

# CSW66 – FORMAL SIDE EVENT

## CONCEPT NOTE



**Title: Strengthening labour rights through cross-movement collaborations - trade unions, sex workers' organisations and feminist groups**

**When:** Friday 18 March 2022, 8.30 – 10.00 AM EST

**Interpretation available in:** English, French, Spanish, Arabic, Russian, closed captioning in English

The review theme during the CSW66 is women's economic empowerment in the changing world of work. This side event will focus on sharing effective approaches to protect and strengthen the human rights of sex workers. The larger framework of the side event will be on delineating the importance of intersectional approaches and cross-movement collaboration among feminist, sex workers' rights and labour rights groups.

### HOSTS:

- The Kingdom of the Netherlands
- New Zealand
- Count Me In! Consortium\*
- Global Network of Sex Work Projects (NSWP)
- CNV Internationaal

### INTRODUCTION

Sex workers' rights are central to the realisation of gender equality and women's rights. Yet, there are vastly different approaches to ensuring that cis and trans-gender women in the sex industry are free from violence and discrimination. A key aspect of this is sex workers' rights to economic security, including protection of their labour rights and the recognition of sex work as work. From Colombia to New Zealand, sex workers have organised and formed their own associations and unions as a core aspect of demanding the full spectrum of rights. Promising steps forward are being taken by some trade unions to address and incorporate sex workers' labour rights, but this cross-movement alliance requires greater attention and action.

### SEX WORK AS WORK

It is an important feminist principle that women, regardless of their profession, are rights holders and decision makers. Recognizing sex worker's labour as work, not dissimilar to other forms of labour, and hence of their economic contribution to society, is integral to respecting, protecting and fulfilling sex workers' human rights. In fact, '(T)he International Labour Organization (ILO) estimates that sex workers support between five and eight other people with their earnings. Sex workers also contribute to the

\*The Count Me In! Consortium includes Mama Cash, AWID, JASS (Just Associates), Urgent Action Fund and Urgent Action Fund Africa, with strategic partners Red Umbrella Fund and Wo=Men.

economy. In four countries surveyed, ILO found that the sex industry provides between 2 and 14 percent of gross domestic product<sup>1</sup>. Not recognising sex work as work does not end sex work. Rather, it renders sex workers susceptible to violence by clients, partners, managers, other third parties and the police. As workers, sex workers advocate for their human rights, including the full range of labour, economic, social, cultural, and political rights.

The struggle for the recognition of sex work as work is closely tied to the struggle for decriminalisation<sup>2</sup>. Criminalization of sex work and the application of punitive or restrictive regulations violates the human and labour rights of sex workers and fosters discriminatory practices and stigmatizing social attitudes. It does not eliminate sex work, but rather, create barriers to sex worker's access to essential services such as social protection, health care or access to justice, as well as creating precarious and unsafe working conditions. It increases the vulnerability of people of all genders, who engage in sex work, to exploitation and violence and reduces sex workers' ability to organize with the aim to improve their working conditions and advance their human rights<sup>3</sup>. Similarly, conflating consensual adult sex work with human trafficking severely undermines the human rights of sex workers while also failing to protect the rights of people who are trafficked; it leads to the implementation of inappropriate responses that disproportionately target sex work, failing to realise and protect the human rights of either of these groups, and contributes to stigma, discrimination and violence<sup>4</sup>.

While recognizing that exploitation and bad working conditions exist in sex work, these human rights abuses are better addressed through the fulfilment of sex workers human and labour rights, and through the opposition to all forms of discrimination in law and practice against sex workers<sup>5</sup>. It is time for the labour rights movement to work closely with sex workers' rights movement to advocate for labour rights and freedom from discrimination and violence in all labour settings. ILO's Decent Work Agenda, about rights at work and social protection<sup>6</sup> is relevant in this regard. ILO Convention 190 (recommendation No 206) concerns protection of workers from violence and harassment at work. By ratifying this groundbreaking convention governments recognize that violence and harassment in the world of work can constitute a human rights violation and that it is incompatible with decent work<sup>7</sup>.

<sup>1</sup> Global Network of Sex Work Projects Policy Brief on Sex work is Work ([http://www.nswp.org/sites/nswp.org/files/policy\\_brief\\_sex\\_work\\_as\\_work\\_nswp\\_-\\_2017.pdf](http://www.nswp.org/sites/nswp.org/files/policy_brief_sex_work_as_work_nswp_-_2017.pdf))

<sup>2</sup> *ibid*

<sup>3</sup> <http://www.creaworld.org/sites/default/files/Submission%20to%20UN%20Women.pdf>. See also ILO's core Convention No 87 related to Freedom of Association and Protection of the right to Organise (part of ILO's Decent Work Agenda).

<sup>4</sup> Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover. New York (NY): United Nations; 2010 (A/HRC/14/20); see also GAATW's "The Cost of a Rumour" available at: <http://www.gaatw.org/publications/WhatstheCostofaRumour.11.15.2011.pdf>; and NSWP's "Sex Work is not Trafficking" at <https://www.nswp.org/resource/nswp-briefing-papers/sex-work-not-trafficking>.

<sup>5</sup> See the Lancet Special Issue on HIV and Sex Work, July 2014: <http://www.thelancet.com/series/HIV-and-sex-workers>; Decker, et al., "Human rights violations against sex workers: burden and effect on HIV, in the Lancet, Volume 385, Issue 9963, 10-16 January 2015, Pages 186-199; J. Amon et. al., Evaluating Human Rights Advocacy on Criminal Justice and Sex Work, International Journal of Health and Human Rights, Jun 2015, Vol. 17 Issue 1, p91-101.

<sup>6</sup> ILO defines decent work as 'Productive work for women and men in conditions of freedom, equity, security and human dignity'.

<sup>7</sup> "...the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment...that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work." (Preamble to C190:

## THE SESSION

This session will focus on some of these cross-movement efforts as a way to highlight sex workers' rights as a feminist and economic rights issue.

It will recall some of the key elements of the CSW65 agreed conclusions, such as a commitment by Member States to **“promoting occupational safety and health protection to workers in the informal economy”** (para 40, mm]); the vulnerability to **“abuse and exploitation”** of those working in the informal economy (para 37); and to **“Enact or strengthen and enforce laws and policies to eliminate all forms of violence and harassment against women of all ages in the world of work, in public and private spheres, and provide means of effective redress in cases of non-compliance; ensure safety for women in the workplace; address the multiple consequences of violence and harassment, considering that violence against women and girls is an obstacle to gender equality and women’s economic empowerment”** (para 40 g).

The session will explore how sex workers' rights and labour rights efforts can join together to amplify the advocacy for the respect, protection and fulfillment of all workers' rights, both formal and informal. The larger framework of the side event will be on delineating the importance of cross-movement collaboration among feminist, sex workers' rights and labour rights groups.

## THE PANEL

The diverse panel will provide a unique opportunity to addressing this issue from a government perspective, women's rights movement perspective, labour rights movement perspective, and sex workers' rights movement perspective, from both the Global North as well as the Global South.

### Panelists:

- Conxa Borrel, OTRAS, Spain
- Igor Bosc, Chief Technical Advisor, Work in Freedom Programme, International Labour Organization (ILO)
- Karen Burbach, Head of the Taskforce Women's Rights and Gender Equality, Ministry of Foreign Affairs of the Netherlands
- Kholi Buthelezi, Sisonke, South Africa
- Mariama Diallo, general secretary of Trade Union Confederation from Senegal UDTs, Senegal
- Matthew Parks, Parliamentary Coordinator at the Congress of South African Trade Unions (COSATU)
- Dr. Thembisile Xulu, Chief Executive Officer, South African National AIDS Council (SANAC)

The panel will be moderated by Geetanjali Misra, Executive Director of CREA, on behalf of the Count Me In! consortium

## BIOGRAPHIES OF SPEAKERS

### Conxa Borrell

Conxa Borrell is a Spanish sex worker, sex educator, trade unionist and activist for the rights of sex workers. She is also the President of the NGO APROSEX and General Secretary of the OTRAS Union. With sixteen years as a sex worker and fifteen as a rights activist, Conxa Borrell continues to fight tirelessly for a world where sex work is acknowledged as wage labor and in which all comrades from all sectors are respected and enjoy institutional recognition.

### Igor Bosc

Igor Bosc has been the Chief Technical Adviser of the Work in Freedom Programme in the ILO for the last seven years. The programme focuses on reducing vulnerabilities to forced labour in the context of women's labour migration in South and West Asia. Under Bosc's leadership, the programme has published studies documenting the working lives of migrant women and deconstructing assumptions of conventional anti-trafficking and forced labour programmes and policies. One of the latest publications that he authored is "[The Work in Freedom Handbook, A critical glossary of terms relating to freedom and unfreedom in the world of work](#)". Mr. Bosc has previously worked in other UN agencies and international organisations including UNDP, UNFPA, IOM, OSCE and ICRC in Latin America, Central and West Asia, Eastern Europe and Asia covering governance of social policies, labour migration and human rights. He holds a Degree in International Relations at the National Institute for Oriental Languages and Civilizations in France and has a graduate diploma in South Asian Studies at the Sorbonne University.

### Karen Burbach

Karen Burbach joined the Netherlands Foreign Ministry in 2000 where she started her career in the Department for Human Rights. She has been posted in Beijing (2004-2008), with the Department for European Integration (2008-2012) and in Washington D.C. (2012-2016). Before starting as the Head of the Taskforce Women's Rights and Gender equality in September 2021, Karen was based Brussels working at the Netherlands's Permanent Representation to the European Union (2016-2021). Karen is married and has 3 daughters.

### Kholi Buthelezi

Kholi Buthelezi has been a feminist activist since 2002. She is the Director and a founding member of SISONKE, a sex worker-led movement which was established in 2003 and is member of NSWP in South Africa. Kholi is also a National Sector Leader representative within the SANAC Civil Society Forum structure and a Global Fund Country Coordinating Mechanism alternate representative. Kholi has previously served as a peer educator, outreach and development worker, and country coordinator of ASWA. As an advocate for sex workers' rights at the national, regional, and international levels, Kholi works to mobilise sex workers, in all their diversity, to claim their rights, and engages with women's organisations on advocacy for the recognition of sex work as work and decriminalisation.

### Mariama Diallo

Mariama Diallo is General Secretary of the Trade Union Confederation UDTS in Senegal. Ever since the adoption of ILO convention 190/R206 on violence and harassment in the world of work by the International

Labour Congress, she has been a passionate campaigner for its ratification by Senegal. In her campaigning Ms. Diallo works closely together with likeminded women trade union leaders in Senegal and with the ILO in Dakar. The realization of decent working conditions for all workers, especially those who are most vulnerable, and irrespective of the nature or the contract of the work, is at the core of the work of UDTs. UDTs supports 'And Soppeku' to realize decent working conditions for sex workers and is a longstanding partner of Dutch Trade Union Confederation CNV Internationaal.

### Matthew Parks

Matthew Parks is the Parliamentary Coordinator at the Congress of South African Trade Unions (COSATU), where he has worked for 10 years. Matthew coordinates COSATU's engagements with Parliament, the African National Congress, and other government structures, as well as the National Economic Development and Labour Council. He has been involved in the parliamentary sector for the past two decades in both Parliament and the Western Cape provincial legislature. He holds a Bachelors in Social Science from the University of Cape Town, and a Post-Graduate Diploma in Governance from the University of the Western Cape.

### Dr. Thembisile Xulu

Dr. Xulu is a seasoned public health practitioner with a specialist focus on HIV and TB response. She was with the Right to Care (RTC) Group for over 15 years where she served in various capacities ranging from being the Manager of the HIV Expert Treatment Programme to Executive Director of the Group in 2007. She also served on the RTC board until March 2020. Dr. Xulu was the Chief of Party of EQUIP, the first African-led USAID funded international consortium of HIV implementing partners which was established to rapidly scale up innovative HIV treatment and prevention solutions towards meeting the UNAIDS 90-90-90 goals in more than 10 PEPFAR supported countries. She is a medical doctor who graduated with an MBChB from the University of KwaZulu Natal. She further obtained two diplomas from The Colleges of Medicine of South Africa; one in Obstetrics and another in HIV Management. In 2008, she completed her Master's Degree in Public Health (Health Management and Health Policy) from the University of the Witwatersrand. She is a 2010 Yale University World Fellow and she is also a Certified Director with the Institute of Directors of South Africa.

