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FROM RHETORIC TO RIGHTS: TOWARDS GENDER-JUST TRADE



ACRONYMS AND ABBREVIATIONS

BITS	Bilateral Investment Treaties
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CSO	Civil Society Organisation
DAGs	Domestic Advisory Groups
EBA	Everything But Arms
EC/U	European Commission/Union
EPA	Economic Partnership Agreement
FDI	Foreign Direct Investment
GRPS	Gender-Responsive Public Services
GSP/+	Generalised System of Preferences (Plus) Scheme
IIA	International Investment Agreements
ILO	International Labour Organisation
ISDS	Investor State Dispute Settlement
IMF	International Monetary Fund
SIA	Social Impact Assessment
SMEs	Small- and Medium-Sized Enterprises
TiSA	Trade in Services Agreement
TNCs	Transnational Corporations
TPP	Trans-Pacific Partnership Agreement
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNCTAD	UN Conference on Trade and Development
VAT	Value-Added Tax
VAWG	Violence Against Women and Girls
WRO	Women's Rights Organisation
WTO	World Trade Organisation

Cover: The exploitation of women workers through their underpaid labour and relative lack of bargaining power serves as a competitive advantage to many developing countries seeking to attract investors by keeping labour and production costs low. ActionAid is supporting women garment workers in Bangladesh, as well as in Vietnam and Cambodia, to learn about their rights and demand accountability from their governments.

CONTENTS

4	Executive Summary
6	Introduction: Making the case for a gender-just approach to trade
7	Part 1: Why current approaches are missing the mark
8	Profiting from abuse: women in global value chains
9	A case in point: public services up for grabs
10	Gender and trade chapters: Tinkering around the edges
10	Patchy promotion of gender equality through market access schemes
11	Learning from the social clauses experience
12	Part 2: 10 Principles for a gender-just approach to trade
20	Conclusion
22	Appendix I: Women's Rights Organisations call on Governments to Reject the WTO Declaration on "Women's Economic Empowerment"
23	Appendix II: Tools and resources to inform gender-responsive, rights-based social impact assessments
25	References and endnotes

EXECUTIVE SUMMARY

Increasing attention is being given to the relationship between gender and trade by policy-makers at the national and global level. If designed carefully, trade rules and policies can help address the structural barriers that prevent women from accessing their full rights, and contribute to the realisation of gender equality and equitable development for all. However, all too often, poorly designed trade policies and a system of rules that privilege the interests of wealthy countries and corporates over women's rights, human rights and the environment have been deeply harmful to women – especially those from the poorest and most marginalised communities.

This includes by:

- **infringing on the policy space of governments to implement their women's rights and human rights commitments. This includes by limiting the ability of states to provide quality, gender-responsive public services, infrastructure (GRPS) and social protection**
- **concentrating women in jobs with low wages and poor working conditions**
- **undermining livelihoods and land rights of small-scale women farmers, producers and informal sector workers**
- **placing restrictions on intellectual property rights that threaten access to medicines and seeds, hampering rights to health and food sovereignty.**

As gender and trade moves up the political agenda, governments have a new opportunity to demonstrate their commitment to women's rights and gender equality. To do this meaningfully, they need to go beyond initiatives that simply seek to integrate more women 'in' trade, playing increased lip-service to gender while pushing for ever deeper liberalisation and greater rights for investors. Such false solutions, dubbed 'pink-washing' by feminist activists, largely overlook the far-reaching, often deeply harmful impacts of trade policies on the lives of women and girls. They ignore the way the global economy and transnational corporations directly benefit from entrenched patterns of exploitation of women's paid and unpaid labour. Critical issues of democratic oversight and participation, corporate power and accountability, and the ways in which global trade rules often exacerbate historical power imbalances between countries in the Global North and South also remain unaddressed.

A major step-change is long overdue. This requires a fundamental reorientation¹ of trade and investment policies; first and foremost, they must support governments' efforts to meet their binding international commitments on women's rights, human rights, labour rights and the environment.

Transforming trade policies, systems and institutions so they are gender-just is not sufficient on its own to achieve trade justice for all, but rather forms a critical component of this broader agenda. Similarly, changes to the global trade system need to go hand-in-hand with wider macroeconomic reforms that ensure that the economy works for everyone, including women and girls, while redressing power inequalities between the Global North and South.

This report offers a modest contribution to current debates on gender and trade. It draws on the analysis of feminist economists, women's rights organisations (WROs) and movements, the trade justice movement, trade unions and wider civil society, along with ActionAid's experience of supporting women and girls to claim their rights in more than 45 countries around the world, to propose 10 principles for taking a gender-just approach to trade. Such an approach aims to address both the gendered and wider social and economic inequalities and injustices rooted in and aggravated by the current global trade system, and comprise a key step towards achieving trade justice for all.

The principles and accompanying recommendations are aimed at governments, policy-makers and multilateral institutions shaping global trade rules and policies, including the World Trade Organisation (WTO) and the United Nations Conference on Trade and Development (UNCTAD). The paper should also be valuable to corporates working on this agenda.

STRUCTURE OF PAPER

The paper begins by arguing why a transformative, gender-just approach to trade is so urgently needed (p.6). It follows with an examination of why current approaches are falling short (p.7), including initiatives such as SheTrades and the insertion of gender chapters in trade deals (p.9). This includes a reflection on what can be learned from labour clauses in trade deals and conditional market access schemes. The detrimental impact of trade liberalisation and privatisation on the provision of quality GRPS is highlighted, along with exploitation of women in global value chains of transnational corporations (TNCs) (p.8). The 10 principles which follow (p.12) come with additional analysis and specific recommendations.

Overview:

10 PRINCIPLES FOR A GENDER-JUST APPROACH TO TRADE

Principle 1: Trade policies promote and protect human rights, women's rights, labour rights and the environment, over and above the rights of investors and free market expansion.

For accompanying recommendations, see page 13.

Principle 2: Trade policies are democratic, accountable and transparent, and subjected to parliamentary and public scrutiny, including by WROs, trade unions and wider civil society.

For accompanying recommendations, see page 13.

Principle 3: Trade is approached in a gender-responsive way that recognises the diversity of women and the overlapping systems of oppression that many face.

For accompanying recommendations, see page 14.

Principle 4: Trade policies are based on the holistic, systematic and regular gathering of gender-disaggregated evidence, based on feminist models and frameworks.

For accompanying recommendations, see page 14.

Principle 5: Trade policies do not impinge upon the policy space of states to meet their constitutional, national and international obligations to protect, respect and fulfill human rights, including by provisioning quality, gender-responsive public services, infrastructure and social protection.

For accompanying recommendations, see page 16.

Principle 6: Trade supports the creation of decent work for women and sustainable industrial strategies.

For accompanying recommendations, see page 17.

Principle 7: Corporations are held to account for rights violations and environmental abuse.

For accompanying recommendations, see page 18.

Principle 8: Trade is used as a tool to support wider development and human rights goals, and to eliminate inequalities between countries in the Global North and South.

For accompanying recommendations, see page 18.

Principle 9: International trade and investment safeguards women's livelihoods, land rights, food sovereignty and the natural environment.

For accompanying recommendations, see page 19.

Principle 10: Intellectual property rights do not infringe on the right to health and food sovereignty.

For accompanying recommendations, see page 20.

Introduction

MAKING THE CASE FOR A GENDER-JUST APPROACH TO TRADE

"Trade is leaving too many individuals and communities behind ... and adjustment to trade can bring a human and economic downside that is frequently concentrated, sometimes harsh, and has often been prolonged."

**International Monetary Fund (IMF),
World Bank and WTO²**

Governments all over the world have made numerous major commitments to achieving gender equality and realising women and girls' human rights. These include the Sustainable Development Goals and Agenda 2030, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights, to name a few.

Important progress has been made over recent years, such as an increase in the number of girls attending primary and secondary school, and reduced levels of maternal mortality in many contexts.³ However, advances have been uneven; in other areas, such as the fulfilment of women's economic rights and ending violence against women (VAWG), progress remains unacceptably slow.⁴ More alarmingly still, in areas such as women's sexual and reproductive health rights, hard won gains are being dangerously eroded.⁵

Prevailing patriarchal norms⁶ that discriminate against women mean they remain concentrated in the most poorly paid, vulnerable and part-time roles in the economy. As such, women are over-represented in the informal sector, in export-orientated manufacturing and production, and in small-scale agricultural work. Women also undertake more than 76% of the world's unpaid care work,⁷ which remains largely invisible and uncounted, despite providing the foundation to our economies and societies. Despite comprising almost half of the world's agricultural producers,⁸ women own less than 20% of land.⁹ One in three women will experience violence in her lifetime¹⁰ (see Box 1). For many, violence will be a daily occurrence, impacting women and girls' physical and mental health, while presenting barriers to mobility,

BOX 1

VIOLENCE: A COMMON EXPERIENCE FOR WOMEN AND GIRLS EVERYWHERE

Most often perpetrated by a current or former partner, violence against women and girls takes many forms, including acts or threatened acts of physical, sexual or psychological harm.¹¹ Such violence also entails harmful practices such as child marriage and female genital mutilation, as well as economic violence, like controlling access to finances, paid work or an education.¹² Women and girls are targeted for violence in their homes, in public spaces and in places of work. It is committed by family members, colleagues, strangers, and authorities acting on behalf of the state and private companies. Economic policies and corporate practices that systematically exploit women and girls, such as oppressive working conditions that cause physical and psychological harm, also constitute a form of violence.

political participation, education and engagement in income-generating activities.

What does all this have to do with international trade? Trade policies, like all macroeconomic policies, are neither gender neutral nor apolitical. Rather, such policies have a different impact on women and men because of their gender-related roles and positions within society and the economy. They also impact women and men differently due to other, overlapping aspects of their identities and corresponding systems of oppression. These include factors like class, race, age, migrant status, sexual orientation and gender identity, geographical location and disability, amongst others.

Feminist economists and activists have long highlighted that, contrary to the common assumption that more free trade will benefit all, trade and investment rules that compel countries to rapidly liberalise and deregulate their economies can have dire consequences for women and men living in the Global South (see Appendix I).¹³ The economy-wide effects of such deals – particularly deals between more wealthy and powerful countries in the Global North, including many former colonial powers, and countries in the Global South – have served to exacerbate and exploit women's historical position of social and economic disadvantage. Moreover, the ability of developing countries to

sustainably develop and grow their economies is being hampered. This includes by:

- **privileging the interests of multinational companies** over obligations on women's rights, human rights and environmental protection, with inadequate means to hold companies to account for rights violations linked to their activities
- **infringing on the policy space of governments to resource and implement their women's rights and wider human rights commitments.** This includes market liberalisation and cuts in trade tariffs that deplete domestic resources to provide quality GRPS, infrastructure and social protection that are vital for redressing women's unequal share of unpaid care work and tackling VAWG
- **concentrating women in jobs with low wages and poor working conditions,** including in global value chains of transnational corporations, where rights to unionise are limited and sexual harassment and violence are commonplace
- **undermining livelihoods and land rights,** including of small-scale women farmers, producers and informal sector workers, who struggle to compete with multinational companies and commonly face displacement and the fall-out of environmental harm
- **placing restrictions on intellectual property rights** that limit access to medicines and seeds, threatening rights to health and food sovereignty.

What is more, citizens – and especially women – from the most marginalised communities who may experience the most negative impacts of free trade remain largely excluded from trade-related decision-making processes at all levels.¹⁴ Meanwhile, wider democratic oversight and scrutiny of trade deals is alarmingly absent.

Part 1 WHY CURRENT APPROACHES ARE MISSING THE MARK

"If there was genuine interest in women's human rights, governments would change the rules of international trade that currently drive down women's wages, displace women from their land and privatise public goods to enrich multinational corporations."

Kate Lappin, Regional Coordinator, Asia Pacific Forum on Women, Law and Development (now Regional Secretary for the Asia Pacific region, Public Services International)¹⁵

ActionAid has supported 50 women in Bena Ntumba village in the Democratic Republic of Congo by providing them with seeds to grow crops. Intellectual property rights restrictions in trade deals could hinder women's access to and use of such seeds, threatening their livelihoods and food security.



Recent years have seen an increasing rhetoric and number of initiatives on gender and trade. Among these are the 2017 WTO Joint Declaration on Trade and Women's Economic Empowerment,¹⁶ and the International Trade Centre's SheTrades initiative, supported with funding from several governments, including the United Kingdom, Australia and Norway.¹⁷ SheTrades, which has various major corporate partners including eBay, UPS and Maersk, aims to "connect one million women to [the] market by enhancing their competitiveness and creating sustainable connections between buyers, partners and women entrepreneurs".¹⁸

The growing recognition of the need to consider gender in trade policy is welcome. However, such approaches remain largely focused on integrating more women 'in' trade through global value chains, and 'economically empowering' individual, often relatively more wealthy, women in a bid to boost growth. Such measures seem based on an erroneous assumption that women are excluded from trade

and simply need to be better incorporated into it. As with the IMF's growth-orientated push to increase women's labour force participation,¹⁹ this ignores the fact that women are often deeply embedded in trade but on extremely poor terms (see Box 2), both through their under-paid labour and unpaid care work.

The false solutions offered by mainstream approaches wilfully ignore the structural, damaging impacts of trade rules and policies on the lives of countless women and girls, particularly those living in poverty in the Global South. SheTrades is a clear example of a project working to integrate women into trade without questioning underlying power dynamics or the accountability of states and corporates. Such initiatives remain wholly inadequate, even dangerous, to women's rights, given that they are emerging at a time of, and potentially seeking to distract from, wide-sweeping measures to further deepen and expand economic liberalisation and corporate power within trade deals.

BOX 2

PROFITING FROM ABUSE: WOMEN IN GLOBAL VALUE CHAINS

The expansion of corporate value chains through trade and investment deals has certainly created many jobs for women in sectors such as garments, textiles, shoes and agricultural processing. But these jobs are notoriously poor quality and dangerous, and fall far short of decent work as defined by the ILO.²⁰

Women's cheap, abundant labour and relative lack of bargaining power serves as a comparative advantage to exporting countries seeking to attract investors. In Bangladesh, Cambodia and Vietnam, for instance, women – often young, poorly educated migrants from impoverished rural areas – comprise around 80% of the export garment manufacturing workforce.²¹ Sewing clothes for major global brands, these women spend long hours in cramped, toxic and unsafe conditions. They do not earn enough to support themselves and their families, leading many to fall into debt.²² Contracts are insecure or non-existent, meaning women workers are often denied key social protections, such as paid parental and sick leave, as well as a pension. Rights to

unionise and engage in collective bargaining to improve conditions are also being eroded in many countries. This includes within Export-Processing Zones,²³ specially created areas that offer incentives to foreign investors to attract their business, such as reduced red tape.

Countless women working in factories, as homeworkers or as agricultural producers as part of global value chains regularly endure violence and harassment.²⁴ This includes sexual and verbal abuse by male supervisors or authorities. Women also face threats and violence for engaging in union activities to claim their rights or defend their land and livelihoods from large-scale investment projects, such as mining and agribusiness. All too often, this comes at the expense of their lives.²⁵

After some thirty years of this model of export-orientated growth, an over-reliance on foreign direct investment (FDI), along with trade and investment rules that privilege corporates, mean that many developing countries remain stuck at the bottom of the value chain.

A case in point: **PUBLIC SERVICES UP FOR GRABS**

Quality GRPS, infrastructure²⁶ and social protection are an essential means for governments to realise the rights of women and girls. Being gender-responsive means services are publicly funded and freely accessible, and are designed and delivered in consultation with women to ensure they are appropriate to their needs while being directly accountable to them. Investments in water and sanitation, housing, healthcare, electricity, roads, transport and decent housing are urgently needed for women living in poverty, where infrastructure and services remain poor quality and limited, with women literally left to fill the gaps. Indeed, the rights of women and girls to education, leisure and decent work, and to participate in political decision-making, are often undermined because of their vastly disproportionate responsibility for unpaid domestic work, child-rearing, and caring for the sick and the elderly. At the same time, unpaid care work remains largely invisible and unvalued, despite its fundamental role in the functioning of societies and economies. Alongside initiatives to challenge and change these social norms, GRPS provision is a critical means of reducing and redistributing women's unpaid care work from households and communities to the state. Recognition of the role of public services in this regard, along with government commitments to act accordingly, are now enshrined under Target 5.4 of the Sustainable Development Goals.²⁷

GRPS are also essential to effectively prevent and respond to VAWG. Specialised health and psychosocial care, safe houses for women and children, and a sensitised police force and judiciary, are vital in supporting women to overcome their experiences of violence and for perpetrators to be held accountable. Street lighting and safe, efficient public transport can also help reduce women's fear of violence in public spaces, which can present a major barrier to their mobility.²⁸

However, rich countries and corporations have been successfully pushing for the increased inclusion of public services within so-called '21st Century trade deals'. Negotiated behind closed doors with no scope for democratic scrutiny, deals such as the Trans-Pacific Partnership Agreement (TPP) and the Trade in Services Agreement (TiSA) will require all public services to be opened up to full global competition unless they have been

specifically excluded via a negotiated list of exceptions. Once an industry has been opened up, clauses in the deal mean that a later government will find it difficult to reverse privatisation.²⁹

Meanwhile, the inclusion of investor-state-dispute settlement (ISDS) clauses in trade deals will continue to allow TNCs to sue resource-strapped governments for hundreds of millions of dollars in often clandestine hearings if they feel a new policy measure may threaten their investments or profit margins. This is the case even when these policies are designed to help a government meet its human rights obligations.³⁰ For example, a French company recently tried to sue the government of Egypt for compensation after it raised the minimum wage.³¹

As the case of Gabon shows (see Box 3), privatisation and deregulation can lead to low quality and patchy provision of services, especially to the poorest – and therefore least 'profitable' – communities, as well as the introduction of user fees.³² Women's disproportionate unpaid care responsibilities means they stand to be most acutely affected by these shortfalls.

BOX 3

PRIVATE WATER FIRM FAILS TO DELIVER

The government of Gabon and the French company Veolia are locked in a major struggle over control of the country's water system. In February 2018, the Gabonese authorities physically took over the headquarters of the Libreville-based water and electricity company, Société d'Énergie et d'Eau du Gabon (SEEG), which is 51% owned by Veolia, and cancelled its concession in a dispute about service quality. President Ali Bongo Ondimba's government claims that Veolia – which reportedly has a turnover of some €1bn from its African operations – has provided a poor service and has not spent what it was supposed to on infrastructure investment and upkeep.³³

Gender and trade chapters: **TINKERING AROUND THE EDGES**

The inadequacies of mainstream approaches to ensuring the fulfilment of women's rights and wider social justice through trade can be seen by examining the emerging trend of including gender chapters in trade deals.

While numerous trade agreements have made some mention of gender and human rights over the years,³⁴ these references remain patchy and tokenistic. For example, WIDE+, a European women's rights network, found that almost half of the EU's Economic Partnership Agreements (EPAs) make no reference to gender, another 20% refer to gender but not to gender equality or women's rights, and only 15% include a specific gender article.³⁵ No EPA has yet established a monitoring mechanism to assess the differentiated impacts of the deal on women and men.³⁶

In what may at face value seem like a groundbreaking shift, and largely following the initiative of Chile, gender chapters now appear in three trade deals: between Chile–Uruguay (2016),³⁷ Chile–Canada

(2017)³⁸ and Canada–Israel (2018)³⁹ respectively.⁴⁰ The inclusion of such chapters means that, to some extent, gender considerations fall within the scope of trade itself, rather than sitting in the development and cooperation sections as has been the case previously. The Chile–Uruguay and Chile–Canada deals also allow for a monitoring mechanism to be established in the form of a Trade and Gender Committee.⁴¹

The draft gender chapter in the modernised EU–Chile agreement currently under negotiation also acknowledges for the first time that “trade liberalisation may affect men and women in different ways as workers, producers, traders or consumers”, and recognises that “further information is needed to better understand such differential impacts”.⁴²

Although these chapters have increased the visibility of gender within trade instruments, significant flaws remain and they fall far short of the transformation to the global trading system that is needed. As highlighted by UNCTAD, the provisions remain light-touch and must not interfere with other binding commitments on market access; they do not set out milestones, concrete goals or gender-related standards, and fail to include measures to redress negative impacts of the broader agreement on gender equality and women's rights.^{43,44} The remit of the Trade and Gender Committees is limited to organising

BOX 4

PATCHY PROMOTION OF GENDER EQUALITY THROUGH MARKET ACCESS SCHEMES

The market access schemes granted to some developing countries by wealthier countries on the condition of adherence to various human and labour rights commitments – including CEDAW – are also not translating into meaningful change for women and girls. For example, the EU tracks countries' compliance with its Generalised System of Preferences Plus Scheme (GSP+) through a scorecard, using reports from the ILO and other UN bodies monitoring adherence to international human rights and labour rights conventions.⁴⁵ According to the European Commission (EC), “the system's most effective leverage is not primarily based on the real use of sanctions, but on its strength to act as a deterrent due to the consequences of a potential loss of trade preferences”.⁴⁶

But such conditionalities can serve to reinforce structural inequalities between countries and may be deployed to serve wider geopolitical interests, as suggested by the inconsistent way sanctions are

applied. Moreover, a focus on tracking national uptake of human rights commitments ignores the huge gaps in implementation of these in practice. For instance, the Women's Economic and Social Think Tank's (WESTT) review of GSP+ monitoring reports showed that Pakistan is breaching more core conventions than Sri Lanka did in 2010 when its GSP+ access was revoked. This has left WESTT to conclude that the scheme is, above all, benefiting big business in the export sector,⁴⁷ while throwing into question the ability of such schemes to act as a deterrent. Civil society has also expressed alarm about the lack of transparency around the scorecards, which prevents them from being able to meaningfully engage in the process.⁴⁸

Serious concerns have also been raised about the potential for preferential market access schemes to actually incentivise human rights violations, which are always gendered in their impacts. For example, in Cambodia, large-scale agribusinesses have been seeking to benefit from Cambodia's preferential sugar tariffs and EU market access under the Everything But Arms scheme, leading to land-grabbing, the undermining of livelihoods and food security, and violence against human rights defenders.⁴⁹

LEARNING FROM THE SOCIAL CLAUSES EXPERIENCE

Social clauses allowing trading partners to protect and strengthen labour standards are now a common feature of international trade agreements. Some 40% of agreements contain conditional social clauses, implying they are linked to economic sanctions or benefits, while the remaining 60% rely on dialogue and cooperation.⁵⁰

A number of these clauses relate to gender equality, such as those referencing the principle of the elimination of discrimination in respect of employment and occupation. As of 2017, 27% of side agreements⁵¹ on labour made reference to gender.⁵² However, similar to what has been found concerning gender provisions, monitoring and accountability mechanisms to ensure commitments are adhered to remain weak.

For instance, the EU now includes social clauses in its trade deals that mandate the creation of official monitoring committees along with Domestic Advisory Groups (DAGs). DAGs include civil society, academia and business. However, DAG members have reported being hampered by unclear aims, inadequate resourcing and limited influence on the official committees.⁵³

Deep disagreements remain over the value of social clauses. Many governments and trade unions in the Global South argue that social clauses could be used to disguise protectionism.⁵⁴ The imposition of trade sanctions on industries where labour standards are found lacking does not in itself improve conditions for workers.⁵⁵ Moreover, the effectiveness of labour clauses on improving labour standards remains unclear.⁵⁶

More positively, social clauses have been successfully invoked by civil society to challenge rights violations against women. Submissions filed under the North American Agreement on Labour Cooperation, alleging in 1997 that pregnancy tests were conducted in Mexican maquilas as a condition for employment, led to legal changes and some company commitments to end the practices.⁵⁷ Similarly, under the US–Central America–Dominican Republic Trade Agreement, American and Honduran trade unions filed a submission about the working conditions of women in garment factories, leading to a labour rights monitoring and action plan.⁵⁸

These examples point to the importance of strong labour unions and civil society activism in protecting and promoting women's rights in the context of global trade.

the implementation of the gender cooperation activities rather than monitoring progress. Questions also remain about how participatory the committees will be, and whether there will be space at the table for WROs, particularly those representing the most marginalised constituencies of women and girls.

The recently-signed Canada–Israel agreement has, for the first time, included its gender and trade chapter within a dispute-settlement mechanism. This means that economic sanctions could be imposed on a party failing to adhere to a recommendation by the independent panel judging a dispute. If Canada and Israel cannot agree on how to respond, or if the panel concludes that their response is inadequate, benefits may be temporarily suspended.

Broadly, the inclusion of gender provisions within trade agreements will remain nothing more than 'pink-washing' in a context where deals are negotiated in secret, aimed at cementing the interests of elite interests over the promotion of human rights.

And as the experience of conditional market access schemes and social clauses show (see Boxes 4 and 5), including 'binding' gender provisions for states in trade deals is unlikely to lead to gender-just trade, while glossing over and potentially exacerbating power imbalances between countries, which are rooted in colonial legacies of the exploitation and expropriation of people and natural resources.

It is time for the international community to get serious about meeting their global commitments on women's rights. This means moving beyond simply seeking to integrate more women into trade and explicitly recognising and addressing the far-reaching impacts trade has on the lives of women and girls, particularly in marginalised communities in the Global South.



The expansion of global value chains has seen women concentrated in low paid work with poor working conditions and little recourse to redress. This garment factory in Bangladesh is about a kilometre from the women's rights café run by ActionAid, where women garment workers become empowered by learning about labour laws and their rights.

PRINCIPLES FOR A GENDER-JUST APPROACH TO TRADE

"We are calling on our governments to stop negotiating away our rights through trade negotiations ... We are calling for a development framework that aims to reduce and completely eradicate inequalities of wealth, power and resources between countries, between rich and poor, and between men and women."

Joan Salvador, Gabriela Women's Alliance, Philippines⁵⁹

The following proposed principles offer a framework for helping to ensure that trade policies not only do no harm to women, but actively support the fulfilment of all human rights.

Transforming trade policies, systems and institutions so they are gender-just is not sufficient on its own to achieve trade justice for all, but rather forms a critical component of this broader agenda. Similarly, changes to the global trade system need to go hand-in-hand with wider macroeconomic reforms geared towards ensuring the economy works for everyone, including women and girls, while redressing historical power imbalances between the Global North and South.

The principles and recommendations are aimed at governments, policy-makers and multilateral institutions shaping global trade rules and policies, including the World Trade Organisation and the United Nations Conference on Trade and Development. The paper should also be valuable to corporates working on this agenda.

Principle 1: Trade policies promote and protect human rights, women's rights, labour rights and the environment, over and above the rights of investors and free market expansion.

Explicitly re-orientating⁶⁰ trade policies towards the achievement of substantive gender equality and women's rights, along with wider human rights and the protection of the environment, is critical to reversing the prevailing patterns of exploitation and abuse, and to overcoming the shortcomings of current approaches. This means moving away from unfettered market liberalisation and reshaping trade policies so they help states meet their existing binding commitments in these areas.

This requires governments and policy-makers to commit to the following:

- Fundamentally recalibrate the role and importance of trade vis-à-vis the attainment of women's rights, human rights and environmental protection, supported by strong domestic, regional and international regulatory frameworks.
- Mainstream and strengthen gender provisions in trade deals so they directly link to women's rights. Include clear goals and targets for implementation based on states' existing human rights and labour rights commitments, including CEDAW (see Principle 6).
- Gender provisions should be backed by strong monitoring and accountability mechanisms that ensure investor rights do not take precedence over human rights. These mechanisms should be transparent and designed to include the full and meaningful participation of women, particularly from marginalised groups.
- These mechanisms should link to public, domestic legal systems that ensure access to effective remedy for women whose rights have been violated by corporate or state activities. Remedial mechanisms should take account of the particular barriers to justice women may face based on their gender as well as, for instance, age, race, caste, class and disability, amongst others.⁶¹
- Monitoring and accountability mechanisms should be designed in ways that aim to complement and strengthen existing regional and international human rights architecture and institutions.

Principle 2: Trade policies are democratic, accountable and transparent, and subjected to parliamentary and public oversight and scrutiny, including by WROs, trade unions and wider civil society.

Given the huge economic gains and losses that are at stake, trade negotiations are especially subject to capture by elite interests, both within governments and among parliamentarians and the corporate sector.⁶² However, limited resources and capacity along with prevailing North–South power imbalances mean that trade negotiations are often heavily biased against developing countries.⁶³ Moreover, the negotiation processes are notoriously exclusive and opaque, spurring vociferous campaigning by civil society.⁶⁴ This includes advocacy by women's movements, such as at WTO trade talks,⁶⁵ and a backlash by citizens across much of Europe against the proposed EU–US Transatlantic Trade and Investment Partnership (TTIP).⁶⁶

This requires governments and policy-makers to commit to:

- Ensure the full democratisation of trade negotiations, decision-making and monitoring of trade. This means ensuring that democratically-elected parliamentarians are able to meaningfully engage in the process with transparent parliamentary oversight throughout.
- Uphold the right of citizens to meaningfully participate, including WROs, trade unions and wider civil society.
- Donors should fund and build the capacity of CSOs, women's rights organisations and others in the Global South to engage in the trade policy-making process and wider advocacy efforts.

Principle 3: Trade is approached in a gender-responsive way that recognises the diversity of women and the overlapping systems of oppression that many face.

A gender-just approach to trade necessitates that the trade policy process is gender-responsive. This means that trade policies and processes recognise and respond to the diverse realities and constraints faced by particular groups of women and men based on gender and other intersecting aspects of their identities, such as age, race and class. Gendered, human-rights impact assessments are one principal means for working towards this (see Principle 4). A gender-responsive approach also requires political leadership from the highest levels to rapidly institute and resource measures to prevent or tackle any harmful impacts.

A gender-responsive approach requires governments, donors and decision-makers to:

- invest in the time and resources to meaningfully consult with women, particularly those from the most marginalised communities
- base analysis on a gender aware model of the economy that recognises women's disproportionate levels of unpaid care work and their over-representation in the informal sector⁶⁷ as well as the violence that many face
- significantly invest in trade and gender capacity building, including within trade ministries and trade negotiating teams. Seek advice and guidance from feminist economists and WROs.

Principle 4: Trade policies are based on the holistic, systematic and regular gathering of gender-disaggregated evidence based on feminist models and frameworks.

Thorough, regularly conducted and gender-responsive impact assessments of the social, human rights and environmental impacts of trade deals and policies are essential to informing evidence-based, gender-just trade policies. As explored in Box 6, presently, gender analysis is inadequately addressed in trade impact evaluations, which remain preoccupied with quantitative measures of tariffs, trade flows and volumes, based on linear cause-effect models.

Recommendations

- Current social impact assessments (SIA) approaches need to be significantly improved by grounding in gender-responsive, human rights-based frameworks, to enable a more complete understanding of the ways in which trade policies may affect particular groups of women.
- Governments and policy-makers should make use of the numerous models, approaches and indicators developed by feminist economists and others, such as UNCTAD, to support the process. A few of these are listed in Appendix 2.

Drawing on these, measures to ensure SIAs are more gender-responsive and grounded in human rights include:

- o Expanding the scope of evidence to include more qualitative data. This should entail a focus on consultations with WROs and women from marginalised groups, with better integration of the information gathered.
- o Use gender-disaggregated statistics throughout, collected at regular intervals to enable comparisons over time. This includes sex-disaggregated employment and wage data that distinguish between export sectors and import-competing sectors.⁷¹
- o Careful modelling of the gendered, human rights impacts in every sector of the economy, including public goods and services provision, access to and control over land, water and natural resources, food security, access to health including sexual and reproductive health, informal and unpaid work, and women's unpaid care work⁷²
- o Offer a gender-based distributional analysis of impacts across a variety of groups, workers and households. This should also apply an intersectional lens, which considers the overlapping forms of oppression experienced by women from different social groups, which may see them be over (or under) represented in particular sectors of the economy.
- o Incorporate indicators to assess the impact on women's human rights and women's capabilities, such as violence against women, precarious working conditions and a possible increasing work burden on women.
- o Consider and include measures to address the additional economic constraints a country may be facing, such as high levels of debt or other donor policy conditionalities that are necessitating structural economic reforms, as well as external factors such as climate change and violent conflict – all of which have particular, and often disproportionately harmful, impacts on women and girls.



Frances, 37, and her daughter Rochelle, 15, sell goods on a dark street in Monrovia, Liberia. ActionAid is campaigning to improve street lighting to make the city safer for women. Trade tariffs provide vital revenue for governments to fund public services and infrastructure and fulfill gender equality commitments.

BOX 6

Room for improvement: THE EU'S TRACK RECORD OF SOCIAL IMPACT ASSESSMENTS

The EU, along with the US and Canada, now has a mandatory requirement for SIAs to be conducted on its trade deals. Encouragingly, it also adopted guidelines on the analysis of human rights impacts for trade-related policy initiatives in 2015.⁶⁸ SIAs include an assessment by a team of independent experts and a public consultation. Sectors of the EU's and partner countries' economies likely to be particularly impacted are analysed. For example, if an agreement aims to reduce tariffs on particular products, the SIA will look at what this would mean for jobs in those industries and how it may affect consumer prices.⁶⁹ This results in a final report, which the EU must then respond to.

However, most agreements are ex-ante only (meaning they take place before the deal is ratified and implemented), and don't always evaluate impacts after the deal has been implemented (known as ex-post assessments). Furthermore, a review of 25 EU SIAs found that, "in most cases SIAs include some gender aspects, but the gender component is usually minimal, and the analysis is not carried out in a systematic way".⁷⁰ The depth and quality of gender analyses were also found to vary. The weaknesses in framing, approach and methodology have led feminist economists and WROs to conclude that current SIAs do not enable valid and sound conclusions of foreseen gendered impacts to be drawn.

Principle 5: Trade policies do not impinge upon the policy space of states to meet their constitutional, national and international obligations to protect, respect and fulfil human rights, including by provisioning quality, gender-responsive public services, infrastructure and social protection.

As discussed on page 9, quality, freely available GRPS and infrastructure, funded through a system of progressive taxation, are a principal means through which states can work towards the progressive realisation of the rights of women and girls. A gender-just approach to trade means protecting the sovereign policy space of governments to meet their human rights commitments, including by preventing against the privatisation of public services, which can lead to patchy and poor quality provision.

It also means making sure that free trade deals don't deplete the domestic resource base needed to pay for public services through unsustainable tariffs cuts. Such trade taxes are a particularly important source of revenue for developing countries. According to the IMF, "trade tax revenue typically constitutes between one-quarter and one-third of total tax revenue in low and middle-income countries, and only a negligible share in high income countries".⁷³ Although it is challenging to isolate specific trade-related impacts in a context of multiple influencing factors, an analysis of 22 sub-Saharan African countries⁷⁴ has found that trade liberalisation has contributed to declines in the ratio of trade-to-total government revenue of more than 20% in Mauritius, more than 10% in Côte d'Ivoire and Senegal, and more than 5% in Cameroon, Tunisia and Mozambique.⁷⁵

And it can be difficult for developing countries to find alternative revenue sources to plug these gaps. A study of 125 countries over 20 years concluded that low-income countries typically recover just 30 cents at most for each dollar of lost trade tax revenue, even in the long-term.⁷⁶ The gaps in tax revenue are compounded by the often lengthy tax holidays granted to multinationals along with widespread tax avoidance by companies investing in the Global

South.⁷⁷ What is more, the burden of making up lost revenue is at risk of being shifted disproportionately onto women, particularly those from the poorest income groups, through the expansion of regressive taxes, such as value-added tax (VAT).⁷⁸ With its blanket tax rate on products, VAT overwhelmingly ignores women's position of relative economic disadvantage, as well as gender-differentiated spending patterns linked to their unequal levels of unpaid care work.⁷⁹

Recommendations

- Exclude public services from trade deals, or at least exclude the critical services of health, education, early childcare, water and sanitation, and electricity, and limit the inclusion of others by operating a positive list system, whereby countries specify which services they wish to liberalise, with the option of reversing decisions in the future.
- Include a detailed assessment of the intersectional, gendered human rights impacts of any proposed liberalisation of services sectors, as well as the impacts of tariff reductions on women's ability to access GRPS, particularly in relation to their unpaid care work and VAWG.



Girija, 41, started a small business by producing washing powder and selling it at her local market in India. Small market traders can struggle to compete with a flood of cheap imports facilitated by trade deals.

Principle 6: Trade supports the creation of decent work for women and sustainable industrial strategies.

The creation of decent jobs for women and an end to their systematic exploitation within global value chains is urgently needed and long overdue. The comprehensive decent work framework developed by the ILO, entailing opportunities, rights at work, social protection, and social dialogue, along with gender-specific ILO Conventions (outlined below) should serve as guiding pillars to these efforts. Fulfilling women's right to decent work requires implementing strong regulatory frameworks on labour standards, holding companies accountable for rights violations (addressed in Principle 7), and respecting and supporting the rights of all workers, including women, to engage in union activities. Decent work for women cannot be achieved without implementing measures to recognise, reduce and redistribute their unpaid care work, which presents a major barrier to regular, quality employment (see Principle 5).

Ensuring that trade and investment agreements, including BITs and IIAs, do not hamper the ability of developing countries to nurture fledgling industries and diversify their economies is also key to creating decent, sustainable jobs, in line with SDG Target 8.2.⁸⁰ Reducing reliance on FDI also means jobs are at less risk when investors suddenly withdraw in the wake of economic shocks, as was the case in a number of garment and textile-exporting countries following the 2008 financial crash, when large numbers of women lost work.⁸¹

Recommendations to promote decent work for women and support sustainable industrialisation

- Ratify and resource the implementation of key ILO Conventions, including those that are of particular relevance to women, such as: Convention No. 100 on equal remuneration for work of equal value;⁸² No. 156 on workers with family responsibilities;⁸³ No. 189 on the rights of domestic workers;⁸⁴ and Recommendation No. 204 concerning the transition from the informal to the formal economy.⁸⁵
- Support the ongoing efforts for the adoption of a new ILO convention on gender-based violence in the world of work.⁸⁶
- Exclude provisions that could threaten workers' rights; include safeguards that protect against the lowering of labour standards and uphold the policy space of governments to safeguard and enhance workers' rights,⁸⁷ particularly women workers' rights.
- Provide technical and financial support to the domestic enforcement of labour standards,

including by investing in the capacity of labour ministries and inspectorates. Build knowledge and understanding of gendered discrimination and exploitation, including VAWG.

- Protect the right of developing countries to establish protections for particular sectors and products, including those where women dominate, including by placing restrictions on some investors and forms of FDI.⁸⁸
- Developing countries should review, reform and, where necessary, cancel BITs and IIAs to ensure that they promote human rights and women's rights, and do not erode the policy space of states to regulate inward investment and protect and support emerging domestic sectors. Developed countries should work with developing countries to reform their joint BITs and IIAs from the perspective of social, gender and other equity and human rights considerations.

Principle 7: Corporations are held to account for rights violations and environmental abuse.

TNCs remain implicated in far-ranging and systemic rights violations and environmental harms throughout their supply chains and in the countries in which they operate, with little recourse to justice for those experiencing the abuse. Such violations are deeply gendered in their impacts. They include poor labour standards, violence against women human rights defenders, environmental destruction and forced displacement. The widely recognised shortcomings of current mechanisms for holding corporates to account and ensuring access to remedy for survivors of rights violations has led the UN to mandate the development of a global, legally binding treaty to regulate corporate activities.⁸⁹ However, despite the fact that most TNCs are domiciled in their territories, countries in the Global North have been largely unsupportive of the treaty process to date, including by trying to block and frustrate it.⁹⁰

Meanwhile, as the example of TiSA shows, corporates are using trade deals to augment their power further, including their power to shape domestic policies in their favour and to challenge government policies aimed at promoting human rights through the invocation of the ISDS mechanism.

Recommendations

- Include clear, binding obligations for investors on labour rights, human rights and women's rights, including mandatory requirements for corporates to undertake gender-responsive human rights due diligence⁹¹ in line with their obligations under the UN Guiding Principles on Business and Human Rights.⁹²
- Ensure access to effective remedy and redress for women and their communities whose rights have been violated.
- Support the UN process to establish a binding treaty to regulate the activities of transnational corporations, taking into account the calls by the Feminists for a Binding Treaty Coalition to ensure this addresses women's rights concerns.⁹³
- Eliminate ISDS clauses and abolish ISDS mechanisms and current variants, such as the EU's proposed Multilateral Investment Court. Any new mechanism should be fully transparent and based around a dispute prevention policy, domestic dispute settlement and the exhaustion of local remedies, and/or state-to-state arbitration – noting this may require the strengthening of the domestic legal system.⁹⁴

Principle 8: Trade is a tool to support wider development and human rights goals, and to eliminate inequalities between countries in the Global North and South.

Trade should be designed in a way that recognises and seeks to address social and economic inequalities between countries. Preferential market access schemes, for instance, offer important vehicles for developing countries to enter the markets of wealthier countries. There is scope for these schemes and accompanying measures to be improved and broadened as part of a comprehensive approach to trade and development.⁹⁵

Wealthy countries and trading blocs in the Global North should commit to:⁹⁶

- ensuring preference schemes are based on modern, objective developmental metrics rather than outdated country income classifications, so that preferences are directed to where they could have the greatest impact
- using these updated metrics to expand unilateral preference schemes, ensuring they are regularly reviewed to guard against preference erosion

or other negative impacts on workers and consumers, including women, in any of the trading partner countries

- improving the product coverage of preference schemes to maximise the benefits for developing countries, with particular attention paid to opportunities to enhance benefits for small-scale women farmers and producers
- re-focusing Aid for Trade to support developing country producers, particularly women producers, women-owned small and medium-sized enterprises (SMEs), and sectors with a high proportion of women workers, to increase regional trade and export opportunities whilst promoting the right to decent work⁹⁷
- providing technical capacity building and support to developing countries to meaningfully participate in international decision-making and rule-setting.

Principle 9: International trade and investment safeguards women's livelihoods, land rights, food sovereignty and the natural environment.

"Women peasants have been devastated by free trade policies that open up agricultural markets to foreign investment. Trade liberalisation worsens corporate land-grabs that deprive women of their land and livelihood resulting in widespread hunger that destroys communities and deepens women's misery."

Zenaida Soriano, AMIHAN National Alliance of Peasant Women, Philippines⁹⁸

The majority of women in poor communities work in the informal sector, often making a living by producing and selling local agricultural products. According to UN Women, 95% of women in South Asia and 89% of women in sub-Saharan Africa are in informal employment as a percentage of total employment,⁹⁹ working as vendors, traders or subsistence farmers, for example. When markets are flooded with cheap imports of similar goods, women farmers and traders can find it difficult to compete. Women farmers are often excluded from agricultural extension services and may struggle to access technological inputs and



Hen Kheang, a garment worker in Phnom Penh, Cambodia, holds her three-month-old baby. Garment workers are not paid a living wage so often struggle to meet the needs of themselves and their families.

market information, as well as knowledge about and capacity to meet the stringent quality and labelling standards required to access export markets.¹⁰⁰

Women can also face displacement and loss of livelihoods when governments open up areas to large-scale foreign investments, such as agriculture,¹⁰¹ mining and extractive industries, tourism, and infrastructure projects.¹⁰² In addition, the loss of access to land and water resources, as well as the environmental harm often caused by such projects, can pose a risk to food security given that many women produce food both for their families' consumption and as an income-generating strategy. Food security and sovereignty – the ability of communities to control the way food is produced, traded and consumed – can be further undermined when countries shift to export-orientated production, often entailing intensive monocropping that depletes and contaminates soils, rather than producing for local needs.

Recommendations

- Ensure that trade policies, including market access schemes, do not incentivise land-grabbing and displacement, including by fully implementing the Tenure Guidelines on land, fisheries and forests, as well as other regional guidelines.¹⁰³
- Ensure the free, prior and informed consent of all communities affected by land transfers, including women from the most marginalised communities and groups.
- Special safeguard mechanisms informed by gender-based criteria should allow developing countries to temporarily increase tariffs on certain products to protect women farmers and consumers against price fluctuations from import or export surges.¹⁰⁴
- Address the capacity and technological barriers faced by small-scale women farmers and producers to improving the quality and

competitiveness of their produce, and to accessing relevant services, information, business networks and technical and technological inputs. This should include through climate resilient sustainable agricultural techniques that improve women farmers' ability to cope with the impacts of climate change.¹⁰⁶

- Support small-scale female producers and traders to form collectives and cooperatives to help them diversify into and supply large volumes of potentially exportable products¹⁰⁷ in a way that does not jeopardise local food sovereignty.
- Developing countries should be allowed to engage in the public stockholding of food to protect against volatile global food prices.¹⁰⁸

Principle 10: Intellectual property rights do not infringe on the right to health and food sovereignty.

The introduction of intellectual property rights provisions within global trade rules, notably the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), are further serving to increase the rights of companies, often with particularly dire impacts for women and girls. TRIPS patents are being applied to critical public goods, such as medicines and seeds, thereby restricting access and usage, and keeping prices beyond the reach of many.¹⁰⁹ Women's disproportionate responsibility for unpaid care work, their specific reproductive health needs, gender-based violence that leaves them at increased risk of contracting HIV and other life-threatening conditions from infected partners, as well as their lesser earning power, mean they may experience such limited access to medicines particularly acutely. Similarly, seed patents can hinder women farmers from being able to save and store seeds, forcing them to become dependent on multinational agribusiness firms while affecting food security and sovereignty in the immediate and longer term.¹¹⁰

In order to ensure women have improved access to essential medicines and resources for food sovereignty, governments should:

- reform intellectual property rights rules to be aligned with the provision and support for access to affordable medicines and food security and sovereignty
- exempt least developed countries from the implementation of the WTO TRIPS Agreement.¹¹¹

Conclusion

TOWARDS ECONOMIES THAT WORK FOR ALL

The increasing intensification of the free trade model over the last 30 years has led to exponential levels of economic inequality within and between countries, along with potentially irreversible environmental destruction and climate change. Women and girls, especially those living in poor and excluded communities in the Global South, are bearing the heaviest brunt of these impacts. Gender chapters and 'add-women-and-stir' approaches to trade remain far removed from the complete transformation of global trade rules that is needed, whereby trade serves to protect and promote women's rights, human rights and the environment, while helping to shift prevailing structures of power.

This paper has offered principles and recommendations to support governments and other international actors to achieve these ends. Underscoring all of this is the need for decision-makers to start valuing and listening to the wisdom and knowledge of women's movements and wider social and trade justice movements, which is rooted in the lived experiences of women and communities accumulated over many decades.

This agenda is particularly urgent given the current push for deeper liberalisation, deregulation and privatisation being seen in the new raft of so-called 21st Century trade deals. These deals threaten the hard-won gains on women's rights in recent years and will hamper the ability of governments to meet their international commitments under CEDAW, Agenda 2030 and other binding global and regional conventions. Efforts to change trade policies need to be accompanied with steps to reform wider macroeconomic models and rules, to ensure a coherent approach towards the achievement of substantive gender equality and human rights for all.

ActionAid supported garment workers in Savar, Bangladesh, to demand their rights under the country's labour laws.



APPENDIX I

This letter was written in response to the WTO's Joint Declaration on Trade and Women's Economic Empowerment that was issued at the WTO Ministerial Conference in Buenos Aires 2017. It was signed by some 164 organisations.

Women's Rights Organisations call on Governments to Reject the WTO Declaration on “Women's Economic Empowerment”

12 December 2017

We, women's rights organisations and allies, call on state parties to the World Trade Organisation to refrain from adopting the proposed “Joint Declaration on Trade and Women's Economic Empowerment”. We appreciate that governments are increasingly recognising the gendered impact of international trade and trade rules imposed through the WTO and preferential trade agreements. However, this declaration fails to address the adverse impact of WTO rules and instead appears to be designed to mask the failures of the WTO and its role in deepening inequality and exploitation.

The declaration takes a very narrow approach to assessing the gendered impacts of trade. Even if the benefits the WTO bestows on the richest 1% of the world's population were evenly split between men and women, the majority of the world's women would not benefit. Increasing access to credit and cross border trade for a few women will not benefit women's human rights overall. The declaration is a 'pink herring', an attempt to obscure the harm WTO provisions have on women while ensuring the WTO can bring in 'new issues', likely to deepen inequality.

The removal of tariffs and import limits alone have been detrimental to women's rights. Tariff reductions reduce government revenue essential for public investments in health, education, energy, water, transport and social protection. Reduced public expenditure impacts most heavily on the economically poor and particularly poorer women. Governments are increasingly replacing that revenue with regressive taxes, such as Goods and Services Taxes which have discriminatory effects. The influx of subsidised food and inputs displaces local production and the WTO has forced governments to remove valuable policy instruments that allow them to regulate the flow of imported goods in order to support local production and to provide local, pro-poor subsidies.

It is now clear, that the neoliberal project involving austerity, privatisation, deregulation of finance, markets and corporations, and trade and investment liberalisation has had a devastating and discriminatory impact on women. Neoliberalism is sexist and is simply incapable of supporting gender-equitable and just sustainable development, no matter how it is spun.

The proposal for the WTO to deal with 'new issues' threatens women's human rights even further. Those 'new issues', include harmful services provisions that deepen corporate power and the inclusion of e-commerce that will limit regulation of the world's largest, tax avoiding corporations. If governments are genuinely interested in advancing women's human rights through just trade arrangements, they would allow for pro-poor public stockholding of food, allow any domestic regulations a state deems necessary to advance women's human rights and the public interest, ensure that states can fully utilise intellectual property flexibilities to provide access to medicines, seeds, technologies that advance women's human rights and refrain from entering into any bi-lateral or multi-lateral agreements that further restrict the capacity to use domestic regulations in the interests of the public in any way they deem necessary.

We do not seek a retreat to combative nationalism in the name of trade protectionism. We support multilateralism. However, multilateralism must be based on solidarity, democracy and human rights, rather than the interests of unaccountable multinational corporations or wealthy states.

Available at: <http://www.world-psi.org/en/womens-rights-organizations-call-governments-reject-wto-declaration-womens-economic-empowerment>

APPENDIX II

Tools and resources to inform gender-responsive, rights-based social impact assessments

- Guiding Principles on human rights impact assessments of trade and investment agreements¹¹³
- UNCTAD's Trade and Gender Toolbox¹¹⁴ and its policy brief on undertaking gender-aware ex-ante evaluations of trade policies¹¹⁵
- The General Equilibrium Model for assessing the effects of trade on women developed by Marzia Fontana and Adrian Wood for the UK's Department for International Development¹¹⁶
- Indicators for assessing gendered impacts of trade policies, along with a matrix for monitoring these, are given below.

Possible indicators for assessing gendered impacts of trade policies

- Ratio of female to male income
- Female share of the labour force in export processing (could be sector-specific) and import-competing sectors
- Ratio of male to female unemployment (can also be disaggregated over export and import-competing sectors)
- Gender gap in underemployment (given that unemployment data is an inadequate indicator)
- Occupational sex segregation (economy as a whole, sector-specific)
- Gender wage gap
- Gender gap in unpaid labour
- Food affordability

Based on Van Staveren, 'Gender indicators for monitoring trade agreements' in *The Feminist Economics of Trade* (2007). See endnote 74.

Gender impacts monitoring matrix

Impact type (category of analysis)	Key questions	Impact indicators
Wages and work conditions	How has the gender composition of the labour force changed?	# male workers in sector # female workers, by occupation
	Have salaries increased/decreased?	Annual salary levels, by occupation and by gender
	Is the percentage of jobs that are subcontracted/informal increasing/decreasing?	% subcontracted/informal jobs for men/women, by sex
Career development	Have permanent jobs increased/decreased? Has this been sustained over time?	% or # formal jobs for men/women, by year and by gender
	Do employers provide training and incentives to develop workers' skills base?	\$ invested in training/incentives for men/women, by firm
	Have new job opportunities/categories been created for women and men?	# and type of new jobs for men/women, by firm
Social security	Has gender segregation by occupation increased/decreased (net or compared to other sectors)?	# male/female workers, by occupation
	Do gender gaps exist in benefits coverage (social security/health)?	# male/female workers with benefits coverage, by type
	Has the gender wage gap increased/decreased?	Salary levels, by occupation and by gender
Discrimination	Do hiring protocols ban gender discrimination (impacting men or women) on the part of small, medium, and large employers in the sector, and are these enforced?	Primary sources (hiring protocols) and secondary sources
	Are trade promotion programmes or initiatives targeting small, medium, and large firms?	# SMEs and large firms targeted, by sector/region, by women-led business
	Are SMEs receiving the required training and information services to be able to access new export markets?	# SMEs targeted # women-led businesses targeted type(s) of training and information
Competitiveness of small- and medium-sized enterprises (SMEs)	Are small businesses facing particular barriers being targeted by trade promotion programmes?	# minority/women-led business beneficiaries # minority/gender-specific initiatives
	Are business owners (women and men) able to access sufficient resources and capital, and in turn to access new export markets?	Levels of start-up capital, by sector and by firm
	Has the distribution of land ownership changed? Has food insecurity become a problem in main regions affected by the sector?	Primary sources (land ownership policies and regulations) # of child food programmes in schools, by region
Access to assets/resources	Have rural-urban migration flows changed in main regions affected by the sector?	Internal migration trends, by region

Adapted from MacLaren and Kolaric, 2013. See endnote 118.

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ActionAid works with women and girls living in poverty. Our dedicated local staff are helping end violence against women and girls and changing lives, for good. We won't stop until women and girls are out of danger, out of poverty and on track to create the future they want.

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