

Namibia

Act No. 11, 2007 LABOUR ACT, 2007

3. Prohibition and restriction of child labour

- (1) A person must not employ or require or permit a child to work in any circumstances prohibited in terms of this section.
- (2) A person must not employ a child under the age of 14 years. No. 3971 Government Gazette 31 December 2007 13
- (3) In respect of a child who is at least aged 14, but under the age of 16 years, a person -
 - (a) must not employ that child in any circumstances contemplated in Article 15(2) of the Namibian Constitution;
 - (b) must not employ that child in any circumstances in respect of which the Minister, in terms of subsection (5)(a), has prohibited the employment of such children;
 - (c) must not employ that child in respect of any work between the hours of 20h00 and 07h00; or
 - (d) except to the extent that the Minister by regulation in terms of subsection (5)(b) permits, must not employ that child, on any premises where -
 - (i) work is done underground or in a mine;
 - (ii) construction or demolition takes place;
 - (iii) goods are manufactured;
 - (iv) electricity is generated, transformed or distributed;
 - (v) machinery is installed or dismantled; or
 - (vi) any work-related activities take place that may place the child's health, safety, or physical, mental, spiritual, moral or social development at risk.
- (4) In respect of a child who is at least aged 16 but under the age of 18 years, a person may not employ that child in any of the circumstances set out in subsection (3)(c) or (d), unless the Minister has permitted such employment by regulation in terms of subsection (5)(c).
- (5) The Minister may make regulations to -
 - (a) prohibit the employment of children between the ages of 14 and 16 at any place or in respect of any work;
 - (b) permit the employment of children between the ages of 14 and 16 in circumstances contemplated in subsection (3)(d), subject to any conditions or restrictions that may be contained in those regulations;
 - (c) permit the employment of children between the ages of 16 and 18 in circumstances contemplated in subsections (3)(c) or (d), subject to any conditions or restrictions that may be contained in those regulations.
- (6) It is an offence for any person to employ, or require or permit, a child to work in any circumstances prohibited under this section and a person who is convicted of the offence is liable to a fine not exceeding N\$20 000, or to imprisonment for a period not exceeding four years, or to both the fine and imprisonment. 14 Government Gazette 31 December 2007 No. 3971

4. Prohibition of forced labour

(1) A person must not directly or indirectly cause, permit or require any individual to perform forced labour.

(2) Forced labour does not include any labour described in Article 9(3)(a) to (e) of the Namibian Constitution and, for the purposes of this Act, “forced labour” includes -

(a) any work or service performed or rendered involuntarily by an individual under threat of any penalty, punishment or other harm to be imposed or inflicted on or caused to that individual by any other individual, if the first mentioned individual does not perform the work or render the service;

(b) any work, performed by an employee’s child who is under the age of 18 years, if the work is performed in terms of an arrangement or scheme in any undertaking between the employer and the employee;

(c) any work performed by any individual because that individual is for any reason subject to the control, supervision or jurisdiction of a traditional leader in that leader’s capacity as traditional leader.

(3) It is an offence for any person to directly or indirectly, cause, permit or require an individual to perform forced labour prohibited under this section and a person who is convicted of the offence is liable to a fine not exceeding N\$20 000, or to imprisonment for a period not exceeding four years or to both the fine and imprisonment.

NAMIBIA

PREVENTION OF ORGANISED CRIME ACT 29 OF 2004

[ASSENTED TO 19 DECEMBER 2004] [DATE OF COMMENCEMENT: TO BE PROCLAIMED]

CHAPTER 1 PRELIMINARY (s 1)

1. Definitions and interpretation

(1) In this Act, unless the context otherwise indicates-

...

"trafficking in persons" means the recruitment, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation and includes any attempt, participation or organising of any of these actions. Exploitation includes, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; and

PART 2 OTHER OFFENCES

15. Trafficking in persons

Any person who participates in or who aids and abets the trafficking in persons, as contemplated in Annex II of the Convention, in Namibia or across the border to and from foreign countries commits an offence and is liable to a fine not exceeding N \$1 000 000 or to imprisonment for a period not exceeding 50 years.