

# Pride Guide | eSwatini



The Australian Volunteers Program strives to provide a safe, supportive and equitable environment for LGBTIQ+ volunteers, approved accompanying dependents, partner organisations and all program staff. The Australian Volunteers Program has supported volunteers with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in all program countries and has ongoing connections with community organisations in almost every country we work in.

Diverse SOGIESC program participants must be aware of the country context before undertaking an assignment. This guide is designed to introduce some key issues related to people with diverse SOGIESC and their participation in the program.

## If you are a volunteer with diverse SOGIESC, you will need to:

- Do your own research. You will be required to follow the local laws, even if you disagree with them.
- Understand what the local law says you can and can't do when in-country;
- Be aware of what the legal protections are for LGBTIQ+ people in your destinations;
- Consider whether or not you are comfortable living and working in a place where you may be discriminated against and unable to live as openly as you can in some parts of Australia.

## Language

Terminology may differ across urban and rural contexts, and across provinces or ethnic and cultural groups. Information sourced online can be outdated or inaccurate. For current and accurate information, please confirm with an appropriate diverse SOGIESC Civil Society Organisation (CSO) or ask your in-country team.

## Legal and policy context

Same-sex sexual acts are criminalised in Eswatini with an undetermined maximum penalty, however this law has not been enforced in recent years. The Eswatini Constitution outlines that the State must “ensure gender balance and fair representation of marginalised groups”<sup>1</sup> but people of diverse SOGIESC are not mentioned. It is not possible for transgender or intersex groups to change their legal gender markers to align with their identities.

## Discrimination

Currently, no legal protections exist for people with diverse SOGIESC in Eswatini. This includes a lack of constitutional protection and national laws against SOGIESC discrimination, laws that protect against SOGIESC discrimination in employment, and laws that protect against hate crimes, incitement to hatred, violence or discrimination based on one's SOGIESC.

<sup>1</sup> The King of the Parliament of Swaziland, “The Constitution of the Kingdom of Swaziland Act 2005,” Law, <https://www.wipo.int/edocs/lexdocs/laws/en/sz/sz010en.pdf>, 38.

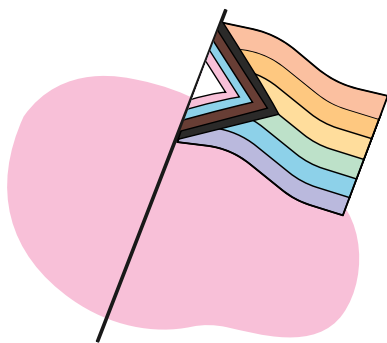


## Cultural and societal attitudes

Religion plays a critical role in discrimination against people with diverse SOGIESC in Eswatini. Conversion therapy is practiced, with reports of church pastors attempting to “heal” diverse SOGIESC community members through prayer. Some churches prohibit people with diverse SOGIESC from their place of worship. Sexual violence is perpetrated against people assigned female at birth with diverse SOGIESC, including ‘corrective’ rape practices.

CSOs are breaking down these barriers, including The Rock of Hope Eswatini, who use trainings, advocacy and communication to influence social practices, attitudes and policy and facilitate pride events. CSO Lesbian Bisexual Queer Rights Swaziland work to further the rights of queer women, and elevate their voices.

It is common for families in Eswatini to reject their diverse SOGIESC children and relatives. CSO House of our Pride HOOP provides outreach services to talk to parents and families about LGBTIQ+ issues, including those who have abused or abandoned their children with diverse SOGIESC.



## Health and wellbeing

Eswatini has one of the highest rates of HIV/AIDS infection in the world. To combat this, the government has ensured universal access to care and treatment for groups deemed to be most vulnerable, namely cisgender women. These strategies have excluded key populations including transgender women and men who have sex with men (MSM). While condoms are distributed widely by the government to curb HIV/AIDS amongst heterosexual couples, there is no availability or distribution of other safer sex barrier devices, such as dental dams or finger condoms.

There are some CSOs working in the health space with diverse SOGIESC communities. HOOP has created mobile health services and testing for HIV in MSM populations as well as basic mental health and psychosocial services. Led by country network Young People Living with HIV (YPLHIV), the READY+ movement works with young people through empowerment activities that focus on education and up-skilling. Schools in Eswatini do not teach lessons on gender-based violence (GBV) or diverse SOGIESC themes “[d]ue to the cultural sensitivity of Swaziland.”<sup>2</sup>

## Media

Rights violations and abuses against people with diverse SOGIESC continue to be “undocumented, unreported, unprosecuted and not addressed.”<sup>3</sup> News reporting on the violence and discrimination faced by the diverse SOGIESC community in Eswatini comes from international outlets.

<sup>2</sup> UNESCO and KPMG, End Term Evaluation: Strengthening Sexual and Reproductive Health and HIV Prevention Amongst Children and Young People Through Promoting Comprehensive Sexuality Education in Easter and Southern Africa. Swaziland (Geneva: UNESCO, 2016), 12.

<sup>3</sup> RoH et al., “Swaziland’s Joint NGO Submission to the UN Universal Periodic Review 2016,” accessed June 10, 2021, [https://www.upr-info.org/sites/default/files/document/swaziland/session\\_25\\_-\\_may\\_2016/js4\\_upr25\\_swz\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/swaziland/session_25_-_may_2016/js4_upr25_swz_e_main.pdf).