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# Exploring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in Namibia. Perspectives of policymakers and implementers

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## ABSTRACT

**Introduction:** Namibia signed the UNCRPD in 2007 without any reservation. The country uses a monist system prescribed in its constitution. Therefore, the UNCRPD became part of the national binding document related to disability. This paper explores the perspectives of disability stakeholders on the implementation of the UNCRPD in Namibia.

**Methods:** An exploratory qualitative study using in-depth interviews was conducted in Omusati and Khomas regions, Namibia. Key stakeholders in disability policy formulation and implementation were included in the study. Policymakers (n=4), implementers (n=7) and representatives from Non-Government Organisations (n=3) were recruited via purposive sampling. Data were thematically analysed.

**Results:** The findings revealed evidence of fundamental national disability rights-enabling strategies. These include disability rights-enabling environment, national disability policy and legislative framework, and disability rights enforcement strategies. However, there are setbacks in implementing the UNCRPD in Namibia, such as the challenges created due to insufficient collaborative and technical capacity, limited aggregated disability data and lack of expertise and experience to apply UNCRPD concepts to advance disability rights.

**Conclusion:** The disability sector may utilise policy and legislative framework and disability rights enforcement strategies to develop an Integrated National Disability Strategy to support occupational freedom and justice for persons with disabilities.

**Keywords:** united nations, legislative framework, non-governmental organisations, disability rights, occupational freedom, technical capacity

## BACKGROUND

The United Nations General Assembly adopted the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 13 December 2006<sup>1</sup>. The UNCRPD provides the necessary legal and constitutional support to ensure the rights and privileges of persons with disabilities<sup>2</sup>. Article 33

of the UNCRPD outlines the National implementation and monitoring strategy for all States Parties (countries that have ratified or acceded to the UNCRPD), which includes the designation of a focal point within government to co-ordinate matters relating to the implementation of the UNCRPD and co-ordination and implementation mechanisms<sup>2</sup>. In

addition, article 33 suggests that the State Parties should establish legal and administrative frameworks to monitor the implementation of the UNCRPD and to involve civil societies, persons with disabilities and their representative organisations in the implementation and monitoring process.

The estimated population of persons with disabilities in Namibia has increased from 42,932 in 1991 to 85,567 in 2001 and 98,413 in 2011<sup>3</sup>. Therefore, the prevalence of persons with disabilities in Namibia is 4.7% and the higher proportion of persons with disabilities live in rural areas<sup>3</sup>. Prior to the ratification of the UNCRPD, the 1990 Namibian Constitution explicitly recognised the inalienable human rights and freedoms of all its citizens, and by implication, this included persons with disabilities. The government then developed progressive domestic legislations to protect the population of persons with disabilities based on the principles of the 1993 United Nations Standard Rules on the Equalisation of Opportunities for persons with disabilities<sup>4</sup>. This included the National Policy on disability of 1997, National Policy on Orthopaedic Technical Services of 2001, and National Policy on Mental Health of 2005. In addition, Namibia adopted the African Decade of Persons with Disabilities (1999 – 2009) to strengthen its domestic legislation related to disability and rehabilitation within the country. This is an indication of the government's commitment to promoting disability rights<sup>5</sup>.

Namibian government signed an international treaty, the UNCRPD and its optional protocol. The UNCRPD entitles persons with disabilities to participate in occupations that bring meaning to their life and facilitate social inclusion<sup>6,7</sup>. It is a stimulus treaty for promoting accessibility and inclusion of persons with disabilities in society. Accessibility and inclusion are fundamental in unlocking the maximum potential of persons with disabilities to engage in diverse and meaningful daily occupations<sup>8</sup>. Grounding the UNCRPD in the occupational justice framework empowers occupational therapists and other policy implementers in settings where persons with disabilities are deprived of opportunities to participate in meaningful occupations because of institutional, environmental, attitudinal and social barriers<sup>9</sup>. Therefore, the UNCRPD treaty can be used as a fundamental catalyst in addressing occupational deprivation, marginalisation, alienation and occupational imbalance, including potential barriers for persons with disabilities<sup>10,11</sup>.

Namibia became a signatory to the UNCRPD on 25 April 2007<sup>2</sup>. The country uses a monist system prescribed in its Constitution<sup>5</sup>. Therefore, ratifying an international treaty instantly incorporates that international law into national law<sup>12</sup>. The UNCRPD is part of the national binding document related to disability. To promote the human rights model of disability, the government invested in promoting a disability-mainstreaming plan in Namibia through the adoption of Community Based Rehabilitation guidelines underpinned by the UNCRPD aiming to contribute to its implementation<sup>13</sup>. The UNCRPD influenced the development of Sector Policy on Inclusive Education of 2013<sup>14</sup>.

However, there is no formal research documenting evidence on what has been done to promote the domestication of the UNCRPD in Namibia. The research sought to answer how the Namibian government has adopted and

implemented the UNCRPD. The purpose of this study was to explore the perspectives of the policymakers and implementers on the domestication of the UNCRPD treaty in Namibia to advance occupational justice and freedom of persons with disabilities. In Namibia, policymakers include persons responsible for formulating policies, while policy implementers are stakeholders accountable for delivering services to the beneficiaries as guided by the formulated policies.

## METHODS

### Study design

An explorative qualitative design was employed using in-depth interviews to determine policymakers' and implementers' perspectives and systematic relationships on the implementation of the UNCRPD in Namibia. The design was appropriate because it enabled greater insight into the participants' opinions on the implementation of the UNCRPD in a quest to promote disability rights.

### Study setting

The participants were recruited from two purposively selected regions in Namibia (Komas region and Omusati region). Komas region includes the capital city of Namibia, Windhoek, a city that houses the administrative hub for disability and rehabilitation issues. Omusati region serves the largest number (15 230) of persons with disabilities in Namibia<sup>3</sup>.

### Study Population and Sampling

Key stakeholders in policy formulation and implementation in Namibia were included in the study. Fourteen participants, including policymakers (n=4), policy implementers (n=7) and non-governmental organisations (n=3), were recruited via non-probability, purposive maximum variation sampling. The participants, stratified by different characteristics (Table I, page 18), were informed of the study by the first author and invited to participate in the study voluntarily. In this study, policymakers are persons employed by the government whose responsibility is to formulate or amend policies for the country. Policy implementers are individuals employed to put into effect the objective of the policy into action through teaching people or organisations affected by the policy in conjunction with other organisations. Policy implementers include organisations of persons with disabilities (OPDs), Non-Governmental Organisations (NGOs) and those employed in government departments and agencies. Demographic information of the participants is presented in Table I.

### Data collection

Informed consent was solicited from each participant before the commencement of in-depth interviews. A total of 14 individual in-depth interviews were conducted at a location of their choice, mostly in their own offices. The available literature on the implementation of the UNCRPD informed the development of a semi-structured interview

**Table 1: Description of stakeholders (n=14)**

Category	Stakeholder Representation	Participant ID	Region
<b>Policy Maker (n=4)</b>	Ministry of Justice	PM1	Khomas
	Ministry of Health and Social Services	PM2	
	Ministry of Disability Affairs in the Office of the Vice President	PM3	
	Ministry of Education, Arts and Culture	PM4	
<b>Policy Implementer (n=10)</b>	Regional Occupational Therapist	PI1	Khomas
	National Disability Council	PI2	
	Regional Social Worker	PI3	
	Office of the Ombudsman	PI4	
	Association of differently-abled women	PI5	Omusati
	National disabled youth council chairperson	PI6	Khomas
	National Federation of Disabled Persons in Namibia.	PI7	
	United Nations Children's Fund (UNICEF)	NGO1	
	United Nations Development Programme (UNDP)	NGO2	
	United Nations Population Fund (UNFPA)	NGO3	

guide. Field notes were documented during the interview. The interviews were conducted in English. The interviews took between one and two hours each and were digitally audio-recorded. Data collection and analysis co-occurred to facilitate additional recruitment of participants. Data were collected until a level of redundancy was reached, resulting in similar issues being raised.

**Data analysis**

Data analysis methods are procedures for examining data to answer the research question, usually by identifying significant patterns<sup>15</sup>. All audio recordings were transcribed and checked for accuracy against the recordings by the principal author. Inductive thematic analysis was used to organise data into codes, which were then unified and organised into categories. The categories were unified and organised into themes that the co-authors reviewed. Verbatim quotes were utilised to maintain the participants' voices and provided thick descriptions.

**Trustworthiness**

To enhance trustworthiness, transgressive validity was applied to this study. This enabled the authors to assess how knowledge was created, evaluated, and whether the research accomplishes its goals intended to achieve. In addition,

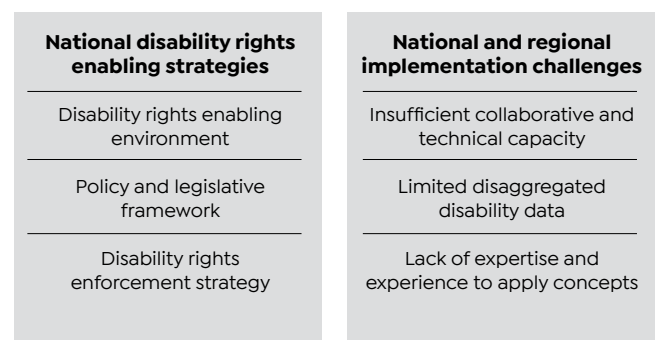
triangulation was ensured through cross-verification from the multiple sources of data on the implementation of the UNCRPD<sup>15</sup>. The participants from the two regions had different levels of function (policymakers and implementers) and belonged to various ministries and NGOs. This enabled maximum variation from a diverse group of participants. The questioning approach of the principal author was consistent at each level of functions to ensure dependability. However, transferability will depend on contextual similarities. The principal author checked the descriptions produced with the participants for approval (member checking) and acceptance (respondent validation)<sup>15</sup>. The co-authors and peers verified the acceptability of the overall research process, with emphasis on the data collection and analysis process. The principal author created an audit trail by documenting every decision made at every stage of the study, from design to reporting.

**Ethical considerations**

The University of KwaZulu-Natal, Biomedical Research Ethics Committee (BE022/19), and the Namibia Ministry of Health and Social Services Research Management Committee (17/3/3GC) granted ethical approval for this study. Ethical principles were upheld, including obtaining informed consent from the participants and explaining the right to withdraw. Principles of confidentiality and anonymity were maintained throughout the study.

**RESULTS**

Two key themes emerged from the data: (i) National disability rights-enabling strategies and (ii) National and regional implementation challenges. Figure 1 (below) highlights the two major themes and categories related to each. The participants' perspectives are discussed under each theme and are substantiated by relevant quotes.



**Figure 1: Themes and Categories.**

**Theme 1: National disability rights-enabling strategies**

The participants highlighted Namibian policies and disability rights strategies that advocate for persons with disabilities. These are explored in the three subthemes below, namely the disability rights-enabling environment, policy and legislative framework and disability rights enforcement strategy.

*Disability rights-enabling environment*

This subtheme explains the government's organisational

structures to create a conducive environment that enables the advancement of disability rights in Namibia. Policymakers perceived this as a great success and strategy for resource mobilisation and advancing disability rights.

“One of the notable decisions is the one that the President has taken to establish a focal office dealing entirely with disability issues in the Office of the Vice-President”. (PM3)

All the participants representing the policymakers cherished the role played by the disability focal office. Since the inception of the disability focal office in 2015, the previously fragmented disability and rehabilitation services that hampered service delivery and contributed to the delays experienced in reporting the UNCRPD progress/ country report were being addressed.

All participants representing the policymakers and implementers appreciated the collaboration between the government ministries and international organisations, specifically the United Nations (UN) and European Union (EU), led by the disability focal office to support the advancement of rights for persons with disabilities enshrined in the UNCRPD.

“UNICEF provides us with technical and financial assistance. For example, the guidelines that we have developed – they have taken it on their budget, they will now send it to a graphic designer for layouts and that, and then print it for us. Just in terms of providing funds or training, and things like that”. (PM4)

The development agencies, for example, UN, EU and UNICEF, offer various support to different organisations, and OPDs conduct UNCRPD awareness-raising and disability commemoration activities to uplift the welfare of people with disabilities.

Furthermore, the participants recognised the introduction of the Department of Occupational Therapy and Physiotherapy at the University of Namibia to administer the training of occupational therapy and physiotherapy professionals in 2018 as a significant milestone.

“We are now training our children in this country who will treat us and help us to fight for our freedom and rights. We are happy as a nation for persons with disabilities”. (PM3)

### *Policy and legislative framework*

The government of Namibia embraced the need to accelerate disability rights through ratification of the UNCRPD in 2007. One participant (PI4) stressed that Article 144 of the Namibia Constitution makes the UNCRPD binding upon Namibia since it was ratified without reservation. The policymakers identified the National Policy on Disability of 1997, National Policy on Orthopaedic Technical Services of 2001, National Policy on Mental Health of 2005 and Sector Policy on Inclusive Education of 2013 as significant policy frameworks providing specific guidance toward implementing strategies on disability issues in health, rehabilitation and

education sector. In addition, the National Pension Act of 1992 and the Children’s Care and Protection Act of 2015 were prescribed to provide socio-economic amenities to persons with disabilities. Currently, the National Disability Policy of 1997 and the National Policy on Orthopaedic Technical Services of 2001 exist in the offices of implementers as the important guiding documents for planning, budgeting and execution of disability activities. Policy implementers tend to lean towards the outdated National Disability Policy of 1997<sup>5</sup>. However, the policymakers stated that the UNCRPD is used to complement planning, budgeting and execution of disability activities.

“Yes, positive things are happening, and our Office in the Office of the Vice President was tasked with the implementation of these policies, International and National policies. We are also trying our level best to domesticate the international policies such as the UN Convention. Currently we are busy amending the National Disability Council Act and the National Disability Policy to bring it in line with the UNCRPD”. (PM3)

All the participants called upon the need to comprehensively strengthen and consolidate the policy and legislative framework to strengthen disability rights. Policymakers anticipated that an amended National Disability Policy informed by the UNCRPD would be a game-changer in advancing disability rights as evidenced by the latest amended policies, for example, Sector Policy on Inclusive Education. However, the law reform officer highlighted some issues to be discussed with the disability stakeholders before the amendment of the National Disability Policy.

“The disability movement wants a piece of their own specific law but as the legal fraternity, we know that is not going to work. That is going to be one piece of legislation just like the current policy on disability. We feel it should just have to be worked in every piece of legislation. If you are going to deal with Defence Ministry, we include the disability aspect. If you are going to deal with Marine, we include the disability aspect, as in UNCRPD. We don’t feel it is right to have a specific law for one group, it is not going to work I feel that is going to further the discrimination, further the isolation, because now if you come to me I will tell you that I am not the administrator of your bill on disability. Go to a disability and fix your issue”. (PM1)

### *Disability rights enforcement strategy*

This category describes the modus operandi of strategies used to enforce the UNCRPD in Namibia. The disability rights enforcement strategies include monitoring strategy, using Organisations of Persons with Disabilities (OPDs) and entering into a partnership with international development agencies and local business communities.

The government established the National Disability Council of Namibia (NDCN) in 2004 to enforce and monitor the implementation of the national disability policies before the ratification of the UNCRPD.

“NDC is a watchdog, holding the government accountable to the promises it has made through tools like the UNCRPD and any other problems indicated in the constitution of Namibia where they say they want to better the lives of the persons with disabilities.” (PI2)

In addition, the Office of the Ombudsman also focuses on protecting human rights in general, even though they do not necessarily focus on persons with disabilities. They also address disability rights-related matters.

“The ombudsman is a state institution agreed to the mandate to protect the rights of people in Namibia or to investigate matters pertaining to the human rights. So we owe to take it that we can investigate if the matter has to do particularly with the violation of the human rights for anyone”. (PI4)

The Office of the Ombudsman participant indicated that their services had been underutilised in addressing issues of discrimination against persons with disabilities and the acceleration of awareness programmes on the role of the Office of the Ombudsman to different disability stakeholders in the country at large.

Furthermore, the National Federation of Persons with Disabilities in Namibia (NFPDN), which was established in 1991 as an umbrella body for Organisation of Persons with Disabilities (OPDs) in Namibia, plays a crucial role in enforcing disability rights. A network of OPDs supports the NFPDN. The policy implementers highlighted the development of the National Policy on Disability (1997) and the National Disability Council Act (2004), the establishment of a focal office of disability affairs in the Office of the Vice President and the rolling out of the UNCRPD into different regions as some of the fundamental projects influenced by the NFPDN and OPDs in Namibia.

“Our task is to mobilise persons with disabilities to collectively fight for our rights to education; access to health care; employment and access to public facilities. We also train them on the UNCRPD and organise them to do different activities and income generating project for self-sustainability”. (PI5)

The policymakers highlighted the use of the OPDs as one of the enforcement strategies of the UNCRPD and disability rights at large in Namibia. The policy implementers indicated that OPDs mobilises resources for use to advance programmes for persons with disabilities. In addition, the policy implementers use the OPDs to mobilise persons with disabilities during the commemorations of the national and international day for persons with disabilities.

## **Theme 2: National and regional implementation challenges**

This theme explores the challenges experienced on a national and regional level that hinder the UNCRPD. The setbacks at a national and regional level in implementing the UNCRPD in Namibia include insufficient collaborative and

technical capacity, limited disaggregated disability data, and the lack of expertise and experience to apply concepts to advance disability rights contribute to the:

### *Insufficient collaborative and technical capacity deficiency*

All the participants noted the OPDs and National Disability Council of Namibia (NDCN) in Namibia as the most significant obstacles in advancing disability rights. Most participants felt that most OPDs do not have the operational ability, good qualifications, knowledge and experience to challenge policymakers, disability rights violators and any other organisations in this highly contested disability rights issue. This makes it difficult for OPDs to manage their finances and their affairs. Despite low qualifications, the leaders are elected into office through votes to lead the OPDs. This was seen as a significant concern by the policymakers and NGOs, given that they have to challenge educated persons with no disabilities, as indicated by some participants.

“If your leadership is uneducated and unqualified and they cannot reason with the educated and the technical people on the ground or take the government to account nothing will move”. (PM1)

Even though the concern raised by the policymakers and policy implementers representing NGOs is genuine, their concern is a source of discrimination that the same UNCRPD is meant to address. In addition to lack of qualifications, the participants from the OPDs were concerned with limited co-ordination of activities and resources among the OPDs. This caused the duplication of needs and service provision, which confuses their members, leading to loss of membership and support. The OPDs participants emphasised that OPDs do not speak with one voice while persons with disabilities felt that the OPDs could not address their needs. For example, persons with disabilities raised the issue that the OPDs could not lobby for assistive devices needed to improve accessibility from the government. Therefore, OPDs cannot exercise their mandate while persons with disabilities lack awareness on the role of the OPD.

“They (persons with disabilities) run to disability affairs or the National Disability Council (NDC), bypassing the OPDs that are there. If the Disability Affairs and the National Disability Council have some kind of method in place, everybody who goes for help with simple letters is sent back to the OPDs or any minor problem. Nevertheless, if it is a problem that the OPDs cannot solve then they should be forwarded to the bigger organisations. In that way, the OPD’ will play a vital role in solving issues for people with disabilities. If that does not happen, OPD will die out one day because they wouldn’t be having any sort of function or responsibilities”. (DPO2)

### *Limited aggregated disability data*

The policymakers stated that the country relies on the Namibia 2011 Population and Housing Census statistics gathered by the Namibia Statistics Agency (NSA). The participants

argued that the tools used in the population census did not define disabilities as informed by the UNCRPD. For example, Namibia 2011 census described disability as the condition of loss of physical or mental function resulting in an inability to perform daily activities<sup>4</sup>. Disability was discussed as a limitation to function due to an impairment rather than physical, attitudinal, institutional or communication technology barriers. According to the UNCRPD, 'persons with disabilities' include those who have "long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"<sup>14</sup>. In Namibia, there is inconsistency in using the UNCRPD definition of disability, hence the differences in percentages of persons with disabilities noted by the participants. For example, according to participants at the policy-making level, the prevalence of persons with disabilities in Namibia is about 5% of the population. The participants from the NGOs believe that the prevalence of persons with disabilities has been underestimated, leading to under-budgeting of services that benefit persons with disabilities. The policy implementers' participants expressed that no one knows precisely how many persons with disabilities are in Namibia. The definition of disability in the national disability policy of the government is inconsistent with the one in the UNCRPD. All the participants agreed that the lack of detailed statistics on disability data affects planning, resource allocation, and progress monitoring on disability activities.

"We do not have credible disability data apart from the National Population Housing Census, but we say we need to have data, maybe also sectoral data. We need to look at what is currently happening in each sector in terms of disability. We do not know how credible that data is. For example, Ministry of Education, how disability is defined may depend on the teacher, how the teacher thinks that the child has a disability. Therefore, we do not really have data that is based on the children diagnosis of disability". (NGO1)

The NGOs and the policymakers viewed the lack of detailed statistics on disability data as a source of resource constraints. This has created difficulties in inclusive budgeting and has been seen as a source of resource under-allocation by the participants from policy implementers and NGOs. This is the basis of the debate on how much money is needed to address disability issues in Namibia.

#### *Lack of expertise and experience to apply concepts*

All the policymakers and implementers who took part in the study shared a common feeling that there is a lack of expertise and experience to apply concepts within the UNCRPD to advance disability rights. This, in their view, has hampered the implementation of the UNCRPD. For example, most teachers lack expertise and experience to apply concepts of inclusivity to address inclusive education. At the same time, construction workers may not comprehend how to apply the concept of reasonable accommodation to improve the accessibility of persons with disabilities. There is limited expertise among implementers to tackle matters related

to disability inclusivity. The disconnect between what the UNCRPD policy dictates and implementation knowledge, was raised as a significant concern by the NGOs and policymakers.

"We go to many schools and teachers will tell you that they are just Life Skills teachers or they were not trained on how to address these children and that's where we need to look at how, as Namibia we need to invest into tertiary education to really produce qualified inclusive teachers, because currently, we don't have". (NGO1)

## **DISCUSSION**

The national disability rights-enabling strategies were identified as critical elements in promoting disability rights in Namibia. However, the identified national and regional implementation challenges of the UNCRPD complicate the disability rights discourse.

Creating a disability rights-enabling environment in Namibia is demonstrated by the availability of national policy and legislative framework that support disability. The UNCRPD<sup>16</sup> is a recipe that could promote occupational justice and occupational freedom for persons with disabilities<sup>17</sup>. The contextual actions taken by the government of Namibia to ratify the UNCRPD without reservations are positive steps towards creating an inclusive environment that fosters occupational justice for persons with disabilities. Since ratifying the treaty, the country has participated in Conferences of States Parties to the UNCRPD since ratifying the treaty<sup>18</sup>. In addition, the noted disability rights enforcement strategies through establishing institutions to spearhead co-ordination and implementation mechanisms are key achievements<sup>16</sup>. This includes monitoring of the implementation of disability rights. For example, the National Disability Council and the Office of the Ombudsman, are permanent and independent institutions, mandated to co-ordinate the implementation mechanisms of the national policy and legislative framework.

The designation of a focal office, the Disability Affairs Ministry within the Office of the Vice President, to co-ordinate the implementation of the UNCRPD created disability rights-enabling environment and accelerated the implementation and reporting of progress on UNCRPD<sup>18</sup>. Guided by the focal office, the Namibian government submitted its initial and combined (first to sixth) country report to the United Nations Committee on the rights of persons with disabilities on the implementations of the UNCRPD in 2020<sup>13</sup>. In addition, the government of Namibia developed Sector Policy on Inclusive Education in line with the UNCRPD under the Ministry of Education in 2013 to guide all educational policies and practices<sup>14</sup>. These contextual-specific actions taken by the government of Namibia creates a fundamental disability rights-enabling environment to accelerate the implementation of the UNCRPD.

The civic society and OPDs role in Namibia, reflected through their engagement in policy development and implementation of the UNCRPD, and rolling out of the UNCRPD awareness programmes, was crucial in creating the national disability rights-enabling strategies<sup>18</sup>. These functions are

consistent with the role of stakeholders in promoting occupational justice practices within the communities<sup>19</sup>. The role of OPDs and civil society has been acknowledged by the Namibian Deputy Minister in Disability Affairs Ministry<sup>18</sup>.

Despite the disability rights-enabling environment, persons with disabilities continue to experience economic inequalities and discrimination, contributing to limited participation in developmental activities<sup>20</sup>. Stigma and discrimination, inconsistent accessibility of infrastructure, limited financial opportunities, and limited political support contributed to limited disability inclusion in Namibia<sup>21</sup>. This could be attributed to the national and regional implementation challenges of the UNCRPD at a grassroots level in Namibia. Despite the presence of the progressive domestic legislation and the ratified UNCRPD, the lack of expertise and experience to apply concepts enshrined in these documents have created challenges within the national and regional implementation strategy. The persons with disabilities do not have knowledge of the rights on the rights enshrined in the UNCRPD and the potential resources available for use<sup>21</sup>. This weakens the implementation of the UNCRPD treaty at grassroots level. In addition, the OPDs and other policy implementers operating at grassroots level struggle to correctly interpret and apply concepts within the UNCRPD including understanding how the monist system in the constitution works within the Namibian context<sup>4,21</sup>. Such lack of expertise and experience to apply UNCRPD concepts to advance disability rights calls for Namibia to reconsider developing national interpretive guidelines or to incorporate international laws into its domestic laws like its neighbouring country South Africa<sup>22</sup>. The study by Shumba and Moodley corroborated the need to review the local policy and legal framework so that it is responsive to the current needs of persons with disabilities<sup>16</sup>. To improve the impact of the UNCRPD and the identified policy and legislative framework, the disability stakeholders need to have adequate knowledge and skills to interpret and implement policy consistently to support the balance between policy formation and its practice<sup>19,23</sup>.

The limited aggregated disability data in Namibia could be linked to how disability is described within the local, national policy and legislative framework instead of the definition in the UNCRPD. Possibly this could be the cause of low-quality disability data or limited data to use in inclusive budgeting and planning for persons with disabilities<sup>24</sup> by policy implementers or disability stakeholders at large. The challenges in planning and designing programs aimed to address issues experienced by persons with disabilities in Namibia has been attributed to the lack of detailed statistics on disability<sup>25</sup>. Therefore, this research calls for the stakeholders within the disability sector to adopt the definition of disability within the UNCRPD, develop national and regional indicators, including adopting indicators in the Sustainable Development Goals Indicator Framework<sup>24,25</sup>.

The insufficient collaborative and technical capacity deficiency of the OPDs and the civic society has reduced their national impact in creating occupational freedom for persons with disabilities and accelerating the implementation of the UNCRPD. This may put the OPDs at risk of losing

credibility and influence within their administrative regions<sup>26</sup>. Power dynamics further complicated by intersecting identities among the OPDs risk discrimination, disunity, oppression and inadequate partnership-building mechanisms among the OPDs<sup>26,27</sup>. Different disability stakeholder professionals, for example, occupational therapists, should consider occupational justice from the view of a community health care provider's perspective rather than from a practice standpoint to influence occupational freedom, thereby affecting the implementation of the UNCRPD<sup>10</sup>.

## CONCLUSION

This article noted the policy and legislative framework, disability rights environment, monitoring strategies, partnership strategy, and the use of the OPDs as evidence of national disability rights-enabling and the UNCRPD enforcement strategies aimed to promote disability rights in Namibia. However, there is a need to address identified national and regional implementation challenges of the UNCRPD, which form bottlenecks in implementing the UNCRPD within Namibia. These bottlenecks included insufficient collaborative and technical capacity of the OPDs, limited disaggregated disability data, and misunderstanding of terminology to advance disability rights. The disability stakeholders can use their professional and/or political power and civic courage to address the identified national and regional implementation challenges of the UNCRPD, thereby enabling occupational justice for persons with disabilities.

## AUTHOR CONTRIBUTIONS

Gwarega Chibaya, Pragashnie Govender and Deshini Naidoo conceptualised the research. Gwarega Chibaya conducted the study as a post-graduate student. Pragashnie Govender and Deshini Naidoo were supervisors who provided guidance throughout the study process and assisted in interpretation of data in the analysis phase. Pragashnie Govender and Deshini Naidoo provided key input in the development of the manuscript that was drafted by Gwarega Chibaya. All authors read and approved the final manuscript.

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## DECLARATION OF INTEREST

The authors declare no conflict of interest.

## DATA AVAILABILITY

Data are available on request from Gwarega Chibaya at gchibaya@gmail.com.

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