

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 01 May 2024 Index Number: AFR 03/7988/2024

TIME TO DELIVER ON DECENT WORK FOR WOMEN INFORMAL CROSS-BORDER TRADERS

On 8 March 2024, Amnesty International published 'Cross-Border is Our Livelihood. It is Our Job': Decent Work as a Human Right for Women Informal Cross-Border Traders in Southern Africa.¹ Today, on International Workers' Day, we call attention to the findings of the report and its connection to this year's theme of 'Social Justice and Decent Work for All'. The report highlights systemic state failures in upholding the right to just and favourable conditions of work and ensuring access to decent work for women in informal cross-border trade in Malawi, Zambia, and Zimbabwe, including failure to protect them from gender-based violence and failure to fulfill the right to social security.

Informal cross-border trade (ICBT) involves the exchange of goods and services between countries outside formal trade channels, characterized by small-scale transactions, limited documentation, and informal customs procedures.² The practice takes advantage of geographical proximity to designated border market hubs for exchange of goods between neighbouring countries.³ In Southern Africa, most informal cross-border traders are women,⁴ who, due to discrimination and other intersecting barriers, are often excluded from formal labour markets and rely on informal cross-border trade as their only feasible source of income. The value of this trade is estimated at \$17.6 billion and constitutes up to 40% of all intra-regional trade in the Southern Africa region.⁵

HUMAN RIGHTS VIOLATIONS: FAILURE TO PROTECT FROM GENDER BASED VIOLENCE AND FAILURE TO FULFIL RIGHT TO SOCIAL SECURITY

Despite significant contributions that informal cross-border trade makes in helping women support themselves and their families, and towards regional integration, states failure in ensuring decent work conditions for informal cross-border traders leaves them susceptible to exploitation and abuse from private actors and state officials. Amnesty International's research found that for women informal cross-border traders (WICBTs), harassment, extortion, violence, trafficking and other human rights violations occur with disturbing frequency and are heightened in the context of deep-seated and intersecting forms of discrimination on grounds such as gender, education level, marital status, and migrant status.⁶

¹ Amnesty International, "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-border traders in Southern Africa, 8 March 2024, Index Number: AFR 03/7792/2024 available at <https://www.amnesty.org/en/documents/afr03/7792/2024/en/#:~:text=The%20report%20E2%80%9CCross%2Dborder%20is,to%20social%20security%20are%20highlighted>

² Caroline Lesser and Evdokia Moisé-Leeman, 'Informal Cross-Border Trade and Trade Facilitation Reform in Sub-Saharan Africa,' 18 February 2019, OECD Trade Policy Papers No. 86, p.9

³ World Bank, 'Borderless Bazaars and Regional Integration in Central Asia' 28 October 2012, 17th CAREC Trade Policy Coordinating Committee Meeting, Wuhan, (available at: <https://www.carecprogram.org/?event=trade-policy-coordinating-committee-meeting-oct-2012>)

⁴ Around 70% in Sub-Saharan Africa see Lesser, C., & Moisé-Leeman, E. (2009). Informal Cross-Border Trade and Trade Facilitation reform in Sub-Saharan Africa. OECD Trade Policy Working Papers No. 86.

⁵ United Nations Entity for Gender Equality and the Empowerment of Women, 'Unleashing the Potential of Women Informal Cross Border Traders to Transform Intra-African Trade,' 2 June 2010, (available at: <https://www.unwomen.org/en/digital-library/publications/2010/3/unleashing-the-potential-of-women-informal-cross-border-traders-to-transform-intra-african-trade>)

⁶ Amnesty International. "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-border traders in Southern Africa. Index Number: AFR 03/7792/2024 available at <https://www.amnesty.org/en/documents/afr03/7792/2024/en/#:~:text=The%20report%20E2%80%9CCross%2Dborder%20is,to%20social%20security%20are%20highlighted>

Moreover, states failure in fulfilling the right to social security, adversely affects the ability of WICBTs to earn a living and further undermines their safety, health and wellbeing. Because informal cross border traders lack the standard labor protections and social security mechanisms that most governments guarantee for workers in the formal sector, their work is more tenuous, precarious, and uncertain.⁷

The importance of protecting women informal cross-border traders' right to just and favourable conditions of work and access to decent work became even more apparent during the Covid-19 pandemic. The human rights violations experienced by WICBTs have received little attention and almost no authoritative action. Regrettably, instead, the human rights impact of the trade have, for the most part, formed only the backdrop of conversations around informal cross-border trade.

International human rights law is clear that everyone has the right to just and favourable conditions of work. States have the responsibility to respect this right, as articulated in the International Labour Organisation's (ILO) decent work framework.⁸ This makes it clear that states are responsible for ensuring that labour markets are fair, inclusive, and supportive of human dignity and finds support in other international law instruments including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.⁹

KEY RECOMMENDATIONS TO GOVERNMENTS:

The Governments of Malawi, Zambia, and Zimbabwe need to take decisive steps to promote better working conditions for WICBT. Below are some key recommendations based on Amnesty International's research:

- **Gender Based Violence**
 - Implement specialized training for border officials on human rights and gender equality.
 - Establish clear accountability procedures for rights violations.
 - Increase female representation among border officials.
 - Launch public awareness campaigns to combat gender-based violence.
 - Empower women traders through awareness programs and partnerships with local organizations.
 - Prioritize human security in border management, ensuring that security and border management measures also focus on the safety of WICBT.
- **Social Security Deficits:**
 - Review and amend existing laws to ensure informal workers, including informal cross-border traders, can access their right to social security including by creating a supporting legal and administrative framework.
 - Expand social protection programs, including cash transfer programs for contingencies like maternity and illness.
 - Implement gender-sensitive policies and programs in the specific context of work and social security.
 - Conduct awareness campaigns to promote the right to social security .
 - Ensure adequacy of coverage and universal access to social protection including for healthcare, maternity support, disability, and pensions for older persons.¹⁰

⁷ Amnesty International. (2024, March 8). "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-border traders in Southern Africa. Index Number: AFR 03/7792/2024 available at <https://www.amnesty.org/en/documents/afr03/7792/2024/en/#:~:text=The%20report%20%E2%80%9CCross%2Dborder%20is,to%20social%20security%20are%20highlighted>

⁸ International Labour Organization, 'Employment and Decent Work for Peace and Resilience Recommendation,' 2017 (No. 205), 16 June 2017

⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/33423>

¹⁰ See full recommendations in Amnesty International. (2024, March 8). "Cross-border is our livelihood. It is our job." Decent work as a human right for women informal cross-border traders in Southern Africa. Index Number: AFR 03/7792/2024 available at <https://www.amnesty.org/en/documents/afr03/7792/2024/en/#:~:text=The%20report%20%E2%80%9CCross%2Dborder%20is,to%20social%20security%20are%20highlighted>.