

# **Gender-Based Violence in Paid Domestic Work in Latin America and the Caribbean:**

## **The Workers' Experiences, Voices, and Recommendations to Eliminate it**

Ana Lima and Elba Núñez

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## **Institutional mechanisms to monitor gender-based equality towards Paid Domestic Workers**

Regarding the institutional mechanisms to monitor the progress made and the existing obstacles regarding GBV towards PDW, the surveyed organizations identify the following:

- a) *Executive level:* Ministries of Women present regular reports about the policies implemented (Argentina, Nicaragua, Peru and Dominican Republic), the Ministry of Labour performs workplace inspection (Brazil, Mexico, Nicaragua and Peru) and the Ministries of Education prepare reports about educational contents relating to GBV and PDW (Bolivia, Mexico and Nicaragua).
- b) *Judiciary level:* Courts publish statistics about the prosecution of assaulters and any adopted protection measures.
- c) *Public Defender's Office:* It has reports on cases regarding victims of gender-based violence where it intervened in Brazil, Colombia, Nicaragua, Peru and Dominican Republic.
- d) *Public Ministry:* It publishes statistics about cases that were reported and prosecuted in Argentina, Peru and Dominican Republic.

In most countries, the public officials involved (Ministry of Labour, Ministry of Health, Social Security Institutions, among others) do not receive training on how to address violence against PDW in their workplace and elsewhere, according to the surveyed organizations. Among the reasons for this, they identify lack of political will.

## **Leading Court Cases, Access to Justice and Training of Judicial Operators**

Regarding access to justice, a good practice that can be highlighted is the rulings issued by the higher courts within the structure of the Judiciary, such as Supreme Courts or Constitutional Courts, by adjudicating cases on the basis of international standards for human rights, Conventions of the universal human rights system such as the CEDAW or the ICESCR, ILO Convention 189, Recommendation 201, as well

as those of the Inter-American system, such as the Convention of Belém do Pará, examples of which have been given in the relevant chapter.

As for the mechanisms to facilitate access to justice in cases of GBV towards PDW, the surveyed organizations point out the following initiatives:

- a) *Free counselling services to victims:* Argentina, Bolivia, Brazil, Colombia, Mexico, Nicaragua, Paraguay, Peru and Dominican Republic.
- b) *Psychological assistance to victims:* Argentina, Bolivia, Brazil, Nicaragua, Paraguay, Peru and Dominican Republic.
- c) *Social assistance and support:* Argentina, Brazil, Nicaragua and Dominican Republic.
- d) *Training to officials of the Public Ministry:* Argentina, Brazil, Colombia, Nicaragua, Peru and Dominican Republic.
- e) *Training on gender for Judiciary employees:* Argentina, Brazil, Colombia, Nicaragua, Peru and Dominican Republic.

Training for men and women officials of the Judiciary regarding the equality principle with a gender perspective and discrimination on all accounts is key. This training should be a cross-cutting pillar of labour rights and should be provided through the judicial training centres, workshops and seminars, and practices that have become widespread in the region, with the support of international cooperation agencies, such as UN Women, the Spanish Agency for International Development Cooperation (AECID in its Spanish acronym), ILO, ECLAC, among others.

This is why we believe it is appropriate to highlight certain court rulings that evidence progress made in the recognition of PDW's human rights and the State's obligation to ensure the full enjoyment and exercise of rights.

### **Social Protection in Decisions Rendered by the Mexican Supreme Court**

Social protection is a fundamental human right; depriving paid domestic workers of this right is a form of gender-based violence, replicated by the institutional public instances.

A ruling issued by the Mexican Supreme Court,<sup>1</sup> which the highest court in the country, considered that failure to register paid domestic workers with the Mexican Social Security Institute (IMSS in its Spanish acronym) is unconstitutional. It also specified that it would be mandatory for all employers to register their employees after the conditions to do so were specified.

This judgment is paradigmatic because it recognizes to domestic workers the same rights as other workers. The registration of domestic workers with social security will enable them to receive health care, retirement benefits, day care services and housing programs.

The Supreme Court also issued a decision about whether the fact that employers were not obliged to register PDW with the Mexican Social Security Institute amounts to discriminatory treatment, which is prohibited by the Mexican Constitution, in addition to a violation of the human right to social security that is guaranteed by the Federal Constitution. The Supreme Court considered that “(...) social protection is sufficiently sound in that it allows domestic employees to obtain social benefits and, therefore, not belonging to the mandatory regime does not violate their right to social security.”

Regarding social protection, the Court established “(...) the scope of the right to social security does not mean that a certain group or class of people must have access to the social security system they may wish; it rather amounts to all persons being protected by, at least, one of the various existing social security regimes and protection systems.”

From the standpoint of the social gain that the enjoyment of labour rights entails, Marcelina Bautista, director of the Centre for Support and Training of Domestic Workers (CACEH) and former Secretary General of the National Union of Domestic Workers (SINACTTRAHO), qualifies this Supreme Court decision as “historic” because “The employer-domestic worker relationship is not regularized in Mexico. Workers do not have a contract and their situation is dependent on the word of those who hired them. Employers many times see us as part of their families. **And that is**

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<sup>1</sup> Direct action for protection (*amparo* action) 9/ 2018, Supreme Court of Justice of Mexico.

***where exploitation begins.***" She further explains that the lack of a written agreement often leads us to not having the rights that other workers have such as a fixed work schedule, paid vacation time, thirteenth salary. (Zerega, 2018)

The judgment entails recognition of the obligation of using at least an alternative social security system that protects women, who are the majority of the working population.

### **Right to dignity, Honour and Good Name according to the Constitutional Court of Colombia**

Regarding violence against domestic workers, the Constitutional Court of Colombia<sup>ii</sup> adopted the ***Protection Resolution No. 243/18 dated June 26, 2018*** in connection with a Facebook post that affected the honour, the dignity and the good name of a paid domestic worker

"(...) Therefore, based on the evidence included in the file, on May 1<sup>st</sup>, 2017, Ms. E.R. posted a photo of the petitioner on her wall in the Facebook digital platform. The post included the petitioner's full name, accusations about the alleged theft of a blouse, remarks about her personality and an invitation for Ms. E.R.'s contacts to share the post."

In the same ruling, the Court offered an analysis of the use of Internet:

"This express prohibition of negative lists prevents employers from disclosing information about their former employees that might be disproportionate and might affect their work situation in the future, creating vague and generic restrictions for those who have been subordinates to them."

The Court ordered the appropriate correction, recognizing that:

"(...) Traditionally, domestic work has been given little legal, economic and social importance, as it is intended to supplement or replace the work performed by house wives who, as such, are considered economically inactive. As specialized studies have pointed out, this is an activity that is "invisible" for the rest of society. [...]"

*This judgment sets a significant precedent for human rights and gender perspective and entails progress towards securing labour and other rights that may be used by DW organizations to have access to justice for the effective recognition of their rights.*

Regarding the limitation of work days, the Constitutional Court of Colombia, by Judgment C-372 dated 1998, established that the work day for live-in domestic workers may not exceed 10 hours per day.

### **Right to Dignity and Prohibition of Discriminatory Practices in Peru**

According to human right standards, any action resulting in death, damage or physical, sexual or psychological damage, whether inflicted in the public or private sphere, amounts to gender-based violence. Domestic workers have the right to respect for their personal dignity. Therefore, forcing a DW to go to public places wearing a uniform is discriminatory and violates her right to dignity.

In Peru, the Supreme Decree<sup>iii</sup> of 2009 issued by the Ministry of Labour prohibited forcing DW to go to public places wearing a uniform, which is considered to be a discriminatory practice that violates their right to dignity. The practice used to be that in exclusive clubs, resorts and other places, employees were forced to use a different door from the members and were not allowed to go to the beach to take care of children at the same time as the club members.

### **Research and awareness-raising campaigns**

Dissemination of the available legal tools represents a good practice that also serves the purpose of disseminating the message that paid domestic work is “like any other kind of work”, which is an expression mostly associated with decent and honest work although its scope is related to the fact that it is protected by the same regulations and laws as other lines of work.

Research on PDW, even though the focus is exclusive on women of African background, provides tool to comprehend discrimination and violence easily applied to the sector at large.

## **Actions carried out by PDW to fight gender violence**

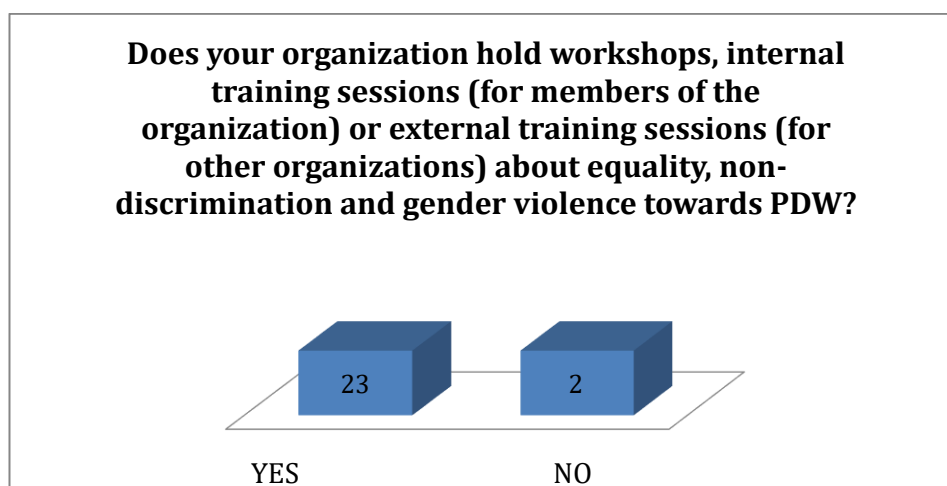
Paid domestic workers organizations have implemented a series of strategies to fight gender violence.

Experiences in this sense are varied and include *preventive actions* such as campaigns and trainings, *assistance actions* such as legal, psychological, and social aid and *promotional actions* related to the strengthening of the organizations and alliances that have an effect on the public agenda.

The preventive dimension

Awareness and training for the prevention of gender violence

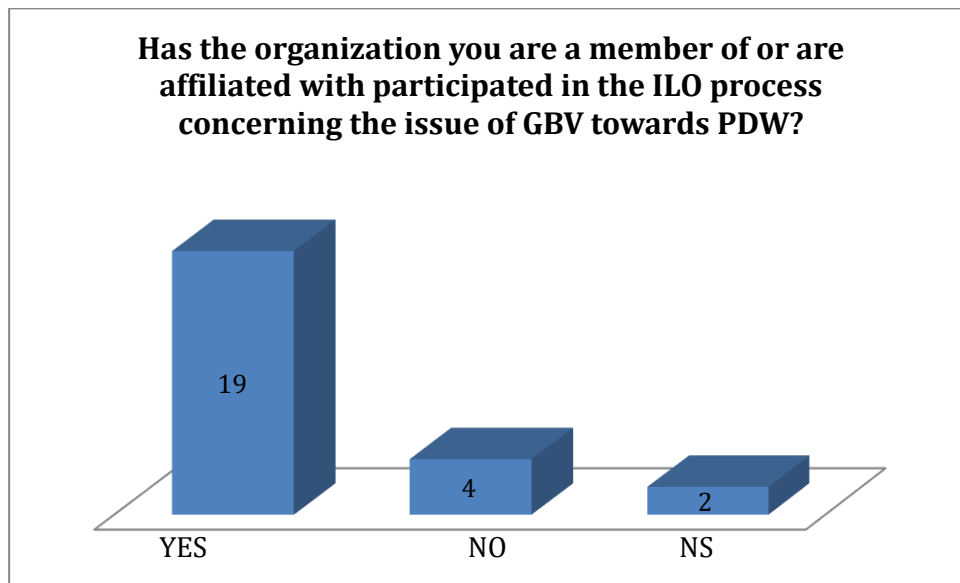
As Mary Goldsmith stated in 2019, *training is the best form of GBV prevention*. Most of the surveyed workers' organizations carry out training activities on gender-based violence for their members.



**Prepared by the authors based on answers provided by surveyed PWD organizations**

Training sessions have been mostly carried out through training schools and workshops with affiliated unions. In the case of Brazil, we see different experiences.

On the one hand, there is a project called “For me, for us, and for the others: domestic workers fighting to put an end to violence against women”, which aimed at promoting the empowerment of PDW in Campina Grande regarding forms of violence against women and the conflict with members and communities where there is a great number of PDW. On the other hand, meetings and conversations regarding this issue are taking place with other allied unions as part of a project with community legal advisors in partnership with the ILO since 2018.



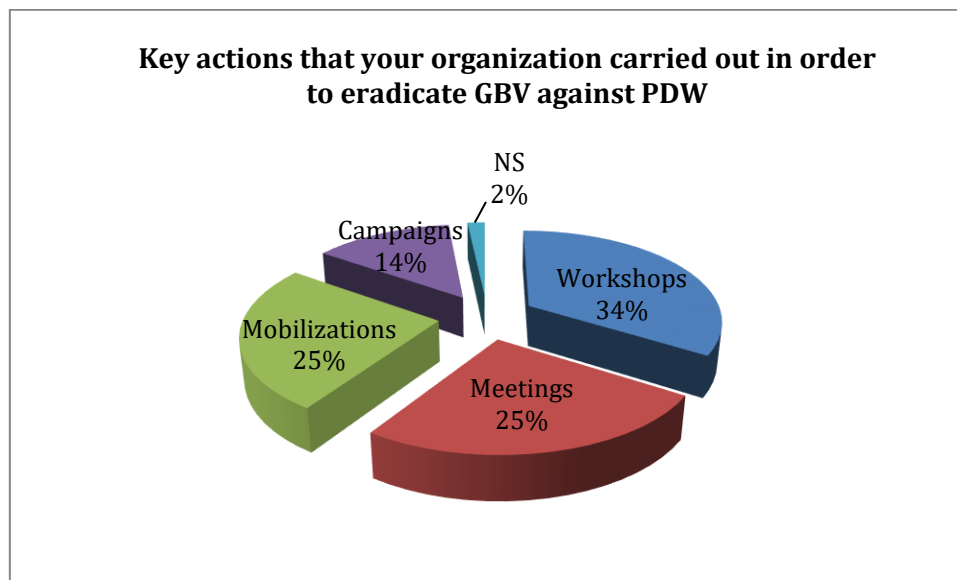
**Prepared by the authors based on answers provided by surveyed PWD organizations**

Most of the surveyed IDWF affiliated organizations and the COLANTRAHO have actively participated in the promotion process of the next international instrument of the ILO aimed at eliminating gender violence and harassment in the world of work by taking part in different meetings at the International Labour Conference in Geneva. They have also developed gender training workshops, participated in the preparatory process of the 2018 ILO’s Conference and the Inter Union Working Women Committee on eradication of violence at the workplace. Moreover, they have participated in national activities organized by CIMTRA (Citizenship for Transparent Municipalities in its Spanish acronym) regarding gender violence in the world of work. These initiatives help increase the organizational response capacity of the workers when facing this issue, as well as in the awareness and engagement levels of the leadership in the inclusion of the issue in the organization’s agenda.



Regarding training formats, they mention the most traditional ones such as seminars, workshops, forums, as well as other more innovative ones like fairs on rights and dissemination of informative guidelines on rights.

Among the key actions carried out by the surveyed organizations in order to eradicate GBV towards PDW, they mentioned training workshops in the first place, meetings and mobilization in the second place, followed by awareness campaigns.



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Campaigns have helped create awareness and train paid domestic workers grassroots organizations, which have been provided with informational material and training and collective informational spaces.

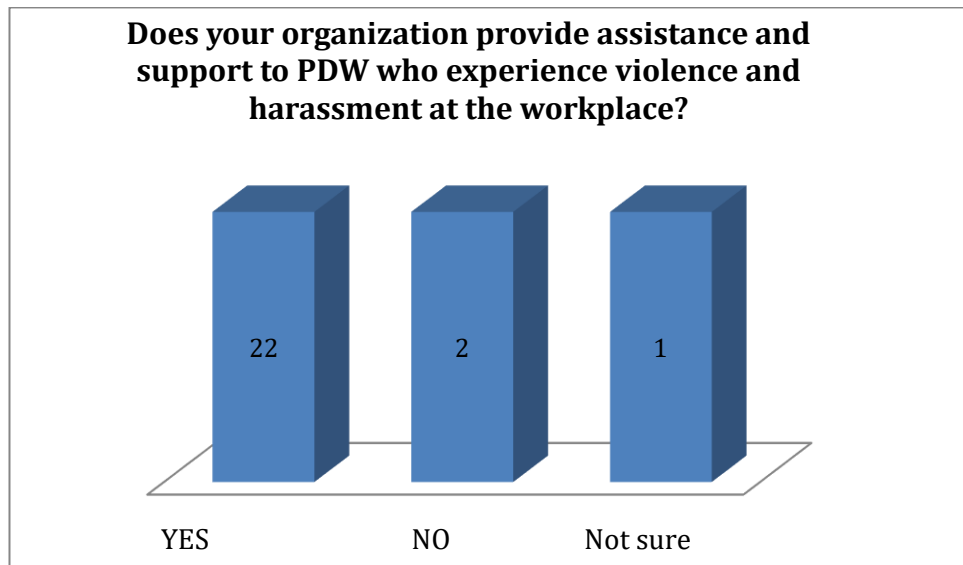
There are also innovative experiences in the use of alternative communication such as participatory radio programmes and phone apps that offer information regarding workers' rights.

All of the affiliated organization of the IDWF and the CONLANTRAHO provide assistance and support to PDW who have been victims of violence and harassment at the workplace.

## The assistance dimension

Legal, social, and psychological assistance for PDW victims of GBV

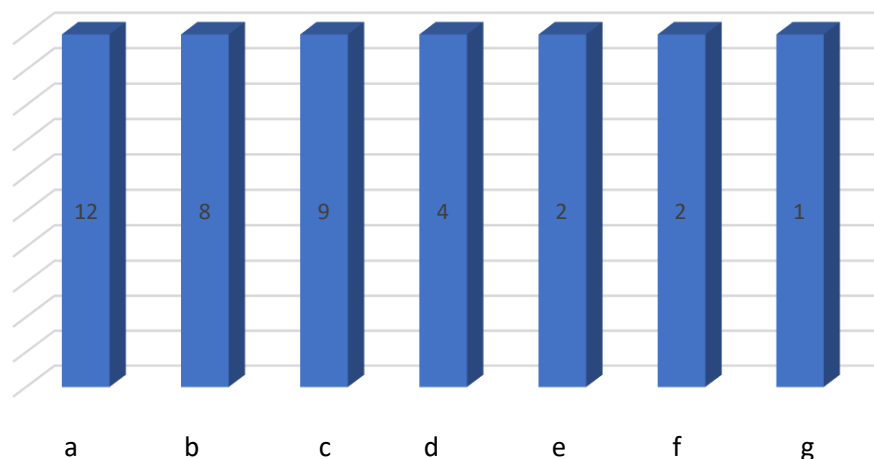
Most of the surveyed organizations affirm that they provide assistance and support to paid domestic workers who have been victims of violence in filing of the complaint despite acknowledging that they face lack of resources in order to follow up with these cases. They provide orientation regarding filing the complaint and help avoid the troubled path that paid domestic workers who are victims of violence have to go through in order to access the judicial system or request a protective measure.



**Prepared by the authors based on answers provided by surveyed PWD organizations**

Most of the surveyed organizations provide orientation, assistance, and support to PDW who have been victims of GBV. In the first place, they highlight orientation, assistance, and information to victims regarding how to file a complaint and what public offices they should file them with. Secondly, and in some cases, they provide legal assistance or orientation, through community legal advisors, to those members who are victims of gender violence. Thirdly, they highlight both the support and case referral. A smaller number of organizations offer workshops, psychological assistance, housing, and food; especially for migrant PDW victims of GBV.

### Assistance and support provided by the organization to PDW victims of GBV

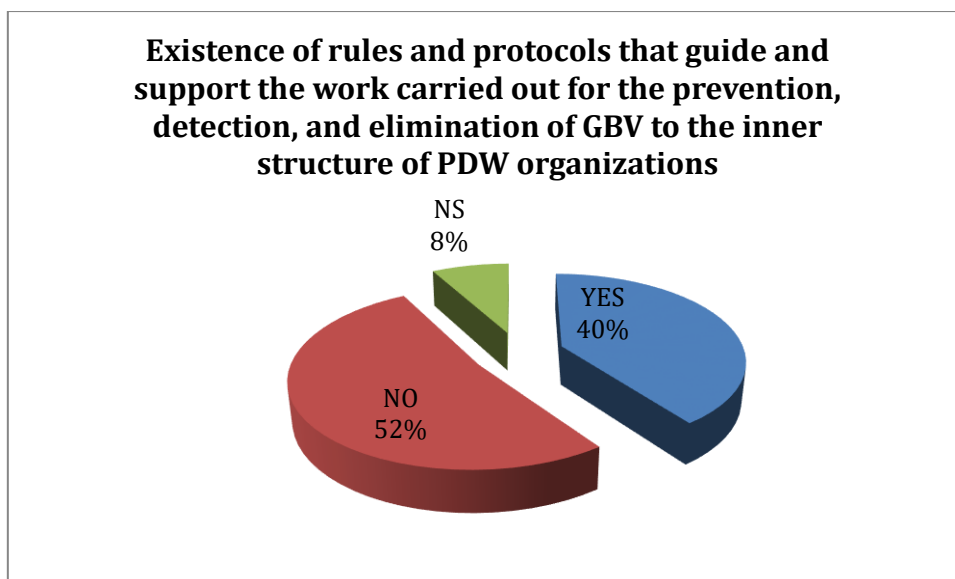


- a. Orientation, assistance, and...
- b. Legal support to file complaints...
- c. Support and...
- d. Workshops
- e. Psychosocial support
- f. Housing and food
- g. Not sure

Prepared by the authors based on answers provided by surveyed PWD organizations

Access to justice becomes severely hampered by the deficient or inefficient response of the judicial system for affiliated workers who, at the same time, spend a significant part of their time in providing legal assistance in several different ways.

More than half of the PDW affiliated organizations of the IDWF and the COLANTRAHO have regulations and protocols for prevention and awareness of gender-based violence.



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Those countries who mentioned having protocols in place are Argentina, Colombia, Costa Rica, El Salvador and Dominican Republic. Regarding the contents of said regulations, in some organizations of Dominican Republic and Peru, GBV is included in the bylaws themselves under the section referred to as prevention and eradication of all forms of violence and promotion of the PDW human rights. As regards protocols, in the case of Argentina, Colombia, Costa Rica and Peru, they include coexistence rules as well as consideration for the person's integrity, self-care practices, recommendations to affiliates affected by GBV for filing complaints, reaching out and speaking up. In Dominican Republic, the Education Department of the Workers Union in coordination with the Secretariat of Education of the PDW organization provide members with training workshop opportunities.

The promotional and advocacy dimension

Organizational strengthening of PDW: one of the challenges when facing GBV

All of the surveyed paid domestic workers' organizations agree on the importance of the organizational structure strengthening in order to face gender-based violence towards domestic workers.

Organization by unions or groups of PDW is a useful tool for the promotion and dissemination of workers' rights. It is critical to recover women's voices as political

spokespersons with governments and other organizations within the region. There are organizations that represent paid domestic workers such as the Confederation of Latin American and Caribbean Domestic Workers (CONLACTRAHO in its Spanish acronym) and the International Federation of Domestic Workers (IDWF), which gather and organize PDW and formulate demands for the ratification of ILO's Convention 189 by the States, as well as its unrestricted enforcement.

#### Partnerships and articulations with key stakeholders

The surveyed organizations agreed on the importance of creating partnerships and articulations with key stakeholders in order to fight against GBV towards domestic workers.

Most of the surveyed organizations deem it necessary to deepen partnerships with local, regional, national, and international organizations in order to include GBV in the unions' agendas and, therefore, reinforce the prevention, punishment, and eradication of GBV against PDW.

Likewise, the exchange of experiences at seminars, forums, and workshops has allowed for sharing successful experiences carried out by other organizations.

Firstly, they suggest the alliance of the interior of the domestic workers group. Secondly, without being mutually exclusive, partnerships with national and international federations. It is within this context that they suggest the need to invest in collective spaces of interaction in order to outline acting strategies.

Regarding articulation with feminist organizations, the notion of "care economy" has contributed to update the feminist debate on organization methods of social reproduction and acknowledge their effects in the inequality reproduction. There are articulation experiences between PDW organizations in countries such as Argentina, Brazil, Uruguay and Paraguay, among others. In Uruguay, for example, an alliance was created in 2012 between PDW and feminist organizations that exerted pressure on the Ministry of Labour for them to conduct an inspection, which could only be conducted with a search warrant, in order to verify the vulnerable situation and labour exploitation that some Bolivian migrant and undocumented workers were suffering. This advocacy action set a precedent since it was the first time that a search warrant was issued as a tool to make more effective controls. In Brazil, the articulation between

PDW and the black feminist movement in the North East of the country has woven a historical and key alliance for the promotion of PDW rights.

Another strategic articulation can be that of employers' associations, as is the case of in experiences fostered by Uruguay, Argentina and Mexico through the creation and dissemination of *Manuals of good practices for women workers and employers of domestic workers* with the support of paid domestic workers' organizations, organizations of women and men employers, and the International Labour Organization (ILO), which are initiatives that can help create awareness regarding rights and obligations as well as social inclusion and integration of PDW.

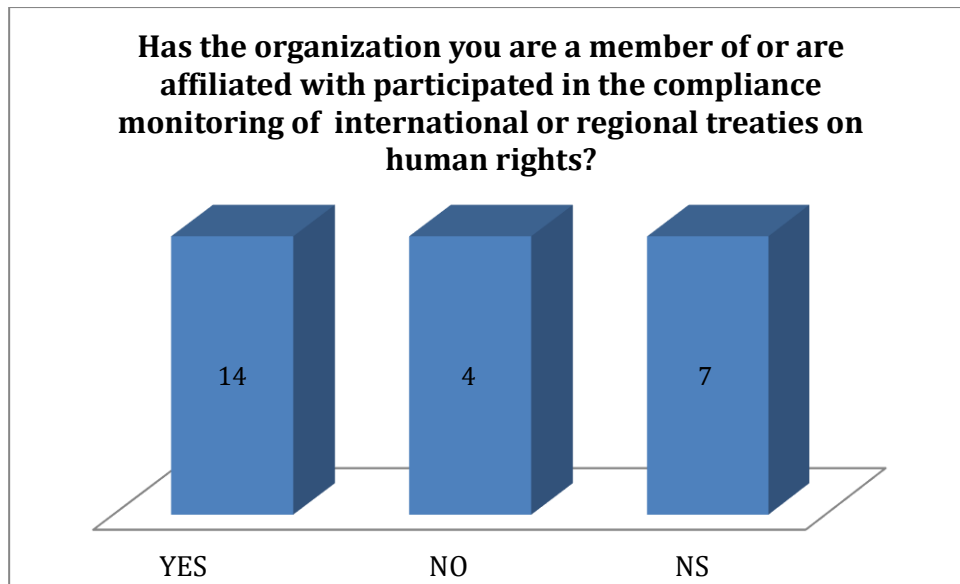
On the other hand, inter institutional articulation between the State, the Ministries of Labour and Social Security, the PDW and housewives' union organizations has also created a Manual of Good Practices in Argentina and Chile. Several organizations that participated in the survey are also part of the Working Tables of their country's ministries.

### **Challenges posed by the PDW organizations**

The challenges are classified in short term, taking in to consideration priority actions for the next six months, short term, for actions that should be implemented within a year, and long term, for actions that should be taken within five years. The reasoning behind this classification lies in the capacity of organizations to develop these actions in set periods of time, as well as to assist in emergency situations within the sector, the critical issues they face, and both the strategies and alliances created in the past ten years in order to achieve legislative developments.

Under these circumstances, the ratification of Convention 189 is imperative in order to move to the adoption of the Convention that has gender-based violence as a cross-cutting topic.

The affiliated organizations have proven their strong efficiency in compelling the States to follow their plans, programmes and policies in accordance with the ILO's guidelines.



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Most of the affiliated IDWF organizations as well as the CONLANTRAHO have participated in the compliance monitoring of regional and international human rights treaties. The fact that seven organizations do not have information on whether their organization has participated in the monitoring strikes our attention.

The organizations that have participated in the monitoring process also state to have jointly created compliance alternative reports on human and feminist rights instruments before the CEDAW Committee, the MESECVI, and the Covenant on Economic, Social, and Cultural Rights. In certain cases, they have submitted reports before UN Women, where they provided detailed information on violence and harassment towards domestic workers.

The possibility of meeting short-term challenges allows for the assessment of strategies for future years, their suitability and sustainability, as well as the generation of management material and human resources.

Immediate challenges: prevention and elimination of GBV towards PDW

The surveyed organization identify numerous short-term challenges, i.e. actions within the next six months, classified under the following lines of action:

**Profound advocacy work in order to achieve the inclusion of GBV in the public agenda:** designing and implementing an advocacy strategy for the approval of ILO's

Convention 190 and working on the subsequent ratification by the States in order to make progress in the inclusion of GBV towards PDW in the public agenda.

**Advocacy and social dialogue:** participating in decision-making spaces as a PDW union and organized sector in order to strengthen advocacy in public decision-making spaces that address GBV towards PDW. Among the included mechanisms are reinforcement of the dialogue with stakeholders and participation at tables on gender violence with the government.

**Information, dissemination, and awareness:** having more information on GBV in order to disseminate the issue and the need to prevent and eliminate gender violence towards paid domestic workers, as well as others in the world of work. Informing about the ILO's draft document regarding a convention on violence and harassment in the world of work, creating awareness among the affiliated unions, and looking for alliances with the public sector, especially the Ministry of Labour and the Ministry of Women.

**Organizational structuring and strengthening:** creating spaces where women's voices can be heard and identifying different forms of violence they are experiencing. Likewise, strengthening affiliates' training on GBV, systematizing affiliates' experiences as tools for Convention 189 follow-up tables, which has left behind important topics such as work inspections in private homes. Developing workshops on union training and labour rights. Deepening the exchange of experiences and having the tools to report violations of rights before the appropriate authorities.

Moving forward in the direction of empowering PDW to exercise their rights and strengthening organizations, which, in many cases, have to start by providing the union with their pending legal status.

**Protection and assistance:** while immersed in a backlash context for human rights in general and paid domestic workers in particular, as in the case of Brazil, adopting specific protective measures such as providing assistance and social, psychological, and legal support to PDW who have been victims of GBV.

**Financing of actions:** enhancing management upon the lack of financial resources to support PDW organizations and unions.



Mid-term challenges: developing protection capacities and mechanisms.

Surveyed organizations and key informants have mainly pointed out the following lines of action as mid-term challenges, i.e. for the following year:

**Development of tools and capacities:** having a robust union training in matters related to GBV and developing instruments, guidelines, manuals, protocols for union members that can help identify GBV situations, resorting to organizations that provide services and information, entering into an agreement with the Ombudsman's Office, strengthening and promoting leadership within the members. Developing awareness campaigns about GBV towards PDW.

It is important to have the necessary resources and strategies in order to best address violence at the workplace and support those workers who live that kind of situation.

**Protection mechanisms for domestic workers:** foreseeing mechanisms to promote protection against institutional and state violence, given the persecution of workers' organizations in countries like Brazil. Providing paid domestic work organizations with permanent legal assistance in order to guarantee legal counselling for PDW that need to file complaints. Having a space such as a solidarity house for paid domestic workers who have been victims of gender-based violence.

**Strengthening of the PDW organization at a local, regional, national, and international level:** empowering PDW for the defence of their rights becomes a priority for PDW. Deepening the organizational strengthening by creating awareness among members of the existing regulations regarding the right to perform domestic work at a workplace free of gender-based violence. Strengthening PDW unions and recruiting more members.

**Advocacy:** strengthening advocacy work for the ratification and implementation of ILO's Convention 190 on violence in the world of work and its subsequent adoption.

**Resources financing and management:** continuously working on seeking resources for awareness campaigns on workplace protection laws and support for victims of domestic work violence.

It is important to identify and gather project invitations in order to enhance assistance to GBV victims in the world of PDW and provide comprehensive legal, psychological, and social assistance to victims.

Long-term challenges: strengthening the organization and its advocacy capacities.

Surveyed organizations and key informants have mainly pointed out the following lines of action as long-term challenges, i.e. for the following five years, in order to achieve more sustainable strategies:

**Organizational strengthening and advocacy capacities:** having a strong organization with new leaders who are committed to the prevention and elimination of GBV towards PDW. Working on broadening the domestic workers' unionization and increasing the union foundations.

Attaining most of the States ratification of Conventions 189 and 190 as well as ensuring protection of PDW and preventing every political persecution against organizations. Positioning paid domestic work at a regional and international level within the legal frameworks as well as implementing ratified legal instruments that can be adapted to national laws on domestic workers' rights.

**Comprehensive assistance plans and programs for PDW victims of GBV:** having an independent assistance line for paid domestic workers who have been victims of GBV with an interdisciplinary team to inform, assist, and support members in a more assertive way.

It is important to develop advocacy actions to have PDW covered by mandatory social security. Another objective is to create and operate specific institutions to address violence at the workplace. Regarding follow up on legal developments, working at a national level for the ratification, implementation, dissemination and enforcement of Convention 189 and the future instrument adopted in Geneva in 2019.

**Sustainable financing:** having resources for the implementation of programmes in order to prevent GBV and provide assistance for PDW victims of GBV, including the improvement of services and infrastructure of PDW unions.

Both the IDWF and the COLANTRAHO are expected to support the work done by the affiliated organizations in the region in connection with GBV:

- Empowering leaders with information tools and strengthening affiliated organizations.

- Investing in collective spaces of interaction in order to build joint action strategies and establishing mechanisms for periodic gatherings with the local offices, including follow up and verification to achieve expected results.
- Designing and supporting strategies for the creation and strengthening of local, regional, national, and international alliances.
- Fostering information, education, and training strategies for affiliated PDW organizations.
- Promoting an international mobilization aimed at eradicating gender violence and designing a global campaign that includes a broader alliance.

## Conclusions

1. Although ILO Convention 189 and Recommendation 201 concerning decent work for domestic workers have been ratified in all the countries of the regions, they are not enforced in most of them.
2. Addressing *gender-based violence towards domestic workers is an emerging issue*. This is due, among other things, to general difficulties in providing a context for gender violence in the world of work. In this way, we lose sight of the fact that discrimination and inequalities are not only the result of social, racial, and ethnic differences but also a consequence of unequal power relations between men and women.
3. The *PDW's fight* has focused on achieving *recognition, respect, and dignity* through protection laws that prescribe equal terms regarding salaries, working hours and conditions for men and women. However, gender violence has not been identified, which prevents women from being autonomous in every field.
4. *Gradual legal reforms in the paid domestic work sector have been possible*, among other reasons, due to favourable contexts, the strengthened organizational capacity of the PDW, and the articulation of a regional and global movement with broad strategic alliances, as well as the momentum given by the adoption of ILO Convention 189, which, in and of itself, is a victory for the PDW movement.
5. The *legal transformations have signalled an evolution towards more inclusive regulatory frameworks*, which have caused other countries to guarantee PDW

full equality before the law and improved conditions for paid domestic work in the past few years.

6. Some legal developments have been supported by *institutional adaptations* aimed at strengthening workplace inspection and other similar mechanisms for enforcing and overseeing compliance with applicable standards. In cases such as the Dominican Republic, the articulation of an interinstitutional gender group comprised of women of the three national trade union federations and the University has contributed to improving surveillance of compliance with legal standards.
7. *There are still legal frameworks for paid domestic work featuring gaps, weaknesses and contradictions*, which enable arbitrary labour relations to the detriment of paid workers who work in the reproductive sphere.
8. There is no real enforcement of the current laws regulating PDW, mainly with regard to auditing and sanctioning employers, as well as lack of registration with the health insurance and pension system.
9. *There are no specific policies focused on the prevention of gender-based violence towards PDW within gender parity plans or policies for the prevention and eradication of violence, in force in most of the countries.*
10. There are some good practices present in some States and other organizations to give visibility to the issue, which include research, awareness-raising campaigns, training, promotion of participation opportunities, preparation and dissemination of information, training, and communication tools, as well as integration of comprehensive policies and care services into general labour policies. In countries like Colombia there have been several awareness-raising campaigns about gender-based violence towards PDW, drawing attention to the need for PDW to be registered with the general system of labour risks.
11. There are proven practices of dialogue between female and male employers and the government, such as in the cases of Argentina, Colombia, Mexico, and Uruguay, which requires that we enhance *dialogue and advocacy capacities in order to advance the inclusion of the right of PDW to a life free of violence in the national, regional and international agendas.*
12. Procedures for *administrative control and inspection of conditions* under which paid domestic work is performed require effective implementation in most countries.

13. There has not been enough advocacy before the *human rights mechanisms*, which turns further exploration of these tools into an opportunity to contribute towards the inclusion of GBV in order to achieve human rights standards for women PDW so that they can lead lives free of gender-based violence.
14. Under the universal system, *monitoring of compliance with human rights instruments* can result in advocacy opportunities that can reinforce partnerships with other organizations, include the voice and needs of the PDW, give visibility to GBV of which they are victims, and confirm inclusion commitments into the public agenda through the final observations of the Committees to the States.
15. Under the *Inter-American Protection System*, gender-based violence towards PDW is not included in the monitoring reports of States' compliance with the Convention of Belém do Pará and the San Salvador Convention, to urge States to provide *disaggregated statistics regarding gender-based violence in the workplace towards PDW* in order to make progress in legislative adaptation and the design and implementation of policies to prevent, sanction, and eradicate GBV towards them.
16. PDW organizations have shared *work experiences related to preventive, assistance and promotional actions in order to fight GBV* towards their members. *Preventive* actions have been implemented through awareness-raising campaigns to provide guidance in these cases. Regarding *assistance* actions, some organizations provide legal and psychological assistance as well as housing support to workers who are GBV victims. However, in every case, there is a need to reinforce human and financial resources in order to properly address the situation of women who are victims of violence and continue with the complaints or protection processes. As for *promotional* actions, these are intended to train their members in order to increase unionization and strengthen the organization of PDW, which we consider extremely important in the fight against GBV.
17. *Reinforcing advocacy strategies in order to adopt an international regulation of Convention 190 and its accompanying Recommendation*, which would put GBV towards domestic workers on the agenda, is essential to secure protective legal frameworks.
18. In order to reinforce proposal capacities, communication and resources that help strengthen advocacy processes, it is important to have technical and

financial support of international organizations that are committed to equal rights and opportunities, decent work, and women's rights to a life free of violence.

19. It is necessary to carry out activities supported by *awareness-raising among paid women domestic workers in order to broaden their knowledge of labour rights* in general and, in particular, the right to a life free of gender-based violence. All this will bring about a better understanding of the complexity of the situation due to, among other reasons, the location where the work is performed and the discrimination domestic workers suffer.
20. Finally, it is necessary to strengthen partnerships and coordination with other movements such as women, feminists, human rights, LGTBIT, farmers, indigenous peoples, and other groups, in order to reinforce national, regional, and universal advocacy to ensure that States honour their public and legal commitments regarding the prevention, eradication, and sanction of gender-based violence against women.

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## **Annex**

### Acronyms

CEVI: Committee of Experts on the Follow-up Mechanism of the Convention  
CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women. Optional Protocol to CEDAW  
CEDAW: Committee of Experts  
ECLAC: Economic Commission for Latin America and the Caribbean. United Nations  
CERD: Committee of the Elimination of Racial Discrimination  
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women or Convention of Belém do Pará (in reference to the place where it was adopted)  
ILO: International Labour Organization  
UN: United Nations  
OAS: Organization of American States  
SDG: Sustainable Development Goals  
MESECVI: Follow-up Mechanism to the Belém do Pará Convention  
MERCOSUR: Southern Common Market  
UNDP: United Nations Development Programme  
ICCPR: UN International Covenant on Civil and Political Rights  
ICESCR: UN International Covenant on Economic, Social and Cultural Rights  
GR: General recommendations made by the Committee on the interpretation and application of the Convention  
SINACTTRAHO: National Union of Workers and Domestic Workers  
GBV: gender-based violence  
PDW: paid domestic workers

## Survey guideline

1. Name and last name
2. Organization you belong to:
3. Country:
4. Role/position within the organization:
5. Years with the organization:
6. Do you currently work as a PDW?
7. Country of origin:
8. Country where you work as a PDW:
9. **Are you (check all the apply)**
10. Has your State ratified international treaties on human rights or conventions regarding workplace equality? Check all that apply.
11. What principles of equality, gender/sex-based discrimination, and gender equality are contemplated in the Constitution of your State? Check all that apply.
12. If you answered yes to the question above, please quote any specific laws against discrimination or on gender equality.
13. Are there any specific national, provincial or local laws on equality and non-discrimination in the workplace in your country?
14. If you answered yes to the question above, please specify those laws.
15. Are there any customary or religious laws, practices or legal principles that are discriminatory towards women and girls?
16. If you answered yes to the question above, please provide further details.
17. Has your country adopted any specific law regarding workplace gender violence at the national, provincial or local level?
18. If you answered yes to the question above, please provide further details.
19. Has your country adopted any specific law regarding work or moral harassment in the workplace at the national, provincial or local level?
20. If you answered yes to the question above, please provide further details.
21. Are there any specific laws at the national, provincial or local level that put PDW's rights on an equal footing with those of other women and men workers in the light of the provisions of Convention 189?
22. If you answered yes to the question above, please provide further details.
23. Are there any engagement mechanisms for civil society organizations to help advance GBV legislation?
24. If you answered yes to the question above, please provide further details.
25. Which obstacles do PDW face when exercising their right to a life free of gender-based violence in the workplace? Check all that apply.
26. What institutional mechanisms to monitor progress and obstacles regarding GBV towards PDW are you aware of?
27. What institutional mechanisms are in place in your country in order to hold inspections and confirm compliance with national and international protection regulations?
28. Does your country have policies, plans, and awareness-raising campaigns designed to disseminate paid domestic workers' rights?
29. If you answered yes to the question above, please provide further details.
30. Does your country have policies or plans for regularizing PDW's status before social security, health and occupational accident institutions?
31. If you answered yes to the question above, please provide further details.

32. Does the public officer of the institution involved (Ministry of Labour, Ministry of Health, Social Security and Pension Organizations, among others) receive any training?
33. If you answered yes to the question above, please provide further details.
34. Can you share any good practices regarding GBV towards PDW?
35. If you answered yes to the question above, please provide further details.
36. What actions have been taken by your country in order to eradicate negative gender stereotypes towards PDW, including on the mass media?
37. How would you rate the performance of the judiciary in cases of gender-based violence and harassment towards PDW?
38. Are there any other mechanisms to reverse the decisions that replicate GBV towards PDW?
39. If you answered yes to the question above, please provide further details.
40. Are there any prevention and assistance policies regarding GBV towards PDW in your country at the national, provincial or local level?
41. Are there mechanisms to facilitate access to justice for GBV cases involving PDW? Check all that apply.
42. Are there obstacles in GBV cases involving PDW that make access to justice more difficult?
43. If you answered yes to the question above, please provide further details.
44. Are there in your country any measures that favour recognition of care work (care of children, elderly people, sick people, people with disabilities) and the work that domestic workers do? Check all that apply.
45. Are there any policies that aim at giving visibility to the contribution that PDW make to the wealth of the country?
46. If you answered yes to the question above, please provide further details.
47. Is there awareness of GBV and how it disproportionately affects work performance and health?
48. Is there any legal prohibition to dismiss a PDW who is suffering domestic violence and is under protective measures?
49. If you answered yes to the question above, please provide further details.
50. Do employers adopt specific measures to prevent workplace violence and harassment towards PDW? Please provide examples.
51. Regarding occupational health and safety, what measures are adopted in your country to prevent violence and harassment towards PDW?
52. If you answered yes to the question above, please provide further details.
53. Are there any policies intended to ensure the same rights for PDW as to other workers' rights? Check all that apply.
54. Who is regarded by the head of a household by the laws?
55. Are there any laws/regulations against gender-based violence in your country?
56. If you answered yes to the question above, please provide further details.
57. How is workplace violence and harassment presented in your country? Include all that apply.
58. Does your country have a national policy to eradicate violence against women, understanding it as any action or behaviour, based on gender, that can cause death, physical, sexual, or psychological injuries or suffering towards women whether in a public or private environment?
59. If you answered yes to the question above, please provide further details.
60. Are there public campaigns in your country seeking to raise awareness about the fact that GBV towards PDW is a violation of human rights?

61. If you answered yes to the question above, please provide further details.
62. What measures have been taken by the State in order to raise awareness among those responsible to enforce the law regarding GBV towards PDW?
63. Are there specific police units dedicated to receiving complaints of GBV towards PDW, or even domestic violence?
64. If you answered yes to the question above, please provide further details.
65. Are there any shelter or foster homes for those PDW who are victims of gender violence?
66. If you answered yes to the question above, please provide further details.
67. Are there any special policies that protect migrant or black PDW or PDW who live in rural or remote areas?
68. If you answered yes to the question above, please provide further details.
69. Is there a national policy in your country to eradicate GBV or gender violence against PDW?
70. If you answered yes to the question above, please provide further details.
71. Are there any public campaigns in your country aimed at raising awareness about the fact that GBV towards PDW constitutes a violation of human rights?
72. If you answered yes to the question above, please provide further details.
73. What measures have been adopted in your country to raise awareness among those responsible of enforcing the law about violence against women and girls, including domestic violence?
74. Could you mention GBV situations that PDW are victims of? Check all that apply.
75. In a situation of violence experienced by you or any of your comrades, have you or have they been granted paid days off at work in order to receive support/assistance or appear before court?
76. If you answered no to the question above, please provide further details.
77. In the last year, how many GBV situations towards PDW have you or your organization been informed of?
78. How many of these victims were unionized?
79. If you answered yes to the question above, please provide further details.
80. Out of the PDW victims of GBV that you or your organization have been informed of, can you provide figures or data about the number of workplace moral or sexual harassment cases that have been reported by the PDW?
81. What was the response provided by the judicial system to the victims of those reported GBV cases?
82. Are you aware of any GBV case against a PDW that was fairly tried?
83. If you answered yes to the question above, please describe a specific case.
84. Has the organization you are a member of or are affiliated with (IDWF and/or CONLACTRAHO) participated in the ILO process concerning the issue of GBV towards PDW?
85. If you answered yes to the question above, please provide further details.
86. Has the organization you are a member of or are affiliated with (IDWF and/or CONLACTRAHO) participated in the compliance monitoring of international or regional treaties on human rights and presented alternative reports before a UN Committee?
87. If you answered yes to the question above, please provide further details.
88. Could you point out how they participated? Check all that apply.
89. If you answered no to question 88, please specify the main reasons.
90. Does your organization provide assistance and support to PDW who experience violence and harassment at the workplace?

91. If you answered yes to the question above, please provide further details.
92. Does your organization hold workshops, internal training sessions (for members of the organization) or external training sessions (for other organizations) about equality, non-discrimination and gender violence towards PDW?
93. If you answered yes to the question above, please provide further details.
94. Describe the key actions that your organization carried out in order to give visibility to the issue for the purpose of eradicating violence against women. Mention all that apply.
95. From the list of successful actions of the previous question, which have resulted more successful and why?
96. Does your organization participate in training initiatives regarding GBV and PDW at a national level?
97. If you answered yes to the question above, please provide further details.
98. Does your organization have any rules or protocols that guide and support PDW in the prevention, detection, and elimination of GBV?
99. If you answered yes to the question above, please provide further details.
100. Does your organization have or has it had financial and human resources allocated to help women face GBV?
101. If you answered yes to the question above, please provide further details.
102. Please identify those organizations you have partnered or are partnering with in order to strengthen any posed challenges and overcome obstacles. Check all that apply.
103. Does your organization participate in international, national, or regional articulation activities?
103. If you answered yes to the question above, please provide further details.
104. Please identify which services your organization provides to prevent GBV towards PDW. Check all that apply.
105. Do you have access to services as a result of partnerships or institutional agreements with other organizations?
106. Please identify those educational resources that your organization has in order to face GBV towards PDW.
107. Does your organization receive any kind of support from state entities for the prevention, punishment, and elimination of GBV towards PDW?
108. If you answered yes to the question above, please provide further details.
109. Does your organization receive any kind of support from private entities (NGOs, corporations, agencies) for the prevention, punishment, and elimination of GBV towards PDW?
110. If you answered yes to the question above, please provide further details.
111. Does your organization have any support (financial, logistic, etc.) from women and men workers' unions from other sectors?
112. If you answered yes to the question above, please provide further details.
113. Does your organization have a registry of public and private services available in your country for the prevention, punishment, and elimination of GBV towards PDW?
114. If you answered yes to the question above, please provide further details.
115. Does your organization have a registry of feminist or human rights organizations that work in the prevention, punishment, and elimination of GBV towards PDW?
116. List any short-term challenges; i.e. for the next 6 months.
117. Briefly describe these challenges.



118. Based on your experiences and the lessons learned, please identify the most significant challenges that your organization is facing in their lobbying activities from now and until June 2019.

119. List three measures aimed at strengthening the articulation and partnerships of your organization/union with other local, regional, national and international organizations to reinforce prevention, punishment, and elimination of GBV towards PDW.

120. List three key steps for your organization to be better prepared to face GBV towards PDW?

121. List three key steps that the IDWF (International Domestic Workers Federation) should take (beyond raising funds for projects) to support the work done by the affiliated organizations in the region in connection with GBV in 2019?

122. If you consider that the most significant support derives from project financing, which type of activities and objectives should be prioritized?

123. List the medium-term challenges; i.e. for the next year.

124. List the long-term challenges; i.e. for the next 5 years.

## Surveyed organizations

1. **Juana Del Carmen Britez**, Secretary of Minutes and Organization, Argentine Union of Private Household Personnel (UPACP). Argentina
2. **Adriana Paz**, International Domestic Workers Federation (IDWF)
3. **Julia Chambi Machaca**, National Federation of Paid Domestic Workers of Bolivia (FENATRAHOB)
4. **Chirlene dos Santos Brito**, Union of Women and Men Domestic Workers of Campiña Grande-PB
5. **Luiza Batista Pereira**, National Federation of Women Domestic Workers
6. **Perxides Maria Roa Borja**, Afro-Colombian Domestic Service Workers Union (UTRASD)
7. **Yenny del Carmen Hurtado**, National Union of Women Domestic Workers (SINTRASEDOM)
8. **Evelyn Rosales**, SIMUTHRES
9. **Floralma Contreras Vásquez**, Union of Domestic, Similar and Self-Employed Workers (SITRADOMSA)
10. **Fidelia Castellanos Hernandez**, Union of Domestic, Similar and Self-Employed Workers (SITRADOMSA)
11. **Justina Hermillo Martinez**, NETWORK OF WOMEN DOMESTIC WORKERS
12. **Maria Isidra Llanos Moreno**, SINACTRAHO
13. **Andrea del Carmen Morales Perez**, FETRADOMOV NICARAGUA
14. **Dolores del Carmen Roblero**, SINTRADOMGRA
15. **Maria del Carmen Cruz Martinez**, Association of Domestic Workers (ASTRADOMES)
16. **Librada Maciel**, Union of Domestic and Related Workers of Itapúa
17. **Marciana Santander**, SINTRADES-PY
18. **Ana Ysabel Tantas Huarez**, SINTRAHOGARP
19. **Paulina Luza Ocsa**, Training Centre for Domestic Workers (CCTH)
20. **Adelinda Diaz Uriarte**, Federation of Paid Women and Men Domestic Workers of Peru (FENTRA)
21. **Clementina Serrano Méjico**, Training and Education Institute for Paid Domestic Workers (IPROFOTH)
22. **Maria Petronila Salazar Mendoza**, Union of Domestic Men and Women Workers for the Lima Region (SINTTRAHOL)
23. **Lilliam Marrero**, National Union of Paid Domestic Workers (FENAMUTRA)
24. **Elena Andrea Perez Garcia**, Association of Paid Domestic Workers (ATH CNUS branch)
25. **Martha De Jesús Dolores**, SINTRADOMES/CASC

## Experts who were interviewed at length

1. **María Elena Valenzuela**, gender expert from ILO.

2. **Mary Goldsmith**, Anthropologist expert. Researcher and university professor.
3. **Adriana Paz**, International Domestic Workers Federation
4. **Andrea del Carmen Morales Perez**, FETRADOMOV NICARAGUA and member of the International Domestic Workers Federation
5. **Carmen Cruz**, General Secretary of COLANTRAHO

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i “Organizaciones de Trabajadoras del hogar del Perú (IPROFOTH, FENTRAHOGARP y CCTH) en una sesión de trabajo colectivo para llenar el cuestionario del presente estudio)

ii See ruling of the Constitutional Court of Colombia No. 243/18

iii See Executive Decree issued by the Ministry of Labour 004 dated May 30, 2009.