



# Legal Challenges and Administrative Justice and R204 work

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# Overview

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- Problem statement: practical and legal
- Why administrative justice and ILO Recommendation 204
- Describing the field and the strategy
- Implementation to date
- Outcomes and learnings

# Problem statement: practical problem

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- **2 billion (61%) of the world's workers are in informal employment**
- Of these workers, 64% (Asia), 72 % (Africa) and 55% (LATAM) are self-employed
- 25% of informal self-employed workers in Southern Africa are street vendors
- Public space as contested space: “world-class cities”, elite capture
- Inadequate trading space/permits, evictions, destruction of trading structures, trading space situated far from natural markets, confiscation, harassment by officials

# Problem statement: Legal problem

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- Enabling national constitutions that enshrine rights
- Progressive policies that seek to support informal economy
- BUT restrictive and punitive local regulation
- SV as duty bearers, not rights holders
- Criminalisation of activity e.g. in undesignated space, without permit
- WP not recognized in waste management laws and policies
- Vagrancy laws, public nuisance laws, health regulations
- Human rights-based litigation is long and costly

# Describing 'the field' and overall strategy

- **Worker organisations**
  - i) Train about law and collective bargaining
  - ii) Connect with local pro bono lawyers
- **Lawyers: pro bono and public interest**
  - i) Establish partnerships
  - ii) Train on laws and community lawyering
- **Local authorities**
  - i) Capacity building on the law and R204Ultimate goal: institutionalized collective bargaining

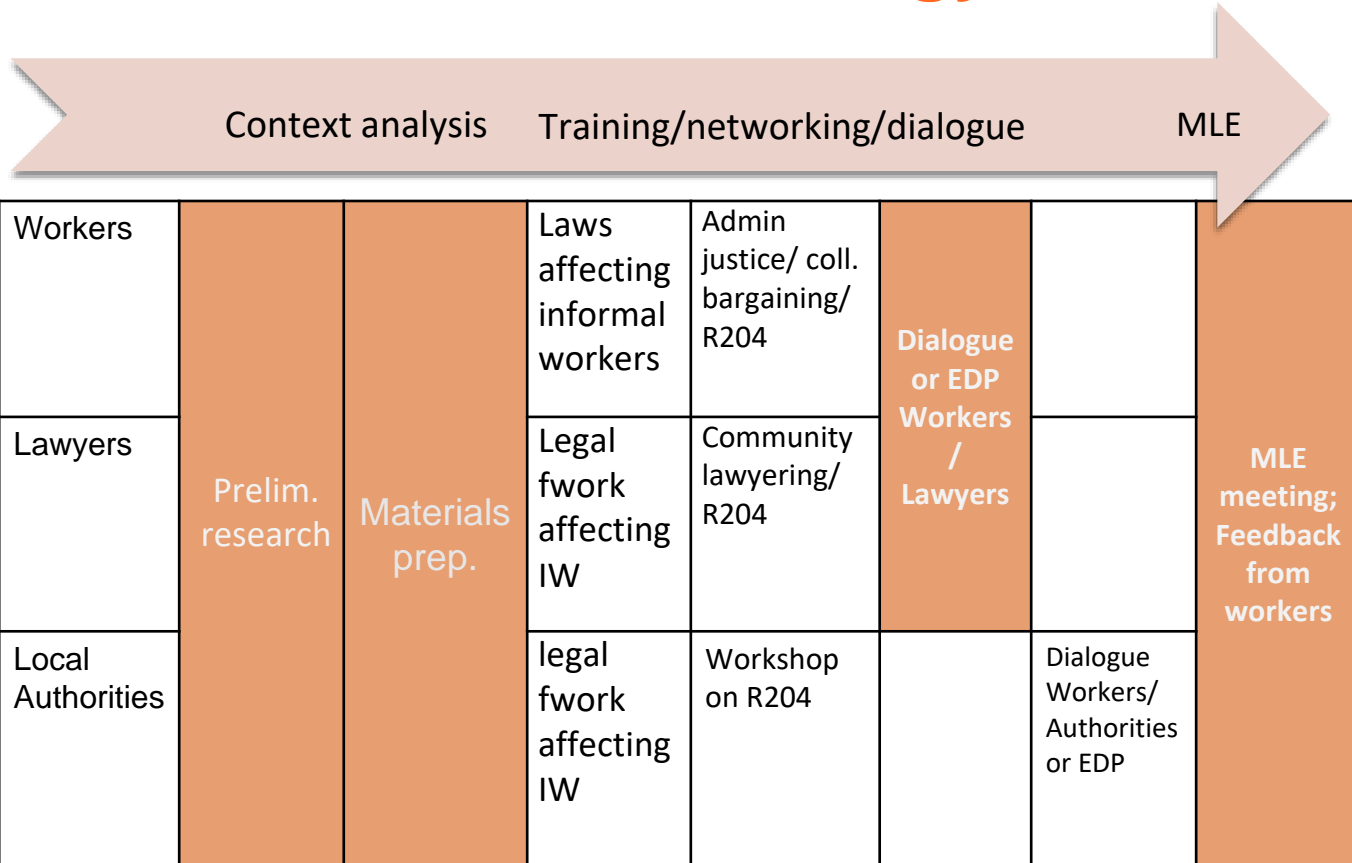


# Describing 'the field' and overall strategy

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- **Lawyers**
  - Strategy
    - i) Identify lawyers and introduce them to worker leaders
- **Local authorities**
  - The missing link

# Overall strategy



# Implementation to date (2018-2022)

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- **Funding from Open Society Foundation: Jan. 2018- Sept. 2019**
- **Where:** Accra, Dakar, Mexico City, South Africa
- **Who:** Law Programme + Organizing and Representation Programme (ORP) + Focal Cities (Accra and Dakar)
- **Administrative justice briefs:** all four countries PLUS Kenya, Malawi, Zimbabwe



# Implementation to date (2018-present)

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- **Accra:** 2 law workshops, lawyers-worker leader engagement, legal clinic, workshop for Legal Aid staff, engagement with local authority
- **Dakar:** Exposure Dialogue Prog. with lawyers, administrative justice workshop
- **Mexico City:** administrative justice workshop
- **South Africa:** national SV and WP workshop, national SV meeting, admin. justice workshop and engagement of local authority in Potchefstroom

# Implementation to date (2018-2022)

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- **Interviews to assess impact** of the workshops: Accra, Mexico City, South Africa
- **End of project funding** learning meeting and reporting
- **Institutional mapping:** Accra and Dakar
- **Law on the ground research:** Accra and Dakar

# Implementation to date (2018-2022)



# Key outcomes and learnings

## Worker organisations

- Use of administrative justice to challenge local authorities
- 30% in Accra, 25% Mex. City invoked the principles
- [Listen to Rosheda Muller](#)
- Shift in worker perception of law
- BUT preference for negotiation



# Key outcomes and learnings

## Worker organisations

- Strengthened organisations and worker solidarity
- BUT need collective bargaining and negotiation skills
- 'Bargaining in the shadow of the law'



# Key outcomes and learnings

## Lawyers

- Partnerships and MOUs
- BUT
  - i) limited understanding of issues
  - ii) different philosophy/MO
  - iii) class divide & stipends





# Key outcomes and learnings

## Local authorities

- A local authority's commitment to engage
- need institutional mapping
- understand what is the 'law on the ground' e.g. corruption



## ABOUT WIEGO

Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies.

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