



# FORUM DEUTSCHSPRACHIGER NAMIBIER FORUM OF GERMAN-SPEAKING NAMIBIANS

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## Forum of German-Speaking Namibians: THE NAMIBIAN CONSTITUTION UNDER THREAT

The Namibian Constitution was created by different Namibian Parties including SWAPO and DTA, and some members are still in leadership positions today. It allowed democratic elections, which brought SWAPO to power. It is the one document which all laws are governed by, it defines the Namibia we live in. But currently, our Constitution is under threat.

The Forum of German-Speaking Namibians is deeply disturbed by the tabling in Parliament of a Bill, preventing the recognition of same-sex marriages concluded outside Namibia and placing several other restrictions on minority groups of homosexual and transsexual orientation. This, despite the ruling by the Supreme Court that marriage between persons of the same sex, performed outside of Namibia, must be recognised by the Ministry of Home Affairs.

The Forum holds the strong belief that all persons are equal before the law, and that all should be treated with the same respect and dignity, clearly spelt out not only in the Namibian Constitution, but also by the United Nations. Namibia is a signatory to the Universal Declaration of Human Rights, of which the five key principles are Fairness, Respect, Equality, Dignity, and Autonomy, allowing own choices and control.

Parliamentarians may not even be aware that among their own family members, there may be persons of homosexual orientation, but who may wish not to openly discuss their private lives. Opposition parties who so loudly supported the tabling of Hon. Ekandjo's Bill and even called for the change of our Constitution, may one day themselves be under threat. And if they support weakening the role of the Supreme Court now, they may themselves in future have no recourse to justice.

Minority Rights are Human Rights. We have several minority groups in this country who feel they are not granted equal status in Society, and it is our duty as citizens to protect them. If we stop doing so, our country will leave the circle of democratic countries.

Democracy implies more than the rule of a majority, it is based on moral values, such as honesty, respect, responsibility, compassion and forgiveness. True morality does therefore not allow for restricting personal and family life of consenting adults.

The bill introduced by Hon. Jerry Ekandjo holds no benefit for anybody, but it severely restricts the options open to a small part of the Namibian population. It will have several unintended consequences if it is signed into law - and the Forum of German-Speaking Namibians expresses the sincere hope that this will not be the case – Namibia will most certainly not be looked upon kindly by the international Community.

### *Vorstandsmitglieder:*

*H. Hecht (Vorsitzender), B. Herma, M. Nambelala, H Schneider-Waterberg, C. von Blottnitz, R. von Hase, M. von Wietersheim*  
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Our reputation will suffer immensely. Such a law will have a detrimental effect on foreign investment as well as on tourism, and it will contribute to the continuous brain-drain of young, well-educated Namibians, who would rather live in a more tolerant country than Namibia.

We believe this Bill to be borne out of personal misgivings and intolerance by Parliamentarians, and we implore President Geingob not to assent to it.

Benita Herma

Deputy Chairperson

Dated 18 July 2023

*Vorstandsmitglieder:*

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