



## Press Statement

### ARASA Welcomes Namibian High Court's Ruling Declaring Criminalizing Same-Sex Relationships Unconstitutional

**21 June 2024:** The AIDS and Rights Alliance for Southern Africa (ARASA) warmly welcomes and applauds the Namibian High Court judgment handed down today in which it held that the common law offence of sodomy and the inclusion of the crime of sodomy in schedule 1 of the Criminal Procedure Act, 1977 are unconstitutional and invalid. The ruling thereby decriminalises consensual same-sex relationships and upholds the rights of LGBTQ+ individuals to equality and freedom from discrimination. This historic ruling marks a significant advancement in the fight against discrimination and the protection of human rights for all people of Namibia, regardless of sexual orientation, gender identity and expression.

ARASA fully supports the ruling, noting that it upholds the ideals of equality, dignity, and non-discrimination inherent in local, regional, and international human rights frameworks. This decision recognises and reinforces LGBTQ+ people's intrinsic rights and freedoms to live their lives without fear of prosecution or persecution.

By finding these laws to be unconstitutional and thus invalid, the Namibian High Court has paved the way for a more inclusive, just, and progressive society. This decision sends a strong message of acceptance, tolerance, and respect for diversity, not only within Namibia but also throughout the African continent. It sets a precedent for other countries and jurisdictions still grappling with colonial-era laws criminalising homosexuality, encouraging them to reconsider and follow the path of progress.

We salute the tireless efforts of activists, legal experts, and community organisations that have fought for the recognition and protection of LGBTQ+ rights in Namibia. Their work and determination were instrumental in achieving this momentous milestone, and we support them in their ongoing battle for equality.

As an organisation dedicated to human rights, ARASA will continue to support and engage with local and regional partners and other stakeholders to promote equality, challenge stigma and discrimination, and advance LGBTQ+ rights in East and Southern Africa. We believe that every human deserves to live a life free of discrimination and prejudice, and we will persist in our efforts until this goal is met.

We urge the Namibian government to fully implement the High Court's decision and take meaningful actions to ensure that LGBTQ+ individuals have the same rights and protections as their straight counterparts. This includes passing comprehensive legislation to prevent discrimination, hate crimes, and violence based on sexual orientation, gender identity and expression.

ARASA calls on other nations in the region that still uphold colonial laws, to take a leaf out of the Namibia Court's ruling and promptly consider revising their laws and following the path of progress.

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