



**Leitner Center**  
for International Law and Justice  
AT FORDHAM LAW SCHOOL, NEW YORK CITY



## **TORTURE OF SEX WORKERS IN NAMIBIA**

Committee against Torture

*Written information for the examination of the State party's report  
for the 59<sup>th</sup> Session*

**NAMIBIA**

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**SUBMITTED BY:**

Voice of Hope Trust

Rights not Rescue Trust

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**Voice of Hope Trust** is an NGO that brings together sex workers in the Erongo region of western Namibia in order to advocate for their rights. Voice of Hope Trust's goal is to promote sex workers' sexual and reproductive health and rights through the distribution of male and female condoms in order to alleviate HIV infection in the sex work community. They also conduct activities to promote safe sexual activities and host support group meetings to provide a platform for sex workers to support each other and share information.

**Rights not Rescue Trust (RnRT)** is a leading human rights agency, which promotes access to health, rights, education, and safety for sex workers in Namibia. The aim of RnRT is the decriminalization of the Namibian sex work industry, which will foster a rights-based work environment for all sex workers and strengthen their access to reproductive health services and equitable legal services.

The **Walter Leitner International Human Rights Clinic in the Leitner Center for International Law and Justice** in New York City, provides education and practical human rights training to law students while furthering the Center's core objectives of strengthening access to justice and promoting the rights of marginalized populations. The Clinic engages in human rights advocacy projects in conjunction with grassroots organizations around the world.

## INTRODUCTION

Namibia has failed to meet multiple obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”) in regards to its treatment of sex workers. The criminalization of sex work in Namibia has resulted in the torture and cruel, inhuman, and degrading treatment of sex workers, both female and male, including lesbian, gay, bisexual, and transgender (“LGBT”) sex workers. Law enforcement in Namibia engage in acts of physical and sexual abuse of sex workers which amount to torture. Law enforcement and public health workers in Namibia also engage in discriminatory abuse of sex workers that amounts to cruel, inhuman, and degrading treatment. Furthermore, Namibia fails to prevent and adequately investigate and prosecute the torture of sex workers by private actors. Therefore, Namibia violates its obligations under CAT, pursuant to Articles 1, 2, 12, 13, and 16.

Sex workers in Namibia report that police officers often physically and sexually assault them and extort them for sexual favors by using the threat of arrest as leverage. Although private actors are guilty of similar conduct, police often fail to investigate sex workers’ allegations regarding abuses committed by criminals posing as clients. Rather, police often mock and ridicule sex workers when they report abuse by private actors.

The criminalization and stigmatization of sex work has also led to the cruel, inhuman, and degrading treatment of sex workers by law enforcement and healthcare workers. Law enforcement use the criminalization of sex work as a justification to confiscate sex workers’ condoms and for their failure to investigate allegations of abuse against sex workers. Oftentimes, public health workers deny sex workers basic healthcare, including access to HIV testing and treatment.

Namibia’s Initial Report to the Committee against Torture (“Committee”), submitted in 1995, did not address the torture and degrading treatment that sex workers experience.<sup>1</sup> The Committee failed to address abuse of sex workers in its Concluding Observations issued in 1997<sup>2</sup> and did not identify the treatment of sex workers as a priority for the List of Issues prior to the submission of Namibia’s second periodic report.<sup>3</sup> Namibia’s Second Report, submitted in 2011, again neglects to address the torture and degrading treatment sex workers suffer in Namibia.<sup>4</sup>

As organizations representing and working in partnership with sex workers in Namibia, we call on the Committee to characterize the treatment of sex workers in Namibia as a violation of CAT during Namibia’s upcoming periodic review. Namibia must address the systemic torture and cruel, degrading, and inhuman treatment of sex workers in order to properly comply with its obligations under CAT.

## Legal Framework

Namibia's treatment of sex workers violates Articles 1, 2, 12, 13, and 16 of CAT. The systemic abuse also contravenes a number of international human rights guiding documents and positions, such as CAT General Comment No. 2 and reports of two former Special Rapporteurs on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In Namibia, sex work-related activities, including solicitation, living off the earnings of sex work, or maintaining a brothel, are criminalized.<sup>5</sup> The criminalization of sex work has led to the torture and degrading treatment of sex workers by state and private actors. Following a visit to Namibia, in 2012 the Special Rapporteur on extreme poverty and human rights expressly linked the criminalization of sex work with human rights abuses against Namibian sex workers:

The criminalization of sex work in Namibia lies at the foundation of a climate of stigma, discrimination and violence surrounding sex work ... Such abuse severely compromises sex workers' personal safety as well as their right to equal protection of the law. Moreover, it creates a climate of impunity that fosters further violence and discrimination against sex workers in the community at large.<sup>6</sup>

Article 1 of CAT defines "torture" as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>7</sup>

The reports of two former Special Rapporteurs on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986 and 2008 define rape as torture.<sup>8</sup> The Committee's General Comment No. 2 also identifies rape and sexual violence as torture.<sup>9</sup> The *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* states: "Sexual torture begins with forced nudity... Furthermore, verbal sexual threats, abuse and mocking are also part of sexual torture... The groping of women is traumatic in all cases and is considered to be torture."<sup>10</sup>

The treatment of sex workers in Namibia aligns with the definition of torture provided by CAT and fleshed out by other international guidelines. Severe physical, sexual, and mental suffering is frequently inflicted upon sex workers for reasons including intimidation, coercion, and discrimination based on their status as sex workers—by, at the instigation of, or with the acquiescence of Namibian law enforcement.

Article 2.1 mandates that States Parties “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”<sup>11</sup> Thus, States are obligated not to commit torture and must also prevent torture committed by private actors under their jurisdiction. The criminalization of sex work in Namibia entrenches the stigmatization of the sex work community and makes them targets for violence at the hands of police and private actors. Criminalization forces sex workers to work in unsafe conditions where they are susceptible to extreme abuse and denies them any legal recourse when they are subjected to torture or cruel, inhuman, or degrading treatment. Although the Namibian Constitution prohibits torture and cruel, inhuman, and degrading treatment,<sup>12</sup> torture is not criminalized by a specific law or statute as required by Article 4 of CAT.<sup>13</sup> To comply effectively with CAT, the Namibian government must decriminalize sex work and establish legal procedures to investigate allegations of torture and provide victims with redress.

Article 2.2 states that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>14</sup> Thus, the criminalization of sex work in Namibia cannot serve as justification for the torture and degrading treatment of sex workers.

Article 12 states that the Namibian government is required to “ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”<sup>15</sup> Article 13 ensures that “any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.”<sup>16</sup> In many cases, sex workers in Namibia attempt to report abuse to police who in turn retaliate with mockery and additional abuse. Namibia’s failure to establish effective complaint mechanisms for sex workers who suffer physical or sexual abuse is a violation of Articles 12 and 13.

Article 16.1 requires that Namibia:

[P]revent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>17</sup>

Law enforcement and public healthcare workers subject sex workers to degrading treatment by denying them basic due process rights and medically necessary treatment and prevention services. Even if this discrimination does not amount to torture, it is still prohibited under Article 16 of CAT.

Additionally, CAT General Comment No. 2 creates an obligation on the State Party to take action against private actors who commit torture and other cruel, inhuman, or degrading treatment or punishment whenever there is reasonable ground to believe that such an act

occurred.<sup>18</sup> Therefore, as a State Party bound by CAT, Namibia is obligated to create an environment that prevents the torture of sex workers by private actors. Namibia has the responsibility to investigate sex workers' complaints against private actors' abuses in a fair and just manner. In addition, law enforcement must investigate the killings of sex workers without prejudice.

CAT compels Namibia to protect individuals, including sex workers, from torture and degrading treatment. However, such torture against Namibian sex workers is ubiquitous and Namibia's lack of remedial action is in clear violation of CAT. These violations, which are documented in the following part of the report, illustrate Namibia's failure to comply with its international obligations under CAT.

## DOCUMENTATION AND LEGAL ANALYSIS

### **1. Torture and Degrading Treatment of Sex Workers Committed by Namibian Law Enforcement and Public Healthcare Workers**

Law enforcement and public healthcare workers in Namibia are responsible for committing numerous abuses against sex workers in violation of CAT. Sex workers report that they are subjected to torture in the form of physical, verbal, and sexual abuse by law enforcement. Police officers often beat them and sexually assault them, including using the threat of arrest to extort sexual favors from them. Law enforcement and public healthcare workers also subject sex workers to cruel, inhuman, and degrading treatment. Police officers confiscate sex workers' condoms, and healthcare workers often refuse to provide sex workers with medical care.

#### **a. Torture of Sex Workers Committed by Namibian Law Enforcement**

##### *i. Physical Abuse as Torture*

The criminalization of sex work in Namibia leads to routine violations of Articles 1 and 2 of CAT. Sex workers suffer physical abuse from Namibian law enforcement. These are not injuries "arising only from, inherent in or incidental to lawful sanctions."<sup>19</sup> These abuses are torture.

On one occasion, a forty-four-year-old sex worker reported that the police had stopped her six times during the previous twelve-month period.<sup>20</sup> During one particular stop, the sex worker told the police that they did not have permission to search her body. In response, the Namibian police forcefully beat her and took her clothes, money, and condoms.<sup>21</sup> A Zambian migrant sex worker described a similar encounter: "They came and asked for my bag. When I refused, they beat me, took my condoms and burned them and said I'm a bitch."<sup>22</sup> A female street-based sex worker in Windhoek, and her friends who are also sex workers, have had multiple abusive encounters with police. She reported, "The police have beaten me four times. They hit my friend with their car. Her head was hurt and she isn't able to talk anymore."<sup>23</sup> Police often specifically target transgender female sex workers for violence.<sup>24</sup> Police have been reported to beat transgender female sex workers and strip them in public.<sup>25</sup>

Namibia violates Articles 1 and 2 of CAT because Namibian law enforcement, acting in an official capacity, intentionally inflict severe physical pain on sex workers. Regardless of laws that criminalize sex work in Namibia, as Article 2.2 states, there is never a justification for torture under any circumstances.

##### *ii. Sexual Violence and Rape as Torture*

On two separate occasions, Special Rapporteurs have identified rape as a form of torture.<sup>26</sup> The Committee has also recognized rape as torture on multiple occasions.<sup>27</sup> By these standards, Namibian police force's rape and sexual assaults of sex workers amount to torture.

The United States Department of State has reported that police officers often threaten to arrest sex workers in Namibia or abandon them in remote locations if they do not provide the officers with free sex.<sup>28</sup> Sex workers have also reported that police officers force them to provide the officers with sex without compensation.<sup>29</sup> Because sex work is criminalized in Namibia, police officers are emboldened to extort sex workers by threatening to arrest them if they refuse to provide them with sexual services. For example, a female sex worker confirmed that she was forced to have sex with an officer to avoid arrest.<sup>30</sup>

Transgender sex workers are also the targets of sexual violence and torture. A transgender female sex worker activist reported that members of the Namibian Defense Force ripped her clothes off and began to sexually assault her in the middle of the street.<sup>31</sup> The Istanbul Protocol classifies this behavior as torture.<sup>32</sup> This same sex worker reported another incident of sexual violence as torture at the hands of police officers. The police arrested her when they found condoms in her bag.<sup>33</sup> Because the police refused to acknowledge her gender identity as a transgender woman, they placed her in a holding cell with fourteen men who took turns raping her. Despite her cries for help, police officers ignored her and encouraged the inmates to continue sexually assaulting her. “When my assailants had finished, police officers applauded them, saying I deserved to be raped,” she recounted.<sup>34</sup>

Police officers use the criminalization of sex work to extort sexual service, threaten, sexually abuse, and encourage sexual violence against sex workers. These tactics intentionally inflict severe physical or mental pain on sex workers. Namibia is accountable for law enforcement’s instigation of, failure to stop or prevent, and refusal to remedy sexual assaults against sex workers. It is a violation of Articles 1, 2, 10, 12, and 13 of CAT.

## **b. Degrading Treatment of Sex Workers**

Article 16 of CAT also protects individuals from cruel, inhuman, and degrading treatment that do not amount to torture. Namibia violates Article 16 because police officers and public healthcare workers confiscate sex workers’ condoms, publicly humiliate them, and deny them necessary medical services.

### *i. Degrading Treatment of Sex Workers by Law Enforcement*

Police officers routinely confiscate sex workers’ condoms and deny them basic due process rights. One transgender female sex worker described an encounter when an outreach worker who was showing her how to use a female condom. When the police noticed this, they took confiscated the condom and drove over it with their car.<sup>35</sup> According to the Open Society Foundation, 50% of surveyed Namibian sex workers report that the police frequently confiscate and destroy their condoms.<sup>36</sup> Confiscating condoms amounts to inhuman and degrading treatment because condoms are invaluable to a sex worker’s occupational safety by providing protection from the spread of sexually transmitted infections. By confiscating their condoms, law enforcement subject sex workers to an increased risk of infection.

Police officers also subject sex workers to cruel and inhuman treatment by extorting them and denying them basic due process rights. Police officers arrest many sex workers for petty crimes and often hold them for weeks without charge.<sup>37</sup> In May 2016, Namibian police officers arrested approximately 40 sex workers outside Windhoek.<sup>38</sup> Many of the arrested sex workers were migrants from Zambia, Zimbabwe, Tanzania, and Botswana.<sup>39</sup> Many were released, but at least 16 sex workers were detained for one month at the Hosea Kutako International Airport without charge. Prior to deporting the sex workers, police officers confiscated many of their personal belongings. During their detention, many of the sex workers were denied access to their medication. They were also subjected to abusive language from police who often pressured them for sexual favors.<sup>40</sup> Holding individuals in custody without charge, along with extorting detainees, qualifies as cruel, inhuman, and degrading treatment in violation of Article 16.

ii. *Degrading Treatment of Sex Workers by Public Healthcare Workers*

Public healthcare workers subject sex workers to cruel, inhuman, and degrading treatment by discriminating against them and denying them necessary medical care. Many public healthcare workers also breach sex workers' confidentiality by publicly revealing sex workers' private medical information. For instance, a female sex worker reported that a nurse revealed her HIV status in front of a waiting room full of patients.<sup>41</sup> When public health workers reveal sex workers' sensitive medical information, publicly demean them, or refuse to provide them with medical attention because of their sex work status, this not only amounts to degrading treatment, it further discourages sex workers from seeking out medical testing and treatment, which puts them at greater risk of infection. By failing to prevent or remedy this degrading treatment, Namibia violates sex workers' right to be free from cruel, inhuman, and degrading treatment in accordance with Articles 2 and 16.



## **2. Torture of Sex Workers Committed by Private Actors: Lack of Prevention, Investigation, and Redress**

Namibia violates CAT when it refuses to prevent, investigate, or redress torture of sex workers committed by private actors. Such abuse is tolerated, even normalized, by the lack of action on the part of the State. The active hostility of police officers towards sex workers emboldens ill-intentioned private actors to abuse sex workers with impunity. Many sex workers are subjected to abuse from criminals posing as clients, but police refuse to acknowledge this treatment as unlawful because the police consider sex workers “criminals” in the eyes of the law. This criminal status drives sex workers into the shadows and makes them far less likely to bring claims of abuse.

Despite the violence that sex workers experience, police chronically fail to investigate these crimes. For instance, a female sex worker reported that after she was stabbed and beaten by a criminal posing as a client, she went to the police. Rather than provide her with assistance, the police threatened to arrest her.<sup>42</sup> Sex workers are also often reluctant to report these incidents of abuse by private actors when they have been harassed or abused by the same officers with whom they would file a complaint.<sup>43</sup>

Police have even failed to investigate the murder of sex workers. In June 2007, sex workers reported that the unsolved murder of a sex worker who was picked up along a highway by an unknown assailant, cut into pieces, and dumped on the side of the road, left them fearing for their lives.<sup>44</sup> Similarly, a sex worker was found dead in 2014 after a client picked her up in Windhoek.<sup>45</sup> Both murders are still unsolved. By refusing to take these cases seriously, law enforcement expose sex workers to heightened violence and danger.

Namibia’s ongoing failure to provide adequate mechanisms to seek justice for sex workers who are the victims of torture at the hands of private actors is a violation of Articles 2, 12, and 13 of CAT.

## RECOMMENDATIONS

1. Namibia should decriminalize sex work by eliminating criminal penalties for activities surrounding sex work between consenting adults, such as solicitation, condom possession, and brothel-keeping.
2. Namibia should criminalize torture in accordance with Article 4 of CAT. The State should pass a domestic anti-torture statute that clearly defines torture in its entirety and includes mental, physical, and sexual torture as defined in CAT. The legislation should criminalize cruel, inhuman, or degrading treatment committed by both state and private actors.
3. Namibia should ensure the implementation of anti-torture laws and guarantee the rights of everyone equally, including sex workers and LGBT persons.
4. An independent complaints mechanism should be established for individuals who allege that they were subjected to torture or degrading treatment, especially at the hands of state actors such as police officers, in accordance with Article 13 of CAT.
  - a. Protection should be provided for the complainant and witnesses to avoid ill treatment as a consequence of the complaint.
  - b. A public awareness campaign should be initiated to raise awareness among the public on their rights and the availability of the complaints mechanism.
5. Namibian law enforcement should promptly and impartially investigate all incidents of torture against sex workers and prosecute and punish those responsible, pursuant to Articles 2, 12, and 13 of CAT.
6. Namibian law enforcement should not interfere with targeted HIV prevention and treatment outreach to sex workers and should refrain from confiscating condoms.
7. Public healthcare workers should provide confidential and non-discriminatory healthcare services to sex workers.
8. Namibia should ensure that sex workers who are victims of acts of torture are given fair and adequate compensation, and access to necessary medical and social services.

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<sup>1</sup> See Comm. Against Torture, *Initial Report of States Parties Due in 1995, Namibia*, CAT/C/28/Add.2 (Jan. 29, 1997).

<sup>2</sup> See Comm. Against Torture, *Report of the Committee Against Torture*, Supplement No. 44 (A/52/44) (New York 1997).

<sup>3</sup> See Comm. Against Torture, *List of Issues Prior to the Submission of the Second Periodic Report of Namibia*, CAT/C/NAM/Q/2 (Nov. 2009).

<sup>4</sup> See Comm. Against Torture, *Consideration of Reports Submitted by States Parties Under Article 19 of the Convention Pursuant to Optional Reporting Procedure: Second Periodic Reports of State Parties Due in 1999: Namibia*, CAT/C/NAM/2 [Date Received: Oct. 27, 2015] (Nov. 25, 2015).

<sup>5</sup> Chi Adanna Mgbako, *To Live Freely in This World: Sex Worker Activism in Africa* 49-50, (2016).

<sup>6</sup> See Human Rights Council, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, Magdalena Sepulveda Carmona (Special Rapporteur), ¶¶ 50-53, 65, U.N. Doc. A/HRC/23/36/Add. 1 (2013) ("The criminalization of sex work in Namibia lies at the foundation of a climate of stigma, discrimination and violence surrounding sex work. During her visit, the Special Rapporteur heard testimonies from sex workers of recurring police abuse and high levels of violence, including the confiscation of condoms, arbitrary detention and rape. Such abuse severely compromises sex workers' personal safety as well as their right to equal protection of the law. Moreover, it creates a climate of impunity that fosters further violence and discrimination against sex workers in the community at large").

<sup>7</sup> U.N. Convention Against Torture, Article 1 ¶ 1.

<sup>8</sup> See Economic & Social Council, *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, P. Kooijmans (Special Rapporteur), ¶ 119, U.N. Doc. E/CN.4/1986/15 (1986); See Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development. Report of the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment*, Manfred Nowak (Special Rapporteur), pp. 8-9, U.N. Doc. A/HRC/7/3 (2008).

<sup>9</sup> See Comm. Against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (Jan. 24, 2008)(discussing rape and sexual violence in the context of the Convention Against Torture); C.T. and K.M v. Sweden, Communication No. 279/2005, 17 November 2006, UN Doc. CAT/C/37/D/279/2005 ¶ 7.5 (2007) (finding that a woman repeatedly raped while in detention in Rwanda "as such was subjected to torture);" V.L. v. Switzerland, Communication No. 262/2005, 20 November 2006, UN Doc. CAT/C/37/D/262/2005 ¶ 8.10 (2007) (finding that a woman who was raped by police agents in Belarus was tortured, that her experience met every element of the definition of torture in CAT Art.1, and stating that "the sexual abuse by the police in this case constitutes torture").

<sup>10</sup> See U.N. High Commissioner for Human Rights, Istanbul Protocol, ¶ 215, U.N. Doc. HR/P/PT/8/Rev.1, U.N. Sales No. E.04.XIV.3 (2004).

<sup>11</sup> U.N. Convention Against Torture, Article 2 ¶ 1.

<sup>12</sup> See The Constitution of the Republic of Namibia, Article 8 (2) (b).

<sup>13</sup> See Comm. Against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure, Second periodic reports of States parties due in 1999, Namibia*, Para. 6 and 128.

<sup>14</sup> U.N. Convention Against Torture, Article 2 ¶ 2.

<sup>15</sup> U.N. Convention Against Torture, Article 12.

<sup>16</sup> U.N. Convention Against Torture, Article 13.

<sup>17</sup> U.N. Convention Against Torture, Article 16 ¶ 1.

<sup>18</sup> Committee Against Torture, General Comment No. 2, ¶ 18, CAT/C/GC/2 (2008).

<sup>19</sup> U.N. Convention Against Torture, Article 1 ¶ 1.

<sup>20</sup> See Open Society Foundations, *Criminalizing Condoms: How Policing Practices Put Sex Workers and HIS Services at Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe*, 11 (2012).

<sup>21</sup> See *id.*

<sup>22</sup> See *id.* at 12.

<sup>23</sup> Open Society Institute, *Rights Not Rescue: A Report on Female, Male, and Trans Sex Workers' Human Rights in Botswana, Namibia, and South Africa*, 34 (2009).

<sup>24</sup> *Id.* at 40.

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<sup>25</sup> See *id.*

<sup>26</sup> See *Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Commission on Human Rights*, U.N. Doc. E/CN.4/1986/15, ¶ 119 (1986); United Nations, Office of the High Commissioner of Human Rights, *Rape: Weapon of War*.

<sup>27</sup> See Committee Against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (Jan. 24, 2008)(discussing rape and sexual violence in the context of the Convention Against Torture); C.T. and K.M v. Sweden, Communication No. 279/2005, 17 November 2006, UN Doc. CAT/C/37/D/279/2005 ¶ 7.5 (2007) (finding that a woman repeatedly raped while in detention in Rwanda “as such was subjected to torture”); V.L. v. Switzerland, Communication No. 262/2005, 20 November 2006, UN Doc. CAT/C/37/D/262/2005 ¶ 8.10 (2007) (finding that a woman who was raped by police agents in Belarus was tortured, that her experience met every element of the definition of torture in CAT Article1, and stating that “the sexual abuse by the police in this case constitutes torture”).

<sup>28</sup> U.S. Dep't of State, *Namibia 2012 Human Rights Report* (2013).

<sup>29</sup> See Suzanne LaFont, PhD, *Help Wanted: Sex Workers in Katutura, Namibia*, 10 Gender Research and Advocacy Project, Legal Assistance Centre, available at <http://www.lac.org.na/projects/grap/Pdf/mono2sexwork.pdf>.

<sup>30</sup> See *Sex Workers Searching for Legal Safety*, LEGAL ASSISTANCE CENTER (April 2008).

<sup>31</sup> Chi Adanna Mgbako, *To Live Freely in This World: Sex Worker Activism in Africa* 52, (2016).

<sup>32</sup> U.N. High Commissioner for Human Rights, Istanbul Protocol, ¶ 215, U.N. Doc. HR/P/PT/8/Rev.1, U.N. Sales No. E.04.XIV.3 (2004).

<sup>33</sup> See Jordaania Andima, *A Night With Transgender Sex Workers in Windhoek*, *The Namibian* (Mar. 28, 2014), available at <http://www.namibian.com.na/index.php?id=121547&page=archive-read>.

<sup>34</sup> See *id.*

<sup>35</sup> See Open Society Foundations, *Criminalizing Condoms: How Policing Practices Put Sex Workers and HIS Services at Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe* 17 (2013).

<sup>36</sup> See *id.* at 12.

<sup>37</sup> See Nomhole Kangoonui, *Namibia: Sex Workers Slam Police Harassment*, ALL AFRICA, May 30, 2016, <http://allafrica.com/stories/201605300108.html>.

<sup>38</sup> See African Sex Workers Alliance, *Arrest of Sex Workers in Namibia Condemned* (May 17, 2016, 12:01PM), <https://aswaalliance.org/arrest-of-sex-workers-in-namibia-condemned/>.

<sup>39</sup> See *id.*

<sup>40</sup> See Nomhole Kangoonui, *Namibia: Sex Workers Slam Police Harassment*, ALL AFRICA, May 30, 2016, <http://allafrica.com/stories/201605300108.html>.

<sup>41</sup> See Nomhole Kangoonui, *Namibia: Hearing the Cries of Male and Female Sex Workers*, ALL AFRICA, Dec. 2, 2015, <http://allafrica.com/stories/201512030338.html>.

<sup>42</sup> See *Sex Workers Searching for Legal Safety*, Legal Assistance Center (April 2008), <http://www.lac.org.na/news/specialfeatures/sexworkers.html>.

<sup>43</sup> See *Rights Not Rescue: A Report on Female, Male, and Trans Sex Workers' Human Rights in Botswana, Namibia, and South Africa*, 41 Open Society Institute (2009), available at [https://www.opensocietyfoundations.org/sites/default/files/rightsnotrescue\\_20090706.pdf](https://www.opensocietyfoundations.org/sites/default/files/rightsnotrescue_20090706.pdf).

See Anna Shilongo, *Ladies of the Night Are Scared*, *New Era* (June 27, 2007), available at <https://www.newera.com.na/2007/06/27/ladies-of-the-night-are-scared/>.

<sup>45</sup> See *Reward Offered in Sex Worker Murder Case*, *The Namibian Sun* (April 29, 2014), <http://www.namibiansun.com/news/reward-offered-in-sex-worker-murder-case>.