

**“CROSS-BORDER
IS OUR LIVELIHOOD.
IT IS OUR JOB.”**

**DECENT WORK AS A HUMAN RIGHT FOR WOMEN
INFORMAL CROSS-BORDER TRADERS IN SOUTHERN AFRICA**



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Cover image: Women informal Cross-Border traders carry their goods across the Beitbridge border post, Amnesty International, Musina, South Africa 2023

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Women Informal Cross-Border traders dominated by women, and holds the potential to overcome poverty. A group of women cross-border traders. Amnesty International, Musina, South Africa 2023



On their way to the border trade market. Informal Cross Border Trade involves the exchange of goods and services between countries outside formal trade channels, it leverages on proximity to designated border markets which act as hubs for the exchange of goods between neighbouring countries. Amnesty International, Mwanza, Malawi 2023

EXECUTIVE SUMMARY

“My day begins at 4AM in Beitbridge town when I rise and head to the market to sell the items that I purchased the day before. I usually reach my stall at around 6AM, and by 10-11AM, I have typically sold everything. After that, I travel to the border with the money that I have earned. On a good day, it takes me around 2-3 hours to cross the border, and I arrive in Musina at approximately 2PM. Then, I spend the rest of the day in town, comparing prices of various items before arranging for transport with Malayisha or Zalawi for the goods I have bought. After that, I cross the border back to Zimbabwe, and the crossing usually lasts around 2-3 hours, if there are no issues. I collect my goods from the transporter on the other side and go home, I typically arrive home by 10-11PM, and due to my busy schedule, I don’t have time to cook or eat a proper meal, because of that I am always sick. I follow this routine from Monday to Saturday and only take a break on Sunday to attend church. I don’t have time to spend with my children.” – Tendai

For decades, informal work has been pivotal for Black women in Southern Africa, supporting marginalized communities and becoming integral to regional economies. Informal cross-border trade, valued at USD 17.6 billion in 2018,² is dominated by women and holds potential for poverty alleviation. However, this trade, while providing income to poor households, often occurs in the context of gender-specific challenges such as mobility constraints and reduced access to education and formal employment. In this report, Amnesty International documents the experiences of women cross-border traders in Malawi, Zambia, and Zimbabwe, and exposes the continuing violations of their rights to decent work and economic participation within the historical and economic context of the region.

¹ Pseudonyms have been used to protect privacy of participant.

² In the Southern African Development Community (SADC)

METHODOLOGY

This report stems from comprehensive research by Amnesty International in Zimbabwe, Malawi, South Africa, and Zambia between December 2022 and May 2023. The study employed qualitative methods, including 13 focus group discussions, 19 in-depth interviews, and interactions with experts. In total, 161 individuals (148 women and 13 men) engaged in informal cross-border trade were interviewed. Interviewees reflected diverse demographics, with women participants

coming largely from marginalized backgrounds marked by poverty. Ethical considerations observed by Amnesty International researchers included ensuring informed consent, use of pseudonyms, and modest travel cost reimbursement for interviewees. Findings from interviews were complemented by desk research. Amnesty International sent right of reply letters to relevant government ministries in profiled countries.



Women Informal Cross-Border Traders meeting in Musina, South Africa. Amnesty International, 2023

THE INFORMAL ECONOMY

Informal cross-border trade occurs within the larger framework of the informal economy or informal sector. The International Labour Organisation defines the informal sector as all economic activities “that are – in law or in practice – not covered or insufficiently covered by formal arrangements.” As such, the defining characteristic of informal work is all legal income-generating activities that occur beyond the institutional reach of government regulations and organised markets. In Africa, informal work constitutes an average 86% of all employment and generates 42% of the continent’s GDP. These rates differ at regional level however, as Southern Africa sees a lower average informality rate of 40%. The informal economy spans diverse industries and occupations, including wage-earning and self-employed workers. Worldwide, informal workers often face a greater range of risks compared to workers in the formal economy. These risks

which include low wages, poor working conditions and a lack of access to social protection, reflect informal worker’s largely unprotected status and makes them more vulnerable to economic exclusion. In addition, the interlinkage between gendered inequality and economic participation manifests in women informal workers experiencing higher risks compared to their male counterparts. While all informal workers grapple heightened risks in Southern Africa, 42% of women workers are informally employed compared to 38% of informally employed men workers. This disparity leaves women, particularly vulnerable to income insecurity, limited access to social protection, gender-based violence, and human rights violations. The UN’s Committee on Economic, Social and Cultural Rights (CESCR) highlights the pronouncement of gender inequalities in remuneration, health, safety, rest, leisure, and paid leave within the informal economy.

INFORMAL CROSS-BORDER TRADE

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. The practice takes advantage of the geographical proximity to designated border markets which act as hubs for the exchange of goods between neighbouring countries. Traded goods include non-processed and processed items, as well as re-exported goods,

costing between USD 50 to USD 1,000. It remains difficult to accurately estimate the volume and value of ICBT in Africa due to its exclusion from official statistics and varying definitions. Despite these limitations, research suggests that informal trade significantly contributes to cross-border trade, accounting for 30-90% in some African countries and an estimated 30-40% of total regional trade in Southern Africa.

HISTORY OF INFORMAL CROSS-BORDER TRADE IN SOUTHERN AFRICA

A history of ICBT in Southern Africa reveals a complex tapestry shaped by migration, colonialism, and economic structural adjustments. Migration emerged as a pivotal factor, linking the subcontinent's colonies into a regional labour market. The region's rich history, laid the groundwork for mobility and trade patterns, predating the formal demarcation of territorial borders. The construction of colonial boundaries during the 19th century disrupted these patterns, imposing arbitrary borders that restricted cross-border activities. Black men became the dominant force in cross-border labour migration, drawn by the demand for workers in mining, manufacturing, and agriculture. Concurrently, Black women faced discriminatory regulations limiting their mobility, leading them to rely on informal activities such as small-scale trade for survival.

Postcolonial mobility in Southern Africa saw the persistence and growth of ICBT both as a consequence of the region's colonial history and was exacerbated by post-independence economic policies and the adoption of IMF and World Bank-endorsed structural adjustment policies. While countries in southern Africa exhibit differences in economy, politics, culture, and language, there are striking similarities in the history and trajectory of economic development. Upon independence, Southern African states inherited economies with significant structural issues, characterized by unequal distribution of wealth, limited industrialization, inadequate infrastructure, and heavy debt burdens. In the late 1970s and early 1980s, these issues were worsened by rising

oil prices, growing interest rates, and falling commodity prices. As export earnings fell, debt repayment obligations rose, leading many states to seek loans from international financial institutions like the IMF and World Bank. However, to access these loans, governments had to agree to neoliberal economic reforms, including structural adjustment policies.

These policies had overwhelmingly negative impacts, exacerbating gender inequality, worsening employment prospects for women, and leading to increased informal trading. Case studies from Malawi, Zambia, and Zimbabwe illustrate how structural adjustment worsened economic conditions, intensified poverty, and drove more people, particularly women, into informal work due to a lack of formal employment options. Zimbabwe, facing a recession in the 1990s, adopted economic reforms, resulting in soaring inflation and a subsequent rise in informal work. Zambia, with a high debt burden, underwent economic stabilization reforms that failed to improve conditions, leading to intensified structural adjustments in the 1990s. In Malawi, structural adjustment attempts paradoxically worsened economic conditions, leaving a significant portion of the population in poverty and contributing to the prevalence of informal work, particularly among women from marginalized communities.

Informal Cross-Border traders provide economic opportunities, elevates societal status, and empowers women to access different rights. Amnesty International, Mwanza, Malawi, 2023



BENEFITS OF THE TRADE

Informal Cross-Border Trade (ICBT) is vital for addressing the feminization of poverty in Sub-Saharan Africa, offering a significant income source for women. ICBT provides economic opportunities, elevates societal status, and empowers women to access different rights. Beyond economic benefits for women, it plays a crucial role in promoting regional integration, fostering intra-regional trade, driving innovation, and facilitating cultural exchange across Africa. In

regions plagued by food insecurity, ICBT becomes instrumental, ensuring access to diverse food items and affordability. Moreover, it contributes to women's empowerment by fostering financial independence, enhancing entrepreneurial skills, and creating networks that enable collective action to tackle social and economic challenges.

GENDERED DYNAMICS OF INFORMAL CROSS-BORDER TRADE

Women constitute around 70% of informal cross-border traders due to historical marginalization and limited formal opportunities. Living in poverty exacerbates the challenges faced by women in informal cross-border trade. Gender discrimination intensifies the vulnerability of women to economic deprivation, unemployment, and inequality. Despite efforts towards gender equality, persistent social, economic, and cultural discrimination limits women's access to basic needs and amenities, as reflected in high poverty rates among women-headed households. Women in informal cross-border trade engage in diverse economic activities to cope with poverty and support their families. Despite diverse backgrounds, women face challenges such as job scarcity and competition in other industries, exacerbated by the Covid-19 pandemic, which caused capital loss and ongoing recovery hurdles. Post-Covid, they encounter reduced demand, financial hardships, and difficulties accessing formal financing, compounded by discriminatory cultural norms, and financial literacy challenges. Persistent obstacles like lack of collateral, unregistered businesses, and the absence of bank accounts hinder business growth. Gendered discrepancies limit women's access to high-

value opportunities and professional networks, sustaining an uneven economic landscape.

Women in informal cross-border trade experience harassment and goods confiscation, and economic exploitation through bribery and theft. The sector's challenges extend to delays at borders, arbitrary taxation, limited trading duration, accommodation, transportation issues, and inadequate facilities, while limited access to sanitation facilities poses health risks. The high costs and limited availability of travel documents act as further barriers in some countries, and an information gap on trade opportunities hinders meaningful participation despite some efforts by the countries in focus for financial inclusion. The involvement of women in this sector also strains their relationships with families and communities due to social stigma, accusations of infidelity, threats of divorce, and challenges related to prolonged separations, contrasting with men in the sector who generally avoid similar stigmatization. Patriarchal norms may also contribute to a power imbalance and financial exploitation within homes.

HUMAN RIGHTS FRAMEWORK: RIGHT TO DECENT WORK

The human rights framework governing informal cross-border trade in Southern Africa encompasses key international instruments focused on the rights of women and the right to work. The Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Maputo Protocol, among others, highlight commitments made by Malawi, Zambia, and Zimbabwe in addressing gender-based discrimination and promoting economic, social, and cultural rights. The right to work, outlined in various instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Banjul Charter, reflects commitments to fostering lawful economic activities. The ILO Decent Work Framework, although not legally binding, aligns with broader international commitments and principles, emphasizing fair, inclusive, and dignified labour practices for all workers, including those in the informal sector. Despite variations in country contexts, the analysis of informal cross-border trade reveals a consistent pattern of human rights violations faced by women across the region, emphasizing the need for a comprehensive human rights approach to address key violations.



A Women Informal Cross-Border Trader rests on a bookstore stoop. Amnesty International, Mwanza, Malawi 2023

HUMAN RIGHTS VIOLATIONS

Failure to protect from Gender Based Violence

Amnesty International's research reveals that women engaged in informal cross-border trade experience alarming rates of gender-based violence, spanning economic, sexual, and physical abuse. This infringes upon their right to security and hampers their enjoyment of other fundamental human rights, including the right to decent work. Despite international mandates for gender equality and protection against discrimination in the workplace, women in informal cross-border trade remain vulnerable to various forms of discrimination and violence, often perpetrated by both state and non-state actors. State agents, such as border officials, are reported to be among the perpetrators, subjecting women to harassment, intrusive searches, and even sexual exploitation.



As seen on route to the Mwanza trade post. Amnesty International, Malawi, 2023

Additionally, women face risks from criminal groups like 'amagumagama' gangs, which operate along porous borders and target vulnerable individuals attempting to cross irregularly. Addressing these systemic challenges requires robust protective measures and a commitment to ensuring the safety and rights of women in the informal sector.

Furthermore, evidence suggests that women involved in informal cross-border trade may be at heightened risk of intimate partner violence (IPV), driven by economic tensions within homes and gender norms. Reports from women indicate that suspicions of infidelity and prolonged separations contribute to the occurrence of IPV within relationships. Additionally, within the complex dynamics of informal cross-border trade, transactional sexual relationships are also observed, adding another layer of vulnerability for women traders. These relationships, often driven by economic necessity, can subject women to exploitation and coercion, compromising their autonomy and well-being. The prevalence of human rights violations against women in informal cross-border trade is exacerbated by limited access to justice. Despite international legal frameworks guaranteeing the right to seek remedies for rights violations, women traders often face significant barriers in accessing legal redress. Challenges include perceived or real corruption within law enforcement agencies, long distances to police stations, and the lengthy nature of legal proceedings.

Failure to fulfil right to social security

Amnesty International's research also reveals that the failure by states to fulfil the right to social security, particularly for informal cross-border traders, remains a significant challenge. Despite international recognition of social security as an essential component of the right to work, many women engaged in informal trade across borders face formidable obstacles in accessing these protections. Legal constraints and the inherently informal nature of their work leave them excluded from essential benefits such as health insurance, pensions, or maternity support. The Covid-19 pandemic has only magnified these pre-existing challenges, laying bare the inadequacies of existing social protection systems in times of crisis. Government assistance during the pandemic failed to reach many informal traders in Zimbabwe and Malawi, leaving them to navigate economic hardships without adequate support. Social security systems in these countries favour formal workers, exacerbating gender disparities and leaving many in the informal sector without adequate assistance.

The investigation also highlights mismatches in social security systems in Zambia, designed for formal employment, leaving informal workers vulnerable. The absence of comprehensive social security measures not only renders women traders highly vulnerable to economic shocks but also perpetuates gender disparities due to the high number of women in informal work. These systemic shortcomings underscore

the urgent need for sweeping reforms aimed at building inclusive social protection systems that are responsive to the diverse needs of all individuals, particularly vulnerable populations such as women engaged in the informal sector. In addition to this and compounding matters, women in informal cross-border trade also face a heavy care burden, contributing to significant "time poverty" and impacting their physical and mental well-being. Health challenges, including stress, anxiety, and reproductive concerns, are prevalent among women traders, aggravated by limited access to healthcare due to high mobility.



As seen on route to the Mwanza trade post. Amnesty International, Malawi, 2023



While women make up the majority of cross-border traders, the research revealed a dominance of male leadership in informal cross-border trader associations (CBTAs), which raises issues of equitable representation in policy debates. Amnesty International, Malawi, 2023

Social dialogue deficits

The social dialogue pillar of decent work emphasizes collaborative communication among governments, employers, and workers' representatives for inclusive decision-making. This approach ensures the protection of workers' rights and well-being. However, our research found that informal cross-border trader associations (CBTAs) are dominated by male leadership. Amnesty International found that challenges such as societal gender norms which dictate that men are naturally 'better leaders' and caregiving responsibilities deter women from assuming leadership roles in CBTAs, deepening the social

dialogue deficits. While male leadership itself isn't inherently problematic, its prevalence raises issues of equitable representation. The voices of women in ICBT, a predominantly female sector, risk being marginalized. This underrepresentation contributes to a gap in policy debates, hindering the development of inclusive programs that address women's unique challenges, such as menstrual health, reproductive health, gender-based violence, and harmful societal norms. The exclusion of women from leadership positions in CBTAs not only limits their involvement in decision making but also perpetuates gender disparities within the sector.

RECOMMENDATIONS

Amnesty International recommends comprehensive, human rights consistent, measures to address gender-based violence experienced by women engaged in cross-border trade. These measures include implementing specialized training programs for border officials, with a focus on human rights, gender equality, and the specific needs of informal cross-border traders. Additionally, establishing clear accountability procedures for rights abuses and violations, increasing women's representation among border officials and launching public awareness campaigns are recommended. To empower women traders, Amnesty International recommends awareness programs about their rights, this could include fostering partnerships with local and regional networks and organizations, building stronger coalitions for advocacy, and working within existing community structures for more sustainable impact. Additionally, measures to enhance border management, with the aim of addressing the human security concerns of women and other traders, the focus is being their safety and well-being, rather than endorsing state-centric, securitized approaches to border control and migration.


On the issue of social security deficits, Amnesty International calls on governments to review and amend existing laws where applicable to ensure that informal workers including informal cross-border traders can access their right to social security. This involves creating a legal and administrative framework, expanding social protection programs, including cash transfer programs for contingencies like maternity and illness. Governments must put in place gender-sensitive policies and programmes, awareness campaigns, and accessible coverage including for healthcare, maternity support, disability, and pensions for older persons.

On social dialogue deficits, Amnesty International recommends encouraging initiatives for gender balance in leadership within organizations representing informal cross-border traders. This includes ensuring meaningful participation of women in decision-making processes and addressing unique challenges like menstrual health, gender-based violence, and discrimination. Creating inclusive environments for women's voices and educating stakeholders on the importance of gender equality are crucial steps. Additionally, advocating for supportive policies can help address the gender-specific challenges faced by women in informal cross-border trade.

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