

# The Namibian House: Building Inclusive Spaces for

**LGBTQIA+**

## Persons

Compiled by: Jacinta Kasume

Foreword by: Shishani Vranckx



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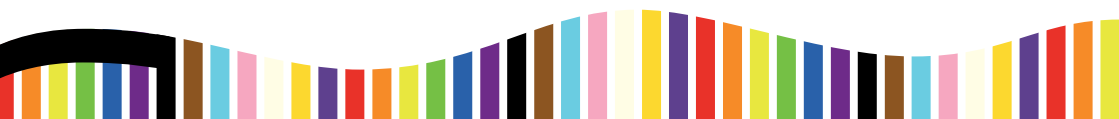
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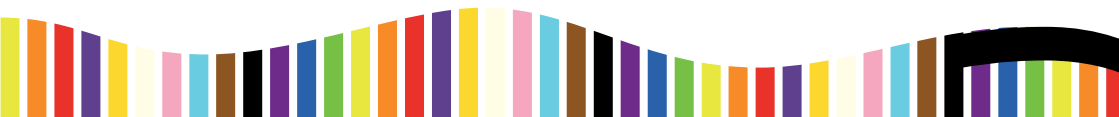
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# Acknowledgement

With heartfelt gratitude, we extend our deepest thanks to all those who made this publication possible.

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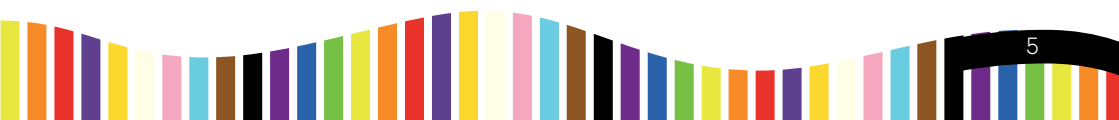
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To each and every one of you, I wish to affirm that your support and dedication have made “The Namibian House: Building Inclusive Spaces for LGBTQIA+

Persons” a reality. This document stands as a testament to our collective efforts and commitment to fostering inclusivity, respect, and dignity for all people. Thank you.



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# **Namibia Institute for Democracy (NID): Strengthening Namibia's Democratic Landscape**

The Namibia Institute for Democracy (NID) was founded in 1991 to facilitate the sharing of information and knowledge as a key to strengthening Namibia's democratic landscape. NID is a non-partisan non-governmental organisation dedicated to advancing facets of community and national development through a wide range of initiatives.

## **Core Areas of Focus**

*NID's projects are diverse and impactful, addressing crucial areas of the social environment such as:*

- **Community Development:** Implementing programmes that foster sustainable growth and development of communities.
- **Civic Education:** Providing education that empowers citizens through awareness of their rights and responsibilities.
- **Socio-Politics:** Engaging in initiatives that enhance understanding and participation in socio-political processes.
- **Voter Education:** Educating the electorate to make informed choices when exercising the right to vote.
- **Gender Mainstreaming:** Promoting gender equality and the inclusion of women in all spheres of society.
- **Anti-Corruption:** Implementing measures to combat corruption and promote transparency.
- **Political Leadership Training:** Training future leaders to uphold democratic values and principles.
- **Research:** Conducting research to inform and guide policy and decision-making in Namibia.

## **Commitment to the Constitution and Human Rights**

NID is unwavering in its commitment to the Constitution of the Republic of Namibia. The institute plays a pivotal role the education of decision-makers, party liaisons, civil society organisations, law enforcement agencies, traditional authorities, students, and teachers about the importance of protecting the Constitution and upholding human rights. This education extends to international human rights instruments that Namibia has signed or ratified, ensuring that high standards are understood, promoted and implemented locally.

## Building Partnerships and Coalitions

As an active member of the Access to Information Coalition (ACTION) and a founding member of the Civil Society Information Centre Namibia (CIVIC +264), NID has built and maintained long-term partnerships with a diverse range of development stakeholders. These collaborations are aimed at fostering functional synergies and promoting sustainability in democratic practices.

## Long-Term Vision

- **Sustained Education:** Continuous education of various sectors of society on democratic values and human rights.
- **Enhanced Collaboration:** Strengthen partnerships to ensure a broad-based approach to democracy and development.
- **Informed Decision-Making:** Employ research and the collection of data to drive informed decisions that benefit the democratic landscape of Namibia.
- **Promotion of Inclusivity:** Ensure that all segments of the population are included in the democratic process, especially particularly marginalised groups.

## Conclusion

The Namibia Institute for Democracy serves as a bright beacon of hope and progress in Namibia's journey towards a more inclusive, informed, and robust democracy. Through its multifaceted programmes and unwavering commitment to constitutional and human rights education, NID continues to play a crucial role in shaping the democratic future of Namibia.



# Foreword

It is an honour to write a foreword for this important work, a book that should raise awareness in our society. It is published at a time of growing global political and social polarisation, as conservatism and progressive movements grow further apart.

The drive to emancipate LGBTQ+ persons is linked to a larger scheme of global emancipation and decolonisation that is occurring in social, technological, economic, political, and educational arenas. It is a movement that promotes truth, dignity, and equality. For example, in the midst of the climate crisis, we are gradually awakening to the wealth of knowledge and wisdom inherent in indigenous populations, alerting us to ways in which people lived together and with nature in the past. These ways of life also included the acknowledgement and acceptance of LGBTQ+ persons in various communities around the world.

As Africans, and in the Global South at large, we are collectively coming to terms with the aftermath of colonialism, especially its violent disruption of the beliefs, languages, cultures, and practices that were calculatedly destroyed and erased. In Namibia, in Africa, and in the rest of the majority world, the role of women as leaders has been undermined by colonialism, creating the current patriarchal systems to which we have been subjected. The persecution of LGBTQ+ people and the erasure of their contributions to society are directly linked to colonial oppression. The same applies to the violent racial history that sought to erase Black people and keep them subservient. Let us remember, colonialism divided us to conquer vulnerable groups more easily. Unlearning this violent and disruptive culture, and embracing how to coexist with all members of society, is one of the many goals of decolonisation that will heal us both as Africans and as humans at large.

Recently, I spoke with a Namibian human rights activist who has fought for gender equality for most of her life and on the highest level internationally. Our conversation revealed how she and other allies have had trouble understanding the terminology and language currently used in the LGBTQ+ movement. She conceded they had come of age in different times. Her admission highlighted for me a practical use for a resource such as this book, which can help us understand current terminologies, why this understanding is important, and how we can create respectful terms to communicate with one another.

As our society evolves, so does our language, introducing broader, more inclusive terms to identify people and their experiences. We know only as much as we are informed; language and culture continuously evolve, reflecting social developments of which we were unaware in earlier times. The same principle applies to language employed in areas such as technology, economics, and in pure and applied science. New words and terminologies are continuously created as humanity evolves. This is a natural and organic process, and a guide like the one you are holding will help educate society about the LGBTQ+ movement by updating its understanding of the movement's language and terminology.

It saddens me to witness the hyper-fixation people have with sex and sexuality, instead of regarding the complete human beings that we are: community builders, colleagues, children, parents, academics, teachers, athletes, visionaries, entrepreneurs, entertainers, social activists, and innovators, among the many roles people fulfil — in short, thriving creatives. Some of the greatest scientists, inventors, artists, and social activists in history have been LGBTQ+ persons. This, I believe, could be associated with having a different outlook on life and thinking outside the box.

Now, imagine the growth potential of society if people no longer shunned marginalised communities, including LGBTQ+, but incorporated them as fully recognised members of society. In the broader scope of social liberation, this book opens a door to the possibility of informing yourself, as well as critically questioning cherished beliefs. Again, we know only as much as we are informed. Also, from the perspective of biodiversity — i.e., the variety and variability of life on Earth — diversity is crucial because of the intrinsic value of all living entities: “Each species has a role to play and a right to exist, regardless of its perceived value to humans.”

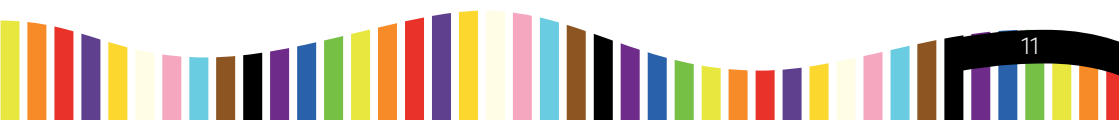
A new movement of ‘re-indigenisation’ is globally emerging: remembering, reconnecting, and reclaiming pre-colonial wisdom. This movement is visible in science and healthcare, with a growing awareness of holistic approaches, and an understanding that everything is connected and interdependent. We cannot compartmentalise and separate one part of the body by treating its symptoms. To heal the body, we need to treat it holistically, for its emotional, spiritual, and physical well-being go hand in hand. The same principle applies to society. For society to heal, people need to acknowledge and embrace its diversity. Knowing that we are ‘one’ enables us to see every individual, and their

potential to create a smarter, more creative, innovative, and stronger society. The realisation of this holistic view is what I hope for Namibia, Africa, and the world.

This guide gives voice to a movement that hopes to foster understanding. Namibia is a country that has yet to heal from the brutal wounds it suffered in the past, and traumas of the past give rise to traumas in the present. If anything can be learned from oppression, it is to remind us of our humanity and the humanity of others. As the puissant queer author and activist Audre Lorde once powerfully stated: “We are not free until we are all free.”

I want to thank Jacinta Kasume and Linda Baumann for their work and for the invitation to contribute to this important guide. I also want to express my gratitude to everyone who dedicates their life to making Namibia a more inclusive society for the LGBTQ+ community.

I hope we will grow to appreciate the beauty and value of our colourful differences and do away with the destructive markers that have divided us, often in violent ways. Moving beyond assumptions and judgments based on differing identities would be a great achievement. Let us shift our focus to what connects us as human beings, as members of families, communities, regions, and the world at large.





### **Coming Out**

The process of disclosing one's sexual orientation or gender identity to others, particularly in cases where individuals do not identify as cisgender.

### **Crossdresser**

A person who enjoys dressing in clothing typically associated with the opposite socially-sanctioned gender but generally has no intention of living full-time as a person of the opposite the other gender.

### **Drag**

The theatrical act of dressing in gendered clothing and/or adopting gendered behaviors as part of a performance. It does not necessarily indicate the performer's sexual orientation or gender identity.

### **Gay:**

Sexually or romantically attracted to people of one's own sex (commonly used to referring to men).

### **Gender**

A socially constructed identity related to ideas of "masculinity," "femininity," or "androgyny," including aspects of identity and its expression.

### **Gender-Affirming Care**

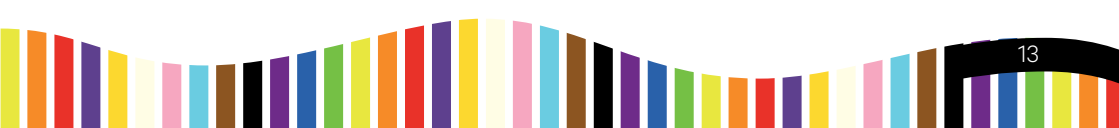
Medical treatments that transgender people may pursue to align their bodies with their gender identity.

### **Gender Dysphoria**

Distress experienced by some individuals due to a mismatch between their gender identity and their assigned sex at birth.

### **Gender Expression**

The way an individual conveys (or is perceived as conveying) their gender, which can include choices in clothing, hairstyle, mannerisms, and social roles.



## ***Gender Identity***

A person's personal understanding of themselves with regards to gender categories, such as woman, man, transgender, etc.

## ***Heteronormativity***

The belief that heterosexuality is the default, normal, or preferred sexual orientation.

## ***Homophobia***

Prejudice, fear, or hatred directed toward homosexual people.

## ***Intersex***

A term used to describe a person whose sex assigned at birth does not fit neatly into the socially accepted binary of "male" or "female," due to ambiguous or non-binary genitalia, hormone levels, and/or chromosomal constitution.

## ***Intersectionality***

The interconnected nature of social categories such as race, class, and gender, that produce overlapping systems of discrimination, which put a person at a disadvantage.

## ***Lesbian***

A woman who is sexually or romantically attracted exclusively to other women.

## ***MTF/M2F/FTM/F2M***

Terms used to describe the direction of a trans person's transition. MTF refers to male-to-female transitions, and FTM refers to female-to-male transitions.

## ***Non-Binary***

An umbrella term for gender identities that fall outside the traditional male-female binary.

## ***Pansexual***

Attraction to people regardless of their gender identity or biological sex.

## ***Passing***

Being perceived by others as the gender you are aiming to represent. It also refers to a trans person who lives convincingly as the gender with which they identify.

### ***Pride***

A celebration of LGBTQIA+ identities and a protest for equal rights.

### ***Queer***

An umbrella term used by people who do not conform to social norms of heterosexuality and/or the gender binary. Once a derogatory term, it is now embraced with pride by the LGBTQIA+ community.

### ***Sexual Orientation***

An aspect of an individual's identity that determines on whom they focus their sexual or romantic drives, desires, and fantasies.

### ***Sex-Affirmation Surgery / Sex-Reassignment Surgery***

Surgical procedures to change the sex characteristics of one's body, including genitals and/or secondary sex characteristics.

### ***Transgender***

An umbrella term used to describe a person whose gender identity and/or expression does not align with the sex they were assigned at birth.

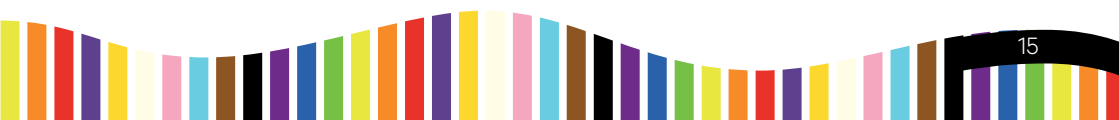
### ***Transphobia***

Prejudice, fear, or hatred directed toward transgender people.

### ***LGBTQIA+***

An acronym that applies to the range of categories expressive of gender identity outside cisgender, i.e. binary norms, namely: Lesbian-Gay-Bisexual-Transgender-Queer-Intersex-Asexual-etc.

This glossary not only seeks to clarify essential terms but also to foster understanding and inclusivity within the broader community, empowering more respectful and informed dialogue about gender, sexual orientation, and identity.





# 01

## **LGBTQIA+ Rights in Namibia and Africa: A Journey of Struggle and Resilience**



# Chapter 1

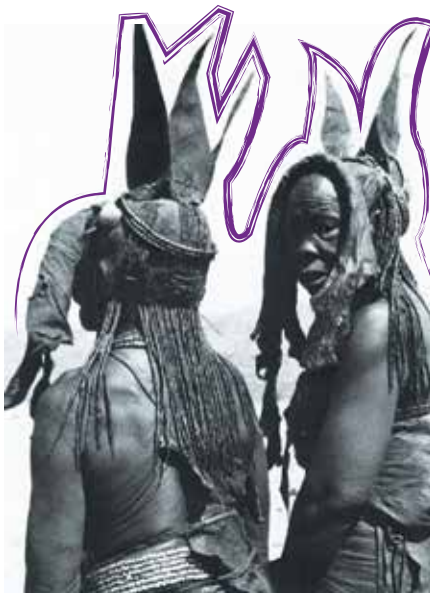
## LGBTQIA+ Rights in Namibia and Africa: A Journey of Struggle and Resilience

*This chapter aims to illuminate the complex journey of establishing LGBTQIA+ rights in Namibia and across Africa, highlighting the historical, social, and political contexts that have shaped this struggle.*

### Pre-colonial Lives of African Peoples

In the vast and diverse tapestry of pre-colonial Africa, communities thrived with unique customs, languages, and social norms that were firmly intertwined with their environment, spirituality, and social structures. These societies were enriched through by a profound connection to the land and a complex web of relationships and traditions. Far from monolithic, African societies were characterised by a rich variety of cultural practices, which include nuanced understandings of gender and sexuality.

Historical evidence suggests that many African societies acknowledged and, in some cases, celebrated diverse gender identities and sexual orientations. For example, among the Meru and Kikuyu people of Kenya, the role of “mugawe”



allowed for non-heterosexual relationships and positions of leadership. Similarly, terms like “ikihindu” among the Hutu and Tutsi of Burundi and Rwanda recognised gender nonconformity. In southern Africa, scholar Kurt Falk documented instances of homosexual relationships among ethnic groups like the Aawambo and Ovaherero, challenging the notion that pre-colonial African societies were exclusively heterosexual.

Among the Damara people of Namibia, LGBTQIA+ persons were referred to as “Heikhoen,” or “tree people,” emphasising their spiritual significance. Trees were revered as spiritual entities, and LGBTQIA+ persons, perceived as being closest to trees, were seen as possessing a unique spiritual connection. This terminology underscores the presence and acceptance of sexual and gender diversity in pre-colonial Africa, a reality later obscured by the impositions of colonial rule.

### **The Impact of Colonialism and the Promotion of Homophobia**

The arrival of European colonial powers marked a profound and devastating transformation for African societies. By the onset of World War I, European nations such as Portugal, France, Germany, and Britain controlled over 90 percent of Africa’s land area. Colonialism brought violent exploitation, suppression of indigenous cultures, and the imposition of foreign values, including rigid norms pertaining to gender and sexuality.

The legal and moral code imposed by Britain on southern Africa in the 19th century had a profound and lasting impact on the legal framework regarding human sexuality. The British Empire, deeply influenced by Victorian-era morality, was characterised by strict sexual puritanism, rigid gender roles, and a conservative binary view of sexuality. These norms clashed with, and often sought to erase, the more fluid understanding of gender and sexuality that existed in African societies.

One of the most insidious legacies of colonial rule was the introduction of sodomy laws that explicitly criminalised homosexual intimacy. The British Empire’s Indian Penal Code of 1860, which criminalised “carnal intercourse







## The African LGBTQIA+ Movement: Focus on Namibia

Namibia's path toward LGBTQIA+ equality has been blazed by a combination of historical legacies, societal resistance, and the tireless efforts of activists that push for recognition and rights. Despite the colonial imposition of homophobia, which has made a lasting impact on society, the modern LGBTQIA+ movement in Namibia has achieved notable milestones.

A pivotal moment occurred in 1995 when the New Era newspaper published a controversial article titled "Homosexuality is like Cancer or the AIDS Scourge: Hishongwa Blasts Gays". This inflammatory piece sparked widespread debate and ignited the LGBTQIA+ rights movement in Namibia. In response to the heightened public discourse, advocacy organisations such as Sister Namibia (already established in 1989), The Rainbow Project (1996), and OutRight Namibia (2010) emerged in strength. These organisations have played an important role in combating homophobia, providing support for LGBTQIA+ persons, and creating a sustained platform for dialogue. In 1997, The Rainbow Project organised Namibia's first pride march, which set the stage for future pride events, including the 2016 Katutura Pride March and Swakopmund's inaugural Pride Parade in 2013. These events were significant in promoting visibility, creating safe spaces, and encouraging public support for LGBTQIA+ rights.

An important legal battle took place in 1997 when Elizabeth Frank, a German national, and her Namibian partner, Ms. /Khaxas, challenged the Immigration Selection Board's refusal to grant Frank permanent residency. Initially, the High Court had recognised their relationship as a "universal partnership", which granted legality to shared assets and legal recognition of cohabiting couples. However, the Supreme Court overturned this ruling in 2001, arguing that the Constitution's definition of "family" did not extend to same-sex relationships. The ruling, heavily influenced by public opinion, underscored the limitations of existing legal protections and shaped public and parliamentary attitudes toward LGBTQIA+ rights in Namibia for years to come.

While the Supreme Court's ruling in the Frank case marked a setback, it also highlighted the need for a more inclusive interpretation of the Namibian Constitution, particularly regarding the protection of minority rights. The case opened a national dialogue on the legal status of same-sex relationships and underscored the constitutional challenges LGBTQIA+ persons face in their quest for equality. Despite its outcome, the Frank case remains a foundational moment in Namibia's legal history on LGBTQIA+ issues.

The legal landscape improved in 2023 with the Digashu case, in which the Namibian Supreme Court ruled that the country's refusal to recognise same-sex marriages solemnised abroad for immigration purposes, violated the constitutional rights to dignity and equality. This landmark decision overturned the previous stance, which had relied on the non-binding opinions delivered in the Frank case. The Court clarified that public opinion should not determine constitutional rights and reaffirmed that all persons deserve equal protection under the law, regardless of sexual orientation.

The Digashu ruling was a crucial victory for the LGBTQIA+ movement, which affirmed the universality of constitutional protections and the importance of human dignity in Namibia's legal framework. Unfortunately, this progress was confronted by political backlash. In 2023, Parliament passed a series of unconstitutional anti-LGBTQIA+ bills, further highlighting ongoing tension between the courts and lawmakers over LGBTQIA+ rights. These discriminatory laws have contributed to Namibia's democratic regression, with political actors weaponising LGBTQIA+ rights to further their agendas.

Grassroots activism has played a crucial role in maintaining momentum for the advancement of LGBTQIA+ rights. Initiatives such as the Rainbow Sidewalk in Windhoek (2021), Drag Night Namibia, and Pride PopUp events have fostered community support and increased visibility. These cultural statements have helped shift public opinion by providing much-needed solidarity and encouraging Namibians to embrace diversity and inclusivity.

## Achievements and Ongoing Challenges

Namibia's LGBTQIA+ movement has seen significant achievements despite persistent challenges. The 2023 Supreme Court ruling that recognised same-sex unions solemnised abroad, and the 2024 High Court decision declaring the sodomy law unconstitutional, were monumental victories that affirmed the rights and dignity of LGBTQIA+ persons. These rulings marked significant steps toward achieving equality and underscored the importance of constitutional protections.

However, despite legal advances, the absence of comprehensive protections for LGBTQIA+ persons remains a critical issue. Discrimination, harassment, and the lack of access to essential services such as employment, housing, and healthcare continue to affect the community. The passage of unconstitutional anti-LGBTQIA+ bills by Parliament in 2023 highlighted actions taken by

politicians to weaponise fundamental rights for political gain. Discriminatory laws contribute to Namibia's democratic backsliding and exemplify the politicisation of LGBTQIA+ rights, overshadowing the need for inclusive policies that would effectively address the vulnerabilities of the community.

Societal attitudes, religious beliefs, and cultural norms also pose significant barriers to the acceptance of the LGBTQIA+ community. Hate crimes, particularly violence directed at transgender women, continue to rise, underscoring the urgent need for legal protections and social support systems. The lack of safe houses for LGBTQIA+ persons exacerbates their vulnerability, exposing them to physical harm, emotional abuse, and social exclusion.

Despite these obstacles, Namibia's LGBTQIA+ community remains resilient. Advocacy, activism, and grassroots organisation continue to drive the movement forward, pushing for stronger legal protections and broader social inclusion. Through collective efforts, visibility campaigns, and unwavering determination, Namibia can move closer to establishing a more inclusive society where LGBTQIA+ persons are respected and protected. With the continued push for equality, progress toward a more inclusive and tolerant Namibian society is within reach.





# 02



## Legislative Developments and LGBTQIA+ Rights in Namibia and Africa



## Chapter 2

# Legislative Developments and LGBTQIA+ Rights in Namibia and Africa

*This chapter explores legislative developments affecting LGBTQIA+ rights in Namibia and across Africa. It highlights the historical impact of colonial-era laws and the inadequacies of current human rights frameworks. It also delves into the critical role that can be played by parliamentarians to foster inclusive societies through legislative reform.*

### The African Charter and Legislative Developments

In 1979, the Assembly of Heads of State and Government of the African Union (AU), then known as the Organisation of African Unity (OAU), adopted a resolution to form a committee of experts that would draft a comprehensive human rights instrument for the continent. This effort culminated in June 1981 with the approval of the African Charter on Human and People's Rights. The Charter aimed to safeguard the rights and freedoms of persons and groups throughout Africa, emphasising the universality and indivisibility of human rights. The Charter's orbit encompassed civil, political, economic, social, and cultural rights, and sought to ensure the protection of human dignity, equality, and justice.

In 2005, the Maputo Protocol emerged as a significant extension of the African Charter, focusing specifically on the rights of women in Africa. The protocol addressed unique challenges faced by women and girls, guaranteeing a range of rights including participation in political processes, social and political equality with men, reproductive health autonomy, and the prohibition of harmful practices such as child marriages and female genital mutilation. Despite these advancements, the Maputo Protocol did not explicitly protect the rights of sexual and gender minorities, underscoring a critical gap in the legal framework and by omission, perpetuated the notion that LGBTQIA+ identities are “un-African.”

The gap is further compounded by the fact that African states are signatories to various progressive conventions and agendas, such as The 2030 Agenda for Sustainable Development, Agenda 2063: The Africa We Want; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and



Action Plan (2015–2019), which recognised LGBTQIA+ persons as vulnerable to violence and in need of protection, these are not legally binding. This leaves LGBTQIA+ persons susceptible to discrimination, harassment, and violence, with limited legal recourse or protection. The persistence of colonial-era laws in Namibia’s legal framework, such as those criminalising same-sex relations, further exacerbates the marginalisation of LGBTQIA+ persons.

## Key Legal Frameworks Impacting LGBTQIA+ Rights in Namibia

Act	Year Enacted	Description
Births, Marriages & Death Registration Act	1963	Governs the registration of births, marriages, and deaths, excluding recognition of same-sex unions.
Criminal Procedures Act	1977	Imposes regulations that include the criminalisation of same-sex relations.
Combating Immoral Practices Act	1980	Criminalises sodomy and other non-heterosexual behaviours.
Combating Rape Act	2000	Defines and criminalises rape, but lacks specific protections for LGBTQIA+ persons.
Maintenance Act	2003	Regulates maintenance obligations, without consideration for same-sex relationships.
Combating Domestic Violence Act	2003	Addresses domestic violence, but does not include specific protections for LGBTQIA+ persons.
Namibian Labour Act	2007	Protects workers’ rights, but lacks explicit protections against discrimination based on sexual orientation.

## Legislative Recommendations for Namibia and Africa

Addressing these systemic issues and ensuring the protection and promotion of LGBTQIA+ rights requires comprehensive legislative reforms, coordinated activism and robust civic education. Parliamentarians play a crucial role in spearheading these changes and fostering the formation of an inclusive society. The following recommendations are tailored to guide legislative efforts:

**1. Amend National Constitution:** To align with universal human rights principles and ensure equal protection for all persons, a constitution must explicitly prohibit discrimination based on sexual orientation and gender identity.

- **Action:** Advocate for constitutional amendments through legislative processes and public campaigns. Highlight the vision of the Namibian House as a unifying framework that values and protects all citizens.

**2. Repeal Colonial-Era Laws:** Outdated colonial-era laws that criminalise same-sex relations and other non-heterosexual behaviours should be repealed to eliminate legal discrimination.

- **Action:** Engage with fellow lawmakers and civil organisations to draft and support bills that repeal these regressive laws. Utilise the historical context to demonstrate the need for modernisation.

**3. Enact Comprehensive Anti-Discrimination Legislation:** Develop and implement comprehensive anti-discrimination laws that protect LGBTQIA+ persons in all areas of life, including employment, housing, healthcare, and education.

- **Action:** Collaborate with human rights organisations to draft inclusive legislation. Build coalitions across political and social lines to support its passage, emphasising the universal principles of human rights.

**4. Establish Legal Protections for LGBTQIA+ Persons:** Create legal frameworks that specifically address the rights and needs of LGBTQIA+ persons, providing protections against harassment, violence, and discrimination.

- **Action:** Draft and advocate for laws that provide legal recognition of same-sex unions, child-adoption rights, and protection against hate crimes. Showcase successful examples from other countries to strengthen arguments.

**5. Promote Public Education and Awareness:** Implement public education campaigns to raise awareness about LGBTQIA+ rights and the importance of inclusivity, dismantling myths and prejudices to foster a more accepting society.

- **Action:** Partner with educational institutions, media, and civil organisations to create and disseminate educational materials. Highlight the historical and cultural richness of inclusivity in African societies.

**6. Engage Religious and Cultural Leaders:** Work with religious and cultural leaders to promote messages of acceptance and inclusivity, highlighting inclusive interpretations of religious texts and cultural traditions.

- **Action:** Develop dialogue and training programmes for religious and community leaders on LGBTQIA+ issues. Emphasise the importance of unity and compassion as core attributes and values.



# 03



## **Media Representation of Sexually and Gender-Diverse Persons**

## Chapter 3

# Media Representation of Sexually and Gender-Diverse Persons

*The purpose of this chapter is to explore the crucial role that media plays in shaping societal attitudes toward sexually and gender-diverse persons in Namibia and Africa. It delves into the historical context of pre-colonial acceptance of diverse gender identities and sexual orientations, contrasting this model with the stigmatisation introduced by colonial rule and perpetuated by modern media practices. The chapter also highlights the challenges of media representation in Namibia and offers recommendations for improvement.*

### Linking Past and Present: The Evolution of Social Norms and Media Representation

Pre-colonial African societies, as discussed in previous chapters, often accepted and celebrated diverse gender identities and sexual orientations. This historical context underscores a crucial point: the current stigmatisation and marginalisation of LGBTQIA+ persons are largely remnants of colonial impositions, further perpetuated by modern societal norms and inadequate media portrayals. Understanding this evolution is essential to appreciate the media's role today in shaping societal attitudes.

### Persistent Anti-Inclusion Narratives and the Role of Media

In Namibia, the cultural and political landscape has significantly influenced the media's portrayal of sexual and gender diverse persons. Media outlets hold substantial sway over public opinion and discourse. Unfortunately, many media houses, influenced by colonial-era attitudes and conservative religious teachings, have played a role in perpetuating negative stereotypes about LGBTQIA+ persons. These anti-inclusion narratives, further amplified by biased editorial policies, foster a climate of fear, misinformation, and hostility.

The persistently negative coverage by some media outlets, which are vocally opposed to recognising LGBTQIA+ rights, not only distorts public discourse but also reinforces harmful social norms. When media frames LGBTQIA+ persons as outsiders or threats to traditional values, it legitimises discrimination and violence against them. As a result, LGBTQIA+ persons become more vulnerable

to exclusion and marginalisation, and public discourse remains hostile and uninformed.

## Media Representation: Challenges and Potential

In an increasingly connected digital world, representation in mainstream media plays a pivotal role in shaping public attitudes and influencing policy decisions. Well-researched and impartial journalism provides the public with opportunities to engage with social groups they may not normally encounter in their daily lives. This exposure can be foundational in shifting attitudes and perceptions of minority groups, particularly gender and sexual minorities.

Unfortunately, many media houses in Namibia face significant challenges in providing balanced and accurate coverage of LGBTQIA+ issues. These challenges include:

**Understaffing:** Many media outlets operate with limited personnel, leading to overburdened journalists who may not have the time to properly research LGBTQIA+ issues.

**Biased Editorial Policies:** Editors with personal biases may influence the tone and content of reporting, leading to the perpetuation of harmful stereotypes and the omission of critical stories.

**Lack of Training:** Journalists often lack the necessary training to cover LGBTQIA+ issues sensitively and accurately, resulting in misrepresentation and the distribution of misinformation.

## The State of Namibian Media

On June 26, 2007, Honourable Judge President, Justice Petrus Damaseb, officially launched the Editors Forum of Namibia (EFN). Two years later, in July 2009, the EFN facilitated the adoption of a Code of Ethics for the Namibian Media and established a Media Complaints Committee, along with an Appeals Chairperson. This Code of Ethics, which adheres to the Namibian Constitution and is based on African Union (AU) principles of media self-regulation, serves as a benchmark for the Media Ombudsman to measure violations of journalistic practice.

Despite these efforts, Namibia's media continues to struggle with unbiased and accurate coverage of LGBTQIA+ issues due to understaffing, biased editorial policies, and a lack of training. This inadequate coverage often exacerbates the stigmatisation of LGBTQIA+ persons, and consequently reinforces public prejudices and limits the development of progressive discourse.



## Hostile Coverage and Its Impact on Public Discourse

The negative framing of LGBTQIA+ issues by some media outlets in Namibia has contributed to a culture of hostility and misinformation. This kind of coverage influences public discourse by promoting the idea that LGBTQIA+ identities are abnormal or “un-African.” As a result, these media narratives further polarise discussions on human rights, creating a backlash against efforts to promote inclusion and equity for sexual and gender minorities.

Hostile coverage also affects the willingness of policymakers to engage with LGBTQIA+ issues, as it fosters a fear of being associated with unpopular causes. Media bias plays a pivotal role in maintaining the status quo, where discriminatory policies remain unchallenged, and the fight for LGBTQIA+ rights becomes even more difficult.

## Best Media Practices from Other African Countries

Some African countries have made significant progress in media representation of LGBTQIA+ persons. For example, in South Africa, where LGBTQIA+ rights are enshrined in the constitution, media outlets have progressively taken steps to provide fair and balanced coverage. Public broadcasting services like the South African Broadcasting Corporation (SABC) offer LGBTQIA+ programming that focuses on both advocacy and education, fostering normalisation of discussions about sexuality and gender identity.

Additionally, several independent media platforms across the continent, such as Mail & Guardian in South Africa and The Star in Kenya, have adopted more inclusive editorial policies that challenge heteronormative biases and promote dialogue on the subject of LGBTQIA+ rights.

In countries like Uganda and Nigeria, where mainstream media remain hostile toward LGBTQIA+ persons, independent platforms such as Openly News have emerged as vital sources for balanced reporting. These platforms, often run by LGBTQIA+ communities themselves, provide important spaces for stories and narratives that are otherwise silenced by mainstream outlets.

## Promoting Independent LGBTQIA+ Platforms

To counter the shortcomings of mainstream media and their hostile narratives, independent LGBTQIA+-run platforms such as, Openly News, are able to serve as effective channels for disseminating accurate and inclusive information. These platforms offer alternative perspectives, free from editorial biases that

often plague mainstream outlets. They also create spaces where LGBTQIA+ persons can share their stories, experiences, and challenges in their own words.

Promoting and investing in unbiased independent platforms is essential in challenging media distortions and provide the public with a more nuanced understanding of LGBTQIA+ issues. By supporting these outlets, activists and allies can help counter the persistent negative coverage that hinders progress in achieving equality.

### Media as an Ally for LGBTQIA+ Advocacy

While the media can fuel the perpetuation of stigma, it also has the ability to drive social change by amplifying the voices and stories of marginalised communities. Through responsible and informed journalism, media can help foster public empathy in order to overcome prejudices, and build support for legislative reforms and policy changes that advance LGBTQIA+ rights.

### Recommendations for Improving Media Representation

To harness the media's potential as an ally for LGBTQIA+ advocacy, several steps should be taken:

**Training and Education:** Media organisations should invest in training journalists to cover LGBTQIA+ issues with sensitivity and accuracy. Workshops and seminars can equip journalists with the knowledge and skills needed to report fairly.

**Diverse Editorial Policies:** Media houses should adopt editorial policies that encourage diverse perspectives and impartial reporting on LGBTQIA+ issues. Editors should be trained to recognise and mitigate their biases.

**Increased Staffing:** Where possible, media organisations should address understaffing, a step that would afford journalists more time and resources to conduct in-depth research and reporting on LGBTQIA+ issues.

**Partnerships with LGBTQIA+ Organisations:** Collaborating with organisations that are LGBTQIA+ orientated can provide journalists with valuable insights and access to stories that highlight the lived experiences of LGBTQIA+ persons

**Public Engagement:** Media outlets should host public forums, discussions, and debates on LGBTQIA+ issues to stimulate open dialogue and challenge prevailing prejudices.

**Support for Independent Platforms:** Promote and invest in LGBTQIA+ platforms in order to counter biased mainstream narratives and provide spaces for underrepresented voices.

By implementing these recommendations, Namibian media can play a pivotal role in realising the vision of *The Namibian House* where persons of all sexual orientations and gender identities are respected and valued.



# Conclusion

In conclusion, this Guide, entitled “The Namibian House: Building Inclusive Spaces for LGBTQIA+ Persons,” provides comprehensive insights into the historical context, legal challenges, social dynamics, and media representation that shape the ongoing fight for LGBTQIA+ rights in Namibia and across Africa. The struggle to advance and guarantee human rights for LGBTQIA+ persons has always been intrinsically intertwined with the broader need to resist colonial oppression and promote acceptance, recognition, and equality.

This publication, created by the Namibia Institute for Democracy, highlights the importance of an intersectional approach in tackling persistent issues of discrimination and exclusion. Many LGBTQIA+ persons face compounding challenges due to intersecting factors such as race, class, ethnicity, disability, poverty, unemployment, and inadequate healthcare services. Addressing these issues requires a nuanced understanding of the diverse forms of oppression that contribute to marginalisation.

One of the central findings of this Guide is the undeniable evidence that pre-colonial African societies often recognised and, in some cases, celebrated diverse gender identities and sexual orientations. This challenges the modern narrative that LGBTQIA+ identities are “un-African,” a claim frequently put forward by decision-makers and conservative media commentators. Contrary to such arguments, the report shows that colonial rule imposed rigid Victorian-era morals and legal codes, criminalising same-sex relationships and enforcing strict gender roles—a legacy that continues to affect African societies today.

Although Namibia has seen positive court rulings in recent years, such as the recognition of same-sex unions solemnised abroad, the legal framework still lacks explicit protections for LGBTQIA+ persons. For meaningful progress, lawmakers and rights campaigners must work toward aligning current legislation with constitutional principles that protect sexual and gender minorities against discrimination and promote equality and justice for all.

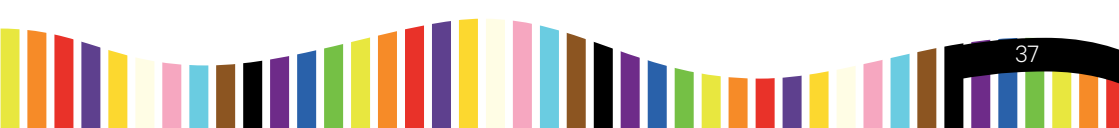
A significant portion of the Guide focuses on the role of the media in shaping public perception. Media representation of LGBTQIA+ persons in Namibia remains problematic, often perpetuating harmful stereotypes and misinformation. Ingrained societal attitudes, biased editorial practices, and a lack of training and expertise in reporting on diverse sexualities and gender

identities contribute to this biased portrayal. Anti-inclusion narratives, rooted in misinterpretations of African history and culture, continue to hinder progress in achieving equality for LGBTQIA+ persons.

To counter discrimination, investment in media training and education is vital. Journalists and editors must be equipped to report on LGBTQIA+ issues with sensitivity and accuracy, amplifying the lived experiences and stories of those marginalised by mainstream outlets. Media professionals have the power to change societal discourse, promoting empathy and understanding while dismantling harmful narratives.

In order to move forward, a multi-faceted approach is necessary. Namibia's lawmakers must consider amending its Constitution to explicitly prohibit discrimination based on sexual orientation and gender identity. Repealing colonial-era laws that criminalise same-sex relationships is also a crucial step in this journey toward justice. Public education campaigns can help challenge persistent myths and prejudices about LGBTQIA+ persons, creating broader societal understanding of gender and sexual diversity. Civil society organisations play a key role in supporting advocacy efforts, promoting inclusive policies, and providing educational resources to communities.

Through these collective efforts, Namibia can realise the vision of a truly inclusive **Namibian House**, where every citizen, regardless of sexual orientation or gender identity, is respected, dignified, and valued. This publication seeks to shine a light on the stories of sexual and gender diversity across Namibia and the African continent, bringing a human face to these important issues and promoting the vision of a Namibian society that celebrates and protects the rights of all its people. By doing so, this Guide becomes a tool not only for education and advocacy but also for creating a future where the dignity and humanity of every individual are fully recognised and upheld.



# Glossary

## **Amend**

To make changes to a legal or legislative document, typically to improve or update it.

## **Anthropologist**

An expert in or student of anthropology.

## **Anthropology**

The study of human societies, cultures, and their development.

## **Auspices**

Protection, support, or guidance, typically used in the context of activities carried out under the supervision or authority of an organisation or individual as in “under the auspices of” —with the help, support, or protection of

## **Binary**

A system or concept that divides people, things, or ideas into two distinct categories, such as male and female in the context of gender.

## **Codified**

The process of arranging and recording laws, rules, or principles in a systematic and official manner.

## **Culminated**

To reach a climax or point of highest development, often after a process or series of events.

## **Criminalisation**

The process of turning an action or behaviour into a criminal offence by passing laws against it.

## **Exacerbate**

To make a problem, bad situation, or negative feeling worse.

## **Imperialism**

A policy or practice by which a country increases its power and influence through colonisation, use of military force, or other means.

**Indivisibility**

The quality or nature of a thing or state that prevents it from being divided or separated into parts.

**Inadequate**

Not sufficient to meet a need or satisfy a requirement; lacking the necessary quality or quantity.

**Imposition**

To forcibly put a restriction in place (such as a rule or law) on people, i.e. without their consent.

**Insidious**

Proceeding in a gradual, subtle way, but with harmful effects.

**Intrinsic**

Belonging naturally or essential to something; an inherent quality.

**Marginalised**

Treated as insignificant or pushed to the edges of society or a group.

**Monolithic**

Referring to a large, powerful, indivisible structure, not very susceptible to change, typically an organisation or system.

**Multi-faceted**

Having many different aspects, parts, or features.

**Nuanced**

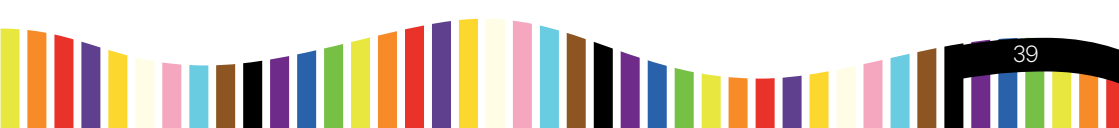
Having or characterised by subtle and often appealingly complex qualities, aspects, or distinctions.

**Omission**

The act of leaving out or excluding something or someone.

**Politicisation**

The process of turning something, such as an issue or a concept, into a political matter, often with negative connotations.



**Prejudice**

A preconceived opinion not based on reason or actual experience; often harmful or discriminatory.

**Puissant**

Having great power or influence.

**Puritanism**

Strict moral or religious principles, especially in relation to issues of sexuality and personal behavior.

**Recourse**

A source of help or assistance in a difficult situation.

**Regressive**

Returning to a less advanced or less developed state; backward or reactionary.

**Remnants**

Small remaining parts of something, often what is left after the main part is gone.

**Repeal**

To revoke or annul a law or legislative act, making it no longer valid.

**Rigid**

Strict, inflexible, and unchangeable, often applied to rules, systems, or attitudes.

**Solemnised**

To hold or perform (ceremonies, rites, etc.) in a formal or dignified manner.

**Spearhead**

To lead an initiative or movement, often involving significant change.

**Stigmatize**

To describe or regard someone or something as worthy of disgrace or disapproval.

**Stringent**

Strict and precise, often applied to rules, regulations, or conditions.



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# Minority - Song by Shishani Vranckx

*You've got rules telling me what to do  
But is there anybody checkin' up on you  
Well, I'm no fool, I do what I've got to do  
Many have died for a freedom of mind, for the freedom of truth*

*Could you be guilty for being a little bit different from the rest  
Come on, come on, come on now people  
Put yourself to the test*

*Every minority has a priority  
We want to be equally free  
Love me or hate me, discriminate me  
But you can't change the way I feel  
Who is the one to judge, telling me who to love,  
Telling me how to live, telling me what life is  
Oh, how you're mistreating me  
I said oh, how you're mistreating me*

*Oh no no no no*

*What you say  
Is that I'm not supposed to be  
Walking this earth, that I don't deserve  
To live a free life  
Well, I know I've so much to give to you  
I feel no shame, despite your blame, cause my love is real*

*Could you be guilty for being a little bit different from the rest, no  
Come on, come on, come on now people  
Put yourself to the test*

*Every minority has a priority  
We want to be equally free  
Love me or hate me, discriminate me  
But you can't change the way I feel  
Who is the one to judge, telling me who to love,  
Telling me how to live, telling me what life is  
Oh, how you're mistreating me  
I said oh, how you're mistreating me  
Oh no no no no  
Oh no no no no no  
This ain't the way  
Oh no no no no  
Oh no no no no no*

*We need a black sheep to distract us from reality  
Point your finger at me  
I bet that makes it easy  
We need to realise where the true problem lies  
It ain't who you are, but the size of your mind  
Can you see with your heart and look past preconceptions  
Can you see my soul, passed the labelling section  
This is who I am, I'm gonna stand up proud  
Won't let no one bring me down*

***The Namibian House: Building Inclusive Spaces for LGBTQIA+ Persons*** is a comprehensive guide dedicated to the promotion of equality, dignity, and human rights for all. In a world still grappling with the legacies of colonialism, this publication sheds light on the persistent challenges faced by sexually and gender-diverse individuals in Namibia and across Africa.

Exploring the rich pre-colonial history of acceptance alongside modern legal, social, and media dynamics, the guide provides a thoughtful analysis of the progress made and the obstacles that remain. From landmark court cases and progressive judicial rulings to ongoing political resistance and social stigma, this guide highlights the resilience of Namibia's LGBTQIA+ community and the vital role of activism, advocacy, and inclusive policies.

Drawing on historical insights, legal precedents, and the vision of a truly inclusive “Namibian House,” this publication advocates for a society where all citizens—regardless of their sexual orientation or gender identity—are respected, protected, and valued.

This guide is not only a resource for lawmakers, educators, and media professionals but also a tool for fostering open dialogue, understanding, and lasting social change. Together, we can build a future where inclusivity is the cornerstone of justice and equality for all.



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