

# **WOMEN'S RIGHTS IN THE NEW WORK SYSTEM AND GENDER-BASED VIOLENCE (GBV) DUE TO THE EMERGENCE OF THE COVID 19 PANDEMIC USING NIGERIA AS A CASE STUDY**

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## **ABSTRACT**

Since the emergence of the corona virus (covid-19) pandemic that hit the world, the work system has drastically changed from the norm. Before the pandemic, women have often been victims of discrimination and gender-based violence; the new work trend in this changing world has placed women at greater risk of further discriminatory practices.

The COVID 19 global pandemic has brought about a new trend of work systems where work is done remotely. It brought with it new challenges and opportunities for women's right enjoyment at the workplace. The new trend of work structure has placed pressure on women, thereby increasing the inequality and vulnerability of women workers.

The Working Group on discrimination against women and girls analyzed the significant factors that affect women's rights in the new world work system due to COVID-19. It was stated that technological and demographic changes, accelerated globalization, and shift to sustainable economies had impacted women's rights and discrimination, especially at the workplace. Furthermore, COVID-19 increased the rise of gender-based violence during the lockdown against girls and women in Nigeria. It poses and exposes many challenges to effectively address Gender-Based Violence in Nigeria

**Keywords:** Women, Covid-19, workplace, women's rights, gender-based violence, Lockdown, Nigeria.

## INTRODUCTION

Women are the most vulnerable in formal and informal work. The Covid 19 pandemic significantly impacts women's work and intensifies discrimination, violence against women, and domestic workloads. Globally, women make up 70% of frontline health workers and social sectors. At the same time, they bear the responsibility for the care of the family, which includes children, the elderly, and people with disabilities. However, the economic risks and security impact is placed more on women.

The working group on the discrimination against women and girls in May 2019-March 2020 analyzed the gender dimension in the changing world of work which presents opportunities and new challenges for the enjoyment of women's rights at the workplace. They also set out a vision for the world of work and transform the current economic model to affect women's rights by redistributing power and resources.

Women's rights protection by the International human rights laws and instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on Economic, Social and Cultural Rights, which provides the right to work, prohibits discrimination based on gender. In addition, there is the International Labor Organization (ILO) convention which covers a wide range in relations to work, such as equal remuneration for equal work and domestic workers, including the Convention on eliminating violence and harassment at work.

Realizing women's right to work requires protecting their rights and removing socio-cultural barriers that limit or prevent them from working. For example, barriers to women's progression, participation, access to leadership positions, involvement in decision making, pregnancy, discrimination, violence, and harassment. Globally women of working age were less than 48% participating in the labor market compared to 75% of men, which resulted in a gender gap of 27% in 2018<sup>i</sup>. More so, women are more concentrated in the lowest income jobs; the gender

gap is seen mainly in those who work in informal employment without any direct pay or remuneration, adversely impacting women workers.

Structural discrimination, including gender stereotypes and Pregnancy discrimination, are barriers many women have experienced at the workplace, which has limited their career advancement, dismissal, or even moved to lower paid positions. In addition, sexual and reproductive rights are rarely upheld in many institutions; many women are denied the right to make autonomous decisions about pregnancy and child-bearing, which adversely influences their employment and unpaid care work responsibility.

This article is divided in two parts. The first part will focus on the working group on discrimination against women and girls analysis on the impact of covid 19 in the new world of work while the second part will focus on the impact of covid 19 on gender based violence in Nigeria.

## **WOMEN'S HUMAN RIGHTS CHALLENGES AND OPPORTUNITIES IN THE CHANGING WORK SYSTEM**

In recent years notable progress has been made on women's rights and gender-related issues and standard applications through International and domestic legislation and jurisprudence. Several international and regional human rights bodies have recognized women as a vulnerable group and also recommendations on experiences and perspectives of women for structural changes in order for them to enjoy the full rights accrue to them.

The pandemic has caused a change in work; presently, there is growing attention to technological change, demographic change, accelerated globalization, and the shift to sustainable economies.

### ***Technological Change***

The covid 19 presents an opportunity to harness technology to advance gender equality and women's rights to work and at the workplace, including presenting a flexible work arrangement, distance learning, and networking, which will give room to balance paid and unpaid care work.

ICTs and digital platforms have provided access to information, networking, productivity, and connectivity to women, especially in the informal economy. This is important for strengthening the political voice of women workers across borders and interest groups.

Women underrepresentation in Science, Technology, Engineering, and Mathematics education STEM may be a significant challenge in this changing world of technology. In most parts of the world, there is a gender gap in ICT due to discrimination and stereotypes in education, limiting girls' aspirations for a career in these fields. The underrepresentation of women in STEM fields makes it male-dominated rather than being inclusive of women.

### ***Demographic Change***

Migration and population aging are demographic trends that play a significant impact on gender equality. Women are usually the caregivers to the elderly, which is usually unpaid. This has been adopted as a responsibility for a woman to do in most parts of the world. A significant risk for women's right to work in the context of population aging is the failure to invest and value the care services. With time the demographic change will increase, and women will continue to be at a disadvantage.

In recent times, the increase of women migrant workers has increased and is still increasing, especially as there is a growing demand for domestic and care workers in population aging.<sup>ii</sup> Many women who are migrant domestic care workers are often subjects of gender-based discrimination due to factors that may include legal status, race, class ethnicity, or even caste identities. However, a large percentage of women migrants are due to the search for a better life. Lack of better opportunities or access to resources has made many migrate to bigger cities to hope for better work and life.

### ***Accelerated Globalization***

Globalization has an impact on women's access to employment. In 1995, the ILO reported that the number of jobs in supply chains increased from 295 million to 453 million in 2013<sup>iii</sup>. More than one-fifth of the global workforce has employment in the global supply chain. Women in emerging economies have a higher share in the global supply chain compared to employment in totality. Women's employment in the supply chain is often insecure, poor working conditions

with labor and violation of human rights, and trafficking is a significant concern that should be addressed.

With the trend of robotic and automation technology, globalization is improving as many countries are trying to improve and upgrade their industries through technology. However, this has resulted in declination and access to women's employment, referred to as defeminisation.

### ***Shifts to Sustainable Economies***

The shift to sustainable economies is a critical factor of a changing world of work. Over the years, reports show that women occupy lower status and lower-paid positions in every institution. Reports have shown a shift in focus on the green economy and sustainable job opportunities for women employment. For instance, in 2017, it was estimated that the jobs in renewable could increase from 10.3 million to nearly 29 million in 2050<sup>iv</sup>.

Beyond the green jobs, women are marginalized, especially in emerging countries affected by environmental degradation. They are denied access to land, natural resources, sustainable infrastructure, and public services, adversely affecting their income and livelihood. On the other hand, women play a vital role in conserving the natural environment in developing countries. However, women are excluded from decision-making access to decent work, and their knowledge and expertise are hardly recognized.

## **DOMESTIC VIOLENCE IN THE WORK SYSTEM**

Domestic violence is a fundamental issue of women's rights.<sup>v</sup> Women are around the world has experienced one form of domestic violence, either physical or sexual violence, during their lifetimes<sup>vi</sup>. Before the emergence of the COVID 19 pandemic, domestic violence existed, and now there is an increase in domestic violence, which calls for action for the private sector and civil society to leverage their resources to protect the rights of women and keep them safe, especially at the workplace<sup>vii</sup>.

The COVID 19 pandemic exposed many women to domestic violence. This calls for immediate actions by states and members of the civil society as well. The employer has to have a duty of

care to its employees, ensuring they are in an excellent position to work, especially women victims of domestic violence while working remotely from home. Every organization must have a supportive and safe environment for survivors of domestic violence.

Domestic violence has a devastating effect on survivors physically, economically, and psychologically. It prevents victims' participation in work, education, training, and career progression. Reports have it that partners of victims of domestic violence often disrupt their work, prevent them from seeking better work, or even losing out on career promotions because of constant abuse.<sup>viii</sup>. Lateness and absenteeism are factors that affect the productivity and performance of victims, impacting the company itself.<sup>ix</sup>.

ILO Convention No 190 and Recommendation No 206 on eliminating violence and harassment in the world of work provides that employers, amongst other stakeholders, has the duty of care to address the impacts of domestic violence at work<sup>x</sup>. Some countries such as Spain and New Zealand have adopted laws that protect, support, and provide paid leave for survivors of domestic violence.<sup>xi</sup>.

## **IMPACT OF COVID 19 PANDEMIC ON DOMESTIC VIOLENCE AND WORKPLACE IN NIGERIA**

The COVID 19 locked down, and confinement has impacted the world. Being isolated and on compulsory lockdown, added stress, tension, psychological issues, financial insecurity and may have aided existing abuse and control or abuse occurring for the first time.

Working remotely during the pandemic may have triggered the increase of domestic violence as victims cannot leave home to go to work or engage in other routine tasks. In addition, making a private call for help was almost impossible for survivors as everyone was confined to their homes. Restrictions and confinement heighten survivors' risk of not leaving home or talking to colleagues or a manager and accessing information, services, and support at the workplace.

The pandemic added greater risk to the health and safety of women working remotely from home. During the pandemic, the employer has to help reduce trauma and employee stress by fostering safety.

More than 90 percent of Nigerian women in the informal sector of the labor force work have significantly been affected by the economic impacts of the covid 19<sup>xii</sup>. Of the over 90 million Nigerians estimated to be living in abject poverty, less than 12 percent are registered in the National Social Register of Poor and Vulnerable Households ( as of March 31, 2020)<sup>xiii</sup>

## **COVID 19 IMPACTS AND GENDER-BASED VIOLENCE IN NIGERIA**

The emergence of Covid 19 brought about the total lockdown of many countries, including Nigeria. Before the pandemic, violence against women was a major issue in Nigeria; however, the outbreak intensified and increased gender-based violence (GBV)<sup>xiv</sup> especially violence against women and girls (VAWG)<sup>xv</sup>. The Gender-Based Violence (GBV) most common in Nigeria includes sexual violence, sexual harassment, child marriage, female genital mutilation (FGM), rape, trafficking, and femicide, domestic, emotional, and psychological violence.

Nigeria practices patriarchy, on which the GBV crisis is deeply rooted in cultural, traditional, and religious beliefs. However, since the COVID-19 pandemic, GBV has dramatically increased not just in Nigeria but also worldwide.<sup>xvi</sup> There were numerous reports by government authorities, human rights activists, and civil societies of the increase in domestic violence during the pandemic, increasing the demand for emergency shelter homes for many women and girls.

## **GENDER-BASED VIOLENCE IN INTERNALLY DISPLACED CAMPS IN NIGERIA**

Before the emergence of COVID-19 in the global world, many people in the North-Eastern part of Nigeria, including women and children are in Internally Displace (IDP) centers due to

insurgency and protracted conflicts arising from the activities of Boko Haram, which has resulted in the loss of lives, properties and displacement of many.<sup>xvii</sup>. As COVID-19 continues to spread, women and children are the most vulnerable to its direct and indirect impacts.

A large proportion of the IDPs in Nigeria are women and children. Women and Children are among the world's most vulnerable, let alone IDP camps where insecurity is a challenge, and they are often subjected to all forms of sexual assaults, violence, attacks from terrorists, and armed robbers.<sup>xviii</sup>. The government's duty to protect victims' rights and sanction the abusers, who include camp leaders, vigilante groups, police officers, and soldiers, is inadequate.

The overcrowded living conditions prone women and girls to risks of domestic violence, and the struggle for survival within the camp made many women and girls face a high risk of using sex in exchange for mobility, safety, and access to resources. There is also a high risk of child marriage and child labor to alleviate economic hardship.

Children separated from their parents and caregivers during displacement have led many women to be the head of household, thereby being the home provider, leading to financial burden, thereby exposing them to more exploitation and abuse. Due to the pandemic, the delivery of food, medicines, and basic needs are affected.<sup>xix</sup>. This shortage in supplies had made many female households head forced to engage in transactional survival sex, forced marriage, child marriage, and prone to sexual exploitation and abuses.<sup>xx</sup>.

Nigeria, among other countries, has ratified the Kampala Convention of African Union Convention for the protection and Assistance of Internally Displaced Persons in Africa. The treaty provides that the government is responsible for protecting the rights and well-being of internally displaced people due to conflict, violence, disaster, and human rights abuse.

Insufficient supply of food, clothing, medicine, water, and other essentials coupled with restricted movement in IDP camps gives room for the vulnerability of victims, many of whom are widow, unaccompanied orphan girls. Many IDP camps restrict the movement of persons within and outside the camps. These restrictions have caused many women and girls who desperately need survival to fall victim to sexual abuse, exploitation, and false marriage. Restriction to movement in the camps is contrary to Principle 14.2<sup>xxi</sup> of the United Nations



Guiding Principles on Internal Displacement, which states that displaced people have the right to move freely in and out of camps and other settlements<sup>xxii</sup>.<sup>3</sup>

## **GENDER-BASED VIOLENCE AND COVID 19 IN NIGERIA**

As the world fights against COVID 19 pandemic, reports show a drastic increase in the rise of gender-based violence (GVB) during the lockdown, especially against girls and women around the world and in Nigeria. There were cases of GBV in three major cities, which include Lagos State, FCT, and Ogun State in Nigeria. Within one month of the lockdown, the Lagos State Domestic and Sexual Violence Response Team reported an increase in the numbers of telephone calls on GBV especially that of intimate partner violence and domestic violence, compared to report cases before the pandemic. Also, other states in Nigeria recorded a similar increase in GBV during the total lockdown. In March 2020, preliminary information from 24 states reported the total number of GBV as 346, while in the early part of April it increased to 794, depicting a 56 percent increase in just two weeks of lockdown. Some of the violent incidences tragically resulted in the death of the victims, rape of girls and women, and landlord-tenant assault.<sup>xxiii</sup>.

Due to the total lockdown and restrictions in movements, survivors find it difficult to have access to critical life-saving services but have to rely on telephone calls to manage the violent situations they face at the time. It is quite unfortunate that GBV service providers, when their services are requested and needed the most are not usually available. Many service providers were mandated to close or provide skeletal services operating within reduced hours.<sup>xxiv</sup>. Furthermore, the fear of contacting covid 19 and inadequate personal protective kits contributed to the close of several GBV centers<sup>xxv</sup>.

In the bid to contain the spread of the virus, the Federal government put precautionary measures in place by observing the lockdown. However, survivors of abuse continued to find themselves in the confinement of their homes and their abusers for weeks. In addition, the tension in households increased, compounding the existing violent situations.<sup>xxvi</sup>.

The emergence of the covid 19 pandemics also threatens the health and well-being of already vulnerable girls and women. These women and girls include refugees, internally displaced

persons, women and girls living with disabilities, and informal workers who have limited or no access to quality health care.

## **RECOMMENDATION AND CONCLUSION**

The global COVID 19 pandemic continues to affects lives and livelihoods around the world. The effect of the global pandemic can be seen in the world's economy and regressive effect on gender equality. It has a significant impact on women's work as women's rights before the pandemic was limited, how much more with the global pandemic which has hit the world of work. Women are vulnerable, being they are most harshly affected by the impact of the pandemic. During the pandemic, many women have been affected by the loss of income, unemployment, increased childcare and domestic work, overwork for little or no pay, violence against women, and work-related discrimination, which further heightens injustice and inequality.

The International human rights, norms, and standards protect Women's rights to work and at the workplace, especially the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social, and Cultural Rights. The International Labor Organization (ILO) also covers a range of areas that protect women's rights at work. However, Legal and socio-cultural barriers such as legal discrimination, gender stereotype, discriminatory social norms, unpaid domestic work affect the realization of women's rights. These barriers should be eradicated to improve women's enjoyment of their rights. Access to decent work includes equal pay for equal work, entitlements, access to leadership and decision-making positions, discrimination, harassment, freedom from violence and rape. The states should prioritize public policy support for care and access to decent work to ensure women are well protected in the pandemic period. It is recommended that all states ratify and ensure full compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and all related international treaties like the International Labor Organization (ILO) to protect the rights of women to work and at the workplace.

Many reports have shown that women are more concentrated in the lowest-paid jobs, which constantly limit them to be financially and economically independent. Moreover, due to lack of access to decent jobs, women do not enjoy the full entitlements and social protection rights that workers are entitled to in a formal employment contract, especially in informal employment where they work without direct pay or remuneration, such as unpaid domestic workers who cater to the family.

The pandemic has caused a change in work; presently, there is growing attention to technological change, demographic change, accelerated globalization, and the shift to sustainable economies. Structural discrimination also persists as gender stereotypes, expectations, norms, and attitudes remain significant barriers. Unless structural and systematic discrimination is addressed, women will continue to be at risk, particularly in the changing world of work, and this will create risk in future work trends. The recent Covid 19 pandemic has increase inequalities both at home and at the workplace. A restructuring of the work system is highly recommended to allow women to benefit and contribute equally as men without discrimination or gender-related stereotypes.

Realizing women's rights in the current work system requires a fundamental transformation of the structure of work and economy. The new trend of work structure has placed pressure on wages and conditions, thereby increasing inequality and vulnerability of women workers. The state has to regulate and hold cooperation accountable for labor, human rights, and environmental standards. However, some states have improved the transparency of wages and conditions within the global supply chain. Some are moving to more systematic and transparent data related to environmental, social, and governance issues.

The COVID 19 pandemic poses and exposes many challenges to effectively address Gender-Based Violence in Nigeria. The justice system and law enforcement should act as mechanisms of accountability, opportunity to create a more transparent justice system, and use technological innovation to protect the rights of girls and women.

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<sup>ix</sup> For a summary of research evidence about the effects of domestic violence on survivors and the costs of domestic violence on companies, see: UN Women & ILO (2019) Handbook Addressing Violence and Harassment Against Women in the World of Work: [www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work](http://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work). See also a summary of research evidence in OneInThreeWomen & Fondation FACE (2019) Survey of six companies in six European countries (France, Germany, Spain, Belgium, Italy and The UK), 2019. [www.fondationface.org/wp-content/uploads/2019/11/FACE\\_ProjetOneInThreeWomen.210x297\\_UK.pdf](http://www.fondationface.org/wp-content/uploads/2019/11/FACE_ProjetOneInThreeWomen.210x297_UK.pdf)

<sup>x</sup> ILO Convention No. 190 and Recommendation No. 206: [www.ilo.org/global/publications/meeting-reports/WCMS\\_721160/lang--en/index.htm](http://www.ilo.org/global/publications/meeting-reports/WCMS_721160/lang--en/index.htm)

<sup>xi</sup> In Spain, the protection of employment, right to domestic violence leave, and other supports in the workplace for victims of domestic violence are set out in the Organic Law 1/2004 of December 28, 2004, on protection against domestic violence. This, combined with Organic Law 3/2007 on gender equality in the workplace, requires companies to draw up a gender equality plan with trade unions. This has led to most prominent companies in Spain introducing clauses and policies on domestic violence at work. The New Zealand Domestic Violence Victims' Protection Act 2018



established the right for workers to take ten days of domestic violence leave amongst other workplace supports and protections. For further information on laws in other countries, see UN Women & ILO Handbook Addressing Violence against Women in the World of Work. [www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work](http://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work)

<sup>xii</sup> ILO, ILO Brief, 2020, [https://www.ilo.org/africa/information/resources/publications/WCMS\\_741864/lang-en/index.htm](https://www.ilo.org/africa/information/resources/publications/WCMS_741864/lang-en/index.htm).

<sup>xiii</sup> World Bank Group, Poverty & Equity Data Portal, Nigeria, 2020, <http://povertydata.worldbank.org/poverty/country/NGA>.

<sup>xiv</sup> GBV refers to violence against women and girls and occurrences of violence directed towards persons based on their gender.

<sup>xv</sup> VAWG constitutes violence explicitly directed at women and girls, including physical, psychological, and sexual violence (Declaration of the Elimination of Violence Against Women, 1993).

<sup>xvi</sup> Axios, 2020. "China's Domestic Violence Epidemic," [HTTPS:// www.axios.com/china-domestic-violence-coronavirusquarantine-7b00c3ba-35bc-4d16-afdd-b76ecfb28882.html](https://www.axios.com/china-domestic-violence-coronavirusquarantine-7b00c3ba-35bc-4d16-afdd-b76ecfb28882.html).

<sup>xvii</sup> See Boko Haram kills more than 60 in Borno IDP Camp, NEWS (February 10, 2016).

<http://thenewsnigeria.com.ng/2016/02/boko-haram-kills-more-than-60in-borno-idp-camp/>. Also, in 2017, two camps were attacked in Maiduguri, Borno State, Nigeria, leaving two persons dead and several other injured. See Michael Olugbode, Six killed in Suicide Attacks on Two IDP Camps in Maiduguri. THIS DAY (Oct 15, 2017), <https://www.thisdaylive.com/index.php/2017/07/25/six-killed-in-suicideattacks-on-tw-idp-camps-inmaiduguri/>.

<sup>xviii</sup> See Philistia Onyango, The Impact of Armed Conflict on Children, 7 CHILD ABUSE REV, 291, 222 (1998).

<sup>xix</sup> United Nations, *Global Humanitarian Response Plan COVID-19*, 2020,

<https://www.unocha.org/sites/unocha/files/Global-Humanitarian-Response-Plan-COVID-19.pdf>.

<sup>xx</sup> Save the Children, *State of the World's Mothers 2014: Saving Mothers and Children in Humanitarian Crisis 19-20* (2014).

<sup>xxi</sup> of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) Oct.23, 2009 (entered into force December 6, 2012).

<http://au.int/en/content/african-union-convention-protection-and-assistance-internally-displaced-persons-africa> (Hereinafter Kampala Convention).

<sup>xxii</sup> African Union Economic Social And Cultural Council et al., *Making the Kampala Convention Work for IDPs: Guide for Civil Society on Supporting the Ratification and Implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa 13* (October 22, 2017).

<sup>xxiii</sup> UN Women, 2020, "Violence against Women and Girls: The Shadow Pandemic,

"<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>.

<sup>xxiv</sup> Lagos State Ministry of Women Affairs and Poverty Alleviation, 2020.

<sup>xxv</sup> UNFPA, *Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage*, 2020.

<sup>xxvi</sup> UNODC, *Coronavirus Disease (COVID-19) Response: Thematic Brief on Gender-based Violence against Women and Girls*, 2020.