Global 16 Days Campaign Resource: A Supplement to the 2020 Campaign Advocacy Guide
Citations and Translation

Any part of the Global 16 Days Campaign Resource: A Supplement to the 2020 Campaign Advocacy Guide or the Global 16 Days 2020 Campaign Advocacy Guide must be referenced with the appropriate citation.

Any portion of the text from this Resource or the 2020 Advocacy Guide may be translated. We simply request that you send us a copy at 16Days@cwgl.rutgers.edu.

Resource


2020 Advocacy Guide


December 2020
# Contents

Acknowledgements

Introduction

How to Use the Resource

ILO Convention 190 and Recommendation 206: What's in the Text?

- Defining the Scope of Informal Workers
- Defining the Scope of the World of Work
- Defining the Scope of Gender-Based Violence and Harassment
- Defining the Transition to the Formal Economy

Factors That Contribute to the Systematic Exclusion of Informal Women Workers in Law, Policy, and Practice

- Gender-Based Violence in the World of Work
- Unpaid, Unrecognized, and Undervalued Work
- Lack of Legal Protections and Safeguards
- Inadequate Access to Social Protections and Supportive Services
- Stigma and Discrimination
- Limited Ability to Organize, Collectively Bargain, and Engage in Social Dialogue
- Domestic Violence
- Lack of Women in Policy-Making Decision Spaces and Processes

Technology, Innovation, and Investment

Criminalization of Certain Types of Work and Activities

Lack of Access to Legal and Other Forms of Redress

Intersection of Gender, Migration Status, and Informal Work

Implications and Consequences for Women’s Health

Spotlight on Women in Sectors of Informal Work

- Domestic Workers
  - Who They Are
  - Obstacles They Face
  - Wages
  - Migrant Status
  - The Kafala System
  - Internal Migrants
  - Women’s Health

- Home-Based Workers
  - Who They Are
  - The Global Supply Chain and COVID-19
  - Obstacles They Face

Case Studies

Examples of Positive Normative Developments and Organizing
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender-Based Violence in the Home</td>
<td>32</td>
</tr>
<tr>
<td>Case Studies</td>
<td>32</td>
</tr>
<tr>
<td>Examples of Positive Normative Developments and Organizing</td>
<td>33</td>
</tr>
<tr>
<td>Agricultural Workers</td>
<td>33</td>
</tr>
<tr>
<td>Who They Are</td>
<td>33</td>
</tr>
<tr>
<td>Obstacles They Face</td>
<td>34</td>
</tr>
<tr>
<td>Women’s Health</td>
<td>34</td>
</tr>
<tr>
<td>Gender-Based Violence</td>
<td>35</td>
</tr>
<tr>
<td>Migrant Status</td>
<td>35</td>
</tr>
<tr>
<td>Case Studies</td>
<td>35</td>
</tr>
<tr>
<td>Examples of Positive Normative Developments and Organizing</td>
<td>36</td>
</tr>
<tr>
<td>Street Vendors</td>
<td>37</td>
</tr>
<tr>
<td>Who They Are</td>
<td>37</td>
</tr>
<tr>
<td>Obstacles They Face</td>
<td>38</td>
</tr>
<tr>
<td>Case Studies</td>
<td>38</td>
</tr>
<tr>
<td>Examples of Positive Normative Developments and Organizing</td>
<td>40</td>
</tr>
<tr>
<td>Waste Pickers</td>
<td>40</td>
</tr>
<tr>
<td>Who They Are</td>
<td>40</td>
</tr>
<tr>
<td>Obstacles They Face</td>
<td>41</td>
</tr>
<tr>
<td>Gender-Based Violence and Discrimination</td>
<td>41</td>
</tr>
<tr>
<td>Women’s Health</td>
<td>42</td>
</tr>
<tr>
<td>Case Studies</td>
<td>42</td>
</tr>
<tr>
<td>Examples of Positive Normative Developments and Organizing</td>
<td>43</td>
</tr>
<tr>
<td>Sex Workers</td>
<td>45</td>
</tr>
<tr>
<td>Who They Are</td>
<td>45</td>
</tr>
<tr>
<td>Obstacles They Face</td>
<td>45</td>
</tr>
<tr>
<td>Women’s Health</td>
<td>46</td>
</tr>
<tr>
<td>Gender-Based Violence</td>
<td>46</td>
</tr>
<tr>
<td>Violence from State Sectors</td>
<td>47</td>
</tr>
<tr>
<td>Migrant Status</td>
<td>47</td>
</tr>
<tr>
<td>Case Studies</td>
<td>48</td>
</tr>
<tr>
<td>Examples of Positive Normative Developments and Organizing</td>
<td>49</td>
</tr>
<tr>
<td>Promising Practices and Measures to Recognize and Address Gender-Based Violence in the World of Work</td>
<td>50</td>
</tr>
<tr>
<td>Sources</td>
<td>54</td>
</tr>
<tr>
<td>Annex 1: UN Working Group on discrimination against women and girls: Select Country Visits</td>
<td>74</td>
</tr>
<tr>
<td>Annex 2: UN CEDAW Committee: Select Concluding Observations and Recommendations</td>
<td>83</td>
</tr>
</tbody>
</table>
Acknowledgements

This Resource is the product of a collaborative project undertaken by the Global 16 Days Campaign, coordinated by the Center for Women’s Global Leadership (CWGL), with the University of Miami School of Law Human Rights Clinic to which we are extremely grateful. It was researched and drafted by Nicole Diaz, Anisah Sublett, and Kadian Crawford, students at the clinic, under the supervision of Denise Cordova, acting associate director of the clinic. Melissa Upreti, Senior Director of Program and Global Advocacy at CWGL provided guidance and feedback. Michelle Fan, CWGL intern, conducted research and integrated additional information into the Resource in addition to fact-checking many of the sources and completing the citations. It was copyedited by Liana Katz, a graduate student at Rutgers University. Corena Gonzalez, Administrative & Communication Coordinator at CWGL designed and assembled the layout of the Resource, with assistance from Michelle Fan.

We are indebted to our allies and partners around the world as well as networks of informal women workers for their insights and comments which have shaped the Resource and motivated us to publish it as a supplementary advocacy tool. We thank: Roula Seghaier from IDWF, Demetria Tsoutouras and Rachel Moussie at WIEGO, Janhavi Dave at HomeNet, Oksana Aboud at StreetNet, Julie Duchatel at the International Union of Food Workers, Sonia George at SEWA, and Aaarthi Pai and Meena Seshu at SANGRAM as well as members of their networks who participated in various consultations. We are also grateful to Shanti Uprety from IWRAW-AP for contributing information relating to the CEDAW Committee.
Introduction

Informal women workers are routinely exposed to precarious working conditions and violence, denied legal and social protections, lack access to mechanisms of redress, and are deprived of their right to decent conditions of work. An estimated 2 billion workers make a living in the informal economy, around 740 million of whom are women. Informal employment constitutes 61 percent of global employment and about 70 percent of employment in developing and emerging economies. The majority (64 percent) of workers in the informal economy are self-employed and a small minority (3 percent) of workers are employers. 92 percent of total women's employment in developing countries is informal employment.

Before the adoption of the International Labour Organization (ILO) Violence and Harassment Convention (C190) and Recommendation 206 (R206) in June 2019, there was no international legal framework with a clear set of minimum standards specifically to protect all types of workers from violence and harassment in the world of work as it extends beyond the workplace. ILO C190 and R206 provide an expansive legal framework that encompasses many forms of gender-based violence (GBV) including domestic violence. It defines the world of work broadly to include public and private spaces and recognizes the interconnections between occupational safety and health laws, anti-discrimination laws, labor laws, and other civil laws, with a strong emphasis on the prevention of GBV, accountability, and the duties of a range of actors, namely the government, employers, institutions, and third parties including co-workers.

Informal women workers face increased risks during a crisis

Historically, informal workers have been particularly vulnerable to market volatilities resulting from economic, social, or climate-related shocks. The global public health crisis unleashed by COVID-19 has exacerbated the existing inequalities and risks faced by informal women workers and has had a disproportionate impact on them worldwide. The UN Working Group on discrimination against women and girls (hereafter, Working Group) warned at the outset of the pandemic that women face “a higher risk of harm from the social and economic shocks linked to measures to curb the pandemic, as they are represented disproportionately in precarious, informal, poorly paid work, including domestic work and lack adequate social protection.” The Working Group called attention to the increased vulnerability of indigenous, migrant, and elderly women as well as those with disabilities who are less likely to have access to information about prevention strategies and where to get health services.
How to Use the Resource

The 2020 Resource is a detailed supplement to the 2020 Global 16 Days Advocacy Guide. It provides an in-depth discussion of issues featured in the Guide, and more. It references a large number of international legal sources and authoritative statements issued by human rights bodies and mechanisms that can be used to build a case for the full recognition and protection of the human rights of informal women workers.

It is intended to be used in combination with the Guide by women’s rights activists and networks of informal women workers to strengthen actions taken during the Global 16 Days Campaign and all year round to tackle GBV by holding governments and other key actors accountable for preventing, addressing, and eliminating GBV in the world of work. The campaign will continue to update the Resource Dropbox with key sources over the course of the year to create a repository of human rights resources for activists.
Defining the scope of informal workers
Informal employment encompasses those employment relationships that are not subject to national labor legislation, income taxation, social protection, or certain employment benefits such as advance notice of dismissal, severance pay, and paid annual or sick leave. The ILO emphasizes that most workers in the informal economy are pushed to engage in insecure and unequal workplace relationships due to a lack of opportunities in the formal economy and the absence of other means of livelihood.

Article II of C190 calls on states to extend social protections to “workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties, or responsibilities of an employer.” R206 extends these protections to migrant workers, regardless of status, in origin, transit, and destination countries as appropriate. Moreover, pursuant to Article VIII of C190, governments are required to take appropriate measures to prevent violence and harassment in the world of work, which involves recognizing the important role of public authorities in relation to informal economy workers.

Defining the scope of the world of work
One of the outstanding features of C190 is its broad definition of the “world of work” which is not limited to a person’s workplace alone. Article III protects against violence and harassment that occurs “in the course of, linked with, or arising out of work,” such as:

- “In the workplace, including public and private spaces where they are a place of work;
- In places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing, and changing facilities;
- During work-related trips, travel, training, events, or social activities;
- Through work-related communications, including those enabled by information and communication technologies;
- In employer-provided accommodation; and
- When commuting to and from work.”

The extension of the workplace to public spaces, including those used by workers for meals, breaks, and sanitation as well as public transport, the inclusion of private spaces used for work as workplaces, and the recognition of violence and harassment arising in the course of work and enabled by new technologies could give rise to novel claims necessitated by major shifts in the workplace under the extraordinary circumstances created by COVID-19, especially where national...
legal frameworks are lacking. Domestic violence and online violence, both of which have surged, are two issues that could be effectively addressed.

**Defining the scope of gender-based violence and harassment**
The phrase “violence and harassment” covers “a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm and includes gender-based violence and harassment.”[^14] Under C190, GBV and harassment includes “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.”[^15] C190’s definition of GBV expands on prior definitions of violence against women by using gender-inclusive language that recognizes the existence of violence and harassment directed at people of all genders on the basis of their gender identity.[^16] Also notable is the recognition that GBV and harassment can be exacerbated by cultural, economic, ideological, technological, political, social, and environmental factors, particularly in the contexts of displacement, migration, increased economic globalization, interconnectivity of supply chains, militarization, foreign occupation, and armed conflict.[^17] R206 calls on states to consider necessary protections for sectors or occupations where workers, and specifically women, are at greater risk of violence and harassment, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education, or entertainment.[^18]

**Defining the transition to the formal economy**
ILO Recommendation 204 on the Transition from the Informal to the Formal Economy provides 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 which takes into account the needs of workers.[^19] Consistent with Sustainable Development Goal 1.3, states must center the needs and circumstances of informal workers, particularly those experiencing intersecting marginalization, to raise the national social protection floors within existing structures.[^20] **It is particularly important that states consider that 58 percent of women are employed in the informal economy.**[^21] Therefore, in order to be equitable and just, the transition from the informal to the formal economy must include access to affordable, quality childcare and other care services “to promote gender equality in entrepreneurship and employment opportunities.”[^22] R206 suggests that member states facilitate this transition by, among other things, providing resources and assistance for informal economy workers, employers, and their associations to prevent and address violence and harassment in the informal economy.[^23] This transition is particularly important following the historical failure of states to hold corporations accountable to labor, human rights, and environmental standards, and the ability of firms to exploit labor forces in other states, thereby undermining the bargaining power of informal workers, especially those experiencing multiple and intersecting forms of discrimination.[^24] As such, transition efforts will require a legally binding global instrument, such as C190 and R206 among others, to ensure accountability for workers’ rights in global supply chains.[^25]
Factors That Contribute to the Systematic Exclusion of Informal Workers in Law, Policy, and Practice

**Gender-based violence in the world of work**

C190 acknowledges the effects of patriarchal structures on women, men, and gender diverse individuals and calls on states to address policy gaps that result in the exclusion of informal workers, especially those experiencing multiple and intersecting forms of marginalization, from recognition in and protection under national law. These exclusions contribute to violence in multiple forms—economic, social, physical, sexual, emotional, etc.—on the basis of gender. The Committee on Economic, Social and Cultural Rights (CESCR) suggests that low levels of investment in education and social support for low-income families—such as minimum livable wages and health and safety benefits—create the conditions for economic exploitation and violence. The highly feminized nature of the informal sector implies that a disproportionate number of women are most vulnerable to the results of exclusion from social protections, denial of equal pay for work of equal value, and lack of state investment in time-saving infrastructure and public services.

In low-income countries, 92 percent of women are employed informally in comparison to 87.5 percent of men. The Committee on the Elimination of Discrimination against Women (CEDAW Committee) pointed out in its concluding observations to Guinea that although incidences of violence against women—domestic violence, sexual violence, rape, and sexual harassment—remain high, there is still a dearth of research regarding its root causes and consequences.

Examples of GBV experienced frequently by informal women workers and documented by their networks include:

- Harassment
- Evictions
- Immigration status investigations
- Verbal and physical abuse
- Violent arrest
- Transactional sex for access to trading space, licenses, permits, and goods
- Sexual assault or rape
- Violent enforcement of gendered divisions of labor
- Domestic violence or intimate partner violence
- Deprivation of mobility and necessities
- Slavery

Economic violence against women and girls employed in informal sectors of work is associated with violations of the principle of equal remuneration for work of equal value, the guarantee of a minimum salary, paid leave, maternity leave, the respect of maximum working hours, the lack of implementation of relevant national legislation. It is fueled by the concentration of women in the informal labor market and women’s exclusion from labor and social protections. The CEDAW Committee suggested to Guinea the following measures to accelerate the eradication of pay
discrimination against women: job evaluations, disaggregated data collection, organization of a nationwide equal pay campaign, and the provision of increased assistance to social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women.39

The term “gender-based violence and harassment” includes violence against workers who identify as LGBTQIA+, which can include use of slurs, blackmail, death threats, and physical attacks.36 In their report to Georgia, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity reported that only 15.3 percent of lesbian, gay, and bisexual people were open about their sexual orientation in their workplace due to fear of discrimination and harassment.37 According to the Independent Expert, sociocultural exclusion of gender diverse persons is best addressed through state-sponsored use of the leverage capacity of education and culture for narrative-shaping, capacity-building, and awareness-raising.38 Due to a lack of social understanding and acceptance of gender fluidity and gender-responsive government institutions, gender diverse individuals are often forced to work in the informal sector.39 Consequently, sex work is often the only employment option available for some, leaving LGBTQIA+, especially transgender women, vulnerable to violence, sexually transmitted diseases and infections, and financial insecurity absent formal working arrangements and state-sponsored social protections.40 The Special Rapporteur on extreme poverty and human rights noted the tangible results of this exclusion in Chile where the life expectancy of transgender people is 35-40 years. In contrast, the state’s overall life expectancy is 79 years.41

In the context of health systems, supportive services, mechanisms of redress, as well as in the world of work, people of African descent, especially those who identify as LGBTQIA+, are subject to hatred, discrimination, and violence.42 The Working Group of Experts of People of African Descent emphasized in its concluding observations to the Netherlands that these instances of violence and harassment are manifestations of racism, racial discrimination, Afrophobia, xenophobia, and intolerance, all of which must be remedied through social dialogue and encouragement of positive public and political discourse.43

Committee on the Elimination of Racial Discrimination

*General recommendation No. 25 on gender-related dimensions of racial discrimination*

Race-based discrimination can be directed towards women in the form of sexual violence committed against women of a particular race or ethnicity in detention or during conflict; coerced sterilization of indigenous women; and abuse of informal women workers or domestic workers employed abroad.44
Unpaid, unrecognized, and undervalued work
Across all sectors of informal work around the world, unpaid care work is politically and socially undervalued, unrecognized, and disproportionately assigned to women and girls. Therefore, women and girls are often unable to realize their right to education, employment, participation, leisure, and rest. As a result of discrimination and stigmatization, as well as gendered divisions of labor in both the public and private sphere, women participate less in the labor market than men, earn lower wages, and interrupt their participation at greater rates to care for dependents. During a country visit to the United States, the Working Group expressed concern about “the unequal division of family caregiving work, demonstrated by the fact that women are nine times more likely than men to work part-time for family care reasons.”
Part-time work translates into many disadvantages for women workers including lower earnings, lower social security, less access to paid leave of any kind, less access to health insurance and pension plans, and more. In fact, it was noted that women were “three times more likely than men to report having left their job because of caregiving responsibilities.” The CEDAW Committee recommended to Lithuania that compensation for unpaid care work disproportionately assigned to women can help to reconcile family and professional responsibilities.

Although globalization has created new economic opportunities and autonomy for some women, many have been further marginalized by deepening gender-based inequalities with respect to wages, promotions, and working conditions. Women are overrepresented in low-wage, part-time, and contract-based jobs, which remain unrecognized and uncompensated in many national policies, which is particularly strenuous for those states where informal work constitutes the majority of employment. It is estimated that in Asia and the Pacific—where 64 percent of women workers are employed in informal sectors of work—unpaid care work by women would add $3.8 trillion to the total regional GDP. CESC stressed to Senegal the importance of implementing gender-responsive national policies that recognize the overrepresentation of women in the informal economy and ensure that women are equally compensated for work of equal value through effective monitoring of conditions of exploitation and corresponding budgetary allocation for labor inspections. Recognition of and compensation for this work includes investing in gender-responsive public services and infrastructure to redistribute disproportionate allocations of unpaid labor.

COVID-19 has redefined and expanded the scope of the world of work for women due to a dramatic increase in demand for care work following closures of childcare facilities, schools, and facilities for older relatives. Before COVID-19, women performed 4 hours and 25 minutes of unpaid care work per day whereas men performed 1 hour and 23 minutes. In Latin America, the value of unpaid work is estimated to represent between 15.2 percent and 24.3 percent of GDP. Those numbers have dramatically increased during the pandemic.

Lack of legal protection and safeguards
Patriarchal structures and systemic marginalization based on gender, race, ethnicity, status, etc. are root causes of the exclusion of informal women workers from legal and social protection frameworks, contributing to vulnerability and GBV and harassment. Short-term contracts, daily-wage pay structures, and other informal employment arrangements increase the risk of GBV due to the absence of legal protections, effective redress mechanisms, and protections for those who report. National labor laws primarily apply to enterprises with more than a certain number of employees, excluding self-employed and own-account workers, and family contributions. Businesses not registered under
national commercial acts, tax or social security laws, or professional associations’ regulatory acts are not recognized in national labor protection schemes. Workers in the informal economy are often excluded from definitions of employees in national policies. All workers engaged in these unrecognized employment arrangements are consequently denied labor protections such as minimum wages, overtime compensation, and healthcare coverage.

The Special Rapporteur on the right to food has emphasized that national policies should aim to improve accountability of service providers in a way that moves towards an understanding of social support interventions under national labor and employment policies “in terms of human rights rather than handouts.” Transitioning to the formal economy is one way in which states can address the lack of legal protections for informal workers. CESCRR offered some examples in its concluding observations to Cameroon of extensions of state-sponsored protection schemes such as labor inspections, social insurance coverage, and national labor laws. Ultimately, prevention and elimination of GBV against women in the world of work requires transforming patriarchal sociocultural expectations and adopting “comprehensive, integrated, and coordinated policies and laws based on international and regional human rights law commitments.”

### Special Rapporteur on violence against women, its causes and consequences

States have an obligation “to combat and prevent all forms of discrimination and violence against women by prohibiting and sanctioning sex/gender-based discrimination in all its forms including gender-based violence against women...and to this end, to embody and realize the principle of equality between men and women and to empower women by undertaking measures to ensure women’s full development and advancement.” To maximize existing structures and resources, different agencies focusing on similar thematic issues should coordinate and collaborate to develop a comprehensive response to and ultimately eliminate GBV and harassment.

### Inadequate access to social protections and supportive services

Women constitute about 70 percent of the health workforce and are more likely to work in front-line occupations such as in community-based programs and service jobs. As the global economy recovers from economic crisis and recession, many states have implemented austerity measures which deepen the feminization of poverty and inequality and leave many behind. Additionally, states tend to direct budgetary allocations away from social security and benefits, especially such gender-responsive services as childcare, prenatal/antenatal healthcare, and nutrition support. In cutting funding for social services, states are transferring the costs of childcare and other supportive services from the public sector to women and girls. These trends could widen the gender-based wage gap if not properly addressed in the medium-to-long term.

Female-headed households are at greater risk for job loss during the COVID-19 pandemic given their overrepresentation in low-wage occupations and informal work arrangements. States and employers frequently use this to their advantage to deny social protections to informal workers. The disproportionate effects of unemployment, inflexible working hours, lack of access to full-time employment, and barriers to entry into growth sectors of the economy will worsen without state action in the recovery process. The Special Rapporteur on the right to food also emphasizes the high

---

*Global 16 Days Campaign Resource: A Supplement to the 2020 Campaign Advocacy Guide | 12*
vulnerability of households that spend over 65 percent of their income on food to price shocks. Precarious working conditions, job insecurity, and low and inconsistent incomes, coupled with little or no social protections in the event of job loss, leave informal workers even more susceptible to food insecurity and malnutrition during COVID-19. In 2020, CESC emphasized to Ukraine that as states expand access to social protections to informally employed persons, they should also support the transition to the formal economy to fulfill its obligations to protect the right of all workers to just and favorable conditions of work.

On a country visit to Kyrgyzstan, the Special Rapporteur on violence against women, its causes and consequences noted that the lack of access to public services such as childcare and healthcare and to basic infrastructure hinders workers’ earning capacities, creates the conditions for insecure incomes and livelihoods, and aggravates the feminization of poverty. There are certain conditions of work and occupational hazards that make women working in the informal economy more vulnerable to negative reproductive health outcomes such as infertility, breast, cervix, and other cancers of the reproductive system, which can all be caused by precarious working conditions. Pre-existing barriers to safe and confidential access to health services — gender-based discrimination, social expectations of women, criminalization (of abortion, same-sex relationships, sex work, and HIV transmission), restricted freedom of movement, lack of or decrease in income, need for third-party authorizations, and lack of childcare support — are exacerbated by the pandemic. The strains on health systems and resources, disruptions in global supply chains, and shortages of medical supplies have undermined the sexual and reproductive rights of women and girls by redirecting resources away from access to maternal and newborn care, safe abortion care, sexual and reproductive health and rights information and education, effective referral pathways, menstrual health items, contraception, antiretrovirals for HIV/AIDS, and antibiotics to treat sexually transmitted infections. The burden of this exclusion is disproportionately felt by migrant workers, especially during the COVID-19 pandemic, where national policies for wage subsidies, employment benefits, and other social protections are limited in their origin, transit, and destination countries.

In its recommendations to Guyana, the CEDAW Committee suggested that states should define indicators for all gender equality objectives, including those of the national gender and social inclusion policy and its action plan, and strengthen the capacity of data-gathering agencies and organizations in compliance with the goals of the Beijing Declaration and Platform for Action. These efforts are essential for constructing sustainable public, public-private, and civil society group partnerships that can comprehensively address GBV and harassment and provide survivor-centered resources. High quality, timely, and reliable data collection efforts disaggregated by income, gender identity, age, race, ethnicity, migratory status, disability, geographic location, and other contextually relevant characteristics are integral to evidence-based and gender-responsive social policy formation and resource allocation.
Stigmatization of certain types of work and workers can contribute to neglect and limit funding and resources available to gather transparent, disaggregated, gender-inclusive data, reflecting a lack of understanding of states’ human rights obligations and the political choice not to address them. Gaps in data collection fail to acknowledge and include information on GBV, harassment, or discrimination that is also based on class, race, ethnicity, sexual identity, and nationality. Further, the impacts of reduced demand, price fluctuation, and exchange rates on informal sectors of work is another remaining information gap that leaves states without evidence upon which to base policy decisions that can protect the interests of informal workers. Gender-based stereotypes and the lack of data to inform policy perpetuates barriers to economic autonomy for women, including legal and customary barriers to ownership and access to land, natural resources, capital, credit, technology, and other means of production in addition to gender-based wage gaps. All of these factors contribute to women’s disadvantage in the world of work and in relation to the economy at large.

Stigma and violence are of particular concern for those engaged in certain types of work who are often pushed to the margins of society and frequently made victims of harassment and violence. Unfounded beliefs regarding the inherent dirtiness of waste pickers and sex workers both dehumanizes these workers and encourages more violence against them, especially in the context of a global pandemic, in which they are more likely to be viewed as vectors for the COVID-19 disease and are blamed for its spread. For example, in Kenya, “incidences of violence against sex workers more than tripled during the first month of the pandemic, according to the Kenya Sex Workers Alliance.”

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance

Women in poverty are more likely to find employment in sectors “characterized by the absence of labor rights and decent work, such as in the care economy and in accommodation and food services.” Women and girls are more susceptible to coercion and forced forms of slavery in recruitment and employment through sexual violence and threats thereof, withholding of travel documents, and forced payment of financial penalties. The ILO’s proposed standards for the elimination of violence and harassment in the world of work will close policy gaps that neglect to address workplace violence and harassment as a cause and a consequence of contemporary forms of slavery.
Committee on the Elimination of Racial Discrimination

General recommendation No. 29 on article 1, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination, (Descent) notes that descent-based communities face discrimination that has its foundation in inherited systems and can be recognized in the following: the inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship, and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for human dignity and equality.

Limited ability to organize, collectively bargain, and engage in social dialogue

Collective bargaining is particularly important for workers in informal sectors of work because it encourages the use of voluntary negotiation mechanisms; elevates workers’ bargaining power in discussions regarding terms and conditions of employment; and undermines power disparities in working relationships. A study by the International Trade Union Confederation has revealed that of the world’s 50 largest companies, only 6 percent of people are in a direct employment relationship and thus the remaining 94 percent constitute a “hidden workforce.” Informal workers often lack the prerequisite capacity to negotiate and challenge the denial of their rights, to organize and to collectively bargain. The de jure or de facto exclusion of these workers from national labor standards and social protections often results in a denial of access to formal remedies and complaint mechanisms. Additionally, some informal workers, for example waste-pickers, are in a situation where they must bargain with local government authorities such as municipal departments for storage and waste management, and therefore find themselves at a disadvantage with respect to both bargaining power and sociopolitical influence. The right to organize and collectively bargain is essential to eliminating forced or compulsory labor, discrimination, and violence and harassment in the world of work. On their visit to Georgia, the Working Group on human rights and transnational corporations and other business enterprises recommended implementing training programs that empower workers, especially those in vulnerable situations, to exercise their rights to create and join trade unions and to collective bargaining. R206 emphasizes the importance of collective bargaining especially for workers in sectors where they are more exposed to violence and harassment and calls for various measures to protect this right.

For migrant workers, the right to freedom of association, including the right to form and join trade unions, is an essential mechanism to “express their needs, protect their economic, social, cultural, and other interests, and defend their
Migrant women face challenges to organizing even in those spaces with greater respect for women’s rights due to the normalization of traditional, patriarchal, and rigid community norms. Absent a forum in which workers in the informal economy directly represent themselves and their co-workers, these workers continue to be vulnerable to violence and harassment reflected in gender-based wage inequality, discriminatory termination practices, and erasure and exclusion. States can address this gap by creating bipartite (worker and management) or tripartite (worker, management, and government) institutions of social dialogue to promote negotiation, consultation, and information-sharing. These structures reinforce respect for and recognition of workers’ autonomy and human dignity in the world of work. CEDAW suggested in their concluding observations to Cambodia that by transitioning to formal work arrangements, 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.”

While organizing can help promote women’s leadership and improve informal workers’ standards of work, governments often seek to limit the right to organize. Furthermore, many women work in arrangements that lack clear negotiating counterparts. For example, many home-based workers who are crucial to the global supply chain may not be able to identify a direct employer with whom to negotiate. As informal workers are often excluded from protective labor laws, the inability to identify a negotiating counterpart is a major barrier to changing any policies or standards surrounding their work. The Working Group has noted that “increasing subcontracting and fissuring of the workplace creates significant challenges for collective organizing through trade unions and co-operatives, which is critical for securing better pay and working conditions for women workers.”

Other challenges to effective organization and collective bargaining in informal sectors of work include:

- Public authorities’ undermining of informal workers’ organizations;
- Negative social attitudes towards women and informal economy workers;
- Exclusion of informal workers in formal sector unions;
- Corruption and political manipulation of informal workers;
- Lack of continuity in local government after political or structural changes;
- Lack of information for workers to gain knowledge of their rights in the world of work;
- Lack of unity among workers;
- Communication difficulties due to isolation;
- Short-term organizational and political strategies.

**Domestic violence**

Domestic violence can result in job loss, frequent absenteeism, income reduction, and loss of concentration and motivation thereby exacerbating existing obstacles to women’s participation in the labor force. C190 recognizes that domestic violence affects employment, productivity, and health and safety. It calls on member states and employers alike to develop an inclusive, integrated, and gender-responsive approach that addresses underlying issues and risk factors — gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power dynamics — of violence and harassment. Violence in the world of work and in public places are inextricably linked to domestic violence.
All three aim to suppress and control mobility, sexuality, and access to resources on the basis of gender. The perpetrator’s intention is control of their partner’s life, including their world of work. Abusers will therefore stalk their victims at work, harass their co-workers, or inflict violence in the workplace.

C190 recognizes that GBV and harassment affects workers beyond formal and traditional workplaces and calls for the expansion of protections to include commutes and travel, offsite work endeavors, and public space. Examples of domestic violence in the world of work include:

- Verbal abuse (yelling or using inappropriate language to intimidate or embarrass the victim)
- Emotional abuse (insults, putdowns, unpredictable behavior, denying previous abusive incidents, withholding affection, constantly criticizing, or focusing on perceived shortcomings or mistakes)
- Intimidation and threats (making a person feel “lower” than the other, threatening violence against a person or their family, purposeful embarrassment, physical conduct, causing fright or alarm, hurting pets)
- Stalking and surveillance (obsessive attention, monitoring or following, unwanted intrusions and communications, sending unwanted gifts)
- Sexual abuse (sexual assault, rape, inappropriate touching)
- Physical violence
- Financial control (withholding a paycheck, attempting to control someone’s money)

Throughout the COVID-19 pandemic, hotlines have reported increases of GBV, including women being threatened with being thrown out of their homes, exposed to infection, or having financial resources and medical care withheld, despite an overall reduction in calls due to difficulties contacting supportive services while confined to the home. In the United States, a Guttmacher Institute survey on the early impacts of the pandemic found that one in three women who had reported intimate partner violence in early 2020 also reported having trouble or being unable to seek services in response to the violence they experienced. These incidences have increased during COVID-19 with the incorporation of the world of work into the home. Additionally, victims/survivors often fear that reporting will trigger threats from their perpetrator to hurt or kill their family, permanently change the way their co-workers view them, betray the trust of an abusive partner, or expose the details of their private life. For some, admitting they need help is a high enough barrier to dissuade them from reporting domestic violence. This has been a persistent concern and the CEDAW Committee noted to the Maldives that the social stigma attached to reporting sexual and domestic violence exacerbates fears of reporting already associated with power asymmetries in workplace relationships and lack of support from the state or community.

C190 emphasizes the effects of domestic violence on employment, productivity, and health and safety and accordingly calls upon states to mitigate its impacts in the world of work. R206 lists the following as appropriate measures to address domestic violence in the world of work:

- Leave for victims of domestic violence;
- Flexible work arrangements and protection for victims of domestic violence;
- Temporary protection against dismissal for victims of domestic violence, as appropriate, except on
grounds unrelated to domestic violence and its consequences;
- The inclusion of domestic violence in workplace risk assessments;
- A referral system to public mitigation measures for domestic violence, where they exist;
- Awareness-raising about the effects of domestic violence.

Lack of women in policy-making decision spaces and processes
Representation of women in decision-making spaces is essential to mainstream effective and comprehensive policies that support women’s equality and empowerment across government entities and legislative and policy areas. COVID-19 has exposed the importance of diverse gender representation in leadership positions to effective and inclusive decision-making. Only 28 percent of contemporary leaders are women, a figure that has changed little in the past 30 years. In 2020, less than 10 percent of heads of state or government are women. In the healthcare sector only 20 percent of organizations have gender parity on their boards, and only 25 percent of organizations have gender parity in their senior management. Women are historically underrepresented in public offices and the judiciary because their participation in political and public life is stigmatized—sometimes in multiple, intersecting ways—due to their ethnicity, religion, sexual orientation, gender identity, disabilities, indigeneity, or internal displacement. CESCR notes the importance of women’s increasing occupation of political space to the erosion of gender stereotypes about the role of men and women in the family and in society that otherwise frustrate the full enjoyment of economic, social, and cultural rights by women, such as the right to work, food and water, housing, education, and health, including sexual and reproductive health. Notably, governments are expected under Sustainable Development Goal 4.5 on Education to address gender disparities in education which exacerbate the power disparities and feminization that currently characterize informal sectors of work by 2030.

Technology, innovation, and investment
Workers in the informal economy are often isolated from the benefits of investments in technology and innovation as well as protections because their contributions often take place outside of the standard market economy and involve unpaid care work. Spending on technology and innovation are often viewed as investments whereas fiscal policy for social protections are considered consumption. Spending on social policy has less tangible effects and often involves services rather than goods; the lack of material production is incompatible with the tendency to measure economic growth by the accumulation of “physical, productive goods.” In the medium-to-long term, though, productivity and sustainability require strengthening and empowering informal workers. Investing in non-market forms of production, such as early childhood development and the recognition and compensation of unpaid care work, aims to support gender-responsive policies that “reduce and redistribute the burden of work” and address systemic barriers to women’s participation and advancement in the world of work.

Women’s entrepreneurship is another mechanism through which women can achieve economic empowerment. States should also implement Sustainable Development Goal 1.4 by offering economic resources such as microfinance, land ownership, and new technologies. The Working Group points out that while investment and automation are seen as positive advancements, these developments will likely contribute to greater economic inequality, particularly for wom-
en and informal workers. Occupations that require more routine tasks are at greater risk of replacement by robots and artificial intelligence and data from the Global North indicates that women are 13 percent more likely to occupy these positions. Moreover, workers with lower levels of education have a 40 percent risk of losing their jobs to automation while only 5 percent of workers with a tertiary degree face those odds.

Throughout the COVID-19 pandemic, the gender digital divide has been exacerbated due to the highly feminized nature of the informal sector. In accordance with Sustainable Development Goal 9.C, states should increase access to information and communications technology to provide universal and affordable access to the internet. Access to technological infrastructure is particularly important during COVID-19 to keep women in informal sectors of work connected to a source of livelihood and ensure they are not left behind in the transition to a post-COVID-19 working environment.

Technology, and specifically the algorithmic measures upon which it relies, often uses a one-size-fits-all model that does not consider gender dynamics and discrimination in the workplace. Thus, monitoring, surveillance, and data collection methods that employ new technologies risk exacerbating gender-based discrimination in the world of work, particularly with respect to inclusion, safety, privacy, accountability, and transparency. As technology becomes increasingly integrated and necessary for work in the post-COVID-19 context, the Working Group emphasizes the importance of considering the heightened degree of exposure to GBV and harassment in technology-enabled spaces.

In October 2019, the BBC published the findings of an undercover investigation by BBC News Arabic: domestic workers are being illegally purchased and sold in online slave markets. Categorized by race, thousands of enslaved women are being sold on Instagram and other apps, while sales are negotiated via private messages. The posts are shared and promoted through algorithm-boosted hashtags and women are available for purchase at a few thousand dollars. Though these illegal sales are a clear breach of Apple, Google, and Facebook’s rules for app developers and users, “the BBC has found there are many related listings still active on Instagram, and other apps available via Apple and Google.”

On June 19, 2020, a group of Special Procedures submitted a Joint Allegation Letter to Facebook, which is the parent company of Instagram, regarding these human rights abuses. In response, Facebook stated: “We strongly oppose the abuse of our apps to facilitate any form of human exploitation” and reported that they removed 700 Instagram accounts, blocked violating hashtags, and “removed over 130,000 pieces of Arabic-language content to domestic servitude in Arabic on both Instagram and Facebook.” However, despite Facebook’s regulations which clearly prohibit human exploitation, part of the problem is that such content is rarely reported to Facebook and Instagram by platform users, according to Facebook’s response. This underreporting makes active removal of the content and prevention of further distribution more difficult. In their response, Facebook did not share whether they have reported these online crimes to the law enforcement authorities in respective countries.

In a 2020 report on women’s human rights in the changing world of work, the Working Group notes that developments in technology have created new risks and challenges related to safety, privacy, accountability, and transparency,
cially through “the heightened exposure of women and girls to the risk of violence and abuse in technology-enabled spaces.” 132 New forms of technology-facilitated abuse include monitoring and tracking women through their devices, thereby violating their privacy and safety. 133 While the report recognizes the ways in which technology and social media have been used as tools to organize and advance women’s rights, it also notes the ways in which technology can be misused to abuse women and girls.

Criminalization of certain types of work and activities
Organizations have documented the harmful impact of states that use law enforcement and other monitoring mechanisms to threaten informal livelihoods with disciplinary powers that ostracize certain populations of informal workers, undermining their economic contributions and use of public space. 134 These interactions emphasize the ways in which power and wealth disparities affect the occupation and commercialization of public space. 135 Many laws, such as those addressing loitering and vagrancy, find support in the following discrimination-based policy arguments: congestion, crime, unsightliness, public health risks, tax evasion, unfair competition, and low-quality goods and services. 136 Many, if not all, of these factors can also be identified in pedestrians, vehicles, and general daily activities, yet they are used to target, interrupt, and harass the livelihoods of informal workers. 137 Some states, such as Malawi, Nigeria, Zambia, and Indonesia, even go as far as to criminalize purchases from informal workers and their businesses. 138 Criminal laws do not have to explicitly outlaw work or engagement with informal workers to have discriminatory effects. The Special Rapporteur on extreme poverty and human rights emphasized the harm in mobilizing police in response to political pressures, which turns social issues that require economic and social solutions into political debates. 139

During the COVID-19 pandemic, informal workers have been more vulnerable to hostile interactions with law enforcement under the pretext of emergency and other security measures that restrict movement and access to public spaces. 140 Criminalization as a state-sponsored manifestation of marginalization pushes informal workers into a consistent cycle of hostile interactions with law enforcement that delegitimizes their work, occupation of space, and human dignity. Migrant workers are particularly vulnerable to detainment where they are held in cramped and unsanitary conditions which increase the risk of contracting COVID-19 and aggravates xenophobic attitudes towards migrants. This degrades their human dignity and reinforces their social, political, and economic exclusion.

Lack of access to legal and other forms of redress
Barriers to access to mechanisms that hold perpetrators accountable for GBV and harassment perpetuate harmful patterns of behavior and violations and deny all workers, but especially those in informal sectors, dignity and respect at work. 141

These mechanisms are limited by their failure to address the gender-specific obstacles to access to justice for women, including eligibility for free legal aid, employment protections for those who report violence and harassment, and healthcare, including mental, sexual, and reproductive healthcare. There are various reasons that affect the decision to report, including the normalization of gender-based discrimination, a lack of awareness about what constitutes GBV and harassment, fear of reprisals from co-workers, and victim-blaming stereotypes. 142 Additionally, the Working Group
cites patriarchal norms that reinforce a culture of impunity for perpetrators as a driver of patterns of GBV and harassment.\textsuperscript{143} The CEDAW Committee found that in Bulgaria the lack of access to services and justice is primarily the result of corruption, social stigma, the inaccessibility of the judicial system, gender and racial biases among law enforcement officers, and the priority given to mediation and reconciliation procedures in cases involving GBV against women.\textsuperscript{144} Formal definitions of rape, sexual assault, and other forms of sexual violence by types of coercion rather than by consent tend to contribute to higher levels of dismissals of cases by prosecutors.\textsuperscript{145}

C190 calls on states to adopt “inclusive, integrated, and gender-responsive” mechanisms of enforcement and monitoring violence and harassment in the world of work, including those incidents perpetrated by third parties.\textsuperscript{146} R206 suggests the following measures:

- “Courts with expertise in cases of gender-based violence and harassment;
- Timely and efficient processing;
- Legal advice and assistance for complaints and victims;
- Guides and other information resources available and accessible in the languages that are widely spoken in the country; and
- Shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings.”\textsuperscript{147}

Ultimately, these measures should ensure that legal professionals collaborate with social workers and health providers to implement community-based strategies for redress that center and support victims while avoiding interactions with discriminatory law enforcement mechanisms, which often lead to further trauma for victims of GBV. The CEDAW Committee recommended that Guinea focus on capacity-building efforts for judiciary, health, and social work systems to strengthen support mechanisms for victims of violence and harassment.\textsuperscript{148} These services should include barrier-free and confidential access to shelters, counseling and rehabilitation services, and medical and psychological support for victims of GBV and harassment.\textsuperscript{149} The Special Rapporteur on the rights of indigenous peoples emphasizes that in constructing systems of redress for victims of GBV, some indigenous women may feel that community justice and support services will better protect their rights whereas some may feel the indigenous systems and services offer better protection.\textsuperscript{150} Additionally, supportive services should be responsive to gender-specific needs of indigenous women and their cultural, spiritual, and religious requirements.\textsuperscript{151}

**Intersection of gender, migration status, and informal work**

Fulfillment of the duty to respect, protect, and fulfill the human rights of all migrant women and girls requires states to extend access to gender-responsive social protections, complaint mechanisms, and education to all workers and their families regardless of immigration status.

Men and women choose to migrate for a variety of reasons such as education, work, quality of life, and family reunification.\textsuperscript{152} Migration can also result from duress associated with conflict and persecution, economic insecurity and instability, food insecurity, environmental degradation, and forced recruitment.\textsuperscript{153} Gendered expectations of financial contributions inform decisions to send daughters rather than sons to work abroad and send remittances home.\textsuperscript{154} Wom-
en can use this platform of negotiation within the household to “co-opt prevailing gendered discourses in order to win over powerful stakeholders” and leverage their caretaking roles to gain economic autonomy and recognition of their work.\textsuperscript{155} These resistance efforts must be supported by social protections and supportive services that reject gendered divisions of labor, challenge gender-based stereotypes, and recognize women’s autonomy in the world of work.

In many instances, however, migrant women are pushed into precarious working relationships due to debt, economic hardship, lack of jobs in their home country, and allocation of financial responsibility to women.\textsuperscript{156} These conditions are created and exacerbated by structural adjustment policies, austerity measures, neoliberal reforms in the public sector, and public services that have increased the demand for feminized sectors of work such as garment workers, domestic workers, and care workers.\textsuperscript{157} Migrant workers are particularly susceptible to GBV and harassment ranging from insults, bullying, and intimidation to physical abuse, sexual assault, and psychological abuse.\textsuperscript{158} In many cases, potential migrant workers pawn their belongings due to their lack of access to bank loans to cover predatory recruitment pricing.\textsuperscript{159} Recruiting agents and brokers then take advantage of the vulnerabilities of migrant workers by overcharging and forcing them to incur money and land debts.\textsuperscript{160} These working arrangements are profitable not just for recruiters, but also for husbands and family members who send women abroad.\textsuperscript{161} Employers and recruiters capitalize on wide disparities in bargaining power by “strategically deploy(ing)” sexual harassment and GBV to silence women and discourage their collective action.\textsuperscript{162} Because migrant women tend to work in textile, agricultural, domestic, and care work, their jobs can often leave them isolated from protections, support networks, and mechanisms of redress.\textsuperscript{163} Reports from migrant workers reveal patterns of sexual violence, punishment through working hours and living and working conditions, rape, extortion by the police, and deportation\textsuperscript{164} as well as an absence of days off, lack of rest and sleep, withholding wages, verbal abuse, restricted communication, and food deprivation.\textsuperscript{165}

Migrant workers are also frequently denied the same reproductive rights granted to others and tend to be punished more harshly, even in cases where they have not broken the law. In 2014, Nirmala Thapa, a 24-year-old migrant worker from Nepal, was arrested and imprisoned in Malaysia for having an abortion.\textsuperscript{166} In Malaysia, abortion is legal in circumstances in which a qualified doctor considers the pregnancy to pose a risk to the mental or physical health of the woman.\textsuperscript{167} Thapa’s doctor reported that he had “considered the risks of her losing her job, having to pay compensation to her employer, and being sent back home if found pregnant,” so he legally justified the abortion.\textsuperscript{168} About 90,000 abortions are conducted in Malaysia each year, but Thapa was the first woman to be prosecuted and sentenced by a court for having an abortion.\textsuperscript{169} Thapa was finally released after a year-long ordeal but her case demonstrates the vulnerability of women migrant workers to unfair and aggressive enforcement of restrictions on their reproductive rights.\textsuperscript{170}

A well-known source of abuse of migrant workers, including female domestic workers, is a sponsorship system, known as kafala, which has been used to monitor and manage migrant workers primarily in Gulf Cooperation Council States such as Bahrain, Kuwait, Lebanon, Saudi Arabia, and Qatar.\textsuperscript{171} Through this sponsorship system, employers of migrant workers, who are often informally employed, are given utmost authority and power over their employees.\textsuperscript{172} For example, in order for a migrant worker to change jobs, they must first obtain permission from their employers.\textsuperscript{173} Under this
system, migrant workers also often do not have minimum wages, are not granted sick leave or vacation days, and often suffer abuse at the hands of their employers with no one to turn to. On August 30, 2020, in a historic move, Qatar adopted Law No. 18 of 2020, which allows migrant workers to change their jobs before the end of their contracts without permission from their employers, which “effectively dismantles the ‘kafala’ sponsorship system,” according to the ILO.

<table>
<thead>
<tr>
<th>Special Rapporteur on the Human Rights of Migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>States are responsible for extending the right to life, healthcare, housing, education, protection from GBV, information, fair working conditions, freedom of expression and assembly, and freedom from discrimination to all workers, including migrant and migrant women workers by ensuring that migrant workers have the necessary resources, skills, and knowledge of their rights. Migrant workers’ legal status is tied to their employment in that country, although it is unrecognized and unprotected by national laws in the host country, thus adding economic vulnerability as well as sociopolitical disparities between migrant women in informal work and their employers. Migrant women face further discrimination in access to family reunification and naturalization programs and have higher rates of detention and criminalization relating to their migrant status. States and relevant stakeholders must protect and facilitate the exercise of these rights by “creating, maintaining, and strengthening an open civic space where migrants can organize and access assistance, advice, services, and support from civil society organizations.”</td>
</tr>
</tbody>
</table>

Throughout the COVID-19 pandemic, migrant workers have been forced to travel on overcrowded transportation systems and walk long distances at any time of the day or night, thereby subjecting themselves to hostile interactions with law enforcement during lockdown and curfew mandates and increasing their risk of contracting COVID-19. The pandemic has also provided employers with a pretext for terminating hundreds of migrant workers and denying them wages and unpaid leave, leading to malnutrition and forced waivers of employer liability for uncompensated wages. Furthermore, because migrant workers’ legal status in a destination country is often contingent upon their employment, many workers are left subject to detention yet unable to return home. As the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context indicated to the Republic of Korea, migrant workers are often excluded from access to public rental housing and public housing benefits. The Special Rapporteur noted that this exclusion — especially in the context of a pandemic that is leaving thousands displaced due to poor government planning — violates several provisions of the International Covenant on Economic, Social, and Cultural Rights.
Committee on the Elimination of Racial Discrimination

General Recommendation No. 30 on Discrimination against Non-Citizens

The Committee emphasizes that pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 incorporates the obligation of states to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social, and cultural rights. Although some of these rights — to participate in elections, to vote, to stand for election, etc. — are restricted to citizens, human rights — to decent work, to sexual and reproductive health, to adequate housing, to clean water and sanitary conditions, etc. — are to be enjoyed by all persons. Furthermore, states must respect the rights of non-citizens to enjoy an adequate standard of physical and mental health by removing obstacles and ensuring access to preventive, curative, and palliative health services.

Implications and consequences for women’s health

The overall lack of social and legal protections severely limits women workers’ access to health services, specifically reproductive health services, giving rise to serious risks and implications for their health. Agricultural workers, waste pickers, and sex workers are some of the types of workers facing the most serious risks to and egregious violations of their health rights which tend to be neglected by policymakers. Furthermore, there are gendered differences to health hazard exposures at work. In South Africa, for example, women are more often indirectly exposed to pesticides during the planting and harvesting of crops because of the gendered division of labor which puts women in greater contact with dangerous chemicals in the field.

There is little data on women in low-income countries, but these women are known to shoulder extremely heavy physical workloads, both at home and at work. In many low-income countries, cash crop production of fruits, vegetables, and flowers involves exposure to toxic chemicals. The adverse health effects of pesticide exposure include poisoning, cervical cancer, skin diseases, miscarriages, and premature births, as has been shown in studies from Canada to Colombia. Pesticides and chemicals are also widely used in higher-income countries where agricultural workers, especially of migrant or undocumented status, are often excluded from occupational health and safety legislation.

Harmful reproductive health outcomes such as miscarriages, low birth weight, and fetal malformations can arise from exposure to pesticides, solvents, and organic pollutants, heavy workloads, postural factors, and shift work. Breast milk can also be contaminated by chemical exposures, leading to difficulties with breastfeeding or the inability to breastfeed. Without healthcare coverage and benefits provided by their employer or made readily available by the government, it is extremely difficult for most women who work informally to seek information and services when needed. Women’s claims of “industrial disease” are also more likely than men’s to be treated with skepticism due to biases within healthcare about women and their experiences of pain.

During the COVID-19 pandemic, millions of people could lose access to essential sexual and reproductive health services because of structural barriers and exclusionary policies. Even before the pandemic, many governments around the
world failed to adequately fund or provide sexual and reproductive health services. The global economic downturn is limiting the financial resources available to governments for such services. Structural issues during the pandemic include lack of supplies and equipment, staff diverted to other types of care, supply chain disruptions, people avoiding preventive care or choosing to give birth outside of facilities, and clinic closures. Social distancing and lockdowns have also created physical and economic barriers to contraception and other sexual and reproductive health services. The rise of domestic violence, including acts of sexual violence, raises concerns about inadequate access to reproductive health and other necessary support services during the pandemic. One in three women (33 percent) in the United States reported that, because of the pandemic, they had to delay or cancel visiting a healthcare provider for sexual and reproductive healthcare or had trouble getting their birth control. A study in the United States found that lower-income women were more likely than higher-income women to report having experienced delays or being unable to get contraceptives and access sexual and reproductive health services because of the pandemic (36 percent versus 31 percent). The United Nations Population Fund has estimated that some 47 million women will be unable to access modern contraceptives and that 7 million unintended pregnancies may occur if lockdown policies and other COVID-19 responses continue without an analysis of their specific effects on women.

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health initiated a general call to governments which was endorsed by over 60 fellow mandate-holders, stating that “[e]veryone, without exception, has the right to life-saving interventions and this responsibility lies with the government.” The statement asserts that while advances in biomedical sciences are important to realize the right to health, “equally important are all human rights.” The mandate-holders stressed that “states must take additional social protection measures so that their support reaches those who are at most risk of being disproportionately affected by the crisis,” which “includes women, who are already at a disadvantaged socio-economic position, bear an even heavier care burden, and live with a heightened risk of gender-based violence.”
Domestic Workers

Who they are
One in 25 women worldwide are domestic workers. More than 67 million people are employed as domestic workers globally of which 80 percent are women. Many women enter this line of work as a result of poverty and few employment opportunities. Many seek to work internationally or migrate from rural to urban centers due to lack of access and opportunity locally. Domestic workers provide a wide range of services that include sweeping and cleaning, washing clothes and dishes, shopping and cooking, childcare, care for the elderly and disabled, gardening, driving, and security service. Women work mainly as cleaners and care givers.

Obstacles they face
An estimated 10 percent of domestic workers are covered by labor legislation on equal terms with other workers and more than 25 percent are completely excluded from such protection. During the COVID-19 pandemic, domestic workers have faced heightened risks of exposure to the virus due to the nature of their work, which requires close proximity to and sharing spaces with their employers, and the lack of protections they are provided. Employers who do not respect physical distancing put domestic workers at risk of catching COVID-19. According to Women in Informal Employment: Globalizing and Organizing (WIEGO), seven domestic workers in Hong Kong caught the virus from their employers. As schools have closed and employers have been working from home, domestic workers’ care responsibilities have greatly increased. Domestic workers are placed into the difficult situation of preserving their increasingly stressful livelihoods at risk of their own health or choosing between caring for their employer’s family or their own during the pandemic.

Wages
According to the ILO, “[r]emuneration for domestic workers tends to be among the lowest in the labor market. Such low wages are driven by the lack of recognition of domestic work as real work, and exclusion from minimum wage protections.” For example, it is reported that women only earn 73 percent of men’s pay as domestic workers in Latin America. Domestic workers earn 41 percent of the earnings of urban workers in Latin America. Lastly, the proportion of domestic workers with contracts and social protections is extremely low, with only 8 percent of respondents claiming to be involved in contract work in a survey done by the National Domestic Workers Alliance (NDWA) for the U.S. Even if they are working through an agency that acts as the “employer,” the agency does not see its role as one that oversees working conditions.
Domestic workers typically are paid very low wages and expected to work extremely long hours. They have no guaranteed weekly day of rest and are frequently made vulnerable to physical, mental, and sexual abuse. They may often experience intense isolation and restrictions on their freedom of movement. This exploitation of domestic workers is in part due to gaps in labor legislation that leaves them vulnerable to violence without any legal redress, often reflecting existing discrimination based on sex, race, caste, or other social categories. For live-in domestic workers who are expected to be available at all times of the day and night but receive no overtime pay, there is often no distinction made between working and non-working hours. Unrecorded or undefined working time also implies hours of unpaid work and may be a barrier to workers’ access to paid leave and pension schemes.

Migrant status
There are an estimated 11.5 million migrant domestic workers globally. 73 percent of all migrant domestic workers are women and domestic work in general is a highly feminized sector. Labor migration in particular is a rising policy priority as migratory movements grow and become increasingly diverse. Aging populations and declining labor forces in many economies also contribute to the increase in labor migration. As more and more women become engaged in labor migration, the changing gender demographics of migrant workers will have important implications for gender equality in both countries of origin and destination.

Migrant domestic workers make up the bulk of all international women migrants according to the International Domestic Workers Federation (IDWF). Due to their lack of state protection there are numerous reports of extreme inhumane conditions facing migrant domestic workers. Many have been beaten, raped, and even killed. Isolation is the perfect breeding ground for violence against women. The “workplace” for domestic workers is mostly inside of other people’s homes which can isolate them from the world. They are very dependent on the temperament of their employer. This leaves domestic workers vulnerable to verbal, physical and/or sexual abuse, trafficking, bonded labor, rape, murder, emotional abuses, slavery, domestic violence, and intimate partner violence. Racially-fueled prejudices and differences in class and citizenship can lead to higher cases of violence for domestic workers.

The kafala system
This system began in the 1950’s in order to “regulate the relationship between employers and migrant workers in many countries in West Asia.” Under this system, a migrant worker’s immigration status is legally tied to an individual employer or sponsor for their contract period. The worker cannot enter the country, transfer employment, or leave the country for any reason without first receiving explicit permission from the employer. This system is condemned for fostering conditions of exploitation and abuse of migrant workers in the workplace. It creates an environment in which the “guest worker” is treated as a “disposable economic commodity.” In order to gain control of workers, employers even go as far as confiscating passports to prevent attempts to leave by the worker. Employers can alter terms of employment and coerce workers into submitting to unfair working conditions, compelling workers to accept lower wages and inferior working and living conditions than originally promised. Employers have also been found to force confinement and prevent communication as well as withhold the wages. Migrant workers are often denied avenues for seeking justice for violations of their rights under this system.
can be informally punished for reporting abuses. Employers often retaliate with even lower wages, non-renewal of contracts, abuse, accepting bribes in exchange for permission to leave, false accusations of theft, or having workers deported. Some workers fear the retaliation of forcible deportation and will suffer in silence. If they do not have the financial means, legal redress is almost impossible. In the case of domestic workers, they can be physically prevented from filing a complaint due to forced confinement in the home or confiscation of their mobile device.

Internal migrants
A significant number of domestic migrant workers are internal migrants. In fact, in some regions, the intra-country movement of workers is more significant by far than cross-border migration. Internal migrants are also vulnerable to exploitative and abusive practices during the course of movement and recruitment as well as at their workplace. Due to the “word of mouth” informal labor market that exists for many domestic workers, these workers are at risk of fraudulent job contracts, exploitive working conditions, human trafficking, and forced labor. They can also be victims of gender and ethnic discrimination because women from marginalized racial and ethnic minorities are more likely to be recruited to work in private households or have little choice but to accept domestic work despite poor working conditions.

Women’s health
The very nature of domestic work places women workers in a vulnerable position, especially if they are isolated with their employers for extended periods of time. A survey of over 2,000 domestic workers in 14 U.S. cities conducted by the NDWA and the University of Illinois Chicago’s Center for Urban and Economic Development found that 29 percent of domestic workers “reported having some kind of long-term medical problems from their work” and a quarter of live-in workers reported getting no more than just five hours of sleep at night. While there still needs to be more research in this area, there are a concerning number of cases of domestic workers suffering sexual assault and rape at the hands of their employers. One Ethiopian domestic worker in Beirut reported that her employer “took her passport and... often raped her.” She escaped to her recruitment agency’s office to request help, but was “grabbed by the hair and beaten for hours before being returned to her employer’s household.” An Indonesian domestic worker in Hong Kong was raped by her employer merely days into the job and handed back to a recruiting agent after she expressed fears that she might become pregnant.” For domestic workers, pregnancy while on the job can lead to dismissal and a loss of livelihood.

Lacking healthcare, resources, and other systems of support, migrant domestic workers often have no choice but to turn to their agencies in situations of abuse, which often deal inadequately with sexual violence and health matters or may be exploitative themselves. As sexual assault and domestic violence rates have surged during COVID-19, domestic workers, who already experience the risk of GBV in their work, have been facing increasingly dangerous situations. However, in many countries, domestic workers are often left out of COVID-19 relief packages, especially if they are migrant or undocumented workers. In the United States, even domestic workers with work permits are afraid to seek relief funds and resources, fearing that it may hurt their chances of obtaining citizenship.
All of this means that thousands of women are forced to continue working while risking their own personal health. The majority of these workers – 65 percent – also do not have health insurance and their employers are not required to provide them with personal protective equipment.258

Case studies

Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates

Thousands of Tanzanian women work as domestic workers in the Middle East. Many work excessively long hours for little pay and are subject to physical and sexual abuse. Some end up trapped in situations of forced labor. One domestic worker said, “It is like a game of cards, you can win or lose.”259 Human Rights Watch interviewed 50 Tanzanian domestic workers about their experience.260 Most of the women interviewed described working 15-21 hours a day with no rest or day off and 27 women said that their employers paid them less than promised, only half their promised salaries, or no pay at all.261 Most women described humiliating treatment and psychological abuses, including their employers yelling at them every day and making racial insults towards them. Workers said their employers insulted them using terms including: “animal,” “dog,” “donkey,” “lazy,” “poor,” and “filthy.”262 One worker reported that her employer shouted, “You Africans are poor, that’s why you are here.”263 Almost all workers in the Human Rights Watch survey said their employers confiscated their passports and 22 said they also confined the workers to the house or the compound.264 Employers also took away some workers’ phones or refused to let them call their families for months. Reporting these abuses can have negative ramifications. For example, when reporting rape to Omani or Emirati authorities, if rape is not proven, the reporting of rape itself can be considered a confession of sexual relations, which prompts charges of zina (sexual relations outside of marriage) against the rape victim.265 In Oman, this carries a penalty of imprisonment.266

Kenyan Domestic Workers Face Abuse in Beirut Consulate

The Kenyan consulate in Beirut is responsible for the protection of more than 1,000 Kenyan domestic workers, who are mostly women sponsored to work in Lebanon under the kafala system.267 As abuse runs rife in live-in domestic work arrangements, domestic workers’ countries’ diplomatic missions are especially important, often one of the very few resources available to them, and are meant to provide a means for these women to return safely home.268 As migrant workers seek repatriation because of employment disruptions due to COVID-19, the Kenyan consulate has been reported for exploiting and exacerbating Kenyan women’s hardship by inflating payments and responding to complaints with violence. A worker named Gloria challenged these inflated fees and was slapped across the face by the honorary consul, Sayed Chalouhi.269 Other domestic workers have reported that Chalouhi and his assistant would pressure them into sex work to save up for their repatriation fees.270 Another domestic worker, Melinda, who also reported physical abuse at the consulate, said she spent three years saving up over $1,000 USD to pay for these fees, only to have the funds withheld from her and more fees added on afterward.271

“For many years, we’ve received reports from Kenyan women about their experiences in facing exploitation from the consul and the consulate... I have not seen such systemic reports of exploitation, of cajoling people to do sex work and of physical abuse at this level,” said a caseworker at a Beirut-based migrant rights group named Anti-Racism
Movement, which led the investigation into the consulate.272

Examples of positive normative developments and organizing
Domestic Workers’ Convention, 2011, ILO C189
ILO Convention 189, the Domestic Workers’ Convention, has wide-ranging provisions that extend to domestic workers, including to migrant domestic workers, granting them many of the same labor rights as apply to formal wage workers. It also includes a specific provision regarding the protection of domestic workers against all forms of abuse, harassment and violence, as well as provisions on ensuring their privacy and decent living conditions, mode of payment and decent wages.273 This convention protects all domestic workers among its member states and has been ratified by over 29 countries. While it protects against unfair wages, hours, and harassment and violence, it does not protect domestic workers from a gendered perspective.274

My Fair Home and the International Domestic Workers Federation
The IDWF launched a campaign called My Fair Home which invites employers to sign a commitment to fulfill the protections provided by C189. These include fair wages, formally negotiated terms of employment, reasonable work hours, free time that is truly “free,” access to decent healthcare, and a work environment without abuse, harassment, and violence.275

Mexico Passes Amendment to Improve Working Conditions of Domestic Workers
This amendment recognizes three types of domestic workers: those who work for an employer and reside in the employer’s home, those who work for different employers but do not reside in any of their employers’ homes, and those who work for an employer and do not reside in their employer’s home. For the first category – those who work for a single employer and reside in that employer’s home – the amendment states that these workers are entitled to additional rights such as a rest period of nine consecutive hours during the night and three hours between morning and afternoon work. If these workers are not able to rest during these hours, they will be included as overtime. The amendment also states that the maximum daily shift for these workers cannot exceed eight hours. It also bans the hiring of teenagers under 15 years of age. This amendment also requires written contracts that include salary, shift, benefits, form of payment, daily and weekly rest periods, food and housing, terms and conditions of termination, and work tools.276 It forbids an employer from requesting a medical certificate to certify that the person they are employing is not pregnant and dismissal due to pregnancy is considered discrimination.277

Migrant Care Workers in Ireland Create the Country’s First Care Worker Co-operative278
Maria Jikijela, a 58-year-old South African immigrant working in Ireland as a care worker, says she founded the country’s “first carers’ co-operative,” the Great Care Co-op, as a means to provide quality care and quality jobs in a way that profit-based agencies do not.279 Jikijela describes some agencies that “put carers under time pressures,” that place stress on care workers and prevent them from providing proper quality of service for their clients.280 Additionally, “there can be a lack of support from agencies,” which may offer low pay and rarely provide holidays, sick pay, or access to company pension plans.281 The Great Care Co-op, in contrast, is led by migrant women, is worker-owned, and will “look after the
carers better,” according to Jikijela. While the COVID-19 pandemic has demonstrated the importance and value of care work, simultaneously many care workers and domestic workers are not paid or treated fairly, as noted by Aoife Smith, social enterprise manager at the Migrant Rights Centre of Ireland. Thus, the co-op acts as “a political move in itself,” challenging the for-profit model of professional care,” she said.

Home-Based Workers

Who they are
There are over 260 million home-based workers worldwide. Home-based workers are individuals who produce goods or services in their homes for local, domestic, or global markets. Home-based work can extend from assembling micro-electronics to finishing garments. This workforce is composed largely of women who are either self-employed or subcontracted by firms or other entrepreneurs. Most of these individuals are in the informal sector. These workers constitute a large portion of the workforce in many countries, especially in Asia. In Bangladesh there are more than 2 million home-based workers; in Nepal there are over 1 million.

The global supply chain and COVID-19
Multinational firms based in industrialized countries outsource their production to home-based workers across different countries. These links between corporation and individual worker can be obscure, making it difficult to negotiate rates or receive payment for completed work. Home-based workers are hired mainly through a series of intermediaries. Despite the fact they make the final product, these workers are virtually invisible to companies and buyers.

During the COVID-19 pandemic, home-based workers have provided crucial services by stitching masks to address the health crisis. However, abrupt lockdowns, slowing or severing of supply chains, and halted material trade have severely affected their livelihoods, especially since home-based workers are often left out of emergency relief packages. The economic disruptions caused by the pandemic have negatively affected millions of workers worldwide in the global supply chain. Clothing stores are cancelling orders from factories and declining to pay for orders of clothes that have already been completed. Many home-based workers’ pay for their supplies out of pocket and are now in debt. Supplier factories have also been unable to pay workers’ salaries. These workers are paid at poverty level and have been for many years, making savings nonexistent as they can only make ends meet with what they earn. The pandemic has exposed the injustice and inequality of a broken economic system, especially true in the garment industry.

Home-based workers are some of the most vulnerable during the global pandemic. It is estimated that South Asia has over 50 million home-based workers, the majority of whom are women. They contribute heavily to household incomes as well as to the national economy. Globally, these workers are reporting to have received no new work orders and this has resulted in “an acute loss of income.” These workers have also not been paid for previous work orders and, due to lockdowns, have not been able to demand and collect payments from their contractors. There is no longer access to raw materials or markets resulting in many losing their entire income. In overcrowded slums, where most home-based workers live, social distancing is impossible, and with a lack of reliable sources for information on COVID-19, emergency
helplines, and health services available, they are in danger of contracting the virus. Lastly, women are facing domestic violence and harassment and are unable to access helplines and shelters or seek police assistance since these officers are largely engaged in the lockdown.297

**Obstacles they face**  
Home-based work is one of the lowest paid types of work.298 Many of the subcontracted workers are piece workers. They work long hours, as much as 15 hours a day.299 Due to the irregularity of payments, they are unable to save money, build their businesses, or invest in new machines.300 Many must walk long distances in order to get the raw materials they need to produce. If they are limited in space in their homes, they are unable to take large orders which in turn affects their pay. Women in particular have a more difficult time as they must balance this work with household work, leading many to work through the night.301 Poor housing conditions that can be exacerbated by flooding, roof leakages, and lack of electricity and clean water can increase costs and risks for these workers.302

**Gender-based violence in the home and community**  
For home-based workers, home is the workplace, leaving women vulnerable to domestic violence: “fighting and violence erupts when we do not earn.”303 The pandemic has increased pressure on households as so many home-based workers have lost their earnings, leading to rising rates of domestic violence. These women also face violence in their communities through harassment and evictions by the state and landowners, as well as theft of their materials from third parties, violent assaults, threats, and physical abuses.304

**Case studies**  
**Home-Based Workers in Delhi, India**  
Home-based workers receive very little for what they produce. Their work is also inconsistent from month to month. Fast-changing trends in fashion can cut into their lead time: just as they get used to producing a certain design and producing pieces at a faster rate, the design changes.305 Regardless of the low pay, women prefer this work as it allows them to continue to care for their families and provide financial support at the same time.306 However, poor living conditions translate into poor working conditions for women. Lack of individual toilets, running tap water, poor drainage, and lack of solid waste management undermine their productivity. As recounted by one home-based worker, “Shantipally used to be flooded every year. The heavy rains and poor drainage would lead to waterlogging inside our house for over a month. I make agarbattis (incense) and during three months of monsoons, it was impossible to work as I couldn’t dry the agarbattis. We home-based workers got together and, in partnership with [Aim Of Our Regional Development, an organization dedicated to identifying and addressing issues faced by slums], negotiated with the local government for improved drainage. Now at least I can work through the year.”307 Despite such conditions many prefer this home-based work to factory work, as one worker explained: “In Tirupur, everyone works in garments. Earlier I used to work in a factory. I earned a lot more, though I had to stand and work for almost nine to ten hours and we were provided two tokens to use the toilets in the entire day. We weren’t allowed to talk to other workers. There was strict monitoring to ensure that we don’t waste any time. Home-based work provides me with time for basic things like using the toilet or resting my back once in a while.”308
Examples of positive normative developments and organizing

Home Work Convention, 1996, ILO C177
The Home Work Convention, adopted in 1996, aims to protect the rights of home-based workers, or homeworkers, and improve their working conditions by extending to them the same rights given to formal wage workers. It also recognizes the employment relationship between the contractors, employers, and the workers themselves under their contractual relationship, whether this is through written or verbal contracts and calls for the formulation of national policies, with the input from homeworkers.

HomeNet South Asia
HomeNet South Asia is a regional network of home-based worker organizations spread across eight countries in South Asia and serving as a crucial resource for home-based workers. They create toolkits, host workshops, enhance leadership skills, and advocate for home-based workers to demand that governments and employers ensure their rights. Additionally, HomeNet South Asia conducts studies to gather detailed statistical research for their advocacy, recognizing that there is still a dearth of information regarding home-based workers and their working conditions. During the COVID-19 pandemic, they have brought attention and focus to the devastating effects of the crisis on home-based workers, urging global brands and governments to recognize home-based workers as workers and provide income support.

New Legal Protections Introduced in Thailand
In Thailand, with the help of HomeNet Thailand and WIEGO as well as other partners, legislative protections were granted for homeworkers after over a decade of advocacy. The law was passed in 2010 and went into effect in 2011. The law mandates fair wages, including equal pay for those who complete their work at home for an industrial enterprise. It obliges the hirer to provide a contract, to ensure occupational health and safety, and to establish a committee that provides access to the courts in labor disputes and gives women a place at the decision-making table. During the COVID-19 pandemic, Thailand has implemented freezes on rent and utility payments for home-based workers, reducing pressure on households and stress on home-based workers.

Agricultural Workers

Who they are
Agricultural workers are one third of the world’s workforce. According to the ILO, 1.1 billion people are engaged in agriculture and about 40 percent of them are waged agricultural workers. Women comprise between 50-70 percent of the informal workforce in commercial agriculture. In lower- and middle-income countries, they make up the majority of workers. The work can be part-time, full-time, or seasonal. In commercial agriculture women work mainly in unskilled, labor-intensive tasks with little opportunity for upward mobility. Many countries are experiencing a “feminization of agriculture,” as women are increasingly left to carry the full burden of agricultural work in addition to their load of unpaid care responsibilities at home.
Agricultural workers often face high levels of extreme poverty, precariousness, casualization, and debilitating work-related illness, as well as injury and disease. Only 5 percent of workers in agriculture around the world have any access to labor inspection systems or legal protection of their health and safety. Even in the wealthiest countries, public authorities are absent from the fields. In some locations, human traffickers and gangs are the ultimate authority, meaning that agricultural workers may live in extremely dangerous conditions.

**Obstacles they face**

The agricultural sector is one of the world’s most dangerous sectors of work. With more than 170,000 workers killed at work each year, the risk of a fatal accident is twice as high as compared to most other sectors. Occupational hazards include toxic pesticides and chemicals, which workers are exposed to through sprays, drifts, or direct contact with treated crops or soil, from accidental spills, or inadequate personal protective equipment. One in every 5,000 agricultural workers in developed countries is affected by annual acute pesticide poisoning. Because workers carry pesticide residue on their skin, clothing, and shoes, their families can be affected by these toxins secondhand. Given the prolonged exposure to the sun and high heat, lack of access to drinking water can be detrimental. Heat stroke is the leading cause of death for workers in the United States.

**Women’s health**

Women and men may experience different physical and psychological hazards in the workplace, but gendered job segregation of men and women may create false assumptions about the particular risks they each face. Work predominantly undertaken by women is often wrongly presumed to be lighter, easier, and safer than that undertaken by men and consequently receives less attention. While men may suffer more accidents and fatalities at work, the reality is that women often work in physically demanding and often repetitive jobs such as in agriculture, cleaning, hotel work, social care, domestic work, and food manufacturing. Furthermore, exposure to the same risks may impact women and men differently.

For example, in the United States, in a 1987 study of Colorado migrant farmworkers, one third reported one or more miscarriages or abortions; and one in eight reported they had experienced an infant’s death within the first year of life. This study also found that among sexually active women, 24 percent had been sterilized to prevent pregnancies. In its Pregnancy Nutrition Surveillance System, the Centers for Disease Control and Prevention (CDC) analyzed 1989-1993 data collected from more than 4,800 migrant farmworker women and found that 52 percent of them had gained less than the recommended weight throughout their pregnancies, compared to 32 percent of non-migrant women. Regarding reproductive health specifically, the National Center for Farmworker Health reports that “prolonged standing and bending, overexertion, extremes in temperature and weather, dehydration, chemical exposure, and lack of sanitary washing facilities in the fields” can contribute to serious outcomes for the pregnant woman as well as the fetus.

60 percent of all women working in Sub-Saharan Africa and South Asia’s agricultural sector lack facilities in the workplace that allow them to manage their sanitation and menstruation. Lack of access to sanitation facilities disproportionately affects women as they are unable to urinate and defecate with the same ease as men and are often made
victims of gender-based violence. Additionally, the lack of access to safe toilets in the fields dissuades many women from urinating for long periods throughout the work day, contributing to urinary tract and kidney infections which are especially dangerous conditions for pregnant women. Some women have reported that the journey to acquire water can take many hours.

Gender-based violence
Sexual harassment and violence occur in many different agricultural environments and at high incidence. Women working in the agricultural sector face heightened risks of exploitation and targeted discrimination which threaten to undermine their rights. Sexual violence and harassment are committed by supervisors and other workers. There are cases of women being forced to have sex with a superior or co-worker, being attacked with sexual intent, and having their clothing and hair pulled. Noncompliance can cost a worker her job, her pay, and/or her safety.

Migrant Status
Migrant farm workers are even more vulnerable than non-migrant workers because they are not protected by national labor laws and excluded from union membership and collective bargaining. The ILO estimates that there are 150.3 million migrant workers worldwide. 112.3 million of these workers are in high-income countries in the Global North and many are irregular or undocumented. Many migrants experience conditions of forced and unpaid labor, restricted freedom of movement, and limited access to justice.

Case studies
Sexual Violence and Harassment of Immigrant Farmworkers in the United States
Rape, stalking, unwanted touching, exhibitionism, or vulgar and obscene language is perpetrated frequently by supervisors, employers, and others in positions of power. This is what hundreds of thousands of immigrant farmworker women and girls face in the United States. “Instead of being valued for their contributions, immigrant farmworkers are subject to a dysfunctional immigration system and labor laws that exclude them from basic protections most workers take for granted.” Immigrant farmworker women face extreme vulnerability to GBV in the world of work because of their informal work arrangement as well as their immigrant or migrant status, whether documented or undocumented, which further limits their capacity to seek redress for violence in the workplace.

After a California woman was raped by her supervisor at a lettuce company, he later told her that she “should remember it’s because of him that she has this job.” Another woman said that her supervisor would touch women’s breasts and buttocks, and if they tried to resist, he would threaten to call immigration or fire them. Four women were fired when they attempted to defend a young woman who was singled out for abuse. Abusers are aware of the vulnerability of their targets which include young women and girls, recent immigrants, single women, indigenous women, and especially those with limited ability to speak Spanish or English. Even if the worker has a work or guest visa or other documentation, they are vulnerable because they are dependent on their employers to remain in legal status in their country of work, which often makes them reluctant to report abuses. Because of this, farmworker victims of sexual abuse face “significant hurdles to obtaining justice.” At least half of the agricultural workforce consists of undocumented
immigrants who fear being deported if they complain.\textsuperscript{346}

**Indian Women Undergo Hysterectomies to Obtain Agricultural Work**

Thousands of women have undergone surgical procedures to remove their wombs in the past three years in the western state of Maharashtra.\textsuperscript{347} A substantial number have gone through this procedure in order to get or maintain work as sugarcane harvesters. Every year, tens of thousands of poor families migrate to the affluent western districts of the state known as the “sugar belt” to work for six months as cutters in sugarcane fields.\textsuperscript{348} These contractors are reluctant to hire women because they might miss a day or two due to their periods. If they do miss work, they must pay a penalty. Many of the women who have undergone surgery are married and have children already, and doctors do not communicate the risks that come with a hysterectomy. Half of the women in Vanjarwadi Village, where 80 percent of the villagers migrate to work in the sugar belt, have had hysterectomies, but likely under conditions in which they were not fully informed.\textsuperscript{349} Many of the women interviewed, mostly in their 20s to 40s, have had deteriorating health since their surgery. These deteriorations include back pain, neck and knee pain, constant dizziness, and the inability to walk short distances, as well as swollen hands, faces and feet.\textsuperscript{350}

**Examples of positive normative developments and organizing**

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

This declaration was adopted in 2018 and “aims to protect the rights of all rural populations including peasants, agricultural and rural workers and indigenous peoples while also recognizing their contribution to sustainable development and biodiversity and the challenges they face.”\textsuperscript{351} The declaration sets out a comprehensive framework of protection for the rights of peasants and rural workers, including agricultural workers, struggling to defend livelihoods and small-scale agriculture from corporate and state dispossession. These include the right to a decent income (Article 16), collective bargaining (Article 9), and social security (Article 22).\textsuperscript{352} In addition, it includes comprehensive protections for agricultural women workers (Article 4) by recognizing their right to be free from violence and discrimination.\textsuperscript{353}

**Safety and Health in Agriculture Convention, 2001, ILO C184 and R192**

The Safety and Health in Agriculture Convention calls for the protection of agricultural workers’ health and safety by eliminating, minimizing, or controlling hazards in the agricultural working environment, calling for increased government participation in the application and review of safety and health measures, as well as the selection of safety and health representatives.\textsuperscript{354} It also states the right of workers to remove themselves from danger resulting from their work activity and the right for temporary and seasonal workers to receive the same safety and health protection as permanent workers.\textsuperscript{355} It also allows for inclusion in social security and health insurance schemes comparable with those of workers in other sectors, protections around the use of machinery, the handling, transport, and application of materials including agrochemicals, and protection of women workers.\textsuperscript{356}

**Plantations Convention, 1958, C110**

The Plantations Convention covers the protection of the rights to freedom of association and collective bargaining for plantation workers through enforcing payment of wages, provision of adequate medical services for workers and their
families, provision of adequate housing, paid leave, provision of goods and services on plantation at fair and reasonable prices for the benefit of the worker, maternity protection, paid maternity leave and protections for nursing mothers, and mandatory labor inspection.\textsuperscript{357}

The Special Rapporteur on the right to food, Thematic Report to the Human Rights Council on Agricultural Workers and the Right to Food (2018)

The Special Rapporteur on the right to food issued a report on the right to food of agricultural workers, who, despite feeding the world, are one of the world’s hungriest workers.\textsuperscript{358} It emphasized that labor rights and human rights are interdependent, indivisible, and mutually inclusive and that the full enjoyment of human rights and labor rights for agricultural workers is a necessary precondition for the realization of the right to food.\textsuperscript{359} “It is time for states to step up and take swift and urgent action to hold accountable those who commit human rights violations against agricultural workers and to prevent further violations,” the report stated.\textsuperscript{360} International human rights law recognizes the interdependence among the rights to decent work, adequate living conditions, social protections, and the right to food, as outlined in Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social, and Cultural Rights.

Global Network for The Right to Food and Nutrition

The Global Network for the Right to Food and Nutrition is a collective initiative of civil society organizations and social movements for the realization of the human right to food and nutrition.\textsuperscript{361} As part of this work, the Network helps its members hold governments accountable for their obligations to realize this right. The Network supports social movements and groups fighting against the violation of this right, supports human rights defenders against repression, violence, and criminalization, and aims to put an end to the impunity of human rights abusers and state-condoned violations.\textsuperscript{362} An example of their work is their fact-finding mission in India’s tea industry which discovered violations of women’s rights in virtually all tea gardens that were visited, breaking both international and national Indian law.\textsuperscript{363} Recommendations from that mission included taking immediate action to put an end to all forms of discrimination against women and guarantee all women’s human rights in equal standing to men’s, including equal rights to the highest attainable standard of health, sexual and reproductive health, and “the special rights of pregnant and lactating women and their children.”\textsuperscript{364}

Street Vendors

Who they are

Street vendors are an integral part of urban economies as they offer a broad range of goods and services in public spaces which may encompass anything from selling fresh vegetables, clothing, crafts, and consumer electronics to providing haircuts.\textsuperscript{365} Street vendors are also most likely to sell perishable goods, which are the most likely to spoil or be confiscated. In many countries, women make up the majority of these workers.\textsuperscript{366} Many vendors provide the main source of income for their families, work to keep the streets clean and safe for customers, create jobs for themselves, security guards, storage providers, and transportation operators, and generate revenue for cities through payments for licenses, permits, fees, and taxes.\textsuperscript{367}
During the COVID-19 pandemic, street vendors have played a crucial role in helping ensure food security for their communities, at risk of their own health and increased exposure to state violence in public spaces despite the essential services they provide. With no security and little protection form the government without formal permits which can be difficult to procure due to cost, formal requirements, paperwork, and legal knowledge, street vendors are at a high risk of abuse from multiple entities.

**Obstacles they face**

Street vendors work outdoors and are often exposed to extreme elements. Poor infrastructure can create further insecurities. Lack of lighting, unsafe toilet facilities, and unsafe public transportation can all lead to GBV. Street vendors face harassment, verbal and physical abuses, or beatings from the state’s entities as well as evictions, violent arrests, and immigration status investigations. They also face demands for transactional sex for access to trading space, licenses, permits, and goods as well as theft, rape, domestic violence, violent assault, and murder. During the COVID-19 pandemic, street vendors have experienced an increase in harassment and violence as authorities have applied lockdown measures.

**Case studies**

**Zimbabwe: Violent Crackdown on Street Vendors**

In Harare, Zimbabwe’s capital, police have carried out a violent crackdown on unlicensed street vendors, the majority of whom are women living in poverty. These attacks include beatings, confiscation and destruction of their goods, and arbitrary arrests. Police harassment and arrests of street vendors rapidly escalated when the Harare City Council launched its “clean-up campaign” which aims to turn Zimbabwe into one of the cleanest countries in the world through thriving sustainable environmental management and waste disposal systems, according to President Emmerson Mnangagwa. However, the pretext of “cleaning up” the city has also been used by law enforcement and public officials to harass and attack street vendors. On July 9, the municipal police beat and arrested 26 vendors, many of them women, and handed them over to national police, who charged 23 with “conduct likely to cause breach of peace” and three with assault. The following day, municipal police seized and burned street vendors’ goods, mainly clothing. The group of 23 charged were later fined and released; the three charged with assault were granted bail on July 24. The police also arrested multiple activists advocating for street vendors’ rights. “The lack of a vending license is no ground for beating and jailing people who are desperate to earn a living,” said Dewa Mavhinga, senior Africa researcher at Human Rights Watch. “Beating women who are struggling to survive as street vendors and bringing trumped-up charges against them is no way to treat Zimbabwe’s citizens,” Mavhinga added.

**Spain’s Street Vendors**

Street vendors have been targeted by political figures in Spain since many of them are reportedly migrants. Albert Rivera, a previous leader of the center-right Citizens party, said, “It’s time to bring order to the streets, order and security. We will fight the mafias and make sure the law is obeyed.” Other politicians, such as the Popular party’s spokesman Ignacio Cosido, link street vendors with crime: “I’m not saying [they are] the only reason but to ensure our coexistence and security we need to have secure borders.” This rhetoric associates migrants with crime and crime with street
vending, marking street vendors as a political target. In 2017, a street vendor named Mame Mbayi died from a heart attack after allegedly being chased by police. Uprisings in the districts surrounding Madrid broke out in response.378

Barcelona has the largest concentration of street vendors in Spain. Political figures claim that the removal of street vendors is about freeing public space and reducing competition for legitimate businesses. “If you go to La Rambla or Sagrada Familia, the public space is occupied by tourists. But when the space is occupied by poor black people, everyone complains. It’s about racism – that’s all there is to it,” said Lamine Sarr, the spokesman for the Manteros Union which represents street vendors.379 Many street vendors in Barcelona are migrants who arrive without legal documents, coming ashore on rubber dinghies, fleeing war and persecution. They are always wary of the police who are either indifferent or are perpetuators of violence themselves. Under current national immigration law, most of the new refugee arrivals that have been accepted to Spain will not be allowed to work legally and will likely end up as street vendors. For immigrants from outside the European Union, work contracts may be difficult to gain, particularly if they are fleeing violence. It is reported that the problem is not simply a conflict over public space, but rather over human rights: migrants’ right to work and street vendors’ – who are primarily racial or ethnic minorities – right to decency.380

Indigenous Women Vendors and COVID-19 in South America

The COVID-19 crisis has heightened vulnerabilities for street vendors all over the world. Indigenous women may be especially affected by existing inequalities that have been emphasized by the pandemic and its corresponding public health measures. In the Temuco commune in Chile, indigenous Mapuche women who went to sell their vegetables in the city center were detained by Special Forces personnel. Indigenous women condemned the violent action and demanded that they be allowed to sell their products at the public fair where non-indigenous people often sell the same products without suffering any kind of oppression or violence from the police.381 It is worth mentioning that in most countries in South America there is a history of abuse of indigenous peoples as a result of militarization in their territories. The presence of the militia during the time of quarantine revives the social trauma suffered by indigenous peoples and indigenous women in particular.382

Indigenous networks describe how, in some countries in the region, long periods of isolation and reduced economic activities have force thousands of people to return to their home regions in order to escape poverty. The majority of uprooted or displaced persons are indigenous. In Peru, there were reports of “women and girls moving on foot, sleeping on the roads and with little food and without medical attention. Government authorities who receive these groups of refugees do so in overcrowded and unsanitary conditions, in many cases. Under these conditions, the chances that indigenous women and girls are victims of exploitation, violence, sexual slavery and lack of access to basic services multiply. The border crossings have also become highly militarized points, with incidents having been reported between the Peruvian, Bolivian and Chilean police, according to the newspaper La Tercera de Chile. Likewise, the persecution of displaced persons who cross borders illegally, fleeing from the pandemic, as reported by the EFE Agency of Spain, among other media in Peru, Colombia and Ecuador.”383 Although during the COVID-19 crisis, women from these communities have executed the majority of “essential” work and responsibilities, including the administration and management of the home and the activities derived from it, including cleaning, the acquisition of food, and care work, indigenous
communities are being served last and least by governments.384

Examples of positive normative developments and organizing
The Fight for Fair Food on LA’s Streets
Street food is a large part of the culture in Los Angeles, California. Sidewalk vendors provide communities with delicious foods, including fresh fruit and vegetables, bringing sustenance to areas that might not otherwise have access to these products. Los Angeles, up until recently, was one of the only major cities in the United States that did not have a sidewalk vending permit program.385 LA Food Policy Council, which includes the organizations Inclusive Action for the City, East LA Community Corporation, and Public Counsel, local street vendors, and many other groups, have been working to legalize street vending over the last decade. Due to an increase in fear among immigrant communities during the Trump administration, then Senator Ricardo Lara introduced SB 946, the Safe Sidewalk Vending Act, which among other things decriminalized sidewalk vending and was viewed as a critical step in protecting sidewalk vendors, many of whom are immigrants.386 The bill was signed into law in 2018 thanks to the collective efforts of a strong coalition of immigrant rights, economic justice, and faith-based organizations known as the California Street Vendor Campaign.387 In order to continue the effort to formalize street-vending, various members of the coalition have been focused on informing workers of their rights and the requirements to obtain permits.388

Cash Transfer Program in Burkina Faso
In response to the COVID-19 pandemic, Burkina Faso adopted new measures to support workers in the informal economy. According to a report from WIEGO, the government committed $8.3 million USD to cash transfers for five million informal fruit and vegetable sellers, many of whom are women.389 While there are still improvements and further details needed in the implementation of the program, it serves as an example of an appropriately targeted intervention, since vendors of perishable goods have been hit particularly hard by COVID-19 response measures, such as lockdowns.390 According to a study published in The World Bank Research Observer, “there is increasing evidence that cash transfer programs decrease intimate partner violence,” through improving women’s economic security and emotional wellbeing, reducing household conflict due to financial issues, and increasing women’s empowerment.391 As domestic violence and intimate partner violence are on the rise during the pandemic, this makes cash transfers especially important as a new practice to support informal workers’ livelihoods.

Waste Pickers

Who they are
There are 15 million waste pickers worldwide.392 They “make a living collecting, sorting, recycling, and selling materials that someone else has thrown away.”393 The term waste picker also includes “poor people rummaging through garbage in search of food, clothing, and other basic daily needs to informal private collectors of recyclables linked to unions, cooperatives or associations.”394 80 percent of these individuals work in the informal economy. Due to this, there is limited data on just how many women work in this sector globally, as much of the research is done at the local level and few approach it with a gendered lens. Brazil claimed in 2011 that 33 percent of its waste pickers were women, 20 percent of
waste pickers with a formal contract were women, and 55 percent of women waste pickers were involved in associations and co-operatives. In developing countries, waste pickers are responsible for 50-100 percent of total waste collection providing their communities with notable benefits by achieving high recycling rates, though they are not recognized as green workers. They divert tons of material from dumpsites and landfills. They also contribute to local economies and public health and safety. Waste picking is often a “family enterprise,” as it offers flexible working hours which is especially important for women. It is also easily learned, requires little education and training, and is highly adaptable, making it often one of the only livelihood options for many of the poorest in the world. However, waste workers are often subject to social stigma, dangerous working conditions, harassment, and violence.

Obstacles they face
Despite serving their communities by removing waste, labor which carries environmental, social, and economic benefits, these individuals “perform labor at the bottom of the much larger waste recycling chain” and suffer from poor working conditions and lack of social protections. Occupational health and safety are also a major issue due to a lack of protective masks and gloves, leaving workers exposed to dangerous materials. During the COVID-19 pandemic, waste pickers have continued providing their crucial services which improve public health at the expense of their own safety. Encountering household and medical waste puts waste pickers at higher risk of exposure to COVID-19, especially since waste is often not properly wrapped. Additionally, waste pickers contend with environmental disasters such as collapsing slopes, fires, and waste slides.

Major threats to waste picker livelihoods in the Global South have been triggered by shifts in public policy towards formal management of urban waste. The three main forms are incineration, privatization, and urban space restrictions. With incineration, large public subsidies fund incineration technologies. Recycling is preferable to burning, in terms of both the livelihoods of waste pickers and environmentally as incineration bears risks of CO2 emissions and air pollution. In situations of privatization, corporations consider waste to be a resource to the detriment of waste pickers. In Johannesburg, South Africa, Genesis landfill was privatized and waste pickers were violently evicted. The formal criteria in municipal waste management contracts end up excluding waste pickers. With urban space restrictions, the prohibition of animal or human drawn vehicles is an example of how restrictions can affect waste pickers. The installation of “smart” or anti-poor waste containers with locking lids in Buenos Aires and Bogota is another example. Waste pickers are physically excluded in the name of creating modern, hygienic city centers. “Recognition of the contribution that waste pickers make is growing in some countries. But most still face social marginalization, highly unsuitable working and living conditions, and most recently a global trend of privatization of waste management that threatens to deprive them completely of their livelihood.”

Gender-based violence and discrimination
Due to the fact that waste pickers are seen to live at the bottom of the economic pyramid, they are discriminated against. They are often associated with disease, squalor, and are perceived as a nuisance. In many cases, they are even perceived as criminals. The social stigma is exacerbated when class intersects with gender, racial, ethnic and religious discriminations. Waste pickers are usually poor immigrants from rural areas and/or socially marginalized groups.”
Much of the violence experienced by waste-pickers is associated with the fact that their workplace happens to be in public space. They complain of harassment, physical abuse, and beatings from state figures as well as violent arrests, evictions, and immigration status investigations. They also claim that they are harassed and abused by the public. Like street vendors, they face propositions of transactional sex for access to waste and recycling processes and rape. They also face violent enforcement of gendered division of labor and can experience domestic violence and even murder.

Women waste pickers may also have frequent territorial disputes with male immigrant waste pickers specifically due to a large influx of immigrants. There are also reports of women waste pickers having less access to reusable waste than men which contributes to a lower income.

Women’s health
The toxic chemicals, organic substances, and other dangerous materials with which waste pickers frequently interact can have serious implications for women’s health. However, adequate data and research are still lacking on this subject. A range of health problems caused by hazardous or mismanaged household waste has been documented, including but not limited to respiratory problems, infectious diseases, gastrointestinal issues, muscle pain, chronic bronchitis, musculoskeletal damage, and fever. Waste pickers in Ghana frequently burn and cut their hands. When household waste is mixed with hospital waste, it can cause serious infections, including the hepatitis B virus, placing waste pickers, who generally lack healthcare, at great risk of chronic health issues or even death. Many types of waste have been shown to cause harm to women’s reproductive health, especially during pregnancy. Some of the particular concerns regarding women waste pickers who work in contaminated sites is a potentially higher risk of fetal impairment during pregnancy, neurodevelopment disorders in children, and issues with breastfeeding. Research published by BMC Public Health reports that the breast milk of waste pickers contained higher concentrations of lead and other compounds.

Lacking job security, many women waste pickers may be forced to jeopardize their own health in order to preserve their livelihoods. Maria del Carmen Loza, a Mexican waste picker, reported that her lack of job security caused her to return to work eight days after giving birth, otherwise her collection route would be given to someone else. Further, women and girls are vulnerable to sexual abuse and sexual assault, but have little capacity to seek healthcare or support because they already live on the “fringes of society.”

Case Studies
Waste Pickers’ Working Conditions in Pune, India
In Pune, 92 percent of waste pickers are women and almost all of them are Dalit, of the lowest caste. 50 percent of these women are the primary earners for their families and have to travel mostly on foot, covering a distance of up to nearly 7.5 miles per day with loads of up to 90 pounds, earning an average of $1.12 USD per day. Additionally, their work is extremely hazardous. Without protective gear, women use their bare hands to rummage through “putrefying garbage containing glass shards, medical waste, dead animals, toxic chemicals, and heavy metals,” collecting bits of reusable and repairable materials. Many sustain repeated injuries, illnesses, and diseases such as tuberculosis, scabies, asthma, respiratory infections, cuts, and animal bites as a result of their work. Other risks include injury from falling items in the mountains of waste in the city’s dumps or being hit by moving vehicles while collecting materials. Without rights to
the waste, they sift through, waste pickers are also often accused of theft, forced to endure sexual harassment, and pay bribes to police and municipal workers to continue their work. Their children also suffer from the stigma against waste pickers and are refused admission in schools.419 Despite all these risks, however, women still decide to continue working as waste pickers because it affords them greater “independence, flexibility, and relative freedom from the feudal and abusive relationships prevalent in [other fields].”420

Buenos Aires Installs “Anti-Poor” Waste Containers
Buenos Aires has installed “smart” waste containers in one of the city’s main streets which has been seen as an attack on waste pickers in the area. The containers can only be opened by magnetic cards and, once the container is locked, the lid remains blocked and the contents of the container are thus inaccessible.421 The containers are seen as a discriminatory measure against waste pickers that aims to hide poverty, rather than finding a solution to it, critics say. Workers with the Federation of Waste Pickers and Recyclers of Argentina (FACCYR-CTEP) led a protest in response and were met violently with tear gas and rubber batons and beatings by local police.422 The protests did prevent further “smart” containers from being placed within the city, but the ones already installed remain. Buenos Aires is not alone in restricting waste pickers’ access to their livelihood. Waste pickers across the world are facing increasing erasure and suppression, being pushed out by large waste processing companies or by municipal measures.423 Social stigma against waste picking contributes to a lack of recognition of waste picking as legitimate work. The lack of protections for waste pickers combined with their often intersecting, marginalized identities contributes to a lack of respect for their very humanity, making it easy for cities to replace them with waste receptacles or other forms of waste collection.

Examples of positive normative developments and organizing
Co-Operatives in Countries like Brazil and India Make Big Improvements in Workers’ Lives
The largest national organization of waste pickers is in New Delhi, India: the All India Kabadi Majdoor Mahasangh (AIKMM) has some 40,000 members. AIKMM is also a trade union.424 Brazil’s National Movement of Recycled Material Collectors (MNCR), which was established in 2001, has been instrumental in calling for changes in law and policy.425 Other worker co-operatives have been formed in the Brazilian cities of Rio, Belo Horizonte, Recife, Niteroi, and Salvador.426 One of the most successful waste picker co-operatives in Brazil is Coopamare: members earn $300 USD per month, which is twice the minimum wage in Brazil.427

Ahmedabad and SEWA
SEWA began working with waste pickers in Ahmedabad, India in 1974. In 2008, more than 76 percent of the city’s waste pickers were SEWA members. They clean 37.5 percent of the nearly 3,500 tons of waste the city produces every day.428 “Waste pickers reportedly work for more than 12 hours in any given day in extremely hazardous and grueling conditions, as they sort garbage with their bare hands in designated dump sites. At these sites, they are subjected to harassment from security guards, infection, animal bites, and poisonous fumes.” A 60-year-old waste picker noted SEWA’s impact through Gitanjali, their women-owned women-run social enterprise: “I used to get up in the wee hours of the morning to pick waste. Often dogs will roam around and bite one of us. My knees used to hurt a lot while picking waste but now (that I work at Gitanjali) it is better.”430
SEWA has supported waste pickers by approaching textile mills and arranging for waste pickers to collect and sell rags and other waste generated by mills. They also secured the right for waste pickers to go door-to-door to collect household waste and lobbied the local municipal government for waste pickers to collect certain categories of waste at no cost or reduced cost. In response to activism in 2011, the Ahmedabad Municipal Corporation, facilitated by SEWA, provided waste pickers with ID cards allowing them to collect waste from private dumps. SEWA also offers waste pickers in its network access to healthcare, childcare, and housing and banking services.

**KKPKP and SWaCH Members Organize for Waste Pickers’ Health Rights**

The Kagad Kach Patra Kashtakari Panchayat (KKPKP), the union which has represented Pune’s waste pickers since 1993, came together in 2009 to create the Solid Waste Collection and Handling (SWaCH) co-operative of self-employed waste pickers to improve their welfare, autonomy, and health status. The vast majority of these waste pickers are women (90 percent), with 30 percent in women-headed households, and almost all of them come from “untouchable” or Scheduled Castes. Nearly half (45 percent) of these women contribute to more than 50 percent of their household income. Since the establishment of SWaCH in 2014, there are over 3,000 individuals who were previously waste pickers working as door-to-door waste collectors in Pune.

SWaCH has fought to ensure that these workers have health insurance, provided by the Pune Municipal Commissioner and that they hold regular meetings to discuss nutrition, sexuality, reproductive health, and occupational safety. The co-operative not only provides crucial safety equipment, but also aims to redesign equipment, amenities, and social security in such a way that would better serve workers. The women waste-pickers have also been taught how to respond to stigma in hospitals and hospitals’ excuses to avoid providing treatment to patients who cannot afford the full cost of care. Through KKPKP and other unions’ interventions, some union members have been able to recover fees that they paid under duress to these hospitals. As India’s first wholly worker-owned co-operative of waste pickers and collectors, SWaCH has made incredible change by establishing the government’s recognition of waste pickers and their responsibility to ensure waste pickers’ health by providing for their healthcare. A positive shift in public opinion and popular attitudes regarding waste pickers has been noted since the co-operative was established.

**Law and Policy in Brazil**

In 2001, the “collection of recyclables,” or waste picking, was included as a profession in the Brazilian Occupation Classification (CBO). This legal recognition allowed for waste pickers to be included in official statistics, enabling official research and monitoring of waste pickers’ work, living standards, gender demographics, and contributions to their municipalities. Another federal legal instrument that promotes the social inclusion of waste pickers is Presidential Decree 5940/06 which was presented at the 5th Annual Waste & Citizenship Festival held in Belo Horizonte in August 2006. The festival was organized with the participation and consultation of waste picker representatives. This presidential decree declared that “Solid Waste Selective Collection” was to be implemented in all federal public buildings in Brazil and that the material generated was to be delivered to waste picker organizations. This decree effectively and officially recognized the labor of waste pickers and established that their work was legitimate, allowing them to generate income from federal public building waste. After years of debate and advocacy, the National Solid Waste Policy was finally
approved in July 2010. According to Sonia Dias, WIEGO Waste Sector Specialist, “This law is outstanding in its recognition of waste pickers, turning what has been a government policy over the years into law.”

**Sex Workers**

*Who they are*

Sex workers’ employment arrangements and workplaces are diverse and include full-time work, part-time work, self-employment, and, in some cases, formally recognized employer-employee relationship. In addition to working in the informal sector, which already typically excludes workers from legal protections and social services, sex workers’ labor is frequently criminalized and specifically targeted by governments as a moral and social ill. Due to the stigma against and criminalization of their work, it is difficult to survey how many sex workers there are in the world, though different estimates place their numbers in the millions.

*Obstacles they face*

Sex work has yet to be recognized as a legitimate income-generating activity. In many countries, sex work is criminalized, thereby excluding sex workers from national labor laws and fueling stigma, social marginalization, and mistrust of police, social services, and other authorities. Precarious working arrangements leave sex workers susceptible to exploitation, violence, and harassment, especially GBV and harassment. The vulnerability of sex workers is the result of “labor rights violations; lack of legitimacy as an occupation; and criminalization of...[sex workers, sex work, and sex workers’ efforts] to work collectively and organize.” Sex work is inappropriately regulated by criminal law and instead should be treated as a labor rights issue to allow space for sex workers to participate in civil society and to advocate for their rights without fear of stigma, isolation, or harassment.

In countries that criminalize sex work, it is found that sex workers will take risks to avoid police attention, which includes “working in isolated areas or agreeing to unprotected services in rushed negotiations with clients,” increasing their vulnerability to contracting sexually-transmitted infections, experiencing GBV, and more. Additionally, the conflation of sex work and sex trafficking often leads to “coercive rehabilitation measures by the State.” The CEDAW Committee has noted that “women in sex work were being persecuted as a result of measures to address trafficking, through measures such as raid and rescue operation,” which were also shown to be largely ineffective and used to arbitrarily detain and harass sex workers. In November 2020, the CEDAW Committee released General Recommendation No. 38 on trafficking in women and girls in the context of global migration. It has been critiqued by some advocacy organizations and networks of sex workers as being regressive with regard to the recognition of sex workers’ basic human rights.

The exclusion of sex work from mainstream recognition of work creates barriers to access to justice that permits impunity for perpetrators of violence. Moreover, this exclusion often leaves sex workers without access to sick pay, pensions, unemployment benefits, maternity or paternity benefits, disability benefits, and workers’ compensation for injuries sustained at work.
Women’s health

Sex workers, particularly women, are vulnerable to denial of their right to health, which includes equitable and sustainable access to quality goods and services for the prevention, treatment, care, and support of sex workers’ health and rights. They face increased vulnerability to HIV due to “stigma and discrimination, violence and punitive legal and social environments,” which “limit the availability, access and uptake of HIV prevention, treatment, care and support for sex workers and their clients.” Often times, popular discourse around sex workers’ health is “reduced to only sexually transmitted diseases,” due to stigma against sex workers and sexually transmitted infections. However, the reality is that “women and transwomen in sex work have bodies that need healthcare and treatment services that go beyond their sexual behavior patterns.”

Furthermore, many HIV/AIDS prevention efforts still exclude or dehumanize sex workers. In support services provided by governments or government-aided programs such as in India, “the AIDS discourse has professed that women in sex work are at greater risk to HIV infection than other categories of women... though it was deemed important to work with the female sex workers, the intent was to ‘save’ male clients.” Unlike married women and the general population, who are considered to be “innocent” and should be protected from HIV/AIDS, social stigmas against sex work portray the sex worker as someone who “deserves to get infected thus justifying the discrimination they face in the health system” due to their perceived “immoral sexual practices.” In other cases, sex workers have been forced to undergo medical tests including HIV/AIDS testing and syphilis testing without informed consent. In a 2018 research report conducted by SANGRAM, 73 women in the Pune, Jalgaon, and Satara districts in Maharashtra reported that they were picked up in raid operations and forced to have their blood drawn for testing. The results of these tests are not always given to the sex workers themselves and are often used by courts to incarcerate them. Sex workers have also reported being abused in hospitals; they are “made to wait for inordinate lengths of time to access Ante Retroviral Therapy (ART) or thrown out by doctors who refuse to treat them.” This discrimination has life and death consequences.

The intense social isolation faced by sex workers due to stigma from family and society can have an extremely damaging impact on their mental and emotional health which can cause severe stress, depression, and substance abuse. Sex workers with mental health issues may also be rejected by hospitals or rehabilitation centers and may be forced to live on the street at great risk to their health. Further, sex workers are also often harassed or discriminated against when they seek abortion services, at times being forced to “pay exorbitant amounts of money to undergo abortion services,” berated by “moralistic hospital staff,” asked to bring their husbands or other family members, and more. Fear of stigma, discrimination, and violence from healthcare providers, police, and other state actors makes many sex workers unlikely or unwilling to seek medical help or to report violence against them.

Gender-based violence

With little to no protections, sex workers facing discriminatory and punitive legal and social environments contend with high levels of violence, stigma, abuse, and other human rights violations. They are highly vulnerable to rape, sexual assault, coercion, and violence both in and out of their work, which often goes unrecognized, in part stemming from dehumanizing beliefs that sex workers cannot be raped due to the nature of their work. These forms of violence are
varied, but may include intentional and nonconsensual lack of condom use, physical assault, sexual assault and rape, and emotional or psychological violence. Sex workers may also be denied food or other necessities, refused salary or money that is due to them, forced to consume illicit substances, or subjected to invasive and coercive health procedures, such as sterilization and abortions.469

**Violence from state actors**
Encountering police and state actors is often a serious threat to sex workers’ wellbeing, especially in places where sex work is criminalized. According to the Global Network of Sex Work Projects (NSWP), 42 percent of sex workers in Eastern Europe “reported having experienced physical police by the police” and over one third of sex workers surveyed reported having experience sexual violence by the police.470 Transgender sex workers who were interviewed reported higher levels of police violence than cisgender sex workers, and all of the transgender sex workers who were interviewed reported both physical and sexual assault by the police.471 In many instances, these police fines, arrests, and interactions are unofficial, undocumented, and often involve extortion. Sex workers may be forced to hand over their money, jewelry, and/or phones to police officers which places additional economic burdens on them and makes them even more vulnerable to the cycle of harassment and abuse.472

In some places, police also conduct raids on sex workers, picking them up in “often violent operations conducted by the police and NGOs,” incarcerating, detaining, and forcing them into rehabilitation homes despite women stating that they are consenting sex workers.473 These “raid and rescue missions” are often ineffective: “a research study conducted between 2016-17 by SANGRAM and its partners found that over 70 percent of women in sex work who had been apprehended during ‘forced raids’ had returned to sex work after release.”474 Some reported that police set fire to their homes or destroyed their houses to prevent them from speaking out against the raids.475 In a 2019 study conducted by Ganika Collective with sex workers in Nagpur, India, 14 women described being pulled by their hair, slapped, and abused during raids.476 The women in the study also said they were separated from their children and families and refused any legal assistance. Reports from sex workers in Andhra Pradesh and Telengana, India described poor living conditions and violence in “rehabilitation” and shelter homes. “The women were given left over food and when the sex workers protested, they were kept in dark homes and beaten.” In one case, a sex worker reported that “her children were forced to beg and live on the street when she was in the rescue home.”477 In some cases, sex workers move their homes permanently to avoid being caught in repeated raids.478

**Migrant status**
Migrant sex workers face additional challenges when it comes to protecting their rights because their lack of citizenship status in their work country often excludes them from more government-provided and public services. However, as migrants, whether documented or undocumented, they experience far more limited political, economic, and social rights, increasing their vulnerability to exploitation as “their labor is unrecognized, if not directly criminalized, in host countries.”479

Sex work is often conflated with sex trafficking which leads to anti-trafficking strategies that impact the rights of non-trafficked adult women sex workers. Anti-trafficking strategies may include forced raids, forced rehabilitation,
incarceration, refusal or restriction of identification documents or important legal and social documents, and often result in stigma, discrimination, and denial of a safe working environment and labor protection for women and trans women in sex work, according to SANGRAM. Migrant sex workers in particular are often detained in detention facilities without due process. They are routinely denied health services and face high risks of violence and abuse in detention facilities.

The impact of COVID-19
Sex workers are at heightened risk of contracting COVID-19 if they continue working and are excluded from basic social protections and emergency assistance. Additionally, COVID-19 has been used as an excuse to conduct more police raids on sex workers, “compulsory COVID-19 testing, arrest and threatened deportation of migrant sex workers.”

Case studies
Police Raids and Violence against Sex Workers in India
In 2018, SANGRAM published Raided, an e-book on the research and findings of their joint study with Veshya Anyay Mukti Parishad (VAMP) on the impact of anti-trafficking laws on sex workers in India, with data from 243 women who were raided between 2005 and 2017. The report’s findings illustrate how these “raid-and-rescue” operations by police violate sex workers’ human rights, placing sex workers in abject living conditions in rehabilitation centers, abusing and degrading them in police detention and rehab centers, and intensifying financial burdens for sex workers’ families when the primary earner is incarcerated or detained. Many sex workers reported a lack of medical care and sanitary facilities, often describing experiences of extreme trauma or sickness without any treatment from the institution where they were placed for “rehabilitation.” Once sex workers are finally released, many times through bribing the staff or the police, the vast majority of them return to sex work, according to the report. The “raid and rescue” approach taken by the state, when viewed in the context of the fundamental right to life and livelihood, grossly interferes with the right to earn a living. The report’s case studies amply illustrate the coercive nature of “rescuing” adult sex workers without their consent and incarcerating them.

Kenyan Sex Workers Face Violence and Discrimination in COVID-19 Lockdown
Women sex workers have always faced higher risks of violence due to the lack of protection for their work and social stigma, but Kenya’s COVID-19 policies have been followed by a surge in physical attacks and killings of sex workers. Kenya does not explicitly criminalize sex work, but the law forbids “living on the earnings of sex work” and “soliciting or importuning for immoral purposes” which results in a “very hostile work environment.” The COVID-19 pandemic has given police excuses to take advantage of these policies and conduct more regular raids and attacks against the sex worker community, according to Phelister Abdalla, the national coordinator of Kenya Sex Workers Alliance (KESWA). The lockdown has closed brothels and guest houses and without financial aid from the government some sex workers have been forced to “disregard usual safety norms to make a living, exposing them to increased violence” on the streets, in clients’ residences, or in their own homes. KESWA has documented six murders of sex workers since Kenya imposed its curfew on March 27.
**Examples of positive normative developments and organizing**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, also known as the Migrant Workers Convention, defines the migrant worker as “a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national.” Migrant sex workers should also be included under this definition and therefore protected under the list of provisions in the convention which includes the right to protection of the law against “arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation,” “arbitrary arrest or detention,” the rights to the same standards and conditions of work as “nationals of the State of employment,” and more.

CEDAW General recommendation No. 26 on Women Migrant Workers

CEDAW General recommendation No. 26 reaffirms the protection of all migrant women under CEDAW against sex- and gender-based discrimination. The recommendation elaborates upon the specific vulnerability of women migrant workers and provides suggestions on how to uphold their human rights or provide redress if their rights are violated. It notes the “significant increase in the number of women migrating alone as wage earners” in response to the high demand for women as “entertainers.” Countries are obligated to protect the human rights of migrant sex workers, whether documented or undocumented, which means providing access to legal remedies, appropriate health services, protection from discrimination and GBV, as well as freedom from cruel or degrading treatment such as physical or sexual abuse. Migrant sex workers in detention must be given due process and appropriate legal aid. They also must not be prevented or restricted from using courts or other systems of redress if their rights are violated.

New Zealand’s Sex Worker-Inclusive COVID-19 Response

In the government response to COVID-19, New Zealand provided the “same government subsidies to sex workers as they did to workers in other industries who were impacted by the pandemic.” Additionally, the New Zealand government worked with the New Zealand Prostitutes Collective (NZPC) to ensure that sex workers who needed support and aid were able to access it quickly. As the lockdown was eased and quarantine restrictions lifted, the government continued to consult the NZPC for advice on sex workers’ return to work and to produce guidelines and a return to work date, respecting the NZPC as advisors to the government on sex work issues. In addition to decriminalizing sex work in 2003, New Zealand has taken proactive steps to recognize and respect sex work as work. However, it should be noted that New Zealand’s policies are still imperfect. Because temporary migrants are prohibited from working in the sex industry, migrant sex workers in New Zealand were unable to access government support, making them especially vulnerable during the lockdown.

India’s Human Rights Commission’s Recent Order on Sex Workers

The National Human Rights Commission of India released the “Human Rights Advisory on rights of Women in Context
of COVID-19,” listing recommendations for women and work, including sex workers.502 The National Human Rights Commission created a Committee of Experts on the Impact of Covid-19 Pandemic on Human Rights and Future Response, which included representatives from civil society organizations, independent domain experts, and members from relevant ministries.503 After extensive impact assessment and recommendations made by the Committee of Experts, including several recommendations made by the Commission by the National Network of Sex Workers, an umbrella organization made up of 19 groups across India, the National Human Rights Commission issued the 11-page advisory.504 The advisory has recommended that state governments provide assistance and relief to sex workers and that temporary documents should be issued to sex workers to give them access to welfare measures including the Public Distribution System (PDS), as many do not currently possess ration cards or other citizenry documents.505 Additionally, the advisory stated that migrant sex workers should be included in schemes and benefits extended to migrant workers.506 The advisory also calls on governments to recognize that sex workers who are in “non-traditional living arrangements are prone to domestic abuse from partners,” encouraging Protection Officers to respond to and act on these reports of violence.507 Additionally, the advisory urges state governments to ensure access to free testing and treatment of COVID-19, provide soap, sanitizers, and appropriate masks to all sex workers at different localities, and ensure access to general healthcare services, especially for the prevention and treatment of HIV and other sexually transmitted infections.508

Promising Practices and Measures to Recognize and Address Gender-Based Violence in the World of Work

National government responses

• In Zambia, the definition of “workplace” in national policies includes “any place where the employees work or are likely to work, or which they frequent or are likely to frequent in the course of their employment or incidental to it.”509

• India’s workplace sexual harassment protection policy includes students, customers and clients, trainees, apprentices, and volunteers as well as informal workers.510

• Barbados’s Bureau of Gender Affairs launched an internal working committee tasked with developing a national framework to address GBV within a human rights framework, recognizing that women’s social, economic, civil, and political rights are “causally connected and mutually reinforcing.” The committee will review the state’s National Plans of Action and develop those policy strategies to reduce GBV accordingly. Finally, the committee is responsible for implementing a public education program to increase competencies and strengthen accountability.511

• The ILO credits Cabo Verde’s use of both contributory and non-contributory schemes for the successful expansion of social protection coverage. Cabo Verde’s coverage rate continues to be one of the highest in the region, which also stems from the Special Rapporteur on the right to development’s social consultation council approach which engages numerous stakeholders in the policy process. These developments are particularly significant given that 48 percent of all families in Cabo Verde are headed by women and women spend about 62 hours per week on unpaid work in contrast to men’s average of 38 hours.512
• **Norway** adopted an action plan in 2009 aiming to improve the quality of life among those who identify as lesbian, gay, bisexual, and trans, calling for research on social exclusion and its psychosocial effects in the world of work and proposing strategies for enhancing workplace protections and inclusion.513

• The Ministry of Labor and Social Security in **El Salvador** conducted two campaigns—“Equal Work, Equal Pay” and “Decent and Violence-Free Work for Women”—in addition to its creation of the Gender Equality in the Workplace Alliance. Each of these programs encouraged institutions to participate in the state’s Gender Equality Seal certification scheme that works with employers to close gender-based wage gaps. Moreover, the Ministry of Labor and Social Security runs a national wage gap plan targeting the industrial, commercial, services, and agricultural sectors. For women victims of violence and harassment, the state established a network of supportive services composed of 126 helplines, including a special unit for gender affairs and the prevention of discrimination in the labor market, a specialized women’s support unit of the Counsel General’s Office, specialized courts for a life free from violence for women, 19 local victim support offices run by the Ministry of Justice and Public Security, and 101 special support units for women.514 The Ministry of Labor and Social Security also developed a national training model for labor inspectors on discrimination and other forms of harassment, including sexual harassment, in the world of work. These inspectors then conduct preventive inspections aimed at identifying all types of violence against women, including harassment, sexual harassment, violence, and ill-treatment.515

• The Ministry of Employment and Labor in the **Republic of Korea** developed a smartphone app for workers to report sexual harassment which then connects workers to a labor inspector at a local employment and labor office and a therapist that can attend to the worker via email.516

• **Ethiopia** adopted a plan to revise sentencing guidelines for crimes of GBV and sexual violence under the Criminal Code, requiring judges to increase the existing threshold for penalties when sentencing perpetrators.517

• **Sweden** employed a restorative justice framework to its workplace violence and harassment policies by placing the onus on employers to find solutions, some of which include consultations with therapists, workplace community conversations, and training and transfers in those cases involving “acute disagreements and intractable interpersonal problems.”518

**Under COVID-19**

• **Canada’s** government included a $50 million CAD budget allocation for shelters for women facing sexual and other GBV during COVID-19.519

• **Argentina** implemented policies designating pharmacies safe spaces for victims of abuse to report. This state-sponsored campaign invites women victims of violence to go to or call a pharmacy and ask for a red surgical mask to seek assistance.520

• Day care facilities and canteens remained open in **Costa Rica** to ensure that wage-earners in vulnerable families, particularly female heads-of-households, can stay at work and provide their families with basic necessities.521 Moreover, the government reduced all interest rates for credit to co-operatives and for business projects that
aim to support youth, women, older adults, indigenous people, afro-descendants, migrants, and people with disabilities.522

- Madagascar's COVID-19 response included a social emergency plan that extends social and supportive benefits to street merchants, washerwomen, and sex workers.523
- During COVID-19, Portugal categorized protective and assistive services to victims of gender-based violence as essential activities thereby permitting these resources to continue operating during lockdowns.524
- In its commitment to provide safe, accessible, and comprehensive sexual and reproductive health services, the government of the United Kingdom changed its abortion regulation to allow for women to take abortion pills at home without having to travel to a clinic.525
- Spain’s “Estamos Contigo: La Violencia de Género la Paramos Unidad” (“We are with You: United We Stop Gender-Based Violence”) campaign which informs victims of services such as a 24-hour helpline and e-mail address, psychological aid accessible through WhatsApp and similar applications, and legal services available in 52 languages and accessible to people with disabilities. This information also contains specific resources for women living with perpetrators, women who have children with their abusers, and women concerned about leaving pets behind.526

Examples of advocacy in relation to ILO C190

Fiji: In June 2020, Fiji became the second country to ratify the ILO Convention on Violence and Harassment (C190).527 Ratification of this historic convention came after advocacy and organizing women’s rights organizations in Fiji, such as the Fiji Women’s Rights Movement (FWRM) which campaigned for the ratification of the convention in solidarity with the Trade Union in Fiji.528 Leading up to the Women’s Global Strike in 2020, FWRM carried out a campaign to promote workers’ rights and decent work during the 16 Days of Activism campaign in 2019 which included raising awareness of the prevalence of sexual harassment against women in the workplace and solidarity messages with the Trade Union for Fiji to ratify C190.529 A human rights framework is crucial to FWRM’s work in legislative reform and advocacy.530 As the Chair and Secretariat of the CEDAW NGO/CSO Working Group and the NGO Coalition for Human Rights, FWRM holds the state of Fiji accountable through parliamentary submissions, shadow reporting for CEDAW and the Universal Periodic Review, and media statements, putting forward recommendations and questions for the state.531 FWRM emphasizes the importance of evidence-based advocacy, which “has always been the key strategy for FWRM to lobby for reform and ratification of treaties.”532 For example, FWRM used findings from their 2016 follow-up study on sexual harassment in the workplace to develop a national media campaign.533 Additionally, their partnership with other civil society organizations, women’s groups, and the Trade Union of Fiji was integral to spreading awareness and increasing visibility in order to successfully demand the ratification of Convention 190.534

United States: The University of Miami School of Law Human Rights Clinic supported the Voces Unidas Coalition, a coalition of four South Florida-based community organizations for community justice, by drafting a civil society submission for the UN’s Universal Periodic Review of the United States.535 This documented human rights violations against low-paid
migrant farm workers, domestic care workers, and plant nursery workers. They followed the framework of C190 in their submission and requested ratification of the convention. In explaining their approach, the clinic 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.” Additionally, widespread adoption of C190 will raise standards everywhere when it comes to addressing and eradicating GBV in the world of work.
Sources

2 Ibid., 14.
3 Ibid., 6.
7 Ibid.
13 Ibid., Art. III.
14 Ibid., Art. I.
15 Ibid.
20 Ibid., Para. 11-19.


Ibid., Para. 11.


Ibid., Para. 57.


Ibid., 4, Para. 12.


Ibid., 18, Para. 94-95.


Ibid.

Ibid.

“Ibid. 98, 48.


Ibid., Para. 98.

“General Recommendation 25 on gender-related dimensions of racial discrimination,” Committee on


Ibid.

Ibid.

“Ibid.”

“Ibid.”


Ibid.

“Ibid.”

“Ibid.”


“Ibid.”

“Ibid.”


“Ibid.”


“General Comment No. 22 on the right to sexual and reproductive health,” Committee on Economic, Social, and Cultural Rights, 2016, Para. 27, http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4silG6O5mIB6DzFEOVluWiOa5zab00Xt6imns/JZZVQFGeiF41To64CvjeTiAP6sGFQktiae1Vlb-boaekmaowDOWsUe7N8TLm%2BP3HJPzjHySkUoHMavD%2Fpyfcp3Ylg.


Ibid.


Ibid.


Ibid.


“Concluding observations on the second periodic report of Qatar,” Committee on the Elimination of Discrimination Against Women, 2019, Para. 18, https://uhri.ohchr.org/Document/File/a860e01a-d08e-472e-a334-f3377b3ef524/244d8a92-7ca4-4d5e-af63-a8f5443d0b5.


Ibid., p.6.

Ibid.


Ibid.

Ibid.

Ibid., 3, Para. 1.


Ibid.

Ibid.

Ibid.


Ibid.

Ibid.

Ibid.


Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.


Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.


Ibid.


Ibid.

Ibid., Para. 32.

Ibid.


Ibid.

Ibid.


Ibid.

Ibid., 14, Para. 62.


Ibid., 8, Para. 60.


Ibid.


"Nepalese Migrant Worker Free After Wrongful Imprisonment in Malaysia," Center for Reproductive
167 Ibid.
168 Ibid.
169 Ibid.
170 Ibid.
172 Ibid.
173 Ibid.
174 Ibid.
175 Ibid.
178 Ibid., 2.
180 Ibid., Para. 29.
181 Ibid., 8, Para. 36.
182 Ibid., 19, Para. 101-103.
184 Ibid., p.2.
188 Ibid.
190 Ibid., 17, Para. 58.
191 “Concluding observations on the seventh periodic report of Ukraine,” Committee on Economic, Social, and Cultural Rights, 2020, Para. 24-25, http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4siQ6QSmIBEDzFEovLCuWx7QYzyYjJGL8qwRlmzDL%2fvGZYen3i0iuQ8QMBJeVxr4Ja-on%2fqi7IPnOTr2gopfl3jrlZxaYp9bJQEOGGA9vo56YHo%2bRUVpQf%2f%bJpO8h.

Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.

Ibid.


Ibid.


Ibid.

wiego.org/informal-economy/occupational-groups/domestic-workers.
Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.


Ibid.

Ibid.

Ibid.


Ibid.


Ibid.


Ibid., Para. 2.

Ibid.

Ibid., 2, Para. 3.

Ibid., 4, Para. 3.

Ibid.

Ibid.

Ibid.

Ibid. Para. 6.
249 Ibid.
250 Ibid., 4.
252 Ibid., 4, Para. 2.
255 Ibid.
260 Ibid.
261 Ibid.
262 Ibid.
263 Ibid.
264 Ibid.
265 Ibid.
266 Ibid.
268 Ibid.
269 Ibid.
270 Ibid.
271 Ibid.
272 Ibid.
273 Ibid.
277 Ibid.
279 Ibid.
280 Ibid.
281 Ibid.
282 Ibid.
283 Ibid.
284 Ibid.
287 Ibid.
288 Ibid.
291 Ibid.
292 Ibid.
293 Ibid.
295 Ibid.
296 Ibid.
297 Ibid.
299 Ibid.
300 Ibid.
301 Ibid.
302 Ibid.
304 Ibid., 5.
306 Ibid.
307 Ibid.
308 Ibid.
312 Ibid.
313 Ibid.
<table>
<thead>
<tr>
<th>Page</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>314</td>
<td>Ibid.</td>
</tr>
<tr>
<td>320</td>
<td>Ibid.</td>
</tr>
<tr>
<td>321</td>
<td>Ibid.</td>
</tr>
<tr>
<td>324</td>
<td>Ibid.</td>
</tr>
<tr>
<td>325</td>
<td>Ibid.</td>
</tr>
<tr>
<td>326</td>
<td>Ibid., 8, Para. 26.</td>
</tr>
<tr>
<td>328</td>
<td>Ibid.</td>
</tr>
<tr>
<td>330</td>
<td>Ibid.</td>
</tr>
<tr>
<td>331</td>
<td>Ibid.</td>
</tr>
<tr>
<td>333</td>
<td>Ibid.</td>
</tr>
<tr>
<td>337</td>
<td>Ibid., 9.</td>
</tr>
<tr>
<td>339</td>
<td>Ibid.</td>
</tr>
</tbody>
</table>
341 Ibid.
342 Ibid.
343 Ibid.
344 Ibid.
345 Ibid.
346 Ibid.
348 Ibid.
349 Ibid.
350 Ibid.
352 Ibid.
353 Ibid.
355 Ibid., Art. 8.
356 Ibid., Art. 21.
359 Ibid.
360 Ibid.
362 Ibid.
363 Ibid., 6.
364 Ibid., 74.
366 Ibid.
368 Ibid.
371 Ibid., 5.
372 Ibid.
374 Ibid.


Ibid.

Ibid.

Ibid.


Ibid.

Ibid., 8.

Ibid.

Ibid., 11.

Ibid.

Ibid.


“Concluding observations on the combined fourth and fifth periodic reports of India” UN Committee on the Elimination of Discrimination Against Women, 2014, Para. 22, http://docstore.ohchr.org/Global-Files/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqkhKb7yhsqA84bcFRy75ulvS2cmS%2f%2bhRlfqq-xKiywURS0aVJ0k6sBezpzVIAKQkt7wc58af2oKanQAXf3ZokeF4dLNOQW3aowezgPbWNFk6DxK0dq-BL3jR4b3T%2fI4Sd708kJzmcxvg%3d%3d.


Ibid., 3.

Ibid., 1.

Ibid., 3.


Ibid.
465 Ibid.
466 Ibid.
467 Ibid.
468 Ibid.
471 Ibid.
472 Ibid., 4.
474 Ibid. “Forced raid and rescue” is an expression that has emerged in the Indian sex worker rights movement to describe the practice adopted by anti-trafficking NGOs of conducting raid and rescue operations against the wishes of adult women in brothels. Email correspondence with Aarthi Pai, SANGRAM.
476 Ibid.
477 Ibid.
478 Ibid.
481 Ibid., 4.
482 Ibid.
486 Ibid.
487 Ibid., 63.
488 Email correspondence with Aarthi Pai, SANGRAM.
491 Ibid.
493 Ibid.
495 “General recommendation 26 on women migrant workers,” Committee on the Elimination of Discrim-


“Sixth periodic report submitted by El Salvador under articles 16 and 17 of the Covenant,” Committee on Economic, Social, and Cultural Rights, 2019, Para. 78, http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLv1w%2fH%2f4vptEr4hUabmo93cqAfT%2bSKGmD-5VFe1lLRqmBvQLuNhNZUma0%2fxYT9L2s9dc%2bNlppVTCKICwtrW5jz%2byX2nKi5AL86HbsHZr8%2bER8Vk.


Ibid., 2.


Ibid.

Ibid., 2.

Ibid.


Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

The submission to the UPR was co-drafted by Denisse Cordova Montes, Carla Carden, Kadian Crawford, and Alexis Bay at the University of Miami School of Law Human Rights Clinic, Claudia Navarro at the Miami Workers Center, Guadalupe De La Cruz at WeCount!, Oscar Londoño at Community Justice Project, and Monica Ramirez and Marrisa Senteno at the National Domestic Workers Alliance.
Annex 1: UN Working Group on discrimination against women and girls: Select Country Visits

Women workers in the informal economy are being discriminated against in countries around the world, finds the UN Working Group on Discrimination against Women and Girls

Discrimination against informal women workers can be direct or indirect and it typically results in violence and abuse. Regardless of form or place, it is often tied to harmful gendered expectations of women’s role in society. Country visits by international legal experts affirm that women workers are missing many rights and protections in national legal frameworks. A variety of situations have been recognized as violating the human rights of informal women workers and states have been asked to address them by implementing specific measures. Here are some examples of key findings and recommendations. For more information visit: https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx.

Morocco
Moroccan women in the agricultural sector, specifically those employed on a seasonal, temporary basis to harvest strawberries in Larache, work under difficult conditions. The Working Group was informed that they are “transported in inhumane conditions in vans to and from work, and are subject to other hazards, such as insecticides.” It was discovered that women strawberry pickers in Huelva, Spain, also face similar employment, living, and working conditions. The Working Group noted that these examples demonstrate a lack of enforcement of labor rights for these women workers, whose precarious employment conditions makes them further vulnerable to exploitation.

Select Recommendations:
• Establish effective gender-responsive monitoring and protection mechanisms under the aegis of the National Human Rights Council and other independent national institutions that reach poor and rural communities, including those which address the extreme discrimination faced by women workers in the strawberry fields of northern Morocco.
• Close gaps in legal protection of women’s human rights and for groups in need of specific protection, including domestic and migrant workers, and ensure that vulnerable groups of women benefit from equal protection of the law.

Moldova
In Moldova, citizens are prohibited from emigrating for work if they have “failed to submit written evidence, issued by the competent body for child protection of their residence, of registration of
children who will remain in the country. The Working Group found that women migrant workers face stigmatization based on stereotypical views of their responsibilities in relation to child-rearing. The Working Group was informed that the issue of children being left behind has been dramatized to discourage women from migrating and working abroad. 43 percent of Moldovan migrants are women, many of whom are employed as domestic workers. Young women returning from work abroad face negative treatment in Moldova, including ostracism and heightened risk of rape, due to the perception of having done sex work abroad.

Select Recommendations:

- “Initiate a national campaign to increase public understanding of and support for the elimination of discrimination against women in all fields of life, including for women migrant workers... and all other women in positions of vulnerability.”
- “Support the establishment and development of independent think tanks to improve evidence-based policy discussions and public discourse to address persistent barriers in equality and non-discrimination... to address blind spots in understanding such as on the situation of... women migrant workers and other women in positions of vulnerability.”

Tunisia

Here the Working Group had the opportunity to consider the case of older women in casual agricultural employment and young women in casual employment as domestic workers and noted the occurrence of systemic discrimination in which “multiple grounds of discrimination intersect to produce a serious violation of economic and social rights.” In Jendouba, agriculture depends primarily on female labor, particularly older women, who are paid very low wages. These older rural women are predominantly casual agricultural laborers, who it was reported “are collected every morning from the streets, transported standing in the back of trucks to the farms, and compelled to work long hours for meagre pay.”

Select Recommendations:

- Take immediate action to end slavery-like conditions of employment and provide decent work for all, including for poor rural women who work as casual laborers in agriculture.

Chile

While Chile has laws that provide for paid maternity leave and other additional protections for working women and families, many women are not part of the formal workforce which makes them unable to benefit from these legal protections. It is estimated that there are about 326,000 domestic workers in Chile, 96 percent of whom are women. Live-in female domestic workers
account for around 16 percent of this population. Domestic workers are subject to different statutes than other workers in Chile which are generally far less formal and make workers more vulnerable to exploitation. The Working Group noted that “non-live-in workers can have contracts requiring them to work up to 72 hours a week (as opposed to 45 hours for other workers), and the law makes no provision for overtime, while for other workers overtime is paid at a rate 50% higher than the regular rate of pay.”

Select Recommendations:

- Guarantee equality of rights for domestic workers, avoiding a graduated approach.
- Adopt a specific law to guarantee equal opportunity of employment, with access to justice for workers who are victims of discrimination in the public or private sector.

United States

The Working Group has expressed concern about “the unequal division of family caregiving work, demonstrated by the fact that women are nine times more likely than men to work part-time for family care reasons.” Part-time work means lower earnings, lower social security, less access to paid leave of any kind, less access to health insurance and pension plans, and more. The Working Group noted that “[w]omen are also three times more likely than men to report having left their job because of caregiving responsibilities.” Further, there are an estimated 2.5 million domestic workers in the United States. The overwhelming number of this population are women, frequently immigrant women, many of whom are undocumented. Domestic workers provided testimony to the Working Group of their experiences of verbal and physical abuse and wage theft. The Working Group noted that “[w]age theft also affects other low-income and migrant workers (such as those in manufacturing, construction and some service jobs).”

Select Recommendations:

- Ensure that the Wage and Hour Division within the Department of Labor undertakes proper investigations and increases supervision to hold employers who violate the rights of vulnerable women workers to account.
- Ratify International Labour Organization Convention No. 189 (2011) and apply its provisions to ensure that domestic work is decent work.

Chad

In Chad, only 43 percent of women participate in the workforce, as opposed to 74 percent of men. Women work mostly in the informal retail and services sector (62 percent) and agriculture (29 percent), where they earn low incomes, have no social protection, and may face job insecurity. “While all Chadian women are subjected to discrimination, the experts were informed that some women were particularly vulnerable, such as women with disabilities or HIV/AIDS, widows, older
women, Fulani women (nomadic or semi-nomadic indigenous communities), women refugees and displaced women." Additionally, the culture of silence surrounding sex work makes these workers particularly invisible and more likely to be victims of human rights violations.

Select Recommendations:

- Ratify and implement the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Maputo Protocol, and two fundamental International Labour Organization conventions, namely the Maternity Protection Convention, No. 183 (2000) and the Domestic Workers Convention, No. 189 (2011).
- Conduct in-depth studies on the situation of girls and women victims of multiple forms of discrimination, including domestic workers, indigenous women, older women, widows, displaced and refugee women, women in prostitution/sex workers, and lesbian women, with a view to taking appropriate measures to better protect and empower members of these groups.

Hungary

The Working Group noted the considerable impact of conservative stereotypes about women's role in society on women's participation in the labor market. A survey conducted in 2008 on gender stereotypes revealed that Hungarians were more likely than citizens in other countries of the European Union to support the notion that “men should be prioritized for employment when jobs are scarce and that women should be prepared to do less paid work in order to care for their families.” In the agricultural sector, 26 percent of family farm managers are women and 70 percent of family farm workers are women. It was noted that the multiple forms of discrimination to which Roma women are subject, including in employment, is widely recognized but programs focusing on Roma women are limited.

Select Recommendations:

- Improve the remedies for discrimination in employment, for instance by giving the Equal Treatment Authority the power to issue enforcement orders against employers and to award exemplary damages.
- Encourage the sharing of child care responsibilities through legal amendments to allow parents to share the 24 weeks of maternity leave after a minimum of 14 weeks for the mother, ensure equal job protection for fathers who take parental leave, and extend the length of paternity leave.

Kuwait

It was noted that nearly 90 percent of Kuwaiti households employ one or more domestic workers. According to estimates of the domestic worker population, there are about 660,000 domestic workers in the country. The overwhelming majority are migrant women. During the country
visit, the Working Group heard compelling testimonies of abuses, including withholding of wages for years, and physical violence against these workers by employers.\textsuperscript{573} It was reported that perpetrators of violence are not systematically prosecuted and sentenced, despite existing legal safeguards, largely due to low levels of reporting.\textsuperscript{574} Migrant workers are required to undergo a blood test verifying whether they have any infectious or transmissible diseases (such as malaria, hepatitis, or HIV).\textsuperscript{575} If a woman migrant worker is found to be HIV-positive, she is deported back to her country of origin.\textsuperscript{576} National law require all migrants to have a local sponsor (\textit{kafil}) who is also their employer which gives them a considerable amount of power over their workers.\textsuperscript{577}

**Select Recommendations:**
- Ratify International Labour Organization Convention No. 189 (2011) and ensure that national law is in compliance with the convention and that sufficiently funded monitoring mechanisms are in place to ensure efficient implementation.\textsuperscript{578}
- Abolish the \textit{kafala} system and replace it with a regulation ensuring that migrant workers enjoy substantial freedom in the labor market.\textsuperscript{579}

**Poland**
Women have strong participation in the labor force in Poland, but disparities in labor force participation between women and men still persist.\textsuperscript{580} 48.4 percent of women participate in the labor force as compared with 65.2 percent of men.\textsuperscript{581} This number drops significantly for women with young children, older women, women with disabilities, Roma women, and women in rural areas. Furthermore, there are twice as many women (10.8 percent) in part time jobs as men (4.7 percent).\textsuperscript{582} In Poland, the lowest earnings are found in the “feminized professions,” such as the garment industry and cashier jobs, which contributes to a growing phenomenon of working poor women.\textsuperscript{583} Working conditions are often exploitative and legal protection is weak or nonexistent in these low paying sectors and in the informal economy in general. Such is the case for Poland’s domestic workers, many of whom are migrant women from Ukraine. Migrants in “irregular situations,” who make up the majority of sex workers in Poland, have particularly limited access to health services.\textsuperscript{584}

**Select Recommendations:**
- Strengthen legal, policy, and institutional frameworks, with particular attention paid to women who experience multiple and intersecting forms of discrimination, such as minority and migrant women, particularly Roma, women with disabilities, rural women, sex workers, and lesbian, bisexual, transgender, and intersex women.\textsuperscript{585}
- Ensure full access to healthcare services, including reproductive health care and tailored care to address the needs of adolescent girls, women with disabilities, sex workers, rural women, and lesbian, bisexual, transgender, and intersex women.\textsuperscript{586}
**Honduras**

The Working Group observed that in the *maquila* sector, related to the delocalized manufacturing of garments and where labor rights violations have been widely reported, workers are predominantly women. They work arrangement, which takes the form of temporary contracts, prevents them from enjoying the same legal protections and social benefits as other workers. It was reported that “rural women’s travel to urban areas in order to perform this work can cut them off from extended family networks and other forms of social support.” This travel to and from work before and after a long shift also places *maquila* workers’ personal security at risk. The Working Group also received allegations that the salaries in *maquilas* were below the minimum national salary and that employees often suffered from harassment, exploitation, and psychological pressure due to high production objectives, longer working hours, lack of breaks, little time to eat, and no access to drinking water. Weak unions and a lack of knowledge about laws and labor rights (such as laws on collective contracts, social insurance, and the Labor Code) add to the challenges faced by *maquila* workers.

**Select Recommendation:**
- Ensure the respect for labor rights in the *maquila* sector and for domestic workers in accordance with international standards.

**Spain**

In Spain, a disproportionate number of women are part-time workers unable to find full-time employment. “The culture of ‘machismo’ and the social influence of patriarchal religious institutions, combined with the austerity policies implemented in the context of economic and financial crisis of recent years, have had an effect of restricting many women to traditionalist and subordinate roles and undermined their status in economic, social, political and public life. A significant number of interlocutors reported that austerity measures had forced women to assume greater responsibility for care work.” Spain has approximately 569,100 domestic workers, one of the highest numbers in Europe. These workers are predominantly migrant women, many of whom are indigenous women from Latin America. Legal measures have been taken to improve the protection of the rights and working conditions of domestic workers, including inclusion in the social security system. However, live-in domestic workers continue to face harsh working conditions: “employers may deduct up to 30% of the total salary (over the minimum wage) for food and accommodation.”

**Select Recommendations:**
- Remove barriers to the participation of women in the labor force by adopting concrete administrative measures to address the range of problems identified in the present report, such as the lack of opportunities for full-time work, gender gaps in earnings, and the disproportionate
• Ratify International Labour Organization Convention No. 189 (2011) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a further step in protecting the rights of domestic workers.599
Annex 1: Sources


2. Ibid.

3. Ibid., Para. 94.

4. Ibid., Para 89d.


6. Ibid., Para. 67.

7. Ibid.

8. Ibid., Para. 89a.

9. Ibid., Para. 89c.


11. Ibid., Para. 53.

12. Ibid.

13. Ibid., Para. 73a.

14. Ibid., Para. 73b.


16. Ibid., Para. 67.

17. Ibid.

18. Ibid.

19. Ibid., Para. 82h.

20. Ibid., Para. 82f.


22. Ibid.

23. Ibid.

24. Ibid., Para. 59.

25. Ibid.

26. Ibid., Para. 90e.

27. Ibid., Para. 90f.


29. Ibid., Para. 61.
30 Ibid.
31 Ibid., Para. 71a.
32 Ibid., Para. 75m.
34 Ibid., Para. 37.
35 Ibid., Para. 99h.
36 Ibid., Para. 99d.
38 Ibid., Para. 79.
39 Ibid.
40 Ibid., Para. 85.
41 Ibid.
42 Ibid., Para. 28.
43 Ibid., Para. 99h.
44 Ibid., Para. 99i.
46 Ibid.
47 Ibid.
48 Ibid., Para. 32.
49 Ibid., Para. 44.
50 Ibid., Para. 15.
51 Ibid., Para. 85a.
53 Ibid.
54 Ibid.
55 Ibid.
56 Ibid.
57 Ibid. Para. 76d.
59 Ibid.
60 Ibid., Para. 42.
61 Ibid.
62 Ibid.
63 Ibid., Para. 107a.
64 Ibid., Para. 107h.
CEDAW and Informal Women Workers: Promising Practices and Trends

The cases presented in this brief analysis illustrate some promising examples of civil society participation and responses from the CEDAW Committee in relation to informal sector workers.

The CEDAW Committee has shown considerable concern about the concentration of women in the informal sector and repeatedly recommended that states provide social security and other benefits to women working in the informal sector. In recent times, we have seen increased interest in and engagement with CEDAW among women’s rights groups and labor rights advocates to raise issues of discrimination and inequalities faced by women workers employed in the informal sector, including domestic workers, home-based workers, sex workers, seasonal workers, agricultural workers, and fisheries workers. Some groups have directly participated in reviews whereas others have engaged remotely by raising issues through thematic shadow reports. Several global and grassroots NGOs have submitted reports concerning discrimination and rights violations in the informal sector.

In February 2020, HomeNet Pakistan in association with 30 other NGOs and workers’ organizations submitted an alternative report to CEDAW which provided significant critical analysis and identified gaps in policy and government response in addressing the discrimination faced by women in the informal sector such as domestic workers and home-based workers, including challenges concerning the application and outreach of the Sexual Harassment at Work Place Act.

In response, through Pakistan’s 2020 Concluding Observations, the CEDAW Committee expressed concern over the high concentration of women in the informal economy, particularly in the agriculture sector, where they are not covered by labor law and social security programs, including minimum wage protection, overtime compensation, and maternity leave. Similarly, the CEDAW Committee expressed concern about the lack of reliable data on the number of women who are employed in the informal sector, including home-based workers, domestic workers, and unpaid care workers.
CEDAW consistently raises the issues of domestic workers, including migrant domestic workers, during constructive dialogues with state parties. Various women’s rights organizations are providing the Committee with information on the challenges and issues faced by domestic workers. However, the participation of workers or union representatives in shadow report writing and direct engagement in the review is still very low. One promising example in this area is the participation of representatives from the National Union of Domestic Employees in Trinidad and Tobago in shadow report writing and the review process as part of the 2016 NGO coalition. The report highlighted issues stemming from the non-recognition of domestic workers as workers under the Industrial Relations Act, which denies domestic workers the right to social protection, to organize, and to engage in collective bargaining.

In 2017, the National Fisheries Solidarity Movement (Negombo) in Sri Lanka, together with 21 other organizations, including women’s empowerment groups and social movements, submitted a shadow report to CEDAW which raised the issues of women in fisheries and the plantation sector, women domestic workers, migrant laborers, sex workers, women-headed households, rural women and women, employed in Free Trade Zones (FTZs). The report provided a comprehensive analysis and highlighted the lack of decision making by women in the agriculture sector and the division of labor within the family; the lack of leadership and membership in trade unions, farmers’ societies and fisheries cooperatives; the lack of women’s legal ownership of land; security problems, sexual harassment, long working hours in FTZs, and so on.

In response, through Sri Lanka’s 2017 Concluding Observations, the CEDAW Committee recommended that the state use temporary special measures to ensure women’s participation in the leadership of trade unions in rural industries; address the poor working conditions in the fisheries and provide health and counselling support for women with drug addictions; address the pay gap and the denial of maternity leave in rural industries; implement laws and policies to protect and promote the rights of women working in informal sectors as well as FTZs; and ratify International Labour Organization (ILO) Convention No. 189 concerning decent work for domestic workers.

Through Trinidad and Tobago’s 2016 Concluding Observations, the CEDAW Committee demanded that the state intensify efforts to transform and reduce the informal sector of employment, to eliminate structural inequalities and occupational segregation, and to reduce the gender wage gap. In line with the demand made by civil society organizations (CSOs), the CEDAW Committee asked the state to amend the Industrial Relations Act to include domestic workers in the definition of a worker as a matter of priority and to consider ratifying the ILO Domestic Workers Convention No. 189.
Through Thailand’s Concluding Observations, the CEDAW Committee recommended that the state review the Suppression and Prevention of Prostitution Act to decriminalize women in prostitution; investigate and punish individuals who exploit women in prostitution, including government officials; and provide assistance, rehabilitation, and reintegration programs for women and girls exploited in prostitution, in addition to exit programs for women wishing to leave prostitution.

Led by international and regional sex worker networks, including the Global Network of Sex Work Projects (NSWP), the Asia Pacific Network of Sex Workers (APNSW), and the Sex Workers Advocacy Network (SWAN), sex workers have been regularly engaging in the CEDAW review of their states to claim their rights. Unlike many other groups of workers, sex workers are directly participating in the overall process, from shadow report writing to engagement in advocacy during the CEDAW review. In 2017, Empower Foundation Thailand submitted a shadow report to CEDAW detailing the adverse impact of the conflation of sex work with the crime of human trafficking on the rights of sex workers, violent raids resulting in discrimination against victims and witnesses, neglect of labor protections, migrant sex workers being excluded from complying with migrant worker policies, and so on.

The CEDAW Committee has also demonstrated an increased interest in understanding the informal work context and the situation of women employed in informal sectors. A number of factors have contributed to this positive trend, particularly with the involvement of CSOs. The growing global concern regarding exploitative labor practices, high concentration of women in the informal economy, prioritization of labor issues by the women’s movement and the UN, and adoption of new instruments such as ILO Convention on Violence and Harassment (No. 190) have also made the CEDAW Committee pay more attention to the informal sector.

In its Concluding Observations to Andorra in 2019, the CEDAW Committee raised concern over the situation of women seasonal workers in tourist destinations in the mountains with regard to their access to health insurance and contracts and the lack of mechanisms to protect them from low wages and unfair dismissal. The CEDAW Committee recommended that the state guarantee women seasonal workers the same level of protection and benefits as other workers, in particular with regard to holidays, maximum weekly working hours, and regular days of rest.

Similarly, Zimbabwe’s CEDAW Concluding Observations from its review in February 2020 include references to women in the artisanal mining industry and flea market traders and make recommendations concerning discriminatory practices relating to title ownership of mines and discriminatory tax regimes which impact cross-border traders.

In its Concluding Observations to Andorra in 2019, the CEDAW Committee raised concern over the situation of women seasonal workers in tourist destinations in the mountains with regard to their access to health insurance and contracts and the lack of mechanisms to protect them from low wages and unfair dismissal. The CEDAW Committee recommended that the state guarantee women seasonal workers the same level of protection and benefits as other workers, in particular with regard to holidays, maximum weekly working hours, and regular days of rest.

Similarly, Zimbabwe’s CEDAW Concluding Observations from its review in February 2020 include references to women in the artisanal mining industry and flea market traders and make recommendations concerning discriminatory practices relating to title ownership of mines and discriminatory tax regimes which impact cross-border traders.
Other key informal work areas such as entertainment workers, seasonal workers in hospitality sectors, agriculture and plantation workers, women in fisheries, and street vendors have not received sufficient attention in the CEDAW process. There is also a gap in terms of workers’ engagement and CSOs providing alternative information about invisible and ignored workers specific to different country contexts and realities. Still, some efforts have been made by the CEDAW Committee to understand the informal work context in their engagement with NGOs during the review process and to bring this understanding into discussion during constructive dialogues.

CEDAW recommendations in relation to informal sector workers span various issues which include, but are not limited to:

- **India**: 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.601

- **Philippines**: 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.602

- **Bangladesh**: 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.603

- **Vietnam**: Provide a **regulatory framework** for the informal sector with a view to providing women with access to social protection and other benefits.604

- **Palestine**: Extend social protection to women working in family enterprises in the agricultural sector and **extend the application of the Labour Act** to domestic workers and to the informal sector.605

- **Côte d’Ivoire**: Consider ratifying the Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention. The CEDAW Committee expressed concern about the **prevalence of violations against women and girls working in the informal sector** and in domestic work, particularly with regard to sexual harassment in the workplace and violations of the principle of
equal remuneration for work of equal value, the guarantee of the minimum salary, paid leave, maternity and paternity leave and the respect of maximum working hours (for domestic workers), the lack of implementation of relevant national legislation.606

• Serbia: Assess the participation of women in the informal sector of the economy, including access to social security coverage and retirement schemes. On the basis of the results, review the implementation and analyze the impact of current employment legislation and policy from a gender perspective, with a view to ensuring social protections for all women, including those employed in the informal sector of the economy.607
Annex 2: Sources

1. Prepared by Shanti Uprety, Program Officer, IWRAW Asia Pacific, available for further contact by email at shanti@iwraw-ap.org. Footnotes by Michelle Fan, Intern, CWGL. Copyediting by Liana Katz.


Email 16Days@cwgl.rutgers.edu with any recommendations to improve future versions of this publication.

Visit the Global 16 Days Campaign website at www.16DaysCampaign.org to access our 2020 Advocacy Guide and other resources!

Follow the Global 16 Days Campaign on Twitter @16DaysCampaign. Like us on Facebook at www.Facebook.com/16dayscampaign.