

End discrimination & violence against sexual minorities

In March 2012 the Human Rights Council of the United Nations debated a global report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The UN Secretary General, Ban Ki-moon, told the Human Rights Council that he understood those who see sexual orientation and gender as “a sensitive subject”. He said that, like many of his generation, he did not discuss these issues when he was growing up, but has learnt to speak out “because lives are at stake.”

A STAIN ON OUR COLLECTIVE CONSCIENCE

The report, prepared by the Office of the High Commissioner for Human Rights, documents acts of violence and discrimination in all regions of the world, committed against individuals because of

Key government leaders are continuing to staunchly defend the discriminatory ‘sodomy’ law, which criminalises specific sexual activities when conducted by two men while the same activities are not illegal when conducted by a heterosexual couple. Namibia rejected three recommendations to decriminalise consensual same-sex activities between adults and protect the human rights of sexual minorities made at the review of its human rights record at the Human Rights Council in 2011.

At the same time our leaders hasten to add that no-one has been charged under this law since independence, and that people’s privacy is respected. Then why not repeal the law? It was imposed on the Namibian people by homophobic Europeans during colonial rule, supported by homophobic European missionaries using selective parts of the bible, yet some Namibian politicians

Namibia does not condone any violence perpetrated against anyone, neither is there any law that prohibits gay or lesbian people from any private conduct of their own...

Permanent Mission of the Republic of Namibia to the UN Office at Geneva, 7 March 2011

their sexual orientation and gender identity. Ban Ki-moon called this a violation of international law, as well as “a monumental tragedy for the individuals involved – and a stain on our collective conscience.”

In presenting the report, UN Human Rights Commissioner Navi Pillay stated that people were entitled to their own opinion about same-sex relationships, and to believe and follow in their own lives whatever religious teachings they chose. “But that is as far as it goes,” she said. “The balance between tradition and culture, on the one hand, and universal human rights, on the other, must be struck in favour of rights.”

Pillay noted that where official statistics detailing violence against LGBT persons are available, they show “startlingly high levels of violence and brutality. When such incidents are targeted, when they are part of a systematic pattern of violence, as they are in this context, then they constitute a grave human rights challenge to which this Council has a responsibility to respond,” she said.

Referring to the report and its recommendations, both Ban Ki-moon and Pillay called on States to act now to overcome the prejudice, discrimination and violence directed at people on the basis of their sexual orientation and gender identity. “Tackle the violence, decriminalise consensual same-sex relationships, ban discrimination and educate the public,” the Secretary-General said.

WHERE DO WE STAND IN NAMIBIA?

have incorporated it into “our culture and traditions” and “our religion” for their own populist purposes, constantly re-creating stigma and discrimination and generating a social climate in which violence takes place with impunity, as evidenced in the recent bashing of Mr Gay Namibia.

These are the same leaders who crafted the Constitution of the Republic of Namibia, and ratified human rights instruments such as the UN convention and AU protocol on women’s rights, all of which clearly state that cultural and religious beliefs cannot override the rights to equality, dignity and non-discrimination.

HOLDING OUR STATE ACCOUNTABLE

The Women’s Leadership Centre is one of the non-governmental organisations standing up for the rights of LGBTI citizens in Namibia. During a national workshop attended by 40 lesbian women from 12 towns and villages across the country in 2011, participants learnt about their rights as women protected under Namibian law as well as the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and related these to the realities of their own lives.

In group discussions, as well as in individual reflections through writing, they explored their experiences of discrimination, exclusion, harassment and violence in their families and communities, the education system, health services, religious institutions, and in their activism as human rights defenders.

Many had experienced emotional, physical and sexual abuse/rape in their families and communities; threats of blackmail by family and 'friends'; name calling, gossip and bullying at school as well as verbal abuse from teachers; exclusion as 'sinners' from their church; ignorance from health workers – particularly in VCT Centres where staff did not know how to counsel lesbian couples on safer sex practices, and discrimination and humiliation by nurses when presenting for pap smears and giving birth (particularly experienced by women who do not conform to the socially prescribed notions of femininity); and discrimination and humiliation by police officers who refused to record cases of physical attacks, rape and domestic violence reported to them. In some case the police themselves engaged in acts of violence.

Deep pain and anger were palpable in the room as participants spoke of the ways in which this discrimination and abuse had impacted their self-esteem, their emotional, spiritual and physical health and well-being, their educational and employment opportunities, and their freedom to build positive relationships and create their families of choice.

The workshop identified deeply entrenched patriarchal culture and religion, ignorance and fear of diversity, as well as the lack of a human rights culture fuelled by hate speech from politicians as the root causes of this discrimination and violence.

CHARTING THE WAY FORWARD

The participants generated many ideas for activities and actions that could bring about change. They suggested more training for lesbian women on feminism and women's human rights, as a basis for analysing and challenging the root causes of discrimination and exclusion and holding the state accountable to the protection of their rights. They said that information and education materials should be developed for various target groups: lesbian women themselves, parents, teachers and peer educators, policy makers and religious institutions. They called for a strong public and media presence by lesbian women using radio, press statements, letters and text messages to the print media, an electronic and print newsletter, a website, digital stories and film making, and developing a lesbian human rights manifesto. Another idea for promoting the voice and visibility of lesbian women was through creative expression in various art forms including writing, spoken word events, photography, posters, exhibitions, drama, music, publishing E-books and print anthologies, as well as holding a lesbian festival.

The Women's Leadership Centre has taken on the challenge of taking this work forward, and will conduct a Lesbian Feminist Leadership Institute with women from three regions of Namibia in June 2012.



Participants giving feedback from group work at the Lesbian Women Claiming CEDAW workshop conducted by the Women's Leadership Centre in Aril 2011. **INSET:** Navi Pillay, United Nations High Commissioner for Human Rights, reporting on discriminatory laws and acts of violence against individuals based on their sexual orientation and gender identity at the 19th Human Rights Council Session in March 2012

Credit: Violaine Martin(Inset), Liz Frank

Sodomy is a crime in Namibia. If you are found sodomising someone, you'll be arrested. - **Prime Minister Nahas Angula, quoted in New Era, 18 November 2011**

Namibia, being a strongly Christian nation holds dear Christian values that do not agree with lesbianism and being gay. Any propagation and promotion of such an issue at international level or national level in the context of Namibia will therefore not be accepted. - **Permanent Mission of the Republic of Namibia to the UN Office at Geneva, 7 March 2011**

The British Prime Minister David Cameron [is the biggest fool of the year 2011 for suggesting that countries like Namibia should legalise homosexuality or face losing development aid. That suggestion was satanic, and anybody propagating such is proposing Satanism. - **Swapo Party Youth League Secretary Elijah Ngurare in The Namibian**

Weekender, 23 December 2011

Namibia is a big country with a small population of about 2.1 million, and a homosexual in itself, in our African tradition, means contraceptive measures against childbirth. With a small population in our country we cannot afford to promote homosexuality. - **The delegation of Namibia at the UN Human Rights Council Universal Periodic Review of Namibia's human rights performance, March 2011**

The Constitution is there for everybody. So the rights of everybody are protected.

People who have been discriminated against should come forward, so that it can be tested in court. - **Toni Hancox, Director of the Legal Assistance Centre, quoted in The Namibian, 2 March 2011**