GLOBAL 16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE CAMPAIGN!

#RatifyILO190
#NoMoreMissingRights
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A WORLD WITHOUT VIOLENCE IS POSSIBLE

AND THE TIME FOR CHANGE IS NOW
2020 marks the 25th anniversary of the United Nations Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action, which reaffirmed women’s rights as human rights and provided a blueprint for what would become the gold standard for policies on gender equality in the years that followed.

The Beijing Declaration made some crucial observations about women workers:

Women’s poverty is directly related to the absence of economic opportunities and autonomy. Due to, inter alia, difficult economic situations and a lack of bargaining power resulting from gender inequality, many women have been forced to accept low pay and poor working conditions and thus have often become preferred workers.

It went on to note that while many women have entered the global workforce by choice and managed to secure better terms and conditions at work, a significant number have been disproportionately impacted by structural adjustment programs and austerity measures, leading to greater job losses for women and increased feminization of the informal sector. Further, multilateral institutions which have tremendous sway over government policy continue to fall short in terms of ensuring women’s participation and the integration of concerns based on gender in formal processes.

These observations shared unanimously by governments 25 years ago ring true even today. In 2020, instead of celebrating progress, we find ourselves engulfed in a global crisis of historic proportions with the spread of COVID-19, which has exacerbated existing inequalities and given rise to new insecurities that are profoundly and disproportionately impacting women.

The pandemic has reportedly caused the first increase in global poverty in decades with more than 71 million people being pushed into poverty in 2020. Until recently, less than half of the world’s population had essential health service coverage and this year’s disruption is expected to reverse decades of improvement, including in the area of maternal health. The incidence of domestic violence has surged in many countries with few having prioritized specific measures to tackle it in their crisis management plans.

The world is facing the worst economic recession since the Great Depression and an estimated 1.6 billion workers in the informal economy are at risk of losing their livelihoods. 92% of total women’s employment in developing countries is informal employment.

Early evidence shows that women, children, migrants and refugees, persons with disabilities, and the elderly have been hit hardest by the pandemic. COVID-19 relief measures have not reached all informal workers in vulnerable situations. Their insecurity has been compounded by the widespread increase in domestic violence and informal women workers in particular have been targeted for violence and harassment in public spaces. Human rights experts monitoring the situation of women globally have warned that women in the most vulnerable forms of informal work will be the most harshly affected unless the world of work is reimagined and traditional patterns of work are disrupted.
The 2020 Advocacy Guide aims to increase the visibility of informal women workers by highlighting their concerns and recommending activities in an Action Menu which can be undertaken during the 2020 Global 16 Days Campaign from November 25 – December 10, 2020, as well as throughout the year. While ensuring the dignity, safety, well-being, and human rights of women workers will require the concerted efforts of many, including co-workers, family members, employers, unions, and other institutions, the activities recommended in the Advocacy Guide and Action Menu mainly target governments and policy-makers at the national and local levels. A comprehensive list of measures is recommended.

It expands on the 2019 Guide, which provided an introduction to the International Labour Organization’s landmark Violence and Harassment Convention (C190), accounts for progress made in relation to last year’s campaign goal of securing the ratification of C190, and highlights new challenges brought about by COVID-19. Drawing on the preamble of C190, the 2020 Guide shows how the legal framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) can be used with C190 to promote the dignity, security, and basic human rights of women workers. Many women’s rights organizations are still not fully aware of the adoption of C190 and its potential, while CEDAW, on the other hand, is widely known. We would like to see activists working with different constituents in the labor and women’s human rights movements leverage both instruments along with human rights mechanisms in the service of a common goal.

This Guide highlights the concerns of informal women workers in six different sectors which illustrate the precarious situation of many women in the world of work. It is by no means exhaustive and there are women in many other sectors working in similarly precarious circumstances which are not analyzed in depth. However, this Guide can be used to support calls for stronger legal and social protections and policy measures for those workers who face similar challenges. The Guide is accompanied by a Social Media Kit and a robust Resource which contains more detailed information about issues, legal frameworks, the work of human rights mechanisms, and good practices. These should be used together to develop strategies and undertake activities all year round.

2019: The Year History Was Made with the Adoption of the Violence and Harassment Convention, C190

Governments, employers, and workers made history in 2019 when they adopted C190, which is the first international instrument dedicated to ending GBV and harassment in the world of work. It establishes the right of every worker to freedom from violence and harassment in the world of work, recognizing both as a human rights violation. C190 is accompanied by Recommendation 206 (R206) which provides guidance for implementation to prevent and address GBV and harassment.

At the onset of the COVID–19 pandemic, there were serious concerns that the momentum for ratification of the new convention had been lost. Consequently, workers and activists had immense cause for celebration when Uruguay and Fiji became the first two countries to ratify the convention before the first anniversary of its adoption on June 21, 2020, while most of the world was still in lockdown.

See Global 16 Days Campaign blogpost: First Anniversary of the Groundbreaking ILO Convention on Violence and Harassment

C190 recognizes 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 ...”

– ILO C190, Preamble
Cotidano Mujer, a feminist collective based in Uruguay, described the significance of the ratification of C190 by their government as follows:

“This Convention recognizes the feminist struggle to make gender violence and abuse of power visible in the framework of patriarchal relations and obliges states and employers to establish prevention mechanisms. The right to a world free from harassment and violence at work involves legislation, but also the mobilization of trade unions to protect those who file a complaint as well as an increased social rejection of violence.”

Fiji Women’s Rights Movement similarly welcomed their government’s ratification of C190:

“We commend the ratification of C190 and look forward to continuing this momentum for improved protection of women and marginalized workers in the workplace. This is also an opportunity to strengthen national awareness and the implementation of some of Fiji’s progressive laws.”

WHAT’S NEXT FOR C190?

C190 will come into effect in June 2021. Governments that have indicated plans to ratify C190 in the foreseeable future include Argentina, Spain, Finland, Italy, Namibia, and South Africa. Unions are actively campaigning for the ratification of C190 in numerous countries including Chile, Dominican Republic, Netherlands, Germany, Nigeria, Norway, Spain, Ireland, Indonesia, and the Philippines. Workers’ organizations are active in countries such as South Africa, Nigeria, Morocco, Ukraine, and Cambodia, among others. At the time of writing, there was encouraging news from Italy that the Italian Chamber of Deputies had unanimously voted to ratify C190, which has been sent to the Senate. However, activists need not wait until C190 is ratified to use it to expose violations of workers’ rights and advocate for their protection under this progressive framework. Voces Unidas Coalition, with the support of University of Miami School of Law Human Rights Clinic, prepared a submission for the UN’s Universal Periodic Review (UPR) of the United States in which they documented human rights violations against low-paid migrant farm workers, domestic care workers, and plant nursery workers associated with the lack of full legal and social protections. They applied the framework of C190 and used this as an opportunity to call for its ratification. Explaining their strategy, they noted that:

Even though the U.S. has not yet ratified ILO Convention 190, it provides a playbook of sorts on how States can remedy the situation of GBV in the world of work. Wide adoption of the ILO Convention 190, including by the U.S., has raised standards everywhere of how aspirational we can be when it comes to facing and eradicating GBV in the world of work.

C190 has begun to inspire demands for accountability and structural change. It is being utilized to give increased visibility to issues faced by informal women workers, which is one of the main goals of the 2020 Global 16 Days Campaign.
WHY FOCUS ON INFORMAL WOMEN WORKERS IN 2020?
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According to the ILO, 58% of women globally are employed in the informal economy and in developing countries up to 92% are so employed. These workers’ activities cover a wide spectrum of essential functions that include, but are not limited to, cleaning houses, cooking food, providing childcare, and tending to the elderly and sick as well as those with disabilities and special needs. They farm, sell goods, recycle trash, sew garments, and keep our neighborhoods clean. Their work contributes to the wider economy in many ways. For example, street vendors are noted to have strong linkages to the formal economy because they source many of their goods from formal enterprises, serve customers working in formal jobs, and generate revenue for cities through license and permit fees as well as street-vending taxes. Similarly, waste-pickers contribute to local economies by recycling and selling materials that others have discarded; in some countries, waste-pickers provide the only form of solid waste management. Millions of domestic workers around the world provide essential services that support others to work in or outside their homes, bolstering markets and economies globally.

Despite the intrinsic value of the work performed by informal workers and their contributions to the formal economy, households, and communities, they are routinely denied the legal and social protection typically accorded to formal workers.

As a result, they suffer multiple forms of discrimination, exploitation, violence, and abuse by powerful state and non-state actors and third parties. Further, the impact of COVID-19 and its economic fallout has been particularly devastating for informal women workers whose vulnerability is linked to structural discrimination and their lack of representation in the policy realm. Several months into the pandemic, it is clear that women are poised to lose crucial gains achieved in recent decades in the world of work. The pandemic and control measures have exponentially increased women’s burden of unpaid domestic and care work, decimated livelihoods, particularly in the informal sector, and propelled a surge in GBV in public and private spaces.

C190 recognizes the “right of everyone to a world of work free from violence and harrassment, including gender-based violence and harrassment.”

— ILO C190, Preamble

The informal economy and dangerous activities go hand-in-hand. Workers in the informal economy are predominantly found in “the most hazardous jobs, conditions and circumstances across all economic sectors — agriculture, industry and services.” The occupational risks faced by informal workers are compounded by a range of factors including inadequate housing, nutrition, access to sanitation and public services. An informal worker’s workplace may be their own home, their employer’s home or a public space. As noted by the ILO, “It is well established that gender inequality is more prevalent in the informal economy, where women are concentrated in the lower end and earn significantly less than men.” This should be a red flag for policymakers.

The predominance of women working in the informal economy can be attributed to decades of neoliberal macro-economic policies which have “funneled and segregated women into low wage and low status job markets” while rendering invisible the incredible burden of women’s unpaid care and domestic work.

Trade policy has been a major driver of precarious work, accompanied by the persistent failure of governments and international institutions to regulate the private sector against unremittingly capitalizing on human labor to maximize profit.

In the absence of targeted measures and investments by governments, we will see major rollbacks in gender equality and profound challenges for women workers in a post-COVID-19 world. That this should happen in a broader context of organized political backlash against women’s rights led by conservative forces makes it an even greater concern.

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Migration and displacement caused by conflict, natural disasters, climate–related events, and economic factors has led many individuals into precarious work. One driver of female migration is gendered expectations, especially in circumstances where family members believe that a daughter is more likely to share her earnings to ensure her family’s well–being. Women workers lacking documentation or in irregular situations can be more attractive to employers who are able to recruit them on less favorable terms.

Discriminatory gender stereotyping in law, policy, and practice has relegated women primarily to reproductive, domestic, and caregiving roles, which are crucial for the functioning of society, but not adequately valued in economic terms. Jobs that embody care–related and/or domestic work are monetarily undervalued despite the fact that these are essential services required by all on a daily basis, especially in times of crisis.

The burden of unpaid care work falls disproportionately on women who perform 75% of all unpaid care work globally and in some instances even more. In order to accommodate caregiving and domestic roles in their personal lives, women workers often seek flexible work arrangements and compromise on pay and protections. This funnels many into highly feminized sectors which are characterized by extremely low pay and the absence of formal contractual arrangements. It is not a coincidence that many women decide to pursue paid work on unfair terms in order to balance their caregiving and familial roles with opportunities for paid work.

As a large number of women have entered the formal workforce, the demand for care workers has increased, giving rise to a cadre of low–paid female care workers who are part of a global care chain which bears some of the characteristics of informality. The World Health Organization has noted the emergence of what it describes as “a global paradox … in which care workers, who are overwhelmingly female and many of whom are migrants, make a very large contribution to global public health, but are exposed to many health risks themselves while enjoying few labour market and health protections.” Many of these are paid home–based care workers who attend to the needs of children, older people, people with disabilities, and the sick.

Informality is a global concern and, while it predominates in the Global South, it exists everywhere, affecting women workers in low, middle, and high–income countries.

Women's disadvantage, which arises from their lack of reproductive autonomy and the disproportionate burden of domestic and unpaid care work, has been systematically exploited and utilized for profit mainly through the monetary under–valuation of women’s labor and readily consumed by society in the form of various essential services.

This disadvantage, which lies at the heart of women’s susceptibility to GBV, harassment, and exploitation, is a perpetual source of inequality and has not been adequately addressed in public policy.

Informality has ties to the formal sector and may even exist within it. For example, in India, the informal economy accounts for more than 80% of non–agricultural employment, with women being “somewhat more likely to be engaged in the informal economy but significantly more likely than men to be working as informal workers in the formal sector.” In Greece, it is estimated that “the magnitude of undeclared, informal work is equivalent to 24% of Greece’s GDP, which puts Greece among the countries with one of the largest undeclared economies in Europe.” In the United States, there are an estimated 2.5 million domestic workers, mostly immigrant women, many of whom are undocumented.

The absence of decent conditions of work in the informal economy at large is in many respects a gendered phenomenon and the convergence of multiple forms of discrimination on the basis of sex, gender, race, ethnicity, migration status, and/or other grounds can make women workers increasingly vulnerable to GBV and harassment. The specific ways in which certain populations of women, including but not limited to those with disabilities and belonging to indigenous communities, are adversely impacted or at risk have not been adequately addressed in law and policy.

C190 recognizes this reality and supports a radical, gendered, and intersectional approach to eliminating GBV and harassment in the world of work which acknowledges the specific vulnerabilities of different populations and aims to transform unequal power relations.
ISSUES FACING INFORMAL WOMEN WORKERS
Women workers in the informal economy face a host of issues: gender-based violence and harassment, including domestic violence and violence in public spaces; dangerous working conditions; denial of a living wage and economic exploitation; the impact of technology; and serious risks to their reproductive health. Much of their labor remains undervalued and unrecognized in the official statistics, and is often treated as dispensable, despite the essential nature of their services. The unique challenges faced by informal women workers in public spaces are a neglected issue.

The Unique Challenges Faced by Informal Women Workers in Public Spaces

Although violence in the private domain is now widely recognized in law as a human rights violation, violence against women and girls, especially sexual harassment in public spaces, remains a largely neglected issue.

Consequently, C190’s inclusion of public spaces and public transportation within the broad scope of its definition of the world of work marks an important conceptual expansion. It provides a useful framework for demanding government accountability for GBV and harassment in these spaces by public and private parties, calling for new legal, policy, and institutional measures from employers to ensure women workers’ safety. C190 clearly recognizes the important role of public authorities in relation to informal economy workers and the duty to address, with their input, the specific risks that they face. These provisions can be applied to reimagine and transform public spaces in local neighborhoods, towns, and cities to make them inclusive and more suited to the needs of informal women workers.

The Unique Challenges Faced by Informal Women Workers in Relation to Their Reproductive Health and Rights

Informal women workers face increased risks to their reproductive health. Multiple factors contribute to these risks, including: direct exclusion from healthcare coverage; poor conditions of work; the physical nature of certain types of work; criminal laws; and inadequate investment by governments in women’s reproductive health services, including but not limited to contraception, safe abortion, and pregnancy-related information and care. Exposure to harmful substances and physical exertion increase the likelihood of negative outcomes for pregnant women such as miscarriage. Those working in public spaces typically lack access to proper sanitation facilities which can lead to difficulty during pregnancy or menstruation. A pregnancy can lead to the abrupt termination of employment for GBV and harassment in these spaces by public and private parties, calling for new legal, policy, and institutional measures from employers to ensure women workers’ safety. C190 clearly recognizes the important role of public authorities in relation to informal economy workers and the duty to address, with their input, the specific risks that they face. These provisions can be applied to reimagine and transform public spaces in local neighborhoods, towns, and cities to

Either directly or indirectly, contributes to the sustenance and prosperity of households, local communities, and the formal economy. Certain workers suffer increased violence and stigma based on their gender, race, migration status, disability, or type of work. Many of these conditions have been exacerbated by the measures imposed to contain COVID–19 and ignored by governments in the provision of relief.

There is enormous potential to improve the conditions, safety, and productivity of informal women workers through the utilization of technological tools that provide access to information and networks, with the right protocols and safeguards against abuse. For example, Symplifica is an app that was created to help domestic workers in Latin America enroll in social security, access information about their rights, and organize. Virtual spaces are becoming increasingly popular as new places to connect, both within and across sectors and across borders, to increase the visibility of workers’ issues and demands, and to strengthen their political voice. However, the risks of abuse are immense. In 2019, an undercover investigation by BBC News Arabic revealed how domestic workers were being illegally purchased and sold in online slave markets. C190’s inclusion of violence arising from the use of technological tools in the course of work can be used as a basis to combat certain aspects of online violence and is particularly important in contexts where national laws do not yet exist. Additional accountability measures are needed to tackle abusive practices linked to online platforms run by international businesses.
HOW HAS COVID–19 MADE THINGS WORSE?
As predicted, the pre-existing risks and vulnerabilities faced by women workers around the world have been heightened and exacerbated by the COVID–19 pandemic and public health crisis.

In many countries, emergency public health measures needed to stop the spread of the deadly virus have been enforced without much regard for the serious consequences for informal women workers or specific measures to mitigate harm.

Since the pandemic hit, many informal workers have been forced to assume unprecedented risks to hold on to their livelihood without appropriate protection from contagion in the form of protective gear or access to healthcare. Many have faced violence and stigma as alleged carriers of the virus. Others have seen their jobs and incomes disappear overnight, triggering a food crisis and the looming prospect of homelessness. Women have faced increased GBV and exploitation, including through demands for sexual favors in exchange for jobs and even essential goods.

The surge in domestic violence has compromised the safety of many in their own homes as well as their productivity at work.

Organizations working closely with networks of informal women workers have gathered evidence from the first few months of the COVID–19 pandemic which shows that the needs of many informal workers continue to be ignored. Where some relief has been offered, it has failed to reach informal workers. Lessons from previous crises show that women are more likely to lose jobs at higher rates than men and they are less likely to be able to rejoin the paid labor force.

See Global 16 Days Campaign blogpost: Global 16 Days Campaign Statement and Call to Action: Domestic Violence in the Time of COVID–19.
KEY DEMANDS

“Care for those who care for you.”

- Formally recognize the violence and harassment experienced by domestic workers, adopting an intersectional lens.
- Ratify and implement C189 and C190 with a strong focus on establishing inspection mechanisms and the enforcement of consequences for violations.
- Register domestic workers in social security schemes.
- Create easily accessible reporting mechanisms, hotlines, and shelters with trained personnel who can work in different languages.
- Provide training to officials in ministries and consulates on survivor-centered approaches to handling reports of violence and abuse and requests for assistance.
- Guarantee against legal prosecution in contexts of irregularity and migration and the risk of deportation or imprisonment due to retaliation from employers.
- Remove barriers to political organizing by domestic workers and undertake campaigns collaboratively with domestic workers’ organizations.

DOMESTIC WORKERS:
AN INVISIBLE WORKFORCE

An estimated 67 million people globally are employed as domestic workers, of which 80% are women. Domestic workers provide a wide range of services that include cleaning, washing, cooking, shopping, and providing care for children and the elderly. Many of them are migrants and belong to disadvantaged communities.

Challenges resulting from the lack of legal and social protection:

- Renumeration for domestic workers tends to be among the lowest in the labor market, driven in large part by the lack of recognition of domestic work as real work.
- In the absence of formal contracts many workers face excessively long hours of work without guaranteed days off and healthcare. They are often victims of wage theft and other forms of economic exploitation without any recourse. Physical, emotional and/or sexual violence, harassment, and abuse are common.

Unique challenges faced by domestic workers:

- A domestic worker’s presence in a country can be legally tied to their employer (e.g., the kafala system) which comes with serious restrictions on their freedom. Constraints on mobility and isolation from their families often make them easy prey for violence and abuse and limit their ability to file complaints and organize for the protection of their rights. Pregnancy can result in job termination and loss of livelihood.
- How has their situation been worsened by COVID-19?
- Domestic workers have faced heightened risks of exposure to the virus due to the nature of their work in confined spaces and in close proximity to their employers. Their workload has increased and they have been placed in the difficult situation of having to preserve their livelihoods while risking their own health without adequate means to protect themselves.

Domestic workers have become indispensable to the functioning of societies and economies. Guaranteeing them decent work is in the interest of workers, employers and care recipients.

— Laura Addati, ILO Maternity Protection and Work Family Specialist

See the Resource for more information and the relevant sources.
Although they make a vital contribution to the well-being of their families and to the national and global economies, they are largely invisible, unrecognised, unheard and unacknowledged as economic actors and contributors.

— HomeNet International Working Group

Ratification of ILO C177 and national policy for home-based workers.

Recognition by brands that home-based workers are workers and contributors to their supply chains.

Decent work for home-based workers, including social protection, minimum wages, and violence-free work.

COVID-19 recovery plans responsive to the needs of home-based workers.

Inclusion of home-based workers in national labor protections, income support policies, and other crisis or emergency funds such as those for COVID-19.

Home Work Convention, C177

The Home Work Convention, 1996 (C177) does not specifically address GBV but it can be used to support the demand for a national policy on home-based work, to be developed in consultation with home workers, which among other things addresses: protection against discrimination; protection of occupational health and safety; statutory social security protection; equal treatment with wage earners; maternity protection; data collection on home workers; and remedies for violations. Recommendation 184 elaborates key provisions of C177. C190 applies to all workers including home workers and can be used to tackle issues of GBV and harassment.
SECTOR IN FOCUS

STREET VENDORS: BUSINESS IN EVERY CORNER

Street vendors are an integral part of urban economies and generate income for cities through payments for licenses, permits, and taxes. They deal in a range of products and services and cater to a number of essential needs such as food security, especially in poor communities. In many parts of the world, they enhance the cultural vibrancy of public spaces. They largely belong to socio-economically marginalized communities.

Challenges resulting from the lack of legal and social protection:

Street vendors routinely face harassment, verbal, and physical abuses or beatings from state authorities as well as evictions, violent arrests, and immigration status investigations with no legal recourse. Women have faced demands for transactional sex for access to trading space, licenses, permits, and goods. They also experience a higher risk of various forms of gender-based violence, including physical as well as economic violence through the destruction of their property.

Unique challenges faced by street vendors:

Street vendors work in public spaces and are routinely exposed to harsh weather conditions. They frequently work in areas with poor infrastructure and have to deal with lack of lighting in public spaces, inadequate and unsafe toilet facilities, and the absence of safety in public transportation, all of which contribute to GBV in their world of work. In many places, the criminalization of street vending leads to violence against street vendors. Migrant street vendors are often targets of political attacks and linked to crime.

How has their situation been worsened by COVID-19?

During the COVID-19 pandemic, street vendors have experienced an increase in stigma, harassment, and violence. In numerous countries, state authorities have displaced vendors and destroyed their merchandise. The pretext of limiting contagion during COVID-19 has been used by police and other state actors to more violently attack street vendors in public spaces and permanently remove them. Rhetoric surrounding COVID-19 and migrants has increased stigma against migrant street vendors in particular. Livelihoods have been seriously threatened, if not destroyed altogether.

IN AFRICA, THE MAJORITY OF STREET VENDORS ARE WOMEN.

68% IN SOUTH AFRICA
88% IN GHANA
63% IN KENYA

Source: WEGO

“Workers in the informal economy demand the immediate decriminalisation of informal economy work. We do not break the law — the law breaks us!”

— StreetNet International Alliance of Street Vendors

See the Resource for more information and the relevant sources.

KEY DEMANDS

“Nothing for us without us.”

- Immediate end to violence and harassment of street vendors, including intimidation, confiscation, sexual harassment, and physical assault, especially by state actors and law enforcement.
- Recognition from the government as self-employed workers and contributors to the economy, as well as inclusion in social protection and financial support schemes.
- Better and inclusive cities for all and safe public spaces.

Good Practices in Worker Organizing

Local street vendors, in partnership with the LA Food Policy Council (LAFPC) and other allies, campaigned to legalize street vending. The coalition of immigrant rights, economic justice, and faith-based organizations was known as the California Street Vendor Campaign. This led to the introduction of SB 946, the Safe Sidewalk Vending Act, a bill that decriminalizes “sidewalk vending,” or street vending, and was signed into law in 2018. However, the permit system for vendors is costly and lengthy and requires further changes to ensure more inclusion and access.
Agricultural workers are one of the world’s hungriest workers. Despite feeding the world, they are one third of the global workforce and play a crucial role in producing the world’s food. Their work may be part-time, full-time, or seasonal. Many of them are migrants. Women comprise 50–70% of the informal workforce in commercial agriculture. In commercial agriculture, which includes plantations, tea gardens, horticulture, dairy farming, and livestock and fish farming, women work mainly in unskilled, labor-intensive tasks that are repetitive and often physically strenuous.

Unique challenges faced by agricultural workers:

Agricultural workers are often exposed to toxic pesticides and extreme weather conditions that may have permanent health repercussions. In addition to prolonged standing, bending, and overexertion, these factors contribute to negative reproductive health outcomes for women. Lack of access to sanitation facilities disproportionately affects women as well, which consequently results in a higher risk of GBV and increased likelihood of urinary tract and kidney infections. These are especially dangerous conditions for pregnant women. Despite feeding the world, they are one of the world’s hungriest workers.

How has their situation been worsened by COVID–19?

Many workers have had no choice but to continue working under dangerous conditions, making them highly vulnerable to infection. Migrant workers who often reside on farmland or near a farm are housed in close quarters, usually sharing sleeping spaces, bathrooms, and kitchens. They may also work in groups. In the United States, for example, farms have reported outbreaks among hundreds of workers, but there are no federal regulations or guidelines to protect agricultural workers or instruct employers on proper response measures.

Challenges resulting from the lack of legal and social protection:

Agricultural workers are extremely vulnerable to work-related illnesses and injuries. Their work is physically intensive, precarious, and usually offers no benefits such as paid sick leave or healthcare, making them unable to seek treatment for debilitating work-related conditions. They also experience high levels of extreme poverty, in part due to the insecurity and irregularity of their jobs, which are often seasonal or temporary, and may not include formal written contracts. Migrant agricultural workers are at increased risk of violence and exploitation such as forced and unpaid labor because of the threat of deportation.

Pay that ensures a living wage for workers and their families.

Health insurance and health services provided on-site for farm workers, including pregnancy-related care.

Freedom from violence and harassment.

The right to organize, such as through labor unions, regardless of citizenship status.

Protective gear and other measures to defend workers against workplace hazards such as chemical poisoning, dangerous machinery, or other physical injuries.

KEY DEMANDS

"Yes, we can."

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SECTOR IN FOCUS

AGRICULTURAL WORKERS: THOSE WHO FEED THE WORLD

WOMEN COMprise

50–70% OF THE INFORMAL WORKFORCE IN COMMERCIAL AGRICULTURE.

Source: Solidarity Center

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas was adopted in 2018 and aims to protect the rights of rural populations, including agricultural workers and indigenous peoples, while recognizing their contributions and challenges. It recognizes their rights to a decent income, collective bargaining, and social security, as well as the right to be free from violence and discrimination. It sets out a comprehensive framework for the protection of workers defending their livelihoods, family farms, and small-scale agriculture from corporate and state dispossession.

"The full enjoyment of human rights and labor rights for agricultural workers is a necessary precondition for the realization of the right to food."

— UN Special Rapporteur on the Right to Food

See the Resource for more information and the relevant sources.
KEY DEMANDS

“Build a better normal.”

- Freedom from violence and harassment.
- Enrollment in health insurance and free or affordable services.
- Protective gear and other measures to defend against workplace hazards, such as chemical poisoning, burns, the development of lung problems as well as other conditions.
- Recognition as workers from the government with full legal and social protection.

SECTOR IN FOCUS

WASTE PICKERS: WE ARE NOT DISPOSABLE!

There are 15 million waste-pickers worldwide, 80% of whom work in the informal economy. Waste-pickers often belong to marginalized communities, such as indigenous communities, migrant workers, or ethnic and racial minorities. They perform functions that contribute greatly to the public health and cleanliness of the cities in which they work. Waste-pickers collect, sort, recycle, and sell materials that others have discarded, transforming waste into value.

Challenges resulting from the lack of legal and social protection:

Waste-pickers are often subjected to social stigma, face poor working conditions, and frequently experience harassment and physical assault from others, including local authorities. Their work is rarely officially recognized by the government and some waste-pickers have reported being called thieves by law enforcement as well as community members. Women encounter propositions of transactional sex for access to waste and recycling processes. Waste-pickers are often viewed as disposable or easily replaceable. An increase in the privatization of waste management has also pushed waste-pickers further to the fringes, threatening their livelihoods.

Unique challenges faced by waste-pickers:

Waste-pickers often have to sort through waste without protective gear and with their bare hands, leaving them exposed to dangerous chemicals and sharp materials. Those who work in landfills are additionally vulnerable to toxic fumes. These work hazards pose serious risks to women’s reproductive health. The handling of hazardous material can cause a range of health problems, such as respiratory problems, infectious diseases, musculoskeletal damage, and gastrointestinal issues, all of which have also been shown to cause harm to women’s reproductive health, especially during pregnancy.

How has their situation been worsened by COVID-19?

Many have continued to work during the pandemic in order to make a living and support their families, putting themselves at increased risk of contracting the virus, especially those forced to work without personal protective equipment such as masks, gloves, hand sanitizer, and clean water. Additionally, waste-pickers who live or work in slums and other crowded communities do not have the privilege or ability to socially distance. Combined with the fact that most do not have access to quality and affordable healthcare, they have been left to fend for themselves.

IN CITIES LIKE PUNE, INDIA,
92%
OF WASTE PICKERS ARE WOMEN.
THE MAJORITY ARE DALITS.

Grassroots waste-pickers’ work is a dignified activity and an essential public health service in every municipality, city, and country where the waste management is undertaken. Unfortunately, we are in a vulnerable position in the face of the pandemic that is sweeping our planet.

— LACRE Network

Good Practices in Worker Organizing

As of 2020, there are nearly 1,300 waste picker co-operatives in Brazil, which have made substantial progress in improving waste-pickers’ working conditions, demanding recognition of their labor, and negotiating with public authorities. During the COVID-19 pandemic, 96% of co-operatives surveyed in Brazil responded that they had implemented safety measures, such as the provision of personal protective equipment, as well as standards for disinfection and personal hygiene guidelines. In India, the Self Employed Women’s Association (SEWA) has supported waste-pickers by lobbying the local municipal government to allow waste-pickers to collect certain categories of waste at no cost or reduced cost. Additionally, SEWA provides waste-pickers within its network with access to healthcare, childcare, and housing and banking services.

See the Resource for more information and the relevant sources.
There are many female, male, and transgender sex workers around the world, but official statistics on sex worker populations are limited and there is a dearth of reliable research. Sex workers’ places of work and work arrangements are diverse; they may be self-employed, work part-time or full-time, work in brothels with other sex workers, or be engaged in a formally recognized employer-employee relationship.

Challenges resulting from the lack of legal and social protection:

Sex work is not only unrecognized as legitimate work by most governments, but criminalized, which makes sex workers extremely vulnerable to physical and sexual violence, including from state actors and enforcement agents, who often arbitrarily detain, harass, and abuse sex workers. The criminalization of sex work makes workers more likely to engage in riskier activities in order to sustain their livelihoods, such as unprotected sex and sex in unsafe locations.

How has their situation been worsened by COVID–19?

In addition to evictions, nonconsensual and compulsory COVID–19 testing, detention, and loss of livelihoods worsened by exclusion from income support packages, sex workers have faced an alarming wave of increased violence during the COVID–19 pandemic. Sex workers have reported higher rates of refusal to wear condoms from their customers, having to work from their homes due to lockdowns and social distancing policies, and having to house customers overnight due to curfews, all of which makes sex workers more vulnerable to health risks and violence. In Kenya, for example, incidences of violence more than tripled during the first month of lockdown.

India’s Supreme Court Decision on Provision of Immediate Relief for Sex Workers

On September 29, 2020, India’s Supreme Court ordered states and union territories to supply dry rations to sex workers identified by the National AIDS Control Organisation and district legal authorities without the requirement of ration cards or other identification during the COVID–19 pandemic. The Durbar Mahila Samanway Committee, India’s oldest collective of sex workers, had approached the Supreme Court during the pandemic, stating that sex workers are entitled to live with dignity. They explained how the pandemic had taken a severe toll on sex workers and called upon the government for access to food, shelter, and social protection.

“Some laws not only criminalise sex work and the activities related to it but also deny sex workers fundamental civil entitlements. Sex workers may be unable to own or inherit property; register the births of their children; access education, justice, health care or banking services; or purchase housing or utilities.”

— National Network of Sex Workers, India

See the Resource for more information and the relevant sources.
WHO IS RESPONSIBLE FOR PROTECTING THE RIGHTS OF INFORMAL WOMEN WORKERS?
Governments are duty-bound to ensure that the human rights of informal women workers are ensured through appropriate laws, policies, investments, and access to legal, social, and other forms of redress and support including temporary special measures.

Employers, co-workers, formal institutions, family workers, and members of the community each have a crucial role to play in ensuring that women workers are able to enjoy equal access to employment opportunities and decent conditions of work. C190 envisions key roles for governments, employers, institutions, and others in addressing and ending GBV and harassment in the world of work.

WHO IS RESPONSIBLE FOR PROTECTING THE RIGHTS OF INFORMAL WOMEN WORKERS?

C190’s broad definition of worker which encompasses formal and informal workers in a variety of situations and arrangements and its broad definition of the world of work, which recognizes the workplace as being located in a variety of public and private spaces and within the structures that connect them, can be used to address the gendered aspects of GBV and harassment in the world of work as they occur in private and public spaces and increasingly online, through the abuse of technology.

Several core international treaties including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on Economic, Social and Cultural Rights (CESCR) guarantee a range of interrelated and interdependent rights which are essential for ensuring the dignity of workers and just conditions of work. C190 and R206 are expected to be used in conjunction with these instruments to demand that governments affirmatively fulfill their obligations to ensure the basic human rights of women workers through a range of legal, policy, and judicial measures as well as financial investments.

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CEDAW COMMITTEE HAS INSTRUCTED STATES TO ADDRESS GBV

GBV is recognized by the CEDAW Committee as occurring at work as well as in public, private, and virtual spaces from “acts or omissions of State or non State actors, acting territorially or extraterritorially.”

According to the CEDAW Committee, states are required to adopt a range of measures to accelerate the elimination of GBV, taking a victim/survivor-centered approach and recognizing women as rights holders, with respect for their agency and autonomy; to provide appropriate remedies and sanctions through the application of criminal and civil laws which are commensurate with the seriousness of the offence; and to repeal all laws that prevent or deter women from reporting cases of GBV, including, for example, restrictive immigration laws. Importantly, the CEDAW Committee has required states to “encourage, through the use of incentives and corporate responsibility models and other mechanisms, the engagement of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women and in enhancing its responsibility for such violence in the scope of its action, which should entail protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures, the use of which should not exclude recourse to law enforcement authorities, and should also address workplace entitlements for victims/survivors.”

Governments have an important responsibility to promote a general environment of zero tolerance to violence and harassment in order to facilitate the prevention of such behaviours and practices, and ... all actors in the world of work must refrain from, prevent and address violence and harassment ...

— ILO C190, Preamble

Several core ILO conventions are relevant to securing decent conditions of work and gender-equality and ought to be leveraged, such as those concerning freedom of association and the right to organize, collective bargaining, forced labor, discrimination in employment, and equal remuneration. ILO conventions pertaining to specific categories of workers, such as home workers, and issues such as family care responsibilities are instructive and can be relied on to strengthen arguments for the recognition of certain rights and to guide the actions of governments, employers, and workers. While the ratification rates of many conventions are still quite low, efforts to secure them continue. For instance, the Workers with Family Responsibilities Convention (C156), which recognizes that the issues faced by workers with family responsibilities are “aspects of wider issues regarding the family and society which should be taken into account in national policies,” was ratified by Costa Rica in 2019.4

In developing countries, 92% of total women’s employment is informal employment.

Source: ILO

Source: Yagazie Emezi/Getty Images
THE MISSING RIGHTS OF INFORMAL WOMEN WORKERS
The failure to ensure a range of legal and social protections for women workers constitutes discrimination based on sex and gender. CEDAW, one of the most widely ratified international treaties, requires states to eliminate discrimination against women “in the field of employment in order to ensure, on a basis of equality of men and women, the same rights.” This is not limited to merely treating women and men alike (i.e., formal equality), but extends to introducing specific measures to secure equal opportunities for women in terms of results (i.e., substantive equality).

Human rights mechanisms have noted and denounced the prevalence of discrimination against women in the world of work. According to the Committee on Economic, Social and Cultural Rights “The notion of the prohibited ground ‘sex’ has evolved considerably to cover not only physiological characteristics but also the social construction of gender stereotypes, prejudices and expected roles, which have created obstacles to the equal fulfilment of economic, social and cultural rights. Thus the refusal to hire a woman on the ground that she might become pregnant, or the allocation of low level part time jobs to women based on the stereotypical assumption that, for example, they are unwilling to commit as much time to their work as men, constitutes discrimination.”

Addressing discrimination against women in the world of work requires adequate recognition of the gendered barriers to women’s participation in the world of work. It also warrants the introduction of temporary special measures to accelerate the achievement of substantive equality for women because “the achievement of de facto equality for women is constrained by gender stereotyping and ongoing discriminatory practices” and “women’s participation in social, political and economic fields is hampered by failure to integrate women’s reproductive role into social and economic structures.”
RIGHTS RECOGNIZED IN CEDAW WHICH ARE ROUTINELY DENIED TO INFORMAL WOMEN WORKERS
The right to work as an inalienable right of all human beings. This right has been described as “an essential guarantee for women’s economic freedom.” It can be used as a basis for: challenging gender stereotyping of women and the assignment of care functions that contribute to their exclusion from the labor market; demanding the creation of employment opportunities for women and decent work; addressing the concentration of women in the informal sector and in unpaid family work; and ensuring the application of general labor standards to women working in the informal sector.

The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment. This right encompasses the education and training required to extend social security to women workers in the informal sector, including migrant workers, temporary wage earners, and rural and indigenous women. Social protection may be provided through private or public insurance schemes funded by employers and/or employees or funded by the state. All workers are entitled to paid leave.

The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training, and retraining.

The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.

This right entitles women to safe and healthy working conditions in addition to safeguards in the workplace in relation to their reproductive health. Common safeguards may include those against exposure to hazardous material and conditions, which are often found in the informal sector due to the nature of work and the absence of decent working conditions. This provision may be applied in cases of sexual harassment which compromise women’s health and safety.

To prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work.

This legal guarantee aims to protect women against gender stereotyping in law that makes them primarily responsible for all of the unpaid care work while assigning paid work to men and to protect women’s employment status during pregnancy and maternity leave.

To take appropriate measures to prohibit dismissal on the grounds of pregnancy or of maternity leave.

Dismissal on the grounds of pregnancy or of maternity leave is explicitly prohibited by CEDAW and this provision has also been relied on to denounce compulsory pregnancy testing as a ground for employment.

To introduce maternity leave with pay or with comparable social benefits.

Recognition of the right to maternity leave has been viewed as one important way to integrate women’s childbearing role in the workplace and deemed as being essential for the implementation of women’s effective right to work. The Supreme Court of India extended the protection available to women workers in regular employment under the Maternity Benefit Act, 1961, to female employees who were daily wage workers and in doing so cited CEDAW.

To encourage the provision of the necessary social supportive services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities.

CEDAW is noted as being the first to explicitly refer to the necessity of providing childcare facilities to enable parents to combine family obligations with work responsibilities and participation in public life, although it does make it obligatory on states to do so. However, the CEDAW Committee has reportedly shown that it is keen to do so. The availability of childcare facilities is more crucial to women’s ability to enjoy equal employment opportunities since they are more often the primary caretaker in families.

The right not to be discriminated against in participating in non-governmental organizations and associations that are concerned with public and political life.

This provision aims to ensure equality in access to trade unions for men and women. The role of trade unions in advancing gender equality is widely recognized in terms of assisting in addressing women workers’ exclusion, marginalization, discrimination, and violence in the workplace. States are required to take steps to increase the participation of women workers in unions.
INFORMAL WOMEN WORKERS ARE BEING DISCRIMINATED AGAINST WORLDWIDE
Women’s human rights mechanisms have noted violations of the rights of informal women workers resulting from discriminatory practices and directed states to address them through a variety of measures. In many instances, these recommendations are yet to be implemented.

CEDAW COMMITTEE

The CEDAW Committee has increasingly expressed concern about the precarious circumstances of informal women workers and issued concluding observations to governments as a result of women’s rights and labor organizations’ more frequent use of the periodic review process to raise specific issues.

These organizations have expressed concern about a range of issues including but not limited to: the high concentration of women in the informal economy; lack of reliable data on informal women workers; lack of coverage of labor laws and social security programs encompassing minimum wage, overtime, and maternity protections; inadequate funding for social security provisions; absence of mechanisms to protect workers from low wages and unfair dismissal; lack of women’s membership and leadership in trade unions; wage inequality; discrimination against seasonal workers; exploitative practices; criminalization of women in prostitution; and GBV and harassment.

- Adopt effective measures in the formal labor market, including temporary special measures, to increase female participation, to narrow and close the wage gap between women and men, and to ensure the application of the principle of equal pay for work of equal value, in addition to equal opportunities at work. (India, 2014)
- Provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social protection and other benefits. (Vietnam, 2015)
- Ensure that women engaged in unpaid work or in the informal sector, both in rural and urban areas, have access to non-contributory social protection and that those employed in the formal sector have access to contributory social security benefits in their own right, irrespective of their marital status. (Philippines, 2016)
- Take effective measures to monitor and improve the working conditions of women in informal and private sectors by ensuring regular labor inspections and social protection coverage. (Bangladesh, 2016)
- Intensify efforts to gradually transform and reduce the informal sector of employment, to eliminate structural inequalities and occupational segregation, and to reduce the gender wage gap. (Trinidad and Tobago, 2016)
- Investigate and punish individuals who exploit women in prostitution, including government officials. (Thailand, 2017)
- Use temporary special measures to ensure women’s participation in the leadership of trade unions of rural industries. (Sri Lanka, 2017)
- Promote the transition of women from the informal to the formal economy and extend labor protection and social security coverage, including the planned pension scheme and the universal health insurance system, to women employed in the informal economy. (Pakistan, 2020)

For additional examples of promising practices and trends from the CEDAW Committee, see the Resource.
During numerous **country visits**, the UN Working Group on Discrimination against Women and Girls (hereafter, the Working Group) has found that **informal women workers are missing many rights and protections in national legal frameworks** and endure a range of abuses.

Seasonal workers in the strawberry fields of **Morocco** were found to be working under extremely difficult circumstances. For example, they reported being transported to and from work in inhumane conditions and exposed to hazardous chemicals. The Working Group recommended that the government establish **effective gender-responsive monitoring and protection mechanisms** that reach poor and rural communities** and that they close gaps in legal protection for migrant workers to ensure that vulnerable groups benefit from equal protection of the law.**

In **Kuwait**, where 90% of households have at least one domestic worker, the Working Group heard appalling testimonies of abuses, including withholding of wages for years and physical violence by employers. Despite legal safeguards, reporting of abuses is low and perpetrators go unpunished. The Working Group recommended that the government **ratify ILO C189, ensure compliance, and fund monitoring mechanisms** to guarantee implementation. It also recommended **abolishing the kafala system** and replacing it with regulations that provide migrant workers substantial freedom in the labor market.

In **Spain**, where a disproportionate number of women are part-time workers and unable to find full-time employment, the culture of “machismo” and the social influence of patriarchal religious institutions were found to have had the effect of limiting women to traditional and subordinate roles.** It was reported that **austerity measures had forced women to assume greater responsibility for care work.** The Working Group called for the adoption of **concrete administrative measures** to address the lack of opportunities for full-time work for women, gender gaps in earnings, and the disproportionate share of care duties borne by women.

In the **United States** there are an estimated 2.5 million domestic workers, an overwhelming number of whom are **immigrant women and undocumented.** Domestic workers recounted their experiences of verbal and physical abuse and wage theft.

The UN Working Group recommended that the Department of Labor undertake **proper investigations** and hold abusive employers to account and called for ratification of C189 along with the application of its provisions to ensure that domestic work is recognized as decent work.

For additional examples of the precarious circumstances of informal women workers and discrimination due to gender stereotyping documented by the Working Group as well as its recommendations to states, see the **Resource**.
NATIONAL HUMAN RIGHTS COMMISSIONS REAFFIRM THE NEGATIVE IMPACT OF COVID–19 ON INFORMAL WOMEN WORKERS

A July 2020 report on the impact of COVID–19 on women and girls by the Asia Pacific Forum on Human Rights highlights the findings of several surveys from nine different human rights institutions in the Asia Pacific region. The publication notes that some gender issues, such as the digital divide, income inequality, unpaid care work, gender stereotyping, and domestic violence, have worsened and been exacerbated by COVID–19. Women of marginalized communities, such as indigenous peoples, migrant workers, persons with disabilities, the elderly, and those in extreme poverty have been acutely impacted. Most caregivers, at home, in communities, and on the frontline, are women and are often times low-paid, casual, or informal workers with greater risk of wage loss, unemployment, and little to no access to healthcare or other social services and protection.

Malaysia: Domestic workers have faced drastically increased workloads due to the Movement Control Order (MCO) lockdown which increased the amount of time people spend at home. Some experienced increased risk of violence and were working in forced labor conditions, given little rest, being made to work overtime, and were not paid accordingly. Posters released by the government insinuated that women are responsible for whether or not conflict or violence erupts in the domestic setting. They were removed after public outcry.

Philippines: During the pandemic, quarantine passes that allow for limited travel outside of the house are given to the heads of household who are usually men. These are checked and reviewed at checkpoints which are usually staffed by male law enforcement officers. The Commission on Human Rights of the Philippines has received reports of cases of sexual exploitation and abuse of sex workers by these checkpoint officers in exchange for safe passage and essential goods. Additionally, the closure of international borders has displaced the overseas Filipino worker population, of which 5,184 workers had contracted COVID–19 and 339 workers had died.

Timor-Leste: Women workers in the informal economy face lack of access to food, transportation, school and online education, as well as drastically reduced income due to COVID–19 and the government’s response measures. Women in both rural and urban areas have reported that their livelihoods have been put at risk, with some stating that their small businesses were closing because of the shutting down of public transport, eliminating their access to markets. School closures have also placed additional care burdens on women and mothers in particular who cannot work as they did previously because of care responsibilities.

Palestine: Women comprise 60% of workers in the care sector and female caregivers in particular have faced heavier expectations for care work due to gender stereotypes. It has been reported that the infection of household members, particularly children, may be blamed unfairly on female caregivers. A flash survey conducted by UN Women revealed that 95% of Palestinian women owners of micro, small, and medium enterprises have reported negative impacts due to COVID–19.

On August 5, 2020, Nepal’s Supreme Court issued a directive to the Prime Minister and Council of Ministers to address the specific needs of women during COVID–19 and provide, among other things:

- Special measures to ensure employment for and security to those who have lost their jobs at home or abroad.
- Access to sexual and reproductive health services for women in a sensitive manner while distributing relief.
- Personal protective equipment to frontline workers including cleaners and others providing essential services.

Further, the authorities have been instructed to ensure the meaningful participation of women in all discussions and decision–making processes relating to COVID–19, specifically in committees formed at all levels for planning, management, and monitoring and to assess the current legal framework and introduce “gender–friendly” laws with a focus on high–risk groups.
THE ILO HAS CALLED FOR A TRANSITION TO THE FORMAL ECONOMY
THE ILO HAS CALLED FOR A TRANSITION TO THE FORMAL ECONOMY

One path to elevating the status of all workers in the informal economy is advocating for a transition to the formal economy. ILO Recommendation 204 on the Transition from the Informal to the Formal Economy provides a holistic blueprint for a legal framework that aims to respect, promote, and realize the fundamental rights of all workers by extending in law and practice social security, maternity protections, decent working conditions, and a minimum wage that takes into account the needs of workers.116 The transition from the informal to the formal economy should include access to affordable quality childcare and other care services “to promote gender equality in entrepreneurship and employment opportunities.”117

Additionally, the ILO has also called upon governments and employers to implement measures to address violence and harassment, specifically GBV and harassment, in the world of work by addressing occupational safety and health, equality and non-discrimination law, and criminal law, where appropriate.118 Sustainable Development Goal 1.3 embodies a time-bound commitment by states, by 2030, to center the needs and circumstances of informal workers, particularly those experiencing intersecting marginalization, and to raise the national social protection floors within existing structures.119

The call for a transition has been echoed and reinforced by women’s human rights mechanisms as a matter of ensuring their most basic human rights at work and accountability. By transitioning to formal work arrangements, notes the CEDAW Committee, women can “enjoy their rights to freedom of association and assembly, including participation in trade unions to raise their legitimate concerns about working conditions without fear of having their contract terminated, as well as their right to basic employment benefits, such as maternity leave and paid leave.”120 The Working Group on Discrimination against Women and Girls has emphasized that this transition is particularly important following the historical failure of states to hold corporations accountable for labor, human rights, and environmental standards, and for the ability of firms to exploit labor forces in other states, thereby undermining bargaining power for informal workers, especially those experiencing multiple and intersecting forms of discrimination.121 The Working Group has noted that transition efforts will benefit from a legally binding global instrument, such as ILO C190, which elevates the legal status of informal workers, and Recommendation 206, to ensure accountability for workers’ rights in global supply chains.122

Source: Jonathan Torgovnik/Getty Images
WHAT ARE INFORMAL WOMEN WORKERS DEMANDING?
Informal women workers make up more than half of the global workforce and they are demanding:

- Freedom from harassment, violence, bribery, forced evictions, and demolition of assets including their workplaces and homes.
- Inclusion in decision-making around crisis management and recovery efforts.
- Transition from the informal to the formal economy, in line with ILO R204.
- Adoption of and investment in a sustainable model of work and production that is equitable, redistributive, values all kinds of work, and ensures decent conditions of work.123

WHAT ARE INFORMAL WOMEN WORKERS DEMANDING?

Organizations on the frontlines of monitoring currents trends in the informal sector have pointed out that although economies everywhere depend on informal workers for essential services, the impact of lockdowns and other restrictions has been disproportionately catastrophic for women workers in the informal economy and relief is not reaching most. While informal women workers have suffered immensely under COVID–19, they are by no means passive victims of the onslaught: they have been organizing and rising to exercise their agency in articulating their needs and demanding their rights.

C190 recognizes the “right of everyone to a world of work free from violence and harassment, including gender–based violence and harassment.”

— C190, Preamble
WHAT GOVERNMENTS MUST DO TO ADDRESS THE NEEDS OF INFORMAL WOMEN WORKERS
Realizing the right to work and the right to decent conditions of work for informal women workers will require profound structural change that involves reimagining the structure of work and the economy and prioritizing women’s human rights by: ensuring freedom from violence and harassment; disrupting stereotypical and discriminatory patterns of “women’s” and “men’s” work; recognizing, reducing, and redistributing women’s unpaid care and domestic work; guaranteeing women’s reproductive autonomy and health in all stages of their lives; and supporting women’s collective action, organizing, and leadership.

The needs and concerns of informal women workers must be prioritized in COVID–19 management and recovery plans. As we tackle the present and look ahead to the future, their vulnerabilities and the structural causes behind them must be fully recognized and addressed to mitigate harm from the current crises and to protect them from future shocks.

GOVERNMENTS MUST BE URGED TO CARRY OUT A NUMBER OF MEASURES, INCLUDING THE FOLLOWING:

1. Extend all existing legal and social protections accorded to regular workers and COVID–19 relief packages to informal women workers, without discrimination based on type of work, race, nationality, migration status, or any other ground, taking into account the broad definition of worker in C190 and with additional guidance from C189 and C177.
2. Develop new relief packages that are well-funded and tailored specifically to meet the needs of different vulnerable sub-groups of women and which include:
   a. the provision of free childcare services
   b. uninterrupted access to a full range of reproductive health information and services as well as support services applicable in cases involving domestic violence.
3. Assess the occupational safety and health needs of informal women workers, as they are more likely to be exposed to hazardous conditions of work and not have the means to take protective measures and provide the necessary personal protective equipment and other support.
4. Prevent, investigate, and address the use of violence and harassment against women workers in private and public spaces, and refrain from using excessive force against informal workers in public spaces, taking into account the broad definition of the world of work in C190.

GOVERNMENTS MUST INTRODUCE TEMPORARY SPECIAL MEASURES TO:

1. Ensure women’s re-entry into the labor force on more equal and just terms including by providing the necessary opportunities for education, training, and/or re-skilling.
2. Recognize, prevent, and address the gamut of interrelated risks and vulnerabilities experienced by women including joblessness, food insecurity, homelessness, domestic violence, violence, and harassment by state actors in public spaces used for work, opportunistic exploitation through demands for sexual favors, unplanned pregnancy, and obstetric violence.
3. Tackle the disproportionate increase in women’s domestic and care work through the public provision of quality care facilities and cash allowances.

“a world of work that realizes women’s human rights will not only benefit women but will lift all.”

— UN Working Group on Discrimination Against Women and Girls, 2020
GOVERNMENTS MUST BE URGED TO CARRY OUT A NUMBER OF MEASURES, INCLUDING THE FOLLOWING:

**GOVERNMENTS MUST TAKE STEPS TO:**

- **Formalize the informal economy** as a means to elevate the status of informal workers and recognize their essential contributions to society and the formal economy, improve their occupational health and safety at work, extend legal and social protections and benefits non-discriminatorily to all workers, including paid leave, and support their efforts to organize and collectively bargain with employers, including public authorities. In facilitating the transition from the informal to the formal economy, provide resources and assistance for informal economy workers and employers, and their associations, to prevent and address violence and harassment in the informal economy.\(^{125}\)
- **Invest in new public employment schemes** that offer competitive wages for women, as well as necessary education and training.
- **Invest in building a new social infrastructure** to enable women’s equal participation in the world of work by, among other things, prioritizing the creation of quality public services for childcare, elder care, and support for those with disabilities and special needs.
- **Increase investments in public infrastructure** including sanitation, housing, public spaces for commercial purposes, public transportation, and broadband, recognizing these as crucial components of the infrastructure of the world of work. Redesign certain aspects to make them more accessible to excluded populations, gender-responsive, and safe.
- As public and private spaces are re-purposed in the era of COVID–19, **rebuild neighborhoods, towns, and cities to better suit the needs of women**, especially for those who use public spaces as their workplace and those who use their homes for work, with a focus on making them equally accessible and safe.
- **Ratify ILO C190**, C189, C177, and international treaties such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Follow the guidance provided in R206, R204, and other relevant ILO instruments in addition to implementing the concluding observations and recommendations made by the UN Treaty Monitoring Bodies and Special Procedures to ensure the human rights and dignity of informal women workers.
- **Conduct a formal review of national laws and policies**, with input from the ILO and workers’ networks and co-operatives and civil society organizations, to identify where laws and policies or amendments are needed to give effect to the legal guarantees of human rights and recommendations issued by international human rights mechanisms and technical bodies to effectively eliminate discrimination and violence against informal women workers based on grounds of sex, gender, race, migration status, and other factors.
- **Make informal women workers and their economic contributions visible by gathering reliable data** disaggregated by sector, age, race, migration status, location, type of work, and other statuses. Identify specific disadvantages, risks, vulnerabilities, and needs and utilize this information as a basis for new laws, policies, and investments as well as reform. The reference to **vulnerable groups** and groups in situations of vulnerability in C190 should be interpreted in accordance with applicable international labor standards and international instruments on human rights.\(^{126}\)
- **Eliminate discriminatory legal provisions against migrant workers.** Take legislative and other measures to protect migrant workers, particularly women migrant workers, regardless of immigration status, in origin, transit, and destination countries as appropriate, from violence and harassment in the world of work.\(^{127}\)

**PROCESS:**

Formal processes established by governments must include women workers and provide opportunities for their meaningful participation in the development, implementation, review, and refinement of all immediate, special temporary, and long-term measures, taking an intersectional approach that is based on human rights. **Social dialogue involving informal women workers should be used to secure wide participation and representation.**

Governments must adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.” — ILO C190, Article 6
Despite their vital importance, the contributions of women and girls in activism and civil society continue to be underestimated, under-resourced and undermined. Without their continuing work, the promise to build back a better future would be simply unattainable. The fiercest form of violation women and girls face remains the one of gender-based violence.

— Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

GLOBAL 16 DAYS CAMPAIGN ACTION MENU

Unlike any other year, 2020 has proven to be particularly challenging for feminist activism due to lockdowns and other restrictions on the use of public spaces due to the COVID–19 pandemic. In the interest of everyone’s health and safety it is important to abide by these restrictions. Nonetheless, we can make our voices heard and it is imperative that we do so. Silence is not an option!

During the annual campaign period from November 25 – December 10, 2020, consider undertaking some of the following activities to create a global convergence of action during the 16 Days Campaign. Use this as an opportunity to draw your government’s attention to C190 and other ILO instruments as well as their human rights obligations under CEDAW and other international treaties, to address the needs of women workers who have borne the brunt of the economic crisis that has ensued from the pandemic.


During the Global 16 Days Campaign, November 25 – December 10, 2020

GOVERNMENT ACTIONS TO TAKE

- **Send a joint letter** to your country’s Head of State with copies to key ministries including the Ministry of Labor, Ministry of Women, Ministry of Finance, and Ministry of Foreign Affairs (or equivalent) to congratulate them on the adoption of C190 and R206 with a reminder to ratify. [Link to sample letter]
  - Request immediate measures to extend legal and social protection to women workers in the informal economy.
  - **Conduct advocacy with parliamentarians and local government officials** for law reform and highlight the usefulness of the frameworks in C190, R206, and R204 to tackle issues faced by informal women workers.
  - Host socially-distanced events to inform parliamentarians and local officials about the issues faced by informal women workers and their obligations under these ILO frameworks, CEDAW, and recommendations issued by human rights mechanisms.
  - **Approach national human rights and/or women’s commissions** to tackle issues faced by informal women workers. Encourage them to make formal recommendations to your government to ratify C190 and comply with existing obligations under CEDAW and other core human rights treaties.
  - Request a formal assessment of the situation of informal women workers under COVID–19, especially in relation to their access to emergency relief and protection against GBV.

MOBILIZATION ACTIONS TO TAKE

- **Adopt the Global 16 Days Campaign theme** in public events with the participation of informal women workers during November 25 – December 10, 2020 to raise public awareness about their concerns. Use this Advocacy Guide as a basis to expand the conversation and demand immediate relief, temporary special measures, and long-term interventions.
  - Highlight your activities on the Global 16 Days Campaign Digital Platform Map. [Link to the form]
  - **Launch a national public information campaign** to build public support for the implementation of global standards applicable to informal women workers with a call for ratification of C190 and implementation of R204. [Link to petition]
  - Utilize the legal provisions and recommendations from human rights mechanisms highlighted in the Advocacy Guide and Resource to make your case.
  - **Build bridges with informal women workers** from different sectors through their networks, cooperatives, and unions to create a broad advocacy base.
  - Host an exploratory discussion utilizing this Advocacy Guide and the Resource to launch a campaign calling for the ratification of C190 and the formalization of the informal economy.

“Despite their vital importance, the contributions of women and girls in activism and civil society continue to be underestimated, under-resourced and undermined. Without their continuing work, the promise to build back a better future would be simply unattainable. The fiercest form of violation women and girls face remains the one of gender-based violence.”

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MEDIA ACTIONS TO TAKE

- **Meet with journalists** to discuss and share information about C190 and other relevant ILO instruments and explain why they are important in the current context.
- Adapt information from this Guide and the Resource and combine with local statistics and testimonies from informal women workers.
- Publish an op-ed and/or letter to the editor in your local newspaper highlighting C190 and other relevant ILO instruments, linking them with the issues that confront informal women workers and demanding accountability.
- Adapt information from this Guide and the Resource pertaining to the human rights of women workers and what governments have been asked to do to ensure them.

DIGITAL ACTIONS TO TAKE

- **Join or initiate Twitter chats, Tweetathons, Facebook/Instagram live conversations, or other social media calls to action** and engage @16DaysCampaign accounts on Facebook and Twitter, using hashtags #16DaysCampaign, #RatifyILO190, and #NoMoreMissingRights.
- **Twibbon** frame to your profile picture.
- Download shareables from the Global 16 Days Campaign website.

Move from 16 to 365 Days of Activism after December 10, 2020

Gender-based violence is pervasive and relentless, and it has surged since the onset of COVID-19. This means that our activism cannot stop after December 10. We need to continue our efforts all year round. Considering taking the following steps.

CARRY ON CAMPAIGNING AFTER DECEMBER 10, 2020

- Develop a “365-day advocacy and accountability agenda” to transform the world of work for women.
- Gather evidence about what is happening to informal women workers and document their experiences. Use this data as a basis for demanding legal and policy reform.
- Support the development of norms and standards at the national and local levels to promote and protect the rights of informal women workers. This can be achieved through legal and policy advocacy as well as litigation.
- Launch a new coalition calling for the ratification of ILO C190.

ENGAGE WITH THE UN WOMEN’S HUMAN RIGHTS MECHANISMS

- Utilize the periodic review processes conducted by UN Treaty Monitoring Bodies by contributing information about issues confronting informal women workers to promote their human rights and to ensure legal accountability from governments for violations.
- Determine when your country is up for review by the CEDAW Committee and which local organization coordinates the NGO shadow report. Find information about former and upcoming sessions of the CEDAW Committee [here](#) and the Committee on Economic, Social and Cultural Rights [here](#).
- In countries where these bodies have already issued recommendations, demand the implementation of these measures.

CARRY ON CAMPAIGNING AFTER DECEMBER 10, 2020

- Utilize the Special Procedures Mechanisms to secure formal recommendations requiring government action. Draw the attention of government officials to violations of human rights ensuing from the denial of legal and social protection to informal women workers as well as the increased risk of GBV and threats to their reproductive health.
- Use the Communications procedure for Special Procedures Mechanisms to prompt formal inquiries. Access the website [here](#) and the online form [here](#). Write to them directly at [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org).
- Utilize the formal recommendations made by Special Procedures to Member States in their thematic and country reports to demand local action.

CONCLUSION

The time has come to formulate a vision for women workers that is anchored in feminist values and emphasizes their agency, autonomy, safety, and inclusion as well as their human rights.

We must work together now to turn the tide in favor of informal women workers and demand their missing rights to build a secure and prosperous future for all.
"Convention on the Elimination of All Forms of Discrimination against Women," DHCR, 1979, Art. 10(m). 86
"Convention on the Elimination of All Forms of Discrimination against Women," DHCR, 1979, Art. 10(s). 92
HOMENET SOUTH ASIA

HomeNet South Asia is a network of home-based worker’s organizations across eight countries in the region that works to build solidarity and advocate for home-based workers’ rights. To learn more about their work, visit their website: www.hnsa.org.in

INTERNATIONAL DOMESTIC WORKERS FEDERATION (IDWF)

IDWF is a global organization of domestic workers with 78 affiliates in 61 countries. They advocate on behalf of domestic workers and work to advance domestic workers’ rights globally. To learn more about their work, visit their website: www.idwfed.org

SAMPADA GRAMEEN MAHILA SANSTHA (SANGRAM)

SANGRAM, based in Maharashtra and Karnataka, India, is a network that advocates for the rights of sex workers and the LGBTQ+ community. Its membership includes sex workers, researchers, activists, and lawyers. They conduct surveys and publish findings on sex worker issues and submit reports to relevant human rights monitoring bodies. To learn more about their work, visit their website: www.sangram.org

SELF EMPLOYED WOMEN’S ASSOCIATION (SEWA)

SEWA is a trade union registered in 1972. It is an organization of poor, self employed women workers who earn a living through their own labor or small business. SEWA is both an organization and a movement. To learn more about their work, visit their website: www.sewa.org

STREETNET

StreetNet is an international network of street vendors, launched in Durban, South Africa. It aims to promote the exchange of information on critical issues facing street vendors as well as share strategies for organizing and advocacy. To learn more about their work, visit their website: www.streetnet.org.za

WOMEN IN INFORMAL EMPLOYMENT: GLOBALIZING AND ORGANIZING (WIEGO)

WIEGO is a global organization that conducts research, publishes reports, and advocates for the rights of women workers in the informal economy. Working with both local affiliates and international organizations such as the ILO, WIEGO advocates at both the national and international levels. To learn more about their work, visit their website: www.wiego.org
We’d like to get your feedback!

Thank you for your commitment to women’s rights as human rights and for helping to end gender-based violence in the world of work, once and for all.

Email 16days@cwgl.rutgers.edu with any recommendations to improve future versions of this Advocacy Guide.

Visit the official Global 16 Days Campaign website at www.16dayscampaign.org to share your activities and stay connected.

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