

## Universal Periodic Review of the Republic of Namibia

52nd session, May 2026

Joint Submission

Submitted by:

### Equal Rights for All Movement (ERAM)

ERAMs mission is to achieve equality and equity for all sex workers in Namibia, with a vision to improve access to essential services nationally, regionally, and internationally. Its core focus includes advocacy, human rights, health, legal support, and economic empowerment. Key activities involve sensitisation of stakeholders, SRHR training, and pushing for the decriminalisation of sex work. The organisation promotes sex workers' rights to live free from violence, stigma, discrimination, and legal oppression.

**Email:** [equalrightsforallmovement@gmail.com](mailto:equalrightsforallmovement@gmail.com) **Address:** Khomashochland Road, Multi-Purpose Center, Kuisebmond

### Namibian Sex Workers Alliance (NAMSWA)

The Namibian Sex Workers Alliance (NAMSWA) is a grassroots, sex worker-led organisation supporting female, male, and LGBTI+ sex workers in Namibia. It aims to build strategic partnerships, offer technical support, and share knowledge on capacity building, human rights, SRHR, and legal frameworks. NAMSWA advocates for the decriminalisation of sex work and its recognition as legitimate work.

**Email:** [namswaalliance@gmail.com](mailto:namswaalliance@gmail.com) , **Phone:** +264813881678 **Address:** Khomas Hochland street, Multipurpose centre (Walvisbay Namibia)

### African Sex Workers Alliance

The African Sex Workers Alliance (ASWA) is the Pan African alliance of sex worker-led organisations formed in 2009 with membership from 37 countries. The organisation's mission is to amplify the voices of sex workers as well as advocate for the health and human rights of the diverse community of sex workers working and living in Africa.

**Address:** Mukima Drive Gate 78; Room 5, P.O Box 5986-00200 Nairobi, Kenya.

**Email:** [Admin@aswaalliance.org](mailto:Admin@aswaalliance.org) [Nyarath@aswaalliance.org](mailto:Nyarath@aswaalliance.org)

### and the Sexual Rights Initiative

The Sexual Rights Initiative is a coalition of national and regional organisations based in Canada, India, Egypt, and Argentina that work together to advance human rights related to gender and sexuality at the United Nations.

**E-mail:**[info@srigeneva.org](mailto:info@srigeneva.org) **Website:** [www.sexualrightsinitiative.org](http://www.sexualrightsinitiative.org) **Address:** Rue de Monthoux 25, Geneva, 1201 Switzerland



**Keywords:** rights of sex workers, decriminalisation of sex work, freedom from state violence and police abuse, stigma and discrimination, right to work, right to just and favourable conditions of work, freedom from violence, right to health, HIV/AIDS, rights of LGBTQ+ people, homophobia, transphobia

## Introduction

1. This joint submission is presented by a coalition of sex worker-led and community-based organisations working to advance the rights, health, and dignity of sex workers in Namibia. These organisations represent a broad spectrum of experiences from urban and rural regions including Windhoek, Walvis Bay, Oshakati, Katima Mulilo, and beyond.
2. This submission draws from direct lived experiences, empirical data, and programmatic insights. It critically analyses systemic human rights violations affecting sex workers, underscoring persistent legal, institutional, and policy failures.
3. The submission calls for urgent structural reform in line with Namibia's international obligations and the urgent need for an inclusive, rights-based framework that recognises sex workers as full rights-holders. Namibia is party to multiple international and regional treaties, including the ICCPR, CAT, CEDAW, ICESCR, and the African Charter on Human and Peoples' Rights. Despite these commitments, sex workers remain criminalised, unprotected, and marginalised.
4. This report outlines key human rights violations impacting sex workers in Namibia, including state-sponsored violence and discriminatory policing, denial of healthcare, and economic exploitation. Sex workers in Namibia remain excluded from legal protections, stigmatised in health settings, and vulnerable to coercion and abuse by law enforcement.
5. The partial criminalisation of sex work, combined with institutional neglect, has created an environment where human rights violations against sex workers persist with impunity. Namibia has not enacted a national legal or policy framework ensuring sex workers' access to justice, healthcare, or labor protections.
6. Namibia must begin to approach sex work and sex workers from a human rights perspective, centring the principles of equality and non-discrimination, agency, and bodily autonomy. This requires the government to actively legislate and introduce policy measures to move the country away from the current legislative and jurisprudential approach that regards sex work as an issue of morality and public interest. A human rights approach will allow Namibia to better address the systemic discrimination, violence and impunity for violations of their rights that sex workers experience. It would also create a conducive basis and environment for enhancing sex workers' rights to work, to health, freedom from violence and discrimination, and right to private life.
7. This submission proposes several targeted recommendations designed to:
  - Decriminalise consensual adult sex work
  - Enhance access to non-discriminatory, stigma-free healthcare
  - Address impunity of violence against sex workers
  - Recognise sex work as labor and ensure protection under labor laws
8. Although there are no legal provisions that specifically protect the rights of sex workers, the Namibian Constitution protects the fundamental rights and freedoms of all persons. Namibia observes the principle of constitutional supremacy, which means that the Constitution is the supreme law of the nation, and all other written or customary law is subject to its

provisions. The rights contained in the Bill of Rights in the Constitution are universal rights, and apply to all persons equally- they must be applied to sex workers.

9. Sex workers are arguably “collateral damage in public policy”<sup>1</sup> in that criminalisation hinges on moral precepts about what women, in particular, should be permitted to do with their bodies. Sex workers are penalised for exercising the right to bodily autonomy for consideration, and framed as a moral scourge, an urban blight, or as vectors of disease. Ironically, despite the latter framing, sex workers struggle to access healthcare services and their stigmatised image exposes them to all manner of risk.

### **Legal and policy status of sex work in Namibia and its impact on sex workers**

10. The Namibian Constitution guarantees the rights to dignity<sup>2</sup>, equality before the law<sup>3</sup>, and protection from inhuman or degrading treatment<sup>4</sup>. However, these guarantees remain aspirational for sex workers due to the impacts of partial criminalisation and structural discrimination.
11. The legal framework in Namibia with regards to sex work can be described as one of partial criminalisation. Partial criminalisation refers to a situation where only the activities related to sex work are criminalised, and not the actual act of selling or buying sex. While sex work is not criminalised in Namibia<sup>5</sup> per se, some key facets surrounding sex work- such as solicitation, pandering, brothel keeping for purposes of “prostitution” and living off the proceeds of “prostitution” are criminalised<sup>6</sup> through the Combatting of Immoral Practices Act (No. 21 of 1980). Whilst it has been clarified in the jurisprudence that these provisions are targeted at third parties and are not supposed to criminalise the sex worker herself, prevent her from living off of her own earnings, or prevent her from doing indoor work on her own, the legal regime still has a negative impact on sex workers. For example, third party criminalisation could lead to the criminalisation of sex workers’ partners and children for living from the proceeds of sex work.
12. Further, these provisions restrict the enjoyment of, and access to, the public sphere (and public space) by sex workers. Coupled with municipal by-laws such as those in Windhoek focussed on soliciting and loitering, they normalise harassment and demeaning treatment of sex workers in public spaces, as restrictions on public manifestations of sex work (such as public solicitation) are read as proof of the illegality of sex work itself. This exposes sex workers to state-sanctioned abuse whilst simultaneously contributing to fostering a climate of legal uncertainty. The legal regime creates a social perception that sex work is illegal, fuelling stigma and discrimination, and police harassment and violence against sex workers<sup>7</sup>.

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<sup>1</sup> Rosie Campbell and others, 'Not Collateral Damage: Trends In Violence And Hate Crimes Experienced By Sex Workers In The Republic Of Ireland' (2020) 28 Irish Journal of Sociology.

<sup>2</sup> See article 8 of the Namibian Constitution:

<https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

<sup>3</sup> See article 10 of the Namibian Constitution:

<https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

<sup>4</sup> See article XXX of the Namibian Constitution:

<https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

<sup>5</sup> See *Hendricks and Others v Attorney General of Namibia and Others* (PA 140 of 2000) [2002] NAHC 4 (20 August 2002)

<sup>6</sup> See *Combatting of Immoral Practices Act, 1980* ss 2(1), 5, and 10(a)

<sup>7</sup> <https://www.namibian.com.na/calls-grow-for-sex-work-legalisation/>

## **Sex workers' rights to work, and to just and favourable conditions of work**

13. We regret that Namibia received no recommendations during the 3rd UPR cycle that addressed the lack of labour protections for sex workers.
14. While some recommendations broadly called for economic empowerment of marginalised populations and improved regulation of informal work, none explicitly acknowledged the systemic exclusion of sex workers from labour law frameworks, social protection schemes, or safe working conditions. The absence of targeted recommendations in this area underscores the urgent need for the recognition of sex workers' rights as human rights, and of sex work as work, such that states will not shy away from making recommendations on inter alia the need for the extension of labour protections to sex workers in the 4th cycle review of Namibia, and going forward.
15. The constitutional promise of fair labour standards for all workers under Article 95(i) of the Namibian constitution remains unrealised for sex workers, who work under conditions of insecurity. This precarity is exacerbated by sex work being considered an issue of public morality, and not one about work- namely about the enjoyment of the right to work, and the right to just and favourable conditions of work. Currently, third party criminalisation means that the working conditions for sex workers are abysmal, marked by labour exploitation, stigma and discrimination, arbitrary arrest, and violence. Additionally, partial criminalisation means that sex workers are not afforded the opportunity to benefit from social security schemes, including unemployment and pension schemes, as they are not regarded as "real" workers.
16. Despite Namibia's ratification of international treaties guaranteeing the right to work and protection from economic exploitation including the ICESCR and the ILO Declaration on Fundamental Principles and Rights at Work, the Labour Act 11 of 2007 fails to recognise sex work as labor, excluding sex workers from protections afforded to other informal and precarious workers.
17. Whilst the Namibian constitution provides for the right to "practice any profession, or carry on any occupation, trade or business"<sup>8</sup> this right has been read by the courts to not extend to sex work, on the basis that the provision must be read as pertaining to lawful business<sup>9</sup> and must be understood against a backdrop of racist restrictions under the apartheid regime that was in place prior to independence. Further the courts have held that the restrictions on the right to work for sex workers are justifiable, "considering the pressing and justifiable governmental and legislative concerns relating to public order,decency and morality,"<sup>10</sup> highlighting that insofar as Namibia's approach to sex work is moralistic, the violations of sex worker rights will be deemed to be an acceptable by-product. Per the court in the *Hendricks* case, the cumulative impact of the third party criminalisation constitutes a "reasonable restriction that is necessary in a democratic society and, furthermore, that it is rationally connected and proportional to the statutory objective of the Act to promote and maintain public order and standards of decency and morality."<sup>11</sup>

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<sup>8</sup> See article 21(1)(j)

<sup>9</sup>Hendricks and Others v Attorney General of Namibia and Others (PA 140 of 2000) [2002] NAHC 4 (20 August 2002)

<sup>10</sup> Hendricks and Others v Attorney General of Namibia and Others (PA 140 of 2000) [2002] NAHC 4 (20 August 2002)

<sup>11</sup> Hendricks and Others v Attorney General of Namibia and Others (PA 140 of 2000) [2002] NAHC 4 (20 August 2002)

18. Sex work must be understood as work, and the restrictions placed on it through third party criminalisation, zonal and municipal laws, and the application of petty offences must be lifted to allow sex workers to safely work. Far from being a cosmetic issue- the recognition of sex work as work has material impact on the rights of sex workers. For one, if sex work is regarded as the work that it is, workers are entitled to social and labour protections under the law, including decent working conditions, health and safety standards, decent wages, freedom from violence, and also have access to social protections. The latter issue became more pronounced during the COVID-19 pandemic, when sex workers were excluded from a raft of social benefits due to their exclusion from the formal economy. As noted by the WGDWAG, “sex work, like so much informal labour, is exercised in the context of gender-based and other forms of discrimination, including gender-based and anti-transgender violence, racism, and socioeconomic marginalisation,”<sup>12</sup>
19. Namibia must recognise sex work as legitimate work by amending national criminal and labour legislation to explicitly include and protect sex workers under the Labour Act and related frameworks. This should include guarantees of fair wages, safe working conditions, access to social protection, and the right to organise, in line with Namibia’s obligations. Special attention should be given to ensuring that sex workers are not excluded from national employment policies, occupational health and safety protections, or economic empowerment programmes.
20. The non-recognition of sex work as a legitimate form of labor in Namibia creates a context of economic vulnerability and exploitation. This structural exclusion perpetuates inequality and violates the right to work under domestic and international law. Sex workers operate outside the protections of the Labour Act and related employment legislation, leaving them without recourse in cases of exploitation, violence, or wage theft.
21. The informal and unregulated nature of the industry facilitates abusive practices by third parties and intermediaries, who often retain disproportionate shares of earnings. Exclusion from occupational health and social protection schemes heightens economic precarity, particularly for sex workers who are single parents, HIV-positive, or aging. Sex workers lack the legal right to form or join trade unions, limiting their ability to collectively bargain or engage in labor advocacy.

### **Intersectional discrimination and violence against sex workers by individuals, state actors and the police**

22. During the last review, Namibia received a number of recommendations on the need to improve experiences of policing including:
  - 138.76 Strengthen its efforts to raise awareness about violence against women and children, including by providing specialised training to police and law enforcement forces (Greece); (Accepted)
  - 138.100 Take concrete action to ensure access to health services for lesbian, gay, bisexual, transgender and intersex persons, especially transgender persons, and to combat all forms of discrimination against lesbian, gay, bisexual, transgender and intersex persons in relation to employment opportunities and treatment by the police forces (Finland); (Accepted)

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<sup>12</sup> Working Group on Discrimination Against Women and Girls sex work guidance note, [“Eliminating discrimination against sex workers and securing their human rights”](#)

23. However we regret that no recommendations were made that were explicitly tied to experiences of police violence, harassment and discrimination- as relates to the lived experiences of sex workers.
24. Namibia also received a number of recommendations on the need to address violence and discrimination on the basis of real or imputed gender identity and expression, including:
- 138.93 Strengthen measures to combat violence against women and girls and establish clear and efficient mechanisms to combat the different forms of discrimination faced by people with disabilities, indigenous peoples and members of the lesbian, gay, bisexual, transgender and intersex community (Costa Rica); (Accepted)
25. In violation of Namibia's obligations to ensure those within its borders enjoy the right to dignity<sup>13</sup>, freedom from torture, inhuman and degrading treatment,<sup>14</sup> liberty, and security<sup>15</sup> of the person, sex workers routinely face physical violence, sexual assault, arbitrary arrest, and verbal abuse at the hands of police. No independent civilian oversight mechanism currently exists to investigate police misconduct. Internal complaints mechanisms are opaque, inaccessible, and deeply distrusted by sex workers. Civil society efforts to advocate for reform have not been matched by state action. No parliamentary inquiries or public consultations have been initiated to address these abuses.
26. Criminalisation of third parties and restrictions on solicitation, increases police repression of sex workers, permits discrimination against sex workers in accessing services and fuels all forms of stigma. This results in serious harm to sex workers, including experiences of violence and barriers to accessing justice. Physical, sexual, economic and emotional violence against sex workers at the hands of clients, police, healthcare workers and community members remains prevalent. One of the impacts of partial criminalisation is the institutionalisation of an adversarial relationship between sex workers and police, thus depriving sex workers of the full protection of criminal law when they are victims of crime. The relationship between sex workers and the police is problematic and characterised by mistrust. Physically, FSWs are frequently subjected to violence perpetuated by pimps, clients, police, and madams.
27. Sex workers remain a target of police enforcement, abuse, harassment and extortion – even though the substantive offences related to sex work are aimed at those who exploit sex workers. The police in Namibia routinely enact extortion (of money or sexual services) and other forms of discriminatory and degrading policing practices against sex workers. Sex workers across Namibia, especially in urban centers such as Windhoek, Walvis Bay, Oshakati, and Katima Mulilo, experience systemic abuse and exploitation by law enforcement. These violations, grounded in criminal law and moralistic policing practices, are emblematic of broader institutional failures.
28. Transgender and migrant sex workers face heightened vulnerability, often being subjected to degrading treatment, strip searches, and prolonged detention based on gender identity or nationality. Transgender sex workers and male sex workers are vulnerable to abuse and violence too. When arrested for trading, transgender women are placed with men and as a result they often face sexual and physical violence in custody.

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<sup>13</sup> See article 5 of the African Charter on Human and Peoples' Rights

<sup>14</sup> See article 7 of the International Covenant on Civil and Political Rights

<sup>15</sup> See article 6 of the African Charter on Human and Peoples' Rights and relatedly article 9 of the International Covenant on Civil and Political Rights

29. The experiences of transgender people at the hands of the police are reflective of a concerning uptick in homophobic and transphobic fuelled violence and killings in Namibia,<sup>16</sup> such as the sexual and physical assault of Stay-C Lapworth<sup>17</sup>, and the killings of Queen Uwuseb,<sup>18</sup> and Christof Fredricks<sup>19</sup> in 2024. Local activists connected this surge in violence with an increase in public and parliamentary homophobic discourse including the introduction of private members' bills aimed restricting marriage equality, after a series of court victories for the rights of LGBTQ+ people, such as the declaration of the unconstitutionality of sodomy laws<sup>20</sup>, and the recognition of same sex marriages concluded outside the country.
30. When looked at from an intersectional perspective: poverty, stigma, discrimination and high risk of HIV infection, gender inequality, patriarchy, and social and cultural barriers negatively impact the lives of sex workers. Sex workers are not only more likely to experience violence, but are also less likely to receive help when they need it, from the police, healthcare workers and others tasked with assisting victims of violence. On the contrary, further abuse by service providers leads many sex workers to feel that reporting crimes against them is an exercise in futility, which further exacerbates marginalisation. These systemic, structural challenges which sex workers face have many negative outcomes for their health and wellbeing.

#### **Impact of partial criminalisation on sex workers' access to health services including HIV/AIDS services**

31. During the last review Namibia received a number of recommendations on ensuring the enjoyment of the right to health including:
- 138.86 Adopt effective measures to combat de facto racial discrimination and discrimination against indigenous peoples, persons with disabilities, HIV- positive persons and lesbian, gay, bisexual and transgender persons (Ecuador); (Accepted)
  - 138.204 Strengthen its measures to combat HIV/AIDS and improve the quality of patient care (Islamic Republic of Iran); (Accepted)
  - 138.205 Step up efforts to end stigmatisation and discrimination against women and children infected with HIV/AIDS (Kenya); (Accepted)
  - 138.211 Raise public awareness on sexual and reproductive health and make efforts particularly to ensure access to information, education and services (Malaysia); (Accepted)
32. Although Namibia made general commitments during the third UPR cycle to improve healthcare access, and received several recommendations on the right to health, and

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<sup>16</sup> See for example: <https://www.namibian.com.na/hate-kills/>

<sup>17</sup> See \*Piquing Duck\*, "Violent wakeup call: Brutal transphobic attack highlights vulnerability of LGBTQIA+ people in Namibia" (17 January 2024), available at: <https://piquingduck.com/2024/01/17/violent-wakeup-call-brutal-transphobic-attack-highlights-vulnerability-of-lgbtqia-people-in-namibia/>

<sup>18</sup> See [https://tdor.translivesmatter.info/reports/2024/02/29/queen-uwuseb\\_windhoek-khomas-namibia\\_a7bd5202](https://tdor.translivesmatter.info/reports/2024/02/29/queen-uwuseb_windhoek-khomas-namibia_a7bd5202)

<sup>19</sup> See <https://informante.web.na/?p=357627>(<https://informante.web.na/?p=357627> and <https://www.namibian.com.na/women-arrested-for-helping-otjomuise-murder-accused/>

<sup>20</sup> See *Dausab v Minister of Justice & Others* 2024 (3) NR 791 (HC)

access to HIV and other sexual and reproductive health services, and though it received recommendations on the same, we regret that no recommendations specifically addressed sex workers' barriers to accessing health services, including HIV prevention and sexual and reproductive health care.

33. The partial criminalisation of sex work has negative consequences on sex workers' health and safety. In her report on violence and its impact on the right to health, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health referred to sex work and its impact on the right to health, noting that the criminalisation of sex work enabled abuse and exploitation and that sex workers were exposed to conditions that include exposure to sexually transmitted infections and also to violence, extortion and intimidation by clients and police<sup>21</sup>.
34. While Namibia has made general commitments to improve public health systems, sex workers continue to face systematic discrimination in access to HIV and sexual and reproductive health (SRH) services. Sex workers lack access to health services that are available, accessible, acceptable, and of good quality. The health system often replicates societal stigma, undermining the right to health. Discrimination by healthcare providers discourages sex workers from accessing essential services, exacerbating already high rates of HIV prevalence among this population. Sex workers, particularly in Khomas, Erongo, Zambezi, and Oshana regions, report consistent mistreatment in healthcare settings, including verbal harassment, denial of services, and unauthorised disclosure of their work or HIV status. Namibia has not developed or implemented a Key Populations Strategy despite being a signatory to the SADC HIV and AIDS Strategy (2020–2025), which underscores the importance of community-led responses. Civil society groups have filled this gap through peer-led and mobile outreach initiatives. However, the absence of public funding and lack of policy integration undermines the sustainability of these efforts.
35. Further, Namibia has not developed a contingency strategy to ensure uninterrupted access to key population health services in the face of foreign policy shifts or donor conditions. The reinstatement and enforcement of the U.S. Government's Global Gag Rule under the Trump administration led to stop-work orders across several donor-funded programs. These interruptions disproportionately affected sex workers' access to HIV services, PrEP, SRHR education, and care.
36. Outside of the role that criminalisation plays in violating the rights of sex workers, it has also been proven to be an ineffective approach to curbing the spread of HIV. The UNAIDS Advisory Group on HIV and Sex Work noted that "there is very little evidence to suggest that any criminal laws related to sex work reduce demand for sex or the number of sex workers. Rather, all of them create an environment of fear and marginalisation for sex workers, who often have to work in remote and unsafe locations to avoid arrest of themselves or their clients. These laws can undermine sex workers' ability to work together to identify potentially violent clients, and their capacity to demand condom use of clients."<sup>22</sup> Indeed in 2022, the WHO concluded that the criminalisation of sex work was one of the barriers to effective HIV services for key populations and vulnerable groups and called for the decriminalisation of sex work and the elimination of the unjust application of non-criminal laws against sex workers.

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<sup>21</sup> WGDAWG sex work guidance note

<sup>22</sup> See UNAIDS guidance note on HIV and Sex Work:

[https://www.unaids.org/sites/default/files/sub\\_landing/JC2306\\_UNAIDS-guidance-note-HIV-sex-work\\_en.pdf](https://www.unaids.org/sites/default/files/sub_landing/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf)

## **Recommendations for Action**

We call on Namibia to:

1. Repeal the Combating of Immoral Practices Act, 1980, and decriminalise all aspects of consensual adult sex work.
2. Enact anti-discrimination legislation protecting individuals from discrimination on the basis of occupation, gender identity, and sexual orientation.
3. Establish an independent civilian oversight mechanism empowered to receive and investigate police misconduct complaints, with clear protections for sex workers.
4. Guarantee access to confidential, non-judgmental, and comprehensive healthcare services, including HIV prevention, treatment, and SRHR services, regardless of occupational status.
5. Develop and implement a National Key Populations Strategy in line with SADC guidance, ensuring the meaningful inclusion of sex workers.
6. Integrate sex worker-led health initiatives into national health systems through formal partnerships, resource allocation, and recognition.
7. Develop tailored economic empowerment and financial inclusion programs designed in consultation with sex workers.
8. Invite relevant UN Special Rapporteurs to assess the human rights situation of sex workers in Namibia and issue guidance to the state.