

LGBT RIGHTS in Namibia Health

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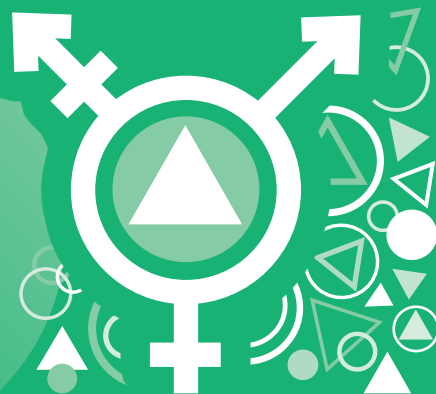
LGBT healthcare discrimination is a worldwide problem. Barriers to accessing healthcare include:

- prejudice, lack of respect and verbal abuse;
- lack of knowledge on the part of healthcare providers about the specific healthcare needs of LGBT individuals;
- violation of patient confidentiality; and
- criminalisation of sodomy.

Everyone in Namibia has a right of access to healthcare services without discrimination and everyone has a right to be treated with dignity.

Healthcare providers also have a duty to respect patient confidentiality. This means that they may not reveal any personal information about you or your medical treatment.

LGBT =
lesbian,
gay,
bisexual,
transgender



Constitution of Namibia

The Constitution says that the State must adopt policies aimed at improving public health. The “public” includes lesbian, gay, bisexual and transgender people.

The Constitution also says that all people are equal, and that a person’s dignity must always be respected. If lesbian, gay, bisexual or transgender individuals are not able to access healthcare services, their constitutional rights to equality and dignity are being violated.

Hospitals and Health Facilities Act

The Hospitals and Health Facilities Act says that every person in Namibia must have access to state health facilities. It also says that every person in Namibia is entitled to receive medical treatment and to benefit from state health services. This includes lesbian, gay, bisexual and transgender people.

Ethical Guidelines

The Health Professions Councils of Namibia has issued Ethical Guidelines for Health Professionals. These guidelines say that patient care may not be prejudiced by the personal beliefs of the medical professional concerned – including beliefs about *lifestyle, gender or sexual orientation*.

The Guidelines also recognise that everyone has the right to complain about healthcare services, to have their complaints investigated and to receive a full response on the outcome of the investigation.

NOTE: Ethical guidelines and charters are not legally-binding documents, but they give added support to the legal duty of healthcare providers to provide services without discrimination and with respect for confidentiality.

Patient Charter

Namibia has a Patient Charter which was developed to protect rights in the health sector. This Charter was updated in 2016.



The Patient Charter says that every patient has the right to access safe and effective public healthcare services and to be treated with dignity, respect and compassion. It also says that healthcare providers should respect diversity of culture, beliefs and values. One of the core values of the Charter is impartiality, which requires that all patients must be treated equally, “irrespective of status, religion, political belief, race, colour, gender and sexuality”.

The Charter encourages patients to provide feedback on healthcare services. Anyone who is unhappy with the way a complaint was dealt with by a healthcare facility may request assistance from the Quality Assurance Division of the Ministry of Health and Social Services, which will appoint a review officer to examine the case.

Click [HERE](#) to download the Patient Charter from the Ministry’s website (www.mhss.gov.na).

Confidentiality

Healthcare providers have a legal duty to protect patient confidentiality unless there is a very important reason for making an exception (such as reporting child abuse or a highly contagious disease which could endanger public health).

A healthcare provider who breaches the requirement of patient confidentiality without a good reason may face disciplinary proceedings. A healthcare provider who discloses confidential details without a patient's consent might also have to pay compensation to the patient for invasion of privacy.

The rules on confidentiality cover doctors, dentists, nurses, clinical psychologists and many other medical professionals. However, they do not currently cover social workers, pharmacists or traditional healers.

Everything you tell me is confidential.

Thank you. I am glad that what I tell you will not go any further.



Medical aid

The definition of “dependant” in the law governing private medical aid funds is broad enough to allow coverage of a same-sex partner. Some private funds in Namibia do provide such coverage. If your medical aid provider does not, you can ask them to do so. Even if your provider does not change its policy immediately, they may consider changing their policy in the future.

The government medical aid fund (PSEMAS) is not governed by the same law as private funds. It covers only spouses and children or stepchildren of members as dependants.

Many medical aid funds, including the government medical aid fund, will not cover the costs of gender re-assignment surgery or other medical interventions arising from intersexuality (where a person is born with mixed sex characteristics).

This is an area where information and advocacy is needed, to help medical aid providers understand these issues better.



How to make a complaint about a healthcare problem



If you have a complaint about a health professional, you should write down what happened in a statement that includes

- the name of the healthcare practitioner, if possible
- the institution or medical practice where the incident took place
- the dates and times of the events, as far as possible
- your full contact details and your signature.

It will be helpful if you swear that your complaint is true in front of a Commissioner of Oaths, although this is not a strict requirement. (All legal practitioners are Commissioners of Oaths, and there are Commissioners of Oaths at all police stations.)

You should address your complaint to the Registrar of the Health Professions Councils of Namibia (HPCNA). The Registrar may ask you to sign a consent form to allow access to your medical records, in case this is necessary to investigate the complaint. The Registrar will forward the complaint to the council which governs the medical professional in question.

Contact details for the HPCNA:

Street: 36/37 Schönlein Street, Windhoek West
Post: Private Bag 13387, Windhoek, Namibia
Email: legal@hpcna.com.na or information@hpcna.com.na
Website: www.hpcna.com



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