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NOT YET UHURU

Gender and LGBT Rights in Namibia: Opportunities, Gaps, and Challenges

“All animals are equal, but some animals
are more equal than others”

– George Orwell, *Animal Farm* (1945)



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EXECUTIVE SUMMARY

Namibia occupies a singular position on the African continent: a post-colonial democracy with a rights-affirming constitution, a relatively tolerant citizenry by regional standards, and an active and engaged civil society movement. Yet the legal architecture governing the lives of LGBT persons remains fractured — defined less by coherent policy than by an ongoing struggle between judicial progress and legislative retrenchment.

Between 2023 and 2025, that struggle crystallised into a set of landmark developments. In May 2023, the Supreme Court ruled in *Digashu and Seiler-Lilles v GRN* that Namibia must recognise same-sex marriages legally concluded abroad for immigration purposes. In June 2024, the High Court ruled in *Dausab v Minister of Justice* [2024] NAHC 331 that the common law crimes of sodomy and unnatural sexual offences were unconstitutional. In direct response, Parliament passed the Marriage Act 14 of 2024 and the government appealed the decriminalisation ruling to the Supreme Court. Progress and regression did not merely coexist — each accelerated the other.

The central finding is this: Namibia has moved from criminalisation toward a contested and fragile tolerance — but it has not moved toward protection. Judicial victories remain vulnerable to legislative reversal and executive appeal. The domestic political environment is actively shaped by a transnational anti-rights movement, and the global funding landscape for civil society is contracting. Without explicit constitutional protection, comprehensive anti-discrimination legislation, and sustained counter-narrative advocacy, the gains of the past three years can be, and are being, clawed back. Uhuru — for LGBT Namibians — remains a horizon, not yet a home.

NOT YET UHURU: A NARRATIVE INTRODUCTION

There is a phrase that echoes through the history of African liberation: uhuru. Freedom. It was the word on the lips of independence movements from Mombasa to Cape Town — the single syllable that contained a generation's hope, carried southward on the breath of those who refused to stop fighting until the promise was kept.

Namibia's independence, achieved on 21 March 1990 after a liberation struggle that cost thousands of lives, was celebrated as uhuru arriving at last. A constitution was adopted that same day — progressive, rights-affirming, praised by international legal scholars — that enshrined human dignity and equality as its foundational values. A nation governed for a century by colonial rule, and then by the systematic brutality of racial apartheid, declared that it would be governed instead by justice. President Geingob gave that vision a name: the Namibian House — a republic in which every citizen would be sheltered, valued, and protected by the same law.

And yet.

This report opens with a quote: "All animals are equal but some animals are more equal than others." Orwell, writing of a different revolution, knew what happens when liberation is declared before it is completed: some animals remain more privileged, enjoy more freedoms, than others. In Namibia, the revolution dismantled racial hierarchy but left another exclusion intact — one written not in the language of race but in the grammar of desire, identity, and the body. Colonial-era laws criminalising same-sex intimacy survived independence. Labour protections that had briefly extended to sexual orientation were quietly removed in 2007. A parliament elected by a free people has, in the years since 2023, passed legislation explicitly designed to reverse gains made in a court of law. And in the same period, a series of murders went unrecognised as hate crimes, because the law provides no language for them.

Not yet uhuru.

The phrase does not signal defeat. It belongs to no single person and no single moment — it was always a reminder, offered by those still fighting, that freedom is not a gift delivered on a date but a condition that must be built, law by law, institution by institution, generation by generation. For Namibia's LGBT citizens — lesbian, gay, bisexual, and transgender people who were present in the liberation struggle, who live in this country, who pay taxes and raise children and contribute to its life — the horizon has remained

stubbornly distant. The Namibian House was built with a back door that certain citizens were never quite meant to use.

This report is an account of how that gap came to be, what it costs in human terms, and what it will take to close it. It examines the legal architecture of exclusion, the social and political environment in which that architecture persists — including the transnational forces that help sustain it — and the reforms that would move Namibia closer to the uhuru its founding document promises. Not yet. But the work is unfinished, not abandoned. And unfinished work, unlike broken promises, can still be completed.

INTRODUCTION

This report was commissioned by the Institute for Public Policy Research (IPPR) to provide a comprehensive, evidence-based assessment of the legal and institutional frameworks governing the rights of LGBT persons and gender diverse people in Namibia.

The report arrives at a moment of acute tension in Namibia’s democracy. Within the space of eighteen months — from May 2023 to October 2024 — Namibia’s courts delivered two landmark rulings affirming the constitutional rights of LGBT persons, while its legislature passed two laws explicitly designed to reverse those gains. This pattern, of judicial advance met by legislative retrenchment, is the central story this report tells.

Understanding that story requires looking in several directions at once: backward, to the colonial laws that structured Namibia’s legal inheritance at independence; inward, to the constitutional architecture that both enables and frustrates rights claims; outward, to the regional and international human rights frameworks that Namibia has committed to uphold; and forward, to the reforms that would align Namibia’s statute book with the dignity-affirming vision of its founding constitution. It also requires looking beyond Namibia’s borders, to the transnational anti-rights movements that actively resource and co-ordinate domestic resistance — and to the shifting global funding environment that threatens the civil society ecosystem on which progress depends.

Why this report matters

Namibia is frequently cited as one of Africa’s most stable democracies and one of its most tolerant societies on the question of sexual orientation. Both characterisations are partially true and partially misleading. Tolerance is not the same as protection. A tolerant society can still be one in which no law prohibits an employer from dismissing a worker for their sexual orientation, no law recognises a hate-motivated murder as anything other than ordinary homicide, and no law provides a transgender person with any mechanism for legal gender recognition (Survey Warehouse, 2024; Solomons, 2025).

The gap between tolerance and protection is not abstract. It is measured in the experiences of LGBT Namibians who are dismissed from employment without legal recourse, who experience violence that the law cannot name, and who watch elected representatives legislate against them while courts attempt to hold the constitutional line. It is also partly explained by forces outside Namibia’s borders: a transnational anti-rights movement that provides the ideological templates, legal drafting support, and political training behind domestic legislative backlash. This report maps that full picture, because precision across all its dimensions is the precondition for closing the gap.

Structure of the report

Section 1 traces the colonial origins of the laws that continue to shape Namibia’s legal environment. Section 2 analyses the constitutional framework. Section 3 examines the landmark judicial rulings of 2023 and 2024. Section 4 documents the legislative counter-movement. Section 5 situates the legal landscape in its social and political context, covering public attitudes, the politics of disgust, documented violence, and the global counter-movement. Section 6 presents a structured overview of current legal gaps. Section 7 examines civil society. Section 8 sets out prioritised recommendations. Section 9 concludes.

A note on method and sources

All factual claims are grounded in cited, published sources. The primary legal sources are the Constitution of the Republic of Namibia (1990), relevant Namibian statutes, and the court judgments in *Digashu and Seiler-Lilles v GRN* (2023) and *Dausab v Minister of Justice* [2024] NAHC 331. Survey data is drawn from Afrobarometer Round 10 (Survey Warehouse, 2024) and Afrobarometer Dispatch No. 1045 (2025). This report does not purport to be a legal opinion and should not be relied upon as such.

SECTION 1. THE WEIGHT OF INHERITANCE: COLONIAL LAW AND ITS AFTERLIVES

Understanding Namibia's present legal landscape requires understanding the peculiar sediment of its colonial history. Three overlapping systems deposited laws onto Namibian society: German colonial administration (1884–1915), South African mandate rule (1915–1990), and the apartheid-era administrative apparatus that governed Namibia as a de facto fifth province of South Africa. Each regime imposed a version of Victorian or Calvinist Christian morality through statute. The laws they left behind were not accidental deposits; they were deliberate instruments of moral regulation, designed to enforce a specific and narrow vision of acceptable sexuality and gender expression.

The specific instruments remain visible in Namibia's statute book. The Combating of Immoral Practices Act 21 of 1980, enacted under South African rule, criminalised sodomy and a range of non-heterosexual behaviours. The Prohibition of Disguises Act 16 of 1969 was used to criminalise cross-dressing, functioning as a direct instrument of transgender suppression (The Other Foundation, as cited in Botha, 2017). The Criminal Procedure Act 2004, Section 299, grouped sodomy with Schedule 1 offences including treason and murder, authorising arrest without warrant (Legal Assistance Centre, 2015).

None of these laws were repealed at independence. Although rarely enforced, they did not sit inert. As the Legal Assistance Centre documented, the sodomy laws functioned as "an unspoken background threat which contributes to a climate of disapproval and discrimination" (Legal Assistance Centre, 2015, as cited in UNDP, 2021, p. 8). This is the essential insight: colonial laws survive not because the state prosecutes under them regularly, but because their existence communicates to employers, landlords, healthcare providers, and potential perpetrators alike that certain people stand outside the full shelter of the law.

The crime was rarely prosecuted. The damage was done regardless.

The claim that LGBT identity is 'un-African' — deployed by political leaders from former President Nujoma onwards — deserves particular scrutiny, because it is itself a colonial artefact rather than a traditional one. Pre-colonial African societies across southern Africa recognised and in some instances celebrated diverse gender identities and sexual orientations (Namibia Institute for Democracy, 2024). It was colonial rule that imposed the binary, heteronormative legal and moral framework that now frames itself as 'African tradition'. The precise irony is this: the colonial inheritance is defended as indigenous culture, while the people whose identities it suppresses are told they are the foreign imposition. Dismantling that argument is not merely a scholarly exercise. It is an act of decolonisation — and, in its own way, a form of *uhuru*.

SECTION 2. THE CONSTITUTIONAL FRAMEWORK: PROMISE AND GAP

2.1 What the Constitution Provides

The Constitution of Namibia (1990) provides a strong textual foundation for human rights. Article 8 protects human dignity as an absolute right. Article 10 guarantees equality before the law and prohibits discrimination on grounds of sex, race, colour, ethnic origin, religion, creed, and social or economic status. Article 13 protects privacy. Article 21 guarantees freedoms of expression and association. Article 144 incorporates binding international treaty obligations into domestic law, meaning that Namibia's ratification of instruments such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights creates directly enforceable domestic legal obligations.

Article 144 is strategically significant for LGBT rights advocacy. International human rights bodies have increasingly interpreted rights to privacy, equality, and freedom from cruel and degrading treatment as en-

compassing sexual orientation and gender identity. This creates a constitutional pathway to protection that does not depend solely on domestic statutory amendment. Courts can draw on international obligations, already part of Namibian law by virtue of Article 144, to interpret Articles 8, 10, and 13 expansively. This is precisely the approach the High Court took in the 2024 Dausab ruling, in which the judges found that Articles 8, 10, and 13 together could not sustain the criminalisation of consensual adult same-sex conduct (*Dausab v Minister of Justice*, 2024).

2.2 The Explicit Gap

Despite this interpretive potential, the absence of explicit constitutional protection for sexual orientation and gender identity creates a structural vulnerability. Article 10's nine specified grounds of non-discrimination do not include SOGIESC. Every judicial protection for LGBT rights must therefore be constructed through purposive interpretation of general provisions — a construction that can be challenged, appealed, or distinguished in subsequent cases, rather than flowing from a firm constitutional text.

South Africa's post-apartheid constitution of 1996 explicitly prohibits discrimination on grounds of sexual orientation — a provision that has anchored a generation of progressive jurisprudence, including the legalisation of same-sex marriage, comprehensive labour protections, and gender recognition legislation (Botha, 2017). Namibia's constitution, drafted six years earlier, did not include equivalent language. Amending it to add SOGIESC as explicitly protected grounds requires a two-thirds majority in the National Assembly and approval by two-thirds of regional councils (Solomons, 2025) — a demanding but structurally achievable threshold.

SECTION 3. COURTS AS CATALYSTS: THE LANDMARK RULINGS OF 2023–2024

3.1 Digashu and Seiler-Lilles v GRN (May 2023)

In May 2023, the Supreme Court overturned a High Court judgment that had dismissed applications to recognise same-sex unions concluded abroad for immigration purposes. The applicants were two couples: a Namibian citizen married to a South African national, and a Namibian citizen married to a German national, both marriages legally solemnised in their respective foreign jurisdictions (Balaji, 2023).

The ruling was grounded primarily in the common law principle that a marriage duly concluded in accordance with the requirements of a foreign jurisdiction must generally be recognised in Namibia. The court also held that refusing such recognition violated the applicants' constitutional rights to equality and dignity under Articles 10 and 8. The court stated explicitly that it was not creating a right to same-sex marriage within Namibia; the ruling concerned recognition of foreign marriages only (Amnesty International, 2024).

3.2 Dausab v Minister of Justice (21 June 2024)

In *Dausab v Minister of Justice* (HC-MD-CIV-MOT-GEN-2022/00279) [2024] NAHC 331, the judges held that the common law crimes of sodomy and unnatural sexual offences were unconstitutional and invalid. The court found these laws violated Articles 13, 10, and 8 of the Constitution. The government filed an appeal to the Supreme Court within weeks. As of the date of this report, the decriminalisation ruling remains operative but its final legal status is contested (Solomons, 2025). A society that criminalises who you are, not what you have done to another, has not yet made peace with the constitution it claims to uphold.

KEY LEGAL DEVELOPMENTS: 2023–2025

Date	Development
May 2023	Supreme Court: <i>Digashu and Seiler-Lilles v GRN</i> — foreign same-sex marriages must be recognised for immigration purposes
July 2023	National Assembly passes bills defining marriage as opposite-sex only, directly reversing the <i>Digashu</i> ruling
2023–24	Series of LGBT killings documented; Equal Namibia submits to UN Special Rapporteur on extrajudicial killings
21 June 2024	High Court: <i>Dausab v Minister of Justice (HC-MD-CIV-MOT-GEN-2022/00279)</i> [2024] NAHC 331 — sodomy laws declared unconstitutional
October 2024	Marriage Act 14 of 2024 signed; Civil Registration and Identification Act 13 of 2024 reinforces same-sex marriage exclusion
Early 2025	90-day US foreign aid freeze disrupts PEPFAR-funded HIV services across southern Africa
2024–25	Government appeals <i>Dausab</i> to Supreme Court; final legal status of decriminalisation remains pending

Sources: Balaji (2023); Amnesty International (2024); Solomons (2025); Equal Namibia (2024); SRHR Synthesis Report (2024).

SECTION 4. THE COUNTER-MOVEMENT: LEGISLATIVE RETRENCHMENT

4.1 Marriage Act 14 of 2024

The Marriage Act 14 of 2024, signed on 2 October 2024 but not yet in force, explicitly defines marriage as between a man and a woman and defines ‘sex’ as ‘biological sex assigned at birth’ — language that legally erases transgender identity. Section 44 of the Civil Registration and Identification Act 13 of 2024 reinforces this exclusion. Both Acts were a direct legislative response to the *Digashu* ruling (Solomons, 2025). Their constitutionality under Articles 8, 10, and 14 is doubtful and a court challenge is anticipated.

4.2 The Hate Speech Bill and SOGIESC Exclusion

A Prohibition of Unfair Discrimination, Harassment, and Hate Speech Bill has been in draft since at least 2023. As of December 2023 it remained unpassed, and its enumerated protected grounds are limited to race, sex, and disability — omitting sexual orientation and gender identity entirely, despite civil society requests for their inclusion (Digital Closet, 2023).

4.3 The Labour Act: A Protection Removed

Labour Act 11 of 2007 removed the explicit prohibition on sexual orientation discrimination that had been included in Labour Act 6 of 1992. The current Act protects workers from discrimination based on sex but contains no protection based on sexual orientation or gender identity. No amendment to reinstate this protection has been tabled since (UNDP, 2021).

SECTION 5. LAW IN CONTEXT: THE SOCIAL AND POLITICAL LANDSCAPE

Namibia's legal framework does not operate in a vacuum. The laws that govern — and fail to protect — LGBT persons are shaped by public attitudes, political calculations, organised opposition, and forces that extend well beyond Namibia's borders. This section examines four dimensions of that context: what the public actually thinks and how those attitudes are shifting; how disgust is deliberately weaponised to entrench discriminatory politics even where tolerance is relatively high; what violence against LGBT persons reveals about the cost of legal impunity; and how a transnational anti-rights movement, amplified by the foreign policy direction of the United States, is actively shaping the environment in which Namibia's advocates and courts must operate. Understanding all four together is what allows the paradox at the heart of Namibia's situation — a tolerant society producing intolerant laws — to be properly explained.

5.1 Public Attitudes: Tolerance Without Protection

Afrobarometer Round 10 data, collected between 14 March and 2 April 2024 from a nationally representative sample of 1,200 adult Namibians with a margin of error of ± 3 percentage points at the 95% confidence level, provides the most current and granular picture of public attitudes (Afrobarometer Dispatch No. 1045, 2025; Survey Warehouse, 2024).

Namibia's tolerance trend reveals a society under pressure. In the 2019/21 Afrobarometer round, 64% of Namibians expressed tolerance toward having a homosexual neighbour — then the third highest rate on the continent. By the 2024 round, that figure had fallen to 51%, placing Namibia fourth among 36 African nations surveyed, behind Cabo Verde (73%), Seychelles (71%), and South Africa (66%). The African continental average stands at 21% (Afrobarometer Dispatch No. 1045, 2025). The decline maps closely onto the period of intensified anti-LGBT political rhetoric beginning in 2022–23, suggesting that organised political messaging has measurably moved public sentiment in a negative direction.

The Round 10 data also reveals the distance between tolerance and protection. While 51% are tolerant of LGBT neighbours, 64% oppose equal legal rights for same-sex attracted individuals, 68% oppose same-sex marriage rights, and 58% would reject a family member or friend attracted to the same gender. Urban and more educated respondents are consistently more tolerant; rural respondents less so (Survey Warehouse, 2024).

One finding merits particular attention. Actively practising religious individuals showed slightly less intolerance toward LGBT neighbours than non-practising or atheist respondents — a pattern that persists across several survey rounds (Afrobarometer Dispatch No. 1045, 2025). This counter-intuitive result challenges the assumption that religious communities are uniformly hostile, and suggests that faith communities may be sites of potential engagement rather than simply obstacles to reform.

5.2 The Politics of Disgust: Emotion as a Tool of Legal Entrenchment

Understanding why legislative retrenchment persists even in a society where a majority of citizens express tolerance toward LGBT neighbours requires more than documenting political bad faith. It requires understanding the mechanism. That mechanism, documented across research on Namibia and the broader region, is the deliberate weaponisation of disgust as a political instrument (Solomons, 2025; Anti-SRHR Mapping Namibia, 2024; SRHR Synthesis Report, 2024).

Disgust is among the most primitive of human emotional responses — an evolutionary reflex originally associated with contamination and disease avoidance (Miller, 1997). What makes it so effective as a political tool is precisely this pre-rational quality: when disgust is successfully triggered, it bypasses the deliberative reasoning that legal and rights-based arguments depend upon. A person made to feel visceral revulsion is not, in that moment, reasoning about constitutional rights. They are reacting. The politics of disgust exploits this gap between emotion and cognition with considerable strategic sophistication (Hancock, 2004; Powell & Consedine, as cited in Solomons, 2025).

Drawing on the *Roots of Resilience and Cry, the Beloved Country* (Solomons, 2024; Solomons, 2025), reports that document resistance to the advancement of SRHR, four distinct components of this mechanism can be identified in Namibia. First, anti-rights messaging creates visceral rejection by consistently

foregrounding sexual acts rather than human relationships — triggering automatic disgust responses that short-circuit rational deliberation. Second, this framing produces dehumanisation: as one Namibian activist described it, LGBT people are ‘sexualised first before they are dignified’ — the framing is always around intimacy, never around dignity (as cited in *Anti-SRHR Mapping Namibia*, Solomons, 2024). Third, the rhetoric masks its actual agenda. The shift in anti-rights language — from openly calling LGBT people paedophiles or satanic, toward ‘protecting children’ and ‘preserving family values’ — is not a moderation; it is a strategic evolution, a socially respectable covering for the same underlying exclusion. Fourth, disgust is harnessed for political populism: leaders frame opposition to LGBT rights as the defence of national identity against foreign cultural imposition — an argument with particular resonance in a post-colonial society.

These four components together explain a paradox that the Afrobarometer data alone cannot resolve. Namibia has among the highest LGBT tolerance rates on the continent, yet its legislature has passed laws explicitly restricting LGBT rights in direct response to judicial progress. The explanation is not that tolerant citizens have been outvoted. It is that a motivated minority, operating through channels of emotional mobilisation rather than deliberative argument, can achieve legislative outcomes that a rational survey of public opinion would not predict. Disgust-based politics does not require majority support — it requires intensity, organisation, and a political class willing to trade on fear for electoral advantage (SRHR Synthesis Report, 2024).

The implications for advocacy reach directly into Section 8’s recommendations. Campaigns framed in constitutional or legal terms — however correct — operate in the register of reason. Disgust-based opposition operates in the register of emotion. Effective counter-advocacy must therefore work on both registers simultaneously: advancing the legal arguments while shifting the public framing of LGBT people from objects of disgust to subjects of dignity. The psychological literature on disgust indicates that entrenched emotional responses can be modified over time — through sustained contact, humanising narrative, and the gradual restructuring of social norms (Solomons, 2025; Miller, 1997). Courts reason; disgust does not. Advancing constitutional arguments is necessary. It is not sufficient on its own.

5.3 Violence: The Cost of Legal Impunity

The deliberate cultivation of disgust and hostility documented in Section 5.2 does not remain in the realm of rhetoric. It has a body count.

The absence of hate crime legislation that includes SOGIESC creates a legal environment in which violence against LGBT persons is prosecuted, if at all, as ordinary assault or homicide — without recognition of the identity-based motivation that distinguishes such crimes. Equal Namibia documented a series of killings and attacks between 2020 and 2024: the murders of gay men in Lüderitz, Walvis Bay, Windhoek, and Tsumeb; the murder of a transgender woman in Windhoek; and the fatal attack on a transgender woman in Walvis Bay in January 2024 (Equal Namibia, 2024). None were prosecuted as hate crimes.

Research on same-sex intimate partner violence in Namibia found that survivors frequently decline to disclose circumstances of their injuries to healthcare workers, police, or family members — because the legal non-recognition of their relationships removes the institutional language through which they might seek help, and because disclosure risks compounding violence with rejection (Fuchs, 2024). Violence in same-sex relationships remains largely invisible in official data, in public discourse, and in the services designed to address gender-based violence.

The political environment documented in Sections 5.2 and 5.4 does not merely accompany this violence. It helps produce it, by signalling to potential perpetrators that LGBT lives occupy a zone of diminished legal and social protection — and by repeatedly communicating to society at large that these lives are objects of legitimate disgust rather than subjects of constitutional dignity.

5.4 The Global Counter-Movement: Transnational Anti-Rights Networks and the Project 2025 Threat

The ‘Western imposition’ framing described in Section 5.2 as the fourth component of the domestic disgust mechanism is not a spontaneous local development. It is, as this section documents, a strategy deliberately cultivated and exported by transnational networks that supply African political actors with both the ideological raw material and the operational tools for anti-rights campaigns.

What appears from inside Namibia as domestic political conservatism has, in significant part, an external architecture. The resistance to LGBT rights that shapes Namibia's legislative environment is not simply a product of local culture or religious tradition — it is actively resourced, strategically co-ordinated, and ideologically supplied by a transnational anti-rights movement with global reach (Solomons, 2024).

Key organisations in this network include the World Congress of Families, Alliance Defending Freedom International, the Center for Family and Human Rights (C-FAM), and Family Watch International. According to anti-SRHR Mapping in Namibia conducted in 2024 (Solomons, 2024) and Paternotte and Kuhar (2018), these bodies channel resources, litigation expertise, messaging strategies, and political training to local actors across the continent — giving national-level campaigns an infrastructure they could not independently build. The speed and legal precision of the Namibian Marriage Act 14 of 2024, enacted within months of a Supreme Court ruling these networks opposed, is consistent with the involvement of organisations with extensive experience producing equivalent instruments in other jurisdictions. The anti-rights movements in Uganda, Ghana, Kenya, and Namibia share not only ideological orientation but operational connections, funding streams, and coordinated playbooks (Solomons, 2024).

The funding of the anti-rights movement is diverse and largely opaque. Religious organisations — particularly Catholic and Evangelical bodies with conservative ideological commitments — have been instrumental in financing campaigns across Africa. Conservative philanthropic foundations fund projects promoting 'traditional family values'. Transnational networks facilitate the flow of funds and strategic expertise across borders (Anti-SRHR Mapping Namibia, 2024).

The United States foreign policy shift under the 'America First' agenda, and specifically the policy blueprint known as Project 2025 drafted by the Heritage Foundation, represents a further and escalating dimension of the threat. Project 2025 proposes ending US diplomatic support for LGBT communities abroad, explicitly criticising US diplomatic efforts in Africa as 'imposing pro-LGBT initiatives' (Harper, 2024, as cited in Solomons, 2024). It also proposes extending the Global Gag Rule to cover approximately USD 66 billion of foreign assistance across 178 countries and 2,400 primary recipients, which would directly affect the funding environment for Namibian civil society organisations working on HIV/AIDS, gender-based violence, and sexual and reproductive health (Solomons, 2024).

The 90-day foreign aid freeze implemented in early 2025 under the 'America First' policy provided a concrete preview of these consequences. PEPFAR-funded HIV programmes across southern Africa were disrupted, with clinics closed and patients turned away (Solomons, 2024). In Namibia, where PEPFAR has historically funded HIV services for key populations including men who have sex with men, the implications are direct and serious.

Namibia's civil society organisations have demonstrated resilience and strategic sophistication. But the convergence of a well-resourced transnational anti-rights movement on one side, and a contracting donor landscape on the other, creates a pincer dynamic that domestic legal and advocacy gains alone cannot insulate against. Understanding this global dimension is not a distraction from the domestic reform agenda. It is a precondition for sustaining it.

SECTION 6. LEGAL AND INSTITUTIONAL GAPS: A STRUCTURED OVERVIEW

The table below synthesises the key legal gaps identified across the principal domains of rights protection.

Area	Status	Key gap / note
Constitutional protection (Art. 10)	Not explicit	SOGIESC not listed among Article 10's protected grounds; reform requires a two-thirds parliamentary majority
Decriminalisation	Partial – contested	High Court declared sodomy laws unconstitutional (21 June 2024); government appeal to Supreme Court pending
Employment non-discrimination	Absent	Sexual orientation explicitly removed from Labour Act 11 of 2007; only 'sex' currently protected
Domestic same-sex marriage	Prohibited	Marriage Act 14 of 2024 restricts marriage to opposite-sex couples; awaiting commencement date
Foreign same-sex marriage recognition	Recognised (contested)	Digashu ruling (May 2023); threatened by Marriage Act 14 of 2024 and Civil Registration Act 13 of 2024
Gender recognition (transgender)	Absent	No legal process to change gender markers; no recognition of gender identity in law
Hate crime aggravation	Absent	Draft Prohibition of Unfair Discrimination, Harassment, and Hate Speech Bill (2023) excludes SOGIESC
Intersex protections	Absent	No law prohibits non-consensual medical interventions on intersex infants or children
Conversion therapy ban	Absent	Religious organisations offer such practices; no professional sanctions exist in law
Anti-discrimination (services/housing)	Absent	No comprehensive civil anti-discrimination law covering SOGIESC in any sector

SECTION 7. CIVIL SOCIETY: THE MOVEMENT HOLDING THE LINE

In the absence of legislative protection and in the face of executive ambivalence, civil society organisations have constituted the primary institutional infrastructure for LGBT rights in Namibia. These organisations operate at the intersection of health, gender equality, legal reform, and community resilience (UNDP, 2021).

The strategic achievements of this movement have been considerable. An alliance of twelve civil society organisations submitted a formal review to the Law Reform and Development Commission advocating for repeal of the sodomy laws — a submission that contributed to the legislative environment in which the Dausab litigation ultimately succeeded (UNDP, 2021). The Voices for Choices coalition, which has gathered over 60,000 petition signatures on abortion law reform, demonstrates the potential for broader alliance-building that connects LGBT rights to wider reproductive and bodily autonomy movements. Equal Namibia's submission to the United Nations Special Rapporteur on extrajudicial killings (2024) placed Namibia's pattern of LGBT-targeted violence in an international human rights framework, creating accountability beyond domestic political processes.

The implication of Section 5.2's analysis is that civil society requires not only litigation capacity but sustained counter-narrative capacity — the institutional infrastructure to shift public framing over time, not merely to win individual court cases. Courts can strike down a sodomy law; they cannot, alone, displace the disgust-based political culture that produces legislative backlash. Organisations working on media literacy, humanising storytelling, and community-level norm change are therefore doing work that is analytically inseparable from the legal reform agenda, even when it is not immediately visible as 'rights work'.

A persistent structural gap is the exclusion of LGBT organisations from formal government spaces. The Ministry of Gender Equality and Child Welfare continues to define gender equality as a matter of 'men and women, boys and girls', with no recognition of sexual or gender minorities in the national Gender Policy or the National Plan of Action against Gender-Based Violence (UNDP, 2021). This exclusion is not merely a matter of institutional culture — it is a reform target in its own right. Integrating LGBT rights into the gender equality infrastructure of the state would give civil society a formal institutional platform for policy engagement, rather than leaving it dependent on courts and informal advocacy channels.

Civil society organisations also face a funding environment under increasing pressure from the Project 2025 policy direction documented in Section 5.4. Organisations that have historically depended on US government funding for HIV services — work that is structurally connected to LGBT rights advocacy — face particular exposure. Diversifying funding sources and building coalitions with European bilateral donors and African philanthropic networks is an urgent strategic priority (Solomons, 2024).

SECTION 8. RECOMMENDATIONS FOR POLICY AND LEGAL REFORM

The following recommendations are organised by time horizon. They incorporate the implications of the politics of disgust analysis (Section 5.2), the global counter-movement analysis (Section 5.4), and the strategic gaps identified in Sections 6 and 7. They are grounded in the evidence set out in this report and in the advocacy priorities articulated by Namibian civil society and legal researchers (Solomons, 2025; UNDP, 2021; Amnesty International, 2024).

Immediate (0–2 years)	<ol style="list-style-type: none"> 1. Defend the Dausab decriminalisation ruling before the Supreme Court through coordinated legal argument and amicus submissions (written submissions by non-parties with a recognised interest in the outcome, accepted by Namibian courts at judicial discretion). 2. Challenge the constitutionality of Marriage Act 14 of 2024 under Articles 8, 10, and 14 before the Act commences. 3. Advocate for reinstatement of sexual orientation and gender identity protections in the Labour Act 11 of 2007. 4. Amend the draft Prohibition of Unfair Discrimination, Harassment, and Hate Speech Bill to explicitly include SOGIESC as protected grounds and as hate crime aggravating factors. 5. Develop and fund sustained public counter-narrative campaigns that humanise LGBT lives and directly counter disgust-based political messaging, working across both secular and faith-community platforms. 6. Urgently diversify civil society funding to reduce dependence on US government assistance; engage European bilateral donors and African philanthropic networks as a buffer against Project 2025 impacts.
Medium-term (2–5 years)	<ol style="list-style-type: none"> 7. Pursue a constitutional amendment explicitly adding SOGIESC to the protected grounds under Article 10. 8. Enact a Gender Recognition Act providing a self-determination-based process for transgender persons to change gender markers. 9. Pass a comprehensive Anti-Discrimination Act covering employment, housing, education, and public services. 10. Advocate for amendment of the Combating of Domestic Violence Act 4 of 2003 to explicitly extend protection orders and remedies to same-sex couples. 11. Enact a specific prohibition on conversion therapy, including a ban on referrals by healthcare and religious professionals, with professional sanctions for breach. 12. Advocate for formal integration of LGBT rights into the national Gender Policy and the National Plan of Action against Gender-Based Violence, including recognition of SOGIESC within the mandate of the Ministry of Gender Equality and Child Welfare. 13. Introduce mandatory SOGIESC sensitisation training for police, health workers, and members of the judiciary. 14. Document, publicly name, and counter the influence of transnational anti-rights networks operating in Namibia; advocate for government transparency about external funding of anti-rights legislative efforts.
Long-term (5+ years)	<ol style="list-style-type: none"> 15. Legislate equal domestic marriage, building on the Digashu precedent of recognition of foreign same-sex marriages. 16. Establish a parenting rights framework recognising same-sex co-parents and enabling joint adoption. 17. Enact intersex-specific protections banning non-consensual medical interventions on infants and children. 18. Integrate SOGIESC-inclusive content into school curricula as part of comprehensive sexuality education.

Sources: Solomons (2025); UNDP (2021); Amnesty International (2024); Equal Namibia (2024); Namibia Institute for Democracy (2024); SRHR Synthesis Report (2024).

SECTION 9. CONCLUSION: BUILDING THE HOUSE FOR EVERYONE

The Namibian story is one of an unfinished revolution — a liberation struggle that freed Namibia from apartheid but left unresolved the question of whose dignity would be fully recognised. The Namibian House, as President Geingob envisioned it, was meant to shelter everyone. Some are still waiting at the door.

Not yet uhuru. But not without hope.

The Digashu and Dausab rulings demonstrate that courts are willing to extend the Constitution's logic to LGBT persons. The civil society movement is sophisticated, intersectional, and increasingly aligned with the broader gender equality and feminist movements. The 35% of Namibians who express support or neutrality toward LGBT legal equality represent a significant constituency — a foundation for advocacy, not a reason for despair (Survey Warehouse, 2024). The transnational anti-rights movement is well-resourced and co-ordinated — but it is also a movement that depends on emotional manipulation rather than constitutional argument, which means that its gains are vulnerable to the kind of humanising counter-narrative work that Section 5.2 identifies as an equal priority alongside legal reform.

Uhuru, as the liberation movements knew, is never declared once and delivered forever. It is practised — in courtrooms that uphold constitutional dignity, in parliaments that legislate protection rather than exclusion, in hospitals where every patient is treated with equal care, in workplaces where no one is dismissed for who they are, and in public discourse that humanises rather than degrades. Each of these is a brick in the Namibian House. None of them has been fully laid for LGBT citizens yet.

Liberation is not complete until the law protects those it once persecuted. The constitution demands it. The people deserve it.

The freedom fighters who built this nation did not intend a republic in which some citizens live in the house and others sleep in the yard. The work of completing that vision belongs to this generation. Not yet uhuru. But the work is unfinished, not abandoned. And unfinished work, unlike broken promises, can still be completed.

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Methodology

This report is based on desk research drawing on primary legal texts, court judgments, survey data, peer-reviewed academic literature, civil society submissions, and policy documents published primarily between 2020 and 2025. All factual claims are grounded in cited, published sources. No quotations from stakeholders have been fabricated or attributed without documentary basis. References follow APA 7th edition format.

Terminology

This report uses the abbreviation LGBT (lesbian, gay, bisexual, transgender) throughout. Where source documents use other terminology — such as LGBTI, LGBTQ, or LGBTQIA+ — the original language is preserved within citations and source titles only.

SOGIESC (sexual orientation, gender identity, gender expression, and sex characteristics) is used as a technical legal and policy term where precision about the full scope of protected characteristics is required.

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REFERENCES

- Afrobarometer Dispatch No. 1045. (2025, September 15). In mostly Christian Namibia, same-sex rights face barriers, but not necessarily from religion [Data report]. Author: Rehan Visser. Afrobarometer Network. <https://www.afrobarometer.org>
- Amnesty International. (2024, February 5). Namibia: Submission to the UN Human Rights Committee, 140th session, 4–28 March 2024 (Document No. AFR 42/7669/2024). <https://www.amnesty.org>
- Balaji, M. (2023, May 29). A win for LGBT rights in Namibia. Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk>
- Botha, A. (2017). To correct: LGBTI rights in Namibia's schools. *International Journal of Inclusive Education*, 21(8). <https://doi.org/10.1080/13603116.2017.1336577>
- Dausab v Minister of Justice (HC-MD-CIV-MOT-GEN-2022/00279) [2024] NAHC 331 (21 June 2024). High Court of Namibia.
- Digashu and Seiler-Lilles v Government of Republic of Namibia (2023). Supreme Court of Namibia.
- Digital Closet. (2023). Hate speech, discrimination, and the law: An analysis of Namibia's legislative landscape for LGBT persons [Research report].
- Ekandjo, J. (2023, July 5). Private member's motivation on the amendment of the Marriage Act, 1961. National Assembly of Namibia.
- Equal Namibia. (2024, June 7). Input on Namibia about the killing of LGBTIQ+ persons. Submission to the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Office of the High Commissioner for Human Rights. <https://www.ohchr.org>
- Fuchs, M. (2024). Oppressive silence: A qualitative study on same-sex intimate partner violence in Namibia and survivors' responses [Master's thesis]. University of Gothenburg, Department of Cultural Sciences.
- Hancock, A-M. (2004). *The politics of disgust: The public identity of the welfare queen*. New York University Press.
- Harper, K. (2024). Project 2025 and its global implications for SRHR. In *Combating SRHR barriers in southern Africa: Regional synthesis report* (pp. 8–9). [As cited in SRHR Synthesis Report, 2024].
- Hubbard, D. (2024). Current issues in gender and the law [Web report]. Institute for Public Policy Research (IPPR). <https://ippr.org.na>
- Legal Assistance Centre. (2015). Namibian law on LGBTI issues. Legal Assistance Centre. <https://www.lac.org.na>
- Miller, W. I. (1997). *The anatomy of disgust*. Harvard University Press.
- Namibia Institute for Democracy. (2024). *The Namibian house: Building inclusive spaces for LGBTQIA+ persons*. Namibia Institute for Democracy.
- Paternotte, D., & Kuhar, R. (2018). Disentangling and locating the 'global right': Anti-gender campaigns in Europe. *Politics and Governance*, 6(3), 1–12. <https://doi.org/10.17645/pag.v6i3.1557>
- Powell, P. A., & Consedine, N. S. (Eds.). (2022). *The handbook of disgust research: Emerging themes and new directions*. Springer. [As cited in Solomons, 2025].
- Solomons, A. (2024). Cry the beloved country: Mapping anti-SRHR resistance in Namibia [Civil society mapping report].
- Solomons, A. (2025, February). The power of disgust [Presentation]. Windhoek, Namibia.
- Solomons, A. (2025). LGBT+ legislative status: Namibian legal framework analysis for LGBT+ rights (Version October 2025) [Unpublished report].
- Solomons, A. (2025). *Roots of Resilience: Unravelling Anti-Gender Movements in Southern Africa's Sexual & Reproductive Rights Landscape*. A synthesis report examining the organized resistance to sexual and reproductive health and rights (SRHR) across Southern Africa, drawing on country studies from Mozambique, Namibia, South Africa, and Zimbabwe. Afrikagrupperna.
- Survey Warehouse. (2024). Afrobarometer Round 10 survey in Namibia: Summary of results. Afrobarometer / Survey Warehouse. <https://www.afrobarometer.org>
- United Nations Development Programme. (2021). *Inclusive governance initiative (IGI): Namibia baseline report*. UNDP.
- United Nations Development Programme. (2024). *LGBTI inclusion index: Report on the pilot implementation*. UNDP.

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Abigail Solomons is an independent human rights practitioner based in Windhoek, Namibia, interested in othering, sexual and gender minority rights, feminist advocacy, and community-led monitoring. She holds a BA in Languages and Culture from the University of Stellenbosch and brings over fifteen years of practitioner experience to her research. Her work spans policy analysis, M&E systems development, legal advocacy, and knowledge production – grounded in a commitment to evidence-based reform and the dignity of those whose lives policy most directly shapes.

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