

**Action Canada for Population and Development  
Human Rights Council - 49th Session  
Outcome of the Universal Periodic Review – Eswatini**

Thank you, President

Action Canada makes this statement on behalf of the African Sex Workers Alliance and the Sexual Rights Initiative.

We regret that no recommendations on sex work were made to Eswatini. In Eswatini, many sex work acts are criminalized, thus sex work is hidden, marginalized and stigmatized. Physical and sexual violence are commonly perpetrated against sex workers, especially female sex workers. Given the legal status of sex work, violence against sex workers is rarely reported to the police, who are themselves frequently perpetrators in addition members of the general public. Criminalisation of sex work and the resulting lack of trust in police protection leads to impunity for perpetrators of violence against sex workers, and to an increase in violence against sex workers.

Criminalisation of any part of sex work to any extent harms sex workers and threatens their right to health, including through impeding HIV treatment and prevention responses. Sex workers have documented human rights abuses when trying to access health services, including breaches of confidentiality, denial of health services including HIV testing and treatment, stigma, discrimination, and forced rehabilitation. Effective health programming for sex workers requires collaboration with sex workers the design and delivery of services, and a real understanding of their realities.

Criminalisation also impedes sex workers' ability to gain citizenship, tax documentation and legal personhood. This frequently means that sex workers lack forms of identification required to access social services, including health insurance and services.

The government of Eswatini needs to take urgent action by:

- Fully decriminalising sex work. Repeal all sections of The Crimes Act of 1889 and the Sexual Offences and Domestic Violence Act of 2018 that criminalise any aspect of sex work.
- Ensuring that sex workers receive protections and support accorded to victims of violence in the Sexual Offences and Domestic Violence Act of 2018. Collect and publicly present data demonstrating compliance by law enforcement and courts.
- Allocating budget to ensure HIV prevention and treatment services are sex-worker led and community based. Ensure access to post-exposure prophylaxis for victims of violence as a right protected under the Sexual Offences and Domestic Violence Act of 2018.
- Ensuring that sex workers are included in COVID-19 relief programmes and maintain their access to health information and services, including personal protective equipment, condoms and HIV treatment.

Thank you