

**solidar**



**ESRM**  
**Synthesis Report:**  
**Enabling Space and**  
**Economic and Social**  
**Rights in Covid-19 times**

# OUTLINE

1. Introduction: the 2030 Agenda and the Progressive Realisation of Economic and Social Rights	3
2. Enabling Environment and Shrinking Space for CSOs and HRDs	5
3. Decent work and Social Protection for all	9
4. Final Remarks and Recommendations	17



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# 1. INTRODUCTION: THE 2030 AGENDA AND THE PROGRESSIVE REALISATION OF ECONOMIC AND SOCIAL RIGHTS

With the adoption of the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs), in September 2015, the UN Heads of State and Government chose sustainability - encompassing human and planet wellbeing - as their public policies compass. The Agenda is grounded in international human rights standards dealing with issues related to economic, social and cultural rights as well as civil and political rights. Six years after its adoption, the COVID-19 risks further slowing down its implementation path.

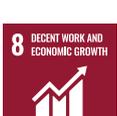
According to the UNDP, the pandemic is going to hit human development hard. Indeed, it is exacerbating pre-existing inequalities including in access to quality health care, quality education - with the digital divide reducing the number of children not learning because of school closures - and decent work - with millions of people in the informal economy at risk of losing their livelihoods.

At the same time, COVID 19 is being used as an excuse to restrict the space for Civil Society Organizations (CSOs), Human Rights Defenders (HRD) and Trade Unions, to raise their critical voices.

These trends have been observed throughout 2020 by the SOLIDAR Network's Members and partners through their Economic and Social Rights (ESR) monitoring reports focusing on the ESR-related SDGs and on the enabling space for CSO, HRDs and Trade Unions. The geographic scope of the reports covered Central America, the Andean Region and the following countries: Burkina Faso, Cambodia, El Salvador, Honduras, Kenya, Mali, Mozambique, Niger and Senegal.

The current synthesis report brings together the main findings of these sub-regional and country monitors and reiterates the need for a renewed international commitment to the 2030 Agenda for Sustainable Development.

## The ESRM and the SDGs

SDGs Monitored	Related ESR
  <p><i>SDG 1 – No Poverty</i> <i>SDG 5 – Gender Equality</i></p>	<p>Right to social security and social protection, and the right to equal enjoyment of adequate protection in the event of unemployment, sickness, old age or other lack of livelihood in circumstances beyond one's control.</p>
 <p><i>SDG 2 – Zero Hunger</i></p>	<p>Right to an adequate standard of living, including the rights to food and to be free from hunger, to adequate housing, to water and to clothing;</p>
 <p><i>SDG 3 – Good Health and Wellbeing</i></p>	<p>Right to health, including the right to access to health facilities, goods and services, to healthy occupational and environmental conditions, and protection against epidemic diseases, and rights relevant to sexual and reproductive health;</p>
 <p><i>SDG 4 – Quality Education</i></p>	<p>The right to education, including the right to free and compulsory primary education and to available and accessible secondary and higher education, progressively made free of charge.</p>
 <p><i>SDG 8 – Decent Work</i></p>	<p>Workers' rights, including freedom from forced labour, the rights to decide freely to accept or choose work, to fair wages and equal pay for equal work, to leisure and reasonable limitation of working hours, to safe and healthy working conditions, to join and form trade unions, and to strike.</p>
  <p>As well as the above, the ESRM also looked at issues related to <i>SDG 16 - Peace, Justice and Strong Institutions</i> and <i>SDG 17 - Partnerships for the Goals</i>.</p>	



Author: Mauro Pérez, Pixabay.com



## 2. ENABLING ENVIRONMENT AND SHRINKING SPACE FOR CSOs AND HRDs

In 1998 the UN General Assembly approved the Declaration on Human Rights Defenders (HRD),<sup>1</sup> officially recognising every individual's right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international level. The Declaration committed signatory states to supporting the work of HRDs and recognising their value and contribution to peace, sustainable development and human rights by creating for them an 'enabling civic space'. The latter is the set of conditions that allows civil society and individuals to organize, participate and communicate freely and without discrimination, and in so doing, influence the political and social structures around them. The rights essential to civic space include, among others, the rights to freedom of association, freedom of peaceful assembly and freedom of expression, which must be guaranteed both in the context of the values, norms and attitudes of society, as well as in the state's legal framework, regulatory environment, access to finance and meaningful participation in public decision-making.

The EU has long made the support for Human Rights Defenders and Civil Society Organisations a solid component of its external human rights policy and one of its major priorities. Looking only at recent years, in 2012 the EU approved its Strategic Framework and Action Plan on Human Rights and Democracy, pledging to extend political and financial support for HRDs, and to step up EU efforts against all forms of reprisal against them; this pledge was later renewed with a new Action Plan 2020-2024.<sup>2</sup>

Moreover, in 2012, the EU Communication entitled 'The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations'<sup>3</sup> was published, affirming the EU's commitment to enhance efforts to promote a conducive environment for CSOs in partner countries; to promote a meaningful and structured participation of CSOs in domestic policies of partner countries, in the EU programming cycle and in international processes; to increase local CSOs' capacity to perform their roles as independent development actors more effectively.

<sup>1</sup> <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

<sup>2</sup> <https://www.consilium.europa.eu/en/press/press-releases/2020/11/19/council-approves-conclusions-on-the-eu-action-plan-on-human-rights-and-democracy-2020-2024/>

<sup>3</sup> [https://eeas.europa.eu/delegations/burundi/5969/roots-democracy-and-sustainable-development-europes-engagement-civil-society-external-relations\\_en](https://eeas.europa.eu/delegations/burundi/5969/roots-democracy-and-sustainable-development-europes-engagement-civil-society-external-relations_en)

This renewed commitment was rooted in the belief that ***“An empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth.”***

The existence of an environment conducive to CSOs and HRDs has also been recognised as a necessary condition also for the achievement of the Agenda 2030 for Sustainable Development and its 17 Sustainable Development Goals (SDGs), and especially Goal 16 - ‘Promote the advent of peaceful and inclusive societies for the purposes of sustainable development’ - and 17 - ‘Partnerships for the achievement of the goals.’

In light of this widely-acknowledged and universal importance of protecting and promoting the actions of HRDs and CSOs in their fight to defend human rights, throughout 2020 the SOLIDAR Network has examined the extent to which an enabling environment is being guaranteed by governments in the following EU partners’ countries around the world: Burkina Faso, Cambodia, El Salvador, Honduras, Kenya, Mali, Mozambique, ‘Niger, Senegal, as well as countries in the Central American and Andean regions.

### ***Civil and political freedoms***

Looking at **civil and political freedoms, in all countries surveyed these appear to be guaranteed by the constitution and through international agreements.** Institutions aimed at monitoring and protecting the respect of human rights also generally exist. However, specific legislation aimed at the protection of human rights defenders is often lacking and institutions such as the National Commissions on Human Rights are frequently under-resourced and have limited ability or political will to operate. Moreover, despite the existing guarantees, **violations of freedoms such as expression, press, assembly and protest continue to occur regularly,** with governments’ elites and public authorities making use of instruments such as defamation and intimidating rhetoric against activists, members of the political opposition, and journalists, as well as violently repressing protests and manifestations which they deem inimical to the existing regimes, arresting, and, in extreme cases, even killing, activists and political opponents.

These phenomena are clearly visible in several African countries such as **Niger, Senegal and Mozambique.** In the latter, for instance, reports of human rights violations perpetrated by the country’s authorities have escalated in the past five years, especially those involving journalists and the press, as the government has been actively involved in attempting to dismantle all independent media outlets in the country. The most symbolic attack on the media to date took place in August 2020, when the office of the Canal de Moçambique, an independent weekly newspaper, was broken into and blown up by an unidentified group, in an attack that “came four days after the newspaper published an investigative story alleging unethical procurement by politically connected individuals and senior government officials at the Ministry of Mineral Resources and Energy.”<sup>4</sup>

Similarly, violations of human rights and civil and political freedoms continue to constitute a major issue also in South East Asian countries like **Cambodia,** where ever since 2017 the government has been systematically attacking and shutting down independent media, persecuting civil society organizations and the political opposition. The COVID-19 pandemic has further been used as an excuse by authorities and other actors to intensify repression and attacks against civil society and HRDs: “in the first weeks after the pandemic’s outbreak, the Cambodian authorities arrested over 30 people based on allegations that they had spread ‘fake news’ about the virus in Cambodia. Among those arrested were opposition activists, a child, ordinary citizens speaking out on Facebook, and journalists.”<sup>5</sup>

Looking at Latin America, the SOLIDAR Network in **El Salvador** also reported that during the course of 2020 Human Rights Defenders have been afraid of carrying out their work due to the repression of security forces, the imprisonments and extrajudicial executions that took place under the pretext of violation of COVID-19 confinement rules. In **Colombia,** already one of the most dangerous countries for HRDs in the region, the health crisis has exacerbated the existing insecurity caused by armed group guerrillas and gang violence. Criminal groups have in fact taken advantage of the confinement to increase their control in the territories in which they are present, using repressive and violent measures ranging from threats to fear-based control and murder.

4 <https://www.amnesty.org/en/latest/news/2020/08/mozambique-unprecedented-arson-attack-on-canal-media/>

5 <https://www.hrw.org/news/2020/06/17/cambodia-end-crackdown-opposition>



Autor: Mateus Velho Faria, Pixabay.com

In these areas, pamphlets were circulated forcing people to stay in their homes or risk being killed. Within this context, attacks on and murder of social leaders and HRDs has increased at an alarming rate.

### **Legislative Framework for CSOs and HRDs**

With the exception of Mali, where the situation for CSOs seems to have generally improved in recent years, in most countries surveyed the **laws governing NGOs' ability to operate have become generally more restrictive over time**, as a result of governments imposing new regulations on NGOs with the stated objective of controlling and preventing fraud and illicit activities related to their work. In particular, our Network reported of increasingly burdensome bureaucratic and compliance requirements for the registration and filing of tax exemption requests of civil society organisations, which pose a significant strain on their already limited resources.

Also, **some laws governing the operation of NGOs and CSOs are outdated and do not reflect the changing reality of civil society's work and activities**. For instance, in **Niger** there is no legal provision to recognize NGO Coalitions as legal entities in their own right. That is, Coalitions are still only recognized as simple NGOs, which is contrary to their very vision and sometimes to their objectives.

In other Asian and Latin American countries, moreover, **new legislation is being introduced, at times justified as an emergency measure to combat the Covid-19 pandemic, that could impact negatively and violate HRDs' and civil society's freedom of association and assembly**. In **Honduras**, a new Penal Code was passed in 2020<sup>6</sup> which establishes criminal liability for legal persons - something that was not regulated before - and that could affect the capacity of CSOs to operate, as analyses suggest that it might lead groups organising demonstrations to be considered responsible and subjected to criminal law if such demonstrations turn violent. In **Cambodia**, at the same time, the government passed a state of emergency law in April 2020 which provides it with new extraordinary powers in view of the health crisis.

<sup>6</sup> [https://www.aguilarcastillolove.com/assets/covid-19/honduras/documents/10.06.2020%20Decreto%20Legislativo%20No.%2036-2020%20-%20Reformas%20al%20C%C3%B3digo%20Procesal%20Penal%20\(Medidas%20Covid-19\).pdf](https://www.aguilarcastillolove.com/assets/covid-19/honduras/documents/10.06.2020%20Decreto%20Legislativo%20No.%2036-2020%20-%20Reformas%20al%20C%C3%B3digo%20Procesal%20Penal%20(Medidas%20Covid-19).pdf)

The law has been highly criticised by many human rights activists, the reason being that it contains “many overly broad and vague provisions that would violate fundamental rights without specifying why these measures are necessary and proportionate to address the public health emergency.”<sup>7</sup>

### **Participatory Framework for CSOs and HRDs**

When it comes to **political participation of civil society** in policy making, some differences can be observed across countries. In Mali, **although systematic mechanisms for civil society consultation on policy and political matters are still mostly lacking, some improvements have been made in recent years and civil society is generally more listened to than before.**

In other countries, such as **Cambodia in Asia and Honduras and El Salvador in Central America, existing government administrations are not facilitating, and at times are overtly ostracising, the participation of CSOs in public policy debate.** In El Salvador, for example, the current government of President Nayib Bukele seems not inclined to work with CSOs, and repeatedly made declarations to discredit HRDs and their work, for example referring to the critics of his Covid-19 response policies as ‘hysterical voices’.<sup>8</sup> The government has also been engaged in the gradual dismantling of the existing institutional framework for citizens participation, as well as of transparency mechanisms and mechanisms to access information, thus hindering CSO’s ability to act and be involved in political decision making. In Honduras, our Network reports that CSOs’ opinions and proposals are either ignored by the government and/or outrightly rejected - in cases when these go against the government’s position - or exploited by the government to its advantage when the latter perceives CSOs’ views to be somewhat in line with the national leaders’ agenda.

When it comes to **consultation mechanisms at the EU level**, finally, while **these do exist and are appreciated by civil society groups, they remain at times not well publicised nor widely known.** The EU generally engages with civil society based on ‘Civil Society Roadmaps’ documents drafted in collaboration with CSOs and trade unions in partner countries, which

are also used to establish the main priorities for cooperation in this sector, as well as it supports capacity building for civil society participation in policy making through programs such as the PASOC (*Programme d’Appui aux Organisations de la Société Civile*) and HIBISCUS projects in Mali and Niger.

### **Access to funding for civil society**

Generally, the SOLIDAR Network in all countries and regions monitored has highlighted that **funding for NGOs and civil society groups, if at all present, is limited at the national and local level, and comes mainly from international donors, such as the EU and its Member States.** A common problem is that, even where funding from donors such as the EU is available, access to it remains challenging especially for small and medium sized NGOs, as well as for local associations, due to the competitiveness of the application process - in which small NGOs often compete with big INGOs which have more capacity, resources and expertise to both apply and implement the projects - as well as due to the burdensome requirements and bureaucratic application procedure whose costs in terms of human and financial resources are often too high for small organisations to bear. Moreover, small organisations also face a lack of knowledge and technical capacity for presenting detailed proposals for bids, and do not receive support from international donors in this regard, which leaves them at a substantial disadvantage when applying.

Our Network thus highlights a need for donors to **simplify the funding application requirements as well as provide more accessible and numerous capacity building and training opportunities for CSOs.**

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



17 PARTNERSHIPS FOR THE GOALS



<sup>7</sup> <https://www.hrw.org/news/2020/04/02/cambodia-emergency-bill-recipe-dictatorship>

<sup>8</sup> <https://www.dw.com/es/oea-respalda-a-bukele-no-debemos-inventar-dictaduras-donde-no-las-hay/a-54020586>



Author: Hafiz Johari, Shutterstock.com

# 3. DECENT WORK AND SOCIAL PROTECTION FOR ALL

- 1 NO POVERTY
- 2 ZERO HUNGER
- 3 GOOD HEALTH AND WELL-BEING
- 4 QUALITY EDUCATION
- 5 GENDER EQUALITY
- 8 DECENT WORK AND ECONOMIC GROWTH

Ever since the adoption of the 1998 International Labour Organisation’s Declaration on Fundamental Principles and Rights at Work,<sup>9</sup> ILO member states have committed to guaranteeing and promote a number of fundamental principles, whether or not they have ratified the relevant fundamental Conventions, falling within four categories, namely: (1) freedom of association and the right to collective bargaining; (2) the elimination of forced or compulsory labour; (3) the abolition of child labour and (4) the elimination of discrimination in respect of employment and occupation.

## The eight ILO fundamental Conventions

1. **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**
2. **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**
3. **Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol )**
4. **Abolition of Forced Labour Convention, 1957 (No. 105)**

5. **Minimum Age Convention, 1973 (No. 138)**
6. **Worst Forms of Child Labour Convention, 1999 (No. 182)**
7. **Equal Remuneration Convention, 1951 (No. 100)**
8. **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

The guarantee of rights at work is one of the fundamental prerequisites for the achievement of the right to Decent Work, that is defined by the ILO as being composed of other three elements: the free choice of work, social protection and social dialogue.

In regards to the right to social protection, this is a necessary precondition not only for the achievement of Decent Work but also for development more generally. Indeed, social protection is an essential tool to reduce and prevent poverty, social inequality, exclusion and insecurity, to promote equality of opportunity and of outcomes, gender and racial equality, as well as to support the transition from informal to formal employment. In light of this, by adopting the Recommendation No. 202 on social protection

<sup>9</sup> <https://www.ilo.org/declaration/lang--en/index.htm>

floors in 2012,<sup>10</sup> the member states of the ILO have committed to guaranteeing to every human being the security of an income throughout life, in the form of various social transfers (in cash or in kind) and the availability, accessibility, affordability and the quality of a set of essential services, including health care and education.

The European Union has also reaffirmed its commitment to promoting Decent Work both within the Union as well as in its external action, including in the context of global value chains, and in its strife to contribute to fair, sustainable and resilient recovery from the COVID-19 crisis.<sup>11</sup>

All these commitments are aligned with the UN SDGs agenda, and especially with SDG 3 'Ensure healthy lives and promote well-being for all at all ages', SDG 4 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' and SDG 8 'Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'.

Over the course of 2020, the SOLIDAR Network has analysed the extent to which Decent Work and Social Protection are guaranteed in the countries in which it is present, and has identified a series of challenges that still need addressing to ensure the full realisation of these rights for all.

### 3.1 Rights at work

With the exception of Kenya that has not ratified C087 on Freedom of Association, **all countries surveyed by the SOLIDAR Network are signatories of the ILO's fundamental Conventions and guarantee fundamental principles and rights at work in their national constitutions and legislation. Nonetheless, national provisions at times fall short of international standards.**

**Social security and protection schemes also generally exist, but several challenges have been identified both in the African and Latin American countries monitored when it comes to countries' institutional capacity and resources to implement policy, as well as the coverage of such policies.** An explicative example comes from **Honduras**, whose Framework Law of the Social Protection System<sup>12</sup> approved in 2015 - which was to bring about a

comprehensive reform of the Social Security's health, pension and occupational risk systems - has not produced substantial changes, one of the reasons being that the institution responsible for its implementation, namely the Ministry of Labour and Social Security, does not have all the legal and technical resources necessary to carry out its activities. When it comes to coverage, the situation of **Mozambique** - where only 6% of the labour force is covered by social insurance mechanisms, due, among others, to the fact that the majority of the labour force works in low-pay jobs in the informal economy - is also common.

**Informal work is also a reality that encompasses all countries studied, and that results in great precarity and insecurity for workers, who tend to earn less than the minimum salary generally established by law, work without health and safety guarantees, and very often find themselves deprived of all forms of social assistance and access to essential services.** In **Burkina Faso**, for instance, informal artisanal miners are among the populations suffering from the worst life and work conditions in the country, facing continuous health and safety hazards in the mines, and lacking access to essential services including sanitation, health and education.

Nonetheless, **workers in the formal economy are also not spared from challenges, including lack of opportunities, unemployment, and mismatch between business demand for skills and skills training of workers** - as is the case in **Niger** - **as well as precarious contracts, low salaries and poor working conditions**, as is most evident in countries like **El Salvador and Cambodia**. In El Salvador, for instance, workers in the *maquilas* (factories in free trade zones), who are mostly women, are subject to dreadful exploitation from their employers and face continuous exposure to occupational risks such as blows, wounds, noise, chemicals and burns; one in four of them also lives in poverty. This exploitation of workers persists for a number of reasons, including (1) the level of fines set by the law not being high enough to lead employers to protect workers from occupational risks and (2) the persistence of a strong anti-union culture among employers.<sup>13</sup>

These patterns were found all around **Central America**, where workers and their trade union

<sup>10</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_165750.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_165750.pdf)

<sup>11</sup> <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9813&furtherNews=yes>

<sup>12</sup> [https://www.ccichonduras.org/webSite/Descargas/LEYES/LEYES\\_DE\\_SEGURIDAD\\_SOCIAL/Ley\\_Marco\\_del\\_Sistema\\_de\\_Proteccion\\_Social.pdf](https://www.ccichonduras.org/webSite/Descargas/LEYES/LEYES_DE_SEGURIDAD_SOCIAL/Ley_Marco_del_Sistema_de_Proteccion_Social.pdf)

<sup>13</sup> <http://observatoriolaboral.ormusa.org/investigaciones/MercadoLaboral>



Author: Rafael Chahua, Shutterstock.com

representatives in the maquilas have denounced violations of fundamental human and labour rights. The COVID-19 pandemic has further worsened their working conditions:

*“Before the pandemic arose, workers were in the spotlight of the brands; they talked a lot about corporate social responsibility (CSR) to attract customers. Now amid the COVID-19, workers don’t count anymore, brands and companies say they don’t have money. We ask ourselves: if they can give famous athletes so much money to promote the product, then why can’t they support us, their workers, at this moment?”*<sup>14</sup> said a trade union leader.

Similarly, in **Cambodia**, garment sector workers, who are also predominantly women, have long suffered from critically low wages, which has forced them to work long hours overtime so as to be able to earn enough to sustain their families. Preoccupation over labour rights abuses in the country (see also reference to brick kiln workers in the ‘forced labour’ chapter) as well as human rights violations are so severe to have led to the temporary suspension by the EU, since August 2020, of the EU-Cambodia ‘Everything but Arms’ trade agreement.

<sup>14</sup> Maquilas workers in Central America, SOLIDAR, 2020. [https://www.solidar.org/system/downloads/attachments/000/001/124/original/MAQUILA\\_WORKERS\\_IN\\_CENTRAL\\_AMERICA\\_AND\\_THE\\_COVID-19.pdf?1588255809](https://www.solidar.org/system/downloads/attachments/000/001/124/original/MAQUILA_WORKERS_IN_CENTRAL_AMERICA_AND_THE_COVID-19.pdf?1588255809)

<sup>15</sup> <https://cicesct.gob.hn/wp-content/uploads/2020/03/Informe-ANUAL-2019.pdf>

<sup>16</sup> <https://onlinelibrary.wiley.com/doi/full/10.1111/saje.12220>

The exploitative labour situation of **Cambodia and El Salvador** also highlights **another pattern that is common to other countries in all continents in which the SOLIDAR Network is present, namely gender inequality at work and employment discrimination against minorities. Honduras**, for example, remains one of the Latin American countries with the lowest rate of female participation in the labour market (46% in 2018, compared to 76.3% of male participation).<sup>15</sup> Moreover, our Network highlights that, despite the lack of official data, other kinds of employment discrimination also keep occurring in the country, especially against members of vulnerable communities, like LGBT individuals. Looking at Africa, data from **Mozambique** suggests that women are less likely than men to work in the emerging non-subsistence sector, as well as in the public sector or as employers, while being more likely to work as self-employed or as unpaid family workers,<sup>16</sup> which often translates into them receiving very low wages and lacking any form of social security.

**While in most countries studied discrimination persists despite the existence of some form of anti-discrimination and**

**gender equality legislation**, moreover, in the country of **Mali** the law outrightly excludes women from a range of professions, preventing them from performing work in factories, mines and quarries, construction sites, as well as “in rooms where there are machines operated by hand or by a mechanical motor, the dangerous parts of which are not covered with a suitable protective device.”<sup>17</sup> The country’s gender pay gap also remains high, with 70% of women earning a salary below the minimum wage, while only 30% of men are in the same condition.<sup>18</sup>

Finally, when it comes to **trade union freedoms**, the trend across all countries is that these **tend to be guaranteed through international agreements, national constitutions and labour law. Nonetheless, violations of these freedoms remain common and widespread**, with employers at times discouraging workers from joining the unions and governments trying to prevent or limit workers from striking, and in several occasions intervening with violent means to repress protests, beating and arresting activists and union leaders.

### ***The impact of Covid-19 on the labour market and workers’ rights***

**The advent of the Covid-19 pandemic has further exacerbated the already precarious situation of workers in developing countries, taking a particularly harsh toll on already vulnerable groups such as women and migrants, who predominantly carry out informal, low-pay and low-productivity jobs. The imposition of national and regional lockdowns has signified a substantial loss of essential income for informal workers, whose subsistence depends on their day-to-day work and who often do not have access to any form of social protection, since they were forced to suspend their activities to respect confinement rules.** Based on estimations from the World Bank, response policies to the COVID-19 pandemic have pushed an additional 88 million to 115 million people into extreme poverty in 2020, with the total rising to as many as 150 million by 2021 - the first increase in global extreme poverty in 20 years.<sup>19</sup>

**Also workers in the formal sector have suffered from loss of income and employment as well as violations of their labour rights as a consequence of the pandemic, as many were unlawfully laid off by their employers and/or not paid their due wages, as well as made to work in the absence of biosafety and sanitation material and safeguards.** In **Honduras**, for example, data gathered by the trade union movement suggests that about 500,000 workers might have been suspended from work during the pandemic, namely around one third of all salaried workers in the country.

**Within this context, governments have intervened in support of both businesses and workers to try and limit the negative effects of the policies to prevent the spread of the pandemic by compensating employers and employees for their losses.** In **Niger**, for example, the government implemented a series of actions, including reducing the water and electricity bills and distributing food to those most affected. Looking at Latin America, in **Honduras** the government introduced legal provisions including Decree 33-2020,<sup>20</sup> which introduced a temporary solidarity contribution that would guarantee workers a “vital minimum” to cope with the suspension of contracts. This was aimed at two large groups, namely the workers affiliated to the Private Contribution Scheme (RAP), and the workers in the textile maquiladora sector. The mechanism however, was criticised for lacking a clear regulation to govern its functioning.

In general, the SOLIDAR Network in the Latin American region highlighted that **although social assistance programs were implemented by several governments during confinement, these have often been late, insufficient, overly targeted and also diminished due to corruption.**

Finally, **the COVID-19 pandemic has also resulted in workers’ unions often being unable to exercise their right to freedom of assembly, and the pandemic has been used as an excuse by governments to increase limitations on union’s freedom of expression and right to strike.** In **Cambodia**, for instance, in July 2020, around 300 garment workers protested the scheduled closure of their factory in Phnom Penh and their lack of compensation.<sup>21</sup>

17 <https://votresalaire.org/mali/droit-du-travail/traitement-equitable>

18 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MLI/INT\\_CEDAW\\_IFN\\_MLI\\_24204\\_F.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MLI/INT_CEDAW_IFN_MLI_24204_F.pdf)

19 <https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021>

20 <https://www.tsc.gob.hn/biblioteca/index.php/leyes/901-ley-de-auxilio-al-sector-productivo-y-a-los-trabajadores-ante-los-efectos-de-la-pandemia-provocada-por-el-covid-19>

21 <https://www.rfa.org/english/news/cambodia/garment-07012020164357.html>



In response, the government, which has long been warning workers against performing protests, sent a warning letter to the Cambodian Alliance of Trade Unions (CATU), threatening it of dissolution.<sup>22</sup>

### 3.2 Forced and child labour

**As members of the ILO and signatories of its fundamental conventions, all countries surveyed prohibit forced and child labour, and have provisions against these practices also in their national legislation. Nonetheless, forced and child labour do persist, in different formats and degrees of severity, in many countries.**

In the African countries monitored, for instance, **the SOLIDAR Network has reported of systematic enslavement, exploitation, and human trafficking of workers** in countries like Niger, Mali and Kenya. In Niger, both **active and passive slavery** are practiced. While the first sees slaves as a commodity and the absolute property of their masters, the second does not entail the direct economic exploitation and physical harassment of slaves, but it keeps them

victims of discrimination based on their descent. Similarly, in some feudal societies in parts of **Mali** – like the Soninké, Malinké and Fulani – people are traditionally divided into social castes. In this system, some are born to be nobles, chiefs, artisans or storytellers, while others – an estimated 200,000 people – are born to be slaves, and are not permitted to become mayor, participate in village meetings, own land or marry outside their caste. During celebrations such as weddings or births, they're expected to fetch wood and water, and slaughter the animals."<sup>23</sup>

In **Cambodia**, South-East Asia, forced labour is also widespread, especially in the brick-making industry. The way the latter is sustained, in fact, is through one of the most prevalent systems of modern slavery in the world: **debt bondage**. In practice, brick kilns' owners offer to repay people's (usually struggling farmers) accumulated debts through a loan, but in return, these individuals and their families are compelled to enter into debt bondage with them, working in their factories for extremely low wages - a whole team of workers, often 20 people or more, gets paid a cumulative amount of approximately \$0.006 per brick produced - until the debt is repaid.<sup>24</sup> It has been

<sup>22</sup> <https://www.business-humanrights.org/en/latest-news/cambodia-ministry-of-labour-issues-a-warning-letter-to-catu-president-and-accuses-her-of-violating-law-in-protesting/>

<sup>23</sup> <https://africanarguments.org/2020/04/08/in-fighting-slavery-in-mali-some-favour-dialogue-others-confrontation/>

<sup>24</sup> <https://static1.squarespace.com/static/596df9f8d1758e3b451e0fb2/t/5bc4d7cdc83025e41e7b10a0/1539627177544/Blood+bricks+high+res+v2.pdf>; <https://escr.ukri.org/news-events-and-publications/news/news-items/how-climate-change-led-to-cambodias-blood-bricks/>

reported that “workers are also prevented from leaving kilns to find other work when brick-making dies down in rainy months, forcing them to borrow more from kiln owners for daily spending in this period. As a result, families are forced to keep working at the kiln for years, or even for the rest of their lives.”<sup>25</sup>

**When it comes to the worst forms of child labour, SOLIDAR Network reported several practices such as forced domestic work and commercial sexual exploitation in urban areas in Mozambique and South Africa.** In northern Mali, a large number of children, especially of the Bellah community (also known as black Tuaregs), are subject to **hereditary slavery** - which is not criminalised in cases which do not involve the recruitment, transport, transfer, harboring, or receipt of a person. While some are born into slavery, others are born free, but remain “in dependent status through which they are forced to work with their parents for their former masters in exchange for food, money, and lodging.” Some children also work in debt bondage in the northern salt mines of Taoudenni. In western and southern Mali, like in **Burkina Faso**, moreover, children are involved in **artisanal gold mining** and are “exposed to toxic substances and extreme temperatures, transport heavy loads, and work long hours.”<sup>26</sup> In Senegal, too, nearly a quarter of children aged 5 to 14 are forced to work to support their families, and are mainly employed in agricultural work, in **cotton, rice or other plantations**, but also as **domestic servants**; in addition, the talibé children, young male students of ‘daaras’ - Koranic schools - are also **forced into begging on the streets** by their masters, the ‘marabouts’, in return for their education.

Similarly, instances of child labour exist in Latin American countries too - in **Honduras**, for instance, a 2015 study<sup>27</sup> estimated that 14% of children between 5 and 17 years old are active in the labor market, for a total of 381,386 working children. Most of the girls and boys who work do so within the family, but 28.2% work in the private sector. **The economic sector that employs the most girls and boys is agriculture (59.7%), followed by the manufacturing, mechanical and masonry industries (12.5%) and commerce and sales (8.2%).**

**The involvement of children in forced employment exposes them to a variety of risks, ranging from physical and mental**

**health hazards due to the often dangerous and heavy nature of the work and tasks performed, as well as it prevents them from accessing and pursuing an education. In addition, it also exposes them to other threats such as sexual exploitation, exposure to drugs and recruitment into criminal groups.**

It is for these reasons that the SOLIDAR Network highlights the urgency of the need for governments and international institutions to take decisive action to fight the plague of the worse forms of child labour, including by enacting and enforcing legislation to keep the perpetrators accountable, while promoting programs to guarantee social protection to children and their reintegration into the education system.

### 3.3 Access to education for all

Access and quality of education remain a challenge across all countries studied. **While education is recognised as a right and national strategic plans and policies have been developed in recent years across many countries to improve the governance and performance of national education systems** - which have generally resulted in some positive advancements such as an increase in enrollment rates at least in terms of basic levels of education - **many states still face a series of struggles both in terms of guaranteeing availability and childrens’ access to schooling, as well as education quality.**

For one, although numbers can vary, **between hundreds of thousands and millions of children in several countries still remain excluded from accessing education.** This is particularly true for girls, whose enrollment rates are systematically lower than those of boys, also as a consequence of culturally-rooted discrimination perpetuated by their families and social environment. Discrimination, moreover, also keeps occurring among other groups, such as children with disabilities. In **Mozambique**, for instance, children with albinism experience rejection from school, the community, and sometimes their own families - which also puts them at risk of being kidnapped and trafficked - due to superstitious beliefs linked to their body parts.

<sup>25</sup> <https://esrc.ukri.org/news-events-and-publications/news/news-items/how-climate-change-led-to-cambodias-blood-bricks/>

<sup>26</sup> [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2018/Mali.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Mali.pdf)

<sup>27</sup> <https://www.wvi.org/sites/default/files/Diagn%C3%B3stico%20Trabajo%20Infantil%20En%20Honduras.pdf>



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**Access to education is also hampered for children living in rural areas, due to lack of local school infrastructure and/or inability of parents to pay for transport as well as educational materials such as books.** Moreover, some countries like **Niger** are also experiencing a wave of privatisations that also negatively affects families' ability to afford their children's schooling, which in turn increases education inequality and the opportunity gap between richer and poorer children.

In addition, **another common challenge that has been identified by the SOLIDAR Network is the poor quality of education and school infrastructure** in many countries. It is not unusual, for example, for schools in African countries to lack essential water and sanitation facilities, especially in rural areas - something that, once again, affects negatively girls and children with disabilities especially. **The low pay and poor training of teachers, as well as the excessive students-teachers ratio, also results in poor learning outcomes for students, whose level of illiteracy** - while varying across countries - **remains problematic in many states, such as Mali and Mozambique** in Africa, but also **Cambodia** in Asia.

In Cambodia, moreover, schools have also been reported as being unsafe for many children, with 73% of students reporting at least one experience of violence, and more than one quarter of girls aged 13 to 17 who have been abused reporting that their first abuse happened in school.<sup>28</sup>

The outbreak of the **COVID-19 pandemic in 2020**, finally, has not helped in improving childrens' access to education. On the contrary, it has exacerbated existing inequalities, such as the gender gap in access to schooling - with girls being more likely than boys to act as caregivers and being unable to follow school classes - as well as it has highlighted the issue of the digital learning gap. In fact, as school had to close as a consequence of lockdowns and classes moved - wherever possible - online, **many children have remained excluded and dropped out of school due to lack of access to suitable digital infrastructure, such as the internet, a laptop or a mobile device.**

The World Bank estimated that, worldwide, 1.6 billion students were left out of school at the peak of the pandemic in April 2020, and still almost 700 million students in December of the same year, also forecasting that COVID-related school closures risk pushing an additional 72 million

<sup>28</sup> <https://reliefweb.int/report/cambodia/unlocking-cambodia-s-future-improving-access-quality-basic-education>

primary school aged children into learning poverty—meaning that they will be unable to read and understand a simple text by age 10.<sup>29</sup>

### **Universal access to health**

The enjoyment of the highest attainable standard of health and wellbeing is one of the fundamental rights of every human being. Good health enhances quality of life, increases capacity for learning, strengthens families and communities and improves workforce productivity. Governments have a responsibility for the health of their people, and guaranteeing them access to quality and affordable healthcare is an expression of social justice. The outbreak of the COVID-19 pandemic has further highlighted the importance and challenge of having efficient and well-financed public health systems that are able to meet people's needs for care and guarantee universal access to their services.

The SOLIDAR Network has observed that **all countries studied are generally committed to achieving universal health coverage for their populations, and a number of reforms have been introduced by several governments in recent years in view of this objective** - such as Mali's 2019 scrapping of healthcare user fees for children under five, pregnant women and elderly people over 70.<sup>30</sup> **However, some common and pressing issues still remain in need of addressing.**

For instance, **financing for public health is often not sufficient to meet people's needs.** In Niger, for instance, the percentage of the State budget allocated to health, which is around 9%,<sup>31</sup> remains below the 15% recommended by the Abuja Declaration in 2001.<sup>32</sup>

**Access to and affordability of healthcare also remains a major challenge:** access to health services in rural areas is in fact limited in all countries surveyed, with poorer populations often struggling to reach the cities to seek care due to the prohibitive costs of travel. In many instances, the provision of care is also not free of charge: **out-of-pocket expenditure** indeed **remains high** in many countries both

in Africa and in Latin America. In **Mali**, despite government's efforts for reform, 54% of total health spending keeps coming from households.<sup>33</sup> Similarly, in **Honduras**, out-of pockets expenditure equals 50% of total health spending, making it the country with the greatest impact of health spending on households' impoverishment (5%) out of all the 12 Latin American countries.<sup>34</sup> Clearly, the need to pay for healthcare means that vulnerable and poor populations face serious difficulties in accessing care, and either resolve to not seek medical help or they do so at the risk of becoming indebted.

Another issue that is common to many countries is the **low quality of healthcare provision.** For instance, some countries have witnessed the **increase in public-private partnership** in the health sector, which has been reported as problematic by our Network for a series of reasons. For instance, controls over the quality of the services provided by private actors on behalf of the state are often limited, and, when controls are present, providers tend to invest on and guarantee only those services that are included in the performance indicators that will determine allocation of public finance, thus neglecting other equally essential services that however do not bring the same level of revenues. This, of course, results in a disservice to patients in need and hence impact on the quality of healthcare services that citizens have access to. In addition, some countries, such as Honduras, also face a **shortage of and the poor training of health professionals, as well as exceedingly high rates of patients/doctors and patients/hospital beds ratios**, which impact negatively on the quality of care provided to citizens.

The SOLIDAR Network generally highlighted that **the causes of the poor performance of the healthcare sector can be found in the inadequate management, corruption, misuse of resources and deficiencies in the planning and execution of health policy.**

29 <https://www.worldbank.org/en/news/press-release/2020/12/02/pandemic-threatens-to-push-72-million-more-children-into-learning-poverty-world-bank-outlines-new-vision-to-ensure-that-every-child-learns-everywhere>

30 <https://www.chathamhouse.org/expert/comment/mali-scraps-healthcare-fees-it-time-bury-bamako-initiative>

31 <https://www.presidence.ne/discours-du-prsident/2020/4/6/6xnzerhul54lqgqd7k7dm2uv3l5ipa>

32 <https://www.undp.org/content/dam/niger/docs/UNDP-NE-PDES%202017-2021.pdf>

33 <https://www.hfgproject.org/financing-universal-health-coverage-family-planning-multi-regional-landscape-study-analysis-select-west-african-countries-togo/>

34 <https://tiempo.hn/oms-honduras-escasa-inversion-salud/#:~:text=Seg%C3%BAAn%20la%20Comisi%C3%B3n%20Econ%C3%B3mica%20de,entre%20doce%20pa%C3%ADses%20de%20Latinoam%C3%A9rica>



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## 5. FINAL REMARKS AND RECOMMENDATIONS

All along 2020, the COVID-19 pandemic has both triggered as well as revealed the unsustainability of the current development model and of existing inequalities.

The ESR monitoring reports developed by the SOLIDAR Members and partners have further highlighted the massive disparities in terms of access to universal social protection, quality education and healthcare, as well as the rising precarity in the world of work. At the same time, they have stressed and denounced the restrictions to civic space, freedom of association and freedom of expression.<sup>35</sup>

The recovery from COVID-19 would need to revert these trends. In this context, the SOLIDAR Network calls on the EU to:

- 1.** Be bold in its commitment to the full implementation of the 2030 Agenda for Sustainable Development and to the promotion of the wellbeing of people and the planet: there are no jobs on a dead planet nor a green transition would be possible without social and labour rights, including strong collective bargaining, civic dialogue, health, education and other quality universal public services.
- 2.** Keep supporting the creation of an enabling environment for CSOs and Trade Unions and the protection of HRDs: in far too many countries, the COVID-19 pandemic has been used as an excuse to further shrink the space to operate. Urgent actions are needed to revert this trend.

<sup>35</sup> According to UN, the protection the truthful information in 2020 have costed at least 59 media workers their lives. Available at: <https://news.un.org/en/story/2020/12/1080802>

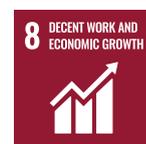


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**3.** Support the development of high quality public services including health and education: the COVID-19 pandemic has highlighted the importance of having public systems in place able to react and adapt in times of crisis. The EU should be at the forefront of the fight against tax avoidance and tax dodging that are depriving countries of much needed resources to develop their public health and education systems.

**4.** Promote the development of universal social protection floors and systems guaranteeing adequate minimum income and access to essential services for all. In these regards, the EU should support the establishment of a **Social Protection Fund** for the least wealthy countries. Moreover, adequate minimum wages should be adopted as a proven effective tool to fight in-work poverty.

The 2030 Agenda for Sustainable Development and its 17 SDGs are a valuable path to recovery and SOLIDAR, together with its Members and Partners, will keep monitoring its implementation.





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