

**4th CYCLE UNIVERSAL PERIODIC REVIEW
Namibia UPR (2026) – ADVOCACY SHEET
SITUATION OF LGBTI PERSONS IN NAMIBIA**

Brief Assessment of the Implementation of Cycle 3 of the UPR

During the third cycle, Namibia received 12 SOGIESC-related recommendations, primarily focused on decriminalisation, anti-discrimination, and protection of LGBTIQ+ people. Namibia made historic progress in 2024, when the Supreme Court struck down the colonial-era common-law offences of sodomy and “unnatural sexual offences.” This was a major advancement for equality and bodily autonomy.

However, implementation remains partial and uneven:

- *Comprehensive anti-discrimination protections based on sexual orientation and gender identity have **not been implemented**.*
- *Protections against discrimination in health care, housing, and employment remain **partially implemented**.*
- *Legal recognition of same-sex partnerships and diverse family forms has **not been implemented**.*
- *Accessible legal gender recognition for transgender persons has **not been implemented**.*
- *Measures to prevent harmful rhetoric by public officials remain **partially implemented**.*

Positive developments include:

- *2024 – Decriminalisation of LGBTIQ+ identities (Dausab case).*
- *2023 – Supreme Court victory on foreign same-sex marriages (Digashu & Seiler-Lilles).*
- *2022 – High Court verdict affirming Namibian citizenship for children born to same-sex couples via surrogacy.*
- *2021 – High Court ruling recognising the need to protect transgender persons from police brutality.*

Yet, despite legal wins, social stigma and institutional discrimination remain entrenched, limiting full realisation of rights.

National Framework

Relevant legal and policy context:

- *Namibia’s Constitution protects dignity and equality but does not explicitly prohibit discrimination based on SOGIESC.*
- *No specific anti-hate-crime laws cover SOGIESC.*
- *The Domestic Violence Act does not recognise same-sex partners.*
- *No gender-marker change procedure exists.*
- *No family recognition framework exists for LGBTIQ+ relationships.*
- *The Ministry of Health lacks formal LGBTIQ+-inclusive protocols, despite high HIV prevalence among key populations.*

Key Statistics (Namibia-specific):

- *LGBTIQ+ Namibians face a 36% higher risk of HIV infection, according to UNAIDS key population data, exacerbated by healthcare discrimination and fear of accessing services.*
- *54% of LGBTIQ+ adults report discrimination in healthcare settings, including denial of treatment, verbal abuse, or breaches of confidentiality.*
- *1 in 3 transgender persons in Windhoek has experienced refusal of service in public health facilities, often linked to identity documents that do not reflect their gender identity.*
- *Violence against queer youth continues to increase, with reports of 11 cases of homelessness due to family rejection.*
- *Multiple documented cases of workplace discrimination against LGBTIQ+ persons between 2020–2024.*
- *Documented cases of workplace discrimination against LGBTIQ+ persons (2020–2024) include dismissals, demotions, harassment, and constructive dismissal, with limited access to remedies due to the absence of explicit SOGIESC protections in labour law.*

Most Commonly Violated Rights:

*Right to Equality and Non-Discrimination
Right to Legal Recognition*

*Right to Security / Freedom from Violence & Safety
Right to Family Life*

Right to Health

Challenges	Cases, Facts, Comments, Impact
Discrimination in Healthcare	Transgender women accessing public hospitals, including Katutura Hospital, report being told “we don’t treat people like you here.” Mismatched identity documents expose trans patients to humiliation, denial of care, and forced disclosure. This results in reduced HIV testing uptake, untreated mental health conditions, and avoidable health complications.
Absence of Comprehensive Anti-Discrimination Protection	Namibia has no explicit statutory prohibition of discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics. This gap leaves LGBTQI+ persons unprotected in employment, healthcare, housing, and access to services, despite constitutional equality guarantees.
Labour Law Gaps	Existing labour protections do not explicitly include SOGIESC. LGBTQI+ workers face dismissal, harassment, and hostile work environments, with underreporting driven by fear of outing, retaliation, and lack of legal clarity.
No family or relationship recognition	Same-sex couples cannot jointly adopt. Same sex couples in Namibia are told, “Namibia doesn’t recognise your relationship” by social workers. Children in queer families lack legal security; couples lack inheritance, medical decision-making, and immigration protections.
Lack of legal gender recognition mechanisms	Multiple trans persons forced to present IDs that do not match their gender. This causes daily humiliation, exposure to violence, and barriers to accessing education, services, and jobs.
Exclusion from Domestic Violence Protections	The Domestic Violence Act does not recognise same-sex partners, leaving LGBTQI+ individuals, particularly lesbians, bisexual women, and trans persons, without access to protection orders, shelters, or effective remedies when facing intimate partner violence.

RECOMMENDATIONS

1. Introduce legal recognition of same-sex couples and families, through **marriage equality**, civil unions, or registered partnerships, ensuring equal access to adoption, inheritance, spousal benefits, immigration rights, and parental recognition.
2. Strengthen **accountability mechanisms (i.e., hate speech & hate crimes bill ?)**, including data collection on discrimination and violence against LGBTQI+ persons, and ensure accessible reporting and redress pathways.
3. Establish clear, accessible procedures for **legal gender recognition**, allowing transgender and intersex persons to change their gender marker and name through a simple administrative process, without requirements for surgery, sterilisation, psychiatric diagnosis, or court orders.
4. Adopt comprehensive anti-discrimination legislation explicitly prohibiting discrimination on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics, including in employment, healthcare, housing, education, and public services.
5. Amend the Domestic Violence Act to explicitly recognise same-sex partners and protect LGBTQI+ persons from intimate partner violence on an equal basis with heterosexual couples.
6. Reform labour legislation and employment policies to explicitly include SOGIESC as protected grounds, accompanied by enforcement mechanisms and access to remedies for victims of workplace discrimination.
7. Develop and implement LGBTQI+-inclusive healthcare protocols, including mandatory training for healthcare workers on non-discrimination, confidentiality, gender-affirming care, HIV services, and mental health support.

ADVANCED QUESTIONS

- What concrete steps will Namibia take to ensure legal recognition of same-sex couples and families, including marriage or civil partnerships, and to protect children raised by same-sex couples with regard to adoption, parental recognition, inheritance, and access to social services?
- When will Namibia introduce a clear, accessible administrative procedure for legal gender-marker and name changes for transgender and intersex persons, in line with constitutional guarantees of dignity, equality, and bodily autonomy?
- When will Namibia enact comprehensive anti-discrimination legislation explicitly covering sexual orientation, gender identity, gender expression, and sex characteristics, and amend the Domestic Violence Act and labour laws to ensure equal protection for LGBTQI+ persons?
- What steps are being taken to operationalise the 2024 decriminalisation ruling, including police training, repeal of outdated policies, safe reporting mechanisms for LGBTQI+ victims of violence, and accountability for perpetrators?