

– UPR Pre-Session on Namibia –

Geneva, 11 February 2026
Delivered by Equal Namibia

1. Presentation of the Organisation

This statement is delivered on behalf of Equal Namibia, a youth-led, not-for-profit, independent and non-partisan advocacy organisation advancing the human rights of LGBTQIA+ persons in Namibia. Equal Namibia works at the intersection of strategic litigation, public policy, community mobilisation and international advocacy, and has actively participated in national and international human rights processes, including the Universal Periodic Review.

2. National Consultations for the Drafting of the National Report

The national report for Namibia's fourth UPR cycle was coordinated through inter-ministerial processes led by the Government of the Republic of Namibia. While civil society organisations were invited to engage through consultations and submissions, meaningful participation by LGBTQIA+ organisations remain inconsistent, particularly on issues relating to equality, family recognition, and protection from discrimination.

3. Plan of the Statement

This statement addresses three priority issues:

- 3.1. Compliance with Supreme Court rulings and the rule of law
- 3.2. Protection from discrimination, stigma and violence against LGBTQIA+ persons
- 3.3. Access to health, dignity and legal recognition for LGBTQIA+ persons

4. Statement

4.1. Compliance With Supreme Court Rulings and the Rule of Law

4.1.1. Follow-Up to the Previous Review

During Namibia's previous UPR cycle, the State received recommendations relating to equality before the law, constitutionalism, and respect for judicial independence. In 2023, the Supreme Court of Namibia delivered landmark judgments affirming constitutional protections for LGBTQIA+ persons. In 2024, however, the legislature enacted the Marriage Act 14 of 2024, an explicitly anti-LGBTQIA+ law that sought to nullify the effect of these judgments. – (Germany, the Netherlands, Canada, and Norway)

Beyond its constitutional implications, the enactment of the Marriage Act 14 of 2024 has had direct and harmful consequences for LGBTQIA+ persons. Civil society organisations documented an increase in harassment, threats and intimidation against LGBTQIA+ individuals and activists following the adoption of the Act, particularly during late 2024. LGBTQIA+ couples have reported heightened fear when accessing public services, including healthcare, housing and civil registration, due to uncertainty about their legal status and protection. The legislative rollback has also reinforced public narratives portraying LGBTQIA+ persons as undeserving of constitutional

protection, increasing social hostility and personal insecurity. This legislative action raised serious concerns regarding constitutional supremacy, the separation of powers, and the protection of democratic governance.

4.1.2. **Current Situation**

The continued failure to harmonise legislation with Supreme Court rulings has created legal uncertainty that disproportionately affects LGBTQIA+ persons in their daily lives. This uncertainty has translated into inconsistent treatment by public officials, including refusal or delay in service provision, fear of disclosure in healthcare settings, and reluctance by victims to report violence or discrimination. Community organisations in Namibia have recorded dozens of cases since 2024 involving threats, evictions, denial of services and workplace discrimination linked to perceived sexual orientation or gender identity. These realities erode public trust in the rule of law and expose LGBTQIA+ persons to renewed harm, insecurity and exclusion.

4.1.3. **Recommendation**

Equal Namibia urges the Government of Namibia to:

Ensure full compliance with Supreme Court rulings, including the nullification of the Anti-LGBTQIA+ Law (Marriage Act 14 of 2024), and align all legislation and policies with constitutional standards.

4.2. **Discrimination, Stigma and Violence Against LGBTQIA+ Persons**

4.2.1. **Follow-Up to the Previous Review**

In the previous UPR cycle, Namibia accepted recommendations to combat discrimination, promote equality, and protect vulnerable groups from violence. However, LGBTQIA+ persons continue to face widespread stigma, hate speech, and threats to their safety. – (Argentina, Canada, and Spain)

Despite Namibia's acceptance of recommendations to combat discrimination, LGBTQIA+ persons continue to experience violence and social exclusion with limited state protection. According to documentation by national LGBTQIA+ organisations, cases of verbal harassment, online hate speech, intimidation and physical assault remain widespread, particularly against gender non-conforming and trans persons. Many victims refrain from reporting abuses due to fear of secondary victimisation, lack of confidence in law enforcement responses, and the absence of explicit legal protections.

4.2.2. **Current Situation**

While the decriminalisation of same-sex sexual conduct in 2024 marked an important legal milestone, it has not yet translated into substantive equality. LGBTQIA+ persons continue to face discrimination in employment, housing, education and access to services. Civil society organisations report ongoing cases of unfair dismissal, workplace harassment, denial of rental accommodation and threats to personal safety based on sexual orientation or gender identity. The lack of comprehensive anti-discrimination legislation and hate crime protections leaves affected individuals without effective remedies, perpetuating cycles of poverty, insecurity and social marginalisation.



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4.2.3. Recommendation

Equal Namibia urges the Government of Namibia to:

Adopt comprehensive anti-discrimination legislation that explicitly protects individuals on the basis of sexual orientation, gender identity and expression, and sex characteristics, in line with international human rights standards, including by ensuring the explicit inclusion of same-sex couples within the scope of the Domestic Violence Act 4 of 2003, and by prohibiting discrimination on the grounds of sexual orientation, gender identity and expression, and sex characteristics within labour and employment legislation.

4.3. Access to Health, Dignity and Legal Recognition

4.3.1. Follow-Up to the Previous Review

During Namibia's last UPR, several States encouraged continued efforts to improve access to healthcare and reduce stigma in health services. These commitments are particularly relevant for marginalised communities. – (Norway, Sweden, and the United Kingdom).

4.3.2. Current Situation

LGBTQIA+ persons, particularly trans and gender-diverse individuals, face concrete barriers in accessing healthcare and administrative services. These include refusal of treatment or inappropriate questioning by healthcare workers, breaches of confidentiality, and lack of provider training on sexual orientation and gender identity. Trans persons frequently encounter difficulties obtaining identity documents that reflect their lived gender, leading to challenges in accessing healthcare, employment, banking and social services. The absence of clear, accessible procedures for legal gender recognition exacerbates stigma, contributes to mental health distress, and undermines dignity and equality.

4.3.3. Recommendation

Equal Namibia urges the Government of Namibia to:

Ensure inclusive, non-discriminatory access to healthcare and administrative services, including through policies that respect bodily autonomy, dignity, and legal recognition, in line with constitutional and international obligations.

5. Conclusion

Equal Namibia stands ready to support the Government of Namibia in implementing these recommendations and advancing a rights-based, inclusive approach that upholds constitutionalism, human dignity and equality for all.

Thank you for your attention.



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