

## What needs to change to make trade policy work for gender equality?

Outcomes from a joint webinar, December 2017

Ensuring women have access to the benefits of trade is only part of the story. To promote gender equality we must acknowledge, and tackle, the harmful impacts of liberalised trade on women. On 13 December 2017, the Gender & Development Network and Oxfam came together with experts working on women's rights, development economics, climate justice and globalisation, to discuss the current impacts of trade on women, and propose ways in which trade policy and agreements must change in order to ensure that they support, instead of threaten, gender equality and women's rights. The webinar took place the day following the presentation of the [Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires](#), and sought to re-centre the discussion of structural impacts of trade liberalisation on women's rights, challenging narrow efforts to merely increase women's participation in trade and promote women's entrepreneurship.

### Speakers:



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## How does trade impact on gender equality and women's rights?

- **The opening up of public services to privatisation reduces their affordability, thereby increasing women's unpaid care burden.** Public services are increasingly included in trade agreements, which facilitate their privatisation by, for example, increasing the cost of service provision for governments. Women carry out far more unpaid care work than men, and public services play a key role in reducing and redistributing this care work. The privatisation of these public services is often associated with higher user costs and uneven coverage in rural areas, reducing accessibility particularly for marginalised women. Further, when public services are cut, women tend to step in and fill the gap in provision, increasing their unpaid care burden and reducing their ability to participate in other activities.
- **Liberalisation reduces the taxes that governments receive through trade, so shrinking government revenue and the funds available for social spending and other measures to promote gender equality.** This is a particular problem for some governments in the Global

South where trade taxes can be as much as 25% of their total revenue. Moreover in order to make up for this lost revenue, governments may increase excise taxes which will increase price burdens on household budgets.

- **Export-oriented growth relies on women's low wages and poor conditions to undercut competition, while mobility of investment reduces bargaining power.** Women make up the majority of workers in export processing zones and these are sites of lax labour laws and heightened gender wage discrimination. Exploitation of women workers also happens in agriculture, particularly horticulture and floriculture.
- **Trade in intellectual property rights affects women as agricultural producers** – for example, seed patent laws can usurp women's traditional knowledge for purposes of profit, impacting food security of rural households.
- **The majority of informal cross-border traders are women, and they face a number of gendered obstacles.** In general, they are less educated than men, and so are disadvantaged in reaching markets; they possess lower value goods to trade due to agricultural obstacles; they are subject to the burden of unpaid care work, meaning they have less time for trade; and tend to trade as individuals so do not benefit from collective organising.

'Women are used as a cost-cutting strategy by many firms, because of their lower bargaining power and the gender pay gap.'

**Nursel Aydiner Avşar**

## How does trade policy need to change in order to support gender equality and women's rights?

- Firstly, we must remember that **trade policy and agreements are not technocratic or bureaucratic process**, but have profound impacts on how governments can, and do, respect, protect and fulfil the rights of their citizens, which they are legally obliged to do.
- Secondly, **human rights commitments such as those enshrined in the UN Charter and the Vienna Convention take precedence** over trade agreements and laws, and are not geographically bound – states must not impinge on other states' ability to respect, protect and fulfil their citizens' rights.
- As such, there is a need for more **checks and balances** so that state obligations on human rights, women's rights, and sustainability are not compromised by trade agreements, and this must include **transparent negotiation processes**, including consultation with women's rights organisations and other stakeholders such as indigenous people.
- **Ex-ante gender impact assessments must be conducted**, using resources such as the [UNCTAD trade and gender toolbox](#), which provides a step-by-step guide to conducting such an assessment. This includes examining the gendered nature of national economies, identifying the potential impacts of the proposed trade agreement on different sectors, and a checklist of accompanying measures to reduce any negative impacts and strengthen any positive impacts on gender equality.

'As we see institutions such as the WTO taking on issues of gender equality, women's organisations, together with unions and those working on corporate accountability, must shape what that means.'

**Jessica Woodroffe**

## What do trade agreements need to include?

- **Binding commitments to protect and promote women's rights and gender equality must be included in trade agreements**, within labour chapters or other relevant chapters. These could include binding commitments to close the gender pay gap, outlaw discrimination at work, support women's unpaid care through paid parental leave, and tackle violence against women in the workplace, among others.
- **Governments must ensure that policy space to enact measures to support gender equality and women's rights is maintained.** Processes such as investor-state dispute settlement mechanisms (ISDS), which allow companies to sue states, threaten states' ability to promote gender equality measures. Policies such as promoting public procurement from women-owned enterprises could be curtailed through ISDS mechanisms on the basis of 'unfair' privileging of women-owned enterprises. Policy exceptions must be guaranteed within trade agreements in order to uphold states' human rights and gender equality commitments.
- Beyond this, **trade agreements must guarantee the protection of key industries and sectors**, such as textiles and agriculture, in order to prevent the influx of cheaper imports, which undermine local production and women's unequal ability to compete.

'Women are not excluded from international trade regimes, but their experience has been far from empowering.'

Priyanthi Fernando

## Moving forward

- The problem is not about including women in trade, but instead recognising that there are negative impacts of trade that need to be dealt with
- Trade agreements aren't just a technical exercise: they need to be consistent with states' human rights obligations and policy space for governments must be maintained
- Transparent negotiation processes are essential, as well as consultation with marginalised women and women's rights organisations
- It must be recognised that women are not a homogenous group, and that the benefits of trade must not be captured by women with privilege
- Looking forward, we must consider the changing landscape of work and the impact of technology on gender inequalities, and the role trade plays in entrenching or challenging this
- Ex-ante impact assessments and gender-disaggregated data are essential in order to promote trade agreements which promote, instead of threaten, gender equality and human rights

**Webinar recording:** What needs to change to make trade policy work for gender equality? 13 December 2017, <http://bit.ly/2oJRuLb>

**Further reading:** Making trade work for gender equality, Gender & Development Network, July 2017 <http://bit.ly/2AzvZIL>

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