

**“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

## DEFINITIONS, ABBREVIATIONS AND ACRONYMS

|                         |  |
|-------------------------|--|
| <b>ACHPR:</b>           | African Charter on Human and Peoples' Rights (African Charter)   |
| <b>Amagumaguma:</b>     | Criminal Gangs   |
| <b>AU:</b>              | African Union  |
| <b>BSAC:</b>            | British South Africa Company   |
| <b>CBTA:</b>            | Cross-border Trade Associations  |
| <b>CEDAW:</b>           | Committee on the Elimination of Discrimination Against Women   |
| <b>CEO:</b>             | Chief Executive Officer  |
| <b>CESCR:</b>           | United Nations' Committee on Economic, Social and Cultural Rights  |
| <b>Chilimba:</b>        | Informal Membership-Based Savings and Credit Systems (Malawi)  |
| <b>COMESA:</b>          | Common Market for Eastern and Southern Africa  |
| <b>Covid-19:</b>        | Coronavirus Disease  |
| <b>ESCR(s):</b>         | Economic, Social and Cultural Rights   |
| <b>DRC:</b>             | Democratic Republic of the Congo   |
| <b>FRDP:</b>            | Financial Restructuring and Deregulation Programme   |
| <b>GDP:</b>             | Gross Domestic Product   |
| <b>GBV:</b>             | Gender Based Violence  |
| <b>(I)CBT:</b>          | (Informal) Cross-Border Trade(rs)  |
| <b>ICESCR:</b>          | International Covenant on Economic, Social and Cultural Rights   |
| <b>ILO:</b>             | International Labour Organisation  |
| <b>IMF:</b>             | International Monetary Fund  |
| <b>IPV:</b>             | Intimate Partner Violence  |
| <b>Kapenta:</b>         | Tanganyika sardine   |
| <b>Machonisa:</b>       | Informal lenders/Loan Sharks   |
| <b>Malayisha:</b>       | Unregistered transport operators   |
| <b>Maputo Protocol:</b> | Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa  |
| <b>NGO:</b>             | Non-Governmental Organisation  |
| <b>SADC:</b>            | Southern Africa Development Community  |
| <b>SAPS:</b>            | Structural Adjustment Programme  |
| <b>SDG(s):</b>          | Sustainable Development Goal(s)  |
| <b>Stokvel:</b>         | A form of informal financial cooperative where a group of individuals, often friends, family members, or colleagues, come together to pool a fixed amount of money regularly |
| <b>UDHR:</b>            | Universal Declaration of Human Rights  |
| <b>UN:</b>              | United Nations   |
| <b>UNCTAD:</b>          | United Nations Conference on Trade and Development   |
| <b>US\$:</b>            | United States Dollar   |
| <b>WICBT:</b>           | Women Informal Cross Border Traders  |
| <b>Zalewa:</b>          | Irregular Border Crossing Routes (Malawi)  |
| <b>Zalawi:</b>          | Persons who carry loads across the border informally   |
| <b>ZIMRA:</b>           | The Zimbabwe Revenue Authority   |



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

# 1. 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 US\$17.6 billion in 2018,<sup>2</sup> 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.

<sup>1</sup> Pseudonyms have been used to protect privacy of participant.  
<sup>2</sup> 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

## 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 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.

### 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.

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.

## 2. METHODOLOGY

This report presents the findings of a research study conducted by Amnesty International researchers in Zimbabwe, Malawi, South Africa,<sup>3</sup> and Zambia between December 2022 and May 2023. These countries were chosen due to their historical, geographical, and economic interconnectedness, which has influenced informal cross-border trade between them. Factors such as pre and colonial era mobility, post-independence cooperation, and landlocked status have contributed to increased trade activities.

Amnesty International researchers travelled to nine sites and conducted 13 in-person focus group discussions and 19 in-depth interviews with both women and men informal cross-border traders, as well as former informal cross-border traders, to explore their lived experiences. In total Amnesty International researchers spoke to 161 traders. In addition, the researchers interviewed other actors with expert knowledge on the ground, including representatives of cross-border trader associations, trade policy experts, NGOs staff, economists, and non-State legal offices which provide services to traders.

Women interviewed by Amnesty International who were engaged in cross-border trading spanned a wide age range, varying from 19 to 64 years old. They came from diverse family sizes, with some having between zero to nine children, while others were grandparents. In terms of formal education attainment there were wide disparities, with some not having completed primary school while some others had graduate degrees. Furthermore, these women encompassed a wide marital spectrum, comprising individuals who were single, married, separated, divorced, or widowed. In terms of their physical location, the majority of women selected for interviews were situated in peri-urban settings, informal settlements and some rural settings. This diversity highlights the wide range of experiences and circumstances among women involved in cross-border trading.

In Zimbabwe, researchers conducted five focus group discussions in Harare, Bulawayo, Masvingo, Mutare, and Chinhoyi speaking to a total of 88 women. In South Africa, researchers visited Musina, the northernmost town in the Limpopo province, only 23kms from the Beitbridge border town in Zimbabwe. Here researchers conducted three focus group discussions, nine in-depth interviews as well as observational analysis at the Beitbridge border and flea-markets in Musina, speaking to a total of 30 people (five men and 25 women). In Malawi researchers travelled to the border towns of Mwanza and Mchinji and held three focus group discussions and individual interviews as well as conducted observational analysis at the Mwanza border and the Mchinji one-stop border post, speaking to a total of 26 people (20 women and six men). In Zambia researchers travelled to Lusaka and conducted two focus group discussions and five individual interviews, speaking to a total of 17 people (15 women and two men). All focus group discussions and in-depth interviews were conducted by Amnesty researchers in English with simultaneous interpretation in Shona, Ndebele, Chichewa and Bemba.



Map of research sites in Southern Africa

The principles of informed consent and do no harm were respected at all times. Prior to the interviews, Amnesty International researchers explained the purpose of the interview, the ways in which the data would be used and obtained interviewees' and focus group participants' informed consent. Interviewees and focus group participants were explicitly informed that they could end the interview at any time, could choose not to answer specific questions, and were given the option of anonymity. This report uses pseudonyms for those who chose to remain anonymous and withholds other identifying information to protect the privacy of all interviewees and focus group participants. Amnesty International reimbursed the modest costs of travel for intermediaries, interviewees and focus group participants. No other compensation was provided for participation in the research. Amnesty International complemented field research with desk research which included a thorough review of policy documents, government statements, and literature - including literature on cross-border trade as well as reports and international recommendations of regional and international human rights bodies. Statistical data and development indicators were extracted from various national and international databases such as those of the United Nations, World Bank, the

African Development Bank and the United Nations Conference on Trade and Development.

In December 2023 Amnesty International sent letters to the Ministries of Labour, Gender, Trade and Industry, and Homeland Security in Malawi; Ministries of Public Service, Labour and Social Welfare, Foreign Affairs and International Trade, Women Affairs, Community, Small and Medium Enterprises – Developments, and Industry and Commerce in Zimbabwe; and Ministries of Commerce, Trade and Industry, Labour and Social Security, Home Affairs and Internal Security, and Small and Medium Enterprises Development in Zambia. The letters detailed the research's main findings and requested further information to Amnesty International's questions related to those findings. At the time of publishing the Governments had not responded to the letters.

Amnesty International thanks the Cross-Border Trader Associations, intermediaries, local civil society and other stakeholders who enabled us to conduct this research. Most importantly, we thank the women and men cross-border traders who took the time to share their lived experiences with us. Without them, this report would not be possible.

<sup>3</sup> Interviews conducted in South Africa were with Zimbabwean and Malawian informal cross-border traders.

# 3. BACKGROUND

For decades, the informal sector has been central to the economies of Southern African countries as work in this sector has provided the most significant form of non-agricultural employment for working-aged people across the region.<sup>4</sup> A form of informal work that is particularly pronounced in Southern Africa is informal cross-border trade. As a highly mobile region, thousands of people cross national borders daily, engaging in small-scale trade both across and within neighbouring countries. Official sources indicate that this informal cross-border trade constitutes approximately 30% to 40% of all intra-regional trade in Southern Africa.<sup>5</sup>

A trade dominated by women,<sup>6</sup> numerous studies have touted the potential of informal cross-border trade for the alleviation of poverty and food insecurity, and, ultimately, empowerment of women in the region.<sup>7</sup> Valued at US\$17.6 billion in 2018,<sup>8</sup> informal cross-border trade is a crucial source of livelihoods of some of the most impoverished and marginalized communities in the region and has become an important source of paid work in the context of shrinking opportunities in the formal sector.<sup>9, 10</sup>

While the income earned through cross-border trade reaches poor households directly, it has often come at a profound human cost, as informal cross-border trade often occurs in the context of gender-specific deprivations – such as mobility and time constraints, reduced access to education, formal employment, and social security, as well as the lack of access to productive resources.<sup>11</sup> This research examines the human rights challenges and prospects of informal cross-border trade in three select countries in Southern Africa, namely Malawi, Zambia and Zimbabwe. Situated within scholarship on the history and political economy of the region, the report explores the lived experience of women cross-border traders and examines the gaps in the realization of their rights to decent work and economic participation.

The right to decent work is enshrined in international law as a fundamental human right, recognized and protected by various international conventions and declarations.<sup>12</sup> At its core, this right reflects the belief that every individual should have the opportunity to engage in productive, safe, and fulfilling employment that provides fair wages, ensures dignity, and provides opportunity for strengthened social dialogue. The Decent Work Agenda encompasses not only the right to earn a living but also to work in conditions of “freedom, equity, security and human dignity.”<sup>13</sup> Decent work is a cornerstone of social justice and sustainable development, as it not only benefits individuals and their families but also contributes to the overall well-being and prosperity of societies. It is a universal aspiration, transcending borders, and cultures, and underscores the importance of fostering inclusive and equitable economies where the rights of workers are safeguarded. While not commonly acknowledged, it is crucial to recognize that the right to decent work extends to the informal economy.<sup>14</sup> This acknowledgement underscores the imperative of ensuring that individuals engaged in informal cross-border trade are afforded the same rights, protections, and opportunities as those in more formal sectors, promoting a more just and inclusive global workforce.

Despite these protections, Amnesty International’s research reveals that women engaged in informal cross-border trade operate in a hostile regulatory environment that not only limits their right to decent work but also exposes them to a wide range of human rights violations. As in the case of others in informal work, informal cross-border traders lack the standard labour protections and social security mechanisms that are typically enjoyed by

other workers. This absence of safeguards further compounds the marginalization experienced by women in this sector, as they also encounter intersecting forms of discrimination based on gender, education level, marital status, and migration status.

Amnesty International’s research also highlights the significant levels of insecurity faced by women in cross-border trade. Punitive immigration, customs, and border control measures render them particularly vulnerable to physical violence, harassment, extortion, and other forms of gender-based violence. Women have shared accounts of witnessing or surviving armed robberies, harassment, physical violence, rape, molestation, and even abduction - often in plain sight. Furthermore, various sociocultural and institutional practices such as stigmatization, corruption, fear of reprisals, limited access to legal services and long distances to police stations and public health facilities act as barriers for survivors seeking justice from authorities, further exacerbating their struggles.

Informal cross-border trade as a profession exists paradoxically as both a ‘source of vulnerability as well as livelihood for many women’<sup>15</sup> and the situation of women informal cross-border traders (WICBT) in the Southern Africa region is therefore an *urgent women’s human rights issue*.

The human rights violations experienced by women informal cross-border traders have received very 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. As such, authorities in many countries in

4 Southern Africa Development Community, ‘Employment and Labour,’ undated, (available at: <https://www.sadc.int/pillars/employment-labour-0>); Southern Africa Development Community, ‘Decent Work Programme 2013-2019,’ May 2013, (available at: [https://www.sadc.int/sites/default/files/2021-08/SADC\\_Decent\\_Work\\_Programme\\_30513\\_JTM.pdf](https://www.sadc.int/sites/default/files/2021-08/SADC_Decent_Work_Programme_30513_JTM.pdf))

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 Suffyan Koroma, Joan Nimarkoh, Ny You, Victor Ogalo, and Boniface Owino, ‘Formalization of informal trade in Africa: Trends, experiences and socio-economic impacts,’ 2017, Food and Agriculture Organisation of the United Nations

7 African Export-Import Bank, ‘African Trade Report: Informal Cross-border Trade in the Context of the AfCFTA,’ 2020; Suffyan Koroma, Joan Nimarkoh, Ny You, Victor Ogalo, and Boniface Owino, ‘Formalization of informal trade in Africa,’ (previously cited)

8 Samuel Maimbo, Tania Saranga, and Nicholas Strychacz, ‘Facilitating Cross-Border Mobile Banking in Southern Africa,’ May 2021, World Bank Africa Trade Policy Note No. 1 (available at: <https://documents1.worldbank.org/curated/en/685911468113055049/pdf/600190BRI0Afr11public10BOX358300B0.pdf>)

9 Samuel Maimbo, Tania Saranga, and Nicholas Strychacz, ‘Facilitating Cross-Border Mobile Banking in Southern Africa,’ May 2021, World Bank Africa Trade Policy Note No. 1 (available at: <https://documents1.worldbank.org/curated/en/685911468113055049/pdf/600190BRI0Afr11public10BOX358300B0.pdf>)

10 William Manga Mokofe, ‘The international labour organisation in pursuit of decent work in Southern Africa: an appraisal,’ 2020, *Obiter* 41, no.3, pp.5730592

11 William Manga Mokofe, ‘The international labour organisation in pursuit of decent work in Southern Africa: an appraisal,’ 2020, *Obiter* 41, no.3, pp.5730592

12 Including the International Covenant on Economic, Social and Cultural Rights; International Labour Organization Conventions; The African Charter on Human and Peoples’ Rights (Banjul Charter) ‘the Southern African Development Community Protocol on Gender and Development; the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol). Also see International Labour Organisation Office for the United Nations,’ Statement by Mr. Kevin Cassidy at 68th Session of the General Assembly, Third Committee, 23 October 2023, (available at: [https://www.ilo.org/newwork/speeches-and-statements/WCMS\\_229015\\_lang-en/index.htm#:~:text=The%20right%20to%20decent%20work%20is%20recognized%20in,the%20right%20to%20form%20and%20join%20trade%20unions](https://www.ilo.org/newwork/speeches-and-statements/WCMS_229015_lang-en/index.htm#:~:text=The%20right%20to%20decent%20work%20is%20recognized%20in,the%20right%20to%20form%20and%20join%20trade%20unions))

13 International Labour Organisation, ‘Report of the Director General – Decent Work at the 87th Session of the International Labour Conference,’ (available at: <https://www.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm>)

14 International Labour Conference, ‘Report VI – Decent Work and the informal economy,’ 2002, (available at: <https://www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/rep-vi.pdf>)

15 Lorena Izaguirre and Matthew Walsham, ‘South-South migration from a gender and intersectional perspective: An overview,’ February 2021, MIDEQ: Migration for development and inequality Working Paper, <https://www.mideq.org/en/resources-index-page/south-south-migration-gender-and-intersectional-perspective/>

Southern Africa, including the three countries of focus in this report, have failed to implement meaningful reforms that improve the working conditions of women informal cross-border traders – rendering this work even more precarious.<sup>16</sup>

With the enduring impact of a globally catastrophic pandemic still shaping our reality, and a growing cost-of-living crisis in our midst, it is necessary to reflect on the economic and political empowerment of women in Southern Africa, which includes their right to full economic participation as enshrined in international human rights law.<sup>17</sup>

To this end this report delves into the challenges encountered by women informal cross-border traders in realizing their right to decent work amid poverty, precarious work conditions, insufficient social protection and heightened vulnerability to gender-based violence, to showcase how the marginalization women face when trading across borders is not just an unfortunate ongoing reality specific to informal cross-border traders, but rather is a result of and a direct reflection of wider gender disparities, which in turn affect women's participation and productivity in informal cross-border trade and contribute to the violation of their rights.

# 4. INFORMAL CROSS-BORDER TRADE: WHAT IS IT?

## 4.1. THE INFORMAL ECONOMY

All informal cross-border trade takes place within the context of the informal economy. The concept of economic informality emerged in the 1970s to describe legal income-earning activities which are undertaken outside the purview of government regulations or formal labour standards.<sup>18</sup> In 2002, the International Labour Organisation (ILO) broadened the definition of the informal economy to encompass “all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.”<sup>19</sup> The ILO's concept of the informal economy describes informality as an economy-wide phenomenon that not only includes economic production, but also describes characteristics of the job or worker.<sup>20</sup> This definition excludes illicit activities and indicates that although activities in the informal sector operate within the formal reach of the law, they do not conform to the procedural requirements of the law such as paying certain taxes or adhering to labour legislation and standards.<sup>21</sup> So, work and income can be said to be informal when it takes place outside the scope of any formalised, measured, procedural legal and regulatory system.

While there are reports of growing prevalence of informality in higher income countries, most workers in the lower income countries are informally employed. In Africa, nearly 9 out of every 10 of those who work do so informally, accounting for nearly 86% of all employment and 42% of the continent's gross domestic product (GDP).<sup>22</sup> The extent of informality is lower in the Southern Africa region, with an average 40%<sup>23</sup> of the population in informal employment as of 2019.<sup>24</sup> Informality is present in a wide range of industries and occupations and includes a diverse range of activities and working



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

16 Innocent Moyo, 'The vacuity of informal cross-border trade facilitation strategies in the SADC region,' March 2023, Political Geography, Vol 101; South African Institute of International Affairs, 'A cry for recognition and protection: Zimbabwe's forgotten Informal Cross Border Traders,' undated, (available at: <https://saiia.org.za/research/a-cry-for-recognition-and-protection-zimbabwes-forgotten-informal-cross-border-traders/>)

17 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Declaration and Platform for Action (1995), African Charter on Human and Peoples' Rights (Article 15), Maputo Protocol (Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa), Convention on the Rights of Persons with Disabilities (CRPD), International Covenant on Economic, Social and Cultural Rights (ICESCR), Sustainable Development Goals (especially Goal 5: Gender Equality and Goal 8: Decent Work and Economic Growth)

18 Annie Delaney and Fiona Macdonald, 'Thinking about informality: gender (in) equality (in) decent work across geographic and economic boundaries' 5 June 20118, *Labour & Industry: A journal of the social and economic relations of work*, Volume 28, Issue 2, pp.99-114

19 International Labour Organisation, 'General Conference Resolution concerning decent work and the informal economy,' June 2002

20 International Labour Organisation, 'Resolution Concerning Decent Work and the Informal Economy, (previously cited), p.54

21 International Labour Organisation, 'Resolution Concerning Decent Work and the Informal Economy, (previously cited), p. 55

22 Annamaria Kiaga and Vicky Leung, 'The Transition from the Informal to the Formal Economy in Africa' December 2020, ILO *Global Employment Policy Review*, Background Paper 4, [https://www.ilo.org/employment/Whatwedo/Publications/WCMS\\_792078/lang-en/index.htm](https://www.ilo.org/employment/Whatwedo/Publications/WCMS_792078/lang-en/index.htm) also see 'African Peer Review Mechanism, A study on the opportunities in the AfCFTA for Women in the Informal and Cross-Border Trade,' February 2022, <https://au.int/en/documents/20220311/study-opportunities-afcfta-women-informal-and-cross-border-trade>

23 It is important to note that this is an average figure for the Sub-region and masks substantial variances in informal sector employment per country in the SADC region. For instance, informal employment accounts for only 33% of total employment in South Africa and 44% in Namibia, compared to 77% in Zimbabwe and 89% in Malawi. See: Elmarie Fourie, 'Perspectives on Workers in the Informal Economy in the SADC Region,' 2017, *Revue de droit comparé du travail et de la sécurité sociale*, (4), pp.76-95; United Nations Development Programme, 'UNDP in Zimbabwe: 2022 Annual Report,' 2022; Government of Malawi, 'Report on Employment Statistics,' 2022

24 International Labour Organisation, 'Report on employment in Africa (Re-Africa) – tackling the youth employment challenge,' 2020, p.16; table 2.4; International Labour Organisation and OECD, 'Portraits of Informality,' 2019, *Tackling Vulnerability in the Informal Economy*; Leandro Medina, Andrew Jonelis, and Mehmet Cangul, 'The Informal Economy in Sub-Saharan Africa: Size and Determinants,' July 2017, IMF Working Paper WP/17/156

arrangements across regional, national, rural, and urban contexts. Workers in the informal economy include both salaried workers and ‘own-account’ or self-employed workers, who work with one or more partners and do not employ others.<sup>25</sup> While there is significant diversity among the workers and enterprises operating informally, a commonality of all informal workers is that their work is neither recognized nor protected by labour legislation and social protection measures.

The fundamental significance of both the right to work (i.e., the right to have full and productive employment), as well as the rights at work (such as non-discrimination, equitable, safe, and just working conditions) is acknowledged by various international human rights treaties and ILO conventions. Yet, despite the significant role of the informal sector as a source of work in Africa, the sector presents many challenges to the realisation of the right to decent work. The ILO summarises the vulnerability of informal work according to seven securities, often denied informal workers. These are: labour market security (that is opportunities for formal employment); employment security (namely protection against arbitrary dismissal); job security (specifically the opportunity to develop an occupation or career); work security (including protection from workplace injury or illness); skill reproduction security (particularly the opportunity to gain and retain skills); income security (that is the provision and continuity of adequate wages), and representation security (specifically the opportunity to participate in unions and other labour organisations).<sup>26</sup>

Informal employment is a highly gendered phenomenon. In Southern Africa, 42% of women workers are informally employed compared to 38% of men workers.<sup>27</sup> Excluding the agricultural sector, this work ranges from care and domestic work; street vending to on-demand work such as delivery couriership and hairdressing. While informal work serves as a vital source of income and coping mechanism for women, it presents many challenges to the realisation of women’s rights to decent work. Informal work exposes women to increased vulnerabilities, such as uncertain income, lack of universal and comprehensive social protection, gender-based violence<sup>28</sup> and the systemic denial of their rights. Indeed, according to the United Nations’ Committee on Economic, Social and Cultural Rights “**women are often overrepresented in the informal economy... which in turn exacerbates inequalities in areas such as remuneration, health and safety, rest, leisure, and paid leave.**”<sup>29</sup>

***“The Committee is concerned about the high-level of unemployment and the absence of details concerning national and local employment programmes or other clear strategies to address this problem. It also notes that a large proportion of unemployed persons are forced to find employment in the informal sector.”***

***Committee on Economic, Social and Cultural Rights Concluding Observations: Zambia***

## 4.2. INFORMAL CROSS-BORDER TRADE

Informal cross-border trade refers to the exchange of goods and services between countries that takes place outside of formal trade channels and regulatory frameworks. This type of trade is often characterized by small-scale transactions, limited documentation, and a lack of formal customs procedures.

To date, there has been no universally agreed term which defines informal cross-border trade. Given its informality, various authors have coined it differently because as a practice it varies widely from border to border. For the purposes of this

report, we will use the definition proposed by authors Lesser and Moise-Leeman of informal cross-border trade as “trade in legitimately produced goods and services, which escapes the regulatory framework set by the government, as such avoiding certain tax and regulatory burdens.”<sup>30</sup> Informal trade, therefore, “refers to goods traded by formal and informal firms that are unrecorded on official government records and that fully or partly evade payment of duties and charges.”<sup>31</sup> According to this definition, informal cross-border trade can be delineated into three broad categories as shown in table 1.<sup>32</sup>

|  |   |   |
|--|---|---|
| <p><b>TYPE</b></p> <p><b>A</b></p>   | <p><b>TYPE</b></p> <p><b>B</b></p>  | <p><b>TYPE</b></p> <p><b>C</b></p>  |
| <p><b>INFORMAL (UNREGISTERED) TRADERS OR FIRMS OPERATING ENTIRELY OUTSIDE THE FORMAL ECONOMY</b></p> | <p><b>FORMAL (REGISTERED) FIRMS FULLY EVADING TRADE RELATED REGULATIONS AND DUTIES (i.e., AVOIDING OFFICIAL BORDER CROSSING POSTS ALTOGETHER)</b></p> | <p><b>FORMAL (REGISTERED) FIRMS PARTIALLY EVADING TRADE RELATED REGULATIONS AND DUTIES BY RESORTING TO ILLEGAL PRACTICES (FOR INSTANCE UNDER INVOICING)</b></p> |

Table 1: Types of Informal Cross-Border Trade

This report focuses on trade and traders classified within Type A as it applies to independent traders who handle smaller consignments of goods and aligns closely with the characteristics of the women highlighted in this report.<sup>33</sup> In most circumstances, because the volume, goods traded

in Type A fall below trade quotas, and traders are not required to pay certain tariffs that might be imposed in case of formal trade in the same goods, however at times (especially for larger consignments) there are some tariffs and quotas which are due.

<sup>25</sup> International Labour Organisation, Resolution Concerning Decent Work and the Informal Economy, (previously cited), p. 56

<sup>26</sup> International Labour Organisation, *International Labour Review*, (previously cited), p. 306

<sup>27</sup> Florence Bonnet, Joann Vanek and Martha Chen, *Women and Men in the Informal Economy: A Statistical Brief*, January 2019, International Labour Office, p. 10

<sup>28</sup> Women in Informal Employment Globalising and Organising, *Violence and Informal Work: Briefing Note*, May 2018

<sup>29</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment 23: The Right to Just and Favorable Conditions of Work, 27 April 2016

<sup>30</sup> 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

<sup>31</sup> Caroline Lesser and Evdokia Moisé-Leeman, ‘Informal Cross-Border Trade and Trade Facilitation Reform in Sub-Saharan Africa,’ (previously cited), p.9

<sup>32</sup> Caroline Lesser and Evdokia Moisé-Leeman, ‘Informal Cross-Border Trade and Trade Facilitation Reform in Sub-Saharan Africa,’ (previously cited), figure 1, p.9

<sup>33</sup> African Peer Review Mechanism, ‘A study on the opportunities in the AfCFTA for Women in the Informal and Cross-Border Trade,’ (previously cited)

Informal cross-border trade often takes place (but not always) at designated border crossing points, known as “border markets.” These markets serve as hubs for the exchange of goods between neighbouring countries, and they are typically dominated by small-scale traders, who often specialize in a particular type of product. The type of merchandise that is most traded includes non-processed goods such as food and handicrafts; lower-quality manufactured products; processed goods such as textiles and household items; and re-export goods including lower quality, mass produced products such as, counterfeits and other products imported from elsewhere like clothes and electronics. According to a study by the African Peer Review Mechanism, the average estimated value of the goods traded by informal cross-border traders in the whole region is between US\$50 to US\$1,000. ICBT can be differentiated from other forms of foreign trade in that it involves the movement of goods and services specifically across land borders between neighbouring countries, which, as stated by the World Bank, has this unique feature in that “very close geographical proximity renders transportation cost immaterial” allowing traders to cross borders regularly and take advantage of differences in the supply, demand and price of various goods and services available in neighbouring countries.<sup>34</sup>

While the drivers of informal cross-border trade in the Southern African region are varied and broad, unemployment and poverty have certainly contributed to the growth of this sector.<sup>35</sup> Other factors that can be attributed to the engagement of ICBT are price disparities between formally and informally traded goods; the quality of road and transport infrastructure; restrictions on the formal entry and exit of certain goods; complex

procedures and corrupted border officials; which make it more expensive for small traders to participate in formal trade. Due to the scarcity of data, there is little conclusive evidence about the costs incurred by informal cross-border traders in region. However, studies suggest shown that Africa has among the longest customs delays<sup>36</sup> in the world and features transport costs that are higher than other developing regions.<sup>37</sup> Informal cross-border trade, therefore, strategically bypasses the challenges associated with large-scale formal trade, providing small scale traders with a more cost-effective avenue for accessing markets in other countries. This cost-effectiveness is achieved by navigating and mitigating factors such as high levels of bureaucracy and the exorbitant costs associated with formal trade.

Informal traders can adapt to the lack of infrastructure that often impedes small-scale participation in formal trade by leveraging more flexible and agile methods of operation. The streamlined nature of informal trade allows traders to overcome obstacles like high transportation costs, enabling them to buy and sell goods and services at more competitive prices in the cross-border market.<sup>38</sup> Informal cross-border trade is also seen as a way of overcoming the barriers to trade that are imposed by formal trade agreements, such as tariffs and quotas.<sup>39</sup> Many traders in the region opt to trade informally, as they do not have to comply with the regulations and documentation required by formal trade.<sup>40</sup>

While there are attempts to collect data on the magnitude of informal cross-border trade in selected countries and regions in Africa, it is widely acknowledged among researchers that estimating the true volume and value of informal

cross-border trade in Africa is a challenge for several reasons.<sup>41</sup> First, because informal trade is not captured in most official country-level statistics, there is a dearth of reliable data on informal cross-border trade. In the instances where data measuring the scale of ICBT is collected, many studies focus only on specific timeframes, trade corridors and products, and are thus not representative of total informal cross-border trade in a country or region.<sup>42</sup> Additionally, the varying definitions and inconsistent data collection methodologies among countries and organisations lead to challenges in comparing and integrating available data.<sup>43</sup>

As a result, there is limited data collected by Southern African State institutions on informal cross-border trade, especially concerning the experience of women traders.<sup>44</sup> This scarcity of reliable data compounds the challenges faced by informal cross-border traders, as it leads to a failure to adequately reflect the issues they face, more so those that affect women engaged in this form of trade. Consequently, the absence of comprehensive data hampers the development and implementation of gender-sensitive trade policies and processes in the region.<sup>45</sup> As Southern Africa Trust CEO Alice Kanengoni aptly put it in an interview with Amnesty International **‘What is not counted does not count,’**<sup>46</sup> emphasizing the

importance of collecting accurate data to give visibility and recognition to the crucial economic activities of women involved in informal cross-border trade. Without proper data, the voices and contributions of these women traders may remain overlooked, hindering progress towards more equitable and inclusive economic policies and opportunities, and, by extension, denying their right to decent work.

Despite these limitations, the statistical estimations presented in much of the research on informal cross-border trade in Africa indicate that its value is significant. UN Economic Commission for Africa notes that some surveys estimate that informal cross-border trade accounts for up to 90% of all cross-border trade in some African countries.<sup>47</sup> In a brief for the African Development Bank, authors Afrika and Ajumbo estimate that the value of informal cross-border trade in Southern Africa accounts for 30-40 per cent of the total trade in the region.<sup>48</sup> Similarly, Nshimbi and Moyo suggest that 40% of all cross-border trade among Eastern and Southern Africa is informal.<sup>49</sup> While the estimates vary, it is clear that informal cross-border trade plays a significant role in Southern African economies and for the millions of people whose livelihoods depend on the trade. Additionally, surveys of informal cross-border trade in developing countries indicate that it is a heavily

34 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/2event=trade-policy-coordinating-committee-meeting-oct-2012>).

35 <http://dx.doi.org/10.4102/ac.v16i1.339> Southern Africa Trust, 2014, ‘Regional Integration in Southern and Eastern Africa: A Review on Informal Cross Border Trade.’ Accessible at: [https://knowledgehub.southernafriatrust.org/site/assets/files/1485/regional\\_integration\\_in\\_southern\\_and\\_eastern\\_africa\\_-\\_a\\_review\\_of\\_informal\\_cross\\_border\\_trade.pdf](https://knowledgehub.southernafriatrust.org/site/assets/files/1485/regional_integration_in_southern_and_eastern_africa_-_a_review_of_informal_cross_border_trade.pdf)

36 Rae Lesser Blumberg, L., Joyce Malaba, J. and L Meyers, ‘Women Cross-Border Traders in Southern Africa. Contributions, Constraints, and Opportunities in Malawi and Botswana,’ 2020,

37 Export-Import Bank of India. *Connecting Africa: Role of transport infrastructure*, 2010

38 United Nations Conference for Trade and Development, ‘Reaping the Potential Benefits of The African Continental Free Trade Area for Inclusive Growth - Economic Development in Africa Report 2021,’ 2021 (available at: [https://unctad.org/system/files/official-document/aldcafrica2021\\_Ch2\\_en.pdf](https://unctad.org/system/files/official-document/aldcafrica2021_Ch2_en.pdf))

39 Antoine Bouët, Brahim Cissé, and Fousseini Traoré, ‘Informal Cross-Border Trade in Africa,’ 2020, 2020 *Africa Agriculture Trade Monitor 2020 Report*, pp. 120-148. (available at: <https://ebrary.ifpri.org/utils/getfile/collection/p15738coll2/id/134003/filename/134219.pdf>)

40 African Peer Review Mechanism, ‘A study on the opportunities in the AfCFTA for women in the Informal and Cross-Border Trade,’ 2022

41 See: United Nations Economic Commission for Africa, ‘Towards an estimate of informal cross-border trade in Africa,’ August, 2008; and Caroline Lesser and Evdokia Moisé-Leeman, 18 February 2009, ‘Informal Cross-Border Trade and Trade Facilitation Reform in Sub-Saharan Africa’, OECD Trade Policy Papers, No. 86. See also: Florence Bonnet Joann Vanek, and Martha Chen, ‘Women and Men in the Informal Economy: A Statistical Brief,’ (previously cited).; Jean-Guy K. Afrika and Gerald Ajumbofika, ‘Informal cross border trade in Africa: Implications and policy recommendations (previously cited) United Nations Economic Commission for Africa, ‘Measuring informal cross-border trade is key to monitoring intra-African Trade,’ 5 June 2023, Lusaka, (available at: <https://repository.uneca.org/handle/10855/49799>)

42 For instance, when analysing bilateral trade data between Mozambique and Malawi from 2017 to 2020, the World Bank noted that there was minimal or negligible trade between these neighbouring countries in terms of agricultural products such as sweet potatoes, cassava, groundnuts, cotton seed, tropical fruits, and beans. However, during visits to border posts and markets along the Nacala and Beira corridors, which are the primary cross-border trade routes connecting these countries, researchers witnessed a significant flow of such agricultural goods following the Covid-19 pandemic. This suggests that either the officials were not documenting these transactions, or the products were being transported across the border in small quantities that did not require formal recording. See: Mila Malavoloneque and Ankur Huria, ‘Making trade safer for women cross-border traders in Mozambique and Malawi,’ 8 March 2023, The Trade Post, (available at: <https://blogs.worldbank.org/trade/making-trade-safer-women-cross-border-traders-mozambique-and-malawi>) also see United Nations Economic Commission for Africa ‘Towards an estimate of informal cross-border trade in Africa’, August 2021

43 United Nations. Economic Commission for Africa, ‘Towards an estimate of informal cross-border trade in Africa’, (previously cited)

44 UN Women (2010) cited in African Peer Review Mechanism (2022) ‘A study on the opportunities in the AfCFTA for women in the Informal and Cross-Border Trade.’

45 Taku Fundira, ‘Informal Cross-Border Trading – Review of the Simplified Trade Regimes in East and Southern Africa.’ 9 March 2018, TRALAC Trade Brief (available at: <https://www.tralac.org/publications/article/12825-informal-cross-border-trading-review-of-the-simplified-trade-regimes-in-east-and-southern-africa.html>)

46 Interview with the Southern Africa Trust on 31 July 2023

47 United Nations Economic Commission for Africa, ‘Report on the magnitude of and tools for measuring informal cross border trade in Africa’s regional economic communities,’ January 2013, 8th Session of ECA committee on Trade, Regional Cooperation and Integration, (available at: <https://hdl.handle.net/10855/22135>)

48 Jean-Guy K. Afrika and Gerald Ajumbofika, ‘Informal cross border trade in Africa: Implications and policy recommendations (previously cited)

49 Christopher Nshimbi and Innocent Moyo, ‘History, Trends and Dynamics of Cross-Border Movements and Trade in the SADC Region,’ 2017, *Migration, cross-border trade and development in Africa: Exploring the role of non-state actors in the SADC region*, pp. 1-13

feminized activity, with estimates suggesting that women make up between 60-80% of all informal cross-border traders across subregions in Africa.<sup>50</sup>

Despite its significance, informal cross-border trade in Africa is confronted with several challenges. One of the biggest challenges is the inefficiency of customs and immigrations procedures and the lack of proper infrastructure and facilities at border crossing points,<sup>51</sup> which can create an additional barrier and lead to long wait times that may incur additional costs into final consumer prices.<sup>52</sup> Additionally, informal cross-border traders are often subject to arbitrary customs procedures, corrupt officials, and other forms of exploitation.<sup>53</sup> Another challenge

confronting informal cross-border trade in Southern Africa is that, despite it accounting for a sizeable portion of regional cross-border trade, it is still frequently conflated with smuggling and other illegal activities.<sup>54</sup> These sentiments (often misconceptions) engender concerns that ICBT poses a higher risk of illegal activities like smuggling, counterfeiting, and money laundering.<sup>55</sup> As a result, cross-border traders are susceptible to negative attitudes, harassment, and mistreatment by authorities, border officials, and members of the community.<sup>56</sup> Consequently, women engaging in informal cross-border trade bear a disproportionate brunt of these challenges due to their higher representation in this line of work.



Malayisha prepares his bike for travel over the Bietbridge border. Malayisha operate outside the formal transportation sector and often face challenges related to regulation, taxation, and border control. Amnesty International, Musina, South Africa, 2023

## 4.3. A HISTORY OF ICBT IN SOUTHERN AFRICA

***“Migration was probably the single most important factor tying together all of the various colonies and countries of the sub-continent into a single regional labour market during the twentieth century.”***<sup>57</sup>

Southern Africa, having been inhabited for centuries, reflects a rich and complex history of interaction among various groups. Patterns of mobility and trade in the region are rooted in a long history which predates the official demarcation of the region’s territorial borders. Over time the nature and structure of this and other patterns of mobility in Southern Africa

have been shaped by a political economy premised on colonization, racial exploitation and characterised by land dispossession, gendered and racialized divisions of waged labour, and increased informality. It is in this historical context that the determinants of women’s involvement in informal cross-border trade were established and perpetuated.

### THE COLONIAL CONSTRUCTION OF NATIONAL BOUNDARIES AND GENDERED DUAL ECONOMIES

During the 19th century, distinct patterns of labour mobility began to emerge in Southern Africa as young men migrated to seek employment in neighbouring territories.<sup>58</sup> Following the Berlin Conference of 1884-5, Africa was partitioned into various colonies by European States, through the imposition of arbitrary colonial borders that divided communities and disrupted contours of mobility and restricted cross-border activities.<sup>59</sup> The British, who had annexed South Africa after the discovery of minerals in the 1870s and 1880s, exercised their expansionist ambitions across the region under the remit of the British South Africa Company (BSAC). The BSAC began to make inroads into present-day Malawi, Zambia and Zimbabwe, who by the late 1880s were

colonized by the British.<sup>60</sup> The colonial experience was not homogeneous, as different policies had distinct impacts on communities throughout the region. Nonetheless, the region shares a number of broad similarities, particularly as it relates to labour and migration.

With the vast expansion of mining, manufacturing and, to a lesser extent, commercial agriculture in Southern Africa, colonial authorities prioritised the recruitment of new sources of labour.<sup>61</sup> This was achieved through the dispossession of land and the extraction of taxes which increased the financial pressure on previously self-sufficient native communities to join growing mining and agriculture sectors as waged labour, and led to the emergence

50 Rae Lesser Blumberg, Joyce Malaba, and Lis Meyers, 'Women Cross-Border Traders in Southern Africa: Contributions, Constraints, and Opportunities in Malawi and Botswana,' (previously cited)

51 Lawrence Obokoh and Geoff Goldman, 'Infrastructure deficiency and the performance of small- and medium-sized enterprises in Nigeria's Liberalised Economy,' 2016, Acta Commer. vol.16, n.1 [cited 2023-02-06], pp.1-10. Available from: <[http://www.scielo.org.za/scielo.php?script=sci\\_arttext&pid=S1684-19992016000100012&lng=en&nrm=iso](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1684-19992016000100012&lng=en&nrm=iso)>. ISSN 1684-1999. <http://dx.doi.org/10.4102/ac.v16i1.339>

52 Sub-Saharan Africa among the longest customs delays in the world, at times reaching up to 12 days to cross borders with goods, see Blumberg, R.L., Malaba, J. and Meyers, L., 2020. Women Cross-Border Traders in Southern Africa. Contributions, Constraints, and Opportunities in Malawi and Botswana also see S Khumalo and E. Chibira, 'Finding Practical Solutions to Cross-Border Road Transport Challenges in SADC: A Review of Major Challenges and Prospects. Cross-Border Road Transport Agency' 2015, Proceedings of the 34th Southern African Transport Conference, (available at: [https://repository.up.ac.za/bitstream/handle/2263/57771/Khumalo\\_Finding\\_2015.pdf?sequence=1](https://repository.up.ac.za/bitstream/handle/2263/57771/Khumalo_Finding_2015.pdf?sequence=1))

53 Kathryn Pace, Antoine Bouët, and Joseph Glauber, 'Informal cross-border trade in Africa,' (previously cited); Southern African Research and Documentation Centre, Optimizing Regional Integration in Southern Africa: Assessing Informal Cross Border Trade in SADC, 2008, (available at: <https://www.sardc.net/books/ICBTReport/ICBTReport.pdf>)

54 Jean-Guy Afrika and Gerald Ajumbo, 'Informal Cross Border Trade in Africa: Implications and Policy Recommendations,' (previously cited)

55 Kerina Tull, 'The Contribution of Informal Trade for Food Security,' 2021, Developing Economies K4D Helpdesk; Institute of Development Studies

56 Kerina Tull, 'The Contribution of Informal Trade for Food Security,' (previously cited)

57 Jonathan Crush, Vincent Williams and Sally Peberdy, 'Migration in Southern Africa - A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration,' September 2005, (available at: <https://www.migrationdataportal.org/resource/international-migration-data-collection-paper-prepared-policy-analysis-and-research>)

58 Jonathan Crush, Vincent Williams and Sally Peberdy, 'Migration in Southern Africa,' (previously cited)

59 Andrew Scott MacDonald, 'Colonial Trespassers in the Making of South Africa's International Borders 1900 to c. 1950,' 2012, Doctoral dissertation, University of Cambridge. Also see: Tasew Gashaw, 'Colonial Borders in Africa: Improper Design and its Impact on African Borderland Communities,' 17 November 2017, Wilson Centre, <https://www.wilsoncenter.org/blog-post/colonial-borders-in-africa-improper-design-and-its-impact-on-african-borderland-communities>

60 Amy McKenna (editor), 'The History of Southern Africa,' 2011, pp. 42-61 and pp. 190-193

61 Butholezwe Mtombeni, 'Women and Colonialism: Southern Africa,' 2021, The Palgrave Handbook of African Women's Studies, pp. 1185-1202 also see J Harington, ND McGlashan and E Chelkowska, 'A century of migrant labour in the gold mines of South Africa,' 2004 Journal of the Southern African Institute of Mining and Metallurgy, 104(2), pp.65-71. (available at: [https://journals.co.za/doi/abs/10.10520/AJA0038223X\\_2866](https://journals.co.za/doi/abs/10.10520/AJA0038223X_2866))



of male labour migration as the dominant form of cross-border mobility in the region.<sup>62</sup>

In South Africa, for example, gold and diamond mining in the 19th century led to the establishment of mining towns that relied heavily on migrant labour from neighbouring countries including Zimbabwe, Mozambique and Malawi.<sup>63</sup> Similarly, the expansion of Zimbabwe's and Zambia's mining industry in the early 20th century prompted the migration of labourers from neighbouring countries throughout Southern Africa,<sup>64</sup> while Zambia's copper mines used migrant workers from Zimbabwe and Malawi in the 1960s.<sup>65</sup> The strongest demand for labour came from the diamond and gold mines, which led to the widespread migration of working-aged men from present-day Malawi and Zambia to mines in the DRC, Zimbabwe and South Africa in search of cash income.<sup>66</sup>

Whereas industrialisation encouraged cross-border mobility of Black men for the purposes of labour, colonial authorities restricted the mobility and economic participation of Black women, with the exception of a minority of Black women who were allowed to work in domestic and caregiving roles, or in local cash crop farms.<sup>67</sup> In the early colonial era, Black women were discouraged or outright forbidden by law to migrate across borders for work,<sup>68</sup> and urban areas in Southern Africa only accommodated male migrant labourers.<sup>69</sup> The gender bias of colonial regulations and the formal contract system for labour migrants are apparent when analysing the statistics of migrant labourers

in 1956 Zimbabwe, that show that only 1,390 of Zambian women migrated to Zimbabwe for work compared to 40,908 of Zambian men; and only 5,058 Malawian women migrated to Zimbabwe for work compared to 127,442 Malawian men.<sup>70</sup>

Black women faced discrimination in other areas including their lack of access to land ownership and productive resources, limited access to education, and paternalistic and racist attitudes towards them which granted them fewer opportunities in wage labour market compared to men.<sup>71</sup> Black women, therefore, were remanded in rural areas where, due to the migrancy of Black male labourers, they assumed responsibility of social and economic tasks previously done by men, while continuing to perform domestic functions. Women cultivated crops, made crafts and nurtured their families – duties which offered limited financial rewards. As such Black women increasingly relied on the wages of male labourers and support their families for survival.<sup>72</sup>

Godfrey Kanyenze, Founding Director of the Labour and Economic Development Research Institute of Zimbabwe, summarises how Southern Africa's colonial context shaped the gendered dynamics for formal employment in the region, telling Amnesty International: **“While able-bodied black men were forced into employment in the emerging capitalistic sectors of our economies for minimum wages, these wages were barely above subsistence level. So, the women therefore, were forced to supplement these wages.”**<sup>73</sup>

He adds:

**“This historical perspective is critical in understanding the gendered division of labour, which ascribes women to marginal activities that are not within the realm of formal arrangements. Years later, the prevailing economic architecture is such that the majority of people cannot subsist, so they have to find alternative ways of making a living to ensure that they stay above subsistence.”**<sup>74</sup>

It must be noted that, the reliance on women's unpaid labour within households and the agricultural sector was a strategic aspect of intentionally maintaining low wages for men. This strategy was further enforced by dissuading women from migrating, as their presence was indispensable for fulfilling agricultural and domestic labour responsibilities.<sup>75</sup> This arrangement effectively ensured that men would continue receiving reduced wages while women's contributions remained undervalued.<sup>76</sup>

Over time, the lack of livelihood opportunities for Black women in rural areas drove more women to migrate in search of new forms of waged labour. Job opportunities available to women in the urban areas were largely informal and confined to the domestic sphere, where Black women would work as maids and cooks for European colonials.<sup>77</sup> Beer brewing, sex work and small-scale trade were other avenues through which Black women in various urban contexts were able to

make a living.<sup>78</sup> Black women provided “the comforts of home” to Black migrant labourers at greater scale, trading in goods and services through informal trading networks.<sup>79</sup> Because male migrant labourers were paid low wages, they could not afford the goods and services of the Central Business Districts and major urban markets which remained the preserve of European and Asian merchants.<sup>80</sup> Instead, Black women, who were excluded from these markets, began to provide foodstuffs, beer, clothing and household utensils on a smaller scale through hawking and door-to-door sales.<sup>81</sup> Black women traders provided these goods at more affordable prices compared to shops because they were not subject to rent charges or other taxes. Eventually, informal trade was established as a necessary and lucrative endeavour.<sup>82</sup> According to Alice D. Kanengoni, Chief Executive at the Southern African Trust: **“If you think about the history of the region and the way labour crossed borders for instance to work in mines in South Africa or labour on farms in Zimbabwe, it was predominantly men who were part of those economic activities. This entrenched this notion that cross-border trade is only really trade when it's done by men. Yet, this is a survival tactic for women and has been for a long time.”**<sup>83</sup>

Despite the end of colonialism in most of Africa in the 1960s, colonial borders remain largely in place except for minor adjustments.

62 Godfrey Kanyenze, 'African migrant labour situation in Southern Africa,' March 2004, Paper presented at the ICFTU-AFRO Conference on Migrant Labour, <https://sarpn.org/documents/d0001831/index.php> also see Reginald Austin, 'Racism and apartheid in southern Africa: Rhodesia: A book of data,' 1975, UNESCO Press, pp. 59-67 (available at: <https://unesdoc.unesco.org/ark:/48223/pf0000016163>)

63 J Harrington, ND McGlashan and E Chelkowska, 'A century of migrant labour in the gold mines of South Africa,' (previously cited)

64 Jonathan Crush, Vincent Williams and Sally Peberdy, 'Migration in Southern Africa,' (previously cited)

65 Jonathan Crush, Vincent Williams and Sally Peberdy, 'Migration in Southern Africa,' (previously cited)

66 Amy McKenna (editor), *The History of Southern Africa*, p. 63 (previously cited)

67 Butholezwe Mtombeni, 'Women and Colonialism: Southern Africa,' 2021, *The Palgrave Handbook of African Women's Studies*, pp. 1185–1202

68 Belinda Dodson, 'Women on the move: Gender and cross-border migration to South Africa from Lesotho, Mozambique and Zimbabwe,' 2000, *On Borders: Perspectives on International Migration in Southern Africa*, pp. 119-150

69 Teresa Barnes, 'The Fight for Control of African Women's Mobility in Colonial Zimbabwe, 1900-1939,' 1992, *Signs* Vol. 17, No. 3

70 Jonathan Crush, Vincent Williams and Sally Peberdy, 'Migration in Southern Africa,' (previously cited)

71 Belinda Dodson, 'Women on the move: Gender and cross-border migration to South Africa from Lesotho, Mozambique and Zimbabwe,' (previously cited); Teresa Barnes, 'The Fight for Control of African Women's Mobility in Colonial Zimbabwe,' (previously cited)

72 Butholezwe Mtombeni, 'Women and Colonialism: Southern Africa,' (previously cited)

73 Interview by video call with Labour and Economic Development Research Institute of Zimbabwe, 25 July 2025

74 Interview by video call with Godfrey Kanyenze (previously cited)

75 Butholezwe Mtombeni, 'Women and Colonialism: Southern Africa,' (previously cited)

76 Elizabeth Schmidt, 'Farmers, Hunters, and Gold-Washers: A Re-evaluation of Women's Roles in Precolonial and Colonial Zimbabwe,' 1998, *African Economic History* No. 17, pp. 45-80

77 Lesley Braun, 'Women and Migration,' 2020, *Oxford Research Encyclopaedias of African History*

78 Lesley Braun, 'Women and Migration' (previously cited)

79 Lesley Braun, 'Women and Migration' (previously cited)

80 Grietjie Verhoef, 'Investing in Enterprise: Women Entrepreneurs in Colonial 'South Africa,' 2020, *Female Entrepreneurs in the Long Nineteenth Century: A Global Perspective*, pp. 57-83

81 Grietjie Verhoef, 'Investing in Enterprise' (previously cited)

82 Grietjie Verhoef, 'Investing in Enterprise' (previously cited)

83 Interview by video call with Southern African Trust, 31 July 2023

These borders are governed through modern States' deployment of bilateral agreements, legal statutes and other forms of regulatory frameworks to impose barriers against particular types of cross-border mobility and even criminalise some forms of cross-border activities. In spite of this, the 16 countries that form the Southern Africa Development Community (SADC) are the site of one of the largest and most diverse migration systems in

Africa.<sup>84</sup> As such, informal cross-border trade in the region has continued to grow since the 1960s now includes the exchange of goods and services with higher value and volume.<sup>85</sup> Informal cross-border trade encompasses a wide range of products such as agricultural produce and processed goods it has become a critical source of income for many people and small businesses in the region – estimated to generate billions of dollars in revenue annually.<sup>86</sup>

## THE RISE OF GENDERED INFORMALITY

### IN THE CONTEXT OF POST-COLONIAL STRUCTURAL ADJUSTMENT:

#### THE CASE OF MALAWI, ZAMBIA AND ZIMBABWE

The prominence of informal work in Southern Africa occurs not only a consequence of the region's colonial history of racialised economic inequality but was also exacerbated by the post-independence economic policy and adoption of IMF and World Bank endorsed Economic Structural Adjustment Policies.<sup>87</sup> The Southern Africa region is, of course, not a homogenous grouping and exhibits differences around the axes of economy, politics, culture, and language, among others. Yet, throughout the region, there are striking similarities with respect to the history and trajectory of economic development.<sup>88</sup>

Upon achieving independence, Southern African States inherited economies with significant structural issues, characterised by the unequal distribution of wealth and resources; limited industrialisation; inadequate infrastructure; and heavy debt burdens, among other issues. In the

late 1970s and early 1980s, these structural issues were exacerbated by a myriad of challenges including rising oil prices, growing interest rates and falling prices for commodity exports.<sup>89</sup> As export earnings fell, the debt repayment obligations of Southern Africa States rose, which, against the backdrop of the global economic crisis of the 1980s, left many States unable to repay their mounting external debts and meet their critical domestic needs.<sup>90</sup>

Unable to borrow from their traditional lenders, these States turned to International Financial Institutions (namely, the IMF and World Bank), who, in response to the harsh economic realities which visited much of Southern Africa from the 1980s, became key providers of loans in the region. However, in order to be eligible for loans from the World Bank and IMF, African governments had to cede to the conditions attached to these

loans, which largely required neoliberal economic reforms.<sup>91</sup> These reforms, termed 'structural adjustment,' comprised of two types of policy responses – stabilisation policies endorsed by IMF and structural adjustment policies, which were the domain of the World Bank.<sup>92</sup> The IMF created a system to recover macroeconomic stability in the short-term by through the provision of concessional loans. As a condition for accepting these loans, beneficiary countries were required to adopt a package of economic policy changes geared towards currency devaluation; import restrictions; and increased exports. On the other hand, the World Bank's concessional loans were wider in scope and called for import liberalisation; the removal of labour protections and food subsidies; and social sector reform. World Bank structural adjustment also called for the privatization of State-owned assets and the outsourcing of government functions.

While structural adjustment reforms were introduced to stimulate economic growth and development by reducing public spending and 'opening up' economic opportunities for the free market to develop, research

shows they had an overwhelmingly negative impact on local economies and disproportionately harmed women living in poverty. Statistics throughout the region reveal that the reforms worsened gender inequality by causing more women to become unemployed,<sup>93</sup> exacerbated wage differentials between genders,<sup>94</sup> They have also been found to pose negative effects on girls' education,<sup>95</sup> and women and girls health.<sup>96</sup> In this way much literature points to the fact that reduced investment in public services and burdensome tax regimes imposed during periods of structural adjustment results in women often being the first to lose their jobs in the formal sector, the first to forego healthcare and education to provide for other family members, and frequently excluded from financial and property rights.<sup>97</sup> Consequently, they have fewer opportunities for formal employment, leading to what Andall observes as an "increase in women's participation in informal trading... following structural adjustment policies and in relation to specific national circumstances."<sup>98</sup>

## MALAWI

Malawi's economic trajectory post-independence in 1964 saw impressive agricultural growth. However, in 1970s structural weaknesses in the Malawian economy compounded internal external shocks such as the sharp increases in import prices, severe droughts and the world economic recession of the mid and late 1970's – contributing to the worsening of the Malawian economy.<sup>99</sup> In response, the Malawian government, adopted its

first set of World Bank and IMF-backed structural adjustment reforms in 1981.<sup>100</sup> Between 1981 and 1994, Malawi implemented a further five (5) Structural Adjustment Programmes, and from 1995 to date, Malawi has implemented three (3) World Bank-backed Fiscal Restructuring and Deregulation Programmes (FRDP).<sup>101</sup> Despite these various attempts, structural adjustment in Malawi has paradoxically worsened economic conditions

84 Christopher Nshimbi and Innocent Moyo, 'History, Trends and Dynamics of Cross-Border Movements and Trade in the SADC Region,' (previously cited)

85 Christopher Nshimbi and Innocent Moyo, 'History, Trends and Dynamics of Cross-Border Movements and Trade in the SADC Region,' (previously cited)

86 United Nations Economic Commission for Africa, 'Towards an estimate of informal cross-border trade in Africa,' (previously cited)

87 Guy C.Z. Mhone, 'The impact of structural adjustment on the urban informal sector in Zimbabwe,' 1995, ILO Development and Technical Cooperation Department Issues in Development Discussion Paper 2

88 Guy C.Z. Mhone, 'The impact of structural adjustment on the urban informal sector in Zimbabwe,' (previously cited)

89 Kevin Watkins, 'The Oxfam poverty report,' 1995, Chapter 1

90 Kevin Watkins, 'The Oxfam poverty report' (previously cited)

91 Ann-Louise Colgan, 'Hazardous to Health: The World Bank and IMF in Africa', 2012. Africa Action Position Paper, African Studies Center, University of Pennsylvania, 2012, (available at [www.africa.upenn.edu/Urgent\\_Action/apic-041802.html](http://www.africa.upenn.edu/Urgent_Action/apic-041802.html))

92 Kevin Watkins, 'The Oxfam poverty report' (previously cited)

93 Bharati Sadasivam, 'The Impact of Structural Adjustment on Women: A Governance and Human Rights Agenda,' 1997, *Human Rights Quarterly*, 19(3), pp. 630-665

94 Bharati Sadasivam, 'The Impact of Structural Adjustment on Women' (previously cited); Ragnhild Overå, 'When men do women's work: structural adjustment, unemployment and changing gender relations in the informal economy of Accra, Ghana,' 2007, *The Journal of Modern African Studies* 45, no. 4, pp. 539-563; Alper Karademir, 'The Effects of Structural Adjustment Programs on Women in Developing Countries,' 2019, Proceedings of International Institute of Social and Economic Sciences International Academic Conferences (available at: <https://ideas.repec.org/p/sek/iacpro/4006460.html>)

95 Claudi Buchmann, 'The Debt Crisis, Structural Adjustment and Women's Education,' January 1996, *Education in Comparative Perspective*

96 Joe Lugalla, 'The impact of structural adjustment policies on women's and children's health in Tanzania,' March 1995, *Review of African Political Economy* 22, no. 63, pp. 43-53

97 Women's unpaid work has increased because of the removal of subsidies on social services in this way SAPs assume the unlimited availability of women's unpaid labour and time and the efficiency approach of SAPs have tended to see women as a resource to be tapped to promote the efficiency of free market policies and to deal with the short-fall in access to social services.

98 Jacqueline Andall, 'Intra-African female labour migration: Common issues, work and rights,' 2018, *Migration for Structural Transformation*

99 Chance Chagunda, 'Interrogating the Structural Adjustment Programme (SAP) in Malawi: impacts on the livelihoods of the working class and poor people,' 2022, RBEST Revista Brasileira de Economia Social e do Trabalho, Vol 4

100 Republic of Malawi, '3rd Draft Malawi Poverty Reduction Strategy Paper,' (previously cited); Chance Chagunda, 'Interrogating the Structural Adjustment Programme (SAP) in Malawi,' (previously cited)

101 Republic of Malawi, 2001, '3rd Draft Malawi Poverty Reduction Strategy Paper' (previously cited); Chance Chagunda, 'Interrogating the Structural Adjustment Programme (SAP) in Malawi,' (previously cited)

and intensified poor and working-class people's vulnerability to hunger and income insecurity.<sup>102</sup> Presently, Malawi has remained one of the poorest countries in the world with approximately half of its population living in poverty,<sup>103</sup> 83% of all

## ZAMBIA

In the 1970s, Zambia, facing economic challenges after major external shocks (namely the decline in prices for its copper exports and the 1973 world recession), borrowed heavily from foreign lenders and multilateral institutions such as the World Bank and the IMF.<sup>106</sup> It is during this time that the government, under the leadership of President Kenneth Kaunda, introduced narrow economic stabilization reforms agreed with the IMF. These reforms failed to make meaningful improvements to the country's worsening economic situation and as a result of the abovementioned issues, government revenues were significantly impacted and by 1984 Zambia became the country with the highest debt burden in the world relative to its GDP.<sup>107</sup> In 1987, Zambian President Kaunda

employment is informal,<sup>104</sup> and women, often from marginalized communities turning to informal work, including informal cross-border trading, due to a lack of formal employment options and social security coverage.<sup>105</sup>

halted the economic stabilization reforms, citing adverse effects on the population. However, the economic situation became increasingly desperate and by mid-1988, the government introduced an intensive reform policy programme, encompassed in the economic and financial Policy Framework Paper 1989 to 1993.<sup>108</sup> When the new government came into power in 1991, they accelerated economic structural adjustment and set ahead with full-scale World bank and IMF-backed reforms.<sup>109</sup> This development, taken together with the severe drought that affected the country in 1992, resulted in the devaluation of the Zambian currency and led to significant losses in economic activity and losses in formal jobs.<sup>110</sup>

## ZIMBABWE

Following a brief economic boom during the first few years after independence in 1980, Zimbabwe's economic growth was stunted by a number of issues, namely, declines in prices for minerals and other key exports, a series of consecutive droughts, and reduced foreign investment.<sup>111</sup> As a result, levels of public debt mounted, and the economy was plunged in a recession.<sup>112</sup> Following the policy prescriptions of the World Bank and IMF, in 1990 the Zimbabwean government adopted its first economic structural adjustment programme, encapsulated in the 'Framework for Economic Reform: 1991-1995'. Rather than meeting its stated objectives to stimulate economic growth, Zimbabwe's Economic Structural Adjustment Programme triggered soaring rates of inflation.<sup>113</sup> By the year 1998 real wages in formal jobs had declined significantly and thus, working-aged Zimbabweans, grappling with reduced incomes and insufficient opportunities in formal employment, turned to informal work for survival.<sup>114</sup> Political instability, international sanctions and the progressive deterioration of the rule of law only served to exacerbate this challenging economic environment and has contributed to Zimbabwe's current position as one of countries with the highest incidence of informal work in the world.<sup>115</sup>



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

102 Chance Chagunda, 'Interrogating the Structural Adjustment Programme (SAP) in Malawi,' (previously cited)

103 World Bank, 'Poverty Persistence in Malawi: climate shocks, low agricultural productivity and slow structural transformation,' 2022 (available at: <https://www.worldbank.org/en/news/press-release/2022/11/08/escaping-poverty-in-malawi-requires-improved-agricultural-productivity-climate-resilience-and-structural-transformation#:~:text=The%20new%20World%20Bank%20Poverty%20Assessment%20Report%20finds,are%20the%20core%20drivers%20of%20stagnant%20poverty%20levels>)

104 Republic of Malawi, 'Report on Employment Statistics,' November 2022

105 United Nations Economic Commission for Africa, 'Structural transformation employment, production and society (STEPS): Malawi 2018.' 2019, (available at: <https://hdl.handle.net/10855/43763>); Danish Trade Union Development Agency, Analytical Unit, 'Labour Market Profile 2019 Malawi Labour Market Profile,' 2019; Southern Africa Trust, 'Report on the Impact of the Covid-19 Pandemic on Women in The Informal Economy: The Case of Malawi,' January 2021

106 Oliver Saasa, 'Policy reforms and structural adjustment in Zambia: The case of agriculture and trade,' 1996, SD Publication Series Technical paper no. 35

107 Oliver Saasa, 1996, 'Policy reforms and structural adjustment in Zambia,' (previously cited)

108 Neo Simutanyi, 'The politics of structural adjustment in Zambia,' 1996, Third World Quarterly, 17(4), pp. 825-839

109 George Abalu, 'Comparative Analysis of Structural Adjustment Programs in Southern Africa, with Emphasis on Agriculture and Trade,' 1996, USAID Technical Paper 23

110 Anne Touwen, 'Structural adjustment and the feminisation of poverty in Zambia: Counteracting strategies,' 1996, (available at <https://www.graduatwomen.org/wp-content/uploads/2014/01/touwen.pdf>); Oliver Saasa, 'Policy reforms and structural adjustment in Zambia' (previously cited)

111 Daniel Makina, 'Historical Perspective on Zimbabwe's Economic Performance A Tale of Five Lost Decades,' June 2010, Journal of Developing Societies 26(1), pp. 99-123, Brian Raftopoulos, Godfrey Kanyenze and Mabel Nederlof Sithole, 'Navigating Turmoil in Zimbabwe,' 2020, Nelson Mandela School of Public Governance, University of Cape Town

112 Malte Luebker, 'Employment, unemployment and informality in Zimbabwe: Concepts and data for coherent policy-making,' 2008, (Accessible at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms\\_097760.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_097760.pdf)); Labour and Economic Development Research Institute of Zimbabwe and Friedrich-Ebert-Stiftung, 'Strategies for Transitioning the Informal Economy to Formalisation in Zimbabwe,' 2015, Accessible at: <https://library.fes.de/pdf-files/bueros/simbabwe/13714.pdf>

113 Malte Luebker, 'Employment, unemployment and informality in Zimbabwe: Concepts and data for coherent policy-making,' 2008, (Accessible at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms\\_097760.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_097760.pdf)); Labour and Economic Development Research Institute of Zimbabwe and Friedrich-Ebert-Stiftung, 'Strategies for Transitioning the Informal Economy to Formalisation in Zimbabwe,' 2015, Accessible at: <https://library.fes.de/pdf-files/bueros/simbabwe/13714.pdf>

114 Guy Mhone, 'The impact of structural adjustment on the urban informal sector in Zimbabwe,' 1995, International Labour Office, Development and Technical Cooperation Department, (available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/documents/publication/wcms\\_123383.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_123383.pdf))

115 International Labour Organisation, 'Outside the box: The resilience that keeps the economy moving,' 8 November 2021 (available at [https://www.ilo.org/africa/countries-covered/zimbabwe/WCMS\\_827210/lang--en/index.htm](https://www.ilo.org/africa/countries-covered/zimbabwe/WCMS_827210/lang--en/index.htm))



## 5. INFORMAL CROSS-BORDER TRADE: WHAT WORKS?

Natasha Moyo\* had a pleasant and comfortable childhood in her hometown in Kamfinsa Harare, Zimbabwe with her immigrations official mother, police officer father and three younger siblings. By 2017, both of Natasha's parents had died and her mother's family forced her and her siblings out of their childhood home, they were left with nothing.

Natasha suspended her aspirations of becoming a lawyer, and found work as a domestic worker which enabled her to rent a room for her and her siblings to live in. But her monthly salary of US\$30 was insufficient to sustain her household, and soon Natasha was looking for alternative opportunities to earn a livelihood. This is when Natasha decided to cross the border into South Africa. Reflecting on her motivations to start ICBT, Natasha told Amnesty International researchers:

***“This business is not well known and not well exposed. People are not accepting who we are. When we come to South Africa, locals thought we are trying to snatch their jobs, but no, we need to take care of our kids, our sisters and other things.”***

### INFORMAL CROSS-BORDER TRADE

### IS AN AVENUE FOR ADDRESSING FEMINIZED POVERTY

According to UN Women, the overwhelming majority of those living in extreme poverty are women and girls.<sup>116</sup> Over the past decade, the disparity between women and men trapped in poverty has expanded, leading to the emergence of the term “feminization of poverty.”<sup>117</sup> This term encapsulates the growing relative poverty levels faced by women and women-headed households, often exacerbated by the constraints of neoliberal

116 United Nations Entity for Gender Equality and the Empowerment of Women and Department of Economic and Social Affairs, 'Progress on the Sustainable Development Goals: The gender snapshot 2023,' 2023, (available at: [https://www.unwomen.org/en/resources?fi0=published\\_by:2215](https://www.unwomen.org/en/resources?fi0=published_by:2215))

117 United Nations Department of Public Information, 'The feminisation of poverty,' May 2000, Fact Sheet No. 1, (available at: <https://www.un.org/womenwatch/daw/followup/session/presskit/fs1.htm>)

economic policies.<sup>118</sup> While the term itself was conceptualized in the context of challenges faced by women-headed households in the United States<sup>119</sup> it is a consequence of globally pervasive gender discrimination and exclusion, compounded by disparities in global incomes, which have a pronounced impact on countries in the developing world.<sup>120</sup>

It is in this context that informal cross-border trade emerges as a vital component in addressing poverty, especially for women and their families in Sub-Saharan Africa.<sup>121</sup> This trade serves as the predominant income source for many self-employed women, constituting 60% of their non-agricultural income, making it the most significant source of income among self-employed women in the region as reported by some studies.<sup>122</sup> Consequently, ICBT offers a potential avenue to mitigate poverty and its feminization thereof. As author Zo Randriamaro stated in a UN Women report:

## ICBT ENABLES WOMEN TO MEET DIFFERENT NEEDS

Engagement in ICBT has created economic opportunities for numerous women and allowed them to substantially uplift their living standards and meet various needs. One of its most tangible impacts is the facilitation of income generation, which subsequently grants many women access to some basic necessities such as housing, education, and healthcare.<sup>124</sup> The benefits women derive from ICBT go beyond just economic terms, with many women reporting to Amnesty International that it

**“Informal cross-border trade is, therefore, not simply an alternative to formal employment, but rather an employment and income generating activity that supports families and helps combat the concentration of poverty among women and children.”<sup>123</sup>**

However, it is important to note that although ICBT offers an essential income stream, it doesn't necessarily counteract the multifaceted dimensions of feminized poverty. As will be discussed in this report, challenges within the trade, like minimal profit margins, time-consuming procedures, and inadequate social support can add to time constraints and curtail economic growth opportunities for women. As such, while ICBT offers income avenues, it doesn't entirely address the structural social and economic factors that feminized poverty is rooted in.

has been a pathway to financial independence, consequently enhancing their societal status and allowing them to access different rights. A considerable number of these women traders emphasized how ICBT income has been instrumental in ensuring their children's education and healthcare, underscoring its role as a catalyst for improving health and education outcomes for the family. Reflecting on the transformative power of ICBT, a trader shared her sentiments,

**“Cross-border trade has been a beacon of hope for me and my family. It has allowed me to finance my children's education, even sending them to university.”** Another woman said to Amnesty International that, **“Informal cross-border trade is my husband.”<sup>125</sup>**

Moreover, this trade activity promotes personal growth, development, and the

## ICBT AIDS REGIONAL DEVELOPMENT

Informal cross-border trade in Africa has also played a significant role in promoting regional integration across the continent. Various studies have shown that ICBT is a significant contributor to intra-regional trade in the SADC region.<sup>128</sup> In fact some analysts have argued that the real integration process of Africa is taking place in ICBT, rather than in formal trade,<sup>129</sup> a phenomenon referred to by scholars as 'invisible integration.'<sup>130</sup> This is primarily through the creation of regional markets. ICBT has created a platform for the exchange of goods and services between countries, thereby increasing economic cooperation and integration. The creation of these regional markets has facilitated the movement of goods, services, and people, and promoted economic growth and development.<sup>131</sup>

formation of cohesive networks. Through associations and networks, women traders often discover a robust sense of community and support, enabling information exchange, resource sharing, and collective problem-solving.<sup>126</sup> **“I will continue with cross-border trade because it has lifted me and my family. I was able to send my children to school and now university.”<sup>127</sup>**

Additionally, informal cross-border trade has helped to spur innovation and increase competitiveness in the African market.<sup>132</sup> The exchange of goods and services between countries has created opportunities for African businesses to learn from each other, and to adopt new technologies, management practices, and business models.<sup>133</sup> This exchange has helped to drive innovation and competitiveness, which has led to increased productivity and improved standards of living for people in the region.<sup>134</sup>

Informal cross-border trade also promotes regional integration through the promotion of cultural exchange.<sup>135</sup> This exchange has helped to break down cultural barriers, increase understanding, and promote unity and cooperation between people from different countries.

118 Isobel Frye, 'The "second economy" is intellectual sleight of hand,' 2007, *Africanus*, *Journal of Development Studies* 37(2): 175-190; L.L.Pheko, 'Position Paper on Gender and Poverty in South Africa for Submission to the National Planning Commission. Pretoria: Women in Dialogue,' 2011

119 Janice Peterson, 'The Feminization of Poverty,' 1987, *Journal of Economic Issues*, 21(1), 329-337

120 In a UN study on a sample of 186 countries. 62.8% of extreme poor women live in Sub-Saharan Africa, 20.9% in Central and Southern Asia, 5.3% in Latin America and the Caribbean, 5.1% in Northern Africa and Western Asia, 4.8% in Eastern and South-Eastern Asia, 0.8% in Europe and Northern America, 0.3% in Oceania (excluding Australia and New Zealand) and 0.01% in Australia and New Zealand. United Nations Entity for Gender Equality and the Empowerment of Women, (2022, February 1). Poverty deepens for women and girls, according to latest projections, 1 February 2022, (available at: <https://data.unwomen.org/features/poverty-deepens-women-and-girls-according-latest-projections>). Also see Hazel McFerson, 'Poverty Among Women in Sub-Saharan Africa: A Review of Selected Issues,' 2010, *Journal of International Women's Studies*. Vol. 11: Issue. 4. Article 4

121 Southern African Research and Documentation Centre, 'Optimising Regional Integration in Southern Africa: Assessing Informal Cross Border Trade in SADC 2008,' April 2008, (available at: <https://www.sardc.net/books/ICBTReport/ICBTReport.pdf>)

122 See: Tacko Ndiaye, 'Case Study on Gender Dimension of Aid for Trade: Women Informal Traders Transcending African Borders: Myths, Facts and Ways Forward,' undated, OECD, (available at: <https://www.oecd.org/aidfortrade/47715006.pdf#:~:text=In%20Africa%2C%20informal%20cross%20border%20trade%20features%20prominently,of%20Sub-Saharan%20Africa%20providing%2060%25%20of%20non-agricultural%20self-employment>)

123 Zo Randriamaro, 'Trade, poverty and women's economic empowerment in Sub-Saharan Africa,' 2009 United Nations Division for the Advancement of Women, Department of Economic and Social Affairs

124 Zo Randriamaro, 'Trade, poverty and women's economic empowerment in Sub-Saharan Africa'

125 Focus Group Discussion in Masvingo, 20 November 2022

126 Focus Group Discussions in Zimbabwe, November 2022

127 Focus Group Discussions in Mutare, 18 November 2022

128 Violet Fokum, 'Dynamics between Regional Integration and Informal Cross Border Trade and Its Applicability: The Case of Cameroon and Equatorial Guinea,' 2023, *Open Journal of Social Sciences*, 11, 395-409; Christopher Changwe Nshimbi, 'The Human Side of Regions: Informal Cross-border Traders in the Zambia-Malawi-Mozambique Growth Triangle and Prospects for Integrating Southern Africa,' 2020, *Journal of Borderlands Studies*, 35:1, pp. 75-97

129 Sami Bensassi, Joachim Jarreau, and Cristina Mitaritonna, 'Regional Integration and Informal Trade in Africa: Evidence from Benin's Borders,' 2019, *Journal of African Economies*, Volume 28, Issue 1, pp.89-118

130 Violet Fokum, 'Dynamics between Regional Integration and Informal Cross Border Trade and Its Applicability,' (previously cited)

131 John Mwaniki, 'The impact of informal cross border trade on regional integration in SADC and implications for wealth creation,' 2011, Harare: Great Zimbabwe University, (available at: [https://sarpn.org/documents/d0001002/CFA-Mwaniki\\_CORN.pdf](https://sarpn.org/documents/d0001002/CFA-Mwaniki_CORN.pdf))

132 Kate Higgins, 'Gender Dimensions of Trade Facilitation and Logistics: A Guidance Note,' 2012, World Bank International Trade Department, (available at: <https://openknowledge.worldbank.org/server/api/core/bitstreams/542651c5-6ff3-5265-866b-62e7414469ff/content>)

133 Kate Higgins, 'Gender Dimensions of Trade Facilitation and Logistics: A Guidance Note (previously cited)

134 Christopher Changwe Nshimbi, 'Towards a Single African Economic Space: Informal Cross-Border Trade and the COMESA-EAC-SADC Tripartite Free Trade Area,' 2021, *Regionalism, Security and Development in Africa*, pp. 77-96

135 Netly, Magura, 'The Benefits of a Shared Language Among Informal Cross-Border Traders at Chirundu One-Stop Border Post between Zambia and Zimbabwe,' 2021, *International Journal of Research and Innovation in Social Science (IJRISS)*, 5(2), pp. 307-314

## ICBT CONTRIBUTES TO FOOD SECURITY

According to the 2021 SADC Synthesis Report on the state of food and nutrition security and vulnerability in Southern Africa approximately 47.6 million people in the profiled states suffer from food insecurity.<sup>136</sup> Food insecurity increased by almost 10% in the region in 2020 compared to the previous year. The main factors responsible included Covid-19,<sup>137</sup> climate change,<sup>138</sup> conflict and economic factors like inflation, trade restrictions, fluctuating commodity prices, and decreased purchasing power among the people.<sup>139</sup> Informal cross-border trade plays a crucial role in ensuring food security in Southern Africa.<sup>140</sup>

A critical way informal cross-border trade contributes to food security in Southern Africa is by providing access to a variety of food items, because it often involves the exchange of goods between countries in the region, which allows for the introduction of new and diverse food products.<sup>141</sup> This increases the availability of food items, especially those that may be in short supply in certain countries.<sup>142</sup>

Informal cross-border trade also supports food security in Southern Africa by making food more available and affordable - thereby cushioning the effects of the region's intersecting financial, food and natural disaster crises. As informal cross-border trade is dominated by food, especially small-scale

groceries and fresh produce, studies have emphasised its importance in getting food from one country to another and alleviating food shortages.<sup>143</sup> As this trade is part of the informal economy, traders may be more responsive to shifting demand than formal operations and navigating varying commodity prices across the region, making food cheaper and more accessible to consumers, particularly those living in poverty.<sup>144</sup>

Countries in Southern Africa have suffered the brunt of climate change-related natural disasters such as droughts, floods, cyclones and landslides, which cause the devastation in agricultural production and distribution. For instance, in 2019, cyclones Ildai and Kenneth caused widespread flooding and crop destruction in Malawi, Mozambique, and Zambia,<sup>145</sup> damage, which less than three years later, was exacerbated by Cyclone Ana, which destroyed more than 220 000 fields and crops in Malawi alone.<sup>146</sup>

In such cases, informal cross-border trade also plays an important role in moving agricultural produce and other foodstuffs from where they are in surplus to where there is a deficit. This was evidenced during the major regional drought of 2002 and 2003, in which informally traded cross-border goods played a significant role in averting widespread food insecurity.<sup>147</sup>

136 Southern Africa Development Community, 'Synthesis Report on the state of food and nutrition security and vulnerability in Southern Africa, August 2021, (available at: <https://www.sadc.int/latest-news/sadc-release-synthesis-report-state-food-and-nutrition-security-region#:~:text=Southern%20Africa%20suffers%20widespread%20food%20and%20nutrition%20insecurity,last%20year%20and%2034.3%25%20above%20the%205-year%20average.>) Southern Africa Development Community, 'Synthesis Report on the state of food and nutrition security and vulnerability in Southern Africa, July 2020, (available at: <https://www.sadc.int/latest-news/sadc-member-states-urged-strengthen-mechanisms-mitigate-impact-covid-19-45-million#:~:text=A%20new%20report%2C%20released%20today%20by%20the%20Southern%20Members%20States%20of%20Southern%20Africa%20are%20food%20insecure>)

137 Hojatollah Kakaei, Heshmatollah Nourmoradi, Salar Bakhtiyari, Mohsen Jalilian and Amin Mirzaei, 'Effect of Covid-19 on food security, hunger, and food crisis. Covid-19 and the Sustainable Development Goals' March 2022, Covid-19 and the Sustainable Development Goals, pp. 3-29

138 Tshepo Masipa, 'The impact of climate change on food security in South Africa: Current realities and challenges ahead' 21 February 2021, *Jamba: Journal of Disaster Risk Studies*, 9(1), pp.1-7

139 Paul Madhumita, 'Food insecurity in southern Africa up 10%: Report,' 30 July 2020, *Down to Earth*, (available at: <https://www.downtoearth.org.in/news/africa/food-insecurity-in-southern-africa-up-10-report-72575>); SADC, 'Synthesis report on the state of food and nutrition security and vulnerability in Southern Africa,' (previously cited)

140 Kerina Tull, 'The Contribution of Informal Trade for Food Security in Developing Economies,' (previously cited)

141 Kerina Tull, 'The Contribution of Informal Trade for Food Security in Developing Economies,' (previously cited)

142 TRALAC, 'Women cross-border traders and food security in Southern Africa: Role of simplified trade regimes,' undated, (available at: <https://www.tradeunionsinacfta.org/women-cross-border-traders-and-food-security-in-southern-africa-role-of-simplified-trade-regimes/>). For a study demonstrating the impact of informal cross-border trade on food security in Nigeria, see: Oluosola Oloba and Lere Amusan, 'Exploring the effect of Women Cross-Border Trade (WCBT) on food security in the border towns of the southwestern Nigeria' 2020, *Gender & Behaviour*, 18(2), pp. 15787-15795

143 World Food Programme, 'Food Systems In Southern Africa: Drivers of change and opportunities for influence,' June 2021, (available at: [https://docs.wfp.org/api/documents/WFP-0000129529/download/?\\_ga=2.255838218.324209319.1691080632-204401663.1691080632](https://docs.wfp.org/api/documents/WFP-0000129529/download/?_ga=2.255838218.324209319.1691080632-204401663.1691080632)), World Food Programme, 'Informal Cross Border Food Trade in Southern Africa,' 2019, Famine Early Warning Systems Network, Issue 50 (available at: <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp204082.pdf>), International Monetary Fund, 'Climate Change and Chronic Food Insecurity in Sub-Saharan Africa,' Volume 2022: Issue 016, (available at: <https://www.elibrary.imf.org/view/journals/087/2022/016/article-A001-en.xml>)

144 World Food Programme, 'Informal Cross Border Food Trade in Southern Africa,' 2009, Famine Early Warning Systems Network, Issue 49 (available at: <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp202176.pdf>), Mila Malavoloneque And Ankur Huria, 'Making trade safer for women cross-border traders in Mozambique and Malawi,' 8 March 2023, World Bank Blogs (available at: <https://blogs.worldbank.org/trade/making-trade-safer-women-cross-border-traders-mozambique-and-malawi>)

145 Collen Mutasa, 'Revisiting the impacts of tropical cyclone Ildai in Southern Africa,' 2022, UNESCO Regional Office for Southern Africa, Harare, Zimbabwe

146 TRALAC, 'Women cross-border traders and food security in Southern Africa: Role of simplified trade regimes,' December 2023, (available at: <https://www.tradeunionsinacfta.org/women-cross-border-traders-and-food-security-in-southern-africa-role-of-simplified-trade-regimes/>)

147 United Nations World Food Programme, 'Informal Cross Border Food Trade in Southern Africa,' February 2009, Famine Early Warning Systems Network, Issue 49, (available at: <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp202176.pdf>)

## ICBT CONTRIBUTES TO WOMEN'S EMPOWERMENT<sup>148</sup>

Lastly, given the significant participation of women in informal cross-border trade has become an important tool for women to generate income and gain financial independence, which can lead to increased autonomy and empowerment.<sup>149</sup> Informal cross-border trade can also provide women with opportunities to develop their entrepreneurial skills, including negotiation, financial management, and risk assessment. This not only enhances their ability to earn an income, and control assets, but also their capacity to participate in other economic activities, such as starting their own businesses or managing their own financial assets.<sup>150</sup>

**"I was employed as a senior chef. I got a promotion into a senior post. Upon getting the position, the manager demanded sexual favours in exchange. When I refused, I was the first person to be retrenched. This is the reason why I became a trader. With ICBT I do not have a manager. I am the manager and the director."<sup>151</sup>**

In addition to its economic benefits, informal cross-border trade can also have a positive impact on women's social and political life. Women involved in trade often form networks and communities, providing them with a platform to exchange ideas, share information, and support one another. This can help to build women's confidence and build collective power for tackling social and economic issues they face.<sup>152</sup>



Mchinji chapter of the Cross-Borders Association in Malawi, 2023

148 It is noted that economic empowerment encompasses more than just having a source of income; it involves the ability to control a range of economic assets and decision-making, which requires changes in gender norms, attitudes, and behaviours. For reference, Oxfam's Conceptual Framework on Women's Economic Empowerment outlines effective economic empowerment for women as occurring when they enjoy their rights to control and benefit from resources, assets, income, their own time, the ability to manage risk, and improve their economic status and well-being. See: <https://policy-practice.oxfam.org/resources/oxfams-conceptual-framework-on-womens-economic-empowerment-620269/>. Information given here was on women's own personal accounts

149 Martha Chen, Joann Vanek and James Hentz, 'Informality, gender and poverty: A global picture,' 2006, *Economic and Political Weekly*, pp.2131-2139

150 Njikam Ousmanou and Gérard, Tchouassi, 'Women in informal cross-border trade: Evidence from the Central Africa Region,' 2011, *African Journal of Business Management* 5, pp. 4835-4846

151 Focus Group Discussion in Bulawayo, November 2022

152 Many countries have formed Cross-border trade associations, Market Management Committees and Cross-Border Mixed Commissions to mitigate risks, mobilize resources, and network with governments. See: United Nations Development Programme, 'Revamping Africa's Informal Cross Border Trade in the Aftermath of Covid-19 through Private Sector-Led Impact Funding,' 21 February 2022, (available at: <https://www.undp.org/africa/news/revamping-africa%E2%80%99s-informal-cross-border-trade-aftermath-covid-19-through-private-sector-led-impact-funding>)

# 6. THE GENDERED DYNAMICS OF INFORMAL CROSS-BORDER TRADE IN SOUTHERN AFRICA

The gendered dynamics of informal cross-border trade have a significant influence on the nature of the trade as well as the experiences of those who engage in it. The most obvious way in which informal cross-border trade is gendered is through the disproportionate participation of women who, as stated before, account for around 70% of informal cross-border traders.<sup>153</sup> Moreover, informal cross-border trade not only represents a gendered phenomenon, but one that also appears to perpetuate gender inequalities. Several factors significantly influence the involvement of women in informal cross-border trade. The historical marginalization of women from formal sectors, coupled with enduring economic constraints, social and cultural norms, and the impact of trade-related barriers, collectively shape their participation in this economic activity.<sup>154</sup>

## 6.1. LIVING IN POVERTY

While women, men and children are susceptible to poverty in Africa, gender discrimination makes women more vulnerable to the insidious effects of deprivation, unemployment and economic inequality. This is because as previously referred to, due to the ‘feminisation of poverty,’ systemic biases against women create significant disparities between men and women at the level of their economic access and activity, and pose challenges to the fulfilment of women’s rights.<sup>155</sup> Despite various commendable strides towards gender equality in Malawi, Zambia and Zimbabwe, it is still evident that an interplay of social, economic and cultural discrimination against women endures and continues to limit women’s access to basic needs and amenities.<sup>156</sup>

The disaggregated data on poverty rates are indicative of this inequality. According to official statistics, the incidence of poverty among women-headed households in Malawi is 72.3% compared to 58.1% among male-headed households.<sup>157</sup> In Zambia, women-headed households also have a higher likelihood of being poor, at a rate of 83% compared to 77% of male-headed households.<sup>158</sup> Poverty is similarly gendered in Zimbabwe as women account for 51.9% of the country’s extreme poor, compared to 48.1% of men.<sup>159</sup>

Rather than a merely statistical observation of the number of women affected by poverty, the feminisation of poverty also concerns the severity of poverty experienced by women. According to the United Nations Commission for Africa, poverty is experienced differently by women compared men. Poverty for women tends to be more severe and poses greater challenges.<sup>160</sup> For instance (and as will be explored further in this research), traditional constructions of patriarchy require women and girls to bear the burden of fulfilling reproductive and caring roles in their households and communities at the expense of their economic participation.<sup>161</sup> According to Christabel Phiri, of the Southern Africa Trust: **“The numbers of women in informal work continue to increase due to limited opportunities elsewhere. Particularly, girls face fewer educational opportunities compared to boys, contributing to the perpetuation of poverty. In many family settings, there is a prevailing emphasis on prioritizing boys’ access to education, leaving girls with limited opportunities for formal education. So, what is it that they’re going to do [for work]? Many resort to informal cross-border trade.”**<sup>162</sup>

The compounded impact of poverty and gendered discrimination renders women disproportionately vulnerable to precarious livelihoods and exacerbates the prevalence of women informal work.

In line with this, the profile of women interviewed by Amnesty International who are engaged in cross-border trading in Zimbabwe showcased diverse economic activities and challenges prevalent within their communities. These women come from various backgrounds and face distinct circumstances that drive them towards cross-border trading as a means of earning a living. Throughout all the focus groups in Zimbabwe, it was apparent that women faced various difficulties, such as a scarcity of employment opportunities jobs in Zimbabwe’s dwindling formal sector and arduous farming work. In response to these hurdles, we found that women frequently engage with several other economic activities to cope with poverty and make ends meet.

In Musina, Bulawayo, Masvingo, Chinhoyi, Harare and Mutare, Amnesty International researchers spoke to women who made their living from subsistence farming, fishing, and livestock rearing, as well as domestic work crafts, artisanal mining, and commercial sex work. Starting with the income earned through these activities these women described how they formed group stokvels<sup>163</sup> to pool their modest savings. which eventually provided them with the start-up capital necessary to participate in informal cross-border trade.<sup>164</sup> Throughout all the focus groups in Zimbabwe, it was apparent that informal cross-border is a well-established survival strategy for Zimbabweans,

157 The Government of Malawi, ‘Malawi Multidimensional Poverty Index Report,’ 2021

158 Zambia Statistics Agency, ‘2022 Poverty Assessment in Zambia: Key Highlights,’ 2022 (available at: <https://www.zamstats.gov.zm/wp-content/uploads/2023/09/Highlights-of-the-2022-Poverty-Assessment-in-Zambia-2023.pdf>)

159 Dhiraj Sharmam Jeffrey Alwang, Tawanda Chingozha, Christopher Hoy, Flora Kurasha, and Ananda Paez Rodas. ‘Reversing the Tide: Reducing Poverty and Boosting Resilience in Zimbabwe,’ 2022, World Bank

160 United Nations Economic Commission for Africa, ‘Tackling Women’s Poverty for Economic Growth and Development in Africa,’ 2008, Gender Net: African Centre for Gender and Social Development, Issue 6

161 United Nations Economic Commission for Africa, ‘Tackling Women’s Poverty for Economic Growth and Development in Africa,’ (previously cited)

162 Amnesty International Interview with the Southern Africa Trust, 31 July 2023

163 A stokvel is a form of informal savings or investment scheme that is popular in many African countries. It is a collective savings club where a group of individuals, usually friends, family members, or colleagues, come together and contribute fixed amounts of money regularly into a pool or fund. The contributions are typically made on a weekly, monthly, or annual basis. The funds collected in the stokvel are then disbursed periodically to each member of the group, either on a rotational basis or during predetermined pay-out cycles. Each member takes turns receiving the full amount collected, and this cycle continues until all members have received their share of the funds. Stokvels serve various purposes, such as saving for special occasions (e.g., weddings, funerals, holidays), emergency funds, or even investment opportunities. They are based on trust, social cohesion, and a sense of community among the members, and they provide a means for individuals to achieve financial goals collectively through mutual support and cooperation.

164 Focus Group Discussion in Masvingo and Mutare, 19 and 20 November 2022

153 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

154 Rae Blumberg, Joyce Malaba, and Lis Meyers, ‘Women Cross-Border Traders in Southern Africa. Contributions, Constraints, and Opportunities in Malawi and Botswana,’ (previously cited)

155 Peter Masvotore and Lindah Tsara, ‘Poverty with a feminine face: Theologising the feminisation of poverty in Mutasa District, Zimbabwe,’ 2023, *HTS Teologiese Studies/Theological Studies* 79, no. 3

156 Bernadette Mukhwana Wanjala, ‘Women, poverty, and empowerment in Africa,’ 2021, *The Palgrave Handbook of African Women’s Studies*, pp. 1657-1679

supporting the contention of Tapiwa Tabene,\* a former Newspaper employee turned informal cross-border trader from Beitbridge Border post told Amnesty international: **“In Beitbridge, where I stay, there is no industry, there are no jobs, so most people survive on cross-border trading. Women are working as much as men... More women are into cross-border trade to fend for their families because their husbands are not working.”**<sup>165</sup>

Similarly, in Zambia the World Bank confirms that the feminization of poverty has remained stubbornly high, particularly in rural areas where women and girls continue to endure limited access to education, productive resources,<sup>166</sup> and formal economic opportunities.<sup>167</sup> In Lusaka Amnesty International found that a significant segment of the population grapples with poverty and rely on subsistence farming, cattle rearing, and small-scale informal trading for survival. Here, the women interviewed reported that despite some progress towards gender equality, women have historically had limited opportunities compared to men.<sup>168</sup> Women reported that they encounter limitations in expressing their opinions in the presence of men, and male dominance is prevalent as men are generally regarded as the head of the household. In some communities, women are not granted equal standing in the ownership of assets and property is often skewed in favour of men. This subordinate position of women was summarised by a woman who told Amnesty International researchers: **“Men and women are not equal. Women can’t talk in front of men. Men are head of [the] house. Even if women earn more money, most of the household belongs to husbands. And [in the case of divorce or death] men get everything”.**<sup>169</sup>

In focus group discussions with women in Mwanza and Mchinji, Amnesty International found that the production and small-scale trade of food and other goods the primary livelihood source for many households in the districts of Mzimba, Salima, Dowa, Blantyre, Cassungu, Zomba, and Mchinji. Women are active in small-scale farming of vegetables such as maize, beans, tomatoes, and other vegetables; cooking and trading food such as fritters, kapenta (small, dried fish), and mealie meal (maize flour); as well as repackaging goods to resell. While some of the women Amnesty interviewed worked in formal employment sectors like teaching, healthcare, or NGOs, gender inequality persists in limiting women’s access to formal employment with, traditional constructions of patriarchy limiting the opportunities of women in commerce, agriculture and banking. Women stated that they encounter barriers in securing loans or financial assistance due to their lack of collateral and limited village banking options.<sup>170</sup> However, despite these hurdles, women engage in innovative strategies to save money, most notably through community-based savings schemes referred to as ‘Chilimba.’<sup>171</sup>

Covid-19 sank women cross-border traders into even more precarity, with the loss of capital emerging as a primary challenge.<sup>172</sup> As summarised by Christabel Phiri: **“Because the region has been going through a number of challenges and multiple crises, women are finding informal cross-border trade easier to do. But it hasn’t been without barriers, at least for the last 3 years. If anything, the last 3 years further exposed the challenges that women involved in this trade have long been facing.”**<sup>173</sup>



Truck crossing the Beitbridge border post, Amnesty International, Musina, South Africa, 2023

Many women informal cross-border traders struggled to recover from the shutdowns spurred from the Covid-19 pandemic, with many attempting to adapt through online ordering methods, but faced issues like non-delivery and receiving inferior products, **“yes, we tried doing things online, there was a WhatsApp group but sometimes goods did not come, or when they did the quality was very bad.”**<sup>174</sup>

Regina Chirwa’s experience in Zambia exemplifies the widespread impact, stating, **“It was a nightmare. Because shops were closed, you could travel to Lusaka to find all the shops are closed and you don’t know when they are going to open. So, you’d travel back without buying anything, meaning the transport expenses have just gone down the drain.”**<sup>175</sup>

165 Individual Interview, 21 April 2023, Musina

166 Ikabongo Mwiya, ‘The Importance of Women’s Economic Justice,’ 13 July 2023, Policy Monitoring and Research Centre (available at: <https://pmrczambia.com/wp-content/uploads/2023/07/The-Importance-Of-Womens-Economic-Justice-Presentation-.pdf>)

167 World Bank, ‘Empowering Rural Women in Zambia to Move out of Poverty’, 7 July 2021, (available at: <https://www.worldbank.org/en/news/feature/2021/07/07/empowering-rural-women-in-zambia-to-move-out-of-poverty>)

168 Ikabongo Mwiya, ‘The Importance of Women’s Economic Justice,’ 13 July 2023, Policy Monitoring and Research Centre (available at: <https://pmrczambia.com/wp-content/uploads/2023/07/The-Importance-Of-Womens-Economic-Justice-Presentation-.pdf>)

169 Amnesty International Individual Interview in Lusaka, 12 May 2023

170 Focus Group Discussion in Mchinji, 10 May 2023. Challenges of women not having collateral will discussed in detail below in the section of formal financing

171 Chilimba refers to a rotating savings and credit association or a savings club. It’s a traditional form of informal banking and financial cooperation where a group of individuals comes together to pool money regularly. Each member contributes a fixed amount of money, and the total amount collected is then given to one member in the group on a rotational basis. This cycle continues until each member has received their share of the pooled funds. Chilimba serves as a community-based savings mechanism, allowing individuals to access funds for various needs, such as starting or expanding a small business, paying for education, or addressing emergencies. The concept is rooted in social trust and mutual support within the community.

172 Focus Group Discussions in Malawi, Zambia and Zimbabwe, November 2022 and May 2023

173 Amnesty International Interview with the Southern Africa Trust (previously cited)

174 Focus Group Discussion in Bulawayo, 21 November, 2022 (same sentiments shared in Mutare, Musina, Mwanza and Lusaka)

175 Focus Group Discussion in Lusaka, 12 May 2023



In Zimbabwe, the pandemic brought about restrictions and lockdowns, hindering cross-border trade and resulting in financial losses for traders. One trader explained, **“The closure of flea markets during the lockdown also meant that we were unable to sell our products.”**<sup>176</sup> The challenges persisted in Malawi, where smuggling increased during Covid-19, posing risks to both property and personal safety.<sup>177</sup>

## 6.2. DIFFICULTIES SECURING FORMAL FINANCING

Women engaging in informal cross-border trade often encounter challenges related to access to capital, a crucial factor influencing the success of their participation in the trade. Demand-side analysis of women’s access to the formal credit market has shown that factors such as financial literacy challenges and lack of collateral among women<sup>179</sup> influence women’s access to finance.<sup>180</sup> Globally, there’s a recognized disparity in financial access: in Sub-Saharan Africa, only 37% of women have bank accounts, in contrast to 48% of men.<sup>181</sup> As a result, unlike male traders who have a higher likelihood of accessing formal banking and, by extension, access to credit,<sup>182</sup> women primarily rely on personal savings or informal sources like rotation saving schemes.<sup>183</sup>

Many of the women informal cross-border traders interviewed by Amnesty International revealed that they did not have bank accounts. Because of this, traders frequently depend on cash transactions, which can be precarious and less secure. Natasha

Women also told Amnesty that post-Covid recovery remains negligible. Informal traders struggle with decreased demand, altered consumer behaviour, and limited purchasing power. Ongoing financial hardships persist, as these traders lack formal support and struggle to access funds needed for business restart and expansion. The absence of tailored financial assistance compounds their challenges, hindering post-Covid recovery efforts.<sup>178</sup>

Moyo, a Zimbabwean cross-border trader living in Musina, recounted an incident where she was robbed of the almost US\$263,35 (ZAR 5,000) she had spent months saving to invest in her trade. On the challenges she encountered with opening a bank account, she told Amnesty International: **“It is hard for me to provide proof of residence because [as a cross-border trader] one day I’m here and the next I’m there. So, I do not have a bank account. I ended up applying for a money card, originating in Zimbabwe called Mukuru. So, I now have a Mukuru account<sup>184</sup> for banking and transactions. However, it is not possible to invest money in that scheme.”**<sup>185</sup>

Natasha’s experience is consistent with feedback from focus group discussions in Zimbabwe and Malawi which revealed that women confront significant challenges in securing formal financing. This restricted access hampers their ability to expand businesses or handle risks effectively.<sup>186</sup> One predominant issue raised in the focus group

discussions was the lack of collateral among women informal cross-border traders.<sup>187</sup> Cultural norms in certain areas, often preclude women from owning assets, thereby reducing their chances of securing loans from formal institutions, even when they have viable business plans. Specifically, in Zimbabwe and Malawi, this has dire consequences for divorced or widowed women. Many participants in Amnesty International’s focus group discussions in Harare, Masvingo, Bulawayo, Musina, Mwanza and Mchinji voiced frustrations over property and asset ownership dynamics within marriages. Due to societal practices, assets acquired during marriages are typically registered under the husband’s name, leaving women disadvantaged in cases of marital dissolution or the husband’s death.<sup>188</sup>

Challenges in accessing formal financing also arise when women’s businesses remain unregistered, with many women saying **“banks also prefer registered businesses for loans as opposed to informal business.”**<sup>189</sup> Amnesty International found the women attributed this to various factors such as bureaucratic complexities and the perceived lack of benefits accruing from registration of businesses.<sup>190</sup>

In the context of Zimbabwe many women also cite the volatile nature of the country’s currency,<sup>191</sup> which has experienced significant fluctuations and instability in recent years, as a reason for not having bank accounts. Given this uncertainty, they perceive cash as more reliable, particularly during periods of rapid currency devaluation or when accessing foreign currencies becomes challenging.

However, in the absence of bank accounts, women traders are unable to access traditional financial services such as loans, credit facilities, or even basic banking services and this lack of financial inclusion hampers their ability to expand their businesses, restock inventory, or invest in growth opportunities. It also leaves them vulnerable to cash flow constraints and makes it difficult to manage their finances effectively.

The lack of knowledge and understanding of financial services and products appears to be another barrier for women informal cross-border traders reported primarily in Zimbabwean and Malawi focus group discussions.<sup>192</sup> Women reported feeling abandoned by the State, as they felt minimal efforts have been made to make financial literacy accessible to them and felt compelled to rely solely on their own resources. Regrettably, as a consequence, they find themselves lacking familiarity with financial products and services, as well as the necessary skills and knowledge to effectively utilize them.<sup>193</sup> This, in turn, presents a significant barrier, making it challenging for them to make informed decisions about their businesses and finances.<sup>194</sup> Due to the challenges women face accessing formal financing, Amnesty International found that women cross-border traders frequently borrow from ‘Machonisa’<sup>195</sup> or informal lenders/loan sharks, a sector characterised by ‘a lack of regulation, high interest rates and improper modes of recovery.’<sup>196</sup> As one participant in a focus group discussion in Mutare noted: **“Interest from loans is usually 20%, but some loan sharks charge as much as 50%!”**

176 Focus Group Discussion in Harare, 17 November 2022

177 Focus Group Discussion in Mwanza, 08 May 2023

178 Focus Group Discussion in Lusaka, 12 May 2023; Focus Group Discussion in Mwanza, 08 May 2023 also see Beauty Dzwanda, Mark Matsa, and Melanie Nicolau, ‘A catastrophic threat to the already vulnerable towards 2030: Impact of Covid-19 lockdown on livelihood outcome of informal cross-border traders in Gweru, Zimbabwe,’ 2022, *Social Sciences & Humanities Open*, 6(1)

179 Sailas Hussein Matamanda, ‘An Evaluation of the Effect of Gender on Financing of Female-owned Small and Medium Enterprises in Zimbabwe’ 2018, *Journal of Sustainable Development in Africa* 20, no. 1

180 Hanan Morsy, Amira El-Shal, A. and Andinet Woldemichael, ‘Women self-selection out of the credit market in Africa,’ 2019

181 Hanan Morsy, ‘Access to finance—Mind the gender gap,’ 2019, *The Quarterly Review of Economics and Finance*, 78, pp.12-21

182 Marie-Hélène Ferrer, Caroline Perrin and Luc Jocolin, ‘Sub-Saharan Africa: the financial gender gap between men and women,’ 27 February 2023, (available at: <https://blogs.worldbank.org/allaboutfinance/sub-saharan-africa-financial-gender-gap-between-men-and-women>)

183 A form of informal financial cooperative where a group of individuals, often friends, family members, or colleagues, come together to pool a fixed amount of money regularly. The collected funds are then rotated among the members, with each member receiving a lump sum on a rotational basis. Stokvels serve various financial purposes, including saving for specific goals such as education, home improvements, or holiday expenses. Some stokvels also operate as investment clubs, where the pooled funds are invested in ventures such as stocks, property, or other income-generating activities. The concept is built on principles of trust, community support, and shared financial goals.

184 Mukuru functions more as a money transfer platform that enables cash transfers for remittances. A Mukuru card is not a savings card, rather a cash card that enables users to load cash, send cash and make purchases.

185 Individual Interview with Amnesty International in Musina on 22 April 2023

186 International Labour Organisation, ‘Gender and Financial Inclusion,’ undated, (available at: [https://www.ilo.org/empent/areas/social-finance/WCMS\\_737729/lang-en/index.htm](https://www.ilo.org/empent/areas/social-finance/WCMS_737729/lang-en/index.htm))

187 A 2018 report by Sailas Matamanda found that only 22% of the female entrepreneurs had collateral, the majority (78%) had no collateral to their name see: Sailas Hussein Matamanda, ‘An evaluation of the effect of gender on financing of female-owned small and medium enterprises in Zimbabwe,’ 2018, *Journal of Sustainable Development in Africa*, Vol. 20, No. 1. Also see Swithina Mboko and Andrea Smith-Hunter, ‘Zimbabwe Women Business Owners: Survival Strategies and Implications for Growth,’ 2010, *Journal of Applied Business and Economics*, Vol.11 (2), pp.82-104

188 A 2017 Human Rights Watch report found that in Zimbabwe, while the law theoretically provides for relatively equal property and inheritance rights for both men and women, practical challenges persist. Many of the women interviewed by Human Rights Watch struggled to claim these rights due to unique circumstances arising from their status as widows. Historically, men traditionally owned all family property, and widowed women were often “inherited” as wives by male relatives of their deceased spouse. Although Zimbabwe has evolved, with wife inheritance no longer the norm and property accessible to both genders, few women formally own the property held within their marriages. Consequently, their ability to retain shared property upon their husband’s death hinges on proving their marriage, a task fraught with challenges, and fending off in-laws seeking to claim the property. See Human Rights Watch, ‘You Will Get Nothing’: Violations of Property and Inheritance Rights of Widows in Zimbabwe,’ 2017 (available at: [https://www.hrw.org/sites/default/files/report\\_pdf/zimbabwe0117\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/zimbabwe0117_web.pdf))

189 Focus Group Discussion in Chinohyi, 18 November 2023

190 Finscope, ‘Zimbabwe 2022: Micro, small enterprises (MSME) survey highlights, 2022,’ (available at: [https://www.rbz.co.zw/documents/BLSS/2022/Zimbabwe\\_FinScope\\_MSME\\_Survey\\_Report\\_2022.pdf](https://www.rbz.co.zw/documents/BLSS/2022/Zimbabwe_FinScope_MSME_Survey_Report_2022.pdf))

191 Francis Garikayi, ‘A value perspective of price and currency stability in Zimbabwe,’ 2022, *Developing Economics*. (available at: <https://developingeconomics.org/2022/09/14/a-value-perspective-of-price-and-currency-stability-in-zimbabwe/>)

192 Focus group discussions in Malawi and Zimbabwe

193 Focus group discussions in Malawi and Zimbabwe

194 Zimbabwe Focus Group Discussions, November 2023

195 Informal lenders/loan sharks

196 Women complained of loan sharks engaging in acts of threats and intimidation, harassment, physical violence, increasingly exploitative interest rates and keeping important documents like identity cards or passports as collateral also see RCS Group, ‘The dangers of taking out an informal loan,’ 17 August 2023, (available at: <https://rcs.co.za/lifestyle/articles/the-dangers-of-taking-out-an-informal-loan/>)

Efforts to enhance financial inclusion in Zimbabwe, are evidenced in the implementation of a National Financial Inclusion Strategy until 2020,<sup>197</sup> which was succeeded by the current 2022-2026 National Financial Inclusion Strategy.<sup>198</sup> The successive strategies designate women among the target groups for financial inclusion and cite several policy actions implemented to raise women's financial inclusion levels.<sup>199</sup> Accordingly, the 2022 FinScope Survey indicates a narrowed gap in women's exclusion from formal financing from 24% in 2014 to 12% in 2022.<sup>200</sup> However, the effectiveness and impact of such strategies, particularly concerning how they impact women cross-border traders, require further exploration as

many women interviewed by Amnesty International stated they had limited access to any financial inclusion efforts in the country.

As a result of capital limitations research shows that there are gendered discrepancies in the composition of goods traded by men versus women. Men tend to dominate high-value formal cross-border trade, often trading in high-value goods such as electronics and machinery, while women deal mostly with smaller volumes of agricultural and other commodities such as foodstuffs, textiles and other consumable goods.<sup>201</sup> Moreover, women's economic constraints, including unpaid care burdens, may limit their

access to trade opportunities and professional networks.<sup>202</sup> Evidence exists that women informal cross-border traders generally have fewer formal business connections,<sup>203</sup> placing them at a disadvantage in terms of earning potential and business growth compared to men.<sup>204</sup> It is in this context in 2023 the UN Economic Commission for

Africa made findings that [with regards to informal cross-border trade]: **“Gender-disaggregated data emphasized women’s 74% share in transactions, but men dominated in value, trading nearly four times more and dealing in a broader range of goods.”**<sup>205</sup>

## 6.3. OPERATIONAL DYNAMICS OF THE TRADE

The successful participation in informal cross-border trade is directly linked to conditions experienced by traders in crossing borders.<sup>206</sup> However, women informal cross-border traders are susceptible to financial extortion, bribery and confiscation of goods at the border by officials who tend to be more educated, experienced, and in most cases are men.<sup>207</sup>

## ECONOMIC EXPLOITATION

Amnesty International's research indicates that women cross-border traders often face significant economic exploitation in their line of work, adversely affecting their ability to operate and undermining their financial stability. Economic exploitation, in this context, refers to a series of harmful acts targeting a person's economic resources. The exploitation can manifest as bribery, theft, confiscation of goods.<sup>208</sup> For women informal cross-border traders, their vulnerability to economic exploitation is accentuated due to gender-based discrimination at borders and perceived lack of legal protection.

In the first instance, women engaging in informal cross-border trading report economic exploitation from intermediaries, particularly transporters, who play a vital role in the trading process. These

intermediaries take advantage of the women traders' reliance on them by charging excessive fees and dictating prices for their services. With control over logistics, they wield significant influence in cross-border transactions, determining the timing and method of goods transportation. Additionally, women reported instances of theft and fraud by these intermediaries, further impacting their financial stability and making trading activities increasingly challenging.<sup>209</sup> One woman said **“yes sometimes we can get robbed by transport people, when you are transporting something expensive, they take it and say it was confiscated”** another said **“they work in syndicates these people, if they see you have a lot of money that day when you cross the border there is someone on the other side to take it from you.”**<sup>210</sup>



Malawian woman trader in Musina. For women informal cross-border traders, their vulnerability to economic exploitation is heightened due to gender-based discrimination at borders and perceived lack of legal protection. Amnesty International, South Africa, 2023

197 Reserve Bank of Zimbabwe, 'Zimbabwe: National Financial Inclusion Strategy 2016-2020', 2014 (available at: <https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf>)

198 AFI, 'Zimbabwe's 2022-2026 National Financial Inclusion Strategy,' 21 November 2022, (available at: <https://www.afi-global.org/publications/zimbabwes-2022-2026-national-financial-inclusion-strategy/>)

199 Initiatives include the collection of data to facilitate tracking of financial inclusion, the registration of Zimbabwe Women Microfinance Bank; and the establishment women and MSME desks in bank branches, among others.

200 Finscope, 'Finscope Zimbabwe 2022 Consumer Survey: Main Results,' August 2022, (available at: [https://finmark.org.za/Publications/FinScope\\_Zimbabwe\\_2022\\_Consumer\\_Presentation.pdf](https://finmark.org.za/Publications/FinScope_Zimbabwe_2022_Consumer_Presentation.pdf))

201 Ama Njoku, Kagiso Mangadi and Helen Ama, 'Characterization of informal cross border traders across selected Botswana borders,' 2014 International Journal of Management and Marketing Research, 7(1), pp. 71-82

202 United States Agency for International Development, 'Women in cross-border agricultural trade,' October 2021, Policy Brief. Enabling Agricultural Trade (EAT) Project (available at: [https://pdf.usaid.gov/pdf\\_docs/PBAAK560.pdf](https://pdf.usaid.gov/pdf_docs/PBAAK560.pdf))

203 In the all focus group discussions women professed to predominantly working alone.

204 The ILO states that the average annual rate of firm employment growth for male-owned firms was almost three times that for female-owned ones. While the average annual profit for female-owned firms was Z\$8,394, that for male-owned firms was Z\$54,663. See: International Labour Organisation, 'Situational analysis of Women in the Informal Economy in Zimbabwe, 2017 (available at: [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-harare/documents/publication/wcms\\_619740.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-harare/documents/publication/wcms_619740.pdf))

205 UN Economic Commission for Africa, 'Rethinking informal cross-border trade in Africa,' 16 November 2023, (available at: <https://www.uneca.org/stories/rethinking-informal-cross-border-trade-in-africa>)

206 Innocent Moyo, 'The vacuity of informal cross-border trade facilitation strategies in the SADC region,' March 2023, Political Geography, Vol. 101; Klopp, J. M., Trimble, M., & Wiseman, E. (2021).

Corruption, gender, and small-scale cross-border trade in East Africa: A review. Development Policy Review. <https://doi.org/10.1111/dpr.12610>

207 Paul Brenton, Elisa Gamberoni, and Catherine Sear, (editors), 'Women and Trade in Africa: Realizing the Potential. Open access,' 2013. Also see World Bank. 'TFWA Program Small-Scale Cross-Border Trade Survey' 2020, World Bank Group. See also: United Nations Conference for Trade and Development, Policy Brief No. 98, March 2022, (available at: [https://unctad.org/system/files/official-document/presspb2022d6\\_en.pdf](https://unctad.org/system/files/official-document/presspb2022d6_en.pdf))

208 All Focus Groups

209 Musina Focus Group Discussion, 21 April 2023

210 Musina Focus Group Discussion, 22 April 2023 and Focus Group Discussion in Masvingo, 20 November 2022

## Bribery

Bribery is a widespread issue affecting women informal cross-border traders in Southern Africa.<sup>211</sup> While male traders report having to pay bribes as well, the UN Conference on Trade and Development notes that gendered power dynamics exacerbate the intimidation women face to pay bribes at border posts where the majority of customs officials and other staff are men in positions of authority. As such, women informal cross-border traders may feel obligated to pay bribes to customs officials, police officers, and other authorities to avoid harassment and continue their business activities. As stated by a woman trader in a focus group discussion conducted in Mutare, **“Yes, [the demands for] bribes is very common from customs officials, police, soldiers, bus drivers, [and] police.”**<sup>212</sup>

Bribery is prevalent in countries such as Zimbabwe, Mozambique, and South Africa, where corruption is widespread, and regulations are weakly enforced. The practice is so ingrained that focus group participants from across the region interviewed by Amnesty International were of the opinion that bribery was a necessary facet of informal cross-border trade and confirmed that it is so common it was considered **‘an ordinary cost of business.’** In the words of a woman from the Lusaka focus groups, **“if you don’t have money for bribes then you shouldn’t trade.”**<sup>213</sup>

Amnesty International found that the issue of bribery confronting women informal traders is complex and multifaceted, characterized by

systemic corruption and involving various actors throughout their trading journey. Customs officials, passport/immigration authorities, Revenue Authority officials, and bus drivers are implicated in bribery incidents.<sup>214</sup> For instance, women in the focus group discussions told Amnesty International that customs officials frequently demand bribes during passport inspections and luggage examinations. Similarly, revenue authority officials engage in bribery practices throughout the import and export processes. Even bus drivers, who play a crucial role in providing luggage space, may take advantage of the situation by demanding additional fees from traders.<sup>215</sup> In addition, bribery on the part of officials is not solely dependent on irregularities with passports or goods. Women traders told Amnesty International that officials frequently exploit vulnerabilities, searching for any excuse to extort bribes.<sup>216</sup> In some cases, bus drivers may facilitate bribes on behalf of the traders. However, at times these drivers often fail to deliver the money to the officials, leaving the women vulnerable to additional extortion without any reimbursement.<sup>217</sup>

Women interviewed were of the opinion that bribery has both positive and negative implications. On the one hand, the women felt that it allows them to navigate through the system and continue their business activities despite the barriers they face. They believed it can sometimes serve as a temporary solution, ensuring the smooth passage of their goods and minimizing disruptions.

However, this system is often shaped by the very officials benefiting from the bribes and the nefarious circumstances under which bribery happens<sup>218</sup> also discourage women from calling out these malpractices.

It is essential to consider that the State bears responsibility for the harm suffered due to bribery,

## Confiscation of Goods

The situational context surrounding bribery significantly heightens the susceptibility of women traders to the confiscation of their goods, this challenge was spoken of by predominantly women in Zimbabwe and Zambia. **“Sometimes they feel the bribe is too low, so they threaten to ‘bound’ (confiscate) your goods, especially if it’s a big item.”**<sup>220</sup> To safeguard their merchandise, traders often feel compelled to resort to fulfilling the bribery demands, further straining their already limited resources and exacerbates the financial burden faced by traders.

In Musina, a male cross-border trader explained that the Zimbabwean customs authority is known to introduce arbitrary restrictions on the import of certain goods at a whim, which oftentimes leads to the confiscation of goods.<sup>221</sup> A male informal cross-border trader from Beitbridge in Zimbabwe relayed his experience of his good being confiscated at the border, telling Amnesty International researchers: **“I have lost my goods at the hands of Zimbabwean customs officials. In 2016, they introduced a statutory instrument SI64 without notice. The statutory instrument was restricting the importation of a lot of goods including basic commodities like soap and building materials. The government did not give notice. When we were at the border [officials] said ‘these goods are not supposed to go to Zimbabwe. That’s the law now.’ And then they confiscated the goods.”**<sup>222</sup>

including the harm suffered by WICBT. The actions causing losses to WICBTs are oftentimes carried out by agents of the State while performing their duties. As a result, the State has an obligation to prevent such acts and protect women against this violation. The uncertain and unpredictable nature of bribery, heightens the risks and costs associated with this practice.<sup>219</sup>



Zalawi man transports goods across the border, offering cheaper rates than Malayisha. However, their irregular crossings pose risks of goods being lost or confiscated. Zalawi also face personal risks like physical strain and exposure to the uncertainties of irregular border crossings. Amnesty International, Musina, South Africa, 2023

211 While men also report paying bribes, the gender implications are notable. For instance, women may pay bribes to avoid harassment, creating a unique dynamic. Moreover, the individuals predominantly soliciting bribes are men, further skewing the power dynamic. United Nations Conference on Trade and Development, 'Women in Informal Cross-Border Trade in Botswana: A Small-scale trader's guide to trade rules and procedures,' undated, (available at: [https://unctad.org/system/files/information-document/CBTguide\\_botswana\\_01\\_web.pdf](https://unctad.org/system/files/information-document/CBTguide_botswana_01_web.pdf)). Also see: Jacqueline Klopp and Melissa Trimble, 'Corruption, Gender and Small-Scale Cross Border Trade in East Africa: A Review' (available at: <https://ace.globalintegrity.org/wp-content/uploads/2021/03/Corruption-Gender-and-Small-Scale-Cross-Border-Trade-1-1.pdf>).

212 Focus Group Discussion in Mutare, 19 November 2022

213 Focus Group Discussion in Lusaka, 12 May 2023

214 Jacqueline Klopp and Melissa Trimble, 'Corruption, Gender and Small-Scale Cross-Border Trade,' (previously cited)

215 Focus Group Discussion in Musina, 21 April 2023

216 For example, women traders in Zimbabwe told Amnesty International that their marital status and use of maiden names have been the cause of their harassment and cited as reasons behind officials demanding bribes. This pretext is based on discriminatory gender-based stereotypes of unmarried women who travel independently and conduct informal cross-border trade as having loose morals.

217 Focus Group Discussion in Musina, 21 April 2023, Focus Group Discussion in Mchinji, 10 May 2023

218 For instance, the power dynamics at play, coupled with the fear of reprisals or negative consequences, create an environment where women may hesitate to expose instances of bribery. The lack of effective mechanisms to address such issues further contributes to the perpetuation of corrupt practices in these settings.

219 Stuart Green, 'What's wrong with bribery,' August 2005, *Defining Crimes: Essays on The Special Part of the Criminal Law*, Chapter 7, pp.143-167

220 Focus Group Discussion in Chinohyi, 18 November 2022

221 G Donga, Halanganipai Ngirande and Knowledge Shumba, K. (February 2018). The Impact of Zimbabwe's Statutory Instrument 64 of 2016 Import Regulation on Informal Cross-Borders Trading in South Africa,' February 2018, *The Social Sciences* 13, no. 2, pp. 368-375. Additionally, it has been rebranded to SI 22 which includes a wider range of products <https://www.tralac.org/discussions/article/12411-zimbabwe-re-brands-statutory-instrument-si-64.html>

222 Amnesty International Individual Interview in Musina, 21 April 2023

## DELAYS AT THE BORDER <sup>223</sup>

Nearly all women and men interviewed complained about delays at the border. ICBT often pass-through border posts and spend prolonged periods of time there due to delays which they say are caused by officials from revenue authorities, insufficient infrastructure, and early closures of some border posts. Respondents noted that they spend more time at Beitbridge and Chirundu border posts than at other border posts such as Nyamapanda.

Although the reasons for the delays may vary, WICBT are often forced to spend long hours, typically 6 to 8 hours, at the Beitbridge border post. Women in Musina said that during the festive season at times they have waited as long as 2 days to cross the border.<sup>224</sup> Similar experiences were voiced by women in Lusaka who said “[there are] Long queues and delays to clear goods, lasting one or two days, at places like Kazungula and Chirundu, were particularly challenging; sometimes, you pay to expedite the process.”<sup>225</sup>

## ARBITRARY TAXATION AND RESTRICTIONS ON GOODS

Women informal cross-border traders in all focus groups in Zimbabwe complained of facing the dual challenges of arbitrary taxation and restrictions on goods that can be traded, which sometimes also enables corruption to thrive. This taxation manifests in various ways, including high import tariffs, cumbersome licensing and registration processes, and arbitrary or informal taxes imposed by corrupt officials. These burdensome tax practices reduce profit margins and hinder competitiveness. Of this, Portia Sithole told Amnesty International: **“Since the Beitbridge border was renovated, we are now being charged a fare called ‘ZimBorders fare.’ The fare is just too much because you have to pay customs, then you have to pay the ZimBorders fare. So just going to South Africa from Beitbridge you would use something like 100USD... even if just you and your children go shopping across the border using a private vehicle.”**<sup>226</sup> The challenges associated with burdensome duties were echoed by another woman trader who told Amnesty International,

**“The duties are very high, by the time you sell, you make a loss.”**<sup>227</sup>

Like the other women traders whom Amnesty International interviewed in Musina, 35-year-old Jessica Ncube\* noted the adverse impact that recent changes at the Beitbridge Border post had on her profit as a trader. She told Amnesty International that the border post had recently imposed a fee<sup>228</sup> on the use of private vehicles to cross the border and explained the **‘people can’t use cars to cross the border anymore and have to walk, so that’s the first challenge. The next challenge is that once you’ve walked across the bridge the malayisha at the ranks harass people – beating them up to get them into the combis (minibuses).’**

Some traders admit having to resort to evasive measures, such as bribery to cope with these forms of taxation, creating opportunities for corrupt practices to thrive.



Zalawi men transport goods across borders, offering cheaper rates than Malayisha. However, their irregular crossings pose risks of goods being lost or confiscated. Zalawi also face personal risks like physical strain and exposure to the uncertainties of irregular border crossings. Amnesty International, Musina, South Africa, 2023

## ACCOMMODATION, TRANSPORTATION AND TRADING FACILITY CHALLENGES

Informal cross-border traders grapple with various challenges related to accommodation, transportation, and trading facilities. Due to limited financial resources, many WICBT are unable to afford the cost of comfortable accommodation, leading them to resort to sleeping in the open or sharing crowded rooms to mitigate expenses. This exposes them to unfavourable weather conditions and security risks.<sup>229</sup>

Moreover, women cross-border traders face hurdles when it comes to transportation, as inadequate and unreliable transportation options impede their ability to efficiently move goods across borders. Traditionally, women in some regions have used “malayisha”<sup>230</sup> as transporters to move goods. However, due to the impact of Covid-19, and as a result of the new fees<sup>231</sup> imposed on cars crossing

the border, women have found their services to be increasingly unaffordable. As a result, they have turned to “Zalawi,” predominantly male individuals who walk across the border hauling loads for a fee, present an alternative option for traders.<sup>232</sup> Zalawi transporters offer cheaper rates but often cross borders irregularly, which poses a higher risk of goods being lost or confiscated. Further, while those engaged as Zalawi provide an essential service in the informal trade network they also face significant personal risks, including physical strain from carrying heavy loads over long distances and exposure to the uncertainties of irregular border crossings.

The lack of affordable and accessible transportation services not only increases trading costs but also disrupts the timely movement

<sup>223</sup> Although both men and women traders experience similar delays women are more affected due to care burdens.

<sup>224</sup> Focus Group Discussion in Mutare, 19 November 2022; Focus Group Discussions in Musina 21 April 2023. See: United Nations Development Programme, ‘Disrupting traditional Informal Cross-border Trade (ICBT) in Africa’s borderlands,’ 8 October 2021 (available at: <https://www.undp.org/africa/blog/disrupting-traditional-informal-cross-border-trade-icbt-africas-borderlands>) and United Nations Conference on Trade and Development, ‘Gender-sensitive Policy Recommendations to Support Women Cross-border Traders in Malawi, the United Republic of Tanzania and Zambia,’ 2019

<sup>225</sup> Focus Group Discussion in Lusaka, 12 May 2023

<sup>226</sup> Focus Group Discussion IN Musina, 22 April 2023

<sup>227</sup> Focus Group Discussion in Bulawayo, 21 November 2022

<sup>228</sup> Including VAT, the Toll Fees at the Beitbridge Border Post are US\$27 for light motor vehicles; US\$41 for minibuses; US\$81 for goods vehicles and US\$ 81 for coach buses. Zim Borders, Beitbridge Border Post Toll Fees,’ undated (available at: <https://www.zimborders.com/wp-content/uploads/2022/02/BBP-Toll-Fees.pdf>). also see Lenin Ndebele and Philani Nombembe, ‘Chaos at Beitbridge border post as Zimbabwe introduces new tolls,’ 20 October 2021, Business Day (available at: [https://www.businesslive.co.za/bd/national/2021-10-20-chaos-at-beitbridge-border-post-as-zimbabwe-introduces-new-tolls/#google\\_vignette](https://www.businesslive.co.za/bd/national/2021-10-20-chaos-at-beitbridge-border-post-as-zimbabwe-introduces-new-tolls/#google_vignette))

<sup>229</sup> Focus Group Discussions in Malawi, Zambia and Zimbabwe

<sup>230</sup> Informal transport operators or carriers who engage in transporting goods across the border without formal registration or licensing. They operate outside the formal transportation sector and often face challenges related to regulation, taxation, and border control.

<sup>231</sup> Zim Borders, Beitbridge Border Post Toll Fees,’ (previously cited)

<sup>232</sup> Musina Focus Group Discussion, 22 April 2023

of goods, undermining their profitability and competitiveness in the market. One trader explained: **“Before [Covid] it was easier to cross the border because people used cars. But right now, Zimbabwean traders can’t use cars because they have to pay a fee at the Zimbabwean border.”**<sup>233</sup>

In addition to accommodation and transportation challenges, women lament encountering difficulties arising from substandard trading facilities. The majority of the women operate in informal markets that lack basic amenities, such as clean water, proper sanitation, electricity, storage facilities, security, and child-care facilities, with a woman at Musina stating **“At some flea markets there is no water, toilets, and daycare.”**<sup>234</sup> In Musina,

## LIMITED ACCESS TO SANITATION FACILITIES

Access to adequate sanitation is a human right, recognized and protected under various international and regional human rights treaties, and is an integral aspect of the right to decent work. In the context of women cross-border traders, impacted by poor sanitation conditions, several treaties can be cited to support their right to sanitation.<sup>236</sup>

However sanitation challenges faced by informal cross-border traders are quite prevalent and include lack of access to basic sanitation facilities at borders and markets and the unavailability of

another women trader based in Beitbridge explained the poor trading facilities available to cross-border traders in her town, telling Amnesty International researchers **“we only have three to four permanent structures, and they are full now. Everyone where I stay is selling. So... in the morning you could gather 700-800 people in these informal marketplaces. We’re now fighting with the council to provide a bigger market space where people can have a permanent structure.”**<sup>235</sup> Insufficient storage facilities make it challenging for WICBT to preserve and protect their goods, increasing the risk of losses. Furthermore, inadequate security measures leave traders vulnerable to theft and other security threats, further compromising their operations.

clean water when travelling.<sup>237</sup> Women ICBT told Amnesty International that traveling across borders in buses, at times for 10 hours or longer, there are no toilets on the buses, and this becomes particularly challenging when they need to change their menstrual hygiene products or to dispose of used ones. Women admitted that this caused them a great deal of discomfort and embarrassment.

**“You have to carry a bottle of water and that’s how you clean yourself on the bus, even when on your period.”**<sup>238</sup>

A former trader in a Zambia focus group said **“When we would travel by bus, I usually try to sleep during the journey to save on accommodation costs. One of the challenges of traveling by bus is the lack of toilets onboard. To manage this, I have learned not to drink too much water before a journey and always carry a towel and a water bottle. I use the towel to freshen up at the border toilets where there are no basins to wash my hands or face. Also, carrying sanitary pads with me is a**

## THE HIGH COSTS AND LIMITED AVAILABILITY OF TRAVEL DOCUMENTS

During the focus group discussions conducted in Zimbabwe, Amnesty International learnt that the cost of obtaining a passport was seen as a significant barrier by many women engaged in informal cross-border trade. Participants expressed that the price of a passport ranged from US\$120 to US\$220,<sup>241</sup> which they considered to be prohibitively high and financially burdensome. This expense posed challenges for these women who often operate on limited financial resources, leading them to redirect funds from other essential needs and sometimes even suspend their trading temporarily due to a lack of travel documents.

Further, due to the nature of their work, which involves frequent cross-border travel, their passports tend to run out of pages before their expiration dates. This situation adds to their concerns as they have to allocate additional funds to renew their passports, diverting resources that

**must to ensure that I can maintain proper hygiene, especially during my menstrual cycle.”**<sup>239</sup>

A woman from Zimbabwe stated that **“Our daily experience is traveling on overnight buses with no sanitation facilities, resorting to the bush until reaching the border, where toilets were substandard especially at the Nakonde (Zambia), Kazungula (Botswana), and Chirundu (Zimbabwe) borders.”**<sup>240</sup>

could otherwise be used for business-related purposes or personal needs.<sup>242</sup>

In Mchinji, women told Amnesty International that they face considerable challenges in obtaining travel documents due to bureaucratic difficulties within the government. The process is often characterized by significant delays as women traders, with the shortage of a passport books being a prevalent occurrence. Women claim that waiting periods for a passport can extend to years whereas the standard processing time should be one month. To expedite the process, individuals can opt for express services, but these come at a much higher cost, ranging from MK160,000 (US\$95) to MK180,000 (US\$106), compared to the normal fee of MK90,000 (US\$ 53). Additionally, travel documents for a shorter validity period of six months incur a separate fee of MK20,000 (US\$13).<sup>243</sup>

<sup>233</sup> Amnesty International Interview in Musina, 22 April 2023

<sup>234</sup> Focus Group Discussion in Musina, 21 April 2023

<sup>235</sup> Amnesty International Interview in Musina, 21 April 2023

<sup>236</sup> These include Article 25 of International Covenant on Economic, Social and Cultural Rights (ICESCR); Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Article 14 of the African Charter on Human and Peoples’ Rights; Article 16 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol); Article 14, African Charter on the Rights and Welfare of the Child; and Article 14 Sustainable Development Goals (SDGs): Goal 6, GA resolution 64/292 - Resolution adopted by the General Assembly on 28 July 2010 64/292. The human right to water and sanitation <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/479/35/PDF/N0947935.pdf?OpenElement>

<sup>237</sup> The SADC Informal Cross Border Traders 2017 Conference, ‘Conference Report,’ 2017 (available at: <http://spii.org.za/wp-content/uploads/2018/06/BVTA-SADC-Region-Informal-Cross-Border-Traders-Conference-Report-in-Bulawayo-2017.pdf>)

<sup>238</sup> Lusaka Focus Group Discussion, 12 May 2023

<sup>239</sup> Lusaka Focus Group Discussion, 12 May 2023

<sup>240</sup> Lusaka Focus Group Discussion, 12 May 2023

<sup>241</sup> Higher cost is for expedited passport. Since January 2024 the cost is even higher: USD150 for a normal and USD250 for expedited see Government of Zimbabwe. (2024). Statutory Instrument 1 of 2024. Citizenship (Passport Fees) (Amendment) Regulations, 2024 (No. 1). [CAP. 4:01]. Retrieved from <https://www.isc.org.zw/upload/Gazette/S.1.%20of%202024%20Citizenship%20Pass%20Fees%20nom.pdf>

<sup>242</sup> Focus Group Discussion in Musina, 21 April 2023

<sup>243</sup> Mwanza Focus Group Discussion, 08 May 2023

## LIMITED DURATION TO TRADE

Women, primarily from Zimbabwe, who travel to South Africa, express their frustration over the limited time to trade due to officials who restrict the number of days they can stay in the country. Women claim that they are only granted a 3-day visa and must pay an additional fee if they require more time, with the fee amounting to US\$5.27 (R100) for 30 days and US\$15.80 (R300) for 90 days. This is in contrast to their entitlement to a 90-day visa under the SADC protocol.<sup>244</sup> This discrepancy exists despite the fact that

the Department of Home Affairs website lists Zimbabwe as a visa-exempt country for 90 days,<sup>245</sup> aligning with the SADC protocol for a 90-day annual visa.<sup>246</sup>

In Malawi and Zambia, the experience was different. Women in Zambia said they only had issues with limited duration to trade when they were going to the Democratic Republic of Congo.<sup>247</sup> In Malawi women were generally content about the time they were given to trade in neighbouring countries.<sup>248</sup>

## ACCESS TO INFORMATION

Access to information is another key determinant behind women's participation in informal cross-border trade. Studies have found that women informal cross-border traders often have more limited access to information on trade opportunities. The information gap among women informal cross-border traders is exacerbated by some border posts' lack of transparency on customs rules and regulations.<sup>249</sup> Research conducted by the United Nations Conference on Trade and Development (UNCTAD) in Malawi, Zambia and Tanzania revealed that most women informal cross-border traders interviewed had limited knowledge of customs rules, trade regimes and border requirements.<sup>250</sup>

Nevertheless, there is evidence that presence of information alone does not guarantee meaningful participation in formal trade for women in the Informal Cross-Border Trade sector. The intricate process of acquiring necessary trade documents, coupled with the prevalence of bribery in official channels, creates a barrier that dissuades many women from engaging in formal trade. The complexities and associated challenges often outweigh the perceived benefits, further perpetuating the barriers to entry for women in this sector.<sup>251</sup> By engaging in informal cross-border trade, women seek to bypass some of these complexities and barriers posed by formalized market structures.<sup>252</sup>

## 6.4. STRAINED RELATIONSHIPS WITH FAMILIES AND COMMUNITIES

***“There is a social stigma attached to informal cross-border trading that takes away from our dignity, with in-laws and community members labelling us as prostitutes. Our constant absence from home makes our children vulnerable to social ills. In terms of the impact on marriage, we are constantly threatened with divorce due to the belief that we engage in extramarital affairs across the border. Also, our constant absence can lead to adultery in our marriages, with husbands cheating with other women.”***

As women engage in informal cross-border trade, they often confront significant disruptions to their family life due to the demands of the work. Prolonged separations from their children and family members become a painful reality. Regrettably, some women often find themselves lacking familial support. Women have told Amnesty International that at times husbands may cease financial contributions to the family when their wives earn more through trading, leading to economic tensions. They also say that the absence of adequate parental discipline can also result in behavioural issues among children, adversely affecting their well-being. One woman said to Amnesty International, **“I’m stuck between being with my children or feeding them.”**<sup>253</sup>

Furthermore, our research observed that the absence of support from families and communities exposes women to social stigma and discrimination. In Chinhoyi the women lamented that they are often labelled as **“women of loose morals.”**<sup>254</sup> This stigmatization, driven by gender biases, isolates these women from the support they desperately need.

In focus group discussions women shared their experiences of at times being unjustly labelled and criticized by husbands' relatives, especially if they become pregnant during their trading endeavours or maintain relationships with bus drivers or officials. Such stigmatization not only perpetuates gender biases but also exacerbates the challenges faced by women ICBTs.<sup>255</sup> Additionally, the absence of traders from their homes can strain relationships with in-laws, making it challenging to maintain healthy family connections. Accusations of infidelity and unwarranted suspicions further contribute to these strains.<sup>256</sup>

**“Some people call us names such as prostitutes. We are women who are striving to put food on the table for our children, but some people call us names!”**<sup>257</sup>

Moreover, unmarried or divorced women in focus groups say that there is a stigma in their communities attached to being an independent, single mother who earns money through ICBT, with some women being labelled as “whores.” Women also fear that their children are at risk of abuse, both sexual and physical.

244 Pursuant of the SADC Protocol on the Facilitation of Movement of Persons visa scheme

245 Department of Home Affairs, 'Countries exempt from South African Visas: Passport holders who are exempt from visas for South Africa,' undated, available at: <http://www.dha.gov.za/index.php/immigration-services/exempt-countries>

246 It is important to note that while this entitlement may be in place, the actual practice often differs, as the number of days granted is at the discretion of the immigration official.

247 Focus Group Discussion in Lusaka, 12 May 2023

248 Focus Group Discussion in Mchinji, 10 May 2023

249 Rae Blumberg, Joyce Malaba, and L Meyers, 'Women Cross-Border Traders in Southern Africa. Contributions, Constraints, and Opportunities in Malawi and Botswana,' (previously cited)

250 United Nations Conference on Trade and Development, 'Borderline: Women in informal trade want to do business legally and become more prosperous,' 05 March 2018

251 Rae Blumberg, Joyce Malaba, and L Meyers, 'Women Cross-Border Traders in Southern Africa. Contributions, Constraints, and Opportunities in Malawi and Botswana,' (previously cited)

252 Bruce Byiers, Philomena Apiko, Poorva Karkare, and Mounirou Kane, 'A system, not an error: Informal cross-border trade in West Africa,' 14 June 2021, (available at: <https://ecdpm.org/work-a-system-not-an-error-informal-cross-border-trade-in-west-africa>)

253 Focus Group Discussion in Masvingo, 20 November 2022

254 Focus Group Discussions in Chinhoyi, 18 November 2022

255 Focus Group Discussions in Bulawayo, November 2022

256 Focus Group Discussions in Zimbabwe and Malawi, November 2022 and May 2023

257 Focus Group Participant in Mutare, 19 November 2022

Additionally, patriarchal norms in the countries we profiled appear to dictate that no matter how much women contribute financially to the family, they are still expected to submit to the demands of their husbands. This expectation, influenced by traditional gender norms, can result in situations observed by Amnesty International that may amount to financial exploitation. In these scenarios, women's contributions are often undervalued, and their financial independence is restricted. Women have reported that this structure perpetuates a power disparity within households, curtailing their ability to make financial decisions and access resources within their households. One woman shared with Amnesty International, **“when you come home, after a long day of trading, you give the money to your husband, he can even give it to his girlfriend...you don't know.”**<sup>258</sup> Intimate partner violence is also prevalent, with conflicts arising due to the extended absence of traders and demands from their husbands for a share of their earnings (this will be discussed in detail in section on gender based violence).

Ultimately, while women participate in cross-border trade primarily to provide for their families, the demands of this trade often result in significant disruptions to their family lives, yielding far-reaching and detrimental consequences.

When questioned, men interviewed by Amnesty International involved in ICBT did not appear to endure similar stigmatization as a result of their trade. While many expressed the emotional difficulties of being away from their families for extended periods of times, their communities were generally supportive of their endeavours, many also had wives at home to take care of children which eased the mental anguish of not being as present as they would like for their children.<sup>259</sup>

It is within the context of gendered working conditions that women engaged in informal cross-border trading navigate a challenging landscape. The confluence of these conditions creates a scenario where their right to decent work is significantly constrained and makes them vulnerable to human rights abuses.



Mwanza chapter of the Cross-Borders Association in Malawi, 2023

<sup>258</sup> Focus Group Discussions in Chinohyi, 18 November 2022  
<sup>259</sup> Focus Group Discussion in Musina, 22 April 2023

# 7. HUMAN RIGHTS FRAMEWORK

## 7.1. THE HUMAN RIGHTS OF WOMEN

| INSTRUMENT                                  | FOCUS   | RATIFICATION STATUS PER COUNTRY  |
|---|---|--|
| UDHR  | Inherent dignity and equal rights of all individuals  | Not Treaty   |
| CEDAW                                       | Comprehensive elimination of discrimination against women   | Ratified by Malawi, Zambia and Zimbabwe  |
| Beijing Declaration and Platform for Action | Strategic plan for the advancement of women's rights and equality   | Commitments undertaken by Malawi, Zambia and Zimbabwe  |
| SDGs - Goal 5                               | Achieve gender equality and empower all women and girls   | Not Treaty   |
| Maputo Protocol                             | Extension of the African Charter addressing women's rights and gender equality  | Ratified by Malawi, Zimbabwe and Zambia  |
| ICESCR with General Comment 16              | Equal rights of men and women in economic, social, and cultural aspects   | ICESCR Ratified by Malawi, Zambia and Zimbabwe. Bound by General Comments from the Committee |
| SADC Protocol on Gender and Development     | Promoting gender equality and addressing issues related to women's rights and gender equality within the SADC region. | Ratified by Malawi, Zambia and Zimbabwe  |

## 7.2. THE RIGHT TO WORK

| INSTRUMENT                               | FOCUS   | RATIFICATION STATUS PER COUNTRY  |
|--|---|--|
| <b>UDHR Article 23</b>                   | Fundamental right to work   | Not Treaty   |
| <b>ICESCR Article 6</b>                  | Right to work foundation for the realization of other human rights and life with dignity  | Ratified by Malawi, Zambia and Zimbabwe  |
| <b>Banjul Charter Article 15</b>         | Right to work and the duty of every individual to engage in lawful economic activities to contribute to the overall development of their society. | Ratified by Malawi, Zambia and Zimbabwe  |
| <b>Maputo Protocol Article 12 and 13</b> | African women economic rights and elimination of discrimination against women in the field of employment.   | Ratified by Malawi, Zambia and Zimbabwe  |
| <b>CESCR General Comment 18</b>          | Clarification on the content of the right to work   | ICESCR Ratified by Malawi, Zambia and Zimbabwe. Bound by General Comments from the Committee |
| <b>ILO Recommendation No. 204</b>        | Guidance on promoting rights of informal sector workers, including women in ICBT  | Submission made by Zimbabwe. No Submissions made by Malawi and Zambia                        |
| <b>ILO Convention 190</b>                | Addresses violence and harassment in the world of work, extending safeguards to the informal economy  | Not Ratified by Malawi, Zambia and Zimbabwe  |

## 7.3. ILO DECENT WORK FRAMEWORK

The International Labour Organization (ILO) Decent Work Framework was developed to promote social justice and create decent working conditions for all. Since its adoption in 1999, the Decent Work Framework has served as a beacon for policymakers, governments, employers, and workers worldwide, guiding their efforts to ensure that labour markets are fair, inclusive, and supportive of human dignity.<sup>260</sup>

While the ILO's Decent Work Framework is not inherently a legally binding document, its foundation rests upon principles derived from various binding international treaties and conventions. Notably, the Decent Work Framework aligns with broader international commitments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, which explicitly mentions "the right to work." General comment No. 18 from the Committee on Economic, Social and Cultural Rights clarifies that "work" in the Covenant implies "decent work," referencing several ILO Conventions.<sup>261</sup> The right to decent work finds support in other international instruments like Article 5 of CERD, Article 11 of CEDAW, Article 32 of the Convention on the Rights of the Child, and various articles in the CMW.<sup>262</sup> Thus, while not legally binding, the Decent Work Framework enjoys a broad consensus and is firmly rooted in principles that are enshrined in binding international legal instruments. It continues to serve as a vital guide in the pursuit of equitable and humane labour practices worldwide.

The ILO confirms that the Decent Work Framework universally applies to both formal and informal work,<sup>263</sup> promoting labour rights, social protection, and overall work quality for the well-being and rights of *all* workers.

The upcoming section undertakes a human rights analysis of informal cross-border trade. It also uses aspects of the framework of Decent Work to highlight the risks and challenges faced by women in this sector, identifying two key rights violations – *failure to protect women from gender-based violence* and the *failure to fulfil right to social security*.

Despite variations in specific country contexts, leading to differences in the range of human rights violations, Amnesty International identified notable similarities across all three countries concerning violations experienced by women in informal cross-border trade. While the specific manifestations of challenges varied across different country settings, the analysis reveals a discernible trend that transcended borders. Instances where challenges were more prevalent in certain countries are clarified through the referencing of various cases. This approach underscores a consistent pattern of difficulties experienced by women in cross-border trade in the region as a whole.

<sup>260</sup> International Labour Organization, 'Employment and Decent Work for Peace and Resilience Recommendation,' 2017 (No. 205), 16 June 2017

<sup>261</sup> International Labour Organization, 'Right to Organise and Collective Bargaining Convention, C98,' 1 July 1949, C98; International Labour Organization, 'Freedom of Association and Protection of the Right to Organise Convention, C87,' 9 July 1948, C87

<sup>262</sup> Articles 25, 26, 40, 52 and 54 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

<sup>263</sup> International Labour Organization, 'International Labour Conference, 90th Session, Report VI: Decent work and the informal economy. Sixth item on the agenda,' 2002 (available at: <https://www.ilo.org/public/english/standards/reim/ilc/ilc90/pdf/rep-vi.pdf>)



# 8. HUMAN RIGHTS VIOLATIONS

## 8.1. FAILURE TO PROTECT AGAINST GENDER BASED VIOLENCE

***The existing evidence shows that women cross-border traders experience high rates of gender-based violence, and that this is often experienced as.... multiple forms of violence, at the same time or over a period of time, in different locations, and by different actors. There is limited rigorous evidence on the scale of violence against women cross-border traders, but what evidence does exist points to high rates of economic, sexual and physical violence...***<sup>264</sup>

Violence against women remains a persistent and widespread issue globally, violating the right to security of persons and impeding women's full enjoyment of other human rights, including their right to decent work. Gender-based violence encompasses a wide range of violence, including physical, sexual and psychological violence, threats, abuse and coercions that are rooted in and reproduce gendered inequality, power asymmetry and harmful norms. Gender-based violence has a disproportionate impact on women but can also impact other people owing to their real and/or perceived sexual orientation, gender identity and/or expression. Gender-based violence is a form of discrimination and may in some cases amount to torture or other forms of cruel, inhuman and degrading treatment. It requires a comprehensive State response that puts survivors' rights at the centre and also addresses root cause.<sup>265</sup>

International law provides various standards for the protection of women against violence, including through the CEDAW and the Beijing Declaration and Platform for Action.<sup>266</sup> CEDAW, for example, calls on States to take all appropriate measures to eliminate discrimination against women and to prevent violence against women, including by providing protection and access to justice for survivors. The Beijing Declaration and Platform for Action similarly calls on States to take action to prevent violence against women, ensure that perpetrators are brought to justice and requires the State to provide support services to survivors.

The Committee on the Elimination of Discrimination against Women views this type of violence as a means of maintaining women's subordinate position to men and perpetuating

gender stereotypes. The term "gender-based violence" emphasizes that this is a social issue rather than an individual problem, requiring comprehensive solutions.<sup>267</sup>

The Maputo Protocol defines violence against women and girls as any act that causes or could cause physical, sexual, psychological, or economic harm, including the threat of such acts, or restrictions on freedom in private or public life during peace or war.<sup>268</sup> In the same manner, article 4(2)(b) of the Maputo protocol provides for the prevention, punishment and eradication of all forms of violence against women, while article 4(2)(f) provides for the establishment of accessible services for effective information, rehabilitation and reparation for survivors of gender-based violence.

## SUSCEPTIBILITY TO GENDER BASED VIOLENCE IN INFORMAL WORK

The CEDAW,<sup>269</sup> crucially, mandates States to take affirmative measures to eliminate discrimination against women, fostering their equal participation in economic and social development. Furthermore, the right to work is a fundamental aspect, and States must ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights. Comprehensive systems of protection combating gender discrimination are imperative to ensure equal opportunities and treatment between men and women in the realm of work (see CESCR General Comment 18).<sup>270</sup>

The Maputo Protocol reinforces these principles, urging States to adopt and enforce legislative measures guaranteeing women equal opportunities in work, career advancement, and other economic avenues. Moreover, it calls for the creation of conditions that promote and support women's occupations and economic activities, particularly within the informal sector. States

must establish protective systems for women working in the informal sector, as outlined in Article 13 of the Maputo Protocol.

ILO Convention 190,<sup>271</sup> adopted in 2019, specifically addresses the critical issue of eliminating violence and harassment in the world of work, and it extends its protection to informal workers. This landmark international labour standard sets out a comprehensive framework for preventing and responding to violence and harassment in the workplace. It is grounded in the understanding that all workers, regardless of their employment status or occupation, including informal workers, deserve to work in an environment free from violence and harassment. ILO Convention 190 aims to create safer and more respectful workplaces, recognizing that the elimination of violence and harassment not only protects workers' rights but also contributes to overall well-being, equality, and dignity in the world of work.

<sup>264</sup> Jacobson, Jessica, & Joeke, Susan. (2019, November). Violence against Women Traders at Border Crossings (WOW Helpdesk Query 31). UKAID. Retrieved from: <https://assets.publishing.service.gov.uk/media/5e7cdc63d3bf7f134447df6f/Query-31-VAW-Traders.pdf>

<sup>265</sup> CEDAW General Recommendation 35, paragraph 9; CEDAW General Recommendation 19, CEDAW Article 1

<sup>266</sup> United Nations, 'Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women,' 27 October 1995

<sup>267</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 35 on gender-based violence against women, updating general recommendation,' 1992, No. 19, para. 9

<sup>268</sup> Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Article 1

<sup>269</sup> CEDAW (cited previously) at Article 2 and 11

<sup>270</sup> UN Economic and Social Council, General Comment No. 18: The Right to Work (Art. 6 of the Covenant), E/C.12/GC/18, UN Committee on Economic, Social and Cultural Rights (CESCR), 6 February 2006, <https://www.refworld.org/legal/cescr/2006/en/32433>

<sup>271</sup> International Labour Organization 'Violence and Harassment Convention,' (previously cited)

Despite this there is mounting evidence that women in informal work are susceptible to high rates of violence. This vulnerability stems from the intersection of gender with insecure working conditions and places women at an increased risk of experiencing various forms of violence.<sup>272</sup>

In the context of this research this finding is corroborated by a study by the UKAID that found that women informal cross-border traders in face high levels of violence and exploitation in their work.<sup>273</sup> The study revealed that this violence is widespread, affecting the health, safety, and well-being of women informal traders. The study indicated that women informal traders face unique forms of violence, including sexual harassment and abuse, which

## SEARCHES AND INTERROGATION

Amnesty International has collected accounts from women who experience acts that may amount to gender-based violence during searches and interrogations by border officials, who they report are predominantly men in many borders.<sup>274</sup> These incidents significantly contribute to the violation of their rights. For example, women say they endure degrading body searches and intrusive inspections that not only infringe upon their privacy but also violate their right to bodily autonomy. One trader told Amnesty International that **“the people that search us at the border are men and go as far as searching our handbag for no reason. This is a violation of our privacy because we keep sensitive things such as medication in our bags and the searching of bags exposes our health status, especially HIV status.”**<sup>275</sup>

are often linked to their gender, and to the informal nature of their work.

In line with this Amnesty International found that many women informal traders interviewed stated that they face various forms of gender-based violence. Women said this violence can take many forms, including physical assault, sexual harassment, intimidation and coercion. It is noteworthy that State agents, including border authorities, police and soldiers are sometimes the perpetrators. In the context of informal cross-border trade, it underscores the importance of safeguarding individuals not only from physical harm but also from the unique challenges and risks they face, such as border-related harassment or exploitation.

While the women considered this ‘normal’ it is important to recognise that the extensive powers of search and inspection without concomitant procedures for accountability for violations occurring in the course of carrying out these powers, has the potential to introduce a gendered power dynamic into the encounters that often exacerbates the violence and harassment that women traders endure. The nature of these invasive searches can be intrusive and demeaning and can potentially lead to behaviours amounting to sexual harassment or assault.<sup>276</sup> In line with this one woman from the Mwanza focus group told Amnesty International, **“The police in Mozambique were touching us on our private parts when searching us!”**<sup>277</sup>

## HARASSMENT AND SEXUAL ABUSE AT THE HANDS OF OFFICIALS

Women across all focus groups consistently reported verbal harassment and abuse by border officials as ‘common.’<sup>278</sup> In Musina and Mwanza,<sup>279</sup> participants also expressed that guards frequently push them, but they acknowledged the variability in treatment based on the specific border, with one woman stating **“at Beitbridge men officers physically harass, push you, [and] threaten you with sjambok.”**<sup>280</sup>

A testimony from a participant in Zimbabwe highlighted the severity of the situation, stating, **“In Zimbabwe, you will be brutalized. You will be beaten and even shot if you try to be clever at the border! I saw a pregnant lady whom officers were pushing back into line after other people in the line had told her to go to the front of the line!”**

Women, particularly in Zimbabwe and Zambia, also report the distressing reality of sexual violence perpetrated by border officials. There are allegations that, in some instances, women informal cross-border traders are coerced into providing sexual favours to officials in exchange for permission to cross a border.

One participant shared, **“some officials solicit sexual favours. They look at your situation, and when they see that you cannot pay them anything, they ask for sexual favours. But it varies from individual to individual.”**<sup>281</sup> Another participant recounted an incident involving South African police, stating, **“SA police can target you for arrest in the CBD and ask for sexual favours to let you go. One time, a police officer forced me to give him my number so we**

**could meet later in the evening for me to perform the sexual favours he had asked for in the afternoon when he was threatening to arrest me.”**<sup>282</sup>

Insights from focus groups in Mutare underscore the pervasiveness of sexual harassment across various authorities, including customs officials, police officers, and soldiers.<sup>283</sup> Interviews with the women indicate that this behaviour seems to be normalized in some border regions. Numerous women expressed feeling compelled to succumb to these demands, with authorities resorting to confiscating passports to force individuals into providing personal information, complying with demands, and engaging in sexual acts. One woman told Amnesty **“At times they confiscate your passport in order to force you to give them your phone number and whatever they want because people are boarding the bus and you might get left behind. You are forced to give your phone number because you are going to use that route again.”**<sup>284</sup> Women expressed fear about contracting sexually transmitted diseases (STDs), with one woman stating, **“We are at risk of getting STDs from forced sexual demands. Some men refuse to use condoms. They prefer unprotected sex, they call it ‘yeke’”**.<sup>285</sup>

Moreover, women reveal instances where officials leverage threats against their valuable goods, such as fridges, to coerce compliance with sexual demands. Women also stated that financial constraints further exacerbate the situation, as individuals who are unable to provide bribes are often subjected to demands for sexual favours. The problem appears to be particularly acute at

272 Women in Informal Employment: Globalizing and Organizing, ‘Violence and Informal Work: Briefing Note.’ May 2018 (available at: [https://www.wiego.org/sites/default/files/publications/files/ILC\\_WIEGO\\_Briefing%20Note%20Violence%20in%20the%20workplace%20EN%20for%20web.pdf](https://www.wiego.org/sites/default/files/publications/files/ILC_WIEGO_Briefing%20Note%20Violence%20in%20the%20workplace%20EN%20for%20web.pdf))

273 Jessica Jacobson and Susan Joekes, ‘Violence against Women Traders at Border Crossings,’ (previously cited)

274 It must be noted that observational site visits by Amnesty International to Beitbridge, Mwanza and Mchinji border posts showed the presence of some female officials. Although there were predominantly male especially soldiers and police officials. Also, when asked why they did not request female officials to conduct their searches, women reported being told that either female officials were not available or they would have to wait for them, resulting in further delays in the process.

275 Focus Group Discussions in Zimbabwe. Also see Edina Mudzingwa, ‘Challenges women traders face at border posts and what can be done to address these challenges,’ 25 July 2022, Tralac Blog, (available at: <https://www.tralac.org/blog/article/15701-challenges-women-traders-face-at-border-posts-and-what-can-be-done-to-address-these-challenges.html>)

276 Focus Group Discussions in Zimbabwe, November 2022

277 Focus Group Discussion in Mwanza, 08 May 2023

278 All Focus Group Discussions

279 Focus Group Discussion in Mwanza, 08 May 2023

280 A sjambok is a type of whip or riding crop, typically made from rawhide or leather. It is a traditional tool that originated in southern Africa and is known for its toughness and flexibility. Sjamboks have historically been used for herding livestock, particularly cattle, and also serve as a means of self-defence. The whip is characterized by its long, slender design, often with a thick handle at one end and a tapered lash at the other. Spoken of at Focus Group in Musina, 22 April 2023.

281 Focus Group Discussion in Musina, 21 April 2023

282 Focus Group Discussion in Musina, 21 April 2023

283 Focus Group Discussion in Mutare, 19 November 2022

284 Focus Group Discussion in Mutare, 19 November 2022

285 Focus Group Discussion in Mutare, 19 November 2022

the Mozambican border, where officials not only make inappropriate comments about women's appearance but also disrespect them, often using languages not commonly understood by women cross-border traders, such as Portuguese.<sup>286</sup> According to a focus group participant in Mutare: **“Mozambican officials take advantage of the language barrier, and you end up agreeing to sexual favours unknowingly.”**<sup>287</sup>

## VIOLENCE BY NON-STATE ACTORS

The unfortunate reality of informal cross-border trade is that, driven by rampant bribery, corruption, a desire to avoid paying duties and high cost of passports, many women resort to taking irregular routes. Women report this behaviour increased during Covid-19 when borders were closed, or the cost of PCR tests which were required for cross-border travel was prohibitive.<sup>291</sup> In such situation's women say smugglers and intermediaries assist these women in navigating border crossings, including through methods that are often not legal.<sup>292</sup>

### Amagumaguma Gangs

The 'amagumaguma' gangs are a notorious criminal groups operating along the borders of some African countries. They are known for attacking and robbing people, particularly women, who attempt to cross borders irregularly. These gangs operate along the porous borders between countries, where they prey on vulnerable people who are attempting to

Men traders interviewed by Amnesty International stated they were aware of such instances. They further confirmed that while they (men) were often subject to financial bribes and confiscation threats, they did not experience demands for other types of solicitation.<sup>288</sup> **However, they recalled a widely reported case of a man who they say was a crossborder trader who was shot and killed by a border official after an altercation,**<sup>289</sup> clarifying to Amnesty International that men traders are not without their security concerns either.<sup>290</sup>

It is in this context that women traders reported instances of violence involving smugglers and other intermediaries. They say these acts of violence can range from physical aggression and intimidation to instances of sexual harassment and violence. These actions not only violate the right to women traders to be free from violence and their right to security of person but also perpetuates a cycle of vulnerability within the informal cross-border trade environment. Reflecting on the severity of the security risks encountered at the Zimbabwe-South Africa border, a cross-border trader in Musina commented: **“You can end up getting raped by the very person who is helping you cross!”**<sup>293</sup>

cross irregularly. Women are particularly at risk. The heightened risk of violence and sexual assault against women by the 'amagumaguma' gangs is likely primarily due to the fact that women can be victims of sexual violence in a way that men typically cannot, as many reported that they knew of women or had themselves been subjected to brutal

attacks and forced into sexual acts against their will.<sup>294</sup> Focus group participants in Musina, told Amnesty International:

**“During Covid, at the illegal entry point in Messina [Musina], an old woman was raped.”**<sup>295</sup>

By the women's accounts, the amagumaguma gangs operate with impunity, taking advantage of the lack of law enforcement along the borders. They are often armed with weapons such as machetes<sup>296</sup> and guns, and they use violence and intimidation to carry out their crimes. The victims of these attacks are often left traumatized and with little recourse to justice. Many are afraid to report the crimes to authorities, fearing retribution from the gangs or deportation in the case of undocumented migrants.<sup>297</sup>

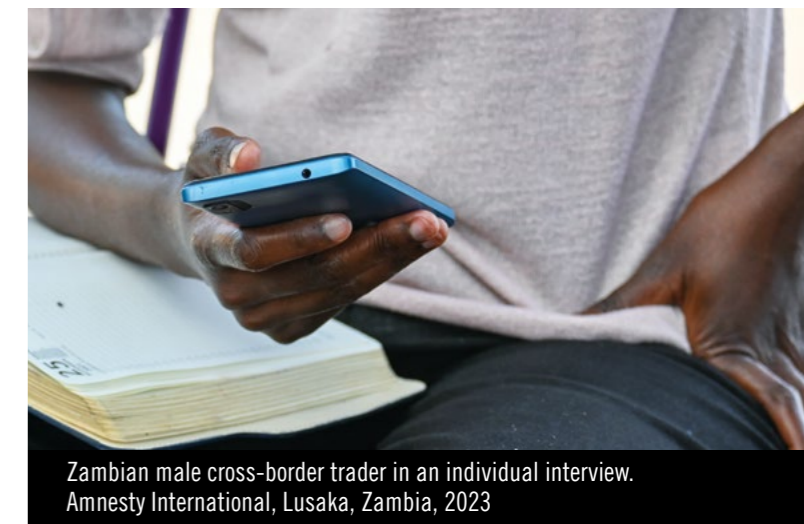
In focus groups where women who travelled through Beitbridge border were present, many of the women cross-border traders that Amnesty International spoke with reported that they are exposed to violence at the hands of amagumaguma while in transit, especially when they travel irregularly 'through the bush' (irregular route). Several of these women stated that the use of these routes was especially common during Covid-19 when borders were closed. **One woman said that while using the bush during Covid-19 she encountered five men, three with guns and two with knives and they demanded her phone and money.**

Other women in Musina stated that they had also encountered the gangs while traveling through the bush and that the gangs would conduct aggressive and intrusive searches to determine what they were carrying. With two women exclaiming, almost in unison, that:

**“They search every hole!”**

In Musina, Amnesty International met with Jacob Matakanye, a paralegal. His course of work has exposed him to people engaged in informal cross-border trade in Musina which he describes as placing women at serious risk. Jacob confirmed to Amnesty International the existence of **“groups of criminals known as the amagumaguma, who operate along the irregular passages across the Limpopo River.”** He lamented that rather than committing isolated incidents of crime, the groups **“operated more as a syndicate who coordinate their attempts to rob, abuse,”** and **“in some cases kidnap travellers for ransom.”**<sup>298</sup>

While much of the violence women experience from non-State actors occurs due to irregular travel, States have obligations to protect all individuals from exploitation and violence, as well as from the conditions that create a risk of exploitation and violence. Therefore, it is essential to address the systemic issues that drive women to resort to irregular routes and ensure that they have access to safe and legal avenues for conducting their trade.



Zambian male cross-border trader in an individual interview. Amnesty International, Lusaka, Zambia, 2023

286 Focus Group Discussion in Mutare, 19 November 2022

287 Focus Group Discussion in Mutare, 19 November 2022

288 Focus Group Discussion (Men) in Musina, 21 April 2023

289 The trader expressed his indignation towards a border official, vocalizing his dissatisfaction with the treatment an elderly woman received.

290 Tupelo Muleya, 'SA Border guard arrested over Zim man's death,' 18 February 2023, The Herald (available at: <https://www.pressreader.com/zimbabwe/the-herald-zimbabwe/20230218/281681144056659>)

291 In Malawi for example PCR tests for COVID certificates ranged from 35,000 to 50,000 Malawian kwacha. Additionally, individuals were required to reapply for certificates every two weeks.

292 Smugglers are involved in the illegal transportation of goods across borders. They may use a variety of methods to do this, such as hiding goods in vehicles or on their bodies or using undocumented border crossings. Smugglers often charge a high price for their services, and they put both the traders and the goods at risk. Brokers and intermediaries, on the other hand, provide legitimate services to facilitate cross-border trade. They may help traders to obtain the necessary documentation, clear customs, and transport their goods. Brokers and intermediaries can play an important role in supporting informal cross-border trade, and they can help traders to avoid the risks associated with smuggling.

293 Focus Group Discussion in Musina, 21 April 2023

294 Marko Phiri, 'Zimbabwe: How women are taking over cross-border smuggling,' 3 October 2021, (available at <https://mg.co.za/africa/2021-10-03-zimbabwe-how-women-are-taking-over-cross-border-smuggling/>); Joel Maphosa, 'Beware of gangs at the border,' 16 January 2023, The Zimbabwean, (available at: <https://www.thezimbabwean.co/2013/01/a-border-gang-warning/>)

295 Focus Group Discussion in Musina, 21 April 2023

296 A machete is a large, heavy knife with a broad blade, used as both a tool and a weapon. It is typically used for cutting vegetation, such as clearing brush or chopping through dense foliage, but can also be employed for various other tasks, including chopping wood, harvesting crops, or even self-defence.

297 Focus Group Discussion in Musina, 21 April 2023

298 Interview with Jacob Matakanye in Musina, 22 May 2023

## TRANSACTIONAL SEXUAL RELATIONSHIPS

Focus groups in Zimbabwe and Zambia indicated that some women enter transactional sexual relationships to navigate the challenges and uncertainties of their trade. In such environments the women described an intricate web of sexual relationships that exists among women informal cross-border traders, security personnel, touts, immigration officials, money changers, local residents, and truck drivers. **The IOM states that this situation could potentially increase HIV and AIDS vulnerability for all groups involved.**<sup>299</sup> In most cases, these sexual relationships occur for economic reasons, such as women ICBT having sex with truck drivers in exchange for transportation or the opportunity to sleep overnight in their trucks or secure preferential treatment at the border. A trader from Masvingo said **‘yes, women do cross the border to go do prostitution [sex work], and also trade.’**<sup>300</sup>

However, how while recognising that constrained circumstances do not eliminate an individual’s ability to make decisions about their own lives, from discussions with women it appears as though these arrangements maybe complex and can be potentially exploitative given the underlying inequity in power. While many women purported to engaging in transactional sex willingly as a strategy to advance their trade activities, many of them expressed discomfort (coerced or exploited) due to the power dynamics and unequal bargaining positions they found themselves in. This dynamic was made poignant by another trader from Masvingo who said **‘Yes, there are sweetheart deals happening with malayisha’s. But if you change a malayisha and use a different one he would go to the soldiers and get them to confiscate our goods.’**<sup>301</sup>

In Musina, a cross-border trader from Zimbabwe disclosed that she started sex work as a means of survival during her first endeavour across the border, telling Amnesty International researchers: **“When I reached the bridge that’s when everything started. The money I had to pay the person who was helping me cross... was not enough. So, I had to start doing something in order for me to get money. At first, I started collecting cans to sell to the scrapyard. The money from this was not enough though, which made me vulnerable. I was exposed to men. I ended up doing sex work in Beitbridge in order for me to get the money to come to South Africa.”**<sup>302</sup>

One study from Southern Africa<sup>303</sup> further discusses transactional sexual relationships as a ‘coping mechanism’ or strategy that women cross-border traders employ to manage the risk of sexual violence. Women traders may develop ‘girlfriend-boyfriend’ relationships with border officials, to protect themselves from sexual violence by other men at the border. The study describes the experience of one woman working as a cross-border trader: **“the woman explained that sexual coercion, exploitation, and harassment was pervasive at border crossings and indicated that if she ‘has’ to provide some sort of sexual act to get her goods across, it is better to do it on her own terms. She has a customs “boyfriend” and perpetually has to walk a tightrope in negotiating terms of the relationship and associated sexual encounters.”**<sup>304</sup> Given the unequal power dynamics at play in these relationships Blumberg and others<sup>305</sup> emphasise that these relationships are also inherently violent and pose additional health risks where women may not be able to negotiate the terms of the sexual relationship, for example the use of condoms.<sup>306</sup>

## INTIMATE PARTNER VIOLENCE

Research indicates that there is evidence, albeit limited, that women engaging in this type of economic activity may be more vulnerable to intimate partner violence (IPV).<sup>307</sup> For instance, a study on women traders at the Nigeria-Cameroon border reported experiencing verbal and physical abuse from their partners, who viewed their economic activities as encroaching on their domestic responsibilities.<sup>308</sup>

The study further indicated that in this context this risk could lead women to abandon their economic activities or to work with colleagues to sell their goods on their behalf. These findings are consistent with wider research on the complex relationship between women’s economic empowerment and IPV, which varies by context. Studies have shown that in areas with high levels of poverty and gender inequalities, women may be at greater risk of IPV in the short-term, especially in regions where wife-beating is socially accepted.<sup>309</sup> However, in the longer-term, evidence suggests that women’s economic empowerment can serve as a protective factor against violence.<sup>310</sup>

In November 2022 Amnesty International interviewed a legal clinic in Harare that provides support to women involved in cross-border trading, specifically in cases of GBV and family-related issues such as divorces. According to the lawyer at the clinic, women cross-border traders frequently report experiencing high levels of GBV perpetrated by their partners. **The lawyer highlighted that complainants often mention the assumption of engaging in extramarital affairs as a significant factor behind this abuse.**<sup>311</sup>

Being away from home due to their trading activities leads to suspicion and mistrust, contributing to the occurrence of GBV within relationships. Additionally, the challenging economic climate in Zimbabwe (and other countries by extension) plays a significant role in exacerbating the issue. Lawyers at the legal aid clinic told Amnesty International that with many men facing unemployment and relying on their female partners for financial support, feelings of inadequacy and a loss of power can arise. This perceived inversion of traditional gender-power dynamics can contribute to abusive behaviours as some men seek to regain power and control over economic resources within the relationship.<sup>312</sup>

Women in focus groups confirmed that violence is often linked to women spending long periods away from home. This separation can lead to a range of resultant insecurities, which some men may unfortunately use as a pretext to justify violence against their partners, **“Yes, there is a lot of GBV because we are away for too long and this causes conflict with our husbands.”**<sup>313</sup>

299 International Organisation for Migration, ‘HIV/AIDS Population Mobility and Migration in Southern Africa: Defining a Research and Policy Agenda, 2005, (available at <https://www.sexrightsafrika.net/wp-content/uploads/2016/11/kurebwa-2.pdf>)

300 Focus group Discussion in Masvingo, 20 November 2022

301 Focus group Discussion in Masvingo, 20 November 2022

302 Amnesty International Individual Interview in Musina, 22 April 2023

303 Rae Blumberg, Joyce Malaba, and Lis Meyers, ‘Women Cross Border Traders in Southern Africa: Contributions, Constraints, and Opportunities in Malawi and Botswana,’ (previously cited)

304 Rae Blumberg, Joyce Malaba, and Lis Meyers, ‘Women Cross Border Traders in Southern Africa: Contributions, Constraints, and Opportunities in Malawi and Botswana,’ (previously cited)

305 Rae Blumberg, Joyce Malaba, and Lis Meyers, ‘Women Cross Border Traders in Southern Africa: Contributions, Constraints, and Opportunities in Malawi and Botswana,’ (previously cited)

306 Jessica Jacobson and Susan Joekes, ‘Violence against Women Traders at Border Crossings,’ (previously cited)

307 Jessica Jacobson and Susan Joekes, ‘Violence against Women Traders at Border Crossings,’ (previously cited)

308 Jessica Jacobson and Susan Joekes, ‘Violence against Women Traders at Border Crossings,’ (previously cited)

309 See: Lori Heise, ‘What works to prevent partner violence? An evidence overview,’ 2012, DFID. (available at: <http://strive.lshtm.ac.uk/resources/what-works-prevent-partner-violence-evidence-overview/>); Sara Cools and Andreas Kotsadam, ‘Resources and intimate partner violence in Sub-Saharan Africa,’ 2017, World Development 95, pp. 211-230

310 Lori Heise, ‘What works to prevent partner violence? An evidence overview,’ (previously cited)

311 Harare Legal Clinic Interview, 17 November 2022

312 Amnesty International Focus Group Discussion in Chinoyhi, 18 November 2022

313 Focus Group Discussion in Bulawayo, November 2022

## LIMITATIONS ON ACCESS TO JUSTICE

The violations that women cross-border traders experience is compounded by their limited access to justice. The right to access justice is enshrined in international law, including the UDHR<sup>314</sup> and the ICCPR.<sup>315</sup> This right enables individuals to seek and obtain effective remedies for violations of their rights through fair and impartial judicial and administrative proceedings. Despite the fact that women often find themselves facing various challenges and rights violations in the course of their work, the ability to seek legal redress and protection against such violations is frequently constrained. While women report being aware that they can report incidents at the police, they do not do so primarily because of a fear of reprisals

due to high levels of corruption and bribery inherent in the trade, in which the rule of law is undermined. Furthermore, their reluctance to seek legal recourse is compounded by their perception of lacking legal recognition, even when operating within the bounds of the law. **“We already feel like our trade is illegal and do not feel empowered to report violations we suffer at the border.”**<sup>316</sup>

This dynamic is perpetuated when women use irregular routes to travel or transport goods, it is in this context that a woman from Mchinji said: **“If you are a woman going through Zalewa<sup>317</sup> you are at [greater] risk because they could rape you. Where do you complain? You fear to complain**

**because you’ve used illegal routes, that means you cannot go to complain. Women cross Zalewa at their own risk.”**<sup>318</sup> This sentiment was echoed by another women cross-border trader in Mchinji who said, **“You can be raped, and you have nowhere to report because you have jumped the law.”**<sup>319</sup>

In one instance recounted by a woman interviewed by Amnesty International, she found little recourse after reporting an incident. A woman from Mutare shared her experience, stating, **“At some point, the police in Mozambique took our money, and we did not have money to return to Zimbabwe. When we reached Zimbabwe, we reported to the police, who referred us to the Mozambican embassy. Despite providing details, we never received any feedback from the embassy.”**<sup>320</sup> While this case is anecdotal, it highlights potential challenges women face in reporting incidents across borders, revealing a potential gap in accountability.

Women also highlighted the prolonged process of engaging with the justice system, expressing that their high mobility was incompatible with the time-consuming nature of legal proceedings. One

woman explained, **“If the police ask me to come and give evidence, that is time I could be using to trade and make money for my children.”**<sup>321</sup> Geographical challenges further compound the issue, as women struggle to attend court proceedings or even travel to the court. Reflecting on the limitations of accessing justice in the Mchinji border town, Helen Phiri, a representative of Women’s Hope for Change, an organization advocating for women and girls’ rights, stated, **“Sometimes we have cases that require numerous witnesses, some of whom live 45 kilometres away from our district. How do we bring those witnesses? At some point, we had funding that allowed us to bring the court to the community. But that foundation has closed, so we cannot access resources. We cannot bring the court to the community.”**<sup>322</sup>

Additionally, women cited corruption among the police as a significant barrier, with one woman stating, **“Police work with the robbers. I can’t report because of intimidation; the police are there, it’s a police officer who will be harassing me.”**<sup>323</sup>



Mchinji/Mwami One Stop Border Post was opened to improve trade between Malawi and Zambia in early 2023. Amnesty International, Malawi, South Africa, 2023

## 8.2. FAILURE TO FULFIL RIGHT TO SOCIAL SECURITY

*The right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.*

General Comment 19, para 2

314 Article 8 and 10

315 Article 14

316 Focus Group Discussion in Mutare, 19 November 2023

317 Zalewa typically refers to an informal border crossing route used by individuals to bypass official checkpoints and avoid paying duties or tariffs on goods being transported across borders.

318 Interview in Mwanza, 8 May 2023

319 Focus Group Discussion in Mchinji, 10 May 2023

320 Focus Group Discussion in Mutare, 19 November 2022

321 Focus Group Discussion in Musina, 21 April 2023

322 Focus Group Discussion in Mchinji, 10 May 2022

323 Focus Group Discussion in Musina, 22 April 2023

Social security is a stand-alone human right recognized in Articles 22 and 25 of the Universal Declaration of Human Rights (UDHR) and enshrined in a number of international human rights instruments. It includes the right to access and maintain benefits to secure protection from a range of adverse circumstances, including a lack of work-related income, unaffordable access to healthcare, and insufficient family support.

Under international law, the right to social security is considered an essential aspect of the right to an adequate standard of living and the right to work.<sup>324</sup> The UDHR recognizes the right to social security as a human right, stating that “everyone has the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”<sup>325</sup> The ICESCR, further elaborates on the right to social security, stating that “the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”<sup>326</sup> The ICESCR also obliges States to provide appropriate social security measures to ensure the realization of this right, including measures to combat poverty, unemployment and other forms of insecurity.<sup>328</sup>

The right to social security includes nine principal branches including access to affordable and adequate healthcare, income support in case of loss of earnings due to sickness or unemployment, older age benefits, family and child benefits, paid parental leave, and disability benefits in accordance with General Comment No. 19 (GC 19) from the Committee on Economic, Social and Cultural Rights. The main components of the right to social security, as outlined in para 10(2) of the General Comment, encompass various elements, including but not limited to access to healthcare, support for individuals with disabilities, and assistance for those facing unemployment or poverty. General Comment 19 provides a more comprehensive framework for understanding the right to social security and its components, emphasizing its importance in promoting economic and social well-being.

In its thirty-ninth session, the Committee on Economic, Social and Cultural Rights in 2007 clarified The Committee on Economic, Social and Cultural Rights has issued several General Comments and Concluding Observations clarifying the scope and content of the right to social security.<sup>327</sup> In the following year, the Committee has emphasized that social security should be accessible to all individuals and groups, without discrimination, and that it should be adequate, affordable and sustainable.<sup>328</sup>

## LACK OF ACCESS TO SOCIAL SECURITY DUE TO INFORMALITY

The ILO states that “adequate social protection is key to decent work in the informal economy, particularly for the most vulnerable and unprotected groups of workers, especially women in hazardous jobs”<sup>329</sup> however, due to limitations in both coverage and quality of social protection, women interviewed claimed to have minimal access to social protection in their countries.<sup>330</sup>

According to the ILO, among the main barriers to the extension of social security to informal workers is the legal exclusion or constraints which may prevent or discourage informal workers from registering for social protection measures and thus qualifying for benefits.<sup>331</sup> Referred to as the “missing middle,”<sup>332</sup> the majority of informal workers in the global population are neither protected by tax-financed nor contributory social security mechanisms.<sup>333</sup>

These mechanisms are classified into three categories: 1) social assistance; 2) social insurance and 3) labour market programmes.<sup>334</sup> Social assistance measures are usually non-contributory and financed by general taxes to address specific populations and particular contingencies.<sup>335</sup> Referred to as ‘social safety nets,’ these include public pension schemes, health insurance, subsidies, and non-contributory cash transfers or in-kind assistance.<sup>336</sup> Social insurance refers to either contributory or publicly funded social protection measures that provide compensatory support in the event of contingencies such as old age, illness, injury and other life-course events.<sup>337</sup>

Finally, labour market programmes are the government-led policies and interventions that seek to ensure basic rights and standards in the labour market.<sup>338</sup> Labour market programmes can be either contributory or non-contributory, and range from interventions to support job seekers, create jobs and enact legislation that underpin worker’s rights.<sup>339</sup>

According to the ILO ‘**although most at risk and therefore most in need, most workers in the informal economy have little or no social protection and receive little or no social security, either from their employer or from the government. Beyond traditional social security coverage, workers in the informal economy are without social protection in such areas as education, skill-building, training, health care and childcare, which are particularly important for women workers. The lack of social protection is a critical aspect of the social exclusion of workers in the informal economy.**’<sup>340</sup>

In recent years, pervasive global challenges such as high levels of economic instability, and rising inequality have been exacerbated by the Covid-19 pandemic, issues which have had severe limiting effects on the revenues of many governments at a time where the need for social security is greatest.<sup>341</sup>

According to the ILO’s 20-22 Social Protection Report, the rate of social protection in coverage in Africa stands at 17.4%.<sup>342</sup> While Southern Africa

329 International Labour Organisation, ‘Decent work and the informal economy,’ p.8, (previously cited)

330 All Focus Group Discussions

331 International Labour Organisation, ‘Social Protection Spotlight: Extending social security to self-employed workers. Lessons from international experience,’ March 2021, (available at: <https://www.social-protection.org/gimi/Media.action?id=16988>)

332 International Labour Organisation, ‘Extending social security to workers in the informal economy Lessons from international experience,’ 2021, (available at: <https://www.social-protection.org/gimi/Media.action?id=16990>)

333 International Labour Organisation, ‘Social Protection Spotlight: Extending social security to workers in micro and small enterprises: Lessons from international experience.’ June 2021, (available at: <https://www.social-protection.org/gimi/Media.action?id=16986>)

334 Becky Carter, Keetie Roelen, Sue Enfield, and William Avis, ‘Social protection topic guide,’ 2019, Knowledge, Evidence and Learning for Development (available at: <https://gsdrc.org/topic-guides/social-protection/types-of-social-protection/>)

335 Becky Carter, Keetie Roelen, Sue Enfield, and William Avis, ‘Social protection topic guide,’ (previously cited)

336 Becky Carter, Keetie Roelen, Sue Enfield, and William Avis, ‘Social protection topic guide,’ (previously cited)

337 Becky Carter, Keetie Roelen, Sue Enfield, and William Avis, ‘Social protection topic guide,’ (previously cited)

338 Becky Carter, Keetie Roelen, Sue Enfield, and William Avis, ‘Social protection topic guide,’ (previously cited)

339 OECD and I, 2019, ‘Tackling Vulnerability in the Informal Economy: Protecting informal economy workers and their dependents.’ Accessible at: [https://read.oecd-ilibrary.org/development/tackling-vulnerability-in-the-informal-economy\\_120e596f-en#page7](https://read.oecd-ilibrary.org/development/tackling-vulnerability-in-the-informal-economy_120e596f-en#page7)

340 International Labour Organisation, ‘Resolution concerning decent work and the informal economy,’ 2002, 90th Session of the General Conference of the International Labour Organization,’ (available at: <https://www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/pr-25res.pdf>)

341 International Labour Organisation, ‘World Social Protection Report 2020-22: Social Protection at the Crossroads-in Pursuit of a Better Future’ 2021

342 Of the population in Africa receiving at least one social protection benefit. International Labour Organisation, World Social Protection Report 2020-22,’ 2022, (available at: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@soc\\_sec/documents/publication/wcms\\_849597.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@soc_sec/documents/publication/wcms_849597.pdf))

324 United Nations High Commissioner for Human Rights ‘Report of the United Nations High Commissioner for Human Rights, Summary of the intersessional full-day panel discussion on the right to social security in the changing world of work, 2 February 2022, A/HRC/49/33

325 UDHR, Article 25

326 ICESCR, Article 9

327 CESCR, General Comment No. 19: The right to social security (Art. 9 of the Covenant), 4 February 2008

328 ICESCR, ‘General Comment 19 on the right to social security,’ 4 February 2008

tends to have higher coverage rates compared to other regions, significant disparities persist among specific social protection programs. Disability cash grants, for instance, demonstrate a coverage of 61.8%, child and family benefits at 67.7%, maternity cash benefits at 9.4%, and unemployed cash benefits at 10.8%. It's crucial to note that regional averages can be misleading, as countries like South Africa, Botswana, and Namibia contribute to higher averages. For instance, despite seemingly high child transfers in the region, a 2020 study<sup>343</sup> revealed that only one in five impoverished children in Malawi benefit from cash or in-kind transfer programs, emphasizing the nuanced challenges within individual countries. Of particular concern is the fact that the majority of social protection systems in Africa, whether contributory social insurance or non-contributory schemes, however, are biased in favour of formal workers.<sup>344</sup> Lending credence to the claim made by an informal cross-border trade in Mchinji, that:

**“The government does not assist us”<sup>345</sup>**

In Zimbabwe, current social security systems primarily protect formal sector workers, with only a small percentage of the population receiving pensions or social security funds, particularly among those aged 65 and above.<sup>346</sup> Additionally, a minority of the population, mostly in private enterprises, are members of medical aid schemes.<sup>347</sup> In recent years, despite some increase in the number of people receiving pensions or social security funds, there remains limited coverage, especially among informal workers. While various social assistance

programs target groups that are vulnerable to discrimination and marginalisation including those in the informal sector,<sup>348</sup> none are specifically tailored to their needs.<sup>349</sup> It is in this context that the World Bank found that only 12% of informal workers benefit from any form of social assistance, this coverage went down to only 6% among the group of informal workers who were not farmers.<sup>350</sup>

For mothers in informal work, the lack of social protection is particularly stark as the ILO states **“there is no access to maternity protection for female workers in the informal economy [in Zimbabwe].”<sup>351</sup>** A mother from Musina highlighted the issue of limited access to maternity benefits during her fourth pregnancy. She explained, **“I was heavily pregnant, with my fourth child, and given the demands of cross-border trading, I couldn't afford to stop; otherwise, I wouldn't earn any money. I had just given instructions to my transporter when I unexpectedly went into labour at the border. I rushed to the hospital in Musina, where I gave birth to my child. Right after the birth, my immediate concern was to ensure the safety of my goods on the other side, so I promptly called my transporter.”<sup>352</sup>**

Social protection measures in Malawi are equally limited for those in the informal sector.<sup>353</sup> According to the ILO, **“Malawi's social protection system offers limited protection both in terms of quality and coverage of the population.”<sup>354</sup>** Vulnerability with prolonged illness and pregnancy are a major cause for concern for women cross-border traders in Malawi, who, because of their

status as majority own-account informal workers, do not have paid leave or maternity benefits. The absence of adequate social protection measures for women traders has far-reaching consequences as it leaves them without access to essential benefits such as maternity support, disability coverage, and pension schemes. In this regard, the case of Regina Banda\* is rather poignant, who recounted being unable to access any social security benefits during her pregnancy, telling Amnesty International researchers: **“The time I was pregnant in 2021, it was tough. I couldn't do anything. My body was weak it was not responding to what was happening. Even my business declined as I was home most of the time. Unfortunately, I was the chairperson on the Cross-Border Traders Association here in Mchinji, so I was supposed to be there for the members. Life was not easy, but I had to hang in there and tell myself this was going to pass, and one day I'll be back to myself.”<sup>355</sup>**

During the pandemic, informal traders, faced significant hardships as they not only lost their income but also depleted their business capital to survive during lockdown. While Malawi introduced the Covid Urban Cash Transfer Intervention (CUCI),<sup>356</sup> primarily targeting urban areas none of the women Amnesty International interviewed in Mwanza and Mchinji qualified for CUCI support. Financial indicator structural factors,<sup>357</sup> further limited the inclusion of WICBT from these rural areas.<sup>358</sup> Consequently, the majority of women engaged in cross-border trade in Mwanza and Mchinji did not qualify for CUCI support.

Women in Zimbabwe suffered a similar fate, with one woman telling Amnesty International: **“Unfortunately, there was no assistance from the government during the pandemic. Although Mercy**

**Corp handed out groceries to poor households, cross-border traders like us were not part of the targeted group.<sup>359</sup> Some people claiming to be from the government came to our markets and took down our names, promising assistance that never materialized. The government officials also gave us Net1 lines (sim cards), promising to put assistance grants in our Eco Cash accounts, but this never happened. Overall, the pandemic was a difficult time for many, and the lack of assistance from the government only made it worse.”<sup>360</sup>**

It is essential to recognize that if another global crisis were to occur, women in informal cross-border trade, along with other workers in the informal economy, would remain exposed and vulnerable due to the lack of adequate and universal social protection. Without access to social security measures or comprehensive support systems, they would face immense challenges in coping with economic shocks and disruptions to their businesses. The absence of social security for informal traders exacerbates the adverse effects of such crises, making it difficult for them to recover and sustain their livelihoods in the aftermath.

**“Covid impacted our businesses a lot! we used most of our capital at the start of covid for sustenance at home during lockdowns. This made it difficult to start the trade again after lockdown because we had to find new start-up capital.”<sup>361</sup>**

In 2019, Zambia passed Statutory Instrument No. 72.6 which established the legal basis for the extension of social protection to informal workers through the National Pension Authority (NAPSA). Despite this the ministry of Labour and Social Security in Zambia states that the **‘landscape in Zambia is predominantly of a social insurance model limited to the provision of protection against loss or reduction of**

343 Edward Archibald, 'Analysis of Child-sensitive Social Protection in Malawi,' 10 April 2020, Save the Children Malawi (available at: [https://mtukula.com/userdata/repo/Archibald%20\(2020\)%20Analysis%20of%20Child%20Sensitive%20Social%20Protection%20in%20Malawi.pdf](https://mtukula.com/userdata/repo/Archibald%20(2020)%20Analysis%20of%20Child%20Sensitive%20Social%20Protection%20in%20Malawi.pdf))

344 Stephen Devereux, Bob Baulch, Ian Maccauslan, Alexander Phiri, and Rachel Sabates-Wheeler, 'Vulnerability and social protection in Malawi,' 2006, Insitute of Development Studies Discussion paper series, 387

345 Focus Group Discussion in Mwanza, 08 May 2023

346 ZimStat, 'Zimbabwe Poverty Reports,' 1995; ZimStat, 'Zimbabwe Poverty Reports,' 2001; ZimStat, 'Zimbabwe Poverty Reports,' 2017. (available at: <https://zimstat.co.zw>)

347 ZimStat, 'Zimbabwe Poverty Reports,' 1995; ZimStat, 'Zimbabwe Poverty Reports,' 2001; ZimStat, 'Zimbabwe Poverty Reports,' 2017 (previously cited)

348 The eligibility criteria for Zimbabwe's primary social protection mechanisms, including the Public Assistance Programme and Harmonised Social Cash Transfer are limited to the elderly (60 years of age and older); people with physical or mental disabilities, or who are severely ill; and indigent households that are both labour-constrained and food-poor.

349 Henry Chikova, 'Social Protection in Zimbabwe - Country Paper,' 2013, Presentation at SASPEN – FES International Conference: 'Social Protection for Those Working Informally. Social & Income (In) Security in the Informal Economy', Johannesburg, South Africa, 16–17 September

350 Ananda Paez Rodas and Claudia Rodriguez Alas, 'Social protection approaches to increasing welfare among the informally employed: The case of Zimbabwe,' 26 September 2023, (available at: <https://blogs.worldbank.org/african/social-protection-approaches-increasing-welfare-among-informally-employed-case-zimbabwe>)

351 Labour and Economic Development Research Institute of Zimbabwe, Situational analysis of Women in the informal economy in Zimbabwe,' 2017, (available at: [https://www.ilo.org/wcmsp5/groups/public/-/africa/-/ro-abidjan/-/ro-harare/documents/publication/wcms\\_619740.pdf](https://www.ilo.org/wcmsp5/groups/public/-/africa/-/ro-abidjan/-/ro-harare/documents/publication/wcms_619740.pdf))

352 Focus Group Discussion in Musina, 21 April 2023

353 At the onset of the Covid-19 pandemic, the government's failure to provide social-protection interventions was the subject of litigation. In Kathumba and Others v President of Malawi and Others, it was argued that the government had failed to provide social-protection interventions to workers, 89 per cent of whom are in the informal workforce. See: WIEGO, 'Social Protection for Self-Employed Informal Workers in Sub-Saharan Africa: A rights-based assessment of the impact of the Covid-19 crisis,' 2022, WIEGO Resource Document 24

354 The country's flagship social cash transfer programme is currently targeting 10% of labour-constrained ultra-poor households (about 292,190 beneficiary households). Other programmes include public works (about 451,000 beneficiaries) and school meals programmes (about 3,002,661 beneficiaries) implemented in selected districts. The social cash transfer programme scaled up in all the 28 districts, which has a fixed 10% coverage threshold, reaches only 10% of ultra-poor labour-constrained households – a very small proportion because 20.5% of the whole population live in ultra-poverty. International Labour Organisation, 'Malawi Situation and Priorities - Social protection situation,' undated, (available at: <https://www.social-protection.org/gimi/ShowCountryProfile.action?iso=MW#:text=Malawi%20social%20protection%20system%20offers.social%20protection%20sector%20in%20Malawi>)

355 Focus Group Discussion in Mwanza, 8 May 2013

356 Individual Interview in Mwanza, 8 May 2023

357 For instance, the beneficiary selection process was overseen by community leaders, including customary and block chiefs, despite legal constraints on their authority in urban areas outlined in the Chiefs Act (1967). These chiefs wielded significant power, often favouring their own family members and those who offered bribes, while excluding many deserving households from the program. See Centre for Community Organisation and Development, 'Redefining urban social protection programmes in Malawi: Lessons from the Covid-19 Emergency Urban Cash Intervention (CUCI),' September 2023, Africa Cities Research Consortium Policy Brief, (available at: [https://www.african-cities.org/wp-content/uploads/2023/09/ACRC\\_Covid\\_Collective\\_Redefining-urban-social-protection-programmes-in-Malawi.pdf](https://www.african-cities.org/wp-content/uploads/2023/09/ACRC_Covid_Collective_Redefining-urban-social-protection-programmes-in-Malawi.pdf))

358 Upon evaluation the program was found to have other deficiencies for instance while program primarily targeted female household members in alignment with the 2030 Agenda for Sustainable Development, aiming to expand social protection systems for all challenges arose due to the mobile disbursement method. Many women lacked personal phones and relied on their husbands' phones, leading to miscommunication and misappropriation of funds by husbands upon receipt. [https://www.african-cities.org/wp-content/uploads/2023/09/ACRC\\_Covid\\_Collective\\_Redefining-urban-social-protection-programmes-in-Malawi.pdf](https://www.african-cities.org/wp-content/uploads/2023/09/ACRC_Covid_Collective_Redefining-urban-social-protection-programmes-in-Malawi.pdf)

359 Presumably due to financial indicators, this is what the traders say.

360 Focus Group Discussion in Mutare, 19 December 2022

361 Focus Group Discussion in Mchinji, 10 May 2023

**income resulting from retirement, disability and survivorship. This coverage, however, is limited to the formal sector.**<sup>362</sup> Because of this, the ILO states that social security coverage in Zambia for informal economy workers and their dependents is minimal.<sup>363</sup> Challenges to extending social security to this sector include non-standard employment arrangements, gaps in the legal framework, affordability for workers, compliance costs and financial constraints for employers, limited knowledge about social security rights, low trust in government institutions, a lack of workers' organizations, and weak enforcement mechanisms. Thus, while legal provisions for social security exist, they primarily cater to formal employment.<sup>364</sup> An interviewee in Lusaka lamented **"There is no pension when you are a cross-border trader!"**<sup>365</sup>

These findings align closely with the accounts of the women interviewed by Amnesty International. The majority of these women expressed that they do not reap the benefits of existing social security schemes, further underscoring the pressing need for comprehensive reform and inclusive policies in the realm of social protection. Their experiences highlight the urgent necessity of provide comprehensive coverage to workers including in the informal sector, particularly women in the context of ICBT. Moreover, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security signifies a regional commitment to the right to social security, further emphasizing the importance of addressing these issues at both national and continental levels.<sup>366</sup>

systems is often attributed to their continued exposure to time and mobility constraints.<sup>368</sup> From our research we have found that ICBT involves an extremely heavy workload. It is characterised by long hours of work and traders who operate from serviced market stalls, such as in

flea-markets, can work for 10-12 hours at a time and often make their way home very late at night, as one woman told Amnesty International:

**"We come to work at 05h00 and get back home at 22h00."**<sup>369</sup>

### Time Poverty

As a result, women informal cross-border traders report to be in constant states of extreme time poverty.<sup>370</sup> They attribute this to long work hours and the significant amount of time spent traveling to and from the border, lamenting that the time spent on the border can also be unpredictable, with customs officials and border controls often causing delays that, as previously stated, can last for hours or even days.

The amount of time spent on trading activities was of concern to the majority of traders and at least some women all focus groups expressed sentiments of being extremely time poor. Every day, they find themselves caught in a race against the clock, as they navigate lengthy border crossings, tackle intricate transportation logistics, and contend with bureaucratic border processes. Due to this women purport feeling stress and exhaustion, which they say has negative impacts on their physical and mental health.<sup>371</sup>

**"I would travel the whole day and whole night,"** said Rebecca Phiri, a single mother of two and former cross-border trader. **"I would reach [my destination] in the morning, buy stock and then start off again the following morning. It was tiresome, I was exhausted all the time."**<sup>372</sup>

Women also told Amnesty that the demands of their work leave them with precious little time to focus on essential aspects of their businesses, such as marketing their products or exploring new avenues for growth. They expressed a deep desire to expand their enterprises, but the scarcity of time holds them back, leaving them feeling frustrated and constrained.

**"There is no time to rest. you are always panicked and thinking of the next thing that you have to do."**<sup>373</sup>

In addition, women engaged in informal cross-border trading often experience compounded time poverty, as they juggle additional responsibilities such as household chores and childcare. This time scarcity not only affects their business activities but also intrudes into their personal lives, restricting the amount of quality time available for both them and their families. **"The whole process is tiring and exhausting. It does not give us time to take care of our kids. We do not have time to rest because we have to cook at home after coming back from the market and have to do house chores before we leave for the market."**<sup>374</sup>

## FREQUENT, EXCESSIVE TIME POVERTY AND CARE BURDEN

**Josephine is a single mother of four from Mwanza. As a cross-border trader, she wakes at 5am on most days, to clean her home and tend to her children before they leave for school. The sole breadwinner for her family, Josephine earns a living by travelling to Mozambique, Tanzania and Malawi to purchase produce and groceries which she sells in a stall in Mwanza market.**

Social protection deficits are especially conspicuous in the heavy care burden that women, including in informal cross-border traders are often forced to shoulder. In Africa, many women are bound by entrenched and widespread attitudes about

women's roles in the home and society. Women are often expected to sustain unpaid care work, limiting their ability to participate in paid, formal work and other economic opportunities.<sup>367</sup> Thus, the predominance of women within informal trading

362 Ministry of Labour and Social Security, 'Department of Social Security,' (available at: [https://www.mlss.gov.zm/?page\\_id=1783](https://www.mlss.gov.zm/?page_id=1783))

363 While all workers in Zambia aged between 18 and 65 years and earning K15.00 and above gross monthly income are eligible for NAPSA membership registration, persons are only eligible to receive a benefit payments upon retirement (at age 50) or invalidity. Excluding dependents, those eligible for the registration include: employees on contract; employees engaged on permanent terms, employees on a part-time basis, casual employees; non-Zambian employees engaged by local institutions, domestic workers, and public service workers. See: NAPSA, 'Member Contributions & Requirements,' undated, (available at: <https://napsastore3.azurewebsites.net/member/>) and Workpay, 'Understanding Zambia's National Pension Scheme Authority (NAPSA): Contributions and Benefits,' 21 June 2023, (available at: <https://www.myworkpay.com/blogs/understanding-zambias-national-pension-scheme-authority-napsa-contributions-and-benefits>)

364 International Labour Organisation, 'Extension of Social Protection to Workers in the Informal Economy in Zambia: Lessons learnt from field research on domestic workers, small scale farmers and construction workers,' February 2016, (available at: [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-lusaka/documents/publication/wcms\\_485358.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-lusaka/documents/publication/wcms_485358.pdf))

365 Interview in Lusaka, 12 May 2023

366 African Union. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security Retrieved from [https://au.int/sites/default/files/newsevents/workingdocuments/36350-wd-e-protocol\\_on\\_social\\_protection\\_and\\_social\\_security.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/36350-wd-e-protocol_on_social_protection_and_social_security.pdf)

367 Kim Parker, 'Women more than men adjust their careers for family life,' 1 October 2015, Pew Research Centre, (available at: <https://www.pewresearch.org/short-reads/2015/10/01/women-more-than-men-adjust-their-careers-for-family-life/>)

368 Lydia Boatang-Pobee, Sarah Heneck, Anne Kamau, Francis Kapere, Kweku Kyere, Misiwe Maphumulo and Rachel Moussié, 'Women Informal Traders and Child Care during the Covid-19 Pandemic: Findings from Accra, Durban and Nakuru,' 2021, WIEGO Resource Document No. 20

369 Focus group discussion in Lusaka

370 Time poverty refers to the lack of time available for activities deemed essential for well-being, such as caring for oneself, family and community, engaging in leisure activities and participating in civic life. See: Omar Ismael Abdourahman, 'Time Poverty: A Contributor to Women's Poverty?,' 11 November 2010, The African Statistical Journal, Volume 11, pp. 16-37

371 Focus Group Discussion in Zambia, 12 May 2023

372 Amnesty International Individual Interview in Lusaka, 12 May 2023

373 Focus Group Discussion in Zambia, 12 May 2023

374 Focus Group Discussion in Mutare



Women expressed a yearning to be present for their loved ones, to attend important events, and to nurture different relationships. However, the relentlessness of their trade obligations often leaves them feeling stretched thin and perpetually rushed. As one trader poignantly expressed, **“There’s no time to relax. We are suffering. We do not have time to look after our children. Our kids are not growing up the way that we want them to grow up. But when you sit at home who is going to feed them?”**<sup>375</sup> This quote captures the paradox of their schedules: while they are working tirelessly to provide for their children, the demands of their trade leave them with insufficient time

## HEALTH CHALLENGES

An integral part of social protection is ensuring access to healthcare.<sup>378</sup> The right to health is a human right recognized by numerous international human rights treaties and conventions, including the ICESCR. This right encompasses access to healthcare services, as well as the highest attainable standard of physical and mental health.<sup>379</sup> In the context of women’s health, international law standards recognize the unique health needs of women and the importance of ensuring their right to health is protected and promoted. This includes access to reproductive and sexual health services, and an end to discrimination in healthcare access and treatment.

The ICESCR obliges State parties to take steps to ensure that everyone has access to healthcare services without discrimination.<sup>380</sup> This includes access to family planning services, prenatal and postpartum care, and safe and legal abortion services, as well as education and information related to reproductive and sexual health.<sup>381</sup> The

to be physically and emotionally present in their children’s lives.

**“School fees, rent, helping relatives in the village, everyone depends on you, we can’t save, we live hand to mouth, its survival of the fittest in this job.”**<sup>376</sup>

Despite their efforts, women told Amnesty International that they grapple with the heart-breaking realization that their children are not experiencing the upbringing they desire for them.<sup>377</sup>

CEDAW further underscores the importance of women’s right to health by requiring State parties to eliminate discrimination against women in the enjoyment of the right to health. This includes eliminating gender-based violence and harmful practices that impact women’s health.<sup>382</sup> In addition to these international human rights treaties, there are also several regional human rights instruments that address the right to health for women. For example, the Maputo Protocol requires State parties to take measures to improve the health of women and to ensure that women have access to healthcare services on an equal basis with men.<sup>383</sup>

There is evidence that women cross-border traders suffer health challenges directly related to their work which affect overall well-being and ability to carry out their trade activities. A study from Ghana by Charlotte Wrigley-Asante identifies numerous challenges such as **poor working conditions contributed to by cramped and unsanitary**

**living conditions, limited access to clean water, sanitation, and healthcare facilities, increasing the risk of diseases such as tuberculosis, skin infections, and respiratory illnesses. The demanding nature of their work, including long hours, negotiating prices, and navigating customs and immigration processes, leads to high levels of stress, anxiety, and depression. Leaving their families and children for extended periods further exacerbates their mental health issues.**<sup>384</sup>

Reproductive and sexual health concerns for women cross-border traders stem from their high mobility, work conditions, and interactions, which may increase exposure to HIV. Studies have shown that factors such as limited healthcare access, gender-based vulnerabilities, inconsistent condom use, limited awareness, and stigma compound their HIV risk.<sup>385</sup> Moreover, women expressed fear that their husbands may engage in sexual relations with other partners during their absence, increasing worries about contracting sexually transmitted diseases.<sup>386</sup>

**“Back pain, swollen legs, mental exhaustion, cramps, ulcers, headaches, stress, depression, anxiety”**<sup>387</sup> were the common words used by women traders when Amnesty International inquired about their well-being.

In all focus groups, women told Amnesty International researchers about a range of health conditions that stem from their work and living conditions. Constantly exposed to the demands and pressures of their trading activities women reported facing significant physical and mental health challenges.<sup>388</sup> They reported that the stress and strain of their work can take a toll on their physical well-being, leading to ‘blood’ problems (high blood pressure) and other related health conditions.

The experiences of predominant participants in the Malawi, Zimbabwe and Zambia focus group discussions also shed light on the significant challenges they face in maintaining a nutritious diet that adequately supports their health. These challenges are directly linked to the demanding nature of their schedules, leaving them with limited time and resources to prioritize their own well-being. As a result, women in the discussions said that they were unable to allocate sufficient time for proper meal planning and preparation, and eat fast food, leading to an inadequate intake of essential nutrients. Consequently, their health becomes compromised, and they experience a range of negative health outcomes.

**“Body pains are very normal...sometimes you can stay in bed for 2 days not being able to get up. You have to force yourself.”**<sup>389</sup>

Moreover, women reported that the time constraints imposed by their busy schedules also hinder their ability to seek proper healthcare and attend to their ailments effectively. Accessing healthcare facilities and securing appointments within limited time windows prove to be considerable hurdles. As a consequence, women stated that they find themselves resorting to self-medication as a means of addressing their health concerns. The reliance on over-the-counter medications and painkillers becomes a prevalent coping mechanism, offering temporary relief for their ailments but not addressing the underlying health issues. In the words of one woman, this reliance on self-medication becomes a daily reality, stating,

**“We live on painkillers every day.”**<sup>390</sup>

375 Focus Group Discussion in Lusaka, 12 May 2023

376 Focus Group Discussion in Mchinji, 10 May 2023

377 All Focus Group Discussions

378 Social Protection and Human Rights, ‘Health,’ undated, (available at: <https://socialprotection-humanrights.org/key-issues/relationship-with-other-human-rights/health/#:~:text=As%20highlighted%20in%20ILO%20social%20security%20conventions%20and,right%20to%20the%20highest%20attainable%20standard%20of%20health>)

379 Rights to health are protected under various treaties, including the Universal Declaration of Human Rights (at Article 25), International Covenant on Economic, Social and Cultural Rights (at Article 12), Convention on the Elimination of All Forms of Discrimination Against Women (at Article 12), Convention on the Rights of the Child (at Article 24), Convention on the Rights of Persons with Disabilities (at Article 25), as well as regional instruments such as the African Charter on Human and Peoples’ Rights (at Article 16).

380 ICESCR Article 12

381 Committee on the Elimination of Discrimination against Women (1999), General Recommendation 24: Women and Health, U.N. Doc. A/54/38/Rev.

382 Committee on the Elimination of Discrimination against Women (1999) General Recommendation 24: Women and Health

383 Union, African. Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, Article 2 and 14

384 Charlotte Wrigley-Asante, ‘Unravelling the health-related challenges of women in the informal economy: accounts of women in cross-border trading in Accra, Ghana’ 2012, *Geojournal* 78, pp.525–537

385 Joana Salia, Mohsin Sidat, Sonia Dias, Maria Martins, and Isabel Craveiro, ‘High Mobility and STIs/HIV among Women Informal Cross Border Traders in Southern Mozambique: Exploring Knowledge, Risk Perception, and Sexual Behaviors.’ 2020, *International Journal Environmental Research and Public Health*, No. 17. Also see Jeffrey Kurebwa, ‘The Vulnerability of Female Informal Cross Border Traders to HIV and AIDS in Zimbabwe: The Case of Beitbridge Border Post,’ 2015, *IOSR Journal of Humanities and Social Science* 20(3), pp. 65-69

386 Focus group discussions in Malawi, Zimbabwe and Zambia

387 Focus Group Discussions in Malawi, Zambia and Zimbabwe

388 Focus Group Discussion in Lusaka, 12 May 2023

389 Focus Group Discussion in Lusaka, 12 May 2023

390 Focus Group Discussion in Lusaka, 12 May 2023

Apart from the physical health obstacles they encounter, women engaged in cross-border trading in also grapple with substantial mental health burdens. Women informal cross-border traders told Amnesty International that the relentless pressure to achieve success in their trading endeavours, coupled with the weight of responsibilities they shoulder, gives rise to elevated levels of stress, anxiety, and emotional exhaustion. Women report

### 8.3. SOCIAL DIALOGUE DEFICITS

The social dialogue pillar of decent work is a fundamental component that underlines the importance of open and constructive communication and negotiation among key stakeholders in the world of work, including governments, employers, and workers' representatives. It emphasizes the need for a

### ORGANISATIONS WHICH SPEAK FOR THE INTERESTS OF ICBTS

During our research Amnesty International spoke with various Cross-Border Trade Associations,<sup>392</sup> some of which facilitated interviews with women and men traders. A trend observed by Amnesty International is that leadership positions in CBTA's (which are supposed to act as intermediaries between informal cross-border traders and formal political actors) are often dominated by male traders.

In Zambia, the Cross-Border Association has 19 chapters, 5 of which are headed by women. In Zimbabwe and Musina, all 6 CBTA chapter representatives that Amnesty worked with were men, except for one village (Mutare). The heads of the two CTBAs that facilitated the interactions

that striving to strike a delicate balance between work and family life often leaves them feeling overwhelmed and prone to burnout. Additionally, the social stigma and prejudiced judgments they may face within their communities, including derogatory labels such as "prostitutes," further exacerbates their mental distress and compromises their emotional well-being.<sup>391</sup>

collaborative approach to decision-making, policy development, and dispute resolution within the labour market. The goal is to create an inclusive and equitable environment where the interests of all parties are taken into account, ensuring that workers' rights are protected, and their well-being is promoted.

in Zimbabwe were also men. However, the male facilitator that Amnesty engaged with in Malawi said that Malawi has a more gender-balanced representation of leadership in CBTAs. Despite this, all CTBAs confirmed that their membership is predominantly women aligning with the profession's overall demographic composition, which predominantly consists of women.

While male leadership in CTBA's is not on its own a problem, the ILO states that **"as social dialogue echoes the needs and aspirations of its participants, women and men should be represented in an equitable way to have their voices heard without fear of reprisal"**<sup>393</sup> In the

context of ICBT which as shown appears to be a highly gendered phenomenon, the voices of women take an even greater importance.

Limited representation has the potential to result in inadequate support for women's needs as this absence of leadership representation limits the input of women's experiences, challenges, and perspectives in decision-making processes. As will be seen below, this has particular impact on the progress of formalization in the region as it has made it difficult for the voices of women informal cross-border traders to be heard in policy debates, leading to a gap between them and the formalization discourse. Therefore, policies and programs that are developed are often biased towards the male perspective,<sup>394</sup> neglecting the unique challenges that women face in their trade.<sup>395</sup>

For instance, an attempt to improve the lives of traders has been through the Simplified Trade Regimes.<sup>396</sup> While these regimes offer benefits to women, progress in their utilization has been slow.<sup>397</sup> Yumi Nakayama<sup>398</sup> offers a perspective that suggests that this sluggish progress may be attributed to the undervaluation of the gender perspective in relation to informal cross-border trade during the development of the system. In her study she revealed that a comprehensive analysis of various surveys indicates that informal cross-border traders have a more diverse profile than what is commonly depicted in policy discussions. Recent surveys show that a large demographic of

cross-border traders who are divorced and have children,<sup>399</sup> and their limited social networks resulting from their marital status, may impede their involvement in formalization efforts promoted by political actors. Unfortunately, the gender perspective regarding issues concerning informal cross-border trade is frequently overlooked in policy debates.<sup>400</sup>

Moreover, associations where leadership is male-dominated may not always adequately address the specific challenges that women in ICBT face. Many women have told Amnesty International that the interventions provided to them often take the form of capacity-building initiatives for border processes. These programs are designed to empower both women and men engaged in informal cross-border trade with the essential knowledge and skills required to navigate the complexities of border crossings. Typically, these initiatives aim to enhance traders' capacities in areas related to cross-border commerce, such as customs and immigration procedures, trade regulations, documentation requirements, and logistical considerations.<sup>401</sup>

While many women appreciate the opportunity to receive training,<sup>402</sup> they report to Amnesty that these efforts are not holistic enough as they address only part of the broader challenges faced by traders. While such initiatives provide valuable support in terms of knowledge and skills related to border procedures, they may not effectively tackle the underlying systemic issues hindering women's

391 Focus Group Discussion in Lusaka, 12 May 2023, 12 May 2023

392 Two in Zimbabwe, one in Malawi and one in Zambia

393 International Labour Organisation, 'Social Dialogue at Work: Voices and choices for women and men,' undated (available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_103890.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_103890.pdf))

394 For instance, capacity building programs which focus on border processes and challenges that both women and men have while less concerted efforts have been made in dealing with gender-based discrimination at borders, which is predominantly a woman problem.

395 Yumi Nakayama, 'Why Do Informal Cross Border Traders (ICBTs) Operate Informally? The Paradox of the Formalization of ICBTs in Africa,' 2002, Tokyo University of Foreign Studies African Studies Center Working Papers Vol. 2 (available at: [https://www.jstage.jst.go.jp/article/aswp/2/0/2\\_65/pdf-char/en](https://www.jstage.jst.go.jp/article/aswp/2/0/2_65/pdf-char/en))

396 The Simplified Trade Regime (STR) is a trade initiative implemented by the Member States of the Common Market for Eastern and Southern Africa (COMESA). The main goal of the STR is to simplify trade procedures and reduce trade costs among the COMESA member countries. This initiative was established to facilitate trade among the member States and provide a platform for the growth of regional trade. The STR aims to remove trade barriers and simplify trade procedures by reducing the time and cost involved in cross-border trade. The STR provides for the elimination of trade formalities and the streamlining of customs procedures. This includes the reduction of documentation requirements, the harmonization of customs procedures, and the establishment of a single window for trade transactions. The STR also provides for the creation of a duty and tax-free zone within COMESA, which is intended to increase the competitiveness of Member States' products and services. This zone provides for the elimination of import duties and taxes on goods originating from other Member States. The duty and tax-free zone is intended to create a level playing field for businesses in the region, enabling them to compete more effectively with each other and with businesses in other regions.

397 Why Do Informal Cross Border Traders (ICBTs) Operate Informally? The Paradox of the Formalization of ICBTs in Africa by Yumi Nakayama from the African Studies Center - Tokyo University of Foreign Studies. [https://www.jstage.jst.go.jp/article/aswp/2/0/2\\_65/pdf-char/en](https://www.jstage.jst.go.jp/article/aswp/2/0/2_65/pdf-char/en)

398 Ibid

399 Munyoro, G., B. Chiinze, and Y.M. Dzapasi 2016. 'The Role of Customs and Excise Duties on Small Enterprises: A Case Study of Women Cross Border Traders'. *ADRRJ Journal (Multidisciplinary)* 25(10): 25-48

400 Ibid

401 <https://blogs.worldbank.org/trade/making-trade-safer-women-cross-border-traders-mozambique-and-malawi>, <https://www.afdb.org/ar/documents/eoi-multinational-capacity-building-women-informal-cross-border-traders-rwanda-under-project-inclusive-cross-border-trade-capacity-development>

402 Some of the women (particularly in Malawi and Zambia) interviewed had undergone training programs facilitated by various international organizations, while many others had not received such opportunities, particularly in Zimbabwe. It's worth highlighting that the women and men interviewed by Amnesty International were primarily affiliated with CTBA's (membership of which may have financial and time commitments), and this subset doesn't fully represent the potentially hundreds of thousands of other women who are not part of CTBA's network. These women may lack access to training opportunities as they are typically facilitated through CTBA's initiatives.

participation in cross-border trade. As highlighted in this report, structural barriers such as limited access to finance and discriminatory social norms, which can lead to other border-related challenges like sexual abuse of women, often affect women traders and require attention beyond many of the current capacity-building efforts. As one woman aptly stated: **“Our problems do not begin and end at the border. With this job, I have problems with my family, I struggle to access finance, and even the transporters treat us badly.”**<sup>403</sup>

In this way, menstrual health and reproductive health are critical issues that affect women’s productivity and well-being, may not be adequately addressed in policies and programs developed by these organizations. Additionally, gender-based violence, harassment, and discrimination are prevalent challenges that women ICBT face, which may often not take precedence in organisations

where men are predominantly leaders. This may be part of the explanation as to why these practices stubbornly persist<sup>404</sup> despite the existence of CBTA’s in the region for a very long time. Furthermore, women ICBT face challenges related to the gender-based social norms and expectations, such as the lack of community support and an unequal care burden due to the nature of their work.

There is also evidence that male dominance in CTBA’s can result in women feeling discouraged and excluded from participating in these organizations, further thwarting social dialogue efforts, in this vein a 2021 research paper noted that [about CBTA’s] **“From the gender perspective, although more women tend to join them [CBTA], relatively fewer women take up important positions in CBTA’s. In contrast, as male ICBTs likely to participate in CBTA’s are more active, the number of women ICBTs started to decline.”**<sup>405</sup>

When Amnesty International inquired about the reason for men dominating the leadership positions in organisations representing a profession primarily occupied by women, the responses from the women in focus group discussions were diverse, yet they predominantly revolved around the gendered dynamics prevalent in African society. One woman expressed, **“We believe that only men are taken seriously when addressing leaders; influential people don’t engage with women.”**<sup>406</sup> Many others cited the strenuous demands of their work, coupled with their caregiving responsibilities, as factors that leaves them with limited time to assume leadership roles within these organizations.



Women cross-border traders and former cross-border traders in Lusaka. 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, Zambia, 2023

403 Focus group Discussion in Mchinji, 10 May 2023

404 Ngotho, A. (2023, December 8). Women traders at border points experience sexual harassment - Study. The Star. <https://www.the-star.co.ke/news/realtime/2023-12-08-women-traders-at-border-points-experience-sexual-harassment-study/>

405 Yumi Nakayama, 'Why Do Informal Cross Border Traders (ICBTs) Operate Informally? The Paradox of the Formalization of ICBTs in Africa,' p. 76, (previously cited)

406 Focus Group Discussion in Musina, 21 April 2023

## 9. CONCLUSIONS

In conclusion, this report highlights the urgent need for targeted interventions by the governments of Malawi, Zambia, and Zimbabwe to address the multifaceted human rights challenges faced by women engaged in informal cross-border trade in Southern Africa, emphasizing the principles of Decent Work. The vulnerabilities experienced by these women within the informal economy are deeply rooted in historical, structural, and gendered dynamics, necessitating a comprehensive response to rectify systemic failures.

The report underscores severe human rights violations, notably the failure to protect against gender-based violence, and the inadequacy in fulfilling the right to social security. The susceptibility of women in informal work to various forms of abuse, coupled with limited access to justice, highlights a glaring gap in State protection. The absence of robust legal frameworks and effective enforcement mechanisms exacerbates the injustices faced by women in the ICBT sector.

Furthermore, the report emphasizes the significance of social protection deficits, excessive time poverty, work related health challenges and the care burden endured by these women as systemic challenges demanding immediate attention. The lack of comprehensive social protection measures perpetuates economic disparities and impedes the well-being of women in ICBT, directly contradicting the principles of Decent Work. The dearth of social dialogue and organized representation further isolates these women within the existing framework.

In response to these challenges, the report strongly recommends that the respective governments take decisive steps to promote better working conditions for WCBT. Robust legal frameworks and effective enforcement mechanisms are essential not only to combat gender-based violence but also to ensure fair and just working conditions. Extending social security measures to informal workers is imperative for fostering decent work standards and ensuring the well-being of women engaged in ICBT. Additionally, policies addressing time poverty, care burdens, and the creation of platforms for social dialogue are vital for fostering an inclusive and protective environment for these women, aligning with the principles of Decent Work.

The call to action is clear – Southern African governments must address these systemic failures and enact policies that prioritize human rights principles, ensuring the rights, safety, and well-being of women in informal cross-border trade. Only through concerted efforts and comprehensive reforms in line with Decent Work principles can the region work towards a future where the dignity and rights of women in ICBT are unequivocally safeguarded.

# RECOMMENDATIONS

## TO THE MALAWIAN, ZAMBIAN AND ZIMBABWEAN GOVERNMENTS

### ON GENDER-BASED VIOLENCE:

- Implement comprehensive training programs for border officials to raise awareness about gender-based violence, discrimination, and the importance of respecting human rights.
- Establish clear procedures for accountability when violations occur. Increase the representation of women among border officials to create a more balanced and gender-sensitive environment.
- Launch public awareness campaigns to inform individuals about their rights during border crossings and how to report violations.
- Establish specialized units or hotlines to address complaints related to sexual violence and harassment, ensuring a swift and confidential process for reporting. Implement programs to empower women traders, providing them with knowledge about their rights and strategies to resist and report harassment.
- Collaborate with strong local, national, and regional associations and formations to share best practices and receive support in addressing sexual violence at border crossings. These partnerships will build a robust local to regional presence and action in defense of the human rights of informal cross-border traders.
- Conduct health education programs led by these associations to raise awareness about the risks associated with transactional sexual relationships, emphasizing safe practices.
- Ensure legal protection for women engaging in cross-border trade, addressing power imbalances and exploitative situations. Conduct community-based education programs to challenge stereotypes and reduce stigma associated with women engaged in cross-border trade.
- Establish counselling and support services for women experiencing intimate partner violence, addressing the specific challenges faced by cross-border traders. Implement legal empowerment programs to educate women about their rights and provide access to legal resources.

- Establish mobile justice clinics to bring legal services closer to border communities, reducing barriers such as distance. Implement anti-corruption measures within the legal system to ensure that justice is accessible without bribery or fear of reprisals.
- Seek international support and collaboration to address the unique challenges faced by women in informal cross-border trade.
- Ratify International Labour Organization (ILO) Convention 190 on Violence and Harassment in the World of Work. Ratification of this convention would provide a framework for addressing and preventing gender-based violence and harassment in the workplace, including in the context of informal cross-border trade.

### ON SOCIAL SECURITY DEFICITS:

- Review and amend existing social security laws to remove legal exclusions and eligibility criteria that disproportionately affect informal workers and result in their exclusion from social protection measures. Establish a comprehensive legal framework in line with State obligations vis-à-vis the right to social security including those that ensure the inclusion of informal workers in social protection measures.
- Introduce and expand social protection measures including social assistance programs tailored to the needs of informal workers, including cross-border traders. Implement non-contributory cash transfer programs to address specific contingencies such as maternity, illness, and disability.
- Develop gender-sensitive social security policies recognizing the unique challenges faced by women, including those engaged in cross-border trade. Ensure that social protection measures cover healthcare, sickness benefits, maternity support, disability coverage, and pension schemes for women.
- Conduct awareness campaigns to empower informal workers, including women, to access their right to social security. Promote the availability and accessibility of social security programs among informal sector workers through various channels, including community engagement and media.
- Seek international cooperation and assistance from other States where necessary to enhance and bolster social protection systems in a manner that would guarantee the right to social security for all including those engaged in informal cross-border trade. Explore partnerships to secure financial assistance and technical expertise to implement inclusive social security measures.

- Establish mechanisms to ensure that informal workers, including cross-border traders, are not excluded from social protection during crises, such as pandemics. Develop flexible social security programs that can respond promptly to unexpected events affecting the livelihoods of informal workers.
- Provide training and capacity-building programs for government officials and relevant stakeholders on the importance of extending social security to the informal sector. Strengthen institutions responsible for the administration and enforcement of social security measures to ensure effective implementation.
- Design crisis intervention programs specifically targeting informal workers, acknowledging their unique vulnerabilities during emergencies. Ensure that eligibility criteria for crisis support programs take into consideration the irregular income patterns and work arrangements of informal workers.
- Conduct regular research and data collection to assess the impact of social security deficits on informal workers, including women engaged in cross-border trade. Use findings to continuously refine and improve social protection policies, ensuring they remain responsive to the evolving needs of the informal sector.

## ON SOCIAL DIALOGUE:

- Encourage and support initiatives that aim to achieve gender balance in leadership positions within organizations representing informal cross-border traders (ICBTs). This can be achieved through targeted capacity-building programs, mentorship opportunities for women, and advocacy for gender-inclusive policies within these organizations.
- Implement measures to ensure meaningful participation of women in decision-making processes within ICBT organizations. This can include creating platforms for women to voice their concerns, providing training on leadership and negotiation skills, and establishing mechanisms to address barriers that hinder women's participation.
- Develop policies and programs that specifically address the unique challenges faced by women involved in informal cross-border trade. This includes addressing issues related to menstrual health, reproductive health, gender-based violence, harassment, and discrimination.
- Promote an inclusive social dialogue environment where the voices of women informal cross-border traders are heard and valued. This can be achieved by creating safe spaces for women to express their views, ensuring that decision-making processes are transparent and participatory, and actively seeking input from marginalized groups.

- Conduct awareness-raising campaigns and sensitization programs to educate stakeholders, including government officials, employers, and male traders, about the importance of gender equality and women's empowerment in informal cross-border trade. This can help challenge gender stereotypes and promote a more supportive environment for women's participation and leadership.
- Advocate for the development and implementation of supportive policies and programs that address the structural barriers faced by women involved in informal cross-border trade. This includes measures to improve access to education, healthcare, childcare, and social protection services, as well as initiatives to promote women's economic empowerment and entrepreneurship.
- Foster collaboration between government agencies, civil society organizations, and international partners to address the gender-specific challenges faced by women informal cross-border traders. By working together, stakeholders can leverage their resources and expertise to develop holistic solutions that promote gender equality and women's rights in the context of informal cross-border trade.

## TO THE SADC

### GENDER-BASED VIOLENCE:

- Advocate for the development and implementation of regional training programs for border officials across SADC countries. These programs should focus on raising awareness about GBV, discrimination, and human rights, ensuring a consistent approach and understanding across borders.
- Encourage the establishment of regional mechanisms within SADC to ensure accountability for GBV violations at border crossings. This could include a joint protocol or agreement among SADC countries on how to handle and address GBV cases involving cross-border traders.
- Advocate for the harmonization of policies across SADC countries related to GBV at borders. This would create a cohesive approach to addressing GBV and ensure that there are no gaps or inconsistencies in protection for cross-border traders.
- Support SADC-wide public awareness campaigns on the rights of individuals during border crossings and reporting mechanisms for GBV. These campaigns can reach a broader audience and ensure that all cross-border traders are aware of their rights.

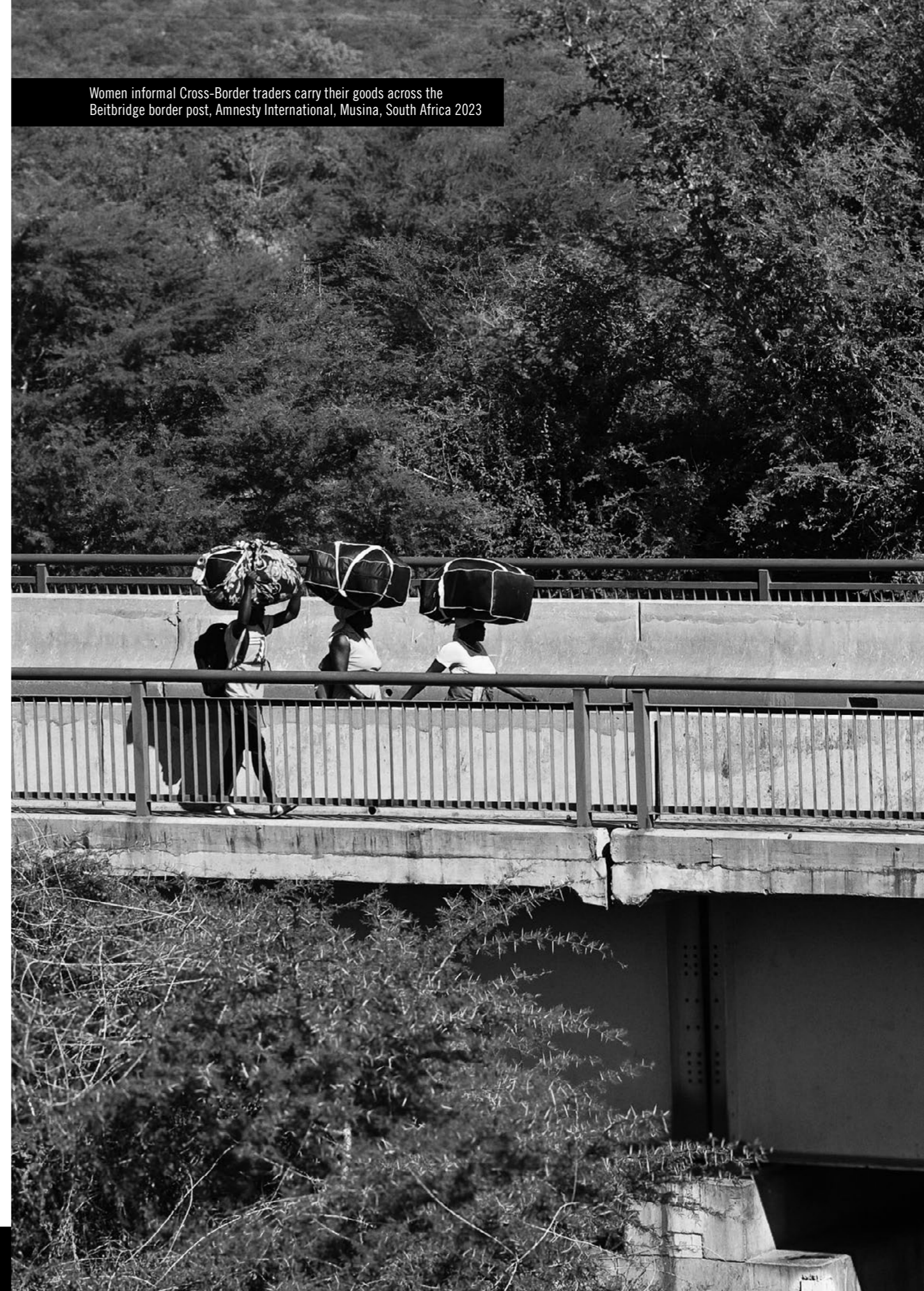
## SOCIAL SECURITY DEFICITS:

- Advocate for the development of a regional framework within SADC that addresses social security deficits for informal workers, including cross-border traders. This framework should aim to standardize social protection measures and ensure that all informal workers have access to essential social security benefits.
- Encourage SADC countries to collaborate on securing financial assistance from regional funds or international partners to bolster social protection systems. This could involve pooling resources and expertise to ensure that social security programs are comprehensive and inclusive.
- Develop regional crisis response mechanisms within SADC to ensure that informal workers, including cross-border traders, are not excluded from social protection during emergencies. These mechanisms should be flexible and responsive to sudden economic downturns or crises affecting the livelihoods of informal workers.
- Advocate for standardized data collection methods across SADC countries to assess the impact of social security deficits on informal workers. This data can be used to inform regional policies and programs, ensuring they are tailored to the needs of cross-border traders.

## SOCIAL DIALOGUE:

- Support regional initiatives within SADC to achieve gender balance in leadership positions within organizations representing informal cross-border traders. This can be done through capacity-building programs and mentorship opportunities for women in the region.
- Advocate for the development of regional policy frameworks within SADC that specifically address the challenges faced by women involved in informal cross-border trade. These frameworks should encompass issues such as menstrual health, reproductive rights, and gender-based violence.
- Support advocacy programs within SADC that promote gender equality and women's empowerment in the context of informal cross-border trade. This could include campaigns to challenge gender stereotypes and promote a more inclusive environment for women's participation and leadership.
- Foster collaboration between SADC countries, civil society organizations, and international partners to address gender-specific challenges faced by women informal cross-border traders. This collaboration can lead to the development of holistic solutions and the sharing of best practices across borders.

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



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