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The effects of COVID-19 on migrant workers in Ecuador: A legal and social study

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Abstract---The migrant population continues to this day to be not only the main engine of world economies but also part of those who make up the vulnerable groups in society. This study aims to analyze the effects that COVID 19 has had on migrant workers in Ecuador at a legal and social level before and after the pandemic. A qualitative ethnographic design study was carried out, framed at the exploratory level, when addressing an almost unknown problem in the context of the COVID-19 pandemic. The interview was validated through the criteria of experts in law and research methodology. The sampling technique was non-probabilistic. The data collection instrument was the researcher himself, who, through the interview, was able to collect the narrative data in the natural and daily environments of the participants. It was an observational type of study; prospective; cross; and descriptive while, from the point of view of jurisprudence, it was socio-legal. It was determined that in Ecuador, although with the help of international organizations such as the IOM or the ILO, spaces have been achieved for the application of public policies for migrants, neither sufficient legal measures have been implemented for this population nor provisions specific regulations for migrant workers as a specific group.

Keywords---COVID-19, law, migrant, woman, workers.

Introduction

In today's world in which one lives, many people who are in sensitive situations or who belong to groups of high vulnerability. One of these groups are the migrants defined by the Organic Law of Human Mobility of Ecuador Official Registry No. 938 of February 6, 2017 with the last reform of November 5, 2021 in its article 3 numeral 6 as "any foreign person who enters the Ecuador with the intention of establishing their residence or domicile temporarily or permanently in Ecuadorian territory.

Now, since migrant workers are the object of this study, it must be said that it is also necessary to refer to the principle of equality and non-discrimination. With respect to equality, it can be said that it has two perspectives: the formal and the material. The first of them indicates that it is the typification of the principle within the legal norms, while material equality refers to the materialization of that principle in the practical sphere of application of the norm (Martínez, 2017). Other authors who also deal with the subject such as Herrera (2017) or Ferrajoli (2020) mention the sensitive differences that some people face within society and that places them in a much more vulnerable situation. The foregoing leads us to consider that although we are all equal, we are not all identical and there are some groups of people who are exposed to greater forms of discrimination.

About these forms of discrimination, it is important to make some considerations about it. The first part of understanding that discrimination is "differentiated treatment based on different reasons. It is about the selection or pointing out to a certain person with certain characteristics, assigning him a condition or sense of inferiority" (Nuvaez, 2018, p.1) for which there are different ways of discriminating against a person, not being a term that is it closes to a single concept or denomination since it can be extended to almost any criterion such as race, sex, skin color or nationality (Navarro, 2017).

In law, the principle of equality and non-discrimination of migrants are considered according to the Inter-American Court of Human Rights, Juridical Condition and Rights of Undocumented Migrants, Advisory Opinion OC-18/03 of September 17, 2003, paragraph 101 as of *ius cogens* (which supposes mandatory compliance without the possibility of an agreement to the contrary). The foregoing indicates that any type of action on the migrant population will be legally subject to considering the clauses on equality and non-discrimination in the analysis of said situation. However, the way in which each State regulates the situation in a particular way is striking. migrants' legal issue that leads us to frame this study in a specific legal system: the Ecuadorian.

In the first place, as indicated by the annual report on migration of the International Organization for Migration (IOM), a United Nations body, by 2020 there were at least 382 thousand international migrants in that country, of which 48% were women. This figure should also be studied in relation to the legal norms that regulate migrants in Ecuador, of which article 12 of the Constitution stands out, which refers to the principle of equality and according to which all people are equal and have the same powers, , duties and opportunities in the social sphere. In turn, it is indicated in the norm that the Ecuadorian State will take the

necessary measures to promote, precisely, real equality for people in situations of inequality.

Regarding the prohibition of discrimination, it is contemplated in article 66.4, which is complemented by article 341, where it is indicated that the State will generate the conditions for the protection of its inhabitants as well as equality in diversity and non-discrimination. It is interesting that said article also indicates that State action will be prioritized towards those groups that require a certain special consideration due to their vulnerability to inequalities, discrimination, violence, among others. A mechanism of special importance that the constitution indicates is the constitutional protection established in article 88 that can be filed by any person who considers himself in a situation of vulnerability due to subordination, defenselessness or discrimination and is also characterized by being versatile since It does not require processing by a lawyer and the constitutional judge is obliged to follow up as quickly as possible.

In addition to this mechanism and these consecrations that we have mentioned in Ecuador, there are also national councils for equality that are "responsible for ensuring the full validity and exercise of the rights enshrined in the Constitution and in international human rights instruments." (art. 156, CRE). These councils, by provision of article 157 of the CRE, will be made up of representatives of civil society and the State on a parity basis.

It is also important to mention that the constitution of Ecuador illustrates full justiciability through the development of a broad recognition of rights and its indivisible nature, which makes this Magna Carta a very novel one in this aspect, especially when compared to other constitutions in Latin America (Casado et al. 2019). However, in the case of migrant women, the legal reality that represents them is drawn in a completely different scenario.

In the first place, the constitution recognizes the leadership of the migratory policy to the Ecuadorian State and refers to the rights of migrant workers in article 416, where it indicates that there must be "respect for human rights, in particular the rights of migrant persons (...) by complying with the obligations assumed with the signing of international human rights instruments" but beyond that reference there are not many constitutional provisions that mention migrant workers, much less specifically migrant women workers.

On another level, at the international level, the Ecuadorian State has signed and ratified international instruments that protect vulnerable groups and migrants, such as the Universal Declaration of Human Rights (Signed by this country on December 10, 1948), the International Covenant on Civil and Political Rights (Signed on December 16, 1946 and ratified on March 6, 1969 by Ecuador), the International Covenant on Economic, Social and Cultural Rights (Signed on December 16, 1946 and ratified on March 6, 1969 by Ecuador) the ILO Convention 97 on Migrant Workers (signed in 1949 and ratified on April 5, 1978) and the International Convention for the Protection of all migrant workers and their families (signed on December 18, 1990 and ratified on February 5, 2002).

At the legislative level, the Organic Law of Human Mobility is currently in force, which repeals all regulations of the same or lesser hierarchy in migratory matters or that opposes or does not comply with the provisions of the law, which implies that they will no longer be the previous Law of Travel Documents, its codifications and regulations are in force; Naturalization Law, its codifications and regulations; Immigration Law, its codifications and regulations and the Migration Law, its codifications and regulations. This rule is presented as a necessary text in the legal system of Ecuador where the provisions on migration had been regulating disorderly in all those regulations and this generated antinomies, legal gaps or highly discriminatory legal provisions that had not been previously remedied.

The Organic Law on Human Mobility prohibits discrimination based on sex and gender, according to article 2, which also recognizes the principle of universal citizenship, which implies the possibility of free mobility of each human being throughout the world without this affecting in no sense their fundamental human rights with the subsequent possibility of reaching the progressive end of the status of foreigner. Several comments can be made in this regard.

The first of these is that the very concept of universal citizenship responds to a utopian criterion, since the same norm implies different regulations for nationals of the country and for foreigners of the same issue, which fractures the very notion of fundamental human rights into two groups. : that which is inherent to the person and that which corresponds to that person within a specific political community, so that the concept of citizenship, beyond being without a doubt a factor of discrimination for foreign migrants, implies that international law does not even exist For migration, it is legally unfeasible that universal citizenship for migrants can be applied in practice (Triguero 2012). With respect to migrant workers, the rule in its article 20.4 refers to pregnant women in human mobility who have the right to receive priority attention and are identified as a vulnerable group in article 21, moreover, it does not mention practically at all the migrant women.

In turn, the foregoing must also be commented on in the context of the last reform that this law has had on November 5, 2021. The norm typifies a series of rights and guarantees for Ecuadorian citizens who return to Ecuador on at least 8 occasions. (articles 25,27.A, 27.B, 29,33.A, 35.A, 36, 36.A among others). Additionally, a new category of temporary visitors is included for those people who enter Ecuador to carry out acts of commerce or other legal activities according to the reformed Article 54.

In another aspect, the possibility of granting humanitarian visas to those who have been victims of human trafficking or are in similar situations is granted. Of the other modifications that exist in the norm, it can be said that they are administrative (in the case of temporary or permanent visa applications whose requirements vary in the new reform of the law), punitive (in the case of revocation of visas in where it is now indicated that the visa of a resident in Ecuador will be revoked when he has received an enforceable conviction for committing a crime in the country with a sentence of more than 5 years) among others. The new regulations do not include special provisions for migrant women

beyond those provisions that we have commented on humanitarian visas where they are not expressly mentioned either.

For its part, the also reformed regulation of the organic law of Human Mobility yes ok refers to people in vulnerable situations, it does not expressly recognize migrant women in this case. The rule also refers to foreigners in international protection but in no provision does it provide specifications for certain groups of vulnerable immigrants (such as women).

Of the rest in migratory matters, a norm that does refer to our study group is the National Agenda for Equality for Human Mobility of Ecuador in force until 2021, which recognizes that there are people who, due to different conditions, require special attention for issues of "sex, gender (...) immigration status, disability condition, among others. Human mobility impacts people differently depending on these conditions" according to page 19. The agenda, being a conglomerate of public policies in attention to people with human mobility, also refers to the case of irregular migrants, a situation that "is aggravated when it comes to women heads of household (...) because they are subject to practices and acts of omission based on discrimination, racism and xenophobia" according to objective number 6.1.

It also establishes that it is pertinent that some groups of migrants can achieve access to social spheres "without discrimination based on nationality or occupation and that primarily attends to the principles of family unity, the best interests of the child and gender equity" according to page 70 Indicates the need to "Promote the development of protocols (...) for Ecuadorian people in transit and at destination and for people of other nationalities in transit through Ecuador, considering gender perspectives (...)" according to page 86. This norm, unlike the others, is the only one that mentions our study group and yet it was in force until 2021, so at present the new legislative forms that will govern instead of the agenda in comment in terms of policies for migrants and the report on the results of the agenda launched up to last year.

Now, this research was intended to address the context of the COVID 19 pandemic in relation to migrant women and the repercussions that the pandemic has had on them as well as the legal regulations that protect them in Ecuador. Two comments can be made in this regard: The first is that we are dealing with a group that is practically unprotected in Ecuador at the regulatory level before and during the pandemic. The second is that as we find ourselves in a context of a health crisis that is still developing, we can only comment on the projections that the pandemic could have on migrant women in the future and the consequences it has had so far.

Method

The research had an ethnographic design, considering as an approach to analyze in depth the dynamics of a certain social group, in this case migrant workers in Ecuador (Gómez et. al, 2017). It was framed at the exploratory level, addressing an almost unknown problem in the context of the COVID-19 pandemic.

In this order of ideas, the study sought to analyze the life of migrant workers in Ecuador in the context of COVID-19, and to know the meaning they give to their lives daily under these special circumstances. Therefore, it is considered a hermeneutic and interpretive investigation, which was supported by a structured interview developed with a key actor (Elieth Diez) who develops the international project on Venezuelan migration called "Venezuelan Research Community Migration: Impacts and Public Policy Implications" financed by the Interamerican Development Bank, based on a guide of specific questions. They met the inclusion criteria of giving the expert's informed consent, who in turn is also a migrant worker. The confidentiality of the information was maintained by always respecting the ethics of scientific research, among which we can mention not inducing responses and behaviors of the participants; as well as getting the interviewee to narrate her experience and perceptions, without criticizing or judging her.

In accordance with Creswell, 2013, cited by (Hernández-Sampieri & Mendoza, 2018), in qualitative research the sample intervals vary from 1 to 50 cases, which corresponds to the figure used in the present study. It should be noted that the interview was validated using the criteria of experts in law and research methodology. In addition, the main concepts and research background examined in the scientific literature on the subject were aided, as well as a pilot test that served to order the topics to be addressed and clarify some questions (Supo, 2013). Likewise, the sampling technique was non-probabilistic, specifically convenience sampling, made up of the available cases to which access was available (Hernández-Sampieri & Mendoza, 2018).

The data collection instrument was the researcher himself, who, through the interview, was able to collect the narrative data in the natural and daily environments of the participants (Hernández-Sampieri & Mendoza, 2018). Therefore, the study is of an observational type; prospective; cross; and descriptive (Vega, Navarro, Cejas, and Colcha, 2021; Supo and Zacarías, 2020); while, from the point of view of jurisprudence, it was socio legal (Tantaleán, 2016).

Discussion

The results obtained from the interviews achieved spontaneity and breadth of responses, which are detailed for each of the questions asked of Dr. Elieth Diez (expert in migration) who leads the international project "Venezuelan Research Community Migration: Impacts and Public Policy Implications" funded by the Interamerican Development Bank on Venezuelan migration. By virtue of what was stated to the key interviewee, some questions were asked that are shown in table 1.

Table 1
Interview

Items	Answers
How has the COVID 19 health crisis affected migration?	In the opinion of the interviewee, the health crisis has affected migrants as a vulnerable group, considering that many of them were then migrants in transit and, in this sense, they were in countries that were not their place of

Do you consider that migrant workers are a group that is much more exposed to the consequences of the health crisis?	destination and, evidently, the public policies adopted for the most part They did not benefit them or represent great changes for them since they were going directly to prohibit face-to-face spaces for groups beyond being beneficial for those who were in a situation of vulnerability. In the opinion of the interviewee, the health crisis effectively affected migrant women disproportionately as a vulnerable group. Just to give an example, the expert told us that in the United States 8 out of 10 migrant women who cross the border to reach the country were victims of some type of aggression such as violence, rape or human trafficking and this, in the middle of a pandemic with unpredictable conditions exposed them much more to any form of violence or vulnerability.
What public policies do you think should be implemented by governments to deal with the migration crisis arising from the health crisis? What are the parameters that characterize Ecuadorian regulations in the context of the health crisis, in relation to migrations?	The interviewee told us that not only in Ecuador but also worldwide there should be more organizations such as the International Organization for Migration (IOM) or UNHCR that allow processes to be managed to improve the living conditions and livelihood of migrants and that States should encourage the creation of these organizations in order to serve this group that is also in a vulnerable condition. In the opinion of the expert in Ecuador, although there are legal measures such as the Organic Law of Human Mobility and its regulations, the truth is that the Humanitarian Support Law has not been constituted as a true regulation that allows dealing with the sensitive situation of the migrants since the norm beyond contemplating legal measures that make the Ecuadorian market more flexible did not make greater considerations to vulnerable groups.
Do you think that more concise legal measures are required in Ecuador to address the needs of the migrant population? Which would be?	In the opinion of the interviewee, if more measures are needed in Ecuador to face the health crisis. He told us that some more concise measures such as the subsidy of salaries of vulnerable groups or laws that refer to fortuitous events that allow dealing with exceptional situations through the existence of economic funds that deal with the situation of vulnerable people. Obviously, this would avoid different scenarios for migrant women exposed today to illegal work, prostitution, or crime in the context of this health crisis.

Source: Navarro, Vega, Cejas, Liccioni (2022)

In another context, once the interview has been carried out, mention can also be made of the projections that, doctrinally, have the consequences of the COVID 19 pandemic on the migrant population, it is important to say that for 2020 there were two reports to which it is necessary to mention. The UN WOMEN (2020) called "gender-sensitive responses to COVID 19" and the other is the ILO report (2020) called "COVID and the world of work: repercussions and responses". In the ILO (2020) it was already indicated that "Epidemics and economic crises can have a disproportionate impact on certain population groups, and lead to an increase in inequality" (p. 7) as well as considering that 58, 6% of women working

worldwide do so in the service sector, the context of the crisis was going to have a disproportionate impact on them.

For its part, the report of the United Nations Organization for Women (2020) called "gender-sensitive responses to COVID 19" indicated that "times of crisis can lead to hasty decisions, without taking into account the rights (...) and perspectives of women especially because they are often omitted from decision-making in normal times" (P.2) all this considering that by then women only constituted 25% of legislators at the national level. issue that significantly compromised our participation in the decisions that were made at the time to deal with the health crisis and that, of course, help maintain the false perception that men handle crises better than women.

However, referring to a more recent document, we could mention what UN Women indicates in 2022 on its official website on "the consequences of the pandemic on women" which are a compilation of statistics carried out by the organization in this regard. The effects to date, although there are several, can be distributed in different areas of which it is interesting to comment on four of them: violence, economic disasters, unpaid work, and migrants.

In relation to violence, it is indicated that during the health crisis, 243 million women and girls have been victims of physical or sexual violence in the last year. All this is due to the economic concerns generated by the pandemic, the limited living conditions of some people, isolation from abusers, movement restrictions and unoccupied public spaces (UN Women 2022).

Pre-pandemic estimates calculated that one in three women would experience violence in her lifetime. However, since many of these women are now trapped at home with their abusers, this increases their possibility of suffering other forms of violence, an issue that is also not sufficiently addressed considering that assistance systems are overloaded and justice services are interrupted by violence. health crisis. What has been said explains without considering that due to the greater use of the internet due to movement restrictions, violence against women and girls online can increase in chat rooms and game platforms, but also in public spaces where women suffer. greater risks of suffering violence when moving to unoccupied urban or rural places to carry out their work duties, since many also work in the service sector as doctors, nurses, caregivers, (UN Women 2022).

Secondly, economic disasters are also present in the context of the health crisis and harm women as a vulnerable group. An example of this is that in the proportion of people with informal jobs worldwide, 58% are women, but at the regional level, in Latin America and the Caribbean they constitute 54% in relation to 52% of men with informal jobs. Women tend to earn less than men and this also compromises their economic empowerment and ability to save without considering that they have single-parent families and are less financially prepared to face crises than men (UN Women 2022)

unpaid work, thirdly, it can be said that women work 3 times more than men in housework and this has multiplied in the face of the closure of schools and

confinement, an issue that makes it difficult for them to take on paid work or maintain a work-life balance between work and family life without considering the burden of a lack of childcare support that is uniquely problematic for frontline crisis workers and single mothers with caregiving responsibilities.

Finally, according to estimates by the International Labor Organization (2022), global unemployment will increase between 5.3 million (in the best scenario) and 24.7 million (in the worst scenario) by the end of the pandemic. from a base level of 188 million in 2019, because of the effect of COVID-19 on global GDP growth. This will especially affect informal workers, migrants, youth, and the world's poorest people, among other vulnerable groups (UN Women 2022).

Regarding migrants, first, UN Women (2022) indicates that although they constitute the backbone of health systems and emerging economies, migrant women are at the forefront of the response to COVID-19. In a normal context, women migrant workers "already deal with interrelated forms of inequality and discrimination, suffer from the gender-specific restrictions of migration policies (...) and are more likely to suffer economic and sexual abuse and exploitation".

In turn, their possibility of being part of the submerged economy or informal economy is much greater than that of national women and this also implies low-paid jobs such as domestic workers, cleaners, and laundresses. As a result, they often do not have access to social security or health care, and statistically alone for the 8.5 million migrant domestic workers globally, the pandemic has meant the loss of their income and jobs, often accompanied by neglect. your well-being, health, and safety. Additionally, this has compromised the economic income of migrant workers who support their families and thus send less money because of the economic recession caused by the crisis.

As can be seen during an unprecedented health crisis, women constitute a much more vulnerable group, especially considering the context in which they work and the occupations they carry out, an issue that also makes them possible carriers of the virus. In fact, if the circumstances before the pandemic are considered, at least 18 million women in Latin America carried out their activities in sectors such as domestic or service and about 70% of them did so without maintaining any formal contract with their employers (Valencia, 2020, p. 12).

The UN in 2019 also reported in the report on the fulfillment of the Sustainable Development Goals that in the workplace worldwide at least 29% of countries respectively, showed considerable legal gaps in laws that protected women with respect to equal pay (UN, 2019). This was concatenated with the fact that also for 2019 there were important and sensitive negative repercussions in relation to gender budgets where in at least 69 countries of the world "90% had regulations and programs to address gender disparities, but only 43% reported that they had allocated sufficient resources to implement them" (UN, 2019).

Faced with this reality, important legislative measures were clearly required in the context of the health crisis to address the even more sensitive situation of migrant women. As has been seen in Ecuador, the legal system of our study, no specific legal measures had been established before the pandemic to protect this group

and this study must also analyze the legal norms considered within the health crisis for the protection of migrants.

First, on March 15, 2020, Ministerial Agreement No. MDT-2020-077 that restricted almost entirely all activities in all public and private areas with the establishment of teleworking. This measure was progressively changed until the progressive reincorporation of almost all public and private sectors to face-to-face attendance through Ministerial Agreement No. MDT-2021-214 in compliance with the general plan for the progressive and safe return to face-to-face work activities. These measures do not include or mention migrant women as vulnerable groups.

Additionally, in 2020 the study "Ecuador 2020 annual report" was carried out in conjunction with the United Nations Organization for Migration, also called UN Migration or IOM, where, beyond describing the reality of migrants, action plans have also been implemented. One of them is the Working Group for Refugees and Migrants from Venezuela (GTRM in Ecuador) where it has been possible to establish a solid structure that coordinates the response to the crisis in at least 6 sectoral Working Groups: 1) Food Security; (2) Accommodation (3) Protection, including Trafficking and Smuggling in Persons, and Child Protection; 4) Health and Nutrition; 5) Integration; and (6) Education. This group in Ecuador also has 3 other cross-cutting Working Groups to support the response: 1) Communication; 2) Information Management; and (3) Cash Transfer Programs.

In this sense, it was possible to help around 253,000 Venezuelans and at least by April 2021, 370,000 multisectoral assistance had been provided, which demonstrates an increase in the scope of interventions and represents a challenge of coordination of the GTRM. Currently, 9 local coordination structures have been established in places such as: Tulcán, Lago Agrio, Esmeraldas, Ibarra, Manta, Ambato, Guayaquil, Cuenca and Huaquillas under the help of the United Nations High Commissioner for Refugees (UNHCR) (IOM, 2022).

In the context of the action of the International Organization for Migration (IOM), humanitarian and emergency assistance work has also been carried out to meet the immediate and urgent needs of the migrant population in transit and with a vocation for permanence. Additionally, the report indicates that it seeks to help people who require lodging or resting place in cities, as well as hygiene kits, health emergency, clothing, etc. (IOM, 2022).

Additionally, food kits have been delivered in relation to the need of some groups of people and also assistance in emergency rent and household items through the payment of 1 to 3 months of rent to these migrants and the provision of some supplies to live. Actions have been carried out in shelters and land terminals to verify the minimum standards of some services such as: family reunification, medical appointments, employment and others within Ecuador, technical training in emergency response, etc. (IOM, 2022).

Among other actions, it can be mentioned that despite being face-to-face, they have achieved spaces that allow online assistance also to migrants. This service allowed systematic assistance to migrants even in times of more restrictive pandemic isolation measures, which was essential to determine that among the

groups that required the most priority attention were migrant mothers who maintained single-parent families and who, like other people requiring assistance, were helped through economic allocations that were managed through assistance. Telephone. In another aspect, the improvement of sanitary facilities in spaces where the migrant population predominates has been promoted and the walking migrants who crossed the north and south of Quito were helped (IOM, 2022).

Other achievements in Ecuador include IOM's ongoing support for the Undersecretariat of Migration through personal protective equipment for officials in the 21 migration support service offices and 22 migration control unit offices nationwide. This equipment also extends to technological equipment that facilitates teleworking and work at border points for the improvement of the essential infrastructure for the prevention of the proliferation of Covid-19 that allowed the adaptation of toilets and ventilation systems, the installation of thermal imaging cameras was achieved in 10 prioritized points and finally the necessary assistance was provided for the migratory registration of Venezuelan citizens during the pandemic. Another series of actions were also carried out through projects such as the Colombia Project, the IDF Government Project, the IDF MIES Project, the EUROFRONT, among others.

In relation to the gender approach during the year 2020, IOM continued its efforts in Ecuador, a country that is positioned as the first to implement IOM's Institutional Framework to Address Gender-Based Violence during Crises (GBViC Framework), an issue that "reinforces the Organization's responsibility towards populations, partners, donors and counterparts in quality GBV interventions as a fundamental part of IOM's operations in crisis situations" (IOM, 2020). The implementation of this tool has allowed the strengthening and responses to situations that allow the mainstreaming of the gender approach in relation to activities that allow the correct approach to the structural causes of this problem (IOM, 2022).

Como has been seen in the study there are many measures that through humanitarian actions and support from international organizations have been implemented in Ecuador to assist migrants. What is striking about these measures is that although they have been implemented, they have not gone hand in hand with the blurred legal reality of migrants in that country. To emphasize this, we could mention the legal regulations implemented by Ecuador in the context of the crisis that comes to be governed precisely by the Organic Law of Humanitarian Support to combat the health crisis derived from COVID 19, Official Register 0 Supplement 229 of June 22, 2020. The standard contains normative provisions that seek the implementation of measures that address the situation of the pandemic.

The first thing that must be said is that, in employment, it indicates in article 16 in the section "measures to support sustainability in employment" the possibility of "modifying the economic conditions of the employment relationship to preserve the sources of work and guarantee stability to workers. The agreements may not affect the basic wage or sectoral wages (...)". Through this, it allows the gradual reduction of working hours and the flexibilization of the labor market through

"emerging hiring for reasons of crisis". However, it does not mention women as a vulnerable group, much less mention migrant women.

As can be seen, the migrant population continues to this day to be not only the main engine of world economies but also part of those that make up vulnerable groups. Migrants, although they enjoy the recognition of the principle of equality and protection from any discrimination through the provisions of the Inter-American Court of Human Rights, Legal Status and Rights of Undocumented Migrants, Advisory Opinion OC-18/03 of September 17, 2003, paragraph 101, remain today a group exposed to many forms of discrimination, the first of which is the first of which, in our view, they do not have true international protection as there is not yet a true enshrinement of international law for migration.

This reality from a gender perspective is combined in Ecuador with a series of legal norms that protect women. In this way, the enshrinement of the principle of equality and non-discrimination and the different mechanisms of constitutional protection established by the State to guarantee compliance with these principles are observed. However, if the rules governing migration policies in that country are observed (the Organic Law on Human Mobility and its Regulations) there are no specific provisions that are responsible for regulating the sensitive status of women migrant workers.

In addition, the public policies that have been implemented during the health crisis for migrants in Ecuador, in conjunction with the UN MIGRATION and UNHCR, have also been commented. These initiatives are constituted in our opinion as important public policies for migrants that allowed assistance to them during the most complex part of the health crisis that was precisely in 2020. It is striking that in addition to this, actions were maintained during the period of isolation of the health crisis that allowed economic assistance to many migrants.

However, when analyzing the legal norms in the context of the pandemic in Ecuador, regulations have been established that distantly refer to migrants. Beyond different ministerial agreements or plans for the face-to-face return of work, the Ecuadorian State regulates the Organic Law of Humanitarian Support to Combat the health crisis derived from Covid 19, a norm that makes labor relations in Ecuador more flexible and imposes the possibility of establishing more flexible labor measures for employers to face the economic crisis that the pandemic has produced.

Nor does this legal norm refer to concrete measures that allow better conditions for vulnerable groups, including migrants. It is important to mention that in the context of a crisis like this, the State needed consideration for our study group that beyond the public policies that we have commented on shows an important legislative vacuum that allows them to face their sensitive situation as a vulnerable group during the pandemic.

Conclusion

This study has analyzed all the consequences that women have faced during the pandemic. Four were specifically mentioned: violence, economic disasters, unpaid work and the sensitive situation of migrants, of which it emphasizes that migrant women not only suffer the consequences of all women as a group exceptionally affected by the pandemic, but also constitute in themselves a vulnerable group that requires greater attention from States.

In Ecuador, faced with the sensitive migration crisis of which 48 per cent are women, as has been said, more concise legal measures were required for migrant women. As could be seen before the pandemic, there were regulations that did not consider them in a concrete way (such as the organic law on human mobility and its regulations) and others that did consider them but had a much lower hierarchy (such as the National Equality Agenda for Human Mobility of Ecuador). This situation is worrying from any perspective since they were not considered in the legal norms that can be evidenced in the context of the health crisis.

Migrant workers are in this context legally unprotected by this host country through the invisibility of regulatory policies that allow their development as part of the economy of that country, it is therefore required of their consideration by the Ecuadorian legal system issue that could begin with a census with respect to how many of them still work in Ecuador and the conditions in which they exercise their work. It is also necessary some regulation with a gender policy that allows them to access decent work means in the context of the pandemic or the relaxation of measures so that they have a legal job in the country as well as livelihood and support programs for migrant women so that they can insert themselves into Ecuadorian society.

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