Namibia. ICEIDA Annual Report 2001 p. 36



lectured like they were children. It can be a delicate issue for the learners, because they are learning the same material as children in primary schools, how to read and write and so on.<sup>30</sup>

The women who participated in the project had access to health and social services free of charge. There were also two NGOs in Walvis Bay that provided social and legal assistance and counselling for free they also provided free legal representation and advice to low-income people, in issues like labour rights, the legal procedure from claiming child support and women's rights within a marriage.<sup>31</sup> These services are not within the ICEIDA projects but they are connected because they are offered to the learners of the project.

### **7.1.1 The Namibian Constitution**

Article 10 of the Namibian Constitution states that everyone shall be equal before the law. By offering education to those women who want it, the project is promoting their skills and pushing them towards equality with men. We could also look at this project as promoting inequality. It says in article 10 that women and men shall be equal, but this project only evolves around women and there is nothing in this project that aims at promoting the right of men. Therefore this article applies to this project but in a way the project also violates the article.

In article 19 it says:

Every person shall be entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the condition that the rights protected by this Article do not impinge upon the rights of others or the national interest.

By using Namibian teaching methods instead of impinging Icelandic methods on the learners and using teaching methods that harmonize with the tradition and culture of the learners, the project promotes the rights preserved in this article.

In article 20 it says that all persons shall have the right to education. That means that single mothers struggling with poverty also have the right to education even though this double burden means they have no time for it. Firstly, by offering this group the classes offered in the project, the project is contributing all it can to make sure that this group has the right to an

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<sup>30</sup> Sjöfn Vilhelmsdóttir, 25 March 2008

<sup>31</sup> Sjöfn Vilhelmsdóttir p. 47.

education. Secondly by offering childcare while the mothers attend classes, ICEIDA goes one step further in doing what it can to make sure that even more women can attend the classes and receive education.

Article 23 prohibits the practice of racial discrimination. Even so, like Vilhelmsdottir said, the group of women who attended the classes consisted only of native women. White children got a good education whereas a great deal of the native children got left behind. Therefore this project is a way for both ICEIDA and the Namibian government to improve the educational level of this group and try to make up for mistakes in the past as a result of apartheid.

### **7.1.2 The Constitution of the Republic of Iceland**

Article 65 is pretty much the same as article 10 of the Namibian Constitution. It says: Men and women shall enjoy equal rights in all respects. Therefore I will not repeat how this article applies to the project.

Article 75 is on freedom to choose an occupation. It is in my view hard for a person to choose occupation if he is not qualified. By improving one's education one has more occupations to choose from. It is therefore in my view that this article applies to this project for as a result of these classes, the learners are better prepared for the labour market.

Article 76 says: "The law shall guarantee for everyone the necessary assistance in case of sickness, invalidity, infirmity by reason of old age, unemployment and similar circumstances." Like Vilhelmsdottir said earlier, this group of women consisted of unemployed women who had moved to the city, and most of them were single mothers. This project is in my view assistance from the government, both the Icelandic and the Namibian. This project aimed at decreasing unemployment among these women and increasing their skills before entering the labour market.

### **7.1.3 International Treaties.**

In the first part I will discuss the how this project goes with some General Comments and General Recommendations of the ICCPR and CEDAW monitoring committees. In the second part I will show which articles of CEDAW apply to this project.

### **7.1.3.1 General Comments and Recommendations.**

This project goes in harmony with General Comment no. 28 of the Human Rights Committee: Equality of rights between men and women (article 3 of the ICCPR). In paragraph 5 of the General Comment it says for example that: “States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights.”<sup>32</sup> The fact that the learners of the project (the women) did not receive appropriate education as children is a consequence of tradition and history in Namibia until 1990. Like it says in the General Comment, States cannot use the excuses that the education they received was less than the education of wealthier and white children. Therefore this project is, in my view, a way for the Namibian government in co-operation with the Icelandic to make up for the disadvantageous situation of people, in this case women, who had not received appropriate education. “The overall objective of ICEIDAs cooperation with Namibia on social projects has been to uplift and empower disadvantaged communities through training, educational and recreational programmes through increasing literacy and English literacy rates among women in Namibia.”<sup>33</sup> Through the project in Walvis Bay, ICEIDA has made sure that, the women of Namibia will not be left out when it comes to development cooperation. To increase the number of participants they even included the children and started a kindergarten for the children of these women.

In 2004 there were some new workshops introduced to the women of the project. A Legal Literacy Workshop was offered in May and in June a Tendering Procedure and Legislation Workshop were presented as well as two Anti-Corruption workshops. At the same time HIV/AIDS awareness sessions and peer educator training commenced. People with HIV/AIDS have for a long time been victims of discrimination. Raising awareness of the disease improves peoples knowledge about their rights and about the disease itself and can therefore reduce prejudice. General Recommendation no. 24 of the CEDAW committee (which Iceland and Namibia are parties to) says:

The Committee on the Elimination of Discrimination against Women, affirming that access to health care, including reproductive health, is a basic right under the Convention on the Elimination of All Forms of Discrimination against Women,

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<sup>32</sup> CCPR General Comment no. 28

<sup>33</sup> Alyson MacDonald. “At Home We are Alone and Sad – An Evaluation of social projects in Namibia supported by ICEIDA 1999-2004”. [www.iceida.is](http://www.iceida.is) p. 5

decided at its twentieth session, pursuant to article 21, to elaborate a general recommendation on article 12 of the convention.<sup>34</sup>

Raising awareness of diseases, especially AIDS/HIV, is a big step when it comes to the right to healthcare. How else can people else receive healthcare if they do not know that they are ill. As can be seen in the Recommendation above, receiving information on a public health problem like HIV/AIDS is, in order to prevent its spreading, is a right that humans are entitled to according to human rights laws. Therefore receiving useful information that make people more aware of the danger of contagion and offer ways to prevent that to happen is a human right.

### **7.1.3.2 CEDAW**

“On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.”<sup>35</sup>

Like I said in the chapter on the Constitution of the Republic of Namibia, we can also look at this project as encouraging inequality since it is only open to women and not men. But it does not violate article 10 of the Constitution of the Republic of Namibia nor article 65 of the Constitution of the Republic of Iceland if we interpret in light of article 4.1 of CEDAW: “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.” Since this project was only a contemporary project aimed at promoting inequality between men and women, it is allowed and very much appropriate according to this article.

I explained earlier how the learners could get legal assistance and counselling free of charge from two NGOs in the area. These NGOs are not in anyway related to ICEIDA but still I want

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<sup>34</sup> CEDAW. General Recommendation 24.

<sup>35</sup> Convention on the Elimination of All Forms of Discrimination Against Women

to include them here on the basis that the learners of this project have access to them. It said earlier that low-income people could get advice and free legal representation in legal procedure claiming child support. In article 5.b. it says: “To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.” This kind of legal assistance was also offered in the Lüderitz Project to an even greater extent, and therefore I will explain in more details in the following chapters how this article applies.

In article 10, there are three paragraphs that apply to this project. Paragraphs e, f, and h. These articles all concern women’s education and the importance of programmes for girls and women who have dropped out of school or not had a proper education. Therefore this project does promote these 3 articles.

Like I said in the beginning of the chapter, the learners were all unemployed women and most of them had been looking for a job for a long time. Article 11, paragraph 1, says that States should take necessary actions to eliminate discrimination against women in the field of employment. Like I said earlier, the unemployment rate was higher for women than that of men. This project only aimed at promoting women’s right to work, but as I showed earlier, there was greater need for women than for men.

### **7.1.3.3 ICCPR**

The learners were a group of people (women) who already had the right to education according to Namibian law but for some reason or another had not enjoyed their right as they should. In article 19 paragraph 2 it says that everyone has the right to seek, receive and impart information and ideas of all kinds and so on. This project promotes the right set forth in this article, because it ensures that even though people have not enjoyed the right to education according to national law, they still have the right to impart information of their own choice later on.

### **7.1.3.4 ICESCR**

Article 13 is a list of how states are responsible for the right of everyone to education. This project promotes a lot of rights that this article sets forth but mostly it promotes the right set

forth in article 13.2.d. where it says: Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education. This project encouraged women who had not completed the whole period of their primary education to become learners again and finished what they had once started but never completely finished. Like I said, this project promotes article 13 but in particular article 13.2.d.

#### **7.1.4 The MDGs**

The third MDG applies to this project: to promote gender equality and empowers women. This project does not only promote gender equality by educating women but also does this project empowers women in many other ways, as stated above as stated above.

Although raising awareness of HIV/AIDS and other diseases does not cure them it is still a part in the process of combating them. Therefore I would like to apply MDG number 6 where it says: combat HIV/AIDS, malaria, and other diseases.

#### **7.2 Conclusion**

As I said in the beginning of this chapter, the learners of this project were unemployed women who had been looking for a job for some time. In her MA thesis, Vilhelmsdottir found out that “in the cohort of former learners, about 40% are formally employed, 30% are involved in some kind of economic activity in the informal sector, and the remaining 30 are neither.”<sup>36</sup> Vilhelmsdottir wrote this in 1999, so a lot might have changed since then. But even so, this project started in 1992 so this not bad considering that the project had only been run for seven years at that time. So at this time 40% were formally employed but all of them were better prepared for taking a job which they have the right to if we look at the articles above on the base of equality. But even if none of them would be employed, at least they would all have the education they never received but always were entitled to according to many articles above.

My conclusion is therefore that this project does promote the right to education and also the right to equality of men and women because with an education, women are better prepared to compete against men in the labour field. Of course it could do a lot better, but like I said in the beginning, there is only so much a country like Iceland can do to improve human rights in

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<sup>36</sup> Vilhelmsdottir p. 50

Namibia: it is really in the hands of Namibia. Also we need to bear in mind that the 40% is only a percentage of the participants, not of all women in Namibia. But even if the projects are minor they might most certainly spread. Even if 40% of women are still unemployed (or at least were in 1997) they are able to teach their own children how to read and write and are much better prepared to help them with their homework.

So in the end this project promotes the right to education and therefore the right to expression (as explained above) and the right to equality but at the same time it aims at promoting many other human rights, as seen above. But of course not all goals can be reached at ones so it is good to aim at many goals so that maybe some could be reached.

## **8 Projects Concerning Children**

The Lüderitz and Walvis Bay projects share a lot of similarities. In order to make this thesis more diverse, the evaluation on the Lüderitz project below will only concentrate on children's rights, since I have already discussed women's rights above.

### **8.1 The Lüderitz Literacy Project**

The reason for why this project was founded was that another literacy program was shutdown and the "attendance numbers of that project showed that there was a substantial need for this kind of education program for the most disadvantaged population of Lüderitz."<sup>37</sup> The group consisted of children, out of school youngsters and unemployed women in the Benguela suburb of Lüderitz. The founders of the former project turned to ICEIDA for financial support and ICEIDA agreed. In 1995 the role changed and ICEIDA started implementing it too.

The main objective of this project was "to empower these groups by giving them the opportunity to attend pre-primary, literacy, English and AUPE (adult primary education). The project's literacy, English and AUPE classes were conducted in co-operation with the Ministry of Basic Education and Culture, which provided teaching material and issues certificates to learners who completed their studies."<sup>38</sup> It aimed at promoting the participants awareness about topics and issues like hygiene, nutrition, health care, family planning, gender

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<sup>37</sup> Vilhelmsdottir p. 41

<sup>38</sup> *Namibia*. ICEIDA Annual Report 2001. p 33

issues, children's rights and crime. The learners could also receive assistance with filing legal claim for child maintenance and applying for birth certificates and identity documents.

In the year 2001, there were around 120 participants of this project. The biggest group was children in the pre-primary school and out-of-school youth programme consisting of around 90 components. During the same year, it was agreed that the project would become independent from ICEIDA in 2002.

In 2004 classes like: sewing, legal literacy, HIV/AIDS and home-based care workshop, language training in Afrikaans, German and Oshiwambo (the language of the Owambo tribe) were offered.

In order to avoid repeating myself, I will only compare laws and treaties on children rights with this project since I have already compared laws and treaties on women's rights with the project above.

### **8.1.1 The Namibian Constitution**

In article 15 paragraph 1 it says:

“Children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents.”

Like it says above, learners could receive assistance of applying for birth certificates and identity documents. Without a birth certificate and identity documents the child has no proof of his/her name and no proof of his/her nationality. Therefore the article above applies to the project.

Article 19 applies in the way that the Lüderitz project offered language training in English, Afrikaans, German and Oshiwambo (the language of the Owambo tribe). The participants of both the Lüderitz and the Help Yourself literacy project were 95 percent of Owambo ethnicity. Therefore the project leaders make an effort in preserving their native language by offering classes taught in Oshiwambo.

According to article 20, all children in Namibia have the right to education and primary education is compulsory. Nevertheless, for some reason the children who attended the Lüderitz literacy project had dropped out of school or did not attend school for some other reason. In paragraph 3 it says: “Children shall not be allowed to leave school until they have



completed their primary education or have attained the age of sixteen (16) years.” Still there was a group of children who had left school before the age of 16. By offering this group the education they had missed out, the government made an effort to make it up to this group what they had missed out according to paragraph 3.

### **8.1.2 The Icelandic Constitution**

The main difference between the Lüderitz project and the Help yourself project in Walvis Bay is that the former is open to men, women and children but the latter only to women and their children. Therefore in my opinion, this project does not violate article 65 on equality like the latter project does in a way. But even though the latter project might appear to violate article 65 on gender equality it has the permission to do so according article 4.1 of CEDAW as detailed above.

Article 76 applies since this project offered assistance by the Namibian and the Icelandic government to the learners who otherwise might not have received education.

### **8.1.3 International Treaties**

To this project I will apply the Convention on the Rights of the Child, which both Namibia and Iceland have ratified.

Article 13; paragraph one, deals with the freedom of expression. The article also says that the right shall include freedom to seek, receive and impart information and ideas of all kinds. Before this project, the learners were out-of-school and did not receive information in the form of education that they are entitled to according to the Constitution of the Republic of Namibia. Education is all about seeking, receiving and imparting information, therefore it is obvious that this project promotes the right included in article 13. Education by itself is also very important in order to be able to express yourself. How can people express themselves in the written language or English and German if they do not know how? Therefore the right to education is very closely connected to the right to freedom of expression.

Article 18, paragraph one says: “States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.” Like I said earlier, most of the women who attended the literacy classes were single mother who did not receive any assistance from the children’s father or even fathers. By offering mothers legal counselling when it comes to filing for children’s

maintenance the project is promoting the children's rights to common responsibility of his or her parents. Even though maintenance is not all that a child needs from the father, this article makes them take some responsibility although many might say that it is not enough. There is only so much the law can do in making parents get involved with their children's upbringing. Paragraph two of the same article goes further and says: "For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children." The Lüderitz literacy project offered mothers legal counselling and assistance to fill out forms concerning the rights of their children. This project also aimed at promoting literacy and raising the educational standard among the mothers, fathers and the children. (There were not many men, who attended the classes that this project offered, but all the classes of the Lüderitz project were open to both men and women, but the Walvis Bay project discussed above was only open to women.) A child who has parents that can help out with their homework is better off than a child that gets no assistance from his or her parents. It is not a human right to have parents that can read, but according to the MDGs HDG-op should increase literacy, and children with literate parents is more likely to succeed when it comes to learning how to read and write. The project also aimed at promoting the participants awareness about topics and issues like hygiene, nutrition, health care, family planning, gender issues, children's rights and crime. These are all topics that concern parenthood. Therefore article 18.2 also applies to this project.

"In the early 1998, between forty and fifty children were attending the day-care and pre-primary school."<sup>39</sup> As mentioned above, Vilhelmsdottir explained that without providing day-care for the learners children, the program would not have been as effective. She also said that when it comes to working with women in Namibia, we must not separate these two things: women and children. Because children are a big part of women's lives and therefore children must be taken into account when it comes to working with women. In paragraph 3 of article 18, it says: "States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible." If we look at education as work and the day-care as child-care, which I do, this article applies because the program offered day-care for the learner's children so the learners could concentrate on the education and the children could be safe. Then article 11.2.c. of

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<sup>39</sup> Vilhelmsdottir p 43

CEDAW also applies because it says that: To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities. To offer parents day-care for their children whilst they are studying, is necessary support that enables parents to combine family obligations with their own education which later might get the parents into the labour market.

Article 17.1 says: “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.” The out-of-school children had, for some reason or another, dropped-out-of-school. Education is important when it comes to the child’s development, whether it is social, spiritual, physical etc. The state, Namibia was supposed to recognize the children’s right to education, but somehow or another did not succeed with a certain group. This project offered them to gain the standard of living they were entitled to according to the Constitution of the Republic of Namibia as well as international treaties. Therefore this article applies to the project.

Article 28 on education is pretty much the same as article 20 of the Constitution of the Republic of Namibia; therefore I will not repeat how this article relates to the project.

Article 30 applies to the project in the same way as article 19 of the Constitution of the Republic of Namibia. Like for example: Article 17.1 “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.”

#### **8.1.4 The MDGs**

Since I only wanted to compare this project with the rights of the child, since I had already discussed women’s rights earlier, this project can be considered in the light of the second MDG: to achieve universal primary education. The biggest group of the learners were children who were supposed to receive education but did not. We can look at this project as a safety net. Children, who had dropped out of school, could feel at home in this project because they were one of the targets of the project. They would not feel left out because they had missed so much out of school, because the others had done so as well.

## **8.2 Conclusion**

This project did improve women's and men's rights (because this project was open to men and women as well as children) in the same way as the project above. I will not repeat how this project improved the condition of the grown-up learners of this project. When the children and teenagers of this project finish their education they will have finished an educational level they are entitled to according to law. They will therefore be better able to enjoy the freedom of expression, since as I explained above, education is important when it comes to freedom of expression. The project itself promotes many human rights that the articles above embrace, but when the project is finished it will have left the children only with two. They are better educated and better prepared to express themselves. The other articles above are only on how the government should act when it comes to human rights, they are not something that humans can receive for good but are only temporary. For example article 17.1 of CRC: "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." This project can improve the children's standard of living while they are in the project, but in the end it is up to the children themselves whether or not their standard of living is improved or not. But education and expression is something that nobody can take away from them. Education is something that is just impossible to take from someone and expression is something that humans are entitled to according to law.

## 9 Projects concerning people with disabilities

“The Covenant (ICCPR) does not refer explicitly to persons with disabilities. Nevertheless, the Universal Declaration of Human Rights recognizes that all human beings are born free and equal in dignity and rights and, since the Covenant's provisions apply fully to all members of society, persons with disabilities are clearly entitled to the full range of rights recognized in the Covenant.”<sup>40</sup>

Although there is no internationally accepted definition of the term “disability”, I will use the definition provided in general comment no. 5 of ICCPR Human Rights Committee: "The term 'disability' summarizes a great number of different functional limitations occurring in any population ... People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature".<sup>41</sup> Being deaf and hard of hearing is a permanent medical condition and restricts those from having the same opportunities in life as those who hear well. Therefore I have decided to connect the ICEIDA project concerning the deaf and hard of hearing with the rights of people with disabilities as well as other human rights that apply. General comment no 5 of ICCPR uses the phrase “people with disabilities” rather than disabled people, because the latter might be misinterpreted to imply that the ability of the individual to function as a person has been disabled.

Like I said in the beginning, these projects all intervene with one another. This project concerns children that are deaf or hard of hearing. Therefore children rights are should also apply here. But since the project above already discusses children’s rights I will not repeat myself. But by baring the project above in mind we can se how the articles above also apply to this project.

### 9.1 Education of Deaf and Hard of Hearing Children

“Both de jure and de facto discrimination against persons with disabilities have a long history and take various forms. They range from invidious discrimination, such as the

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<sup>40</sup> ICCPR. General Comment no 5

<sup>41</sup> ICCPR. General Comment no 5

denial of educational opportunities, to more "subtle" forms of discrimination such as segregation and isolation achieved through the imposition of physical and social barriers.”<sup>42</sup>

The social projects in Namibia keep getting bigger. In 2005, ICEIDA received a request from the Namibian government to assist with the biggest project yet, education of disabled children. Johanna Þorvaldsdóttir made an enquiry about the condition of the deaf and hard of hearing. Her conclusion was that their condition was very poor and that this was a project worth making. ICEIDA therefore made an agreement to assist the Namibian government with the education of the deaf and hard of hearing until the year 2010.

I interviewed Valgerdur Stefánsdóttir, head of the Icelandic Communication Centre for the Deaf and Hard of Hearing (SHH) and asked her why there was such a need for an educational project for deaf and hard of hearing children if they already have the right to education according to article 20 of the Namibian constitution. She answered yes; deaf and hard of hearing children have the right to education in Namibia. There are two schools for the deaf and hard of hearing in Namibia. One of them was established around 1950 and the other one around 1990. But according to reports and census in Namibia from 2002 there are allegedly 9000 deaf and hard of hearing children in Namibia below the age of 16, but only approximately 400 are receiving education in schools. The UN “has estimated that there are more than 500 million persons with disabilities in the world today. Of that number, 80% live in rural areas in developing countries. 70% of the total is estimated to have either limited or no access to the services they need.”<sup>43</sup> So the condition was very poor in Namibia but it is obvious that there is need for changes in most of the developing countries according to the UN. The Namibian government also want to open up the other public schools for children with disabilities sort of like a school without discrimination. But this can be quite inconvenient for deaf and hard of hearing children, according to Stefánsdóttir, because then they are likely to become isolated instead of included. In her report, Þorvaldsdóttir came to the conclusion that the condition of the two groups of deaf and hard of hearing students, was like the condition of the same group in Iceland thirty years ago. She also came to the conclusion that even though the children used sign language a lot between themselves, the teachers were not as good at it. Therefore the children did not get as much out of their education as they could if they understood the teachers correctly and vice versa. Their

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<sup>42</sup> ICCPR. General Comment no. 5. Persons with disabilities.

<sup>43</sup> ICCPR. General comment no. 5

learning material was also poor. Therefore the main aim of the project has been to build up respect for the deaf and hard of hearing as well as respect for the Namibian Sign Language (NSL). The project also aims at educating deaf and hard of hearing individuals to become teachers, especially sign language teachers, as well as improve the knowledge of the existing teachers. So the project mostly involves improving what is already happening in the schools. But the project has expanded. Now there are deaf students heading for universities in Namibia and when they do, they should receive assistance from a trained NSL interpreter. Also there are a few students doing their final years in high schools. In the end this projects aims at making the deaf and hard of hearing better participants in the Namibian community.

### **9.1.1 The Namibian Constitution**

Improving the education of the deaf and hard of hearing is a significant part in improving their equality later in life because then they can better participate in the society through for example work. Equality plays a big role in education because in order for humans to be equal children need an equal starting point when they become adult participant in the society. By offering everyone the equal right to education, everyone gets (or at least should) a similar starting point when they head out for the labour market when they graduate from high school. Education is important in order to express yourself in the written language as well as the spoken language and in this case the NSL. If we want to aim at equality of all human kind, we need to give everyone the education they best deserve. Of course not everyone wants to get further education. But everyone should have the right to choose whether or not they will if they demonstrate ability. It shows great progress that now deaf and hard of hearing students are aiming towards studying at university level in Namibia where they will receive the assistance of trained NSL translators.

In article 20 it says that every child has the right to education. The two schools I mentioned above were already practising when ICEIDA came into the picture, but in paragraph two of the same article it says (my emphasis added to the underlined words): Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge. What ICEIDA has done in association with the Namibian government is to improve the facilities at the schools and improving the two State schools for the deaf and hard of hearing already existing.

Article 21 on freedom of expression applies to this project in the same way as article 19 of the UDHR does. Therefore I will not add anything more on this matter.

Although there is only one white student at the schools for the deaf and hard of hearing, which Stefansdottir knows of, the education is open to everyone who is deaf and hard of hearing no matter what their status or colour is. Later on she hopes that they will be able to start education for future sign language teachers at the universities in Namibia and improve the condition of the deaf and hard of hearing even more. In article 23 it says that the practise of racial discrimination and ideology of apartheid is prohibited. Like I explained above, this amendment is important for Namibia which suffered from the apartheid under South African rule.

### **9.1.2 The Constitution of the Republic of Iceland**

Article 65 is pretty much like article 10 of the Namibian Constitution, therefore I will not add anything more on how these two articles apply to this project.

Article 73 on freedom of expression applies to this project in the same way as article 19 of the UDHR and article 21 of the Namibian Constitution. Therefore I will not add anything else on this matter.

Article 75 on freedom to choose occupation applies to this project, because like Stefansdottir said, in the end this project is all about making the children better prepared for the labour market. Making them better prepared for the labour market makes them better prepared to choose from a wider range of occupation.

Article 76 on necessary assistance by the government applies to this project. By improving the education of the deaf and hard of hearing, the Icelandic Government (ICEIDA) and the Namibian Government are providing assistance to this group to improve their education and pulling their education up towards the same level as the education of other children.

### **9.1.3 International Treaties**

#### **9.1.3.1 ICCPR**

As mentioned above the Icelandic Communication Centre for the Deaf and Hard of Hearing (Samkiptamiðstöð heyrnarlausra og heyrnarskertra, SHH) agreed to provide expertise for this



project. “In 2006, Icelandic teachers from SHH visited Namibia twice, firstly to train Namibian teachers in using equipment and software provided by ICEIDA and SHH in their teaching, and, secondly, to improve the skills of the teachers in using Sign Language as a teaching tool.”<sup>44</sup> In paragraph 2 of article 19 of the ICCPR, which both Namibia and Iceland are parties to, it says:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

It is therefore the right of the deaf and hard of hearing to be able to communicate with others and express themselves. While there is no one who understands them properly, not even the teachers according to Stefansdottir, they are not able to express themselves and communicate freely the way they have the right to according to law. The project aims to educate sign language teachers who can teach teachers at the deaf schools Namibian Sign Language (NSL) and teach parents of the deaf NSL so their children will acquire language, they can raise them and communicate with them. At the same time as the project aims at educating NSL interpreters, deaf children and hard of hearing are getting a better chance at participating in the community and seeking further education. The better education they will get, the better opportunities they have at getting to college and getting better jobs. And like Stefansdottir said, in the end the project is all about the students being able to get appropriate jobs and be better participants in the society. In article 23.1 of the UDHR it says: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” It also says in article 21.2 of the same declaration that everyone has the right of equal access to public service in his country. Public education is public service and through this project ICEIDA is proving once again their diversity in projects and how their projects aim at improving the conditions of a diverse group of the Namibian society.

This project is supposed to improve the education of the deaf and hard of hearing and bring their education to the same level as the education of other children in Namibia. It is their right, as stated in article 26 of the ICCPR to receive the same education as other children.

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<sup>44</sup> *Namibia*. ICEIDA Annual Report 2006. p. 25

### **9.1.3.2 ICESCR**

Article 13.2.c. says: “Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.” By offering deaf and hard of hearing children education which specifically aims at their needs, their education is made more accessible to them. Like Stefansdottir said earlier, it can be quite inconvenient for deaf and hard of hearing children to be in schools without separation because then they are likely to become isolated instead of included. Therefore this project promotes the right set forth in article 13.2.c.

### **9.1.4 The MDGs**

The second of eight MDGs is, as stated above, to achieve universal primary education. Through this project, ICEIDA has been improving the education of the deaf and hard of hearing and through the project; aim at bringing better education to more children in that group. As stated above there are far too many deaf and hard of hearing children who do not receive primary education. Although this project is far too small to be able to achieve the goal of bringing all these children to school, at least it is a start. But I cannot say that it is connected to any of the MDGs in any other ways.

## **9.2 Conclusion**

Like in the other projects, there are a lot of articles on human rights that apply to this project, but in the end there are only few human rights that are being promoted according to the laws above. The right to freedom of expression is by far most the right that plays the biggest role in this project. By not only improving the education of the children but also the training of NSL interpreters, and raising awareness and respect for the NSL their freedom of expression is being promoted. In the future there will be more trained NSL translators (if everything works out) and Stefansdottir even said that she was hoping that in the future there would be courses at university level that teach future NSL interpreters. The project therefore also promotes the right embraced in article 13.2.c of ICESCR on the right of equal access to higher education. But since there is no information on whether or not deaf and hard of hearing students have been accepted by the universities yet, we cannot know. This project is fairly new and therefore it is impossible to say what the outcome is, these are mostly just my predictions.

These children were already in school before this project started so the project does not really promote that right. But it does improve their right to education since the project aims at improving their education in itself. We don't know yet either whether this project has helped anyone to get work, but it should make the students better prepared when that time comes.

Therefore it is my conclusion that for the time being, this project only promotes the right to education and the right to freedom of expression according to the laws and treaties above. But the project aims at promoting so many rights, it is just too early right now to say, maybe in 10 years this project has accomplished to promote other rights as well. This project is in my opinion the most ambiguous and it looks like it can accomplish all that it aims for in the near future.

## 10 Final Conclusion

When I first started with this thesis, I thought that my conclusion would be a very complicated one. But as can be seen in the 3 conclusions above, there are only three human rights that are being promoted. All the project have, according to my research, promoted the participants right to education and the right to freedom of expression which are essential rights that can be found in both the constitution of Namibia and Iceland as well as in many different international treaties and of course the MDGs. The project concerned with women's rights, the Help Yourself Project, did in my opinion also promote the equality of men and women, a right that also many articles mentioned above embrace. But like I said earlier these projects do not promote these rights in the whole of Namibia, they only promote the rights of the participants and therefore only improve their condition, not anyone else's. But like I said earlier education can spread out and most commonly from mothers to children.

My final conclusion is therefore that ICEIDA is doing a good job in Namibia, it is small but good. Also there is only so much a small agency in Iceland can do when it comes to promoting human rights. The rights that these projects definitely promote are: the right to education, the right to freedom of expression and the right to equality of men and women.

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## **Appendix I**

The Constitution of the Republic of Iceland. No. 33, 17 June 1944, as later amended.  
Chapter VII, articles that were consulted in this thesis.

### **Article 65**

Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status.

Men and women shall enjoy equal rights in all respects.

### **Article 73**

Everyone has the right to freedom of opinion and belief.

Everyone shall be free to express his thoughts, but shall also be liable to answer for them in court. The law may never provide for censorship or other similar limitations to freedom of expression.

Freedom of expression may only be restricted by law in the interests of public order or the security of the State, for the protection of health or morals, or for the protection of the rights or reputation of others, if such restrictions are deemed necessary and in agreement with democratic traditions.

### **Article 75**

Everyone is free to pursue the occupation of his choosing. This right may however be restricted by law, if such restriction is required with regard to the public interest.

The right of people to negotiate terms of employment and other labour-related matters shall be regulated by law.

### **Article 76**

The law shall guarantee for everyone the necessary assistance in case of sickness, invalidity, infirmity by reason of old age, unemployment and similar circumstances.

The law shall guarantee for everyone suitable general education and tuition.

For children, the law shall guarantee the protection and care which is necessary for their well-being.

## **Appendix II**

Constitution of the Republic of Namibia. Adopted in 1992, amended 1998. Chapter III, articles that were consulted in this thesis.

### **Article 10 – Equality of Freedom from Discrimination**

- (1) All Persons shall be equal before the law.
- (2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social economic status.

### **Article 15 – Children's Rights**

- (1) Children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared by their parents.
- (2) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health of physical, mental, spiritual, moral or social development. For the purposes of this SubArticle children shall be persons under the age of sixteen (16) years.
- (3) No children under the age of fourteen (14) shall be employed to work in any factory or mine, save under conditions and circumstances regulated by Act of Parliament. Nothing in this Sub-Article shall be construed as derogating any way from Sub-Article (2) hereof.
- (4) Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of any employee to work for on in the interest of the employer of such employee, shall for the purposes of Article 9 hereof be deemed to constitute an arrangement or scheme to compel the performance of forced labour.

- (5) No law authorising preventive detention shall permit children under the age of sixteen (16) years to be detained.

#### Article 19 – Culture

Every person shall be entitled to enjoy, practise profess, maintain and promote any culture, language tradition or religion subject to the terms of this Constitution and further subject to the constitution and the rights protected by this Article do not impinge upon the rights of other or the national interest.

#### Article 20 – Education

- (1) All persons shall have the right to education.
- (2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.
- (3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.
- (4) All persons shall have the right, at their own expense, to establish and to maintain private schools or colleges or other institutions of tertiary education: provided that:
  - a. Such schools, colleges or institutions of tertiary education are registered with a Government department in accordance with any law authorising and regulating such registration;
  - b. The standards maintained by such schools, colleges or institutions of tertiary education are not inferior to the standards maintained in comparable schools, colleges or institutions of tertiary education funded by the State;
  - c. No restrictions of whatever nature are imposed with respect to the admission of pupils based on race, colour or creed;
  - d. No restrictions of whatever nature are imposed with respect to the recruitment of staff based on race or colour.

#### Article 21 – Fundamental Freedoms

- (1) All persons shall have the right to:

- a. Freedom of speech and expression, which shall include freedom of the press and other media;
- b. Freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning;
- c. Freedom to practise any religion and to manifest such practice;
- d. Assemble peaceable and without arms;
- e. Freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties;
- f. Withhold their labour without being exposed to criminal penalties;
- g. Move freely throughout Namibia;
- h. Reside and settle in any part of Namibia;
- i. Leave and return to Namibia;
- j. Practise any profession, or carry on any occupation, trade or business.

(2) The fundamental freedoms referred to in Sub-Article (1) hereof shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the society and are required in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to offence.

#### Article 23 – Apartheid and Affirmative Action

- (1) The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by Act of Parliament such practices, and the propagation of such practices, may be rendered criminally punishable by the ordinary Courts by means of such punishment as Parliament deems necessary for the purposes of expressing the revulsion of the Namibian people at such practice
- (2) Nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving

a balanced structuring of the public service, the police force, the defence force, and the prison service.

- (3) In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.