Gender Mainstreaming in Free Trade Agreements: ITC's Gender Responsiveness Framework

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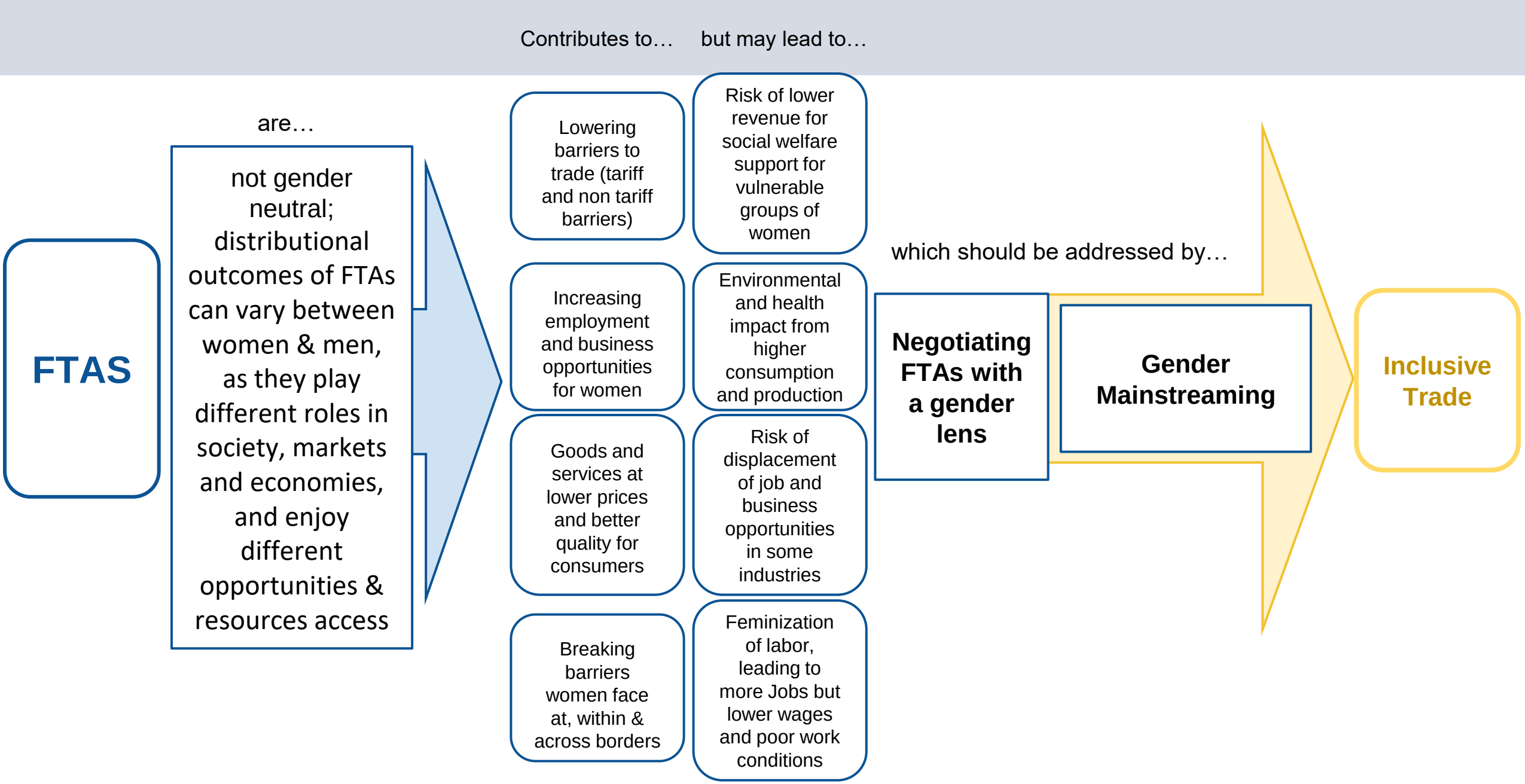
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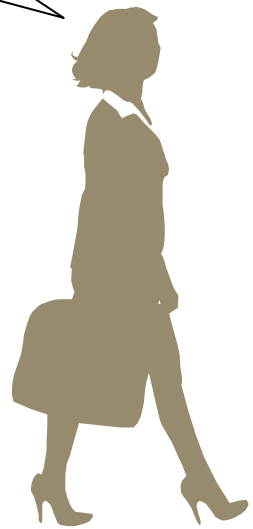
Policy recommendations


Contributes to…
but may lead to…
FTAS
are…
not gender neutral; distributional outcomes of FTAs can vary between women & men, as they play different roles in society, markets and economies, and enjoy different opportunities & resources access
Lowering barriers to trade (tariff and non tariff barriers)
Risk of lower revenue for social welfare support for vulnerable groups of women
Increasing employment and business opportunities for women
Environmental and health impact from higher consumption and production
Goods and services at lower prices and better quality for consumers
Risk of displacement of job and business opportunities in some industries
Breaking barriers women face at, within & across borders
Feminization of labor, leading to more Jobs but lower wages and poor work conditions
which should be addressed by…
Negotiating FTAs with a gender lens
Gender Mainstreaming
Inclusive Trade

Why Use Trade Agreements to Empower Women?

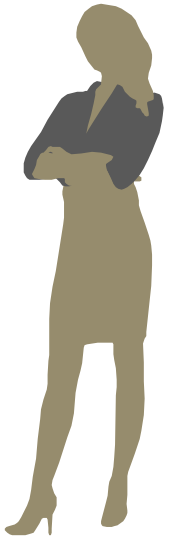
Breaking Barriers

Breaking Barriers at borders, within borders and across borders:
Access to resources, labour standards, maternity needs protection, education and health, physical safety, breaking trade barriers, exploitation, discrimination, and others



Creating Opportunities

Creating new employment and business opportunities for women:
Jobs creation with higher salaries & better work conditions, new markets & clients, participation in value chains, market access expansion, e-commerce & flexible work opportunities, and others



Why negotiating instruments work?

1 Diplomatic reasons



Ease of negotiating with certain economies

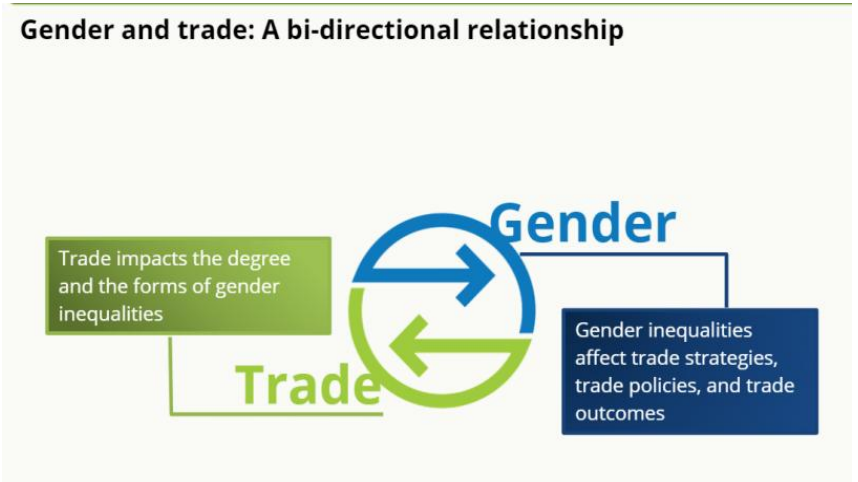


The inclusion of gender provisions is a precondition to negotiate with others

2 Substantive reasons



The Business Case: Gender Equality benefits the economy



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Types of Inclusion



01.

Cooperation-styled provisions

It is drafted as a positive affirmation to cooperate nationally and/or internationally on various issues that directly refer to or mention terms relating to gender or women in a clear and explicit manner.

02.

Re-affirmations to international standards or conventions

A country may reiterate its commitment to an international law document, convention, treaty or declarations where they have expressed their will, support or intention in favor of something.





03.

Right to regulate or reservations

These provisions are styled as the act of keeping back, withholding, or setting apart a right or making a qualification.

04.

Exceptions and waivers

Exceptions are express exclusion of something from operation of the agreement. Waiver is an act or instance of waiving a right or claim.





05.

Labour Standards or other cross-cutting provisions

Provisions that are added as labour standards (such as elimination of discrimination, equal pay for equal work, safety at the workplace and protection from workplace harassment) or in other chapters and disciplines, including fisheries, agriculture, investment and market access.



06.

Inclusion in preambles, objectives and principles

When related commitments are included in an agreement's preamble or its general objectives or general principles clause.

07.

Minimum legal standards or domestic standards

With policy commitments, countries attempt to approximate their laws or policies with other parties and assume commitments relating to their domestic laws, rules, regulations, policies or practices.





08.

Procedural provisions on implementation, review, enforcement and dispute settlement

Such provisions are added to identify procedures and institutions to implement, enforce, oversee and review the implementation of the agreement's commitments related to gender equality.

09.

Protocols, recommendations or side instruments

Gender related commitments negotiated as a follow-up to the main negotiations of the agreement, that are styled as recommendations or guidelines or memorandums or letters.





10.

Others (Provisions related to inclusive development, redressing inequalities and/or other concerns)

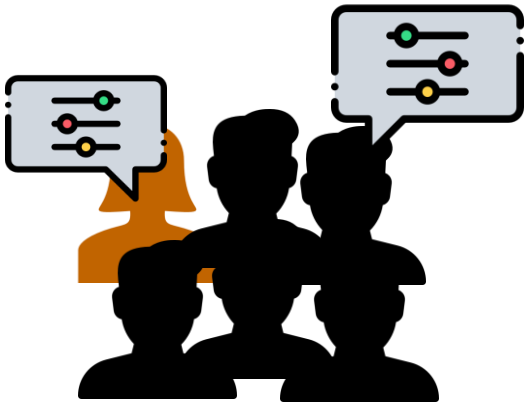
Provisions that mention related terms such as inclusive development, redressing inequalities and other similar concerns.

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What impedes gender mainstreaming? The Hesitations and Impediments



1. Fears of Protectionism and cultural imperialism



2. Underrepresentation of women in policy-making roles



3. Lack of political will



4. Cost of compliance, and probability of compliance



5. Absence of expertise and paucity of gender disaggregated data



6. Lack of understanding and awareness

Measuring Gender-Responsiveness of FTAs: ITC's Maturity Toolkit

Category	Definition	Dimensions
Awareness	This category reflects parties' awareness and the importance they assign to the incorporation of gender concerns in the given free trade agreement (FTA).	1. Frequency of Relevant Provisions 2. Location of Relevant Provisions 3. Affirmations and Reaffirmations
Affirmative Action	This category reflects whether parties to the given FTA consider or commit to any affirmative action to incorporate gender concerns.	4. Cooperation Activities 5. Institutional Arrangement 6. Procedural Arrangements 7. Review and Funding
Enforcement	This category reflects whether parties to the given FTA consider or commit to the robust enforcement of gender-components included in the FTA.	8. Settlement of Disputes 9. Waivers, Reservations & Exceptions 10. Minimum Legal Standards

Limited

FTA at this level is either completely or close to being gender-blind or gender-neutral in nature as it fails to mainstream gender concerns.

Evolving

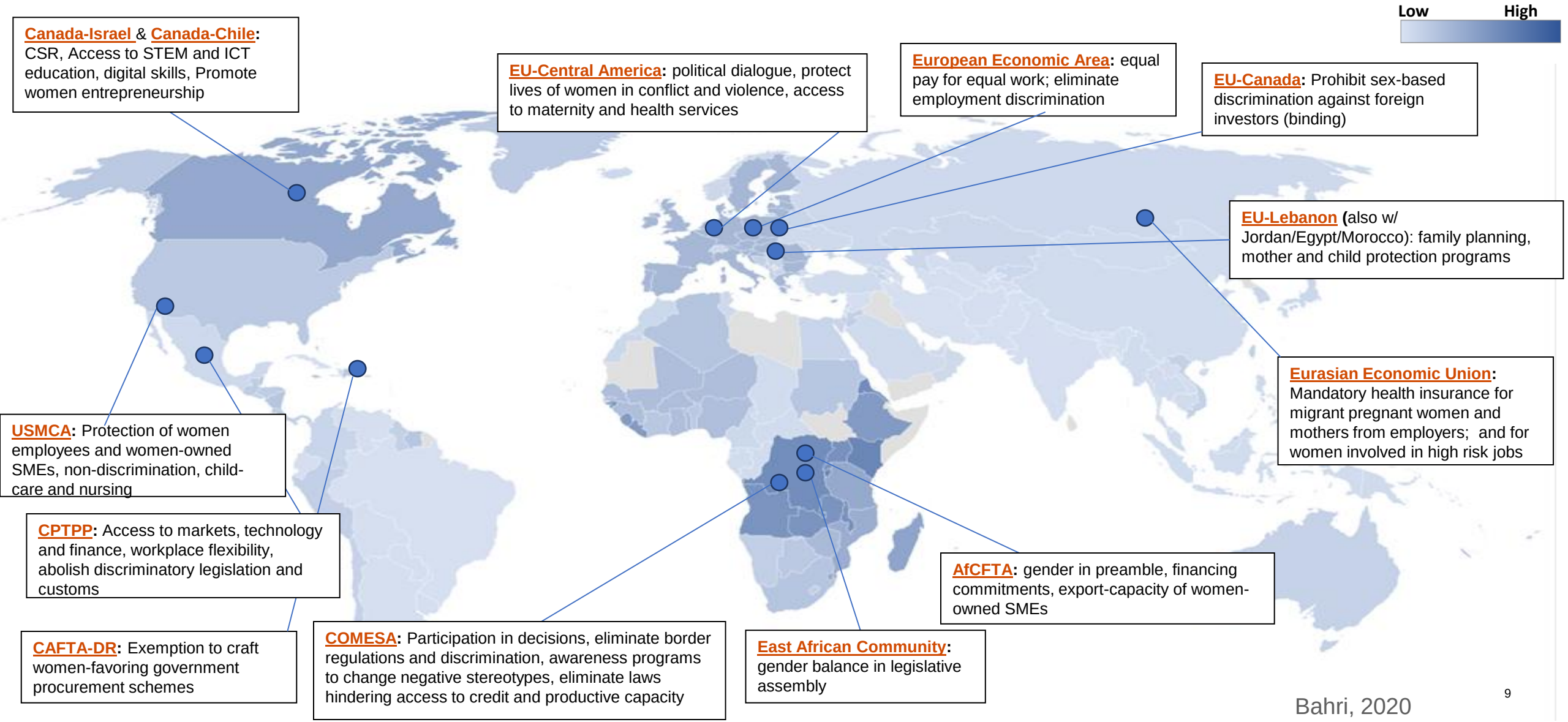
FTA at this level employs some best practices for mainstreaming gender concerns, but it has a significant scope for further improvement.

Advanced

FTA at this level achieves the highest level of maturity in the way it mainstreams gender concerns, and there is no or only a negligible scope for further improvement.

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Trade Agreements can Help: Practice Examples



Bahri, 2020

Focus Areas



European Union

Equality, non-discrimination, education, skill development, health, safety, maternal care, protection from violence, political dialogues, privacy, data protection

United Kingdom

Employment of pregnant women, Gender-friendly facilities in transportation, maternity & equivalent paternity benefits and insurance, social security, equality

Canada, Israel

Labor, Anti-discrimination, Market and resource access, business, Education, Voluntary standards, Research and awareness

Russia, Belarus, Kazakhstan, Kyrgyzstan

Maternity and Health concerns including mandatory insurance for female pregnant migrant workers

USA, Mexico

Labour concerns, anti-discrimination, protection of indigenous women, market access and resource access

South Korea, Singapore, Vietnam, New Zealand

Safety and protection, childcare, maternity, labor concerns, digital inclusion, child nutrition

Peru, Chile, Ecuador, Argentina, Colombia

Childcare, Labor concerns, Anti-discrimination, market access, development, Women in business, STEM education, Access to finance

East and South Africa

Representation, anti-discrimination, market access, education, awareness, business, development, gender mainstreaming, cultural stereotypes, business training

North Africa and Middle East

Role in economic and social development, Education, Mother and child protection, Family Planning, Childcare, Equality

Australia

Education, Skill development, Market access, Resource access, Women in business, access to digital trade, digital infrastructure and know how

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What Remains Undone? Some Policy Recommendations



Consider **Whole-of-Agreement Approach**, Mainstream Gender throughout Agreement

Commit to Enhance Business Potential & Market Access through enhanced access to **digital trade and e-commerce opportunities**

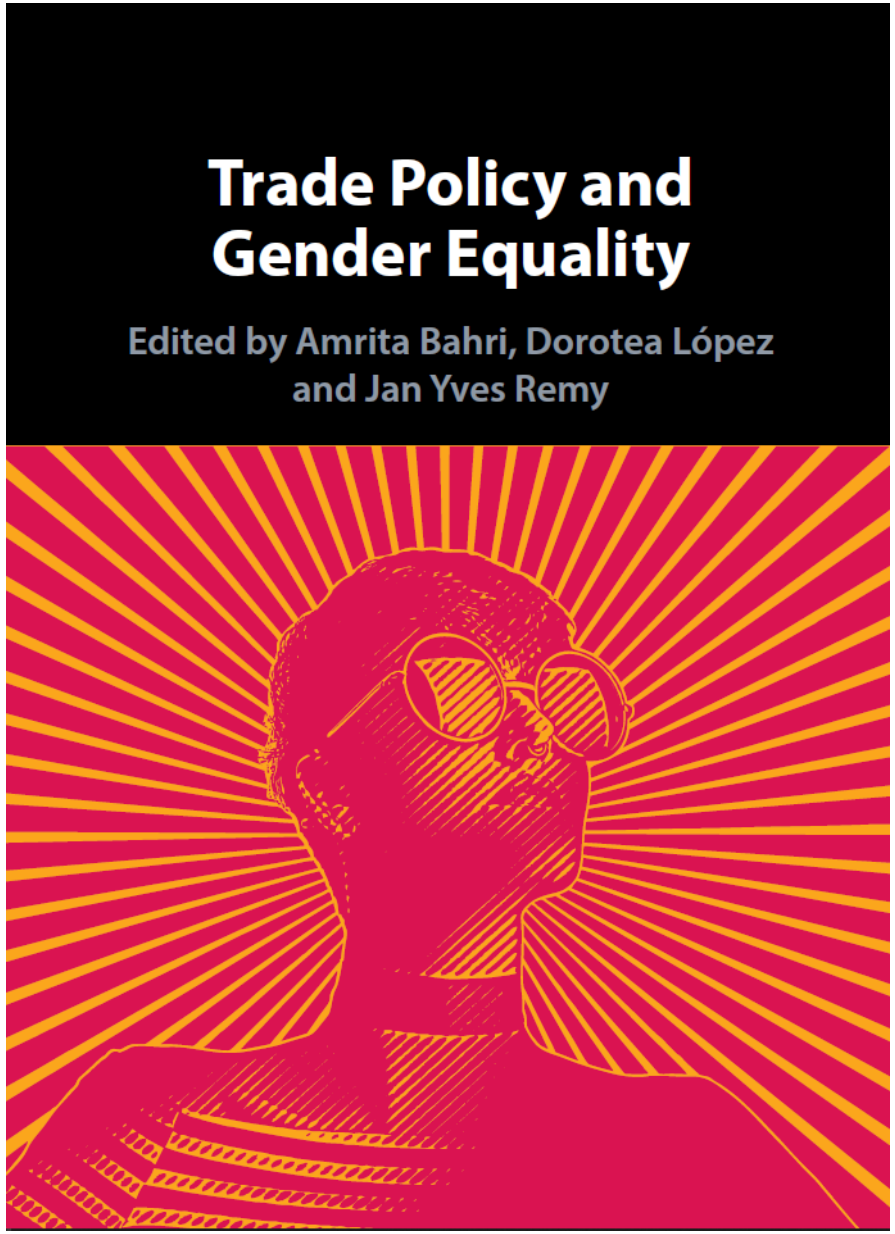
Implement commitments relating to women's business potential, market access, access to capital and credit and integration in regional supply chains

Define "Gender", "Gender Equality" & "Gender Equity"

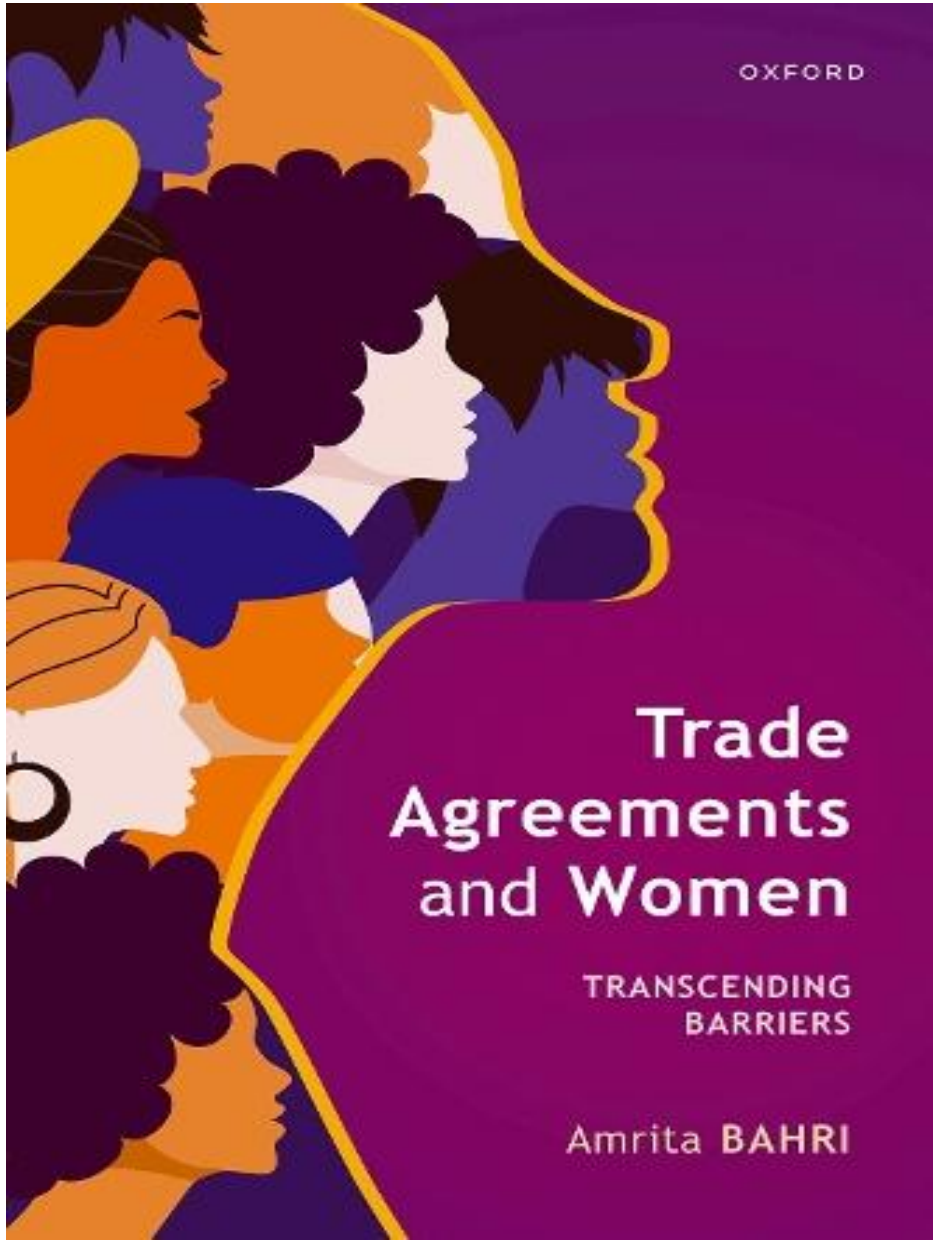
Connect with barriers women face in accessing market opportunities, such as in **parental leave** and **informal sector**

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